



LRM DEPT – CITY ATTORNEY'S OFFICE

Phone: 951-279-3525

“Advocating for the Corona Community”
400 S. Vicentia Ave. Corona, California 92882-2187
www.coronaca.gov

May 4, 2023

Steve Bodmer
General Counsel
Pechanga Band of Indians
P.O.Box 1477
Temecula, California 92593

Devon Lomayesva
Tribal Attorney
Soboba Band of Luiseno Indians
P.O. Box 487
San Jacinto, California 92581

Re: City of Corona - WRF#3 Lift Station Project – Reburial of Ancestor

Dear Mr. Bodmer and Ms. Lomayesva:

The City of Corona has received your letter dated May 3, 2023. While we will review and respond to yet another request for an exhaustive list of additional information and documentation in the near future, we feel compelled to immediately point out that your letter is yet another categorical rejection of the City's offer with no meaningful conferral or recommendations. The City's desire and intention is to rebury the Ancestor in the location that the Ancestor was discovered **as quickly as possible and with appropriate cultural dignity as guided by your clients and the Kizh Nation**. Your clients' failure to meaningfully confer is delaying the reburial of the Ancestor.

The City has repeatedly invited discussion and conferral with each of the Most Likely Descendants (MLDs) on the appropriate treatment of the Ancestor and any associated grave goods. However, rather than actually engage in a good faith discussion or otherwise meaningfully confer with the City to achieve this objective, your clients have consistently rejected any proposals, suggestions or efforts by the City to find an acceptable resolution for all parties and instead have engaged in a campaign of disparaging the City and any actions that it takes and otherwise delaying any progress toward a mutually-agreeable solution for the reburial of the Ancestor. While they have indicated the importance of the expeditious reburial of the Ancestor, when the City offers to immediately rebury the Ancestor in the exact location that the Ancestor was discovered, your clients inexplicably wait a month to even respond to the City's proposal. When your clients do respond, they routinely reject the proposal without much, if any, explanation and without providing any recommendations to the City for the treatment or disposition of the Ancestor and instead demand more information on the WRF 3 project.

To the extent that it even applies to the City or the WRF 3 project, Public Resources Code section 5097.98 contemplates the *MLDs making recommendations to the City* for the means for treatment or disposition of the Ancestor and any associated grave goods, not the other way around. The City's obligation, to the extent that it has one, to discuss and confer with the MLDs is based upon the concept

Steve Bodmer, Pechanga Band of Indians
Devon Lomayesva, Soboba Band of Luiseno Indians
May 4, 2023
Page 2

that the MLDs have provided reasonable options regarding the MLDs preferences for treatment of the Ancestor. In other words, the MLDs are expected to be actively engaged in proposing and discussing potential options for the treatment of the Ancestor.

The City has yet to receive any meaningful recommendations or reasonable options from your clients for the reburial of the Ancestor. Instead, the City is bombarded with requests for decades old studies and *demands for the City to propose the means for treatment or disposition of the Ancestor*, which is something that is not contemplated under Public Resources Code section 5097.98 or any other section of Chapter 1.75 of Division 5 of the Public Resources Code (“State Code”), assuming that it even applies to the City in these circumstances. *See Pub. Res. Code § 5097.9.*

It should also be noted that nothing in the State Code provides authority for the NAHC or the MLDs to scrutinize, second guess or otherwise demand a specific redesign or other course of action concerning the City’s WRF 3 project, which is a critical, public health and safety infrastructure project that is necessary to serve thousands of City residents. Again, the City has proposed to immediately rebury the Ancestor and known associated grave goods in the location of discovery and to protect and preserve the area from any future disturbance in perpetuity, which we understand is the preferred treatment for discovered human remains under the State Code. The City intends to concentrate its efforts to achieve this objective and any further communications regarding the WRF 3 project or the potential redesign of that project is premature and, quite frankly, outside the purview of the State Code.

The City remains committed to the immediate and culturally dignified reburial of the Ancestor and implores your clients to provide its recommendations and reasonable options for the treatment and disposition of the Ancestor and known associated grave goods. A categorical denial of the City’s proposal only serves to delay and hinder an expeditious reburial of the Ancestor.

Sincerely,



Jamie Raymond
Chief Deputy City Attorney

cc: Raymond Hitchcock, NAHC Executive Secretary
Mario Pallari, NAHC Attorney
John Appelbaum, Deputy Attorney General
Courtney Ann Coyle, Legal Counsel for Pechanga Band of Indians
Kara Grant, Legal Counsel for Kizh Nation Gabrielano Band of Mission Indians
Council Members, Corona City Council
Jacob Ellis, City Manager
Dean Derleth, City Attorney
Savat Khamphou, Public Works Director
Tom Moody, Utilities Director

Steve Bodmer, Pechanga Band of Indians
Devon Lomayesva, Soboba Band of Luiseno Indians
May 4, 2023
Page 3

Donna Finch, Assistant to the City Manager
Kenny Nguyen, CIP Manager/Deputy City Engineer
Serena Hinojosa, Associate Engineer
Josh Newton, Legal Counsel for the City
Leslie Irish, L&L Environmental, Inc.