

NATIVE AMERICAN HERITAGE COMMISSION

December 31, 2020

Dear Agencies, Museums, and Tribes:

Sent Via US Mail

Re: Notice to agencies, museums fulfilling its obligation to develop a list of all California Indian tribes and their respective aboriginal territories.

Existing law under the California Native American Graves Protection and Repatriation Act (CalNAGPRA—Health & Saf. Code, § 8011) requires all state agencies (including higher educational institutions) and state-funded museums that have possession or control over California Native American human remains and associated funerary objects to complete an inventory for repatriation to appropriate California Indian tribes.

In conjunction with this requirement, the Legislature recently passed Assembly Bill No. 275 (AB 275) requiring that by January 1, 2021, the Commission provide this notice to applicable agencies and museums that it has now fulfilled its obligation to develop a list of all California Indian tribes and their respective aboriginal territories for use in this process. (Health & Saf. Code, § 8013, subd. (a).) You may now contact the Commission at CalNAGPRA@nahc.ca.gov to obtain information about the specific California Indian tribes whose aboriginal territories are potentially associated with any California Native American human remains and associated funerary objects in your agency's possession or control, including items on loan to other entities. **Even if your agency or museum determines that it has no qualifying remains and associated funerary objects**, the Commission requests that you inform it at of this fact in writing (by U.S. mail or via e-mail CalNAGPRA@nahc.ca.gov) as required by AB 275. (Health & Saf. Code, § 8013, subd. (h).) While a brief summary of your agency's obligations under this new law is provided below, along with an accompanying copy of AB 275, you should consult with your agency's or museum's counsel about compliance with its specific requirements.

Recent Changes in California Law Regarding Native American Remains and Associated Items May Impact Your Agency

Using the tribal list developed by the Commission, by **January 1, 2022**, each state agency or state-funded museum in possession or control of California Native American human remains and associated items (as defined) must complete or update inventories in consultation with state culturally affiliated tribes. (Health & Saf. Code, § 8013, subd. (b).)

After your agency or museum has ascertained the California Indian tribes whose aboriginal territories are potentially associated with any California Native American human remains and associated funerary objects, it must follow applicable procedures to identify and consult with culturally affiliated tribes in creating or updating inventories in accordance with the requirements of AB 275. (Health & Saf. Code, § 8013, subd. (b).) If, after complying with AB 275's procedures for determining cultural affiliation, your agency is still unable to make this determination, you will need to contact the Commission for assistance in consulting with those California Indian tribes whose state aboriginal territory includes the area from which the human remains and associated funerary objects were removed so that an appropriate determination as to cultural affiliation may ultimately be made. (Health & Saf. Code, § 8013, subd. (b)(1)(D).)

Within 90 days of completing the preliminary inventory and summary required under AB 275, your agency or museum must provide a copy to the commission. (Health & Saf. Code, § 8013, subd. (d).) The commission shall, in turn, publish notices of completion of preliminary inventories and summaries on its internet website for 30 days, as well as make the preliminary inventories and summaries available to any requesting



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potentially culturally affiliated California Indian tribe. (Ibid.) After publication, your agency or museum will be required to further consult with any responding California Indian tribes that may be culturally affiliated with the remains and associated items. (Health & Saf. Code § 8013, subd. (j).)

Lineal descendants and culturally affiliated California Indian tribes are entitled to file claims for the repatriation of these remains and associated items. (Health & Saf. Code, § 8014.) Any claims must be published on the Commission's website. (Health & Saf. Code, § 8015, subd. (a).) Where no other requests or objections are made, repatriation to the requesting lineal descendant or tribe must occur within 90-days of Commission posting of the claim on its website. (Health & Saf. Code, § 8016, subd. (b).) AB 275 provides the procedures for objecting to requests and for handling multiple requests for the same remains and associated items, as well as for resolving any disputes. (Health & Saf. Code § 8016, subds. (c), and (d).)

The Commission appreciates your time, attention, and compliance with this important new law and encourages all state agencies and state-funded museums to consult with counsel about the specifics of this law. Additional information regarding CalNAGPRA and AB 275 may be found at <http://nahc.ca.gov/calnagpra/> and <https://tinyurl.com/ydf8xet9>

Sincerely,

Christina Snider
Executive Secretary