

STAFF REPORT AND RECOMMENDATION

**Illegal Removal of Human Remains by the Juaneno Band of
Mission Indians Acjachemen Nation 84A**

I. SUMMARY

As directed by Health and Safety Code section 7050.5, when human remains are unearthed outside of a cemetery, the county coroner is to be notified. If the coroner determines that the human remains are Native American, under Public Resources Code section 5097.98 the Native American Heritage Commission (NAHC) is contacted and in turn it designates a Most Likely Descendant (MLD) of the remains who are to work with the landowner on proper disposition. After receiving notification from the Orange County Coroner of the human remains that are the subject of this report, NAHC staff designated the Juaneno Band of Mission Indians Acjachemen Nation – Belardes as the Most Likely Descendant of the remains. Before the designated MLD could begin consultation with the landowner a representative of the Juaneno Band of Mission Indians Acjachemen Nation 84A entered the property, represented that they were the MLD, and removed the human remains. Despite being advised that because they are not the MLD, their behavior was illegal, and that the Juaneno Band of Mission Indians Acjachemen Nation 84A were to either return the human remains to the site of disturbance or turn them over to the named MLD, they failed to do so. After being warned that failure to comply with the directive to return the human remains would result in suspension from being named as an MLD pending a public hearing, the Juaneno Band of Mission Indians Acjachemen Nation 84A continued to ignore the NAHC’s instruction. Consequently, this group is currently suspended from being named as an MLD. Due to the shocking nature of this behavior and blatant disrespect for the law, staff recommends that the Juaneno Band of Mission Indians Acjachemen Nation 84A be given a week to return the human remains and if they fail to do so, be suspended from being named an MLD for a minimum of one year.

II. THE MOST LIKELY DESCENDANT DETERMINATION

On May 28, 2025, a full mandible, partial cranium, partial long bone, and scapula fragments were unearthed at 104 S La Senda Drive, Laguna Beach, California. In conformance with Health and Safety Code section 7050.5, the Orange County Sherriff’s Department, Coroner’s Division was alerted. Upon determining that the human remains were of Native American origin, on May 29, 2025, the coroner contacted the NAHC to make a determination under Public Resources Code section 5097.98 as to the Most Likely Descendent of the human remains. Utilizing the NAHC’s process for designating an MLD, staff determined the cultural affiliation of the human remains to be Juaneno. To determine which tribe from the Juaneno culture should be named MLD,

staff reviewed agency records to see whether there was a village site in the vicinity of the discovery. Pursuant to NAHC process, when more than one tribe claims a specific village site a rotation list is created. In this instance, because three different Juaneno groups claim the village site nearest to the place of discovery, staff selected the next group in the rotation, Juaneno Band of Mission Indians Acjachemen Nation – Belardes as the MLD. (Exhibit 1) On June 2, 2025, NAHC staff contacted both the Juaneno Band of Mission Indians Acjachemen Nation – Belardes and the property owner informing them as to the MLD designation. (Exhibit 2)

III. THE ILLEGAL REMOVAL OF HUMAN REMAINS

On June 2, 2025, before the designated MLD could contact the property owner, unknown to the NAHC or the MLD, Nathan Banda, Chairman of the Juaneno Band of Mission Indians Acjachemen Nation 84A entered the property, represented that they were the MLD, and removed the human remains. (Exhibit 3) At no time did the NAHC contact Mr. Banda or any other representative of the Juaneno Band of Mission Indians Acjachemen Nation 84A informing them of the inadvertent discovery or naming them as the MLD. On June 3, 2025, the Juaneno Band of Mission Indians Acjachemen Nation 84A sent a letter to “formally identify” Mr. Banda as the MLD and request that the NAHC recognize him as such. (Exhibit 4) In response, the NAHC informed the Juaneno Band of Mission Indians Acjachemen Nation 84A that under Public Resources Codes section 5097.98, it had named the Juaneno Band of Mission Indians Acjachemen Nation – Belardes as the MLD. (Exhibit 5) On June 4, 2025, the Juaneno Band of Mission Indians Acjachemen Nation 84A questioned the MLD designation and informed the NAHC that the group “already has custody of some of the remains” and that it intended to rebury in accordance with their traditions. (Exhibit 6)

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 the Juaneno Band of Mission Indians Acjachemen Nation 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. (Exhibit 7) Additionally, the Chief Counsel’s letter directed that the human remains be immediately returned to the project site or transferred to the properly designated MLD. Because two weeks passed without the Juaneno Band of Mission Indians Acjachemen Nation 84A returning the human remains to the site of disturbance or relinquishing them to the named MLD, on June 19,

2025, the NAHC warned that failure to comply with the June 5th directive by 1pm on June 20th would result in a suspension of the group from being named an MLD. (Exhibit 8) While Nathan Banda emailed the NAHC, stating that the Juaneno Band of Mission Indians Acjachemen Nation 84A was seeking legal counsel, he did not address the illegal removal and possession of human remains nor has the Juaneno Band of Mission Indians Acjachemen Nation 84A complied with the directive to return the human remains. (Exhibit 9)

IV. EVALUATION AND RECOMMENDATION

The law is clear. When human remains are unearthed outside of a cemetery, Health and Safety Code section 7050.5 requires notification of the county coroner. If the coroner determines that the human remains are Native American, the coroner is to contact the Native American Heritage Commission. Once contacted, Public Resources Code section 5097.98 provides that the Native American Heritage Commission is to designate a Most Likely Descendant of the remains who will advise the landowner on proper disposition. The law provides no process for a tribe to identify or nominate itself as the MLD or to object to the designation. The NAHC is the sole authority over this matter.

Despite being advised that their conduct was illegal and being instructed to return the human remains, the Juaneno Band of Mission Indians Acjachemen Nation 84A continues to flagrantly ignore the law in an unprecedented manner. Although tribes routinely question an MLD designation, in the history of the NAHC, staff are unaware of a time when a tribe that was not named MLD illegally took possession of human remains and refused to return them. While the Juaneno Band of Mission Indians Acjachemen Nation 84A disagrees with the NAHC's determination and questions the legitimacy of the individual who serves as the point of contact for the Juaneno Band of Mission Indians Acjachemen Nation – Belardes, this does not change the fact that under California law, the NAHC's designation is controlling. Because the Juaneno Band of Mission Indians Acjachemen Nation 84A's actions are so shocking and demonstrate a blatant disrespect for the law, staff recommends that the Juaneno Band of Mission Indians Acjachemen Nation 84A be given a week to return the human remains and if they fail to do so, be suspended from being named an MLD for a minimum of one year.

EXHIBIT 1

Request For Assistance
Native American Human Remains

Input Date _____

No Further Action _____

Date of Call: 5/29/2025 County: Orange

Name of Person Reporting: Michelle Krueger

Organization: Orange County Sheriff's Department Coroner Division

Email: mckrueger@ocsheriff.gov Phone #: (714) 647-7411

Coroner Case #: 25-02632DB Site #: _____

Date of Find: 5/28/2025 Burial # (if available): _____

New Discovery: Update: Update Date: _____

Property Ownership: Federal State County City Private Other

Description of Remains:

Full mandible, partial cranium, cranial fragment, partial longbone fragment, partial scapula fragment, various other partial bones.

Associated Grave Goods: Yes No Description: _____

Remains Held: On site in a secure location

Archeologist Name: Chad Anderson, Project Manager Phone#: (818) 606-4526, chad@chaproperties.com

Archeologist Company: C.H. Anderson Construction

Lead Agency: California Coastal Commission

Project Name: 104 La Senda Project

Project Location: 104 S La Senda Drive City: Laguna Beach

Developer/Property Owner: C.H. Anderson Construction (Developer); Matt Hawkins (Property Owner)

Contact: Matt Hawkins Phone #: (801) 913-4560, hawkinsmatt44@gmail.com

Monitor on site? Yes No

Monitor: None Phone #: _____

MLD Date Contacted: 6/2/2025 Via Phone Via Email Date Accepted: 6/2/2025

MLD Tribe: Juaneno Band of Mission Indians Acjachemen Nation - Belardes

MLD Contact: Joyce Perry, Cultural Resource Director Phone #: (949) 293-8522, kaamalam@gmail.com

Final Disposition: _____ Disposition Date: _____

Comments:

5/30/25 email from Chad Anderson stated Joyce Perry was the N.A. Monitor. Per Cody's conversation with Chad Anderson on 6/12, the Coastal Commission is the lead agency for the project, the discovery occurred on 5/28/2025, and there were no Native American monitors on site at the time of the discovery.

EXHIBIT 2



MLD Designation: 104 La Senda Project, Laguna Beach, Orange County

From Green, Andrew@NAHC <Andrew.Green@nahc.ca.gov>

Date Mon 6/2/2025 1:37 PM

To kaamalam@gmail.com <kaamalam@gmail.com>; hawkinsmatt44@gmail.com <hawkinsmatt44@gmail.com>; chad@chaproperties.com <chad@chaproperties.com>

Cc matias.belardes@hotmail.com <matias.belardes@hotmail.com>; mckrueger@ocsheriff.gov <mckrueger@ocsheriff.gov>; Campagne, Cody@NAHC <Cody.Campagne@nahc.ca.gov>

Good afternoon,

This email serves as notification that the Juaneno Band of Mission Indians Acjachemen Nation – Belardes has been designated as Most Likely Descendant (MLD) for the Native American human remains recently discovered during the 104 La Senda Project, located at 104 S La Senda Drive in Laguna Beach, Orange County. The remains are currently being secured on-site, and the points of contact for the MLD, property owner, and project manager are as follows:

Most Likely Descendant (MLD): Juaneno Band of Mission Indians Acjachemen Nation – Belardes

Contact: Joyce Perry, Cultural Resource Director

Phone#: (949) 293-8522

Email: kaamalam@gmail.com

Property Owner: Matt Hawkins

Phone#: (801) 913-4560

Email: hawkinsmatt44@gmail.com

Project Manager: Chad Anderson, C.H. Anderson Construction

Phone#: (818) 606-4526

Email: chad@chaproperties.com

If you have any questions, please feel free to let me know.

Regards,

Andrew Green

Native American Heritage Commission

1550 Harbor Blvd., Suite 100

West Sacramento, CA 95691

Andrew.Green@nahc.ca.gov

Direct Line: (916) 573-1072

Office: (916) 373-3710

EXHIBIT 3

From: Chad Anderson
To: Campagne, Cody@NAHC
Subject: Re: Follow-Up
Date: Friday, July 11, 2025 11:16:54 AM
Attachments: [image001.png](#)

Hi Cody,

On June 2, 2025, Nathan Banda, another representative from his tribe, Christ Morgan, an archaeologist with LSA, and I met on-site to discuss the ancestral remains. During the meeting, Nathan presented the attached documentation including a business card and a letter of credential. Nathan then determined that removing the remains would be the best path forward. Based on his credentials, I was led to believe that he was the MLD and that he had the authority to remove the bones if necessary. He then proceeded to remove them from the site, with the suggestion that if the remains needed to be returned to the site, he would do so without hesitation.

Best,

On Fri, Jul 11, 2025 at 10:07 AM Campagne, Cody@NAHC
<Cody.Campagne@nahc.ca.gov> wrote:

Good morning, Chad,

Thank you for your response and for sharing the attachments. However, I'm still unclear about the specific circumstances surrounding the removal of the ancestral remains by Nathan Banda on June 2, 2025.

Could you please describe what occurred from the time Mr. Banda arrived on site to when he left with the remains? Specifically, what was said or presented by Mr. Banda that led to the removal of the skull, and did he state or indicate that he was the designated Most Likely Descendant (MLD)?

Regards,

Cody Campagne

Staff Services Manager I

Native American Heritage Commission

1550 Harbor Blvd., Suite 100

West Sacramento, CA 95691

NATHAN K. BANDA
TRIBAL CHAIRMAN

nbanda@jbmian.com

949-426-8804

jbmian.com

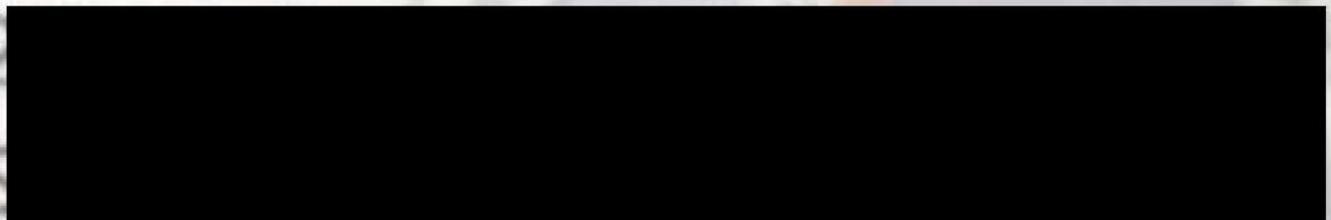
 [jbmi_an](https://www.instagram.com/jbmi_an)

31411-A La Matanza Street
San Juan Capistrano, CA 92675



Juaneño Band of Mission Indians
Acjachemen Nation

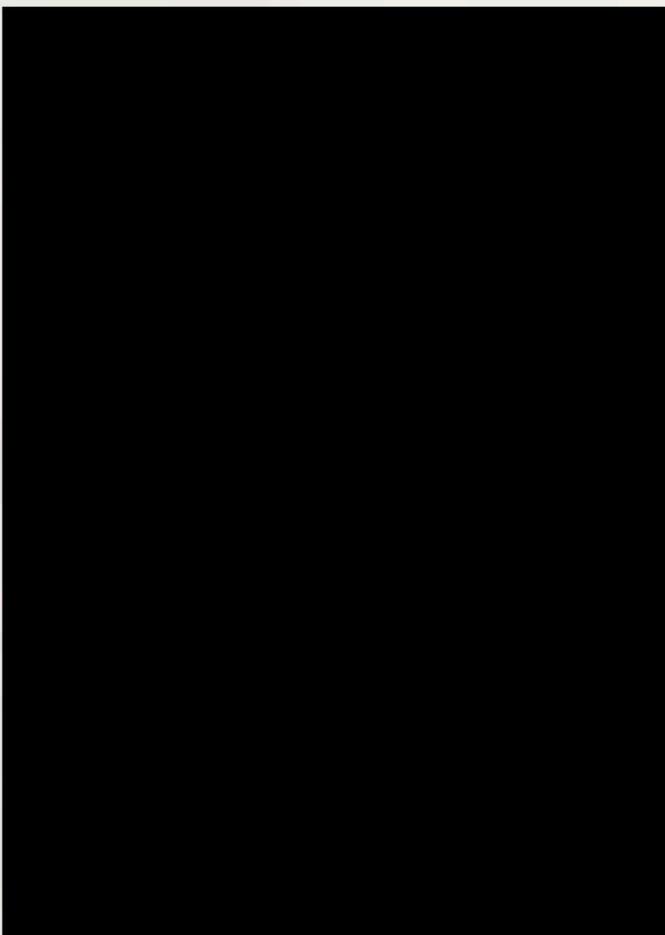
Nathan Banda



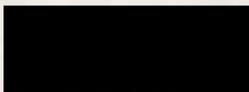
Chairman

Historic Ancestor:
Magdalena

Ancestral Village:
Alauna Gevet Putuidem



3263

Tribal ID: 
Expires 12-31-2025



Juaneño Band of Mission Indians Acjachemen Nation

Tribal Council

Nathan K Banda • Chairman
Andrew C. Lara • Vice Chair
Shannon Wingfield • Secretary
Frank Barraza • Member at Large
Georgia “Chena” Edmundson • Member at Large

May 29, 2025

Orange County Sheriff's Department
Coroner Office, Orange County, CA

RE: Custody and Authority over Ancestral Remains – Clarification of Tribal Lineage and Jurisdiction

To Whom It May Concern,

On behalf of the duly elected Tribal Government of the Juaneño Band of Mission Indians, Acjachemen Nation, I am writing to formally assert that **Joyce Perry is not a descendant of the Juaneño Band of Mission Indians, Acjachemen Nation**, nor does she hold any recognized position or authority within our tribal government or cultural preservation department. Therefore, she does not have legitimate standing to represent or make decisions on behalf of our Tribe or its cultural resources.

Our tribal government maintains full stewardship over our cultural resources, ancestral remains, and traditional knowledge. We are engaged in ongoing efforts to ensure compliance with all local, state, and federal cultural preservation regulations, including those outlined in NAGPRA and CalNAGPRA. Recognizing the sanctity of these remains and our spiritual obligations to our ancestors, we request an immediate review and transfer of custody to our authorized representatives.

Please direct all communications on this matter to my office. We are prepared to work collaboratively with your department to ensure that all cultural protocols and legal standards are met during this process.

Thank you for your attention and cooperation in returning our ancestors to their rightful caretakers.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nathan K. Banda', with a large, sweeping flourish extending to the right.

Nathan K. Banda

Tribal Chairman

Juaneño Band of Mission Indians, Acjachemen Nation

www.jbmian.com

949-426-8804

EXHIBIT 4



Juaneño Band of Mission Indians **Acjachemen Nation** **Tribal Council**

Nathan K. Banda · Chairman
Andrew C. Lara · Vice Chair
Shannon Wingfield · Secretary
Frank Barraza · Member at Large
Georgia "Chena" Edmundson · Member at Large

June 3, 2025

Mr. Andrew Green
Native American Heritage Commission
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691

Dear Mr. Green,

I am writing to formally identify Nathan K. Banda as the Most Likely Descendant (MLD) in relation to the ancestral human remains discovered on Thursday, May 29, 2025, at 104 S. La Senda Drive, Laguna Beach, CA 92651.

Mr. Banda is a documented lineal descendant of the Acjachemen people and maintains direct genealogical ties to the historic villages of Putuidem and Gevet—two traditional sites of cultural and familial significance to our Nation (see attached map) which are both within 10 miles of the above location. His status as MLD is supported by verified genealogical records and tribal enrollment documentation, which are included for your review. Nathan K. Banda is also the duly elected Chairman of the Juaneño Band of Mission Indians, Acjachemen Nation.

For official correspondence or further inquiry, Mr. Banda can be reached at:

Nathan K. Banda
3141-A La Matanza Street
San Juan Capistrano, CA 92675
Phone: (949) 426-8804
Email: nbanda@jbmian.com

We respectfully request that the Native American Heritage Commission formally recognize Mr. Banda as the MLD for this case, in accordance with the provisions set forth under California law. We appreciate your continued guidance and support throughout this process and are available to provide any additional information or documentation as needed.

Thank you for your time and consideration.



Sincerely,

Andrew C. Lara

Vice Chairman

Juaneño Band of Mission Indians, Acjachemen Nation

alara@jbmian.com

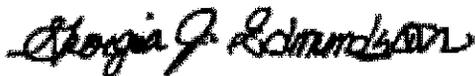


Shannon Wingfield

Tribal Secretary

Juaneño Band of Mission Indians, Acjachemen Nation

swingfield@jbmian.com



Georgia Edmundson

Tribal Secretary

Juaneño Band of Mission Indians, Acjachemen Nation

gedmundson@jbmian.com



Frank Barraza

Member at Large

Juaneño Band of Mission Indians, Acjachemen Nation

fbarraza@jbmian.com

EXHIBIT 5

Carr, Michelle@NAHC

From: Campagne, Cody@NAHC
Sent: Wednesday, June 4, 2025 11:21 AM
To: NATHAN BANDA
Cc: Heidi Lucero; Chris Lobo; Shannon Wingfield; Green, Andrew@NAHC; Quinn, Steven@NAHC
Subject: RE: :Re evaluation of MLD designation

Good afternoon, Chairman Banda,

Thank you for your email and for the opportunity to address your concerns. The Native American Heritage Commission (NAHC) has named the Juaneño Band of Mission Indians Acjachemen Nation – Belardes as the Most Likely Descendant (MLD) for the project at 104 S La Senda Drive in Laguna Beach, CA. Under Public Resources Code § 5097.98, the NAHC holds the sole legal authority to designate MLDs.

To clarify the concerns addressed by Ms. Lucero, the NAHC is not claiming that Joyce Perry is the MLD. Rather, the NAHC designated the Juaneño Band of Mission Indians Acjachemen Nation – Belardes as the MLD and Ms. Perry serves as a representative of the Tribe in this capacity.

If you have any questions, please do not hesitate to contact me at cody.campagne@nahc.ca.gov.

Regards,

Cody Campagne

Staff Services Manager I
Native American Heritage Commission
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
(916) 373-3710



From: Shannon Wingfield <swingfield@jbmian.com>
Sent: Tuesday, June 3, 2025 5:49 PM
To: Green, Andrew@NAHC <Andrew.Green@nahc.ca.gov>
Cc: NATHAN BANDA <nbanda@jbmian.com>; Heidi Lucero <hllucero105@gmail.com>; Chris Lobo <nativehandslobo@gmail.com>
Subject: :Re-evaluation of MLD designation

You don't often get email from swingfield@jbmian.com. [Learn why this is important](#)

EXHIBIT 6



Juaneño Band of Mission Indians

Acjachemen Nation

Tribal Council

Nathan K. Banda · Chairman
Andrew C. Lara · Vice Chair
Shannon Wingfield · Secretary
Frank Barraza · Member at Large
Georgia “Chena” Edmundson · Member at Large

June 4, 2025

Dear Mr. Campagne,

Thank you for your response and clarification regarding the MLD designation for the project at 104 S. La Senda Drive in Laguna Beach, California.

We respectfully request further clarification on the basis for the Commission’s designation of the Juaneño Band of Mission Indians Acjachemen Nation – Belardes as the Most Likely Descendant (MLD). Our Nation—the Juaneño Band of Mission Indians, Acjachemen Nation—is the only sovereign tribal government representing the Acjachemen people. We are recognized by the State of California and are currently engaged in the federal acknowledgment process with the United States government. Our leadership, including Tribal Chairman Nathan Banda, has been actively involved in cultural resource protection and repatriation, aligning with Acjachemen law, history, and tradition.

To date, we have submitted comprehensive genealogical documentation that clearly demonstrates that neither Ms. Joyce Perry nor any individual associated with the “Belardes” faction possesses lineal descent from the ancestral remains discovered at the project site. These findings are supported by our tribal enrollment records and lineage data, which have been previously provided to the Commission. Furthermore, our Nation already has custody of some of the remains recovered at this location, which we fully intend to rebury in accordance with Acjachemen traditional protocol. It is imperative that the wishes of the legitimate, lineal Acjachemen descendants—and the sovereign tribal government entrusted with protecting them—are honored in this process.

We ask again: what specific criteria or evidence did the Commission rely on in making its designation, despite the clear absence of lineal descent? We request that this decision be reviewed and reconsidered in light of the documentary evidence and the sovereign standing of our Nation.

Thank you for your attention to this matter. We are available to provide any additional information necessary and remain committed to ensuring respectful and lawful handling of our ancestors.

Respectfully,



Nathan K. Banda

Tribal Chairman

Juaneño Band of Mission Indians, Acjachemen Nation

nbanda@jbmian.com



Shannon Wingfield

Tribal Secretary

Juaneño Band of Mission Indians, Acjachemen Nation

swingfied@jbmian.com

EXHIBIT 7

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd, ST.# 100, West Sacramento, CA 95691
916-373-3710, nahc@nahc.ca.gov

June 5, 2025

Nathan K. Banda, Chairman
Juaneño Band of Mission Indians – Acjachemen Nation

Submitted via Electronic Mail to: nbanda@jbmian.com

Re: Violation of Health and Safety Code Section 7050.5

Dear Chairman Banda,

This letter is written in response to your June 4, 2025, correspondence, notifying you that the Juaneño Band of Mission Indians -Acjachemen Nation's possession of inadvertently discovered Native American human remains when it was not designated by the Commission as the Most Likely Descendant is a misdemeanor as provided for in Health and Safety Code section 7050.5 (a).

On May 29, 2025, the Orange County coroner notified the Commission that Native American human remains were inadvertently discovered at 104 South La Senda Drive in Laguna Beach, California. After reviewing internal documents Commission staff identified the Juaneño Band of Mission Indians Acjachemen Nation – Belardes, as the Most Likely Descendant under Public Resources Code section 5097.98.

In your June 4th letter you state that the Juaneño Band of Mission Indians – Acjachemen Nation, "already has custody of some of the remains recovered at this location, which we fully intend to rebury." Be advised that Health and Safety Code section 7050.5 subsection (a) provides that with few exceptions, including being named the Most Likely Descendant under Public Resources Code section 5097.98, "every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor." Because the Acjachemen Nation was not designated the Most Likely Descendant for the human remains found at this location, your removal of the remains from the site and continued possession is illegal.



CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

SECRETARY
Sara Dutschke
Miwok

PARLIAMENTARIAN
Wayne Nelson
Luiseño

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Reid Milanovich
Cahuilla

COMMISSIONER
Bennae Calac
Pauma-Yuima Band of
Luiseño Indians

COMMISSIONER
Vacant

ACTING EXECUTIVE
SECRETARY
Steven Quinn

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

If these human remains are not immediately returned to the project site or transferred to the properly designated Most Likely Descendant, the Juaneño Band of Mission Indians Acjachemen Nation – Belardes, you will be subject to legal action. Furthermore, this matter has been referred to the Department of Justice's Office of Native American Affairs.

Sincerely,

Michelle A. Carr

Michelle A. Carr
Chief Counsel

CC:
California Department of Justice, Office of Native Affairs
Reginald Pagaling, Chairman, NAHC

EXHIBIT 8

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd, ST.# 100, West Sacramento, CA 95691

916-373-3710, nahc@nahc.ca.gov

June 19, 2025

Nathan K. Banda, Chairman
Juaneño Band of Mission Indians – Acjachemen Nation 84A
Submitted via Electronic Mail to: nbanda@jbmian.com

Re: Human Remains Illegally Removed from 104 S. La Senda Drive, Laguna Beach

Dear Chairman Banda,

On June 5, 2025, the Native American Heritage Commission (NAHC) directed you to immediately return the illegally removed human remains to the above referenced project site or to the designated Most Likely Descendant, the Juaneño Band of Mission Indians Acjachemen Nation – Belardes. Although you have asserted that your group is the Most Likely Descendant of the human remains, pursuant to Public Resources Code section 5097.98, the sole authority to make this designation is the NAHC.

To date, you have failed to comply with the June 5, 2025, directive. Your disregard for the law and the NAHC's statutory authority is so egregious that you have forced the NAHC to take immediate action. As such, you are directed to return the human remains to the project site or to the designated Most Likely Descendant the Juaneño Band of Mission Indians Acjachemen Nation – Belardes, by 1pm on June 20, 2025. Failure to do so will result in your tribe no longer being named a Most Likely Descendent pending a public hearing that will be conducted at our August 1, 2025, meeting.

Sincerely,

Steven Quinn

Steven Quinn
Acting Executive Secretary

Cc:
Reginald Pagaling, Chairperson, NAHC
Michelle Carr, Chief Counsel, NAHC

CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

SECRETARY
Sara Dutschke
Miwok

PARLIAMENTARIAN
Wayne Nelson
Luiseño

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Reid Milanovich
Cahuilla

COMMISSIONER
Bennae Calac
Pauma-Yuima Band of
Luiseño Indians

COMMISSIONER
Vacant

ACTING EXECUTIVE
SECRETARY
Steven Quinn

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

EXHIBIT 9



FW: Human Remains Illegally Removed from 104 S. La Senda Drive

From Quinn, Steven@NAHC <Steven.Quinn@nahc.ca.gov>

Date Fri 6/20/2025 11:48 AM

To Carr, Michelle@NAHC <Michelle.Carr@nahc.ca.gov>; Campagne, Cody@NAHC <Cody.Campagne@nahc.ca.gov>

2 attachments (590 KB)

Ltr 104LaSenda- Banda Final.pdf; NAHC Response to Juaneño Band of Mission Indians.pdf;

Just received this response from JBMIAN – Banda.

Regards,

Steven Quinn
Acting Executive Secretary
Native American Heritage Commission
1550 Harbor Blvd., Ste 100
West Sacramento, CA 95691
(916) 373-3710



From: NATHAN BANDA <nbanda@jbmian.com>

Sent: Friday, June 20, 2025 11:44 AM

To: Quinn, Steven@NAHC <Steven.Quinn@nahc.ca.gov>

Subject: Re: Human Remains Illegally Removed from 104 S. La Senda Drive

Dear Commissioner's & NAHC Staff,

On behalf of the Juaneño Band of Mission Indians, Acjachemen Nation, I would like to inform you that our Tribal Council is currently in the process of retaining legal counsel to assist with our next steps.

Due to this ongoing process, we appreciate your understanding and patience as we take the necessary steps to ensure an appropriate and informed reply.

Respectfully,

Nathan K. Banda

Tribal Chairman

Juaneño Band of Mission Indians, Acjachemen Nation

Sent from my iPhone

On Jun 19, 2025, at 9:02 AM, NATHAN BANDA <nbanda@jbmian.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: "Quinn, Steven@NAHC" <Steven.Quinn@nahc.ca.gov>
Date: June 19, 2025 at 8:51:45 AM PDT
To: NATHAN BANDA <nbanda@jbmian.com>
Cc: "Carr, Michelle@NAHC" <Michelle.Carr@nahc.ca.gov>, "Pagaling, Reginald@NAHC" <Reginald.Pagaling@nahc.ca.gov>, "Pallari, Mario@NAHC" <Mario.Pallari@nahc.ca.gov>
Subject: Human Remains Illegally Removed from 104 S. La Senda Drive

Good morning, Chairman Banda,

Please find attached a letter regarding the illegal removal of human remains at 104 S. La Senda Drive in Laguna Beach, California. This letter is in addition to the attached letter provided by Chief Counsel Carr on June 5, 2025.

Regards,

Steven Quinn
Acting Executive Secretary
Native American Heritage Commission
1550 Harbor Blvd., Ste 100
West Sacramento, CA 95691
(916) 373-3710



STATE OF CALIFORNIA
**NATIVE AMERICAN
HERITAGE COMMISSION**

VIA E-MAIL ONLY

July 28, 2025

California Native American Heritage Commission
1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691
(916) 373-3710
nahc@nahc.ca.gov

RE: RESPONSE OF THE JUANENO BAND OF REGARDING ANCESTRAL REMAINS
DISCOVERED AT 104 S. LA SENDA DRIVE, LAGUNA BEACH

Dear Chairperson Pagaling and Honorable Commissioners,

The objections and proposals herein are respectfully submitted on behalf of the Juaneno Band of Mission Indians, Acjachemen Nation, and Chairman Nathan Banda (hereinafter, "Juaneno"). As previously advised by the Chairman Banda, the Juanenos required time to obtain legal counsel to address this matter. Knowing that this process was underway, the Native American Heritage Commission should have afforded them a reasonable amount of time to complete that process, and to communicate with legal counsel regarding the dispute. This office was recently retained and is the appropriate contact to discuss and resolve this matter.

The Juanenos object to the NAHC's prejudgment and improper determination that the remains were illegally removed. As the commission is aware, it failed to identify an MLD within the statutory time frame. In fact, an MLD was not designated until 5 days after the discovery. Moreover, as the MLD is aware, the Juanenos have historically and consistently disputed the ancestral and lineal connection claimed by the Balardes group to the geographic location of this Site. Furthermore, the Juanenos were just informed that the Coroner's office and police department have been directed to contact the The Westerners: The First People of Earth Mother, upon a discovery. This fundamentally interferes with the MLD designataion process and raises serious questions of intentional interference with the alleged rotation process. This issue will be further addressed under separate cover.

That said, the Juanenos propose reinternment of the remains on the Site between August 1, 2025 and August 15, 2025, in coordination and cooperation with the Belardes group. This has been approved by the property owner.

Please contact me to further discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kara E. Grant". The signature is written in a cursive, flowing style.

Kara E. Grant, Esq.
Counsel for the Juaneno Band of Mission Indians, Acjachemen Nation



Juaneño Band of Mission Indians Acjachemen Nation

July 30, 2025

To: Honorable Commissioners, California Native American Heritage Commission (NAHC)
Re: Public Comments for Agenda Item No. 7 – August 1, 2025
Subject: Opposition to Proposed Suspension of Most Likely Descendant (MLD) Designation – Juaneno Band of Mission Indians, Acjachemen Nation 84A

Dear Honorable Commissioners,

I respectfully submit the following formal comment on behalf of myself, Heidi Lucero, the Tribal Historic Preservation officer for the **Juaneno Band of Mission Indians, Acjachemen Nation 84A**, regarding Agenda Item No. 7, scheduled for public hearing on August 1, 2025:

“Consideration of Suspension of Most Likely Descendant Designation for the Illegal Removal of Human Remains.”

The Commission's consideration of punitive action against our Tribe raises grave concerns regarding procedural fairness, legal authority, and the violation of our **inherent sovereign rights** as an Indigenous Nation of California.

I. Violation of Inherent Tribal Sovereignty

The Juaneno Band of Mission Indians, Acjachemen Nation 84A, is a sovereign Indigenous entity. Our powers of self-governance are not granted by the federal or state government; they are inherent, retained from our status as a historically autonomous political and cultural community. This sovereignty includes, among other things, the exclusive right to define tribal citizenship, manage internal affairs, and steward our ancestral heritage.

Since 2008, our Tribe has adhered to clear, historically grounded criteria for enrollment based on the **Office of Federal Acknowledgment's Proposed Findings**, which define “documented San Juan Capistrano Indians” as:

“Individuals identified as Indians ‘of the San Juan Capistrano Mission’ in the registers of Mission San Juan Capistrano before its secularization in 1834... or identified on Indian censuses or other historic documents from the early-to-mid 19th century.”

The legitimacy of our criteria and the exclusion of other groups—such as the Belardes Group and Ms. Joyce Stanfield Perry—has been long-standing, thoroughly documented, and repeatedly communicated to the Commission.

II. Non-Compliance with Executive Orders B-10-11 and N-15-19

The State of California, through **Executive Order B-10-11**, explicitly recognizes and reaffirms “the inherent right of California Tribes to exercise sovereign authority over their members and territory.” The Commission’s actions in this matter directly undermine that right by favoring a non-lineal descendant group, disregarding tribal determination of membership, and interfering with our ability to care for our ancestors.

Moreover, Executive Order **N-15-19**, establishing a framework for Truth and Healing, calls upon state entities to engage with California Native American communities in a respectful, informed, and equitable manner. The Commission’s current posture toward our Tribe—and its refusal to meaningfully respond to our concerns—constitutes a violation of that directive.

III. Improper Reliance on CDIB Documentation

The use of **Certificates of Degree of Indian Blood (CDIB)** as proof of tribal identity is not only inappropriate but fundamentally flawed. The Bureau of Indian Affairs ceased issuing CDIBs for non-federally recognized tribes in California as of July 2000, acknowledging concerns that such certificates are unreliable indicators of lineal descent and can undermine tribal self-determination.

Membership eligibility is the exclusive right of each sovereign tribe to determine. Reliance on CDIBs, particularly for non-federally recognized entities, in the MLD designation process is legally indefensible and unsupported by state or federal policy.

IV. Use of Underground Regulations in Violation of the APA

The Commission’s current regulatory framework for MLD designation lacks formal codification under the **California Administrative Procedure Act (APA)**. The NAHC appears to be operating under de facto rules and procedures—so-called “**underground regulations**”—which are impermissible under California law.

As defined under Government Code §11340.5, an underground regulation is any rule of general application adopted by a state agency that has not been properly filed with the Office of Administrative Law. Any actions taken under such informal guidelines lack legal force and expose the Commission to significant procedural challenges.

V. Violation of the American Indian Religious Freedom Act (AIRFA)

The **NAHC’s denial of our Tribe’s right to conduct reburial ceremonies for unearthed ancestors** constitutes a direct violation of the **American Indian Religious Freedom Act (42 U.S.C. §1996)**. By compelling the transfer of ancestral remains to a non-lineal descendant group, the Commission is obstructing our religious and cultural practices and inflicting irreparable harm upon our spiritual traditions and obligations.

VI. Lack of Due Process and Transparency in MLD Determination

Despite repeated requests from the Tribe—including a formal request by our Tribal Historic Preservation Officer on June 3, 2025—for reconsideration and explanation of the Most Likely Descendant designation granted to the Belardes Group, the Commission has failed to provide any substantive response or justification. Communications from NAHC staff have been evasive and have circumvented direct engagement with our THPO and Tribal Council.

We question the objectivity of the Commission and its staff in this matter, particularly in light of the abundant historical, genealogical, and territorial evidence demonstrating the Belardes Group's lack of cultural affiliation to the ancestral sites in question.

VII. Request for Immediate Action

Prior to any consideration of disciplinary action against our Tribe, we urge the Commission to:

1. **Immediately suspend further reliance on uncodified MLD procedures**, pending full APA-compliant rulemaking;
2. **Conduct a comprehensive review of the Belardes Group's eligibility**, with full tribal consultation and presentation of opposing documentation;
3. **Cease reliance on CDIBs** and other invalid metrics that override tribal sovereignty;
4. **Comply with Executive Orders B-10-11 and N-15-19** by respecting the Juaneno Band's internal governance, heritage claims, and cultural responsibilities;
5. **Affirm our religious freedom under AIRFA** by ensuring our Tribe retains the right to care for and reinter our ancestors according to traditional Acjachemen practices.

VIII. Final Appeal

The Juaneno Band of Mission Indians, Acjachemen Nation 84A, seeks only to protect our sacred responsibilities to our ancestors and future generations. We ask that you, as Commissioners, reflect on the legal and moral implications of your decisions and actions. Do not allow procedural shortcuts and politically motivated designations to override the centuries-old cultural ties and sovereign rights of our people.

Respectfully submitted,

Heidi Lucero-Tribal Historic Preservation Officer

Juaneno Band of Mission Indians, Acjachemen Nation (84A)

THPO@jbmian.com