



## California Native American Heritage Commission Special Commission Meeting Minutes Open Session

Meeting Date: August 1, 2025

Meeting Time: 10:04 am - 11:53 am

Meeting Location: East End Complex, 1500 Capitol Ave, Sacramento, CA 95814

Room: Auditorium

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### COMMISSIONERS PRESENT

Reginald Pagaling, *Chairperson*  
Buffy McQuillen, *Vice-Chairperson*  
Isaac Bojorquez, *Secretary*  
Wayne Nelson, *Parliamentarian*  
Bennae Calac  
Sara Dutschke  
Reid Milanovich  
Stanley Rodriguez

### STAFF PRESENT

Michelle Carr, *Acting Executive Secretary and Chief Counsel*  
Mario Pallari, *Staff Counsel*  
Conner Mulligan, *Staff Services Manager I*  
Maria Elena Sepulveda, *Office Technician*

### CALL TO ORDER

1. Chairperson Pagaling called the special meeting to order at 10:04 am.
2. Roll call – a quorum was established.
3. The Native American Heritage Commission (NAHC) Commissioners and Staff were introduced.
4. Jason Camp, Tribal Treasurer, United Auburn Indian Community, led the Traditional Opening.

### ACTION

1. Approval of Meeting Minutes
  - a. May 9, 2025 – Open Session

**Commission Vote:** Approve May 9, 2025, Open Session minutes.

**Motion:** Vice-Chairperson McQuillen

**Second:** Commissioner Bojorquez

**Aye:** 8; **Nay:** 0; **Abstained:** 0

Motion carried.

## 2. Executive Elections

### a. Chairperson

Commissioner Bojorquez nominated current Chairperson, Reginald Pagaling, for the position of Chairperson.

**Commission Vote:** Re-Elect Reginald Pagaling to the position of Chairperson of the NAHC.

**Motion:** Vice-Chairperson McQuillen

**Second:** Commissioner Milanovich

Roll Call Vote:

Chairperson Pagaling – Aye.

Vice-Chairperson McQuillen – Aye.

Secretary Dutschke – Aye.

Commissioner Nelson – Aye.

Commissioner Bojorquez – Aye.

Commissioner Calac – Aye.

Commissioner Milanovich – Aye.

Commissioner Rodriguez – Aye.

**Aye: 8; Nay: 0; Abstained: 0**

Motion carried.

### b. Vice-Chairperson

Commissioner Calac nominated current Vice-Chairperson, Buffy McQuillen, for the position of Vice-Chairperson.

**Commission Vote:** Re-Elect Buffy McQuillen to the position of Vice-Chairperson of the NAHC.

**Motion:** Commissioner Nelson

**Second:** Chairperson Pagaling

Roll Call Vote:

Chairperson Pagaling – Aye.

Vice-Chairperson McQuillen – Aye.

Secretary Dutschke – Aye.

Commissioner Nelson – Aye.

Commissioner Bojorquez – Aye.

Commissioner Calac – Aye.

Commissioner Milanovich – Aye.

Commissioner Rodriguez – Aye.

**Aye: 8; Nay: 0; Abstained: 0**

Motion carried.

c. Secretary

Commissioner Rodriguez nominated Commissioner Isaac Bojorquez for the position of Secretary.

**Commission Vote:** Elect Isaac Bojorquez to the position of Secretary of the NAHC.

**Motion:** Commissioner Nelson

**Second:** Chairperson Pagaling

Roll Call Vote:

Chairperson Pagaling – Aye.

Vice-Chairperson McQuillen – Aye.

Secretary Dutschke – Aye.

Commissioner Nelson – Aye.

Commissioner Bojorquez – Aye.

Commissioner Calac – Aye.

Commissioner Milanovich – Aye.

Commissioner Rodriguez – Aye.

**Aye: 8; Nay: 0; Abstained: 0**

Motion carried.

Chairperson Pagaling appointed current Parliamentarian, Wayne Nelson, to the role of Parliamentarian.

3. CSU Systemwide/Campus Repatriation and Oversight Committee Nominations

**CSU Bakersfield**

- a. Commission to consider the nomination of Curtis Alcantar, Federally Recognized Tribal Representative, CSU Bakersfield.

**Commission Vote:** Nominate Curtis Alcantar to CSU Bakersfield Repatriation and Oversight Committee

**Motion:** Secretary Bojorquez

**Second:** Commissioner Calac

**Aye 8; Nay 0; Abstained 0**

Motion carried.

**CSU East Bay**

- b. Commission to consider the nomination of Samuel Thunder Rodriguez, Non-Federally Recognized Tribal Representative, CSU East Bay.

**Commission Vote:** Nominate Samuel Thunder Rodriguez to CSU East Bay Repatriation and Oversight Committee

**Motion:** Secretary Bojorquez

**Second:** Commissioner Rodriguez

**Aye 8; Nay 0; Abstained 0**

Motion carried.

### **CSU Fresno**

- c. Commission to consider the nomination of Leece Lee-Oliver, CSU Representative, CSU Fresno.

**Commission Vote:** Nominate Leece Lee-Oliver to CSU Fresno Repatriation and Oversight Committee

**Motion:** Vice-Chairperson McQuillen

**Second:** Commissioner Nelson

**Aye 8; Nay 0; Abstained 0**

Motion carried.

### **CSU San Jose**

- d. Commission to consider the nomination of Kerri J. Malloy, CSU Native American Studies Representative, CSU San Jose.

**Commission Vote:** Nominate Kerri J. Malloy to CSU San Jose Repatriation and Oversight Committee

**Motion:** Vice-Chairperson McQuillen

**Second:** Secretary Bojorquez

**Aye 8; Nay 0; Abstained 0**

Motion carried.

- e. Commission to consider the nomination of Katherine Napoli, Federally Recognized Tribal Representative, CSU San Jose.

**Commission Vote:** Nominate Katherine Napoli to CSU San Jose Repatriation and Oversight Committee

**Motion:** Commissioner Milanovich

**Second:** Commissioner Calac

**Aye 8; Nay 0; Abstained 0**

Motion carried.

### **CSU Systemwide**

- f. Commission to consider the nomination of Jereme Dutschke, Federally Recognized Tribal Representative, CSU Systemwide.

**Commission Vote:** Nominate Jereme Dutschke to CSU Systemwide Repatriation and Oversight Committee

**Motion:** Commissioner Nelson

**Second:** Secretary Bojorquez

**Aye 7; Nay 0; Abstained 1** Commissioner Dutschke

Motion carried.

- g. Commission to consider the nomination of Moraino Patencio, Federally Recognized Tribal Representative, CSU Systemwide.

**Commission Vote:** Nominate Moraino Patencio to CSU Systemwide Repatriation and Oversight Committee

**Motion:** Secretary Bojorquez

**Second:** Commissioner Calac

**Aye 8; Nay 0; Abstained 0**

Motion carried.

- h. Commission to consider the nomination of Joyce Stanfield Perry, Non-Federally Recognized Tribal Representative, CSU Systemwide.

**Commission Vote:** Nominate Joyce Stanfield Perry to CSU Systemwide Repatriation and Oversight Committee

**Motion:** Commissioner Calac

**Second:** Secretary Bojorquez

**Public Comment:**

Nathan Banda, Chairman, Juaneño Band of Mission Indians - Acjachemen Nation 84A, stated that he formally opposes the nomination of Joyce Stanfield Perry on the basis that, he claims, she has no verified lineal descendancy, a history of misconduct and conflict of interest, false claims of scholarly status, and is mismatched with CalNAGPRA's purpose.

Sophia Pina, Assistant, Gabrieleño Band of Mission Indians - Kizh Nation, came to read the public comment in opposition to the nomination of Joyce Stanfield Perry that was submitted last week by Andrew Salas, Chairman, Kizh Nation, that is available online.

**Aye 8; Nay 0; Abstained 0**

Motion carried.

- i. Commission to consider the nomination of Annette Reed, CSU Native American Studies Representative, CSU Systemwide.

**Commission Vote:** Nominate Annette Reed to CSU Systemwide Repatriation and Oversight Committee

**Motion:** Secretary Bojorquez

**Second:** Vice-Chairperson McQuillen

**Aye 8; Nay 0; Abstained 0**

Motion carried.

4. California State University (CSU) Chancellor's Office updates regarding AB 389 compliance, including Systemwide Policy Development

Samantha Cypret, Executive Director for the Office of Tribal Relations for the CSU Chancellor's Office, provided an update on the CSU's progress towards Native American Graves Protection and Repatriation Act (NAGPRA) compliance and ongoing implementation of recommendations from the twenty-five Tribal Outreach Sessions. The feedback from the Tribal Outreach Sessions along with other comments have shaped the NAGPRA draft policy. The policy has been broadly circulated through mailing lists and other outreach mechanisms, as well as being placed on their website. All requests for formal tribal consultation have been granted. All input received was reviewed by the systemwide writing group, and on July 1 the CSU adopted the policy in an interim status. Three additional outreach sessions have been scheduled in August and September.

The first Systemwide NAGPRA Coordinator Training for the policy is scheduled for August 12 and 13, 2025 at Sacramento State and will be mandatory for all Campus Coordinators; NAGPRA staff and Presidential Designees are also invited to attend. In addition, they are beginning a draft of a CSU Systemwide Tribal Consultation Policy once the NAGPRA policy is fully finalized.

Vice-Chairperson McQuillen asked Executive Director Cypret about the Interim Policy and if there has been any feedback from tribes on next steps yet.

Executive Director Cypret responded letting the Commission know that concern has arisen since it is an Interim Policy and that the concern is it is not moving towards adoption. There are requests to make it final and she does understand that concern and notes that the Chancellor's Office is working diligently towards adoption.

5. Adoption of CalNAGPRA Mediation and Dispute Resolution Regulations

Acting Executive Secretary Carr stated that staff is requesting the Commission to adopt the CalNAGPRA Mediation and Dispute Resolution Regulations which would add sections 31001 to 31015 to title 14, division 18 of the California Code of Regulations. The Express Terms of these regulations were noticed to the public on January 17, 2025. During the public comment period a public hearing was held at the May 9, 2025, Commission Meeting. The Commission received no written comments and has made no changes to the proposed regulations. Staff requests that the Commission adopt the CalNAGPRA Mediation and Dispute Resolution Regulations, delegate the Acting Executive Secretary to submit the regulations to the Office of Administrative Law for final approval for filing with the Secretary of State, and to make any non-substantive changes to the language, if necessary. And noted that this is the NAHC's first set of regulations that have been adopted.

**Commission Vote:** Adoption of CalNAGPRA Mediation and Dispute Resolution Regulations, delegate the Acting Executive Secretary to submit the regulations to the Office of Administrative Law for final approval for filing with the Secretary of State, and to make any non-substantive changes to the language, if necessary.

**Motion:** Commissioner Calac

**Second:** Commissioner Milanovich

**Aye 8; Nay 0; Abstained 0**

Motion carried.

6. 50<sup>th</sup> Anniversary Planning Committee

Acting Executive Secretary Carr stated that in January 2026 the Commission will be 50 years old. She asked the Commission if they would like to create a Subcommittee or if they would prefer staff to organize the 50<sup>th</sup> Anniversary event.

Commissioner Calac volunteered to serve on the Subcommittee.

Vice-Chairperson McQuillen nominated Commissioner Dutschke to serve on the Subcommittee.

7. Public Hearing and Consideration of Suspension of Most Likely Descendant Designation for the Illegal Removal of Human Remains by the Juaneño Band of Mission Indians - Acjachemen Nation 84A.

Acting Executive Secretary Carr stated that she would read the staff report and recommendation in summary rather than in full due to it being made publicly available earlier. Regarding project site at 104 S. La Senda Drive in Laguna Beach, California. She stated that the NAHC had determined that Juaneño Band of Mission Indians - Acjachemen Nation Belardes (Belardes) was designated MLD on June 2, 2025, doing so based on Public Resource Code section 5097.98. Yet, on June 3, 2025, Nathan Banda of Juaneño Band of Mission Indians - Acjachemen Nation 84A (84A) deemed himself MLD and requested that the NAHC recognize him as such. The NAHC responded by letting 84A know that Belardes had been named MLD based on Public Resource Code section 5097.98. On June 4, 2025, 84A questioned the MLD designation and notified the NAHC that they were seeking legal counsel and had the Native American human remains in their possession and intended to reburial the remains in accordance with their traditions. Upon learning of the illegal removal of the human remains, on June 5, 2025, NAHC's Chief Counsel sent a letter to Nathan Banda, informing him that because 84A had not been named the MLD, its possession of the human remains was a misdemeanor under Health and Safety Code section 7050.5 (a), and that the matter had been referred to the Department of Justice's Office of Native

American Affairs. Nathan Banda has also been directed to immediately return the human remains to the project site or properly designated MLD and has failed to do so. Staff are recommending to the Commission that if the human remains are not returned by 84A to the project site or the properly designated MLD within one week they will be suspended from being designated as an MLD for at least one year.

Commissioner Nelson expressed that being from a neighboring tribe and being aware of the cultural practices, he does not believe that the one-year suspension is long enough. He suggested a suspension of five years.

Secretary Bojorquez noted that he would be recusing himself because in his work at the Department of Justice he was consulted about the potential prosecution of the matter.

Nathan Banda, Chairman, Juaneño Band of Mission Indians - Acjachemen Nation 84A, was given the opportunity to speak at the public hearing for 15 minutes. He gave a recounting of the events that happened, from his perspective, after the Native American human remains were found at the jobsite in Laguna Beach. He explained that he was made aware of the inadvertent discovery by the Project Manager, Chad Anderson, and landowner, Matt Hawkins. Mr. Hawkins explained to Chairman Banda that he did not want the Native American human remains to stay at the jobsite and would like them removed. Mr. Hawkins and Chairman Banda organized a time to meet to hand over the remains to Chairman Banda after he made calls to the NAHC that were not returned.

Chairman Banda stated that 84A is a Sovereign Indigenous Entity and their power of self-governance is not granted by the state or federal government and are inherent; retained from their status as a historical autonomous political and cultural community. This sovereignty includes, among other things, the authority to define citizenship, manage internal affairs, and steward their ancestral heritage. Chairman Banda described 84A's efforts to become a federally recognized tribe.

Chairman Banda explained his reasoning as to why 84A feels that their rights as a Sovereign Indigenous Entity have been overlooked and cited that Executive Order B-10-11 reaffirms the inherent right of California tribes to exercise sovereign authority over their members and territory. He states that the Commission's actions in this matter have directly undermined the right by favoring a non-lineal descendant group, disregarding tribal determination of membership, and interfering with their liability to care for their ancestors. Chairman Banda also cited Executive Order N-15-19. He goes on to explain why he feels as though 84A's rights have been violated and further opposes the MLD designation of Belardes.

Vice-Chairperson McQuillen asked Chairman Banda to clarify each individual and their involvement in this jobsite and inadvertent discovery at 104 S. La Senda Drive in Laguna Beach, California.

Vice-Chairperson McQuillen asked Chairman Banda why 84A thought it was acceptable for them to step outside the legal process and claim ownership of the human remains.

Chairman Banda explained that it was initially about being caretakers of their ancestors. He voices his frustration with the current MLD list and the designation process.

Vice-Chairperson McQuillen stated that no matter if you have frustration with the current process that is in place that doesn't give you the right to go against it and go against the law. And it is very concerning that the landowner, the archeologist, Coastal Commission, and tribes are not adhering to the law.

Commissioner Calac stated that we don't fight about this, we don't blatantly defy the law, and if you do you should be held responsible for that. Shame on this whole situation. Commissioner Calac also

stated that she wants the staff to investigate why the Coastal Commission, property owner, and coroner did what they did.

Acting Executive Secretary Carr informed the Commission that since the incident occurred, she has sent letters to the coroner's office and the Coastal Commission educating them on proper procedure and they responded letting us know that they now understand.

Chairperson Pagaling asked Chairman Banda if he worked with the coroner's office.

Chairman Banda stated that he did reach out to work with the coroner's office.

Chairperson Pagaling asked Chairman Banda if the coroner's office allowed him to take the remains.

Chairman Banda stated no, they did not.

Commissioner Dutschke explained to Chairman Banda that the actions that he took undermine the law and ultimately, put the Commission in a difficult position.

**Commission Vote:** Five-year suspension of Most Likely Descendant Designations by the Juaneño Band of Mission Indians - Acjachemen Nation 84A if they fail to return the human remains to either the Coroner's Office or the properly designated MLD within one week.

**Motion:** Commissioner Nelson

**Second:** Commissioner Calac

Roll Call Vote:

Chairperson Pagaling – Aye.

Vice-Chairperson McQuillen – Aye.

Secretary Bojorquez – Abstain.

Commissioner Dutschke – Aye.

Commissioner Nelson – Aye.

Commissioner Calac – Aye.

Commissioner Milanovich – Aye.

Commissioner Rodriguez – Abstain.

**Aye: 6; Nay: 0; Abstained: 2,** Secretary Bojorquez and Commissioner Rodriguez

Motion carried.

## INFORMATIONAL

### 8. CSU Interim Systemwide NAGPRA Policy Workshop

Staff Counsel Pallari notified the public and the Commission of the CSU Interim Systemwide NAGPRA Policy Workshop will take place on August 22, 2025. Location is to be determined.

### 9. CalNAGPRA Enforcement Regulations Update

Staff Counsel Pallari updated the Commission on CalNAGPRA Enforcement Regulations and notified the Commission that the review period ends on August 11, 2025, and so far, there have been no substantive comments on the regulations. After the consultation period the NAHC staff will review and respond to any comments received and a summary of comments will be posted to the NAHC website. If necessary, revisions are made by the subcommittee and approved, they will be reviewed by the subcommittee as well. The draft regulations will be presented to the full Commission at the October 17, 2025, Commission Meeting; where the Commission will either send out the regulations for an additional second tribal round of consultation or begin the formal rulemaking Administrative Procedure Act (APA) process.



## 10. Contact List Regulations Update

Staff Counsel Pallari notified the Commission that staff and the Subcommittee worked with Agency to create an updated version of the Contact List Regulations, and it is in its final review process with the administration. He noted that he will keep the Commission informed of any further developments.

Vice-Chairperson McQuillen asked Staff Counsel Pallari if the latest draft that went to the administration got sent to the rest of the Commission.

Staff Counsel Pallari responded, letting the Commission know that he is not aware if they did but he will make sure that it gets done.

## 11. Executive Secretary Report

Acting Executive Secretary Carr provided a report for the Environmental and Cultural Division from April 1, 2025, to June 30, 2025, made 16 Most Likely Descendant (MLD) designations, received and completed 1602 NAHC contact list requests, and completed 4861 searches of the Sacred Lands File.

The NAHC Legal department is recruiting an attorney with 0 to 5 years of experience, and more information will be posted on our website.

## 12. Commissioner Reports

A variety of Commissioners notified the public of upcoming events happening in their communities.

Vice-Chairperson McQuillen notified the public that the draft MLD regulations should be available for review and comment period sometime in 2026.

Commissioner Calac noted that she works on two subcommittees, one of which is for the Strategic Plan. She is looking forward to this work, considering the new regulations and is hoping to have a report for next quarter. Commissioner Calac also mentioned the Sacred Lands File Workshop that was held on July 31, 2025, and is looking forward to working with tribes' concerns and comments.

Commissioner Dutschke noted that Wilton Rancheria spearheaded the effort to have California Tribal Nations' flags represented at the California State Fair for the first time this year.

Commissioner Milanovich notified the public of his resignation as an NAHC Commissioner and that this would be his last meeting.

## PUBLIC COMMENT

1. Jason Camp, Treasurer, United Auburn Indian Community, stated that they commend the NAHC for the work that they do, and thanked them for fighting the good fight.

## ADJOURNMENT

**Commission Vote:** Adjourn the August 1, 2025, Commission Meeting

**Motion:** Vice-Chairperson McQuillen

**Second:** Commissioner Calac

**Aye 8; Nay 0; Abstained 0**

Motion carried.

**Meeting adjourned at 11:53 am.**

Respectfully submitted and approved on behalf of the Native American Heritage Commission.

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Reginald Pagaling, *Chairperson*

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Isaac Bojorquez, *Secretary*

DRAFT