

## CASE NOTES

CASE #

99-05178-11

1-10-7

DATE  
&  
TIME

PAGE # \_\_\_\_\_

11-22-99

1145

REC. CALL FROM NANCY DESAUTELS 909-767-2555 AT THE BOLSA CHICA SITE ORA-83. SIMILAR BONES AS PREVIOUS HAVE BEEN DISCOVERED. THEY ARE STILL IN GROUND AND WILL NOT BE MOVED UNTIL AFTER THE HOLIDAYS, 11-29-99. PAUL LANGERWALTERS WILL BE ONSCENE IN A COUPLE OF HOURS TO EXAMINE. (ES)

1150

ADVISED BE OF CIRCS, REQUESTED JUDY SUCHEY BE ADVISED OF CIRCS. (ES)

1215

PAGED DR. SUCHEY (ES)

1320

REC. CALL FROM DR. SUCHEY, I ADVISED HER OF CIRCS. SHE STATED THAT PAUL LANGERWALTERS IS QUALIFIED TO MAKE DETERMINATION IF ANCIENT OR MODERN. PAUL DID LOOK AT PREVIOUS BONES. JUDY SUGGESTED THAT PAUL CALL SUCHEY HER WITH REPORT OR CALL FSC WITH FINDINGS. (ES)

11-23-99

1350

REC. CALL FROM PAUL LANGERWALTERS WHO EXAMINED BONES AT SITE ORA-83 TODAY. PAUL STATED THAT REMAINS THAT HE CAN ID ARE PREHISTORIC. THERE APPEARS TO BE A TIBIA SHAFT, TWO FEMURALS AND A HAT BONE THAT IS PARTIALLY EXPOSED AND APPEARS TO BE A FIBULA. HE STATED THAT THIS IS SOMETHING THAT SHOULD INTEREST US. PAUL ALSO STATED THAT SEVERAL REPRESENTATIVES FROM AMERICAN HERITAGE WERE PRESENT THIS AM DURING HIS EXAM. BONES WILL BE LEFT IN GROUND UNTIL AFTER HOLIDAYS. (ES)

ATTACHMENT NO. 5.92

**Judy Myers Suchey, Ph.D.**

FORENSIC ANTHROPOLOGIST

CONSULTANT TO THE MEDICAL EXAMINER/CORONER  
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

ME

99-8  
ME

714-647-7426

PROFESSOR  
DEPARTMENT OF ANTHROPOLOGY  
CALIFORNIA STATE UNIVERSITY  
P.O. BOX 6846  
FULLERTON, CA 92834-6846

PHONES 714-524-1265  
714-773-3706  
FAX 714-524-5150  
BEEPER 714-295-0591

FAX

To  
Orange County Coroners Investigators  
Meader  
Ellingburgh  
Lyle

Please see my report on 99-05178ME to follow.

In the past, I was always told when a Coroner's Investigator would accompany me to the site of construction bones. If I was not told that an investigator would go, it was assumed that I would go alone. In this case, in my discussions with Ellingburgh and Lyle, there was no mention of an accompanying investigator.

Next time I get a call, I will specifically ask, WILL I BE GOING WITH AN INVESTIGATOR? This will eliminate misunderstandings.

Sincerely,

*Judy Suchey*

ATTACHMENT NO. 5.93

99-9

**Judy Myers Suchey, Ph.D.**

**FORENSIC ANTHROPOLOGIST**

CONSULTANT TO THE MEDICAL EXAMINER/CORONER  
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO



August 5, 1999

PROFESSOR  
DEPARTMENT OF ANTHROPOLOGY  
CALIFORNIA STATE UNIVERSITY  
P.O. BOX 6846  
FULLERTON, CA 92834-6846

In situ examination of skeletal remains at  
construction site ( Orange County Coroner Case 99-05178ME)

PHONES 714-524-1265  
714-773-3706  
FAX 714-524-5150  
BEEPER 714-295-0591

On August 4, I went to the construction site at the intersection of Bolsa Chica and Los Patos in Huntington Beach. At this location skeletal fragments were found underneath a Native American artifact in bulldozed area where the construction of condominiums is planned. The archaeological company involved in the mitigation is SRS (Scientific Resource Surveys). This location is near the former archaeological site CA-Ora-83 where I did an in situ examination of remains on October 12, 1993. I do not have a Coroner's case number in my file for that visitation but I have a one page report with attachments.

At the site on August 4 I talked with Lisa Woodward (of SRS) 909-323-9340 who explained to me the situation surrounding the skeletal fragments. I identified them as human (based on the left orbit--largely zygomatic and incisor tooth); prehistoric (based on severe dental attrition on the tooth, coloration and mineralization of bone). The remains are extremely fragmentary--consisting of only one tooth and multiple small fragments of cranium. The remains are consistent with being from a single individual. Woodward told me that Robert Beer (President of the company 909-767-2555) had already phoned the Native American Heritage Commission with a tentative diagnosis.

I indicated that the Orange County Coroner would be making official notification. David Belardes (Native American) was at the site at the time of my visit. I instructed Lisa Woodward to call the Orange County Coroner again if additional human remains are found in the area. The construction is over so it is not likely that there will be additional finds. The plan was to remove the area surrounding the remains and keep them in the lab of SRS. The remains would be held until the construction had been totally finalized and then the remains could be reburied.

If the Coroner has further instructions, Lisa Woodward can be notified. If new calls come in regarding remains I suggest that the investigator (Meader) speak with me on the phone and we can make suggestions as to the best manner to handle the situation. The nearby site Ora-83 was a highly controversial site where multiple burials of great antiquity became the subject of a dramatic controversy between environmentalists and developers. To avoid a re-play of this drama, the Coroner needs to keep track of the number of burials being found at this location. Hopefully, the one observed on August 4 will be the only one.

Photographs were taken to document the evidence.

**FURTHER ACTION NEEDED:**

Native American Heritage Commission should be notified by Inv. Meader or other Coroner personnel.

ATTACHMENT NO. 5.94

Judy Myers Sweeney, Ph.D.

FORENSIC ANTHROPOLOGIST

CONSULTANT TO THE MEDICAL EXAMINER/CORONER  
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

August 10, 1999

*J. M. Sweeney*

Further communication regarding 99-05178ME

PROFESSOR  
DEPARTMENT OF ANTHROPOLOGY  
CALIFORNIA STATE UNIVERSITY  
P.O. BOX 8846  
FULLERTON, CA 92834-8846PHONES 714-624-1285  
714-773-3708  
FAX 714-624-3150  
BEEPER 714-293-0361

I learned from a phone call with Joyce Perry that SRS and the Native Americans had reburied the skeletal remains reported in my report of August 5, 1999 (site visitation on August 4, 1999). The agreement at the site was that SRS was to hold the remains in their lab until the end of the site construction. It was also understood that if there was any further discussion of any matter that the investigator on the case (Meader) was to be called. Their reburial was clearly a violation of the agreement at the site visitation.

I recommend that in the future when there are any skeletal remains found by SRS that the Coroner officially supervise or take control of the excavation and remove the remains, taking them to the Coroner facility until an appropriate time.

ATTACHMENT NO. 5.95

# Discovery of Bones Stirs Furor Over Koll Project

■ **Land use:** Fragments of ancient human remains were found at Bolsa Chica mesa site. Court hearing today may be too late, archeologists fear.

By JANET WILSON  
TIMES STAFF WRITER

Ancient human remains have been found at a development site on the Bolsa Chica mesa, adding to the furor over the controversial housing project.

Skeletal fragments were unearthed last week during grading at a 6-acre site where homes are planned on a bluff overlooking the Bolsa Chica wetlands.

Activists monitoring the project say they are concerned that an entire burial ground may have been destroyed.

"This is a big deal," said Juana Mueller of the Bolsa Chica Land Trust, which is seeking a temporary restraining order to stop bulldozing at the site.

The bones, uncovered Aug. 4 by a scraper blade, could be as old as 8,000 years, she said. "That's way before the pyramids. That's real prehistory."

Hearthside Homes, formerly Koll Real Estate Group, plans to build 16 houses on the site, which is near Los Patos and Bolsa Chica avenues in Huntington Beach.

Officials at the company did not return calls seeking comment.

Judy Myers Suchey, the consulting forensic anthropologist who viewed the find last week, prepared a report for the Orange County coroner's office stating that the remains—cranial bone fragments and a tooth—are prehistoric.

"It's quite possible," she said Tuesday, that a burial ground has been destroyed by the grading.

But Lisa Woodward, a staff archeologist for the firm that has been monitoring the construction site for the builder, said she does not think that is the case.

News of the discovery came on the eve of a hearing scheduled this after-

Please see REMAINS, B7



KEVIN P. CASEY / Los Angeles Times

Workers continue to excavate land where 16 homes are to be built.

## REMAINS

**Continued from B1**  
noon in Orange County Superior Court on the land trust's request to stop the bulldozing, which also has drawn the ire of environmentalists.

The grading, though, is already completed, several officials said.

"Further complicating the issue are conflicting accounts of who has the bones.

David Belardes, chairman of the Juaneno Band of Mission Indians, said the remains have been turned over to him for reburial.

"We already have a designated reburial area on site," he said.

"That's what I do—I take care of the ancestors' remains. It's important because the ancestors need to be left alone and laid to rest. When we have a development like this, we try to put them in a place where they'll never be disturbed again."

But archeologist Woodward of Scientific Resource Surveys, which is monitoring the site, said she has remains under lock and key. She said she saw the bone frag-

ments in the company's possession Tuesday at the site.

She and another monitor have watched all the grading activity, she said, and no other human remains have been unearthed.

Patricia Martz, an archeologist and professor of anthropology at Cal State Los Angeles, said Tuesday she feels sick about the grading at the site, which is adjacent to where a giant prehistoric village once stood.

She has tracked the housing development closely and had pushed Huntington Beach officials to require more detailed testing before the bulldozing began.

When she heard about the human remains found last week, she said, she feared that an invaluable site had been destroyed.

"It's possible there could just be an isolated burial," she said, "or there could have been a whole burial ground."

"There's a range of possibilities. You just can't see under the ground to know, and now that it's been destroyed, that means we'll never know what was there."

09-12

ORANGE COUNTY SHERIFF – CORONER DEPARTMENT

FAX COVER SHEET

TO: Flossie Horgan PHONE: \_\_\_\_\_ FAX: 714 536-7262

ORGANIZATION Bolsa Chica Land Trust

FROM: Le'Lonnie PHONE: (714) 647-7400 FAX: (714) 647-6122

DATE: 02/21/08 NUMBER OF PAGES (+COVER) 7

CORONER CASE/NAME: Several Indian or ancient bones cases

CLASSIFICATION OF DEATH: 99-05178-ME

ITEM(S) FAXED: TOX \_\_\_ MICRO \_\_\_ VOD \_\_\_ NEURO \_\_\_

NEUROMICRO \_\_\_ CI \_\_\_ SUMMARY X

NOTES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WARNING/CONFIDENTIAL**

This facsimile transmission constitutes a confidential communication intended **only** for the addressee indicated above. Please notify us as soon as possible at the telephone number shown above of any error in transmission. Thank you for your cooperation.

ATTACHMENT NO 5.97

**PAONE  
CALLAHAN  
McHOLM  
& WINTON**

LAWYERS

ROBERT E. CALLAHAN  
RICHARD J. FOSTER  
ROGER A. GRABLE  
SUSAN K. HOFI\*  
KENNETH D. JOHNSON  
ALAN J. KESSEL  
JOHN LEHR\*\*

STEVEN A. McHOLM  
KATHLEEN CAROTHERS PAONE  
TIM PAONE  
MARCIA SCULLY  
DANIEL K. WINTON

\* ALSO ADMITTED IN DISTRICT OF  
COLUMBIA  
\*\* ALSO ADMITTED IN NEW YORK

February 14, 1994

VIA FAX

Judy Myers Suchey, Ph.D.  
Department of Anthropology  
California State University  
Fullerton, CA 92634

Re: Bolsa Chica

Dear Dr. Suchey:

Thank you for sending me your response to my letter. I appreciate you taking the time to review the articles and questions that I raised. During the last several days, one other item of information was presented to me regarding the release of your report to the newspapers. I know that you have stated that you did not send it to the press, and I believe you.

I have spent the last several days in discussions with the Coroner's office, however, regarding the release of the map that was attached to your report. I was particularly disturbed by the release of the map because, as you know, the location of archaeological sites is normally kept confidential to discourage site vandalism and destruction. The last thing I want to see is a map to and of ORA-83 published in the newspapers or shown on Huntington Beach public television. As a professional in your field, I am sure that you understand and share with me the sensitivity of this information.

I have been informed that the map was released because you requested the Coroner's office to release your report to Pat Ware. Absent your request, the map would not have been released so easily. I would like to know why you requested this information be disclosed to Ms. Ware. Did she make any representations to you regarding her need for this information? Given the fact that you spoke to her and discussed with her the existence of this report, why did you choose to give Ms. Ware the information, and were you made aware of her intentions to "go public" with your report? Given the sensitivity of archaeological sites, did it not occur to you to ask Ms. Ware what she intended to do with your report -- and more importantly -- what she intended to do with the map?

While I respect your request to be left out of any future discussions on this issue, you must understand that your decision to request the Coroner's office to release the report to Ms. Ware

02164717331

19100 VON KARMAN • 8th FLOOR • IRVINE, CALIFORNIA 92715 • 714-955-2900 • FAX: 714-955-9009  
POST OFFICE BOX 19613 • IRVINE, CALIFORNIA 92713-9613

ATTACHMENT NO. 5.98

95-10

Judy Myers Suchey, Ph.D.

February 14, 1994

Page 2

has had far-reaching consequences and that it has changed the way in which archaeological issues and the confidentiality of excavation sites will be treated in the future by the press and public. As I am preparing for a minimum of two more public hearings on this issue, a meeting of "most likely descendants," and will be briefing my client for interviews with the media -- the central focus of all being the disclosure and contents of your report -- I would like your response so that we can answer questions about the disclosure of your report more knowledgeably. Thank you in advance for faxing this information to me as soon as possible.

If you have any questions, or if I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,



Susan K. Hori

cc: Lucy Dunn (via fax)  
Nancy Desautels, Ph.D. (via fax)

1/2  
B

**THE JUANENO BAND OF MISSION INDIANS  
ACJACHEMEN NATION**

Chairperson: David Belardes  
Vice-Chairperson: Jean Frieze  
Member at Large: Alfonso Ollivares  
Treasurer: Adeline Williams

February 25, 1994

Judy Myers Suchey, Ph.D.  
Professor, Dept. of Anthropology  
California State University  
Fullerton, Ca 92634

RE: OUR ANCESTORS REMAINS FROM CA-ORA 83 and 423

Dear Judy,

Because of the recent press coverage and the lack of sensitivity surrounding our ancestors remains found at Bolsa Chica and Aliso Creek, I request that no further comments, maps or locations be revealed to the media, government officials, and or any other persons other than what the law requires.

I request that no photographs be taken of our ancestors and that any photographs previously taken be returned to the tribe. Also, it would only be appropriate that any reports written regarding our ancestors remains be submitted to the tribe first.

I have been in contact with Mr. Bisner, Mr. Lyles, and Ms. Gayle McNully regarding the possibility of having a workshop so that all parties will be clear of the policies and laws surrounding Native American remains.

In closing, I would hope you would consider using compassion when dealing with the "remains" of our great grandparents, mothers, fathers, sisters and brothers. Their spirits touch us deeply!

Sincerely,



David Belardes, Chairperson  
Enclosure

cc. Tim Bisner  
Bruce Lyles  
Gayle McNully

Juaneno Band of Mission Indians, Acjachemen Nation - 31702 Via Belardes - San Juan Capistrano, CA 92675

92-17

1-27-94

check # 450 for \$20<sup>00</sup> is returned to Mr Horgan this date.

LAW OFFICES  
**BAKER AND BURTON**  
A PROFESSIONAL CORPORATION  
215 LONG BEACH BOULEVARD  
SUITE 306  
LONG BEACH, CALIFORNIA 90802  
13101 425-9553  
FAX 13101 436-3221

KENT BURTON  
BRAD N. BAKER  
PAUL HORGAN

HERNOSA BEACH OFFICE  
515 PIER AVENUE  
HERNOSA BEACH, CALIFORNIA 90254  
13101 376-9893  
FAX 13101 376-7483

Coroner Case # 91-05251-LL

Coroner Case # 93-05868-LL

Appear relevant to you request.

Fee for Coroner record is \$50.25 per case

Please remit \$100.50 for copies of the records indicated.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 19, 1994

Mr. James Beisner  
Chief Deputy Coroner  
Orange County Coroner's Office  
1071 W. Santa Ana Boulevard  
Santa Ana, CA 92701

Dear Mr. Beisner:

This letter is a request, pursuant to Government Code Section 6250 et seq., that the Orange County Coroner's office forward to me, at the Long Beach office listed above, the following records in the possession of the Coroner's office:

All records of human remains found on the Bolsa Chica mesa in Orange County, California, received by the Orange County Coroner's office between January 1, 1990 and the present. This request includes, but is not limited to, all records of human remains found on the archeological site known as CA-ORA 83.

Pursuant to Government Code Section 6257, I am including with this request a check in the amount of \$25.00 in favor of the Coroner's office to pay for copying charges. If the amount is insufficient, please notify me and I will pay all reasonable additional copying charges.

Thank you.

Very truly yours,

*Paul Horgan*  
PAUL HORGAN  
PH/pc  
enclosure

PAUL C HORGAN FLORENCE HORGAN (714) 536-7262 215 LONG BEACH BLVD #306 LONG BEACH, CA 90802		450 16211223
Pay to the Order of	ORANGE COUNTY CORONER	\$ 25 <sup>00</sup>
<i>Twenty five and no/100</i>		00/33
First Interstate Bank	First Interstate Bank of California Long Beach Main Office #118 101 First Street Blvd Long Beach, CA 90802	
For	<i>Paul Horgan</i>	
⑆122000218⑆158304401⑆ 0450 11		

NO. 337140

RECEIPT

COUNTY OF ORANGE  
SHERIFF-CORONER DEPARTMENT

\$100.00

DU 2/18/84 Eileen

CASE IS FOR 2 PAPS.

① CA-ORA-83

② CA-ORA-365

OK PER S.V.

(3)

Received of: BIKEA, BYRON (EILEEN MURPHY) Date 1-31-94 40892

Address: 215 LONG BEACH BLVD STE 306 City LONG BEACH

FOR: CASE # 93-05868-LL & 91-05251-LL  
ADRESY

CASE CARDS, OCSO REPORT & 5 REPORTS FROM DR. SHERY

Paid By: Cash Check No. 1156

FC020113.1

BY T. L. BROWN

NO. 337185

ORA 83  
ORA 26594

RECEIPT

COUNTY OF ORANGE  
SHERIFF-CORONER DEPARTMENT

MAPS  
Attorney for Kohl Co.

Susan Hori, Atty - Cathy Young, Atty's assistant

Received of: Private, California, 16000 DATE 2/28/11

Address: 17000 Villa... CITY TOLSON, CA

For: CASH 9-0580-000 → TOLSON, MOUNTAIN

16000 Villa... CA - ORANGE

\$ 500.00

Paid By: Cash

Check No. 27156

By: T. Brown

FC-80-1121



SHERIFF-CORONER DEPARTMENT  
COUNTY OF ORANGE, CALIFORNIA  
INVESTIGATOR'S CASE NOTES

Case No. 93-5868-LL  Deane  
Investigator CYB Reviewed By CC

Site  YES  NO

CLASSIFICATION

- Natural - A  Homicide  Accident  Other Involved
- Natural - NA  SOD  SOD
- Natural - Oad  Traze  Undetermined  Refer to PA
- Consult  Doctor  Aggravated  Onofred  Corres  Other

Decedent's Name PONES, HUMAN

AKA \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

Telephone \_\_\_\_\_ Age \_\_\_\_\_ DOB \_\_\_\_\_

Sex \_\_\_\_\_ Race \_\_\_\_\_ Ht \_\_\_\_\_ Wt \_\_\_\_\_ Hair \_\_\_\_\_ Eyes \_\_\_\_\_

Married  Divorced  Never Married  Widowed  Other

Cooking \_\_\_\_\_

Occupation \_\_\_\_\_ SS # \_\_\_\_\_

Date of Death \_\_\_\_\_ Time \_\_\_\_\_ Day \_\_\_\_\_

Place of Death 1045 S. ... ... CA 92604-83

Acc. Site of ... H.I.B.

Hospital  IP  EROP  DOA

Processed By \_\_\_\_\_

Call Requested From Attorney ... ... 0915

Date 1/30/93 10:00 10:37 10:50

Place Received FSC

FSC \_\_\_\_\_ Month \_\_\_\_\_

Requested By \_\_\_\_\_ Relationship \_\_\_\_\_

Trace Called \_\_\_\_\_ Trace Arr'd \_\_\_\_\_

Autops  No  Coroner  Private  Tor  Ocular  SOD

MO Cause of Death \_\_\_\_\_

Per MO \_\_\_\_\_ Lic No \_\_\_\_\_

Investigator \_\_\_\_\_ Dept \_\_\_\_\_

GENERAL COMMENTS & NOTES

OUT TO SITE & MAKE A  
REIDENTIFICATION.

A.T.C. Judy Suckey: No Ans.

10/8/93 ops - contacted Judy

Suckey - she will contact re-

addresses & go to site & new  
back. CC

NATIVE AMERICAN  
COMMISSION

NOTIFIED @ 0945 11/3/93

Spoke to Debbie Treadway

STAMP Service ANA 1/5/93

416-653-1108

Plus Kic8

FD Cal Ora B3 W-20-f-h-27

Native

Grading is complete

cleaning trees & stumps

located fragments

819-7877

FO60-587 (R0497)

LD, WPA @ Scene \_\_\_\_\_ @ Foot \_\_\_\_\_  
On @ Scene \_\_\_\_\_ @ Foot \_\_\_\_\_  
Number of Potentials Submitted \_\_\_\_\_ By \_\_\_\_\_  
O.S.P. # \_\_\_\_\_ Location Taken M. \_\_\_\_\_ B1 \_\_\_\_\_  
Physical Evidence Taken - By \_\_\_\_\_  
Other Evidence \_\_\_\_\_

Disposition \_\_\_\_\_  
Bowl & Tool Taken \_\_\_\_\_ Disposition \_\_\_\_\_  
Fragments Taken \_\_\_\_\_ By \_\_\_\_\_  
Serialized By \_\_\_\_\_

NEXT OF KIN

Name \_\_\_\_\_ Relationship \_\_\_\_\_  
Address \_\_\_\_\_

WITNESS/INFORMANTS

Name Mary DESAIELS Phone 818-2877

Name Scientific Resource Surveys Inc.

PROPERTY  YES  NO

Disposition  MOK  Movable  FSC S&S

Other \_\_\_\_\_

Relationship \_\_\_\_\_

P.A. \_\_\_\_\_

Date Reported \_\_\_\_\_ PALMIST/SPR \_\_\_\_\_

P.A. Custody of Property  Yes  No

REPORTS

Discard \_\_\_\_\_ Served \_\_\_\_\_

PRELIMINARY EXAMINATION OF BODY

Name \_\_\_\_\_ Time \_\_\_\_\_  
Position of Body \_\_\_\_\_  
Paper \_\_\_\_\_ Extent \_\_\_\_\_  
Union \_\_\_\_\_ Extent \_\_\_\_\_  
Circuits \_\_\_\_\_ Extent \_\_\_\_\_  
Tattoo \_\_\_\_\_  
Body Temperature \_\_\_\_\_ Variable:  I.D.  Surface  No  
Trauma (describe) \_\_\_\_\_  
Other \_\_\_\_\_  
Scars \_\_\_\_\_  
MEDICAL HISTORY M.D. Lic. # \_\_\_\_\_ Last Visi \_\_\_\_\_  
Attending Physician \_\_\_\_\_  
Address \_\_\_\_\_ Telephone \_\_\_\_\_  
Treated For \_\_\_\_\_  
Wets \_\_\_\_\_  
Type of Operation \_\_\_\_\_ Date \_\_\_\_\_  
Admitted Date \_\_\_\_\_ Time \_\_\_\_\_  
Brought In By \_\_\_\_\_ From \_\_\_\_\_  
Address \_\_\_\_\_  
Examined By \_\_\_\_\_  
Completed \_\_\_\_\_  
Autopsy DX \_\_\_\_\_  
Tested  Yes  No BA level \_\_\_\_\_  
A.U. Blood  Yes  No Date \_\_\_\_\_ Time \_\_\_\_\_  
Rec. From \_\_\_\_\_

SCENE

TRAFFIC  INDUSTRIAL  OTHER  
Type of Accident \_\_\_\_\_  
Place \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_  
Type of Vehicle \_\_\_\_\_ License \_\_\_\_\_  
Tow Company \_\_\_\_\_  
Accident Driver \_\_\_\_\_ Post \_\_\_\_\_ Pedestrian \_\_\_\_\_  
Refrains  Yes  No  Unk Hairrest  Yes  No  Unk  
Travel Direction \_\_\_\_\_ on \_\_\_\_\_ Ejected  Yes  No  
Position in Vehicle \_\_\_\_\_  
Other Vehicle, Describe \_\_\_\_\_  
Travel Direction \_\_\_\_\_ on \_\_\_\_\_  
Number of Persons in Decedent's Vehicle \_\_\_\_\_ Other Vehicle \_\_\_\_\_  
OSHA Noted  Yes  No Date \_\_\_\_\_ Time \_\_\_\_\_  
Name \_\_\_\_\_  
REPORT DATE \_\_\_\_\_  
Police Agency \_\_\_\_\_ Time PD Called \_\_\_\_\_  
Officer \_\_\_\_\_ File No. \_\_\_\_\_ Charges  Yes  No  
Investigator \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
SOS: Health Dept. Notified By \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
CAR Noted  Yes  No Record \_\_\_\_\_  
Name \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
C.D.C. Notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
D.A. Notified \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
SUICIDE  HOMICIDE   
Type \_\_\_\_\_  
Place \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_ Day \_\_\_\_\_  
Weapon \_\_\_\_\_  
Sec. No. \_\_\_\_\_  
Registered Owner \_\_\_\_\_  
Suicide Note  Yes  No Date \_\_\_\_\_  
Subject's Name \_\_\_\_\_ in Outby \_\_\_\_\_

CIRCUMSTANCES

NANCY DESAUTELS, PHO (ARCHEOLOGY)  
CAME IN TO FSC C̄ DAVID BERNARD,  
JUANITO INDIANS. THEY ARE WINNING  
AT A SITE (COAST-83 + CA-00A-365)  
+ HAVE UNCOVERED MULT. BONES +  
BONES FRAGMENTS. THEY STILL  
HAVE SOME FRAGMENTS + AREN'T CERT  
TO EXPLORE. THEY REQUEST JOY  
HOLD ON TO THE BONES THEY  
HAVE UNTIL THEY GET ALL  
BONES AVAILABLE. THEY ALSO  
REQUEST WE CONTACT JUDY SUCHEY,  
AND HAVE HER CALL NANCY C̄  
THE POSSIBILITY THAT JUDY COULD

DATE  
&  
TIME

PAGE #

8/15/94 Call from Anthropologist David Kice. He is informing us that more bones were found on a continuous site. He contacted NIHC & they told him to call us to keep us updated.

mid Sept 93. several bones were found in Bolsa Chica mesa, (an unincorporated area of HR.) so of Warner. Dr. J. Suckey responded to scene & determined bones to be Indian.

Since that date the site has been continually excavated by a company called SRS & For. Anthro. David Kice. Per Dr. Kice - Cor. office has been notified 3 times since the original notification.

David Kice - 310 399 5143

SRS 714 - 898 - 7877

1440 Per Larry Meyers - NIHC

He told D. Kice to reinform us of new find to same site because he has noticed problems w/ notification in the past. There is no need for us to do anything.

Larry is going to look up <sup>our</sup> case # & call back.

Be

1500 Larry can't find case #, it was site 83.

5868

Judy Myers Suchey, Ph.D. *Judy M Suchey*  
FORENSIC ANTHROPOLOGIST

CONSULTANT TO THE MEDICAL EXAMINER/CORONER  
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

October 3, 1993

PROFESSOR  
DEPARTMENT OF ANTHROPOLOGY  
CALIFORNIA STATE UNIVERSITY  
FULLERTON, CA 92631

PHONE 714-524-1265  
FAX 714-524-3150  
DECEMBER 714 235 0551

Examination of tooth and bone fragments from  
AC-1, Unit -103, depth 78 cm

On October 3, 1993 I went to the office of the Chambers Group, Inc. (16700 Aston Street, Irvine, CA), having been called by Phillip de Barros, Ph. D. regarding a recent find on the east side of Aliso Creek in an excavation regarding the San Joaquin Hills Transportation Corridor. The bone and tooth were found Oct 1, 1993 and Dr. de Barros called me that same day. The tooth was human, probably a canine.<sup>1</sup> It showed considerable attrition to the crown and appears to be prehistoric (therefore, Native American). The bone fragments are small and I find them non-diagnostic. I do not see identifiable human traits on them.

Work may continue in this location Oct and Nov of 1993. A human tooth does not constitute a human burial as a person can live without a tooth. Teeth fall out at times during adult, as well as children's lives. Furthermore a tooth can be pulled for therapeutic reasons.

Given the climate of professional judgments being made in California today, the tooth should be reported to the Native American Heritage Commission. The tooth is still in the possession of Dr. de Barros and the Coroner can contact him regarding their decisions on this matter.

Slides were taken to document the evidence and these slides as well as the hard copy of this report will be mailed to the Orange County Coroner (Investigator Bruce Lyle) when they are developed. This report is being FAXED to both Dr. de Barros and the Coroner on today's date (Oct 3, 1993).

<sup>1</sup> The tooth is from an adult as evidenced from its morphology (it is permanent) and the attrition ( the individual would be 20 or older).

Philip de Barros, Ph.D., SOPA  
Senior Principal Investigator



**Chambers Group, Inc.**

Environmental Consultants • Scientists • Planners • Engineers

16700 Aston Street  
P.O. Box 57002  
Irvine, CA 92619 7002

(714) 261-5414  
Fax: (714) 261-8750

Judy Myers Suchey, Ph.D.

FORENSIC ANTHROPOLOGIST

CONSULTANT TO THE MEDICAL EXAMINER/CORONER  
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

October 9, 1993

*J. M. Suchey*  
10-9-93

0-10

PROFESSOR  
DEPARTMENT OF ANTHROPOLOGY  
CALIFORNIA STATE UNIVERSITY  
FULLERTON, CA 92634

PHONE 714 524-1265  
FAX 714 524-5150  
DECEMBER 714 295 0591

Examination of teeth and maxillary fragment from  
AC-1, Unit - 103

On October 8, 1993, I went to the office of the Chambers Group, Inc., having been called by Phillip de Barros on 10-4-93 regarding additional bone evidence at AC-1. On 10-4-93 additional adult human bone and dental evidence was found several cms lower than the tooth discussed in my report dated October 3, 1993. Six new fragmentary teeth and a maxillary fragment (weighing 9.3 gm) were found. These remains are human and appear to consist of a single individual (the previously discovered tooth included in this same individual). The teeth appear to be a maxillary canine and three incisors; identification is difficult due to the extreme attrition. The other two teeth appear to be two fragmentary premolars. All are heavily worn and the maxilla is highly mineralized; the material appears to be ancient Native American. The Native American Heritage Commission needs to be notified regarding this additional material.

Slides were taken to document these remains.

AMER. HERITAGE - 911-653-4082

FAX - 657-5390

Judy Myers Suchey, Ph.D. *JM Suchey*

FORENSIC ANTHROPOLOGIST

CONSULTANT TO THE MEDICAL EXAMINER/CORONER  
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

*10-16-93*

PROFESSOR  
DEPARTMENT OF ANTHROPOLOGY  
CALIFORNIA STATE UNIVERSITY  
FULLERTON, CA 92634

PHONE 714-524-1265  
FAX 714-524-5158  
RECEPER 714-295-6591

**EXAMINATION OF HUMAN SKELETAL REMAINS FROM CA-Ora-83**  
Site visitation on October 12, 1993

On October 12, 1993 I visited the site of CA-Ora-83, located in the beach area near the intersections of Bolsa Chica and Warner. I spoke with Nancy Desautels, Archaeologist with SRS (Scientific Resource Surveys, Inc); David Kice, Human Osteologist working with SRS; and Phillip Ibanez, Native American Monitor. I examined the excavation pits and photographed burial 19 (BB9) which had been pedestalled and partially exposed. I photographed overall views of the excavation including the wet screening processing area. I examined briefly the skeletal material which had previously been excavated in the laboratory facility and spoke with both Nancy Desautels and David Kice regarding the analysis to date.

The skeletal remains coming from this site are very old, approximately 8000 years old as indicated from some current dating procedures. The remains resemble the Early Horizon material from Central California regarding the heavy mineralization of the material. The bone comes from a uniform layer, the upper part of the Pleistocene terrace deposit. For this reason, the bone is clearly prehistoric and cannot be confused with modern skeletal material of forensic interest to the Coroner. The mineralization and the poor preservation (usually the only bone remaining is long bone midshafts and cranial vault) make determination of prehistoric status a reliable procedure. Mr. Kice, currently working with SRS, has a good background in osteological procedures. His experience allows him to determine the nature of the bone and if any modern forensic material is ever found at the site there is no doubt that he will recognize it at once. I instructed both Nancy Desautels and David Kice to immediately inform the Coroner if such should occur. Further site visitation should not be necessary if the remains continue to be highly diagnostic and prehistoric.

I spoke with Phillip Ibanez, Native American monitor and we discussed general outlines of the Coroner responsibility including why I take photographs to legally document my conclusions.

Finally, I photographed and examined a cranial fragment in the laboratory which had an enigmatic feature which resembled, in part, trephination. At the end of the excavation (sometime during 1993 or early 1994) it was decided that David Kice and I would submit this material to Steve Dowell at the L. A. Coroner's office for examination of the defect with the dissecting microscope. The Native Americans are in agreement with the importance of examining this feature in order to properly interpret past events at the site.

Judy Myers Suchey, Ph. D.  
Forensic Anthropologist

Report written on October 16, 1993

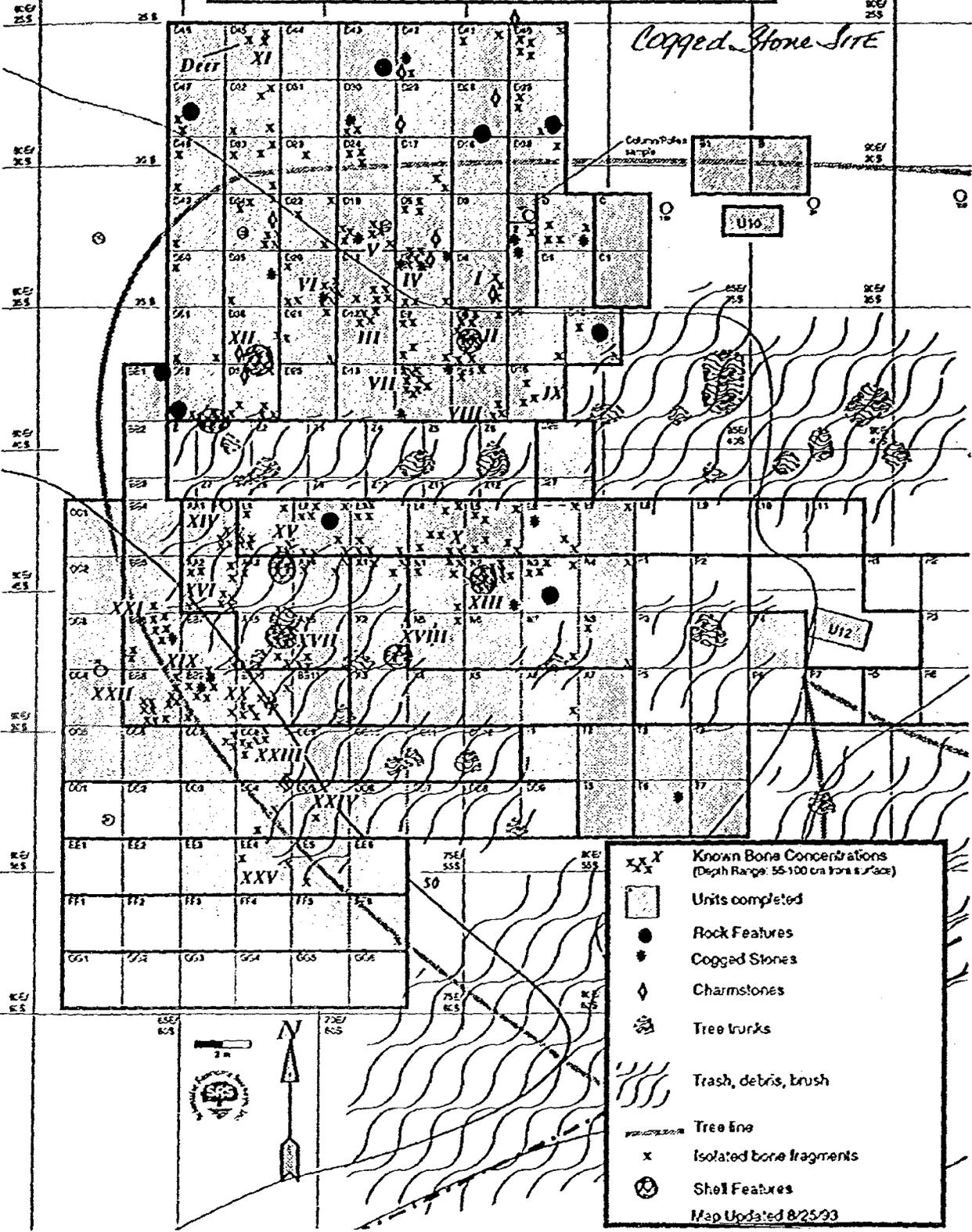
Attachments: map of bone concentrations on CA-Ora-83 and resume of David Kice

ATTACHMENT NO. 5.109

93-7

# CA - Ora - 83

*Cogged Stone Site*



13

ANTHROPOLOGY

ODONTOLOGY

NEUROPATHOLOGY

RADIOLOGY

OTHER \_\_\_\_\_

(SPECIFY)

Coroner's Inquiry  
94-50516

DATE OF EXAMINATION: 1-27-94

PAGE 1 OF 1

ANALYSIS OF HUMAN SKELETAL REMAINS

On January 27, 1994 I went to California State University, Long Beach for the purpose of examination of a collection of skeletal remains and assessing whether there were any skeletal remains which were modern and of forensic interest to the Coroner. I met Dr. Sathyavagiswaran (Chief Medical Examiner, Department of Coroner) at this location and the two of us were taken to a storeroom where the trays and boxes of an Anthropology Laboratory had been taken for inventory. Dr. Dan Larson (Associate Professor of Anthropology) and Susan Dohr (Graduate Assistant) helped us in our examination of the relevant osteological materials in these boxes. It was known that certain of the skeletal remains had originated from the Los Altos site (LAN-270) in Long Beach and we were given a journal which reported on this site (Pacific Coast Archaeological Society Quarterly, Vol. 8, No. 2, April 1972). I examined all skeletal remains (human and non-human) and determined that all human remains were prehistoric and not of forensic interest to the Coroner. In my assessment I examined the amount of attrition on the teeth, when teeth were present. I assessed the amount of mineralization of the bone itself and noted the various color patterns. I assessed the facial features, when the skull was present for "Mongoloid" traits (shovel-shaped incisors, prominent zygoma).

I took a photographic inventory of the containers, which were numbered 1-32.

- |   |                                      |
|---|--------------------------------------|
| 1. Facial portion of skull } <i>samples</i>           | 22. Postcranial                      |
| 2. Facial portion of skull } <i>samples</i>           | 23. Postcranial by element           |
| 3. Child's skull and postcranial } <i>samples</i>     | 24. Skull, Also Abalone              |
| 4. Adult skull and postcranial } <i>samples</i>       | 25. Drawer of misc, Also worked bone |
| 5. LAN-272 5-1 Skull, 2 more skulls, misc postcranial | 26. Cremains                         |
| 6. Fragmentary crania and postcranial                 | 27. Buried skeleton in matrix        |
| 7. misc vertebrae                                     | 28. Buried skeleton in matrix        |
| 8. Skull, misc postcranial. Also cultural items.      | 29. Artifacts, includes worked bone  |
| 9. Sacra, radii, postcranial                          | 30. Cranium and misc                 |
| 10. 2 Skulls, LAN x-1. Also Faunal items              | 31. Skull and misc.                  |
| 11. 2 Skulls, postcranial                             | 32. Human and non-human frags        |
| 12. Ribs  |                                      |
| 13. Innominates and humeri                            |                                      |
| 14. Postcranial. Also Abalone                         |                                      |
| 15. Skull and misc postcranial                        |                                      |
| 16. Skull and misc postcranial. Also Animal Bones     |                                      |
| 17. Postcranial Also Faunal items                     |                                      |
| 18. Postcranial                                       |                                      |
| 19. Skull and misc.                                   |                                      |
| 20. Misc postcranial by element                       |                                      |
| 21. Misc postcranial by element                       |                                      |

Judy Myers Suchey, Ph. D.  
Forensic Anthropologist

*Judy Myers Suchey, PhD*

WHITE: FILE COPY  
CANARY: NOTIFICATION  
PINK: CERTIFICATION  
GOLDENROD: CONSULTANT

10549 (Rev. 2-72)

PAONE  
CALLAHAN  
McHOLM  
& WINTON  
LAWYERS

ROBERT E. CALLAHAN  
RICHARD J. FOSTER  
ROGER A. GRABLE  
SUSAN K. HORN\*  
KENNETH D. JOHNSON  
ALAN J. KESSEL  
JOHN LEHR\*\*

STEVEN A. McHOLM  
KATHLEEN CAROTHERS PAONE  
TIM PAONE  
MARCIA SCULLY  
DANIEL K. WINTON

\* ALSO ADMITTED IN DISTRICT OF  
COLUMBIA  
\*\* ALSO ADMITTED IN NEW YORK

February 9, 1994

HAND DELIVERED

James Beisner  
Chief Deputy  
Orange County Sheriff-Coroner Department  
1071 W. Santa Ana Blvd.  
Santa Ana, CA 92703

Per JB → File

Re: Case No. 93-5868-LL; Bolsa Chica

Dear Mr. Beisner:

During my meeting with Bruce Lyle of your office on Monday, he reviewed with me Judy Suchey's report on her site visit to Bolsa Chica. Noted as an attachment to her report was a map of the ORA-83 site. The map appeared to be quite detailed showing the general location of the excavation area with detailed annotations as to the nature of material found at the site, such as cogstones and charmstones. I believe that the map was prepared by the archaeologist and was provided to Dr. Suchey by either the archaeologist, Dr. Desautels, or a member of her staff; however, I do not think they anticipated that it would be attached to Dr. Suchey's report or included in the public file on this case.

It is my understanding that you have authorized the release of this map to Pat Ware. Ms. Ware has previously released Dr. Suchey's report to the newspapers and I do not doubt that she may also release copies of this map to members of the press, archaeological organizations and homeowner groups with whom she is working. Ms. Ware and members of her organization also announced at a televised public hearing in Huntington Beach that other members of the public could go to the coroner's office to obtain copies of Dr. Suchey's report (and map).

While there is no way to retrieve this map from Pat Ware after it has been distributed to her, I would like to request on behalf of my client, The Koll Company, the archeological consultant, and the Native American representatives with whom I am working with on this matter, that in the event any other requests for copies of the material are made, that copies of the map not be provided. We understand that Dr. Suchey's report is a matter of public record, but we believe that in order to protect the site from archaeological vandalism and sightseers, maps showing the

02/09/94 11:50:01

19100 VON KARMAN • 8th FLOOR • IRVINE, CALIFORNIA 92715 • 714-955-2900 • FAX: 714-955-9009  
POST OFFICE BOX 19613 • IRVINE, CALIFORNIA 92713-9613

ATTACHMENT NO. 5.112

James Beisner  
February 9, 1994  
Page 2

location of the site and the nature of material discovered there should not be released to the public.

I would appreciate it if you could give me a call so that we can discuss this matter further, if necessary. If you have any questions, or if I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,



Susan K. Hori

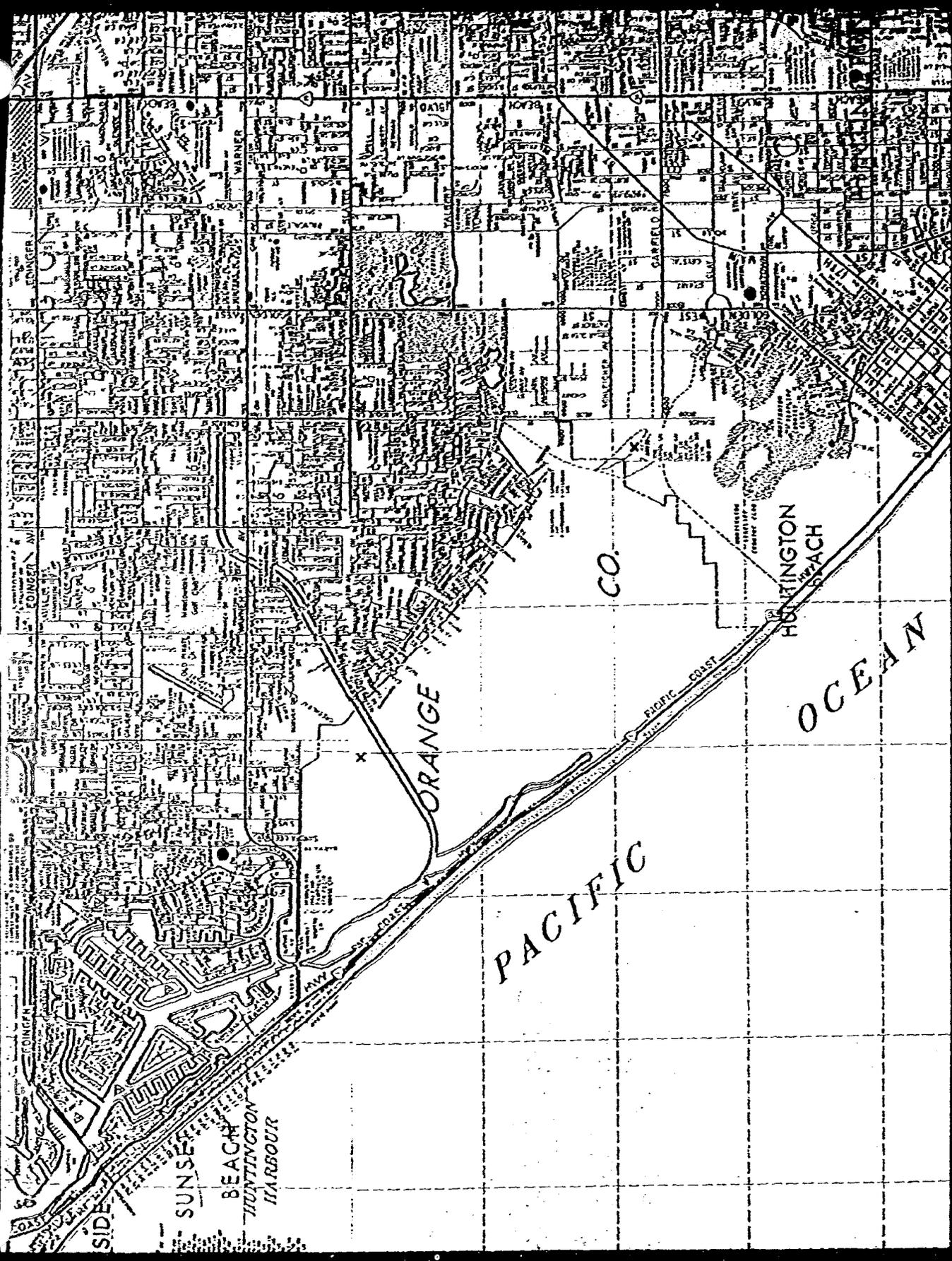
cc: David Belardes  
Nancy Desautels  
Lucy Dunn

000994 / 19830.1

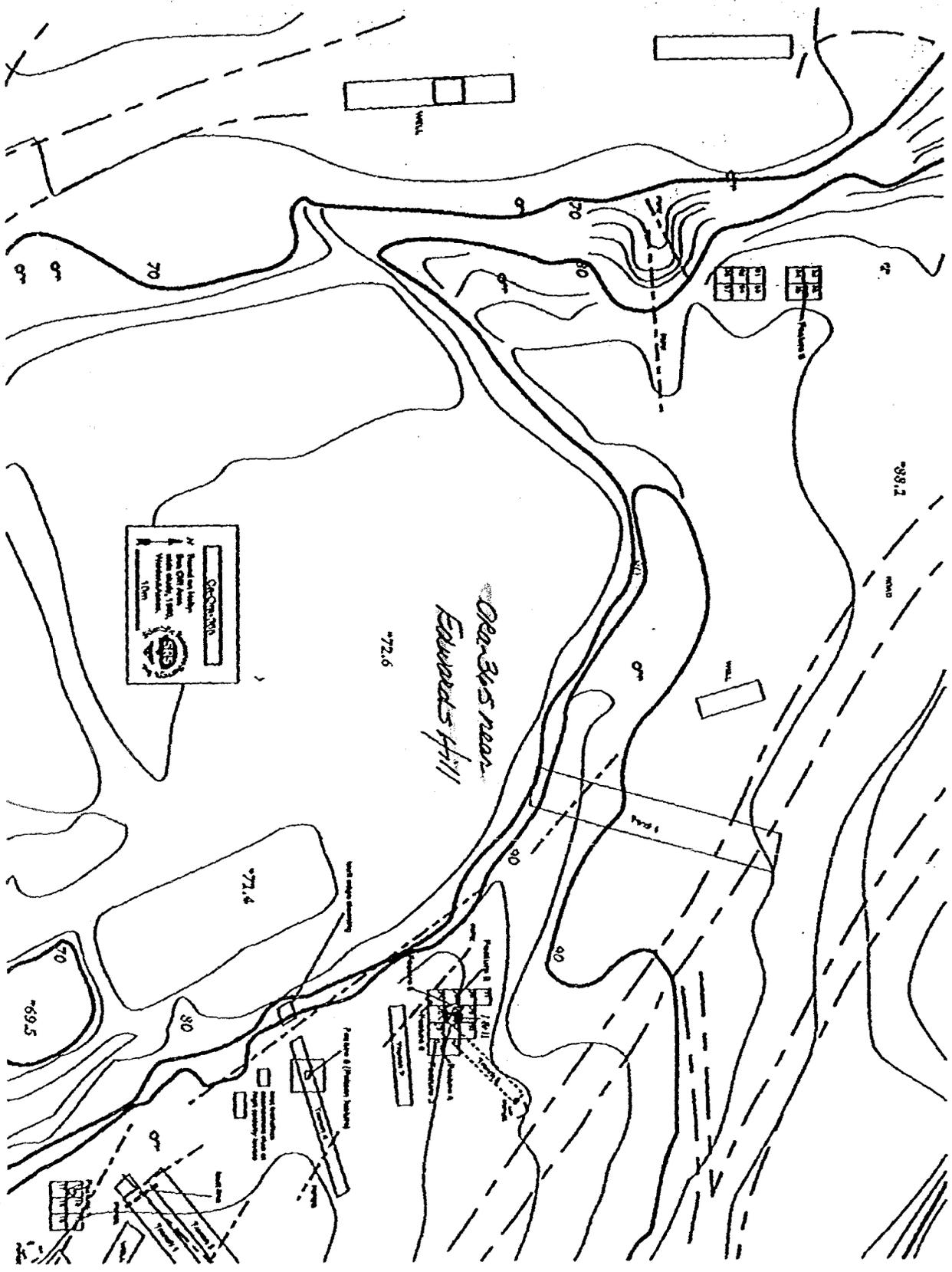
ATTACHMENT NO. 5.113

92-10

11-26



ATTACHMENT NO. 5.114



PROFESSIONAL NATIVE AMERICAN CULTURAL RESOURCE MONITORS

*Tenevula Site*

- CONSULTING
- EXCAVATION
- SURVEYS
- RESEARCH
- ASSESSMENT REPORTS



PHILIP HANEZ  
 (714) 361-7682  
 46147 FALA ROAD  
 TENEVULA, CA 92552



ROBERT M. BEER  
 Vice President  
 Environmental Operations

*Nancy Jessup*

**Scientific Resource Surveys, Inc.**  
 ARCHAEOLOGY • PALEONTOLOGY • HISTORY • GEOSCIENCES  
 PO Box 437, Huntington Beach, CA 92648-0437 • Phone 714/866-7071 • Fax 714/866-7062  
 PO Box 2342, Tenevula, CA 92553-2342 • Phone/Fax 714/512-2555

6

**Native American Heritage Commission**  
**915 Capitol Mall, Room 364**  
**Sacramento, CA 95814**  
**(916) 653-6251**

May 22, 2008

MEMO

TO: Rebecca Robles, Acjachemen Nation

The Hon. Anthony Morales, Chair – Gabrieleno/Tongva San Gabriel Band of Mission Indians and Most Likely Descendant (MLD) on the Brightwater Homes – Bolsa Chica Construction Site in Orange County, California

RE: Native American Human Remains Reports to the Native American Heritage Commission (NAHC); Forms, Notes, e-mails for the period August 3, 1999 to April 26, 2008; all Reports are Identified as CA-ORA-83 From the Bolsa Chica Mesa Brightwater Homes Housing Site

Enclosed are the reports in descending (start with most recent) order.

The first is the very unusual report on the Coroner's investigation of April 19, 2008 concerning sets of Native American Human Remains that were originally reported to the NAHC by the archaeology firm SRS, Inc. December 17, 2007 as 87 sets (or burials) of Native American Human Remains;

My notes taken from telephone conversations with Orange County Deputy Sheriff-Coroner Tiffany Williams follow the typed report. Also, an e-mail to Ms. Williams offering NAHC assistance in reviewing how these human remains were reported (and not reported) to the NAHC as required by CA Health & Safety Code Sec. 7050.5.

The next sheet is a report to the NAHC of 8-19-2008, again by Deputy Tiffany Williams of a partial burial;

The next sheet is a find, a "complete burial," of 9-6-2001 as a result of 'grading' activity;

The next sheet is a report of a find of 1-16-2001 of 18 body parts representing an "unknown number of individuals;"

The next sheet is a find in 5-2000 of "1 burial;"

The next sheet is another find in 5-2000 of a "femur & long bone;"

*"Our lives begin to end the day we become silent about the things that matter."  
- Martin Luther King, Jr.*

ATTACHMENT NO. 5.117

The next sheet is the August 3, 1999 finding of a "skull and tooth fragments" as a result of grading on Bolsa Chica Road . Dr. Judy Suchey's Coroner report is consistent with this NAHC report except the Dr. Suchey indicated "skeletal fragments" perhaps not mentioned in the telephone report to the NAHC by Orange County Investigator Meader (misspelled in the NAHC report);

The last sheets are an e-mail to Dr. Nancy Anastasia Wiley, Ph.D and President of SRS, Inc., the archaeology firm of record for the Brightwater Homes project at the Bolsa Chica Mesa in Orange County. The e-mail encloses the 1999 report of Dr. Judy Suchey and the 2003 Native American Human Remains find, reported in 2006 by Orange County Deputy Sheriff Tiffany Williams.

As you can see from the reports, they are incomplete and in some cases very insufficient, a condition that has been a hallmark of this project. Let me know if you have any questions.

Dave Singleton  
Program Analyst  
NAHC

*"Our lives begin to end the day we become silent about the things that matter."  
- Martin Luther King, Jr.*

ATTACHMENT NO. 5.118

DATE OF CALL 4-26-2008 5 p.m.  
DATE OF COMPUTER INPUT \_\_\_\_\_ INITIALS \_\_\_\_\_  
NO FURTHER ACTION (NFA) - INITIALS \_\_\_\_\_

REQUEST FOR ASSISTANCE REGARDING  
NATIVE AMERICAN HUMAN REMAINS

NAME Deputy Sheriff Tiffany Williams TELEPHONE 714-647-7411

ADDRESS 1071 West Santa Ana Blvd; Santa Ana, CA 92708

COUNTY ORANGE

ORANGE COUNTY

ORGANIZATION (i.e. Coroner, Police, Private etc. SHERIFF-CORONER  
To Coroner Investigator,

DATE OF FIND: UnDisclosed TIME: ? All Remains: ORA-83

Date of Coroner Investigation: 4-19-2008

\* DESCRIPTION OF REMAINS: No number or sets of Remains Given; referred to as  
Ancient Burial Material; Ancient Site; Coroner Investigator has "reason to believe remains  
are Native American per Health & Safety Code Sec. 7850.3.  
ASSOCIATED GRAVE GOODS: YES X NO DESCRIBE Referred to as ORA-83  
Material from Ancient Burial Site. Investigator determined: "No modern forensic evidence  
found" Again, ne details provided by the Coroner Investigator on either material or  
human remains.

Joyce Perry - Juaneno

MONITOR ON SITE: YES X NO \_\_\_\_\_ NAME Adrian Morales - Gabrieleno Tongva

LOCATION WHERE REMAINS FOUND: (CITY) Adjacent to City of Huntington Beach

(ADDRESS) Warner Avenue at the Huntington Beach Wetlands Area

FOUND ON: FED. \_\_\_\_\_ STATE \_\_\_\_\_ COUNTY \_\_\_\_\_ CITY \_\_\_\_\_ PRIVATE X LAND

PROJECT NAME: BRIGHTWATER HOMES DEVELOPMENT

NAME OF DEVELOPER/PROPERTY OWNER, HEARTHSTONE HOMES, INC.

Ed Mountford, Senior Vice President TEL. # (949) 250-7700

LOCATION WHERE REMAINS BEING HELD: In Two Trailers at Site

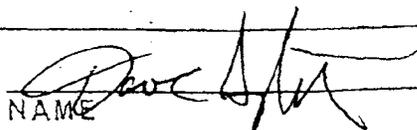
1980s: Juaneno

MOST LIKELY DESCENDENT CONTACTED: YES X DATE 10/2006: Gabrielenc

David Belardes - Juaneno Tongva

NAME OF MOST LIKELY DESCENDENT: Anthony Morales - Gabrieleno Tongva

FINAL DISPOSITION AND DATE: \_\_\_\_\_

NAME 

Additional information may be placed on back.

Rev. 5/95

\* Previously Reported to NAHC 12/17/2007 as 87 burials  
or sets of Native American Human Remains by Archaeologist.

ATTACHMENT NO. 5.119

Case # 08-02374-WI

DATE OF CALL 4-26-2008  
DATE OF COMPUTER INPUT \_\_\_\_\_ INITIALS \_\_\_\_\_  
NO FURTHER ACTION (NFA) - INITIALS \_\_\_\_\_

REQUEST FOR ASSISTANCE REGARDING  
NATIVE AMERICAN HUMAN REMAINS <sup>mail # 714-647-7400</sup>  
Deputy Sheriff:

NAME Tiffany Williams, Investigator TELEPHONE 714-647-7411

ADDRESS 1071 W. Santa Ana Blvd. Santa Ana, CA 92703

COUNTY ORANGE COUNTY SHERIFF; DIVISION

ORGANIZATION (I.e. Coroner, Police, Private etc.) Orange County Sheriff-Coroner

DATE OF FIND: ? TIME: CA-ORA-83

DESCRIPTION OF REMAINS: bone clusters found in house-pits and random locations

ASSOCIATED GRAVE GOODS: YES  NO  DESCRIBE logged staves, Beads, Discoidal

MONITOR ON SITE: YES  NO  NAME Joyce Perry

LOCATION WHERE REMAINS FOUND: (CITY) Huntington Beach

(ADDRESS) Bolsa Chica Mesa

FOUND ON: FED.  STATE  COUNTY  CITY  PRIVATE  LAND

PROJECT NAME: Brightwater Homes

NAME OF DEVELOPER/PROPERTY OWNER, Signal Landmark

Hearthside Homes TEL # \_\_\_\_\_

LOCATION WHERE REMAINS BEING HELD: \_\_\_\_\_

MOST LIKELY DESCENDENT CONTACTED: YES  DATE 1

NAME OF MOST LIKELY DESCENDENT: Anthony Morales  
David Belardes

FINAL DISPOSITION AND DATE: \_\_\_\_\_

Dave [Signature]  
NAME

Additional information may be placed on back.

Rev. 5/95

Public Records Requests: prarequests@ocsd.org

ATTACHMENT NO. 5120

714-647-7426  
investigations  
FAX #  
coroner@ocsd.org

Determination:  
"no modern forensic evidence"

**Request for Assistance Regarding Native American Human Remains**

<b>New Discovery</b>	X	<b>Update of Previous Discovery</b>	<b>Update Date</b>	<b>Date of Computer Input</b>				
<b>Document Filed:</b>	<b>Month</b>	<b>Year</b>	<b>No Further Action</b>					
<b>County</b>	Orange	<b>Coroner Case Number</b>						
<b>Site Number</b>	CA-ORA-83	<b>Date of Call</b>	8/19/2006					
<b>Name</b>	Tiffany Williams		<b>Phone Number</b> (714) 647-7411					
<b>Address</b>			<b>Organization Type</b>					
<b>Organization</b>			Coroner					
<b>Date of Find:</b>	<b>Month</b>	<b>August</b>	<b>Date</b>	19	<b>Year</b>	2006	<b>Time</b>	<b>Burial No.</b>
<b>Description</b>	Humorous, femur, partial burial			<b>Associated Grave Goods</b>				
<b>Project Name</b>	Hearthside Homes			<b>Ownership</b>				
<b>Lead Agency</b>				Private				
<b>Project Location</b>	Bolsa Chica			<b>City</b>				
<b>Developer/Property Owner</b>				Huntington Beach				
<b>Phone Number monitor</b>	Joyce Perry			<b>Monitor Phone Number</b>				
<b>MLD</b>	David Belardes, Cindi Alvitre			<b>Date MLD Contacted</b>		8/19/2006		
<b>MLD Phone Number</b>	(949) 493-0959		<b>Remains Being Held</b>					
<b>Final Disposition</b>				<b>Disposition Date</b>				
<b>Comments</b>	Received voice mail message. New concentrations: Z27, Z28, Z30 and DC89, which was identified as a partial burial.							

ATTACHMENT NO. 5.121

**Request for Assistance Regarding Native American Human Remains**

<b>New Discovery</b>	X	<b>Update of Previous Discovery</b>	<b>Update Date</b>	<b>Date of Computer Input</b>	11/14/2002
----------------------	---	-------------------------------------	--------------------	-------------------------------	------------

<b>Document Filed:</b>	<b>Month</b>	<b>Year</b>	<b>No Further Action</b>
<b>County</b>	Orange	<b>Coroner Case Number</b>	
<b>Site Number</b>	CA-ORA-83	<b>Date of Call</b>	9/7/2001

<b>Name</b>	Tiffany Burch	<b>Phone Number</b>	714-647-7410
<b>Address</b>		<b>Organization Type</b>	Coroner
<b>Organization</b>			

<b>Date of Find:</b>	<b>Month</b>	September	<b>Date</b>	6	<b>Year</b>	2001	<b>Time</b>	1600	<b>Burial No.</b>	
----------------------	--------------	-----------	-------------	---	-------------	------	-------------	------	-------------------	--

<b>Description</b>	Complete Burial	<b>Associated Grave Goods</b>	Rocks and Shells
--------------------	-----------------	-------------------------------	------------------

<b>Project Name</b>	Bolsa Chica	<b>Ownership</b>	Private
<b>Lead Agency</b>		<b>City</b>	Huntington Beach
<b>Project Location</b>	Huntington Beach		
<b>Developer/Property Owner</b>	Heartside Homes, Ed Mountford		
<b>Phone Number</b>	949-250-7760	<b>Monitor Phone Number</b>	
<b>monitor</b>	Joyce Perry		
<b>MLD</b>	David Belardes	<b>Date MLD Contacted</b>	9/7/01
<b>MLD Phone Number</b>		<b>Remains Being Held</b>	In Situ
<b>Final Disposition</b>		<b>Disposition Date</b>	

**Comments** Grading being conducted on site. Will be reburied upon completion or project.

ATTACHMENT NO. 5.122

From: Dave Singleton <ds\_nahc@pacbell.net>  
Subject: **Orange County Coroner's Case #08-02374-WI**  
Date: April 29, 2008 3:52:00 PM PDT  
To: twilliams@ocsd.org  
Cc: Larry Myers <lm\_nahc@pacbell.net>, Anthony Madrigal <am\_nahc@pacbell.net>

April 29, 2009

Dear Deputy Tiffany Williams: Thank you for the report of Native American Human Remains reviewed by you at the Brightwater Homes Development Site, on the Bolsa Chica Mesa north of Huntington Beach, Case No. 08-02374-WI. We understand that you were able to review the remains and material in a trailer at site in the presence of Ed Mountford, Sr. Vice President of Hearthside Homes, the developer, and Dr. Paul Lagenwalther of SRS, Inc., representing the project archaeologist. As you indicated to me, there was "no modern forensic evidence" at the site and that you "have reason to believe that the remains were Native American," and so reported to the Native American Heritage Commission in compliance with California Health & Safety Code Section 7050.5.

On the matter of reviewing how the reporting requirements for discoveries of Native American human remains are handled by the Orange County Sheriff's Office, please accept our willingness to participate with the Office in evaluating the Hearthside Homes experience and making suggestions for future such discoveries. We would look forward to working with the Department in a cooperative manner.

Sincerely,

Dave Singleton  
Program Analyst  
Native American Heritage Commission

ATTACHMENT NO. 5.123

### Request for Assistance Regarding Native American Human Remains

<b>New Discovery</b>	<b>Update of Previous Discovery</b>	<b>X</b>	<b>Update Date</b>	<b>Date of Computer Input</b>
<b>Document Filed:</b>		<b>Month</b> January	<b>Year</b> 2002	<b>No Further Action</b>
<b>County</b>	Orange	<b>Coroner Case Number</b>		
<b>Site Number</b>	ORA-83	<b>Date of Call</b>		
<b>Name</b>			<b>Phone Number</b>	
<b>Address</b>			<b>Organization Type</b>	
<b>Organization</b>				
<b>Date of Find:</b>	<b>Month</b> January	<b>Date</b> 16	<b>Year</b> 2001	<b>Time</b>
<b>Description</b>			<b>Associated Grave Goods</b>	
18 Body Parts, unknown number of Individuals				
<b>Project Name</b>	Bolsa Chica		<b>Ownership</b>	
<b>Lead Agency</b>				
<b>Project Location</b>				<b>City</b>
<b>Developer/Property Owner</b>				
<b>Phone Number monitor</b>	Joyce Perry	<b>Monitor Phone Number</b>		
<b>MLD</b>	David Belardes	<b>Date MLD Contacted</b>		
<b>MLD Phone Number</b>	<b>Remains Being Held</b>			
<b>Final Disposition</b>	<b>Disposition Date</b>			
<b>Comments</b>	Joyce Perry called with an update.			

ATTACHMENT NO. 5.124

**Request for Assistance Regarding Native American Human Remains**

New Discovery	Update of Previous Discovery		Update Date	Date of Computer Input			
	Document Filed:	Month	May	Year	2000	No Further Action	
County	Orange			Coroner Case Number			
Site Number	ORA-83			Date of Call			
Name				Phone Number			
Address				Organization Type			
Organization							
Date of Find:	Month	May	Date	Year	2000	Time	Burial No.
Description				Associated Grave Goods			
1 burial							
Project Name	Bolsa Chica			Ownership			
Lead Agency				City			
Project Location							
Developer/Property Owner							
Phone Number monitor				Monitor Phone Number			
MLD	David Belardes			Date MLD Contacted			
MLD Phone Number				Remains Being Held			
Final Disposition				Disposition Date			
Comments							

ATTACHMENT NO. 5.125

### Request for Assistance Regarding Native American Human Remains

New Discovery	Update of Previous Discovery		Update Date	Date of Computer Input			
	Document Filed:	Month	May	Year	2000	No Further Action	
County	Orange			Coroner Case Number			
Site Number	ORA-83			Date of Call			
Name				Phone Number			
Address				Organization Type			
Organization							
Date of Find:	Month	May	Date	Year	2000	Time	Burial No.
Description				Associated Grave Goods			
Update - femur & long Bone							
Project Name	Bolsa Chica			Ownership			
Lead Agency				City			
Project Location							
Developer/Property Owner							
Phone Number monitor				Monitor Phone Number			
MLD	David Belardes			Date MLD Contacted			
MLD Phone Number				Remains Being Held			
Final Disposition				Disposition Date			
Comments							

ATTACHMENT NO. 5.126

**Request for Assistance Regarding Native American Human Remains**

<b>New Discovery</b>	X	<b>Update of Previous Discovery</b>	<b>Update Date</b>	<b>Date of Computer Input</b>	7/26/2004
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<b>Document Filed:</b>	<b>Month</b>	<b>Year</b>	<b>No Further Action</b>
<b>County</b>	Orange	<b>Coroner Case Number</b>	
<b>Site Number</b>	CA-ORA-83	<b>Date of Call</b>	8/4/1999

<b>Name</b>	Deputy K. Murine?	<b>Phone Number</b>	
<b>Address</b>		<b>Organization Type</b>	
<b>Organization</b>		<b>Coroner</b>	

<b>Date of Find:</b>	<b>Month</b>	August	<b>Date</b>	3	<b>Year</b>	1999	<b>Time</b>		<b>Burial No.</b>	
----------------------	--------------	--------	-------------	---	-------------	------	-------------	--	-------------------	--

<b>Description</b>	Skull and tooth fragments	<b>Associated Grave Goods</b>	
--------------------	---------------------------	-------------------------------	--

<b>Project Name</b>	Southwest Bolsa Chica Mesa	<b>Ownership</b>	
<b>Lead Agency</b>		<b>Private</b>	
<b>Project Location</b>	Bolsa Chica	<b>City</b>	
<b>Developer/Property Owner</b>	SRS Project, Robert Beer	<b>Huntington Beach</b>	
<b>Phone Number monitor</b>	909-767-2555 / 767-9805	<b>Monitor Phone Number</b>	
<b>MLD</b>	David Belardes	<b>Date MLD Contacted</b>	
<b>MLD Phone Number</b>		<b>Remains Being Held</b>	SRS Lab
<b>Final Disposition</b>		<b>Disposition Date</b>	

**Comments** On going project Bolsa Chica (Cole Co.) Mesa.  
Record discovered in Bolsa Chica file July 2004.

ATTACHMENT NO. 5/27

BOLSA CHICA

From: Dave Singleton <ds\_nahc@pacbell.net>  
Subject: Fwd: Bolsa Chica Mesa  
Date: May 12, 2008 6:52:19 AM PDT  
To: wileycoyote@srscorp.net  
 1 Attachment, 162 KB

May 12, 2008

TO: Dr. Nancy Anastasia Wiley, Ph.D.

RE: Bolsa Chica Discovery of Remains

Good Morning Nancy:

Attached is a 1999 report from the Orange County Coroner's Office. Also, a NAHC report of eight discovered remains in 2006. Do you know the circumstances surrounding these discoveries. Were they on County or Coastal Commission jurisdiction? Were they the result of construction or archaeological grading. We appreciate your time in considering these issues.

Best regards,

Dave Singleton  
Program Analyst  
Native American Heritage Commission  
915 Capitol Mall, Room 34  
Sacramento, CA 95814  
(916) 653-6251  
(760) 801-8011 - cell

Begin forwarded message:

From: "G. David Singleton" <gdavidsingle@rocketmail.com>  
Date: May 11, 2008 7:06:03 PM PDT  
To: Dave Singleton <ds\_nahc@pacbell.net>  
Subject: Bolsa Chica Mesa



Bolsa Chica ...t.pdf (162 KB)

ATTACHMENT NO. 5.128

Judy Myers Suchey, Ph.D.

FORENSIC ANTHROPOLOGIST

CONSULTANT TO THE MEDICAL EXAMINER/CORONER  
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

*J M Suchey*

August 5, 1999

In situ examination of skeletal remains at  
construction site ( Orange County Coroner's Office)

Official Records of the Coroner's Office  
DO NOT REPRODUCE 99-05178ME

PROFESSOR  
DEPARTMENT OF ANTHROPOLOGY  
CALIFORNIA STATE UNIVERSITY  
P.O. BOX 5845  
FULLERTON, CA 92631-6846

PHONES 714-524-1285  
714-771-3705  
FAX 714-524-3130  
KEEPER 714-255-0531

On August 4, I went to the construction site at the intersection of Bolsa Chica and Los Patos in Huntington Beach. At this location skeletal fragments were found underneath a Native American artifact in bulldozed area where the construction of condominiums is planned. The archaeological company involved in the mitigation is SRS (Scientific Resource Surveys). This location is near the former archaeological site CA-Ora-83 where I did an in situ examination of remains on October 12, 1993. I do not have a Coroner's case number in my file for that visitation but I have a one page report with attachments.

At the site on August 4 I talked with Lisa Woodward (of SRS) 909-323-9340 who explained to me the situation surrounding the skeletal fragments. I identified them as human (based on the left orbit--largely zygomatic and incisor tooth); prehistoric (based on severe dental attrition on the tooth, coloration and mineralization of bone). The remains are extremely fragmentary--consisting of only one tooth and multiple small fragments of cranium. The remains are consistent with being from a single individual. Woodward told me that Robert Beer (President of the company 909-767-2555) had already phoned the Native American Heritage Commission with a tentative diagnosis.

I indicated that the Orange County Coroner would be making official notification. David Belardes (Native American) was at the site at the time of my visit. I instructed Lisa Woodward to call the Orange County Coroner again if additional human remains are found in the area. The construction is over so it is not likely that there will be additional finds. The plan was to remove the area surrounding the remains and keep them in the lab of SRS. The remains would be held until the construction had been totally finalized and then the remains could be reburied.

If the Coroner has further instructions, Lisa Woodward can be notified. If new calls come in regarding remains I suggest that the investigator (Meader) speak with me on the phone and we can make suggestions as to the best manner to handle the situation. The nearby site Ora-83 was a highly controversial site where multiple burials of great antiquity became the subject of a dramatic controversy between environmentalists and developers. To avoid a re-play of this drama, the Coroner needs to keep track of the number of burials being found at this location. Hopefully, the one observed on August 4 will be the only one.

Photographs were taken to document the evidence.

FURTHER ACTION NEEDED:

Native American Heritage Commission should be notified by Inv. Meader or other Coroner personnel.

Certified to be a true copy of original report  
on file in Orange County Coroner's Office.  
MICHAEL S. CARONA, SHERIFF-CORONER

BY *[Signature]*  
Deputy

05/07/2008 23:53

6262861262

GABRIELEND TONGVA

PAGE 04/04

003 P01

*Joyce Perry*  
FORENSIC ANTHROPOLOGIST

CONSULTANT TO THE MEDICAL EXAMINER/CORONER  
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

August 10, 1999

*J. M. Luchey*

PROFESSOR  
DEPARTMENT OF ANTHROPOLOGY  
CALIFORNIA STATE UNIVERSITY  
P.O. BOX 8446  
FULLERTON, CA 92834-8446

Further communication regarding 99-05178ME

PHONES 714-626-1285  
116-772-3706  
FAX 714-626-8150  
BEOPER 714-298-0897

I learned from a phone call with Joyce Perry that SRS and the Native Americans had reburied the skeletal remains reported in my report of August 5, 1999 (site visitation on August 4, 1999). The agreement at the site was that SRS was to hold the remains in their lab until the end of the site construction. It was also understood that if there was any further discussion of any matter that the investigator on the case (Meador) was to be called. Their reburial was clearly a violation of the agreement at the site visitation.

I recommend that in the future when there are any skeletal remains found by SRS that the Coroner officially supervise or take control of the excavation and remove the remains, taking them to the Coroner facility until an appropriate time.

ATTACHMENT NO. 5.130

**Request for Assistance Regarding Native American Human Remains**

<b>New Discovery</b>	X	<b>Update of Previous Discovery</b>	<b>Update Date</b>	<b>Date of Computer Input</b>				
<b>Document Filed:</b>	<b>Month</b>	<b>Year</b>	<b>No Further Action</b>					
<b>County</b>	Orange	<b>Coroner Case Number</b>						
<b>Site Number</b>	CA-ORA-83	<b>Date of Call</b>	6/22/2006					
<b>Name</b>	Tiffany Williams		<b>Phone Number</b> (714) 647-7411					
<b>Address</b>			<b>Organization Type</b>					
<b>Organization</b>			Coroner					
<b>Date of Find:</b>	<b>Month</b>	<b>June</b>	<b>Date</b>	22	<b>Year</b>	2003	<b>Time</b>	<b>Burial No.</b>
<b>Description</b>	8 Burials		<b>Associated Grave Goods</b>					
<b>Project Name</b>	Hearthside Homes		<b>Ownership</b>					
<b>Lead Agency</b>			Private					
<b>Project Location</b>	Bolsa Chica		<b>City</b>					
<b>Developer/Property Owner</b>			Huntington Beach					
<b>Phone Number monitor</b>	Joyce Perry		<b>Monitor Phone Number</b>					
<b>MLD</b>	David Belardes, Cindi Alvitre		<b>Date MLD Contacted</b>		6/22/2006			
<b>MLD Phone Number</b>	(949) 493-0959		<b>Remains Being Held</b>					
<b>Final Disposition</b>			<b>Disposition Date</b>					

**Comments** Archaeologists on site are Nancy Wiley and Paul Langenwalter. Discussed with Joyce Perry 6/23/2006 and received update on the finds.

ATTACHMENT NO. 5.131

H

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 304  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [ds\\_naho@pacbell.net](mailto:ds_naho@pacbell.net)



April 4, 2008

The Hon. Anthony Morales, Chairman  
**Gabrieleno/Tongva San Gabriel Band of Mission Indians**  
P.O. Box 693  
San Gabriel, CA 91778

Sent by FAX to: 858-694-3373  
Number of pages: 3

Re: My draft Staff Report and Professional Assessment Regarding the Hearthside Homes Project at Bolsa Chica Mesa Known as Brightwater Homes, a 349 Single Homes Development, Focusing on the CA-ORA-83 Issues only. Site is Adjacent to the City of Huntington Beach, Orange County, California

Dear Chairman:

I am writing you as the Most Likely Descendant (MLD), one of two assigned to the above reference project, in response to your questions about Special Condition #23 of the California Coastal Commission Permit Application No. 5-05-020. The NAHC is preparing another and an official response to concerns raised by Teresa Henry, Coastal Commission District Manager; however, it may not be submitted in a timely manner. That is why I am addressing answers to concerns raised by you. My comments and response are as follows:

1. Issue of Reburial of the Remains and all Associated Grave Good to Occur after Documentation is Complete: This issue is stated as a requirement on page 6 of the CCC Special Condition #23. The Native American Heritage Commission (NAHC) supports this requirement. We understand from the landowner's contract archaeologist, Nancy Anastasia Wiley, Ph.D., President of Scientific Resource Surveys, Inc. (SRS) that much of the documentation has been done but is NOT COMPLETE. We support its completion in this manner: a) priority documentation be given to those items that are generally accepted 'associated grave goods,' therefore, the *cogged stones charmstones, discoidals and beads* be documented prior to reburial. b) that sufficient time be allowed for proper preparation of the burials (e.g. wrapped in white sheets or if children, sheets of other colors) as the archaeologist (e.g. SRS) outlined in the January 19, 2007 memorandum to Hearthside Homes Senior Vice President (please see Exhibit A). The reburial with associated grave goods is customary for both the Gabrieleno Tongva and Juaneño people (note, from the Handbook of North American Indians, vol. 8: California; Robert F. Heizer, volume editor, Smithsonian Institution; Washington, D.C., 1978): "Here the dead were buried with artifacts used during life." (page 545) Also, apparently, both MLDs and the archaeologist are in agreement that the balance of more than 100,000 artifacts, excavated at the ORA-83 and the project site, can be sorted and documented after the reburials take place on a power-sort way; that is only a percentage of

ATTACHMENT NO. 5.132

the material in the 2,000 boxes and bags of remains would be sorted and documented.

2. Issue of What are Associated Grave Goods: It is customary for the NAHC to accept the determination and definition of 'associated grave goods' as presented by California Native American tribes. With regard to the more than 400 cogged stones found at ORA-83, archaeologists are not certain what they represent. Yet they are a spectacular discovery and, in the opinion shared with the NAHC on April 2, 2008, of Dr. Wiley, "there is no other such deposit of cogged stones anywhere in the world." What is acknowledged is that 22 were found in one house pit, meaning both the burial therein was a person of perhaps spiritual or political significance and the use of cogged stones at the site must have meant something very special. The NAHC does have access to photos of that house pit site as well as other house pit sites that contained cogged stones and locations where concentrated bone fragments were discovered at scattered sites that also included cogged stones. Now, the NAHC feels there is general agreement from the project archaeologist and between both Most Likely Descendants (MLDs) that the priority 'associated grave goods' includes *cogged stones, charmstones, discoidals and beads*. There is little disagreement, in our view about these. There may be some disagreement that some of cogged stones and other items, discovered at a location other than a burial, are not 'associated grave goods; this would be a matter for mediation, a role requested by one of the MLDs and accepted by the NAHC and the other MLD. Also, the California 3<sup>rd</sup> Appellate Court Decision in the case of People versus Van Horn (218 Cal.App.3<sup>rd</sup> 1378; 267 CalRptr. 804 [Mar. 1990] may strengthen the right of culturally-affiliated Native American tribes as to who has the authority over both remains and associated grave goods.
3. Issue: Is the ORA-83 a sacred cemetery? As a junior staff person at the NAHC, I believe it is. This is based on the lack of information provided to the NAHC, the Orange County Sheriff-Coroner, and apparently the MLDs about when remains were discovered. When the NAHC requested that information, the project archaeologist responded by saying that she "...cannot prepare a chronology...." (Please see Exhibit "D") Furthermore in the project archaeologist's memorandum to the company, dated January 17, 2007, it refers to a February 3, 2007 ceremony and assumed reburial (please see Exhibit "A") this action would be after the law extending the definition of a cemetery and a place with "multiple burials" to private land. Formerly, the definition of a cemetery as comprising six or more burials was limited to public cemeteries; now, AB 2641 extends the definition among other provisions. It amends Public Resources Code §5097.98 that says (a) Descendants shall complete their inspection and make recommendations or preferences for treatment (to the landowner) within 48 hours; and (b) preferences for treatment shall include all reasonable options including associated items (e.g. grave goods)." Therefore, considering the 87 burials from ORA-83, whose chronology is unknown or certainly unclear, and given the number of burials at this project site, how can one say that it is not a sacred cemetery? The Native American Heritage Commission determined a University of California, San Diego site, with 30 discovered burials and perhaps fewer artifacts and grave goods a "sanctified cemetery" at their meeting of March 12, 2008 in San Diego County.
4. Territorial Issues: It is generally accepted that the cogged stones are found in the coastal areas extending from Ventura County in California to parts of Baja California Norte, of the Republic of Mexico. Then, they are found in coastal areas of Central Chile in South America. Also, it is clear from the literature on

the cogged stones that they were very special items to the Juanenō as well as the Gabrieleno Tongva people. The Handbook of North American Indians, vol. 8, referenced above, includes the Bolsa Chica project site within the Gabrieleno Tongva territory. Lowell Bean, one of California's most respected scholars, edited the article on the Gabrieleno Tongva. The 1925 map of the Juanenō territory, prepared by Alfred Louis Kroeber, eminent ethnologist, shows the Juanenō territory below Aliso Creek in present-day Orange County. I attach copies of those maps as Exhibit "C." However, the NAHC accepts that the Bolsa Chica project area is a 'shared area' between the two tribal groups; both groups participate in an Annual Pilgrimage that starts at the ancient village of Panhe in northern San Diego County, includes Bolsa Chica and ends at Puvungna on the campus of California State University, Long Beach in Los Angeles County. Therefore, the NAHC feels that both have standing for their recommendations regarding the ORA-83, Bolsa Chica site, its discovery and treatment of the Native American human remains and the associated grave goods.

If you have any questions, please contact me at (916) 653-6251.

Sincerely,

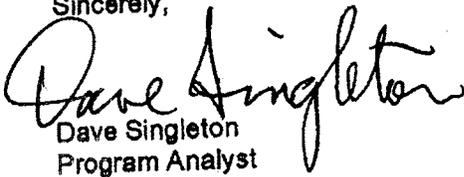
  
Dave Singleton  
Program Analyst

EXHIBIT "A"  
Bolsa  
chica

January 19, 2007

TO: Ed Mountford, Brian Bartlett- Hearthside Homes  
[cc: Joyce Perry, David Belardes, Robert Dorame, Anthony Morales]

FROM: Ted and Nancy Wiley- SRS, Inc.  
[cc: Jeff and Joanne Couch, Tracey Stopes, Paul E. Langenwalter]

RE: Reburial- Ora-85 Internments and Associated Materials

This memo provides a quick update regarding the status of our work towards the final reburial of human remains and associated grave goods on February 3, 2007.

All work is on schedule and will be finished by this Friday, January 26, 2007. Joanne is in the process of completing a comprehensive tracking sheet for the reburial of all associated materials including artifacts and sacred earth. Jeff has nearly completed the reburial map to include size of the reburial pit and a proportional layout of the Ora-85 individuals. A grid will then be laid out within the pit so that there can be an exact placement of each individual on the reburial date. By Friday, Paul Langenwalter will produce his customary burial chart listing all known characteristics of each burial and most importantly, sex and age, when possible.

*Handwritten note:*  
j bartlett  
@joanne  
state  
US

Accordingly, we anticipate and request your cooperation for the following:

- 1] On Monday, January 29<sup>th</sup>, the final pit be excavated by Hearthside at the far western end of the newly designated reburial area according to the specifications of the reburial map and under the direction of Jeff Couch.
- 2] The access ramp be placed at the south end of the pit in order to leave as much area in the designated reburial area as undisturbed as possible.
- 3] On Tuesday and Wednesday, January 30<sup>th</sup> and 31<sup>st</sup>, Jeff will grid the pit and Eric and his Pacific Paving crew will haul all associated earth from behind the trailers down to the pit and place the appropriate dirt in the corresponding square in the grid.
- 4] Then on Thursday, February 1<sup>st</sup>, matrix from the sorting process will also be taken to the pit and placed in the appropriate grid squares. In this way, all materials besides the human bone and associated artifacts will already be placed in the ground at least two days prior to the Saturday reburial.
- 5] On Friday, February 2<sup>nd</sup>, Ted and I will wrap each burial with its grave goods in white cloth as requested by the Juaneno Band. Each individual will then be wrapped again in colored burlap coded to male [blue], female [red], and unknown [beige]. Children will additionally have a color separation or other designator. This coding will aid the participants in the various ceremonies in addressing the reburied individuals in a more personal manner.
- 6] On Saturday, February 3<sup>rd</sup>, Ted and I will place the Ora-85 people in the ground within their reserved space for the morning ceremony.
- 7] We have requested that the Juaneno have their ceremony first so that after their ceremony, mats and animal skins may be added to the individual wrappings as requested by the Gabrielino. There is a precedent by Signal Landmark for purchasing leather [or

skins] for reburial. The first reburial in the early 1990s did have these materials. This was a preference of Raymond Belardes, the first Most Likely Descendant on this project. The Gabriellino should be reimbursed for this purchase since you are paying for the white cloth requested by the Juaneno.

8] We have also had one of our people paid to pick up elders of a tribal group to attend the reburial if they cannot drive or do not have transportation. We suggest that you offer to provide compensation for one person from each tribal group to do the same.

9] Please have extra security on Saturday from sunrise to sunset.

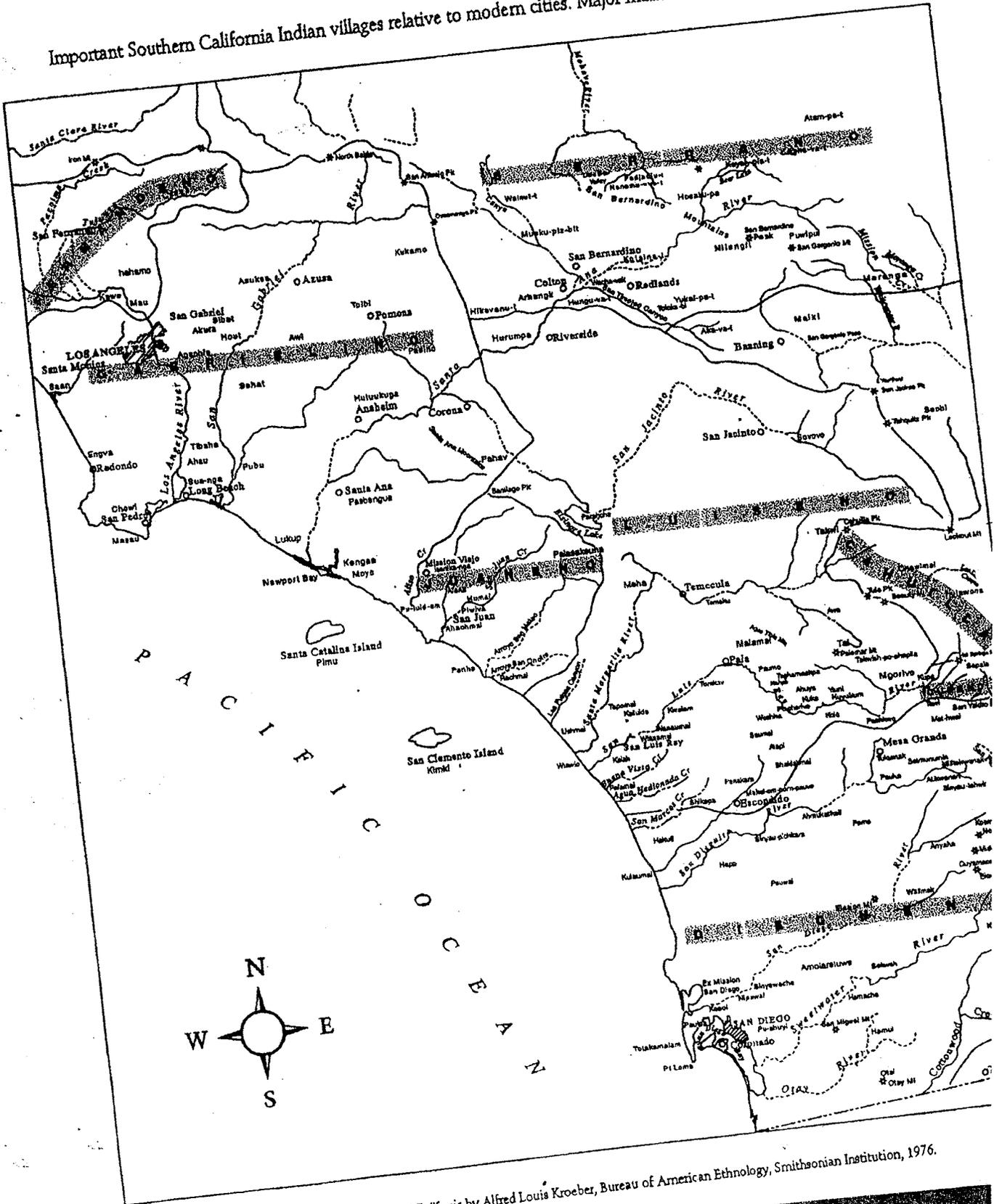
10] Please remember that Hearthside has always been responsible for filling in the pit at day's end with both the removed earth and placing in the pit a chain link fencing barrier.

As an aside, I further understand from my staff that there has been some discussion about reburying all of the artifacts from the site at the same time as the reburial. SRS has an obligation to document any artifacts to be reburied as mandated by County and Coastal Commission Guidelines and State law. All artifacts associated with the burials will be documented beforehand and then reburied on Saturday with the appropriate individual. The remaining site artifacts cannot be reburied at that time because they have not been processed or documented yet, since all efforts have been focused on burial-related materials only. In addition, Cal. State Los Angeles has an extensive collection of materials removed from this site by Prof. Hal Eberhart prior to ARI, Westec or SRS's work, and ARI's artifacts were given to PCAS when Marie Cottrell dissolved that non-profit corporation in the early 1980's. The Native Americans would have to request that these artifacts be returned from Cal State LA and PCAS under the Repatriation Act before a reburial of artifacts could occur. There is, however, an adequate area designated by Hearthside for Ora-85 and Ora-83 reburials for future repatriation of additional materials. The Ora-85 non-burial artifacts, therefore, will not be reburied on February 3<sup>rd</sup> but legally this matter has no bearing on the repatriation of human remains and associated grave goods from that site.

This is a brief outline of the anticipated activities for next week. Ted and I will arrive in Orange County on Monday, January 29<sup>th</sup> at 10:00 pm and will be on-site starting late morning on Tuesday. If any party has questions or requests changes to this schedule please call me at 907-723-1896; e-mail me at [wileycovote@aptalaska.net](mailto:wileycovote@aptalaska.net); or talk with me in person on Tuesday. We look forward to a respectful and successful reburial on February 3<sup>rd</sup>.

Exhibit "C"

Important Southern California Indian villages relative to modern cities. Major Indian territories are also shown.



Adapted from Handbook of the Indians of California by Alfred Louis Kroeber, Bureau of American Ethnology, Smithsonian Institution, 1976.

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [lm\\_nahc@pacbell.net](mailto:lm_nahc@pacbell.net)



April 8, 2008

Theresa Henry  
The California Coastal Commission  
South Coast Area Office  
200 Oceangate Suite 1000  
Long Beach CA 908024302  
Fax (562) 590 5084

Re: Brightwater-Bolsa Chica Project

Dear Ms. Henry:

The Native American Heritage Commission (NAHC) is informed by the NAHC appointed Most Likely Descendent, Anthony Morales, that Hearthside Homes has proposed reburial of 87 human remains from ORA-83 on April 21, 2008. The NAHC is also informed that documentation on the associated grave goods has been substantially done but is not complete. These associated grave goods include cogged stones, charm stones, beads and discoidals and other items.

The NAHC supports the Most Likely Descendants' request that documentation on all associated grave goods be completed before reburial and that all grave goods be reburied with remains. In this regard, the NAHC notes that the Cultural Resources Grading Monitoring Plan at page 6 dated 12-12-05 adopted pursuant to Special Condition No. 23, of the Coastal Permit indicates that human remains and any "artifacts associated with human remains" will be reburied after documentation is complete. It is also noted that the above 12-12-05 Monitoring Plan at page 7 also specifies that the location of the artifacts (associated with human remains) in the ground in relationship to the human remains will be documented so that when the human remains are reburied, the artifacts can be placed in the same relationship to the remains as they were when discovered. The Monitoring Plan also specifies that the artifacts (associated grave goods) will be kept with the human remains and examined and documented, and will be reburied together with the human remains.

The NAHC notes that based on information received from the project archaeologist, 22 cogged stones were discovered in a large burial pit. These are clearly associated with the human remains. The NAHC also notes that there are approximately 4217 artifacts that were found on ORA-83 including numerous cogged stones (over 400 on the project) and the NAHC is informed that only artifacts associated with remains are being processed at

this time. Based on information received from the project archaeologist, the NAHC believes that there are numerous other artifacts that must be analyzed and documented and that many of these maybe determined to be artifacts associated with human remains and should be reburied with remains. NAHC is aware of information that indicates there were numerous bone clusters where cogged stones were present, which suggests these features are burial areas.

As you are aware Public Resources Code 5097.98 requires that the recommendation of the Most Likely Descendant with regard to treatment of remains and associated items be given great deference by the land owner and that if an agreement as to disposition cannot be reached, the law mandates hat the remains and associated items be reburied on the property in a dignified manner not subject to subsurface disturbance. The NAHC strongly supports the recommendations of the Most Likely Descendants in determining which artifacts are artifacts associated with human remains and that otherwise pertain to the burial. The Most Likely Descendent has specialized knowledge of the local tribal community burial practices and beliefs.

The NAHC is informed that both Most Likely Descendants support waiting 6 months for the first reburial until major features that are clearly associated with individual burials can be studied and documentation on these completed. The NAHC supports this disposition.

The NAHC remains concerned about the Brightwater -Bolsa Chica Project. Although the NAHC has been in contact with the project archaeologist and has received a January 2007 and a November 5, 2008 status report, as of this date the NAHC has not received a promised map from the project archaeologist showing burials, house pits, photos and features. The NAHC has not received a report clearly showing the dates, locations and details of burial discoveries. At this point based on information available and the large number of burials recovered and associated items, it appears that the whole area may be a burial ground. Southern California Indians created and used discrete areas as cemeteries. The NAHC understands that the Coastal Commission will be reviewing its permit for the Brightwater Project. The NAHC suggests that the Coastal Commission consider requiring some sort of guarantee or performance bond in order to assure that all required reports are provided on a timely basis and that documentation is completed and reburials of remains and artifacts occur as agreed.

Sincerely,

*original signature on file*

Larry Myers, Executive Secretary NAHC

Cc: Bill Mungry, Chairman NAHC  
Anthony Madrigal, General Counsel NAHC  
Dave Singleton, NAHC  
Susan Hori, Counsel Brightwater Homes  
Nancy Anastasia Wiley, Project Archaeologist

**247.08 Planning Commission Review and Recommendation**

At the time and place set for the public hearing, the Planning Commission shall consider a report of the Director and shall hear evidence for and against the proposed amendment. The Planning Commission may continue a public hearing to a definite date and time without additional notice. Following the public hearing, the Commission shall make specific findings as to whether the proposed amendment is consistent with the policies of the General Plan and the purposes of this chapter, and shall recommend approval, conditional approval, or disapproval of the proposal as submitted or in modified form.

**247.10 Determination Before Making Recommendation on Change in Zoning District Classification or Zoning or Subdivision Provision or Standard**

- A. Before the Planning Commission makes its recommendation on an application for (1) a change of zoning district applicable to a specific site or (2) a change in the text of a zoning or subdivision provision or standard, it shall determine whether or not:
1. The change proposed is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;
  2. In the case of a general land use provision, the change proposed is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed;
  3. A community need is demonstrated for the change proposed; and
  4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.
- B. Prior to a change in the Coastal Conservation District (CC) classification, the following findings shall be made:
1. No wetlands exist on the subject parcel as determined by a site-specific topographic, vegetative, hydrologic and soils analysis of the subject parcel, prepared by a qualified wetland biologist or other qualified professional and reviewed and concurred in by the Department of Fish and Game; and
  2. That the proposed change in zoning district classification is in accordance with the policies, standards and provisions of the California Coastal Act; and
  3. That there is no feasible, less environmentally damaging alternative site for any proposed land use or development which may be allowed under California Public Resources Code sections 30233(a)(1) and 3024.

Any such removal of the Coastal Conservation District classification shall constitute an amendment to the Implementation Plan and, if applicable, the Land Use Plan portion of the Local Coastal Program. Pursuant to Section 30514 of the Coastal Act, an amendment shall not take effect unless and until it has been effectively certified by the California Coastal Commission. (3334)

