



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

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March 17, 2009

Larry Myers, Executive Secretary
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento CA 95814

Subject: Los Osos Wastewater Project, Chumash and Salinan Representation and
MLD Status

Dear Mr. Myers:

The purpose of this letter is to request that your agency clarify your determinations regarding current issues surrounding Native American participation on the Los Osos Wastewater Project in San Luis Obispo County. As you may be aware, this project has a thirty year history of controversy, including the start, and subsequent stop, of construction in 2005. Your agency has on several occasions over the years provided clear and formal guidance to the local agencies. Recently, however, responses from the Native American Heritage Commission have been less than definitive regarding Native American representation as Most Likely Decedents (MLDs), leaving the project without clear direction at a critical time in the process. Therefore, we are seeking formal guidance regarding Native American representation as potential MLDs for the Project.

We have received conflicting information from Commission staff regarding the Salinan. Until very recently both Katy Sanchez and Dave Singleton have stated (via email and in phone conversations) that only a member of the Odom-Tucker family (Northern Chumash) would serve as MLDs. This would, in effect, be a continuation of the Commission's recommendation regarding Northern Chumash authority made during 2003-2004 planning for the Project and in keeping with a Memorandum of Agreement for the treatment of ancestral remains which the Project and the Odom-Tucker family are now finalizing.

In response to a conversation with Salinan John Burch, we requested your input on his claims of MLD status for the Project. On March 9, 2009, we learned from Katy Sanchez, via email, that the Commission considers the Los Osos Wastewater Project to be a "new" project based on a change in proponents (from the Los Osos Community Services District to San Luis Obispo County). Further, Katy indicated that the Salinan would be considered as MLDs for the Project. Since ancestral remains have already

been identified at the Project (in 2004), the assignment of MLDs and the negotiation and execution of the MOA are of particular importance.

Our questions to the Commission are as follows:

1. Can you confirm, in writing, the status of the Salinan Tribe as possible MLDs for the Project, and your justification for that status?
2. What is the Commission's position regarding overall Salinan authority for the Los Osos Project?

The Project is currently preparing environmental documents for imminent submittal and your reply will have an impact on the contents of these documents. We are requesting both a written response and an opportunity to meet with you to discuss this important aspect of the Los Osos Wastewater Project. You may contact Kate Ballantyne of my staff at (805) 788-2765.

Thank you for your time. We will be contacting you shortly to set up a meeting.

Sincerely,



MARK HUTCHINSON
Environmental Programs Manager

c: Cookie Hirn, State Water Resources Control Board
Paavo Ogren, Director of SLO County Public Works
Pat Mikkelson, Far Western Anthropological Research Group
Clinton Blount, Albion Environmental
Ken Lord, Michael Brandman Associates

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