



California Native American Heritage Commission Special Commission Meeting Minutes Open Session

Meeting Date: May 9, 2025

Meeting Time: 10:03 am - 2:58 pm

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

Room: Auditorium

COMMISSIONERS PRESENT

Reginald Pagaling, *Chairperson*
Buffy McQuillen, *Vice-Chairperson*
Wayne Nelson, *Parliamentarian*
Isaac Bojorquez
Bennae Calac
Stanley Rodriguez

STAFF PRESENT

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

COMMISSIONERS ABSENT

Sara Dutschke, *Secretary*
Reid Milanovich

CALL TO ORDER

1. Chairperson Pagaling called the special meeting to order at 10:03 am.
2. Roll call – a quorum was established.
3. The Native American Heritage Commission (NAHC) Commissioners and staff were introduced.
4. Petee Ramirez, Shingle Springs Band of Miwok Indians, led the Traditional Opening.

ACTION

1. Approval of Meeting Minutes
 - a. January 17, 2025 – Open Session

Commission Vote: Approve January 17, 2025, Open Session minutes.

Motion: Commissioner Calac

Second: Commissioner Bojorquez

Aye: 6; **Nay:** 0; **Abstained:** 0

Motion carried.

- b. January 17, 2025 – Closed Session

Commission Vote: Approve January 17, 2025, Closed Session minutes.

Motion: Commissioner Bojorquez

Second: Commissioner Nelson
Aye: 6; **Nay:** 0; **Abstained:** 0
Motion carried.

c. March 20, 2025 – Open Session

Commission Vote: Approve March 20, 2025, Open Session minutes.
Motion: Commissioner Calac
Second: Commissioner Bojorquez
Aye: 5; **Nay:** 0; **Abstained:** Commissioner Rodriguez
Motion carried.

d. March 20, 2025 – Closed Session

Commission Vote: Approve March 20, 2025, Closed Session minutes.
Motion: Commissioner Bojorquez
Second: Commissioner Nelson
Aye: 5; **Nay:** 0; **Abstained:** Commissioner Rodriguez
Motion carried.

3. Rescind October 20, 2023, Cemetery Designation – City of Corona Water Reclamation Facility #3 Lift Station Project per Peremptory Writ of Mandate issued in City of Corona v. NAHC CV-RI-24-00445

Chief Counsel Carr stated that the Writ of Mandate ordered the NAHC to rescind the cemetery designation for the WRF-3 Lift Station. Chief Counsel Carr advised a roll call vote on this matter.

Commission Vote: Rescind the Cemetery Designation of the Corona Project.
Motion: Vice-Chairperson McQuillen
Second: Commissioner Bojorquez
Roll Call Vote:
Chairperson Pagaling – Aye.
Vice-Chairperson McQuillen – Aye.
Commissioner Bojorquez – Aye.
Commissioner Calac – Aye.
Commissioner Nelson – Abstain.
Commissioner Rodriguez – Abstain.
Aye: 4; **Nay:** 0; **Abstained:** 2, Commissioner Nelson and Rodriguez
Motion carried.

9. Review Most Likely Descendant (MLD) Determination – City of Corona Water Reclamation Facility #3 Lift Station Project

a. MLD Presentations

Acting Executive Secretary Quinn stated that this item is to review the MLD determination for the City of Corona Water Reclamation Facility #3 lift station project. The NAHC received letters from the following tribes requesting the NAHC to formally review the MLD determination: Rincon Band of Luiseño Indians, Pala Band of Mission Indians, and La Jolla Band of Luiseño Indians. If present, the Commission would like to invite the co-MLDs in alphabetical order first: Gabrieleño Band of Mission Indians - Kizh Nation.

Kara Grant, Attorney for The Gabrieleño Band of Mission Indians - Kizh Nation, discussed with Commissioners and Chief Counsel Carr the order of presenters.

After discussion, Chief Counsel Carr stated that if Kizh Nation choose not to go in alphabetical order, they would be forfeiting their time to speak, and that the next presenter would be up to speak.

Andrew Salas, Chairman, Gabrieleño Band of Mission Indians - Kizh Nation, stated that he is outraged on behalf of the Kizh Nation. He stated that the Kizh Nation is the ancestral tribe of Corona. He explained that he was designated as MLD of Corona. And that Soboba and Pechanga were included as MLDs. Soboba was designated MLD because they were monitoring the project and they abandoned it. He feels as though Soboba and Pechanga are intentionally stalling the project in order to push Kizh Nation out. He is sick and tired of the way they have been treated. All he wants is to have his ancestor reinterred. He explains that this process has been going on for 4 years and it needs to be resolved.

Mark Macarro, Chairman, Pechanga Band of Indians, gave an overview of his Aboriginal territory and explained that it is common practice for Pechanga to leave the remains where they were found. So that's why, together with Soboba over the last 20 - 30 years in Corona, this is what they've been doing. He said, "We don't move bones, if you move bones that's on you." Pechanga requested the Commission review the NAHC's MLD designation of Kizh/Gabrieleño to the Corona WRF project, the designation should be corrected to remedy the specific error of designating a Gabrieleño band or group as a co-MLD.

Isaiah Vivanco, Chairman, Soboba Band of Luiseño Indians, stated that they are here to fully support and join Pechanga's position regarding the matter. He stated that the City of Corona is favoring the views and practices of the Kizh Nation to the exclusion of the Luiseño bands. In turn, this has resulted in the desecration of the Luiseño ancestors who were disturbed from their resting place during the excavations at the project site. Chairman Vivanco stated that for Luiseño people it is unacceptable to allow the removal and desecration of ancestral burials. These are at direct risk of loss. Chairman Vivanco provided additional details regarding the sacred and historic nature surrounding the current Corona site. He asks that the Commission revise the MLD designation at the Corona site to include only Luiseño tribes.

b. Tribal Comment

Louise J. Miranda Ramirez, Chair, Ohlone/Costanoan – Esselen Nation, recounted that in a previous instance, years ago, the NAHC stated that they do not reassign MLDs. Chairwoman Miranda Ramirez stated that all tribes have their own way of handling ancestors. They have to decide on whether to move them, protect them, or leave them where they have been damaged. They cannot fight each other on cultural feelings and knowledge of where our people must be protected. She asks the NAHC to consider that as well because all tribes have different cultural beliefs. And to really think about what is happening here because as a non-recognized tribe, they do not have the funds to fight this continually.

Break for recess at 10:57 am.

Public Hearing 11:00 am – CalNAGPRA Mediation and Dispute Resolution Draft Regulations

Proposed addition of sections 31001 – 31015, to Title 14, California Code of Regulations

Acting Executive Secretary Quinn stated that we are here today to receive public comments on the proposed rulemaking action by the NAHC.

Comments:

Dr. Donna Miranda-Begay, Former Chair, Tubatulabal Tribe of Kern Valley, and current CEO of California Tribal Geographic Information Systems (GIS), stated that as her tribe is not federally recognized it proved to be a bit of a challenge when being able to reclaim their ancestors. She advised to incorporate the language of California Native American Tribes to include both federally recognized and non-federally recognized tribes then that would include all tribal people.

Back to Special Meeting – 11:10 am.

9. Review MLD Determination – City of Corona Water Reclamation Facility #3 Lift Station Project
 - b. Tribal Comment - Continued

Aurelia Torres, Kizh Nation Archaeologist, and Cultural Monitor, came to explain what she had witnessed over the last three years at the City of Corona Lift Station Project. She stated that tensions have been high at the site and especially when the Soboba Tribal Historic Preservation Officer (THPO), Joe Ontiveros was onsite. She stated that the Kizh Nation feels that this specific THPO has been negligent in the treatment of the resources found at the site. She had witnessed political attacks to relentless encroachment into their heavily populated and rich ancestral territory, taking of their ancestral remains, funerary objects, cultural belongings, and collections for repatriation, by the same MLDs. She explained that these events have been upsetting and disheartening to witness this kind of disrespectful treatment to the name by neighboring Southern California tribes, that for so long had deep connections with one another.

Richard Cradens' time was given to Andrew Salas to speak again.

Andrew Salas, Chairman, Gabrieleño Band of Mission Indians - Kizh Nation, would like to reiterate the Kizh affiliation with Corona as Paxauxa. In the late 80s and early 90s as an MLD in downtown Los Angeles and in Orange County these specific shells and ancestors that were found during development. He explained that these specific shells that were in this burial in Corona, that were retrieved, are very significant. These are specific and unique to their culture, religion, and with the sacred rock that's across from the river of where the burials are located. Chairman Salas is asking for the NAHC's help on this subject of trying to take Kizh away from being an MLD after Kizh was the ancestral tribe that was designated to handle ancestors.

Kara Grant, Attorney for The Gabrieleño Band of Mission Indians - Kizh Nation, recounted the events that had occurred previously in the meeting. In addition to stating that Public Resources Code section 5097.94 and 5097.98 do not authorize the Commission to unilaterally rescind or reconsider an MLD designation. The NAHC's MLD regulations state that once an MLD is designated, they stay with them until the end of the project. Kizh Nation is requesting a formal investigation of the Commission by the Fair Political Practices Commission and other overseeing bodies to address these unlawful proceedings.

Paul Macarro, Cultural Coordinator for the Pechanga Band of Mission Indians, stated that the idea of one group having cultural significance to one type of shell is ridiculous because all of the tribes of that area, Pechanga, Rincon, Pauma, La Jolla, and Soboba, use shells in their burials. If you go to every one of those cemeteries, every day, they have shells on the burial sites. He also stated that the City and the other MLD have gone to great lengths to say that there was only one ancestor at the project site. But the archaeologist there and the others here found two right forearm bones at the project site. He stated that this is proving to be a cemetery. He recounted the events earlier in the meeting regarding the order to rescind the cemetery designation for the WRF-3 Lift Station. He stated that he feels the Commission also believes that it should be designated a cemetery and is only rescinding the designation to abide by the law.

He goes on to explain that the screening that happened at the site was inhumane and wrong. He explains that Native Americans do not do that to their people and it should never have happened. But it happened as a result of a faulty call. He asked the Commission to please make this right.

Joseph Ontiveros, THPO for the Soboba Band of Luiseño Indians, stated that he would like to provide some clarification on the statements that were previously brought up by Ms. Torres. Soboba did suspend activity but that was when it was minor ground disturbance activity for the clearance of an access road. He advised the construction supervisor to give them a call once they planned on recommencing extensive ground disturbing activity, and unfortunately, they did not get a call until the ancestor's cranium was sitting in a scoop. He would like to thank her for acknowledging that there was more than one ancestor, because Soboba had been saying that all along. Mr. Ontiveros goes on to explain that despite the pending court action including a recent hearing on the merits of the underlying Luiseño petition, the City decided it needed to immediately disturb the site to prepare for renewed construction. The City engaged in this action without further consulting with Luiseño Tribes and without seeking the Commission's assistance with mediation. Instead, the City opted to proceed based solely on the Kizh's reinterment plan, which permitted additional ground penetration and provided for soil screenings containing Soboba's ancestors and funerary items. And doing so the City has found it expedient to rely solely on the Kizh reinterment procedures even if they are devastating to Luiseño ancestors. He also requests that the Commission look at revising the co-MLD designation. He explained that it is impossible for Soboba to be able to treat these ancestors in the way that they should be treated without both of these co-MLDs being Luiseño.

Break from ~ 11:40 am – 11:51 am.

Kenneth Woodrow, Chair, Wuksachi Indian Tribe, stated that since his tribe is not federally recognized that creates many challenges. One of which is the MLD process. He has been advocating for a State Recognition Process for years and he hopes that in the future there will be one so that tribes that are not federally recognized will be protected in instances such as this.

Laura Galvan, Lineal Descendant of Southern Hill Nisenan of Sierra Nevada, stated that they are facing many challenges with protecting their Nisenan Ancestral Territory.

Brian Hughes, Attorney with the City of Corona, stated that the City of Corona submitted a letter that everyone should have a copy of.

Courtney Coyle, Attorney, Representing Pechanga, stated that mistakes were made in the Corona MLD designation.

Break for lunch from 12:06 pm – 1:09 pm.

c. Overview of MLD determination

Chief Counsel Carr stated that she reviewed all the documents that were viewed by the staff members who made the determination and our in-house MLD process. And made the determination that in order to make this MLD designation our internal MLD process was followed but that internal records, indicating the location of village sites attributed to the Pechanga Tribe, were not consulted prior to making the determination.

Chairperson Pagaling stated that at this time the Chair is not going to entertain a motion for a decision on this one way or another. But we're going to give staff a directive based on information that was presented by all the groups today to find out whether or not the City of

Corona has complied with the requirement to report all human remains discovered on-site. Based on what was heard today, it appears that there was more than one human remain out there which initially began all this. So, once we have a conclusion about that then the NAHC will revisit this issue and decide whether to take an action on it or not.

2. Calendar Dates and Locations for 2025-26 Commission Meetings

- a. Friday, July 18, 2025, January 16, 2026, and April 17, 2026 – Sacramento

Commission Vote: To keep all meetings in Sacramento besides the October meeting.

Motion: Commissioner Calac

Second: Commissioner Bojorquez

Aye: 6; Nay: 0; Abstained: 0

Motion carried.

- b. Friday, October 17, 2025 - Quechan

Commission Vote: October meeting to be held in Quechan.

Motion: Commissioner Nelson

Second: Commissioner Calac

Aye: 6; Nay: 0; Abstained: 0

Motion carried.

4. CSU Systemwide/Campus Repatriation and Oversight Committee Nominations

Staff Counsel Pallari stated that all these candidates have been reviewed by the subcommittee and are recommended by the subcommittee. The balancing has been checked and with these nominations there wouldn't be a balancing issue moving forward.

CSU Fullerton

- a. Commission to consider the nomination of Ryan Martin, Federally Recognized Tribal Representative, CSU Fullerton

Commission Vote: Nominate Ryan Martin to CSU Fullerton Repatriation and Oversight Committee.

Motion: Commissioner Calac

Second: Commissioner Nelson

Aye 6; Nay 0; Abstained 0

Motion carried.

- b. Commission to consider the nomination of Edward J. Knell, CSU Representative, CSU Fullerton

Commission Vote: Nominate Edward J. Knell to CSU Fullerton Repatriation and Oversight Committee.

Motion: Vice-Chairperson McQuillen

Second: Commissioner Bojorquez

Aye 6; Nay 0; Abstained 0

Motion carried.

CSU Pomona

- c. Commission to consider the nomination of John Preckwinkle, Federally Recognized Tribal Representative, CSU Pomona

Commission Vote: Nominate John Preckwinkle to CSU Pomona Repatriation and Oversight Committee.

Motion: Commissioner Calac

Second: Commissioner Rodriguez

John Preckwinkle gave a short statement, stating that he will work hard and show up to the meetings and thanked the Commission for the opportunity.

Aye 6; Nay 0; Abstained 0

Motion carried.

CSU San Bernardino

- d. Commission to consider the nomination of Mary Ann Andreas, Federally Recognized Tribal Representative, CSU San Bernardino

Commission Vote: Nominate Mary Ann Andreas to CSU San Bernardino Repatriation and Oversight Committee.

Motion: Commissioner Calac

Second: Commissioner Bojorquez

Aye 6; Nay 0; Abstained 0

Motion carried.

- e. Commission to consider the nomination of Robert Levi, Federally Recognized Tribal Representative, CSU San Bernardino

Commission Vote: Nominate Robert Levi to CSU San Bernardino Repatriation and Oversight Committee.

Motion: Commissioner Nelson

Second: Commissioner Calac

Aye 6; Nay 0; Abstained 0

Motion carried.

- f. Commission to consider the nomination of Beyaja Notah, CSU Representative, CSU San Bernardino

Commission Vote: Nominate Beyaja Notah to CSU San Bernardino Repatriation and Oversight Committee.

Motion: Vice-Chairperson McQuillen

Second: Commissioner Calac

Aye 6; Nay 0; Abstained 0

Motion carried.

CSU San Diego

- g. Commission to consider the nomination of Raini Tesam-Reading, CSU Representative, CSU San Diego

Commission Vote: Nominate Raini Tesam-Reading to CSU San Diego Repatriation and Oversight Committee.

Motion: Commissioner Calac

Second: Commissioner Nelson

Aye 6; Nay 0; Abstained 0

Motion carried.

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

Samantha Cypret, the Executive Director for the Office of Tribal Relations for the CSU Chancellor's Office, provided an update on the CSUs progress towards Native American Graves Protection and Repatriation Act (NAGPRA) compliance and ongoing implementation of recommendations from the state auditor.

6. UC Systemwide/Campus Repatriation and Oversight Committee Nominations

UC Davis

- a. Commission to consider the nomination of Andres Resendez, UC Representative, UC Davis

Commission Vote: Nominate Andres Resendez to UC Davis Repatriation and Oversight Committee.

Motion: Commissioner Bojorquez

Second: Vice-Chairperson McQuillen

Aye 5; Nay 0; Abstained 0

Commissioner Rodriguez not present during the vote.

Motion carried.

7. Draft CalNAGPRA Enforcement Regulations

- a. Commissioners to consider adopting draft CalNAGPRA Enforcement Regulations

Commission Vote: Approving the draft CalNAGPRA Enforcement Regulations.

Motion: Commissioner Calac

Second: Vice-Chairperson McQuillen

Aye 5; Nay 0; Abstained 0

Commissioner Rodriguez not present during the vote.

Motion carried.

Commissioner Rodriguez returned at 1:34 pm.

- b. Commissioners to consider sending draft CalNAGPRA Enforcement Regulations out to the tribal community for a 90-day comment and consultation period

Commission Vote: Approving sending draft CalNAGPRA Enforcement Regulations out to the tribal community for a 90-day comment and consultation period.

Motion: Commissioner Bojorquez

Second: Commissioner Nelson

Aye 6; Nay 0; Abstained 0

Motion carried.

8. Draft Contact List Regulations

- a. Status of Draft Contact List Regulations

Chief Counsel Carr stated these were released for review to the tribal community on October 23, 2023. We had a 120-day tribal comment review and consultation period. We received extensive comments both verbal and written. We reviewed those, legal analysis was conducted, and then staff worked with the Commission's subcommittee which is made up of members McQuillen and Nelson, to make revisions. We have been working with California Natural Resources Agency (CNRA) to review, and it is unknown when we will conduct the second round of tribal comment and consultation.

Chairperson Pagaling asked so we've not received anything official from CNRA?

Chief Counsel Carr responded by letting the Commission know that it's in the hands of CNRA and it is currently under advisement, and we don't know when we're going to get additional feedback, if any.

Commissioner Bojorquez asked how can we expedite this?

Chief Counsel Carr responded that there isn't much we can do at this point in time. We are doing what we're able to do within our confines as staff members.

Vice-Chairperson McQuillen gave a directive: have the Chair or the Executive Counsel request a meeting with Secretary Crowfoot of CNRA.

Chief Counsel Carr asked a clarifying question Would that be with Commissioners and staff?

Chairperson Pagaling confirmed by giving a directive to staff to reach out to Secretary Crowfoot and set a meeting with him, even if it's a conference call, as long as we have the executive committee all participating.

- b. Commissioners to consider the duration of the authorized second round tribal comment and consultation period

Commission Vote: Approving sending the second round of draft Contact List Regulations out to the tribal community for a 60-day comment and consultation period.

Motion: Commissioner Bojorquez

Second: Commissioner Calac

Aye 6; Nay 0; Abstained 0

Motion carried.

Public Comment:

Gabriel D. Frausto, Member of the Coastal Band of Chumash Nation, asked while the department is mitigating this process, how can we expect to be included and supported while you're completing the regulations? Mr. Frausto appreciates the 60-day push. We definitely want to move forward with this, as well as tribal people.

Courtney Coyle, Attorney, Representing Pechanga, stated that Pechanga is in support of the actions that the Commission's taking today to move this process along.

Louise J. Miranda Ramirez, Chair, Ohlone/Costanoan – Esselen Nation, stated that there is a strong need for a State Recognition Process that would include both federally recognized and non-federally recognized tribes, so that we are all included. And please do not push this off again. She advised that all tribes should submit their comments and then quickly move to the next step in the process.

Andrew Salas, Chairman, Gabrieleño Band of Mission Indians - Kizh Nation, spoke regarding the proposed draft contact list. This draft list must be fair to both federally recognized and non-federally recognized tribes. The draft proposal to the contact list and MLD list should be properly vetted to be equal to all of us.

Kenneth Woodrow, Chairman, Wuksachi Indian Tribe, stated again that he is advocating for a State Recognition Process.

INFORMATIONAL

10. California Truth and Healing Council Update

Commissioner Bojorquez presented a PowerPoint Presentation to provide an overview of the Truth and Healing Council.

Vice-Chairperson McQuillen responded that she wishes that this issue would have come directly to the Commission and not to the staff and would have liked to be included in the listening sessions. She is looking forward to reviewing the report and hopes that there will be a formal review process that passes through our Commission before being finalized to the public.

Commissioner Bojorquez responded with all the meetings were open to the public and while there could have been better outreach and he includes himself in that.

Commissioner Calac sided with Vice-Chairperson McQuillen in that she wishes that they were included in the listening sessions so that they could assist in the process. Commissioner Calac did recognize that there was a lot of time put into this and did appreciate that effort but would have liked to have been included.

Chairperson Pagaling stated that our relationship with the Truth and Healing Council has not been its best. It's kind of refreshing to hear something, even if it's coming from our own Commissioner. He thinks that is perhaps a positive step forward.

Commissioner Bojorquez showed the Sizzle Reel of the Truth and Healing Council in hopes that it would provide some clarity.

Commissioner Nelson stepped away from the meeting at 2:13 pm.

Chairperson Pagaling exited the meeting during the Sizzle Reel at 2:15 pm.

11. Draft Five-Year Strategic Plan Update

Acting Executive Secretary Quinn gave an update on the draft five-year strategic plan.

Commissioner Nelson returned at 2:22 pm.

12. Executive Secretary Report

Acting Executive Secretary Quinn gave a report which included updates from the Environmental and Cultural Division at the NAHC as well as the UC Berkeley Mediation Training and CalNAGPRA Support Program.

13. Commissioner Reports

Commissioner Bojorquez mentioned that just yesterday ACR 39 passed unanimously on the floor, recognizing the month of May as Missing and Murdered Indigenous People Awareness Month.

PUBLIC COMMENT

1. Louise J. Miranda Ramirez, Ohlone/Costanoan – Esselen Nation, requested an accounting of the funding from Proposition 5 monies that were supposed to assist other tribes and have not heard anything about it.
Regarding the CalNAGPRA \$20,000 penalty, where does that money go? What will it be used for? The Chancellor's office for California State University Monterey Bay (CSUMB), consultation with five federally recognized tribes of the Yokut Coalition that had agreed to represent Esselen Nation has been halted. They've not been included because the Arch Diocese's Office of Monterey has claimed ownership of their ancestors and artifacts. They have been asking the Chancellor's Office to include them because the Yokut Coalition agreed to support them and they have not followed through. Regarding the Truth and Healing Council, unfortunately, they did not have a budget for everyone to be heard.
She explained her frustration with registering sacred sites with the Commission staff. She asks that when tribes submit that they get done.
2. Kenneth Woodrow, Chairman, Wukusachi Indian Tribe, stated that he is part of the Truth and Healing Subcommittee and noted that being a part of the Subcommittee is not a paid position, and no funding has been granted to anyone for their participation.
3. Aurelia Torres, Kizh Nation Archaeologist, and Cultural Monitor, asked where the letters go that were submitted to the Commission staff?

Acting Executive Secretary Quinn responded, letting Ms. Torres know that he would follow up with her after the meeting.
4. Dr. Donna Miranda-Begay, CEO of California Tribal GIS, wanted to invite everyone here and especially the Commissioners to the first ever California Native American Tribal GIS Summit July 31- August 1, 2025. It's time for us to talk about GIS, it's time to start sharing our data and it's also protecting our GIS State of Sovereignty and creating our Cultural Center maps to share with folks and to be okay with what we can share.

ADJOURNMENT

Commission Vote: Adjourn the May 9, 2025, Commission Meeting.

Motion: Commissioner Calac

Second: Commissioner Bojorquez

Aye 5; Nay 0; Abstained 0

Motion carried.

Meeting adjourned at 2:58 pm.

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

Reginald Pagaling, *Chairperson*

Sara Dutschke, *Secretary*

DRAFT