

**PUBLIC MEETING NOTICE AND AGENDA
CALIFORNIA NATIVE AMERICAN HERITAGE COMMISSION**

First Quarterly Meeting

July 15, 2016
9:00 AM to 3:00 PM

Location: Ziggurat Building Auditorium
707 3rd Street
West Sacramento, CA 95605

Commissioners Present

James Ramos, Chairperson
Laura Miranda, Vice Chairperson
Russell A. Attebery
Merri Lopez-Keifer
Marshall McKay
William Mungary
Reginald Pagaling

Staff Present

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

Attorney General

Antonette Cordero, Deputy Attorney General IV

Call to order:

- 1) Chairman Ramos called the meeting to order at 9:15 AM. A quorum was established.
- 2) Roll call - All Commissioners were present except for Commissioner Myers and Commissioner Tumamait-Stenslie.
- 3) The Native American Heritage Commissioners, staff, and Attorney General's representative were introduced.
- 4) Ms. Gomez thanked Antonette Cordero, Deputy Attorney General IV, for her many years of service and congratulated her on her new position at the Department of Toxic Substance Control.
- 5) Chairman Ramos called for public comment before closed session:

Mr. Jason Camp, *United Auburn Indian Community (UAIC)*: Reported on the Sutter Butte Flood project, that the parties hope to close and sign the settlement agreement in the next few weeks. The settlement will recognize the Tribe's burial agreement, monitoring agreement, and the right to determine how Tribal culture resources will be handled. UAIC will continue to work with the Sutter Butte Flood Control Agency to protect sacred sites.

Commissioner Lopez-Keifer asked for the UAIC recommendations on the long-term management plan. Mr. Camp provided the following recommendations; notification about the types of activities that are going on, any type of ground disturbance, information on how Department of Water Resources will move forward, and payment for Tribal monitors. Commissioner Attebery asked if UAIC was currently in negotiation to rebury human remains. Mr. Camp informed him that they are not because all the remains have been reburied.

Closed Session:

Closed Session – Pending Litigation (Government Code sections 11126(e)(1), (e)(2) (C)(1), (e)(2)(B)(i))

- 1) Sutter Butte Flood Control Agency, Government Code section 11126(e)(2)(C)(1))
- 2) NAHC v. Inyo County, Case No. SI CV PT 1557557, Superior Court of Inyo County (Government Code section 11126(e)(1))

- 3) NAHC v. Foothill/Eastern Transportation Corridor Agency, Case No. GIN051370, Superior Court of San Diego County (Government Code section 11126(e)(1))
- 4) Potential Litigation (Government Code section 11126(e)(2)(B)(i))

Call to Order:

- 1) Commissioner McKay led the traditional opening.
- 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 Ramos motioned to approve the following minutes:
 - January 5, 2016
A motion was made by Commissioner Pagaling and seconded by Commissioner McKay.
 - April 15, 2016
A motion was made by Commissioner Atteberry and seconded by Commissioner McKay.
 - April 15, 2016 – Closed Session
A motion was made by Commissioner Pagaling and seconded by Commissioner Atteberry to approve all three minutes.

Ayes: 7; Nays: 0; Abstained 0
The motion was carried unanimously.
- 4) Commissioner Atteberry has requested to move item 5, New Business, the *Election of Officers* forward in front of Old Business, the request was approved. Commissioner Atteberry will leave after item 5 of New Business.

New Business:

- 5) Election of Officers, Cynthia Gomez, Executive Secretary, **Action Item**
 - Commissioner Mungary nominated Commissioner Ramos for Chairperson.
Ayes: 7; Nays: 0; Abstained: 0
The nomination passed.
 - Commissioner Ramos nominated Commissioner Miranda for Vice-Chairperson.
Ayes: 7; Nays: 0; Abstained: 0
The nomination passed.
 - Commissioner Atteberry nominated Commissioner Lopez-Keifer for Secretary.
Ayes: 7; Nays: 0; Abstained: 0
The nomination passed.
After tallying the votes, all nominations received unanimous approval into their newly elected positions.

Commissioner Ramos selected Commissioner Pagaling for the Parliamentarian position.
All officers will serve a two-year term, the next elections will be held in July 2018.

Old Business:

- 1) NAHC 40th Anniversary Planning for 2016, Cynthia Gomez, Executive Secretary, **Information Item**

Ms. Gomez reported that initially there were plans to have a gala and symposium at one of the universities, but unfortunately due to time, the scale of the event will be reduced. Additional information will be provided as donations are received, which will help determine further direction of the event.

- 2) Cal NAGPRA Repatriation Oversight, Cynthia Gomez, Executive Secretary, **Information Item**

Ms. Gomez explained that last January as part of a trailer bill Cal NAGPRA was moved under the jurisdiction of the Native American Heritage Commission due to the lack of activity of Cal NAGPRA related to insufficient funding for the previous Cal NAGPRA Commission. Due to the importance and scale of Cal NAGPRA duties, Ms. Gomez believes that mission will be best carried out under the NAHC.

The NAHC is gearing up to prepare for the components within CalNAGPRA. The first mandate the NAHC accomplished was to have the Commissioners and staff receive mediation training. Concurrently, staff is in the process of reviewing prior inventories. The remaining mandates will be prioritized for the October 2016 meeting outlining what needs to be accomplished and when it's to be accomplished.

6) License Plate Initiative, Terrie Robinson, General Counsel, **Information Item**

Ms. Robinson updated the Commission on the license plate initiative. Previously, she was to provide the cost of initiating a marketing program. She has located one printer and a public relations department that specializes in working with tribal governments. Ms. Robinson asked the Commission if they would like to set a target budget for estimates, stick with current estimates, or obtain additional estimates? She also asked if the Commission would be interested in raising funds?

Commissioner McKay asked if we are to incur expenses, is the initiative going to generate revenue, break even, or operate at a loss? He noted that one of the fiduciary responsibilities of the Commission is to also manage our resources accordingly. If an answer was not available at this time he asked Ms. Robinson to bring it back to the Commission at a later date.

Ms. Robinson envisioned the cost of marketing be raised by the Commission aside from the general fund allocation, which is why she wanted to inquire more about fund raising opportunities. In order to be profitable the license plate sales would have to be in the \$10,000 – \$30,000 range. Ms. Robinson offered to do additional research, and cautioned that the market for license plates may be very small, the Commission could move forward, but the initiative could still fail. For this reason Ms. Robinson is still researching marketing options that the Commission may find reasonable.

Commissioner Mungary suggested putting the initiative out to the private sector to bid on and assume the risk. He proposed putting together a bid package. Commissioner Ramos concluded that the initiative was still in the information gathering phase.

5) Most Likely Descendant (MLD) Regulations Update, Terrie Robinson, General Counsel, **Information Item**

Ms. Robinson informed the Commission that the initial draft of the MLD regulations is currently being reviewed by staff and the subcommittee. Due to the time delay that resulted from AB 52 mandated duties, Ms. Robinson proposed a revised timeline for the MLD Regulations; the revised draft will be presented at the next meeting.

3) NAHC Consultation Policy, Cynthia Gomez, Executive Secretary, **Action Item**

Ms. Gomez explained that the consultation policy was drafted last year. In an effort to be inclusive, the NAHC held 12 tribal consultation sessions throughout the state in 2015, the draft was also posted on the NAHC website for comments which were incorporated into the draft. The final draft was presented in front of the Commission for adoption with the ability to amend the policy at a later date. With no further comments or discussion the Commission voted to motion the item. A motion was made by Commissioner McKay and seconded by Commissioner Pagaling to approve the NAHC policy. No additional public comments were made.

Ayes: 6; Nays: 0; Abstained 0
The motion passed.

4) Bureau of Land Management (BLM) Land Use Plan Amendment (LUPA), Cynthia Gomez, Executive Secretary, **Information and Action Item**

Originally sent in January, a letter from the Bureau of Land Management (BLM) requested the Tribal Advisor to be a concurring party to the BLM Land Use Plan Amendment and programmatic agreement development as part of phase one of the Desert Renewable Conservation Plan. BLM reported they engaged consultation with local, federal and state agencies, and federally and non-federally recognized tribes. Ms. Gomez wanted to consult with the Commission and requested comments and recommendations because tribes within the state of California may be impacted by these projects. Ms. Gomez informed the Commission this item is for informational purposes only, and noted the potential impact on cultural resources.

Ms. Gomez is not a signatory on the document because she does not want to give the impression that she is speaking on behalf of the tribes that may be impacted in this process. The Commission supported Ms. Gomez's decision.

New Business:

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

Chairman Ramos reported that the Commission continues to be an advocate to preserve the tribal cultural heritage here in the state of California.

2) Executive Secretary's Report, Cynthia Gomez, Executive Secretary, **Information Item**

- Ms. Gomez commended her staff, and all of the Native American communities for assisting NAHC with it's duties to fulfill AB 52 requirements. Staff sent letters to all the tribes, listing lead agencies that are in each tribe's traditional and culturally affiliated areas.
- She gave special recognition to Debbie Treadway for her hard work and leadership throughout the process. The NAHC was the only agency to meet the AB 52 deadline of July 1, 2016.
- Ms. Gomez stated that the NAHC is working on a package for a new telephone system as well as a system that will allow for video conferencing.
- She reported that an AB 52 implementation update was presented yesterday at the Public Comment Hearing, which highlighted AB 52 achievements, future goals, and ongoing consultations with tribes.
- Comments from the public reflected the difficulties tribes are facing with the high volume of environmental documents they have to review and the lack of resources and staffing they have to do it. NAHC staff will research potential funding opportunities to help tribes with AB 52 compliance.
- The NAHC will continue to work with the Governor's Office of Planning and Research and the Natural Resources Agency to provide trainings and materials for lead agencies for; AB 52 compliance, the creation of Appendix G, and an AB 52 technical advisory document. She extended gratitude to the Commission and tribes for their assistance with this process, and highlighted the efforts of Commissioner Miranda.

3) Policy on Incompatible Activities, Terrie Robinson, General Counsel, **Action Item**

Ms. Robinson requested that the policy on incompatible activities be removed for consideration as an action item, she believes the NAHC is not ready to move forward. This would be the first time the Commission would be adopting a Statement of Incompatible Activities, the policy will apply to staff and not the Commissioners. Ms. Robinson will have a draft ready by the following meeting.

4) Selection of Quarterly Meeting Dates for Fiscal Year 2016-2017, James Ramos, Chairperson, **Action Item**

The NAHC Quarterly Meetings Dates for the next fiscal year are:

- October 21, 2016 - Sacramento
- January 20, 2017 - Location to be determined.
- April 21, 2017 - Location to be determined.
- July 21, 2017 - Location to be determined.

Commissioner Lopez-Keifer suggested a change in location for the October 2016 meeting as she will be attending the *California Indian Conference* held October 21-22 in San Diego, California. Ms. Gomez suggested the dates stand as they were arranged around the NAHC 40th Anniversary Gala. Commissioner Pagaling motioned to keep proposed dates and Commissioner McKay seconded the motion.

Ayes: 5; Nays: 0; Abstain: 0
The motion passed.

Public Comment:

Anecita Agustinez, Tribal Policy Advisor, Department of Water Resources (DWR) made the following comments:

- Recognition of the staff and the Commission for the work they have done with AB 52, DWR has been utilizing the resources on the NAHC website for information and training purposes.
- There will be a save-the-date reminder sent out for Native American Day and Tribal Leaders Forum. There is additional information in the Commissioners' packets regarding the proposal to honor the NAHC's 40th Anniversary. Ms. Agustinez requested photo's or archives from the past four decades from the Commissioners and staff that they wished to have displayed.

Adjournment:

The meeting was adjourned at 3:00 PM.

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



James Ramos, Chairperson



Cynthia Gomez, Executive Secretary



Merri Lopez-Keifer, Secretary

SS: NAHC MINUTES JULY 2016