



# COYOTE VALLEY

— *Band of Pomo Indians* —

July 10, 2014

To: Jane M. Hicks  
Chief Regulatory Division  
U.S. Army Corps of Engineers  
San Francisco District  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, CA 94103  
[Jane.M.Hicks@usace.army.mil](mailto:Jane.M.Hicks@usace.army.mil)

From: Coyote Valley Band of Pomo Indians

Re: Willits Bypass Destruction of Cultural Sites and REQUEST FOR GOVERNMENT TO GOVERNMENT CONSULTATIONS Regarding: Caltrans' Non Compliance with General Section 3 of the permit issued by the Army Corps for Caltrans' construction of the project and request for amendments in the conditioned suspension of the Section 404 Permit to protect any further destruction of known ancestral archeological sites.

By letter of May 28, 2014 the Coyote Valley Band of Pomo Indians, whose members are lineal descendants of the Little Lake Pomo, brought to your attention grossly negligent if not intentional destruction of ancestral village/archaeological sites in the project area of the Willits By Pass, we asked that you apply in writing to our concerns. We have not heard back from you to date. We also noted in the recent permit suspension that the concerns that were addressed were natural resource mitigation failures and there was no mention of what would appear to be Caltrans' failure to abide by General Condition 3 of the permit pertaining to the protection of culturally significant Native American ancestral archaeological sites.

Recently another archaeological site that Caltrans failed to properly fence for protection, and without a tribal monitor present, was destroyed to dig a trench and lay a pipeline for the cows that will be permitted to graze in perpetuity once the project area's mitigation measures are fully implemented. Up to 26 pre contact archeological sites eligible for listing on the National Register of Historic Places have been discovered by Caltrans subsequent to the one such site initially identified in the EIS/EIR granted for the project. Inevitably even more will be discovered as earth-excavating activities continue. The project area of the Willits By Pass is now being deemed by the lead Caltrans archaeologist as an "archaeological district or landscape".

The Tribe has attached to this letter a formal resolution calling for the Army Corp to initiate government to government consultations with the Tribe to address our concerns with Caltrans failure to abide by General Condition 3 of the Army Corps permit issued for the Willits By Pass construction project and continued destruction of ancestral archaeological sites in violation of NEPA. Also given the many sites that have been identified subsequent to the initial EIS/EIR we

are requesting that a Supplemental EIS/EIR be prepared to accurately gauge the current project's designs' adverse impact on such sites.

Thank you for your attention to this request. Please respond as soon as possible as more sites may be negligently and illegally destroyed if the pattern on Caltrans conduct continues unabated.

Sincerely,

  
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Michael Hunter, Tribal Chairman



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*Band of Pomo Indians*

## COYOTE VALLEY BAND OF POMO INDIANS TRIBAL COUNCIL

### RESOLUTION NO. CV-TC-07-10-14-02

#### A RESOLUTION OF THE COYOTE VALLEY BAND OF POMO INDIANS REQUESTING GOVERNMENT TO GOVERNMENT CONSULTATION WITH THE US ARMY CORPS OF ENGINEERS

**WHEREAS**, the Coyote Valley Band of Pomo Indians of California (“Tribe”) is a federally recognized Tribe, recognized by the United States of America through the Secretary of Interior as a sovereign Indian Tribe possessed with inherent powers of tribal self-government; and

**WHEREAS**, on October 4, 1980, the General Council enacted the Document Embodying the Laws, Customs and Traditions of the Coyote Valley Band of Pomo Indians (“Tribal Constitution” to serve as the governing document of the Tribe; and

**WHEREAS**, the Preamble to the Tribal Constitution declares as follows:

We the Coyote Valley Band of Pomo Indians, being a sovereign native people, in order to organize for our common good, to maintain and foster our tribal culture, to protect and conserve our land and natural resources and to promote the general welfare of our people and to secure the rights and powers inherent in our sovereign status do hereby establish and adopt this document.

**WHEREAS**, it is therefore the duty of the Coyote Valley Tribal government pursuant to the Tribal Constitution to preserve and protect our cultural resources and traditions in order to safeguard the general welfare of the Tribe, including the protection of ancestral cultural resources; and

**WHEREAS**, pursuant to Article VII(a) of the Tribal Constitution the Tribal Council is empowered to conduct governmental relations on behalf of the Band including: consultations, negotiations, contracting or concluding agreements with federal, state, local and tribal governments and with private persons or organizations; and

**WHEREAS**, pursuant to Executive Order 13175 the Army Corps of Engineers is obligated to enter into consultations with federally recognized Tribes on permitted projects with the potential to impact Tribal cultural resources and tribal rights; and

**WHEREAS**, at the time of the approval of the EIS/EIR for the Willits By Pass Project Caltrans had identified only 1 archeological site eligible for registry on the National Register of Historic Places; and



**WHEREAS**, now Caltrans has identified up to 26 archeological sites eligible for registry and the State Office of Historic Preservation has indicated that the entire project area might now have be designated as an entire “archaeological district” of ancestral sites; and

**WHEREAS**, Caltrans continues to destroy known archaeological sites based on alleged mismapping and failure to properly fence off and protect such sites and convey their locale to the construction crews or notify tribal monitors that excavation activities are being conducted in and around such sites; and

**WHEREAS**, of the 5 known culturally significant sites in the Mitigation parcels only 1 to date has had the boundaries determined by Caltrans’s subcontracted archaeologists; and

**WHEREAS**, pursuant to 23 CFR 771.30 (a)(2):

“A draft EIS, final EIS or supplemental EIS may be supplemented at any time. An EIS shall be supplemented whenever the Administration determines, that:

(2) New information or circumstances relevant to the environmental concerns and bearing on the proposed action could result in significant impacts not evaluated in the EIS” [Emphasis supplied].

**NOW, THEREFORE, LET IT BE RESOLVED** that the Coyote Valley Band of Pomo Indians hereby officially requests that the Army Corps of Engineers enter into government to government consultation with our Tribe to address concerns we have regarding Caltrans’ ongoing failure to properly identify and protect ancestral archaeological sites in the construction of the Willits Highway By Pass and apparent failure to abide by General Condition 3 of the permit granted to Caltrans by the Army Corps of Engineers.

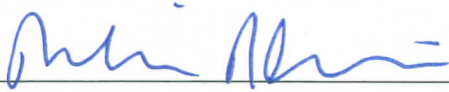
**NOW, THEREFORE, LET IT BE FURTHER RESOLVED** that the Coyote Valley Band of Pomo Indians request that the Army Corps of Engineers amend the June 20<sup>th</sup>, 2014 conditioned suspension of the 404 Permit to include the fact that Caltrans violated General Condition #3 and add corrective measures that require Caltrans to cease any earth moving activity along the bypass impact route and on the mitigation lands while a thorough archaeological survey is conducted with proper consultation with the Tribes who members are lineal descendants of the Little Lake Pomo.

**NOW, THEREFORE, LET IT BE FURTHER RESOLVED** that the Coyote Valley Band of Pomo Indians pursuant to the authority of 23 CFR 771.30 (a) (2) requests that an amended condition in the Army Corps permit be that Caltrans prepare a supplemental EIS/EIR on archaeological sites within the project area due to the changes in project design since the Final EIS/EIR in 2006 as well as the discovery of up to 26 pre contact culturally significant archaeological sites, assumed to be eligible for listing on the National Register of Historic Places, that were not identified in the initial EIS/EIR, which only identified one such site.

**(CERTIFICATION PAGE TO FOLLOW)**

**CERTIFICATION**

This is to certify that the foregoing resolution and action was approved by the Coyote Valley Band of Pomo Indians Tribal Council at a duly noticed and convened meeting held on July  
10, 2014, and was approved by a vote of 7 For 0 Against with 0 Abstaining,  
and that this resolution has not been amended or rescinded in any way.



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Michael Hunter, Chairman  
Coyote Valley Tribal Council



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Candace Gonzalez, Secretary  
Coyote Valley Tribal Council