

# CPM Clients California Indian Tribes Take Caltrans to Court Today for Knowingly Destroying Historic Preservation Sites

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A complaint was filed in the U.S. District Court in San Francisco today by two Northern California Indian Tribes, alleging that Caltrans, as well as various federal agencies, have intentionally destroyed known archaeological sites and failed to properly protect historical sites during construction of a highway bypass. The action was filed by the Coyote Valley Band of Pomo Indians and the Round Valley Indian Tribes of California for violations of the National Environmental Policy Act and the National Historic Preservation Act. The Willits Bypass Project is a 6 mile long rerouting of Highway 101 through Little Lake Valley, near the city of Willits, in Mendocino County.

Phil Gregory, counsel for the Tribes, confirmed: "Caltrans must not be allowed to demolish cultural resources and sacred sites simply to build a highway bypass. Imagine Caltrans treating a church with such disrespect. This case challenges Caltrans' ongoing failure to properly protect the Tribes' ancestral sites in constructing the Bypass. Caltrans' ground-disturbing activities are devastating ancestral Native American sacred and cultural sites."

Pete McCloskey, a former Congressman and a partner at Cotchett, Pitre & McCarthy stated: "It is outrageous for Caltrans to refuse to properly engage in consultation with the Tribes over their ancestral lands. These historic properties include archaeological and ethnographic resources, as well as human burial sites. Caltrans has yet to implement a process for identifying historic properties, cultural resources, and archaeological sites, which is incredible to our native California tribes."

Michael Hunter, Chairman of the Coyote Valley Band of Pomo Indians, declared: "Our Tribal elders felt it was essential to stand up to the aggressive and resistant manner Caltrans has treated the local Tribes. Caltrans refuses to protect our cultural heritage. On September 12,

## Attorneys

Paul N. "Pete" McCloskey, Jr.

## Practice Areas

Environmental Law

Land Use and Coastal Public Access

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2013, in the dead of night, Caltrans's bulldozers destroyed one of our sacred sites in Little Lake Valley without tribal monitors notified or present. The National Advisory Council on Historic Preservation referenced the destruction of this ancient village as a 'major violation of federal law.' Caltrans refuses to protect ancestral archaeological sites and we ask other Indian nations and concerned citizens to join in demanding Caltrans protect our sacred sites and that government-to-government consultations with Tribes be conducted meaningfully and respectfully."

James Russ, President of the Round Valley Tribal Council, said: "There was a complete lack of Tribal consultation, as well as no planning or preparedness to address Tribal concerns, prior to starting construction of this Project. Since the beginning, Caltrans has known the Project area has a moderate to high potential for buried archaeological remains. Because Caltrans continues to proceed in bad faith, such as isolating our Tribal monitors, we are forced to look to the Court to protect our religious, ancestral, and cultural properties that are being desecrated by Caltrans. Our main objection is not the Bypass project

in itself, but the reckless way that Caltrans conducts business with Tribes and Tribal communities. Our Tribe does not take lightly the disrespect to our sacred sites and our Tribal people."

Prior to this action, the Tribes requested Caltrans issue a Supplemental Environmental Impact Statement to address the numerous historic sites that have been discovered in the Project area and the Mitigation parcels. Caltrans refused. The Tribes also contend Caltrans failed to exercise due diligence in its archaeological survey efforts for the Project, conducting only surface surveys in a wetlands area covered by grass. The Complaint asserts that, due to ongoing construction activities, sacred site identification occurs only after ground disturbing activities are completed. By way of relief, the Tribes request the Court immediately protect these areas, including by temporarily suspending construction activities on the Willits Bypass Project in order to address ongoing damage to sacred and cultural sites.

The Coyote Valley Band of Pomo Indians and the Round Valley Indian Tribes of California are represented by Joseph W. Cotchett, Philip L. Gregory, and Pete McCloskey of Cotchett, Pitre & McCarthy, along with co-counsel Sharon Duggan in Oakland.