

**CALIFORNIA NATIVE AMERICAN HERITAGE COMMISSION**

**Open Session Minutes**

**Fourth Quarterly Meeting**

April 06, 2018

10:00 am to 3:00 pm

**Location:** The Ziggurat Building, Auditorium  
707 3<sup>rd</sup> Street  
West Sacramento, CA 95605

**Commissioners Present**

James Ramos, Chairman  
Laura Miranda, Vice-Chairwoman  
Merri Lopez-Keifer, Secretary  
Russell Attebery  
Joseph Myers

**Commissioners Absent**

Reginald Pagaling, Parliamentarian  
William Mungary, Chairman Emeritus  
Julie Tumamait-Stenslie  
Marshall McKay

**Staff Present**

Christina Snider, Executive Secretary  
Debbie Treadway, Environmental Scientist  
Katy Sanchez, Associate Environmental Planner  
Rob Wood, Associate Environmental Planner  
Samantha Cypret, Associate Governmental Program Analyst  
Frank Lienert, Associate Governmental Program Analyst  
Gayle Totton, Associate Governmental Program Analyst  
Sharaya Souza, Staff Services Analyst  
Nancy Gonzalez-Lopez, Office Assistant

**Call to Order – Native American Heritage Commission:**

- 1) Chairman Ramos called the meeting to order at 10:14 am.
- 2) Roll Call – A quorum was established.
- 3) The Native American Heritage Commissioners, staff, and Attorney General's representative were introduced.

**Closed Session**

**Call to Order – Public Session:**

- 1) Commissioner Attebery led the traditional opening with a prayer.
- 2) Closed Session Report – James Ramos, *Chairman*, **Information Item**

Chairman Ramos stated there was nothing to report from closed session.

- 3) Approval of Minutes – James Ramos, *Chairman*, **Action Item**

Open session minutes are to be amended to include Rob Wood under Staff Present.

A motion was made by Commissioner Myers and seconded by Secretary Keifer-Lopez to approve the minutes as amended from January 19, 2018 (open and closed session).

Ayes: 5; Nays: 0; Abstained: 0

The motion was carried unanimously.

**Old Business:**

- 1) CalNAGPRA Request (United Auburn Indian Community and University of California, Davis), Terrie L. Robinson, *General Counsel*, **Action and/or Information Item**

On behalf of General Counsel Terrie L. Robinson, NAHC Associate Governmental Program Analyst, Samantha Cypret, reported that Ms. Robinson sent out a letter on April 2, 2018 to UC Davis and the Bureau of Reclamation from the Commission asking them to acknowledge and comply with CalNAGPRA. She stated that the letter sent to UC Davis by the United Auburn Indian Community (UAIC) on July 3, 2017 would be construed by the NAHC as a CalNAGPRA claim. The UC Davis NAGPRA Coordinator was informed that UC Davis needs to file all its inventories and summaries in compliance with CalNAGPRA. The NAHC did not receive notice that the amended inventory for Accession 32 had been completed as was previously anticipated. Chairman Ramos noted that the Commission is waiting for a response from UC Davis and the Bureau of Reclamation to the letter sent on April 2, 2018. An update on this item will be provided at the next meeting. Chairman Ramos announced that if need be the Commission will call a special meeting to address any further issues on the matter. Secretary Lopez-Keifer thanked UAIC Tribal Councilmember Gabe Cayton for attending the Commission meeting and for providing a detailed update on the item.

**Public Comment:**

Gabe Cayton, Tribal Councilmember, United Auburn Indian Community

Mr. Cayton stated that he spoke to the Commission at the January 19, 2018 NAHC Meeting asking for assistance in repatriating a collection of burials, grave goods and cultural items held by UC Davis. He thanked the Commission for their assistance in initiating the CalNAGPRA process. He stated that shortly after the January NAHC Meeting UAIC sent UC Davis a letter that identified objects within their collection as funerary objects and or sacred objects. A month after the letter was received UC Davis notified UAIC they would be performing catalog verification work on 45 sites. On March 9, 2018 UAIC was informed that the catalog verification work was complete and on March 13, 2018 they received an updated draft inventory that did not accept any identifications made by UAIC to identify items as associated funerary objects or sacred objects as listed on their letter.

On March 16, 2018 UAIC received a formal written response from UC Davis that stated there was no physical evidence to catalog those sites as burial sites. Mr. Cayton argued that this determination was made due to UC Davis' incorrect interpretation of UAIC's customs and beliefs. The letter from UC Davis also argued that because UAIC's claim was filed when the items were treated as part of a culturally unidentifiable collection their claim is no longer valid. On March 19, 2018 UC Davis held a meeting of their NAGPRA Advisory Committee and UAIC attended to voice their concerns about UC Davis's failure to accept their identifications of funerary and sacred objects. They were told their comments were out of place. UAIC is now waiting for a response from the letter sent to UC Davis and the Bureau of Reclamation by the Commission. Mr. Cayton emphasized that the Commission's involvement in the matter is critical at this point.

- 2) Special Interest License Plate Project Update, Samantha Cypret, *Associate Government Program Analyst*, **Information Item**

Ms. Cypret provided the Commissioners with sample pamphlets and presented a sample poster board that could potentially be used to advertise the Special Interest License Plate to the public. She reported she has been working with Chris Besenty from the California Natural Resources Agency to build the website to meet compliance with DMV regulations. Once the website is built the NAHC will submit the project to the DMV and a sample license plate will be submitted to the CHP for approval. Ms. Cypret encouraged tribal governments with fleets of vehicles to consider outfitting them with the license plate as there is a 7,500-order requirement minimum for the plate to be issued. Commissioner Ramos requested that the Commission write a letter to tribal governments in support of the Special Interest License Plate. Ms. Cypret stated that once the project is approved they will begin to campaign.

- 3) Most Likely Descendant Regulations Update, Terrie L. Robinson, *General Counsel*, **Information Item**

On behalf of Ms. Robinson, Ms. Cypret reported that the Most Likely Descendant Regulations have not been submitted to the California Natural Resources Agency. She stated that with help from Executive Secretary

Snider the agency committed to lend their legal staff to help with the NAHC's Regulations including the Most Likely Descendant Regulations.

4) **UCLA/NAHC Tribal Cultural Resources Project, Terrie L. Robinson, *General Counsel*, Information Item**

On behalf of Ms. Robinson, Ms. Cypret reported there was an update from UCLA Professor Bill Wood regarding this project. He reported that five students are working on two projects this semester. Two students are working primarily with Kathy Bancroft, the THPO for the Lone Pine Paiute-Shoshone Tribe, to develop a consultation policy that can serve as a model for other California tribes. Chairperson Charlotte Lange of the Mono Lake Kutzadika'a Paiute Indian Community and Danelle Gutierrez, THPO of the Big Pine Paiute Tribe, have also been involved in meetings. Three students are working with Vice-Chairwoman Miranda on drafting a guidance document that explains the CEQA process for project reviews and the provisions for consulting with tribal governments.

A job announcement for a law student to continue this work over the summer is circulating and candidates are being evaluated.

Professor Wood has been in communication and meeting with officials from UAIC and the Karuk Tribe to discuss templates to use as models to share with other tribes. Secretary Lopez-Keifer asked Ms. Cypret to reach out to Professor Wood and inform him that the National Indian Justice Center is also working on creating a consultation tool kit that would encompass Section 106, AB 52, SB 18, and Executive Order B-10-11.

5) **Strategic Plan Update, Terrie L. Robinson, *General Counsel*, Information Item**

On behalf of Ms. Robinson, Executive Secretary Snider reported that the NAHC is on schedule with one of the four objectives for April 2018 under the Five-Year Strategic Plan. This objective is the Budget Change Proposal that has been submitted to the Department of Finance. If approved by the Legislature it will achieve two-thirds of the staffing increases called for in the Five-Year Strategic Plan. She thanked the Governor's Office, Bryan Cash at the Resources Agency, Juliana Morozumi at the Department of Finance, and Andrew Duffy at the Department of Finance for their help on this matter.

Ms. Snider reported that the remaining objectives including the Special Interest License Plate, the MLD Regulations, and the Sacred Lands File Regulations are to be completed. She announced that the NAHC will be working with the California Natural Resources Agency to help ensure that these projects hold adequate consultation with tribal governments.

Secretary Lopez-Keifer extended gratitude to Executive Secretary Snider for her hard work and expressed her support for the Five-Year Strategic Plan. Chairman Ramos thanked the NAHC staff for their work in pushing the projects forward.

6) **Owens Lake – Request for Investigation and Public Hearing Under Public Resources Code 5097.9, 5097.94(g), and 5097.97, Terrie L. Robinson, *General Counsel*, Information Item**

Ms. Cypret reported that the Legal Department is currently engaged in negotiations to temporarily place staff in Southern California to assist with carrying out interviews and fact finding in preparation for the public hearing regarding Owens Lake.

7) **Annual Report, Christina Snider, *Executive Secretary*, Information Item**

Executive Secretary Snider announced that the Annual Report would be tabled until the next Commission Meeting.

**New Business:**

1) **Commissioners' Report, James Ramos, *Chairman*, Information Item**

Chairman Ramos graciously thanked Governor Brown for appointing Christina Snider as the new Executive Secretary of the NAHC. He emphasized that exploring different sources of revenue like the license plate and requesting new personnel through the Budget Change Proposal, are essential components for moving the Commission forward. Chairman Ramos thanked Commissioners and the NAHC staff for their time.

2) Executive Secretary's Report, Christina Snider, *Executive Secretary*, **Information Item**

Executive Secretary Snider reported that during this quarter staff processed 1,760 CEQA project requests that yielded 25,387 Sacred Lands File searches. There were 227 timber harvest projects processed that required staff to conduct 1,053 searches of the Sacred Lands File. Staff processed and responded to 195 AB 52 requests and 102 SB 18 requests. The NAHC received 504 CEQA environmental documents from the California State Clearing House and staff filed comments of concern for 123 of those projects. There were 21 inadvertent discoveries of Native American Human remains reported to the NAHC by County Coroners and 21 MLD designations were made by staff by utilizing various resources such as the MLD Database Registrar, information submitted by tribal governments, and various scholarly references. Staff consulted with 7 tribes this quarter to address various issues.

Staff completed the initial analysis of the Sacred Lands File which currently contains 1,968 records. Tribes added 5 sites to the Sacred Lands File this quarter and staff has completed a preliminary draft report that defines the current program and analyzes Sacred Lands File issues.

Staff is continuing to work with the Department of Technology on an automation of collecting tribal updates for the Tribal Directory and Tribal Advisor Online Directory. The target date for the Tribal Directory to be sent out to the printer is April 13, 2018.

Staff is working on a PowerPoint presentation that will be posted on the NAHC website to inform County Coroners of their responsibility under California State Law regarding inadvertent discoveries of Native American human remains.

Staff updated 15 tribal records on the NALIS Database System and are attending ongoing meetings with the California Natural Resources Agency to update searchable features to provide more in-depth reports, solve various database problems, and set up in house GIS mapping ability.

Through the Budget Change Proposal process staff has been working with the Department of Finance, the California Natural Resources Agency, the State Lands Commission, and the Governor's Office to address the staffing shortfall which prevents the Commission from fulfilling all of its statutory obligations. Various meetings with the State Lands Commission regarding 2017 & 2018 fiscal year expenditures, contracts, and budget projections, have taken place.

Governor Brown appointed Ms. Christina Snider as Tribal Advisor and Executive Secretary of the NAHC. Mr. Steven Quinn left the agency and recruitment for his position begins this month.


**Adjournment:**

Chairman Ramos adjourned the meeting at 11:40 am.

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

  
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James Ramos, Chairman

  
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Christina Snider, Executive Secretary

  
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Merri Lopez-Keifer, Secretary