

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

639A



**FROM:** TLMA - Transportation Department

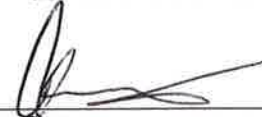
**SUBMITTAL DATE:**  
February 28, 2013

**SUBJECT:** Cultural Resources Monitoring Agreement for State Route 79 Widening Project  
with the Soboba Band of Luiseño Indians

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the attached Cultural Resources Monitoring Agreement with the Soboba Band of Luiseño Indians, and;
2. Authorize the Chairman to execute the same.

**BACKGROUND:** The County is in process of widening State Route (SR-79) from two to four lanes between Domenigoni Parkway and Thompson Road for approximately eight miles. This project will improve safety and travel through the corridor and ease congestion caused by the

  
\_\_\_\_\_  
Juan C. Perez  
Director of Transportation and Land Management

initials

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ \$350,000	In Current Year Budget:	Y
	Current F.Y. Net County Cost:	\$	Budget Adjustment:	N
	Annual Net County Cost:	\$	For Fiscal Year:	2012/2013


<b>SOURCE OF FUNDS:</b> Combined Improvement Fund	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
There are no General Funds used in this project.	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Tina Grance

**County Executive Office Signature**

FORM APPROVED COUNTY COUNSEL  
BY:  MARSHALA VICTOR  
DATE: 2/27/13

Departmental Concurrence

Dep't Recomm.:  Consent  Policy

Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.

District: 3/3

Agenda Number:

The Honorable Board of Supervisors

RE: Cultural Resources Monitoring Agreement for State Route 79 Widening Project with the Soboba Band of Luiseño Indians

February 28, 2013

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significant increase in traffic volume.

The project environmental document was approved on December 28, 2010. On November 3, 2011, the Board awarded the construction contract for Phase 1 of the project, Domenigoni Parkway to Scott Road, to SEMA Construction and construction began in March 2012. Construction of Phase 2 of the project, from Scott Road to Thompson Road, was awarded on January 15, 2013, and is scheduled to begin construction by the end of February 2013.

During the course of construction, unanticipated cultural resources were discovered within the area of the project. It was determined through Caltrans and the State Historic Preservation Office that full-time cultural monitoring is needed during ground disturbing activities, such as grading and excavation, to identify and protect resources, such as archeological sites, mineral and plant gathering areas, burial sites, and rock art sites that may be encountered. The cultural monitors actively monitor excavation activities and inspect the excavated material for cultural resources of significance that may otherwise be destroyed. Monitors evaluate items discovered and determine final disposition of the resources in cooperation with Caltrans.

This agreement establishes the terms and conditions with the Soboba Band of Luiseño Indians for reimbursement of cultural monitoring services for the Project with a total cost not to exceed \$350,000.

The SR-79 widening project is anticipated to be completed in the spring of 2014.

Project No. B40527/B405273

**CULTURAL RESOURCE MONITORING AGREEMENT BETWEEN THE  
SOBOBA BAND OF LUISEÑO INDIANS AND THE COUNTY OF RIVERSIDE**

**RECITALS:**

- A. WHEREAS the County of Riverside (COUNTY) is the lead agency for the construction of improvements to State Route 79, from Thompson Road to Domenigoni Parkway (PROJECT), as shown in Attachment I; and
- B. WHEREAS the Soboba Band of Luiseño Indians (SOBOBA TRIBE) desires to provide monitoring and consultation during the grading activities on the PROJECT.


**NOW, THEREFORE IT IS MUTUALLY AGREED:**

1. **Description of Work.** It is agreed that monitoring will be allowed for all grading, groundbreaking, excavation, and ground-disturbing activities pursuant to the California Public Resources Code (all applicable sections). Monitoring is to be performed in native, or undisturbed sediments in conjunction with the PROJECT development, including, but not limited to archaeological testing, studies, surveys, and staging activities. Tribal monitors will not monitor paleontological material. The description of work for monitors for the grading and ground disturbing operations at the PROJECT site is provided in Attachment II to this Agreement and is incorporated herein by this reference.
2. **Treatment of Cultural Resources.** Final disposition of all cultural and archaeological resources collected will be determined by Caltrans following consultation and Agreement with the SOBOBA TRIBE. While Caltrans is not a party to this Agreement, monitoring and treatment of cultural resources will necessarily require their involvement as the PROJECT is being constructed in a Caltrans right-of-way.
3. **Limitation on Scope.** This Agreement is unique to the PROJECT only and does not set a precedent for other PROJECTS.
4. **Counterparts.** This Agreement may be signed in two or more counterparts and shall be effective when all the parties and signatories have affixed their signatures to two or more of the counterparts and the counterparts have been delivered to all parties, at which time the counterparts together will be deemed one original document.
5. **Insurance.** The SOBOBA TRIBE recognizes that dangerous conditions may exist on the work site, particularly during grading operations, and agrees to assume responsibility for the safety of the tribal monitoring crew while the crew remains on the PROJECT site. The SOBOBA TRIBE possesses full coverage insurance for the tribal monitors.
6. **Term.** Upon completion of PROJECT activities subject to monitoring as defined herein, as determined by the COUNTY, this Agreement shall terminate and monitoring activities shall cease.
7. **Fee.** Monitoring shall be provided for a not-to-exceed fee of \$350,000.

**APPROVALS**

**COUNTY Approvals**

RECOMMENDED FOR APPROVAL:

 Dated: 2/27/13

JUAN C. PEREZ

Director of Transportation and Land Management

APPROVED AS TO FORM:

PAMELA J. WALLS, COUNTY COUNSEL

 Dated: 2/27/13

By Deputy

APPROVAL BY THE BOARD OF SUPERVISORS

\_\_\_\_\_ Dated: \_\_\_\_\_

PRINTED NAME

Chairman, Riverside County Board of Supervisors

ATTEST:

\_\_\_\_\_ Dated: \_\_\_\_\_

KECIA HARPER-IHEM

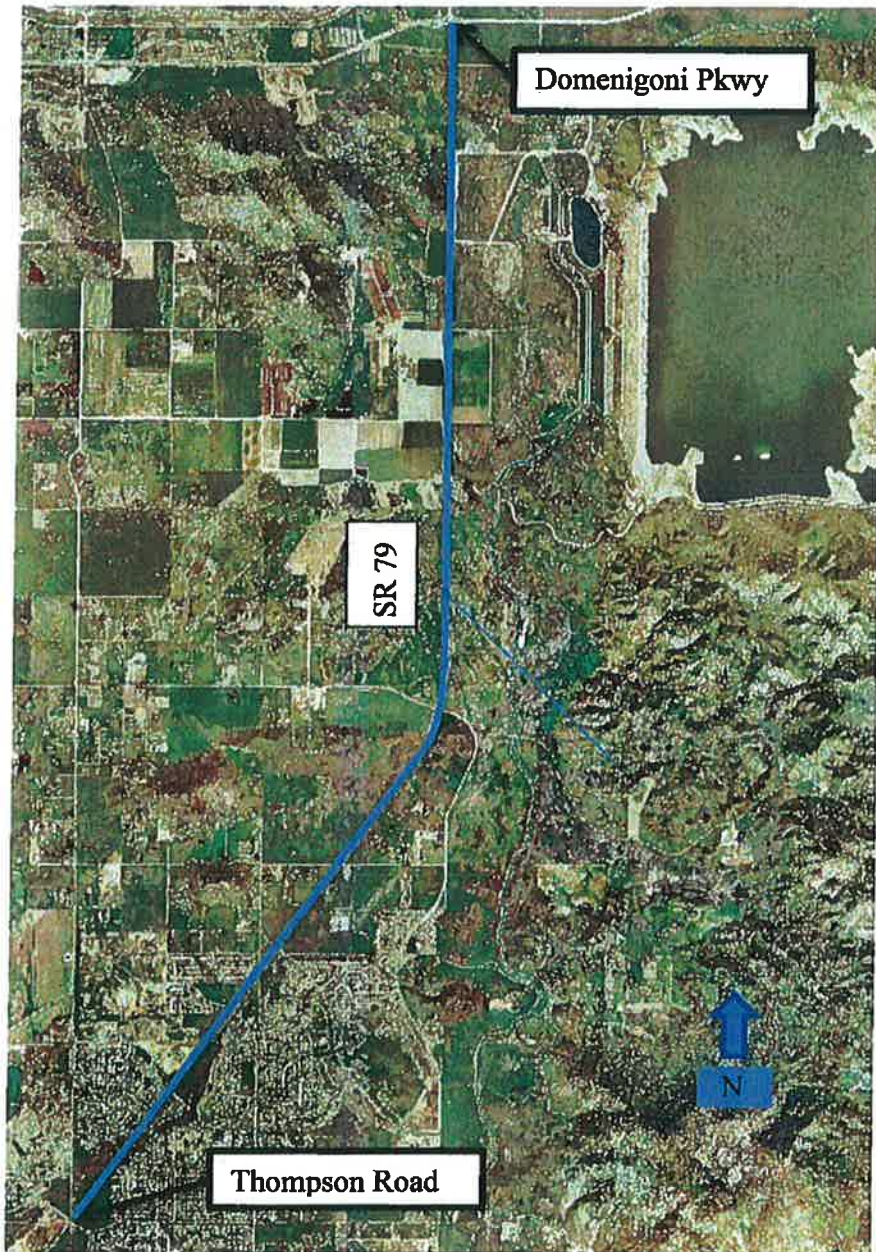
Clerk of the Board

**SOBOBA BAND OF LUISEÑO INDIANS Approvals**

 Dated: Feb. 12, 2013  
ROSEMARY MORILLO

Chairwoman

ATTACHMENT I



## ATTACHMENT II

### **NATIVE AMERICAN MONITORING OF GRADING AND GROUND DISTURBING ACTIVITIES**

#### **I. Duties and Responsibilities**

Given the nature and sensitivity of the archaeological sites and cultural resources that are in or may be within the PROJECT area, the SOBOBA TRIBE shall provide the tribal monitoring, consultation and facilitation for this PROJECT during the archeological investigations, and all ground disturbing activities for the PROJECT. The Tribal Monitor shall closely inspect ongoing excavation activities performed by the archaeological field crew. The Monitor shall be able to identify cultural resources such as archaeological sites (village sites, food processing areas, lithic reduction areas, ceramic scatters, etc.), mineral and plant gathering areas, burial sites including cremation burials, rock art sites, and traditional cultural places. The Cultural Monitor's specific responsibilities will also include ensuring that human remains and cultural items are treated with dignity and in a culturally appropriate manner.

Tribal monitors will work in concert with the archaeologists hired by the COUNTY. The Tribal monitors or PROJECT archaeologists will be empowered to halt all earthmoving activities in the immediate area of discovery when cultural items or features are identified until further evaluation can be made in determining their significance. It is understood that all surface and subsurface artifacts of significance shall be collected and mapped during this operation following standard archaeological practices.

After discovery of cultural items or features discussions between the Tribal monitors and PROJECT archaeologist will take place to determine the significance of the situation and best course of action for avoidance, protection of resources or data recovery as applicable.

#### **II. Project to be Monitored**

Monitoring shall encompass the PROJECT as defined in the Agreement. It is agreed that monitoring shall be allowed for all archaeological studies, excavations, and groundbreaking activities occurring in conjunction with the development of the PROJECT.

### **III. Project Crew Size**

The parties to this Agreement project the need for a tribal monitoring crew initially consisting of up to two (2) persons. If the scope of the work changes (e.g. inadvertent discoveries of cultural resources or simultaneous grading to require additional monitors, (COUNTY) agrees to directly compensate the work of additional tribal monitors to the originally agreed upon crew (1) tribal monitors. The compensation rate shall be made directly from (COUNTY) to the SOBOBA TRIBE.

### **IV. Compensation**

The SOBOBA TRIBE shall provide the tribal monitoring crew for this PROJECT be responsible for coordinating the tribal monitors' activities on this PROJECT

COUNTY shall directly compensate the SOBOBA TRIBE in accordance with the following compensation rates and procedures. Invoices will be submitted monthly and be paid within 45 days to insure monitor compensation.

A minimum half-day charge ("show up" time) shall be charged to the COUNTY for unannounced work stoppages of the tribal monitors that are not due to actions by the SOBOBA TRIBE.

Per-Diem will also be set at the rate listed below.

Tribal Liaison Consultation	\$ 85.00 hourly rate
Native American Monitoring	\$ 75.00 hourly rate
Overtime	\$ 112.50
Per-Diem	\$ 120.00 Daily
Double Time	\$ 150.00
Administrative Fee	15% of Invoice