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PUBLIC COMMENTS FROM THE GABRIELENO BAND OF MISSION INDIANS – KIZH NATION

Dear Chairwoman Miranda and Commissioners:

Below is an update and a bullet-point summary of the terms that the three co-MLDs have agreed upon for Corona matter.

The Co-MLD’s Bullet-Point Summary and Update on the Corona Matter:

The three co-MLDs met in person on February 27, 2023, and have had subsequent group discussions, which included a review of the additional information recently provided by the City, to assess the potential for developing a reburial plan prior to the City determining its future plans for the project site.

1. With respect to the City-proposed avoidance area – the Co-MLD’s received the graphic and calculated volumes for the open trenches and soils piles, which were provided by the City on April 6, 2023.
2. The co-MLDs also received the City’s letter dated April 14, 2023 (received on April 17, 2023), in which the City suggested that the co-MLDs appoint a tribal archaeologist to develop a reburial plan for review and comment by the three MLDs and the City.
3. The Kizh have proposed additional protocol and recovery procedures to be included as part of the burial plan. The specifics were discussed verbally amongst the three co-MLDs at joint meetings. The Kizh are prepared to submit its requests to the City as well but to date they

have not because discussions with the co-MLDs are ongoing.

The Kizh's proposal implements important traditional treatments that are integral to the Kizh's tribal, cultural, and ceremonial preferences and practices. If the other two co-MLDs do not wish to participate in this portion of the overall reburial plan, they may forego involvement. The Kizh have no issue with Pechanga and Soboba foregoing participation in the Kizh-specific portion of the reburial plan.

4. To date, all three co-MLDs agree on the following terms:

- The City proposed avoidance area is unreasonably small. It also lacks a buffer, does not provide for a solution for the soils piles, and does not take into account the possibility of multiple human remains as is required by Public Resources Code section 5097.98(b). We reject this proposal and the persistent characterization that there is only one Ancestor at issue.
- A site inspection with the three co-MLDs needs to occur now that the winter storms are over to assess the site conditions under the site protection as this could affect the reburial plan. We outline this in the attachment and will need the help of the City relative to safety and engineering concerns.
- It would be premature to present a plan to the City without the additional information and responses to questions in the attachment which are necessary to: 1) assess if reburial can proceed without knowing the future status of the parcel, and 2) assist in developing a concept reburial plan that addresses current site conditions.
- Each of the three co-MLDs has a tribal archaeologist and they have been engaged in the ongoing co-MLD discussions regarding a potential reburial plan. However, please recognize that reburial is a cultural and not an archaeological endeavor.
- It has been a year since the Ancestors were disturbed. The City should make every effort to accelerate its presentation of alternatives to the project design/location that would promote avoidance and support a meaningful and effective reburial and avoidance effort. Waiting until September 2023 to be presented with preliminary, schematic options, as the City communicated on March 22, 2023, is too long and not reasonable.
- In the meantime, the co-MLDs again request that the City work with them regarding the security and safety of the site cameras and their footage now that we understand the equipment is provided by a non-City operator.

5. Attached hereto, and incorporated herein by this reference, are comments prepared by Kizh Tribal Archaeologist and Cultural Monitor, Aurelia Torres.

Sincerely,

Kara Grant

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Kara E. Grant | attorney at law
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