

Native American Heritage Commission

**Third Quarterly Meeting
January 15, 2016
Minutes**

Meeting Location:
**Ziggurat Building Auditorium
707 3rd Street
West Sacramento, CA
(916) 376-5326**

Commissioners Present

James Ramos, Chairperson
Laura Miranda, Vice Chairperson
Julie Tumamait-Stenslie, Secretary
Russell A. Attebery
Merri Lopez-Keifer
Marshall McKay
William Mungary
Joseph Myers
Reginald Pagaling

Staff Present

Cynthia Gomez, Executive Secretary
Terrie L. Robinson, General Counsel
Debbie Pilas-Treadway, Environmental Scientist III
Katy Sanchez, Associate Environmental Planner
Rob Wood, Associate Environmental Planner
Samantha Cypret, Staff Services Analyst
Frank Lienert, Associate Government Program Analyst
Sharaya Souza, Staff Services Analyst
Joshua Standing Horse, Associate Government Program Analyst
Gayle Totton, Associate Government Program Analyst
Lariza Barcena, Office Assistant

Attorney General

Antonette Cordero, Deputy Attorney General IV

Call to Order

- 1) Chairperson Ramos called the meeting to order at 09:30 AM. A quorum was established.
- 2) Chairperson Ramos welcomed the public to the meeting.
- 3) Introduction of the Native American Heritage Commissioners and staff.

Closed Session

Closed Session – Pending Litigation (Government Code sections 11126(e)(1))

- 1) Sutter Butte Flood Control Agency, Government Code section 11126(e)(2)(C)(1)
- 2) NAHC v. Inyo County, Government Code section 11126(e)(1)
- 3) NAHC v. Foothill/Eastern Transportation Corridor Agency, Government Code section 11126(e)(1)

Call to Order

- 1) Traditional Opening by Commissioner McKay
- 2) Closed Session Report:
Chairperson Ramos reported there were no comments to announce for closed session.
- 3) Approval of minutes – James Ramos, *Chairperson*, **Action Item**
 - Commissioner McKay motioned to approve the following minutes:
July 17, 2015
October 16, 2015
October 16, 2015 – Closed Session
 - Commissioner Pagaling seconded the motion.

Ayes: 7; Nays: 0; Abstained: 2, Commissioners Miranda and Tumamait-Stenslie.
The motion passed.

Old Business

1) Most Likely Descendants (MLD) Regulations Update - Terrie L. Robinson, *General Counsel*, **Action Item**

Ms. Robinson presented a revised rulemaking schedule for MLD Regulations to the Commissioners. The schedule is a year-long process allowing time for public comments to be incorporated in the draft MLD Regulations. If the schedule is adhered to, the MLD Regulations policy will be approved in 2017 and submitted to the Office of Administrative Law.

Commissioner Miranda asked how the Commissioners are going to be updated on the public comments. Ms. Robinson replied that public comments were being incorporated and will be presented to the MLD Regulations Subcommittee (Vice Chairperson Miranda and Secretary Tumamait-Stenslie) on February 16, 2016 for their review and comment.

2) Native American Heritage Commission (NAHC) Consultation Policy – Cynthia Gomez, *Executive Secretary*, **Information Item**

Ms. Gomez explained the NAHC Consultation Policy draft includes comments from twelve (12) tribal consultation sessions held throughout 2015. The draft was posted on the NAHC website and is open for comments. She proposed to add this item onto the next NAHC Commission meeting agenda as an action item.

3) Proposed Native American Heritage Commission Support for National Monument of Santa Susana Field Laboratory – Sam Cohen, *Government Affairs and Legal Officer*, Santa Ynez Band of Chumash Indians, **Information Item**

Sam Cohen reported the Santa Ynez Band of Chumash Indians has been engaged in efforts to propose the former Santa Susana Field Laboratory (SSFL) as a National Monument for the invaluable cultural resources on site. The Tribe has registered the Burro Flats Painted Cave in the NAHC Sacred Lands Inventory, intervened in the California Environmental Quality Act (CEQA) process, and filed a Sacred Lands Intervention under Executive Order 13007 (Exec. Order No. 13007, 61 Fed. Reg. 26771 (1996)). The SSFL can only be officially designated as a National Monument through Presidential Executive Order. The Tribe received a letter of support from Carol Roland-Nawi of the State Historic Preservation Office (SHPO) and Sam Cohen suggested it be used as a model for a letter of support from the NAHC. He added that if any tribe would like to propose sites as National Monuments, he and his Tribe are willing to share the information learned in their process.

Commissioners Pagaling and Tumamait-Stenslie recused themselves.

Commissioner Miranda motioned to approve the NAHC's support for the SSFL National Monument. Commissioner Attebery seconded the motion.

Ayes: 7; Nays: 0; Abstained: 2, Commissioners Pagaling and Tumamait-Stenslie.
The motion passed.

New Business

1) Commissioners' Report - James Ramos, *Chairperson*, **Information Item**

The Commissioners had nothing to report.

2) Executive Secretary Report - Cynthia Gomez, *Executive Secretary*, **Information Item**

Ms. Gomez introduced new NAHC staff Frank Lienert, Joshua Standing Horse, Gayle Totton, Samantha Cypret, and Sharaya Souza.

Ms. Gomez reported that:

- The NAHC has finalized the lease for a new office space to accommodate the staff growth. The new office move will occur in February 2016 but all office operations will continue uninterrupted.
- The top priorities of the NAHC staff have been activities required under Assembly Bill 52 (AB 52) (Gatto, 2014), Sacred Lands Inventory, and Senate Bill 18 (SB 18) (Burton, 2004). For AB 52 (Gatto, 2014) compliance, the NAHC staff has been working with Information Technology staff and contractors from the Natural Resources Agency to create the Native American Land Information System database. Information

is being gathered through consultation with tribes and by asking tribes to submit their territorial maps to the NAHC.

- AB 52 (Gatto, 2014) template letters, training presentations, and other information are available on the NAHC website. Staff has been available to answer questions regarding the process and has given training to lead agencies and tribes on this new legislation.
- MLD Regulations update and AB 52 (Gatto, 2014) legislative requirements were given to agencies and tribes through twelve (12) consultation sessions and individual consultations in 2015.
- The NAHC held a Hearing for Public Comment on January 14, 2015. Hearings for Public Comment are used as opportunities to provide the public with updates on AB 52 (Gatto, 2014) and other issues.
 - Public concerns presented at the Hearing for Public Comment included:
 - Tribes' lack of resources to comply with AB 52 (Gatto, 2014).
 - Developers needing further education on the consultation process.
 - CalTrans' concern that tribal letters requesting consultation is not being received by CalTrans. They suggest tribes verify the agency's contact address before sending out letters and CalTrans will work on improving the internal process to verify receipt of consultation letters.
 - The NAHC staff started gathering comments for the Strategic Plan. A draft will be proposed by October 2016 and will include the NAHC's goals, accountability, and resources needed to accomplish its vision. Proposed additions include MLD Regulations, SB 18, Cal NAGPRA, AB 52 (Gatto, 2014), Sacred Lands Inventory, funding sustainability, and succession planning.

Commissioner Myers complimented the staff on all of its great work. Chairperson Ramos extended the same sentiments on behalf of the NAHC Commissioners.

Commissioner Tumamait-Stenslie asked how confidentiality is maintained when counties and other entities request territorial information. Ms. Gomez replied that when counties request information, the NAHC staff redirects them to consult with the tribes involved. NAHC staff maintains confidential information received by tribes and the tribes only have access to their own tribal information.

3) NAHC 2016 Meeting Dates - Cynthia Gomez, *Executive Secretary*, **Information Item**

Ms. Gomez reported this item was to remind the NAHC Commissioners and the public of the upcoming NAHC meeting dates that were adopted at the NAHC Commission meeting on July 17, 2015 in San Diego, CA.

4) Cal NAGPRA Repatriation Oversight, Executive Secretary's Report - Cynthia Gomez, *Executive Secretary*, **Information Item**

Ms. Gomez explained to the public that legislators approved the Cal NAGPRA Repatriation Oversight Commission (ROC) duties be transferred to the NAHC Commission. Rob Wood gave a brief overview on statutory requirements. Cal NAGPRA includes the participation of federally and non-federally recognized tribes and procedures for mediating disputes between Indian tribes and institutions possessing or controlling Native human remains and associated grave goods not available in NAGPRA.

Michelle LaPena, LaPena Law Corporation, presented the NAHC Commissioners with draft regulations for Cal NAGPRA ROC implementation containing a proposal for recommended legislation and policy statements.

Commissioner Miranda asked what are the next steps for the NAHC to implement the Cal NAGPRA ROC duties? She recently received a Mediation Certification by the Los Angeles County Bar Association and completed a Peacemaking Mediation course. She volunteered to be a mediator for repatriation issues. Ms. Gomez thanked Commissioner Miranda for her offer; she added that the NAHC staff is working on an outline for the Cal NAGPRA ROC duties and mediation training for both the Commissioners and staff.

Public Comment

Danny Rey, Tribal Council Secretary of United Auburn Indian Community (UAIC), updated the Commissioners on the Feather River West Levee Project. The Tribe has made progress and is close to a final settlement with the Sutter Butte Flood Control Agency (SBFCA). Courtney Coyle, outside counsel for the UAIC, added that all the disputed items and materials discussed at the NAHC Commission Meeting on July 17, 2015 were repatriated and reburied by the Tribe. The Tribe's current focus is the Tribal Consultation Policy, which will include mitigation measures such as an ethnographic report for Tribal use. The next settlement meeting with SBFCA for the Feather River West Levee project is on January 28th, 2016. The Tribe has issues with SBFCA wanting to add projects to the existing Environmental Impact Report (EIR) with a Supplemental EIR.

Chris Lobo, former Tribal Council of the Juaneño Band of Mission Indians (JBMI), thanked the NAHC for its work and praised it for being a powerful representative for California Native Indians. He reported that his Tribe will continue working on becoming federally recognized.

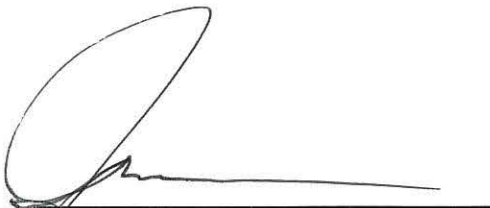
Morning Star Gali, Tribal Historic Preservation Officer, Pit River Tribe, presented the issue of pothunters and the Sheriff Department's lack of proper collaboration with the Tribe. She invited the Commission and NAHC to join the Stewardship Council Board meeting on January 21, 2016 at the California State Library to support the Tribe's Land Stewardship Proposal for the Hat Creek Planning Unit. She expressed concerns on the Tribe's lack of financial resources to protect sacred sites and UC Davis's lack of collaboration to repatriate tribal cultural items.

Robert Levi, Liaison of California Teachers Association (CTA), reported that the CTA is working on complying with Assembly Bill 163's (AB 163) (Williams, 2015) language and culture components for California teachers. Efforts include designing a Native California curriculum including language, culture, history, teacher empathy for California Indians, and inclusion of local tribes in the history of California Indians. He welcomed any input from the Commissioners to report back to future CTA meetings. Commissioner Mungary mentioned the Tule River Tribe's recent curriculum implementation for 1st through 8th grade. Commissioner Tumamait-Stenslie suggested the curriculum should expand to middle schools and high schools. Chairperson Ramos suggested the role of the NAHC be mentioned in the curriculum. Commissioners Tumamait-Stenslie and Lopez-Keifer showed their support for the efforts.

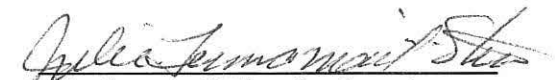
Adjournment

The meeting was adjourned at 2:13 PM.

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


James Ramos, Chairperson


Cynthia Gomez, Executive Secretary


Julie Tumamait-Stenslie, Secretary