



Native American Heritage Commission

Consultation Policy and Guidelines

Native American Heritage Commission Roles and Responsibilities

Under state law, as state trustee, it is the role and responsibility of the Native American Heritage Commission (NAHC) to protect tribal cultural resources through fostering cooperative working relationships between California Native American tribes, state and local agencies, private landowners, developers, environmental consultants, and museums.

Native American Heritage Commission

Roles and Responsibilities

- To administer the application of Public Resources Code 5097.9 et al. and Health and Safety Code 7050.5.
 - Designate Most Likely Descendants
 - ✓ Request documentation to assist the Commission in the determination of the Most Likely Descendant.
 - ✓ Compile and interpret documentation from Most Likely Descendants for input to database.
 - Mediate disputes between landowners and Most Likely Descendants.
 - To protect and provide access to traditional cultural places on public property.
 - Administer the Sacred Lands File program, including consulting with Native Americans regarding adding sites.
 - Provide Tribal Consultation Lists to local governments pursuant to SB 18.

Native American Heritage Commission

Roles and Responsibilities

- NAHC staff reviews California Environmental Quality Act (CEQA) environmental documents, environmental impact reports, notices of preparation, negative declarations, mitigated negative declarations, and:
 - Facilitates Native American consultation under Assembly Bill (AB) 52 (effective July 1, 2015)
 - Provides Native American Contacts Lists to lead agencies for the purpose of consultation on CEQA project impacts.
 - Provides Sacred Lands File searches.

Native American Heritage Commission

Roles and Responsibilities

- Works with museums, community colleges, state universities, private universities, and the University of California campuses on issues including issues related to the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) and CalNAGPRA.
- Aids developers, private property owners, lead agencies, and law enforcement agencies in becoming aware of the importance of cultural resources to Californian Native Americans and all the citizens of California.

Native American Heritage Commission

Roles and Responsibilities

- Promotes adoption of protective measures by city/county agencies to protect cultural resources.
- Reviews environmental impact reports, negative declarations, mitigated negative declarations, and timber harvest plans.
 - ✓ Meets and confers with planning departments and other interested parties to assist in the development of local ordinances.
- Promotes training for law enforcement agencies, public agencies, archaeologists, and Native Americans.
- Works toward implementation of appropriate laws and enforcement responsibilities for the protection of Native American human remains, associated grave items, and tribal cultural resources.

Native American Heritage Commission

Elements of Consultation

- Standards and procedures may apply to:
 - The “Most Likely Descendent Process,” pursuant to PRC 5097.98
 - Mediation, pursuant to PRC 5097.94(k)
 - Burial agreements, pursuant to PRC 5097.94(l)
 - AB 52 compliance, pursuant to PRC 5097.94 (m) and PRC 21080.3.1(c)
 - The Sacred Lands File, pursuant to PRC 5097.96
 - Investigations, pursuant to PRC 5097.9 and 5097.94
 - The Tribal Consultation List, pursuant to SB 18 (Government Code sections 65351, 65352, and 65352.3)

Purpose of the Native American Heritage Commission Consultation Policy

To encourage communication and consultation with California Indian tribes, agencies and departments, elected officials and other representatives of tribal governments to provide meaningful input into the development of regulations, rules, and policies on matters with the NAHC's jurisdiction that may affect tribal communities, pursuant to the Governor's Executive Order B-10-11.

Comments

➤ Additional Comments to:

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