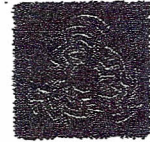


MORONGO
BAND OF
MISSION
INDIANS



A SOVEREIGN NATION

August 30 2010

City of Banning
Planning Department
P.O. Box 998
Banning, CA 92220
Attention: Brian Guillot

**SUBJECT: Pre-Application Conference #10-11
Fields Cobblestone Homes
Applicant: Lloyd Fields/ Representative: Gene Hsieh
Southwest corner of Fields Road & Sullivan Road
APN 532-080-006
Zone: LDR (Low Density Residential)**

Dear Mr. Guillot:

Thank you for contacting the Morongo Band of Mission Indians regarding the above referenced project. The Tribe greatly appreciates the opportunity to review the project and, respectfully, offer the following comments.

The project involves the development of a residential subdivision comprised of single-family and duplex lots for a total of 146 dwelling units on a 42.40 acre parcel situated immediately adjacent to and southwest of the Fields Roads entry to the Morongo Band of Mission Indians Reservation. The project is inside of the Tribe's current reservation boundaries within an area that may be considered a traditional use area or one in which the Tribe has cultural ties (e.g. Cahuilla/Serrano territory). The Tribe is concerned with issues including, but is not limited to the following::

- Access into a gated community through a tribal road;
- The impact of the development on the tribal community, jurisdiction, public safety, and rural lifestyle.
- The proposal for a package sewage treatment plant in the vicinity of a major potable tribal water well delivery system.

[The developer has not entered into negotiations for, nor has the Tribe granted, access to the proposed project site through the Tribe's gated entry on Fields Road. How does the developer guarantee ingress/egress to/from the subdivision?]

Applying the national average of 2.7 persons per household, results in the potential for 384 residents within the subdivision at build-out. The Tribe is concerned about this number of people and their impact on the tribal community, jurisdictional disputes, and public health, safety and welfare.

The Tribe is adamantly opposed to the installation of a package waste water treatment plant in such close proximity to its fresh-water Cobblestone Well. Our opposition to the plant is further based upon the following concerns:

- The package plant must be a 100 feet from any residence.
- Odor from waste activated sludge will impact tribal properties.
- Digestion of waste activated sludge is a source of air pollution.
- Initial designs usually have insufficient ponding area for effluent.
- A 6 month percolation or contact time is required if water will influence aquifers or well.

Finally, the Tribe is concerned with the matter of Air Quality. Fugitive dust from construction activities generated by the prevailing West winds will negatively impact the Morongo Community Center and several area residences. The developer shall comply with the provisions of SCAQMD's Rule 403: No person shall cause or allow the emission of fugitive dust from any active operation, open storage pile, or disturbed surface area such that the dust remains visible in the atmosphere beyond the property line.

Should the developer and the City of Banning adequately address these issues to the satisfaction of the Tribe, the Morongo Band of Mission Indians asks that you impose specific conditions regarding cultural and/or archaeological resources and buried cultural materials on any development plans or entitlement applications as follows:

- o If human remains are encountered during grading and other construction excavation, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5.
- o In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the overall project may continue during this assessment period.

If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his archaeologist shall contact the Morongo Band of Mission Indians ("Tribe")¹. If requested by the Tribe, the developer or the project archaeologist shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).

If I may be of further assistance with regard to this matter, please do not hesitate to contact me at your convenience.

Very truly yours,

MORONGO BAND OF MISSION INDIANS



G. Michael Milbiser
Chief Administrative Officer

- c: Robert Martin, Tribal Chairman
Tribal Council Members
Roger Meyer, Chief Executive Officer
Thomas Linton, Planning Administrator
Andrew Takata, City Manager, City of Banning
Robert Botts, Mayor, City of Banning
Franklin A. Dancy, Director of Planning

¹ The Morongo Band of Mission Indians realizes that there may be additional tribes claiming cultural affiliation to the area; however, Morongo can only speak for itself. The Tribe has no objection if the archaeologist wishes to consult with other tribes and if the city wishes to revise the condition to recognize other tribes.