



---

## NATIVE AMERICAN HERITAGE COMMISSION

---

### EXECUTIVE SECRETARY REPORT

*July 2020*

---

#### I. COVID-19

##### A. NAHC Office Operations

The NAHC office is currently operating in a limited capacity as a precautionary measure in light of COVID-19. While the public desk for the office has reopened after a temporary closure, we ask that members of the public limit visitation to protect the safety of NAHC staff.

The NAHC remains open for business and staff are available by email and regular mail. Because our office has transitioned to full telework for the duration of this emergency event, there may be some delay as staff work to respond to all requests in a timely manner.

The NAHC has mission tasked one staff member to the State's COVID-19 contact tracing efforts.

##### B. AB 52 Timeline Extension

In recognition of the fact that many tribes are currently dealing with the impacts of COVID-19, Governor Newsom issued an Executive Order to extend tribal consultation timelines under AB 52.

The Executive Order suspended the timeframes within which a California Native American tribe must request consultation and the lead agency must begin the consultation process for a period of 60 days, effective April 22, 2020.

##### C. UC Native American Cultural Affiliation and Repatriation Final Policy Extension

On July 27, 2020, the University of California Office of the President issued the [UC Native American Cultural Affiliation and Repatriation Interim Policy](#). President Napolitano issued this policy as interim in order to allow tribes that have not been able to review due to the COVID-19 pandemic additional time to comment, while at the same time, going forward with a significantly improved process of

repatriation. The University will issue a final updated policy on or about December 31, 2020.

Further written comments or requests for consultation on the policy can be submitted to [RPAC@ucop.edu](mailto:RPAC@ucop.edu) through November 15, 2020. More information is available [here](#).

#### D. Tribal COVID-19 Resources

The Office of the Tribal Advisor compiled tribal COVID-19 resources, including forms for testing needs and guidelines documents, on my website at <https://tribalaffairs.ca.gov/covid-19/>.

## II. **Budget**

The State is implementing 5% across the board cuts to all funds to address the budget impacts related to the COVID-19 pandemic. How these cuts are determined is based on department plans that are submitted to the Department of Finance. In addition, only essential and mission critical travel is permitted at this time.

As part of the State's costs savings plan, all State employees have received a salary reduction, which will be reflected in August 1 salaries. The terms of salary reduction depend on the bargaining unit for each employee.

## III. **Staff Update**

The NAHC has welcomed Justin Freeborn to our team as an Enforcement Attorney in the Legal Department.

Prior to joining NAHC, Justin worked for the California Department of Social Services as an enforcement attorney for the Department's Community Care Licensing Division. In that role, he litigated complex cases involving abuse and neglect of residents in foster homes and senior living facilities. Justin also worked with county child welfare agencies and foster care organizations to create new Due Process regulations for the state's new foster care program.

Prior to joining to the Department of Social Services, Justin worked for Legal Services of Northern California as a retirement & pension attorney. In that role, Justin advocated for seniors' retirement rights by litigating administrative hearings involving retirement benefits and creating community outreach materials.

Justin is currently taking some time to familiarize himself with the laws and history of the work of the NAHC. Beginning in August, he will be actively engaging in our ongoing projects, including Owens Lake and MLD Regulations development.

The NAHC anticipates posting two positions in the newly-formed Administrative Unit and one NAGPRA attorney position in the Legal Department in August 2020.

#### IV. Critical Functions

##### A. Sacred Lands File Requests

- Staff has processed 3483 CEQA project requests. Those project requests required staff to conduct 8771 searches of the Sacred Lands file.
- Staff has processed 376 Timber Harvest project requests. Those project requests required staff to conduct 1416 searches of the Sacred Lands file.

##### B. AB52 Requests

- Staff has processed and responded to 457 AB52 requests.

##### C. SB18 Requests

- Staff has processed and responded to 202 SB18 requests.

##### D. CEQA Environmental Documents

- NAHC received 1127 CEQA environmental documents from the CA State Clearinghouse to review, analyze, and file comment when needed. These documents include Negative Declarations, Mitigated Negative Declarations, Draft Environmental Impact Reports, and Notice of Preparations.
- Staff filed comments of concern to 215 of those CEQA projects.

##### E. Most Likely Descendant Designations

- In accordance with California State law, the County Coroner's office reported 26 inadvertent discoveries of Native American human remains to the NAHC.
- 26 MLD designations were made utilizing various resources such as: MLD database register, information submitted by tribal governments and various scholar references.

##### F. Tribal Consultation

- Staff has conducted 17 tribal consultations.

##### G. Sacred Lands File

- 28 new records were added to the Sacred Lands File.
- The Sacred Land File contains a total of 2018 records.

## H. NALIS

- Staff updated 30 tribal records on the NALIS data base system.
- Update on Tribal maps of geographic area of tribal traditional and cultural territory maps as determined and submitted by tribes. Edits and approvals have been somewhat delayed from tribes due to COVID-19.
  - Staff has generated 67 maps and sent to Tribes for edits and/or approval.
  - Staff received 22 edits to revise.
  - Staff received 24 approved maps to upload into the database.
  - A cumulative total of 32 maps have been approved by tribes.
- Staff attends ongoing meetings with Resource Agency: 1) to update searchable features to provide more in-depth reports; 2) various data base problems.

## I. Regulations

Staff were assigned to assist with the development of regulations in May 2019.

- *Most Likely Descendant* - Regulation Development – Preliminary Activities
  - Reviewing and responding to comments submitted during tribal consultation.
  - Preparing report to present to the NAHC's MLD subcommittee.
- *Sacred Lands File* - Regulation Development – Preliminary Activities
  - Draft completed by staff.
  - Internal review in process – Delayed due to COVID-19 .
- *SB18 List* - Regulation Development – Preliminary Activities
  - Evaluating if this should be included with the MLD regs since tribes are required to meet the SB18 criteria to be included as an MLD.
- *Sacred Lands File Fees* - Regulation Development – Preliminary Activities
  - Draft completed of internal procedures by staff.
  - Internal review in process – Delayed due to COVID-19.

- Follow up with Accounting to incorporate proper accounting procedures and equipment for NAHC to receive fees – Delayed due to COVID-19.

#### J. Administrative

- Various meeting with State Lands Commission Accounting and Budgets regarding 2019 – 2020 FY expenditures, contracts, and budget projections.
- Meetings with the Department of General Services, Real Estate Division, the current Property Manager, and State Lands Commission regarding increasing current office space to accommodate additional positions.
- Implement telework policy for all NAHC staff.
- Attend daily/weekly CA Natural Resources Agency COVID-19 taskforce meetings.
- Implement Ca Department of Public Health Guidance regarding COVID-19 in the work place.
- Participate in various required budget drills to CA Natural Resources Agency to be submitted to the Department of Finance.

#### V. **Owens Valley Investigation**

NAHC staff (Samatha Cypret) has been working with the Pastiatia Tribal Oversight Committee, which is comprised of the THPOs from the five Owens Valley Tribes (Lone Pine, Big Pine, Fort Independence, Bishop, and Timbisha-Shoshone) on both the investigation and the Historical District nomination as the two processes have many similar components.

- All interviews have been completed and transcribed.
- The archival research and archaeological site data has been compiled.
- The boundary has been focused to Pastiatia (Owens Lake) and its shoreline.
- The proposed boundary falls at approximately 3700 feet elevation.
- The initial nomination for the Historic District was submitted to SHPO on July 10, 2020
- Staff is compiling and refining the information for the initial investigation report for review by the Enforcement Attorney.

**VI. Digital Atlas**

Jason MacCannell has completed the Digital Atlas, which will be released pending final internal review. The release will be accompanied by a walkthrough webinar.

**VII. Statue Removals and Name Changes**

The State is currently in the process of inventorying and addressing problematic figures and names within State-owned spaces. These changes are also taking place across several sectors and jurisdictions outside of the Administration’s authority, including in privately-owned properties and in areas under the purview of the Legislature.

**VIII. California Native American Day – 2020**

The California Tribal Chairpersons Association (CTCA) has cancelled this year’s in-person California Native American Day event due to COVID-19. The CTCA anticipates hosting a virtual event in its place—details on this event are pending.

**IX. Recognition of Former Chairperson James C. Ramos and the Marie Potts Native Women’s Wall of Honor**

The NAHC would like to honor former Chairperson Ramos through a commemorative event. NAHC Staff have also been working on updating the Marie Potts Native Women’s Wall of Honor and would honor additions to the wall through a commemorative event. These events are pending due to COVID-19.

**X. Upcoming Tribal Opportunities**

The California Department of Housing and Community Development survey, which will be used for future tribal funding opportunities and programs, is due on August 7, 2020 and available [here](#).

FCC Tribal Rural Priority Window applications are due on August 3, 2020. More information is available [here](#).

The National Native American Boarding School Healing Coalition is currently hosting a series of webinars entitled “Truth in History: Examining Indian Boarding Schools in California.” Information and registration details are available [here](#).