



TRIBAL CULTURAL RESOURCES LAW PROJECT AT UC DAVIS

Final Report from Contractor to UC Davis and NAHC
March 10, 2022

Abstract

The Native American Heritage Commission (NAHC) engaged the UC Davis School of Law Aoki Center's The Tribal Justice Project (TJP) to develop a Tribal Cultural Resources Law Project to provide training, education, and awareness to student advocates and members of the Native American community related to NAHC. Christine Williams served as a contractor to lead the project and complete a significant portion of the work. This report represents the final outcomes of the work performed by the contractor.

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Report Contents

Project Background

Project Summary

Project Deliverables

Conclusion

Attachment A – Contractor Qualifications – Christine Williams

Attachment B – Course Syllabus

Attachment C – Tribal Cultural Resources Law Training Series Outline

Project Background



The Native American Heritage Commission (NAHC) engaged The UC Davis School of Law Aoki Center's The Tribal Justice Project (TJP) to develop a two-year Tribal Cultural Resources Law Project (TCRL Project) to provide training, education, and awareness to student advocates and members of the Native American community related to NAHC. Originally the project was funded from 6/24/2019 – 6/30/2021. Due to the advent of the COVID pandemic midway into year one of the project we were granted a one-year extension to complete the TCRL project by 6/30/2022.

Project Summary



Despite the delays and challenges created by the COVID pandemic, we are proud of the overall outcomes from the TCRL Project. We focused on three categories of tribal cultural resource law education and assistance: A) academic instruction to law students, B) legal research and assistance on NAGPRA issues, and C) training on cultural resources law for the California Tribal Community. Under the direction of the Director of the Aoki Center, and Law Professor, Mary Louise Frampton UC Davis engaged Christine Williams as a contractor to lead the project and complete a significant portion of work. Christine Williams was chosen based on her specific expertise and education in matters of Indian law including cultural resources law. Her qualifications are attached to this report.

Project Deliverables



A) Academic Instruction to Law Students

Tribal Justice Course Spring 2020:

UC Davis offered a Law School Course on tribal justice with an emphasis on cultural resources law. Class topics included CEQA, water law, NAGPRA, and other environmental laws relating to cultural resources protection. Students were introduced to Tribal Cultural Resources law a discipline of law that is interdisciplinary crossing into larger categories of social justice, environmental protection, historic preservation and public interest. Students were also provide background in the history of California Indian Law and policies and the creation and current role of the NAHC.

B) Legal Research and Assistance on NAGPRA Issues

California State Parks Tribal Affairs/NAGPRA Program Research:

Under the Supervision of Christine Williams, UC Davis Provided research and advising assistance for California State Parks Tribal Affairs/NAGPRA Program for NAGPRA repatriation policies and procedures. We supervised three (3) law student research assistants, two (2) in Spring 2020 and one (1) in summer 2020. Spring students worked onsite and offsite at with the California State Parks Statewide Museum Collection Center (SMCC)/NAGPRA Archives Collection. The Summer student, due to COVID, did remote research on NAGPRA Topics. Christine Williams finalized all the research and delivered draft documents for the consideration of State Parks NAGPRA Program officials.

C) Training On Cultural Resources Law for The California Tribal Community

Tribal Cultural Resources Law Training:

We developed and offered a virtual trainings series on topics of Tribal Cultural Resources Law. We created ten (10) distance learning units designed to work as standalone units, or a comprehensive training series people can complete at their own pace. The series was filmed over two (2) days in August 2021 on the UC Davis Campus. The training was broadcast live over YouTube channel for Q and A sessions. We had a relatively small audience and received very few questions. The question-and-answer portions are not included in the final videos.

The final training materials include:

1. One (1) Training Series Outline with descriptions and length of each of the units. This is to enable viewers to decide if they want to view every unit or just one or a few and budget their time accordingly.
2. Ten (10) Executive Summaries, one for each unit that includes Unit Title, Outline of Training, Target Outcomes, and Discussion Questions. These are meant to be used as guides to assist viewers in navigating the material that will be covered in each of the units.
3. Ten (10) Videos, one (1) for each unit with a split screen of the trainer and the PowerPoint showing at the same time. These provide the instruction on the topics covered in the corresponding PowerPoint slides developed for each unit.
4. Ten (10) Handout Versions of the PowerPoint slides, one (1) for each unit. These are provided for those viewers who may want to follow a handout version of the slides while they listen to or watch the video presentation.
5. Eight (8) Law Libraries that correspond to the law cited in each relevant unit beginning with Unit 2 and ending with Unit 9. These are to facilitate viewers referencing the code sections, if they chose to, that are mentioned in each unit.

Project Conclusion



The deliverables of this project are now complete. The final training materials were delivered in electronic format to the NAHC staff, Justin Freeborn in person on March 15, 2022, along with a copy of this report. I want to sincerely thank the Native American Heritage Commission and staff for providing the funding and support to make this project possible and for their continuing commitment to the protection, preservation and enhancement of California Native American Cultural Resources. I also want to thank UC Davis, in particular Professor/Director Mary Louise Frampton and contractor John Miller, J.D. for the opportunity to work alongside them on this project.

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Attachment A – Contractor Qualifications – Christine Williams

Contractor Qualifications – Christine Williams

Christine Williams a Yurok Tribal member has over twenty years' experience in the field of Indian law and over ten years' experience serving as a judge for various Tribes throughout California. She has spent her legal career focused on representing Tribes in a broad spectrum of legal matters—primarily tribal court development, Indian child welfare and cultural resource protection. She earned a Juris Doctor degree and Federal Indian Law Certificate from Arizona State University College of Law in 2000. She graduated from UCLA with a Bachelor of Arts Degree with a double major in Women's Studies and Sociology in 1996.

Judge Williams is experienced in the area of Cultural Resources Protection law. She participated in the lobbying work for SB 18 when it was being enacted. She has provided advocacy for repatriation claims under the Native American Graves Protection and Repatriation Act on behalf of Tribes. She has lead litigation in the State of California to protect her village's sacred lands and burial lands, pro bono.

Judge Williams has been developing and delivering training and education curriculum since 2005 when she was the lead attorney for the Indian Child Welfare Initiative at the Judicial Council of California. She has developed and delivered training for the California Social Work Education Center, the National Indian Justice Center, California Indian Law Association, and most recently the UCD Tribal Justice Project. Judge Williams has created handbooks, training guides, public resources guides and bench books for many entities including the Judicial Council of California, the Washoe Tribe of Nevada and California, the Intertribal Court of Southern California, and California CASA.

Judge Williams has taught a variety of undergraduate courses in the American Indian studies discipline and had previously co-taught the Tribal Justice Course at UC Davis School of Law in 2018 and 2019.

Judge Williams currently serves as the Chief Judge of the Wilton Tribal Court. Judge Williams is also the Chairperson for the California Tribal Court Judges Association. She is an appointee to the Judicial Council of California's Tribal Court State Court Forum and a member of the California Indian Law Association and the National American Indian Court Judges Association. Judge Williams was admitted to practice law in the State of California in 2000.

Attachment B – Course Syllabus – Tribal Justice Course Spring 2020

UC Davis School of Law
TRIBAL JUSTICE, Law 277A
Mary Louise Frampton & Christine Williams
Spring 2020
Tuesdays 3:10-5:00 p.m.

Faculty Information:

Mary Louise Frampton
Email: mframpton@ucdavis.edu
Phone: 530-752-3273
Office hours: Tuesdays
Office: 1128

Hon. Christine Williams
Email: christine@williamsjd.com
Phone: 925-218-2253
Office hours: Tuesdays (by appointment)
Office: TBC

Course Information:

Meetings: Tuesdays, 3:10-5:00 p.m.
Location: Room 2360
Prerequisites or Co-requisites: *None*
Credit Hours: 2

Course Description: Tribal Justice is a seminar course that will explore justice from a tribal perspective. The concept and administration of justice within California tribal governments and courts will be examined first. The efforts of lawyers and other advocates to achieve justice for tribes through litigation, policy advocacy, public education, community organizing, and inter-governmental collaboration will then be studied. The course will use a case method approach to illuminate the varied strategies and campaigns that tribes have employed to advance justice and overcome centuries of colonization. Tribal efforts to re-acquire ancestral land, combat destruction of cultural practices, protect the environment, ensure tribal family cohesion, and protect tribal members will be covered. Students will have the opportunity to engage with leading tribal scholars, lawyers, judges, and advocates in the class.

Textbooks and Other Course Materials:

The readings are culled from a wide variety of sources and will all be on Canvas.

Course Website:

There is a course website on Canvas (<https://canvas.ucdavis.edu/courses/323815>) that will include all readings and announcements.

Learning Outcomes:

Gain an understanding of the principles of restorative justice and the differences between Native and Western perspectives on basic concepts of justice

- Develop an appreciation for the history of California Indians.
- Master the foundational aspects of tribal sovereignty and tribal governments.
- Learn about and observe tribal courts and the differences and similarities between them and

Western courts.

- Be familiar with the various methods that tribes have utilized to overcome legacies of colonialism and to achieve justice in the broader society.
- Expand your thinking about the tools available to lawyers in the resolution of their clients' problems and needs.
- Hone your writing and research skills in the process of developing an expertise on a selected tribal justice topic.
- Extend your oral communication skills by participating in discussions with tribal leaders and colleagues.
- Improve your ability to analyze legal issues by understanding the importance of multiple perspectives and experiences and the impact of emotions on decision-making.

Assessment Plan/Grading Rubric:

There will be no final exam. Students will be required to write a 10-15 page paper on a tribal justice topic chosen by the student and approved by the professor. A two page reflection piece will be due in the middle of the semester. Grading will be based as follows: 60% on the final paper, 30% on class discussion, and 10% on the reflection. There will be two field trips. The trip to the Shingle Springs Bank of Miwok Indians Tribal Court will take place during the usual class time and will be required. The trip to the Yurok Tribal Court involves more time and is not required but will be available for extra credit.

Classroom Policies/Attendance and Class Participation:

Regular and punctual attendance is required of each student.

Laptop Policy:

The use of laptops is highly discouraged.

Disability Accommodations: The Student Disability Center (SDC) on main campus offers advising, assistance and resources to students with Medical, Mobility, Visual Disabilities, Deaf or hard of hearing (DOHH), Cognitive & Learning Disabilities, ADD/ADHD and Psychological Disabilities as well as for temporary impairments. Academic assistance/accommodations include testing accommodations, access to print material through assistive technology, reader services, braille, e-text, and enlarged print as well as a wide range of note taking tools, equipment to enhance sound, lecture recordings and tools to convert hard copy text into an electronic format on demand. Students may wish to consult with their professors about how their accommodations may best be used to support the learning process. (No student is required to meet with the professor as a condition of requesting or receiving reasonable accommodations.)

With respect to mobility impairments, support services include SDC's shuttle service for temporary impairments and accessible bus transportation to campus for wheelchair users. Disability information and referrals to community resources are also available through the SDC. Students with disabilities must establish eligibility for services through the SDC and are encouraged to contact the SDC as early as possible:

UC Davis Disability Center

54 Cowell Building
(530) 752-3184 (voice)
(530) 752-6TDD (telephone device for persons who are deaf or low-hearing)
<http://sdc.ucdavis.edu>

Please reach out to the Senior Assistant Dean for Student Affairs with any questions or concerns you may have in this area.

A Note on Academic Honesty:

Academic dishonesty includes using somebody else's words as your own, paraphrasing someone else's thoughts without acknowledgment, and receiving or providing unauthorized assistance on examinations. Be aware that misconduct in law school may be reported to the Bar, and may affect admission to the Bar. Please ask me before turning something in if you are unclear about what is acceptable.

Regulation 2.4 of the Law School's Regulations states as follows:

"2.4 The Honor System

- A. Unless the instructor announces otherwise, all written work at this school is governed by the honor system.
- B. Under the honor system students may neither give nor receive aid on written work.
- C. Any student who learns that another student has violated the honor system should report the violation to a member of the faculty or to the dean.
- D. Violations of the honor system will be treated in accordance with university disciplinary procedures."

The University's regulations on academic integrity can be found at:

<http://sja.ucdavis.edu/cac.html>

Discussion Schedule & Assignments:

I. TRAUMA, JUSTICE AND HEALING

Jan. 14 **Indigenous Perspectives on the Meaning of Justice**

- Robert Yazzie, HOZHO NAHASDLII- “We Are in Good Relations”: Navajo Restorative Justice, 9 ST. THOMAS L. REV. 117 (1996)
- James W. Zion, “Punishment Versus Healing; How Does Traditional Indian Law Work?” JUSTICE AS HEALING: INDIGENOUS WAYS, Wanda McCaslin, ed. (Living Justice Press 2005) 68.

Jan. 21 **The Unique History of California Indians**

- William Wood, The Trajectory of Indian Country in California: Rancherias, Villages, Pueblos, Missions, Ranchos, Reservations, Colonies, and Rancherias, 44 TULSA L. REV. 317 (2013).
- Benjamin Madley, An American Genocide, The United States and the California Indian Catastrophe, 1846-1873, Yale University Press, 2016, (Excerpts)
- National Park Summary of Native Americans in California, https://www.nps.gov/parkhistory/online_books/5views/5views1.htm
- *Tillie Hardwick, et al. v. United States of America, et al.* Case #C-79-1710-SW

II. GOVERNANCE AND JUSTICE SYSTEMS

Jan. 28 **Recognition & Sovereignty**

- National Congress of American Indians, TRIBAL NATIONS AND THE UNITED STATES: An Introduction, excerpts.
- “Who Gets to Decide Who Is Native American?” at <http://www.npr.org/2012/08/09/158494223/who-gets-to-decide-who-is-native-american>
- Office of Federal Acknowledgment Website, <https://www.bia.gov/as-ia/ofa>
- The Official Guidelines to the Federal Acknowledgement Regulations, <https://www.bia.gov/sites/bia.gov/files/assets/as-ia/ofa/admindocs/OfficialGuidelines.pdf>
- Yurok Tribal Constitution
- Hopland Band of Pomo Indians, Environmental Code
- *Morton v. Mancari*, 417 U.S. 535 (1974)

Feb. 4 **Tribal Jurisdiction & Justice Systems**

- *Ex Parte Crow Dog*, 109 U.S. 556 (1883)
- THE MAJOR CRIMES ACT—18 U.S.C. § 1153
- Public Law 280, 18 U.S.C. Sec. 1162, 28 U.S.C. Sec. 1360, 25 U.S.C. Sec. 1321-1326.

- Dollar General v. Mississippi Band of Choctaw Indians, 136 S. Ct. 2159 (2016) and briefs
- Ada Pecos Melton, “Indigenous Justice Systems and Tribal Society,” JUSTICE AS HEALING: INDIGENOUS WAYS, Wanda McCaslin, ed., (Living Justice Press 2005) 108.
- Tribal Law and Order Act of 2010
- The Honorable Korey Wahwassuck, The New Face of Justice: Joint Tribal-State Jurisdiction,
<http://wellnesscourts.org/files/Joint%20Powers%20Agreement%20LReview%20Article%20by%20Judge%20Korey%20Wahwassuck.pdf>

Feb. 11 **Field Trip – Shingle Springs Tribal Court**

- Stacy Leeds. “[Dis]respecting the Role of Tribal Courts?” 42 HUMAN RIGHTS 20 (American Bar Association (2017)
- Fletcher, Matthew L. M., Tribal Justice Systems (January 13, 2014). MSU Legal Studies Research Paper No. 11-23. Available at SSRN: <https://ssrn.com/abstract=2378526>

III. CULTURAL RESOURCES

Feb. 18 **Loss and Re-Acquisition of Ancestral Lands**

- *United States v. Sioux Nation of Indians*, 448 U.S. 371 (1980)
- Fletcher, Matthew L. M., The Iron Cold of the Marshall Trilogy (2006). 82 North Dakota Law Review 628 (2006); Michigan State University Legal Studies Research Paper No. 04-07. Available at SSRN: <https://ssrn.com/abstract=924547>
- National Archives, The Homestead Act of 1862, <https://www.archives.gov/education/lessons/homestead-act>
- Getches, Wilkinson, Williams, Jr. & Fletcher, “Cases and Materials on Federal Indian Law, excerpts p. 142 – 144.
- *City of Sherrill, New York v. Oneida Indian Nation of New York*, 544 U.S. 197 (2005)
- *Oneida Indian Nation v. County of Oneida*, 617 F. 3d 114 (2nd Cir. 2010 cert denied, 132 S. Ct. 452 (2011)
- Carpenter and Wald, “Lawyering for Groups: The Case of American Indian Tribal Attorneys, 81 FORDHAM LAW REVIEW 3086 (2013)
- The Trust for Public Land, Kashia Coastal Reserve, <https://www.tpl.org/our-work/our-land-and-water/kashia-coastal-reserve>

Feb. 25 **Mid-Term Reflection Papers Due
Cultural Sites and Sacred “Collections”**

- Native American Heritage Commission, Understanding Cultural resources, <http://nahc.ca.gov/resources/understanding-cultural-resources/>
- Nation Park Service, National Historic Preservation Act, Section 106 A Quick Guide for Preserving Native American Cultural Resources, <https://www.nps.gov/history/tribes/Documents/106.pdf>
- John Appelbaum, Deputy Attorney General, Preliminary Analysis on the UC Draft Native American Cultural Affiliation and Repatriation Policy, http://nahc.ca.gov/wp-content/uploads/2019/10/AG-Memorandum_UCNAGPRAPolicy.pdf
- UC Policy on Native American Cultural Affiliation and Repatriation, http://nahc.ca.gov/wp-content/uploads/2019/10/Revised-Policy-UC-Policy-on-Native-American-Cultural-Affiliation-Repatriation-DRAFT_10-18-Meeting.pdf
- Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001-3013.
- California Fish and Game Code Secs. 2850-2863
- Native Village of Eyak v. Blank, 688 F. 3d 619 (9th Cir. 2012)
- Rebecca Tsosie, “Challenges to Sacred Sites Protection,” 83 DENVER UNIVERSITY LAW REVIEW (2006)
- Assembly Bill 52 (2014)

Mar. 3 **Field Trip – Yurok**

Mar. 10 **Environmental Stewardship**

- CEQA Materials
- AB 52: A CEQA Guidelines Update for Tribal Cultural Resources http://opr.ca.gov/docs/OPR_AB_52_Presentation_Discussion_Draft.pdf
- US Fish and Wildlife Service, Working with Tribes | American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act, <https://www.fws.gov/endangered/what-we-do/tribal-secretarial-order.html#>
- Kronk Warner, Elizabeth Ann, Examining Tribal Environmental Law (July 18, 2014). Columbia Journal of Environmental Law, Vol. 39, No. 1, 2014. Available at SSRN: <https://ssrn.com/abstract=2468249>
- Beth Rose Middleton, TRUST IN THE LAND: New Directions in Tribal Conservation (Univ. of Arizona Press 2011) excerpts

Friday ~~**Tribal Justice Symposium at King Hall**~~ — **OPTIONAL-CANCELED Due to**
 Mar. 13 **COVID Health and Safety Concerns**

Mar. 17 **Water Rights Human Rights**

- Anderson, et al. AMERICAN INDIAN LAW: Cases and Commentary, excerpts
- Inside Climate News, “*The Standing Rock 'Water Protectors' Who Refuse to Leave and Why*”, <https://insideclimatenews.org/news/12122016/standing-rock-protectors-dakota-access-pipeline-trump>.
- Doremus, Holly and A. Dan Tarlock, “Fish, Farms, and The Clash of Cultures in the Klamath Basin, 30 ECOLOGY LAW QUARTERLY 279-350 (2005)
- Emma Marris, In the Dry West, Waiting for Congress, <http://www.nytimes.com/2015/11/06/opinion/in-the-dry-west-waiting-for-congress.html>
- BETTINA BOXALL, A deal to remove four Klamath River dams is in danger of collapse” <http://www.latimes.com/science/la-me-klamath-dams-20151210-story.html>
- A River Between Us, Film Trailer, <http://www.ariverbetweenus.com/trailer/>
- Williams, Scott, “The Boundaries of Winters, When The Courts Alone Are Not Enough to Protect Indian Reserved Water Rights,” in THE FUTURE OF INDIAN AND FEDERAL RESERVED WATER RIGHTS; THE WINTERS CENTENNIAL, U. New Mexico Press (2012).
- Larson, Rhett B., “Holy Water and Human Rights: Indigenous Peoples’ Religious Rights Claims to Water Resources,” 2 ARIZONA JOURNAL OF ENVIRONMENTAL LAW AND POLICY 81 (2011)

Mar. 31 **Religious Freedom, Appropriation and Stereotyping**

- John Doble and Andrew Yarrow, “Walking a Mile: A First Step Toward Mutual Understanding: A Qualitative Study exploring How Indians and Non_Indians Think About Each Other,” PUBLIC AGENDA (2007)
- NARF "We Also Have A Religion" The American Indian Religious Freedom Act and the Religious Freedom Project of the Native American Rights Fund <https://www.narf.org/nill/documents/nlr/nlr5-1.pdf>
- *Lyng v. Northwest Indian Cemetery Prot. Assn.* (1988)
- No. 86-1013
- *Amanda Blackhorse v. Pro Football, Inc.*, Trademark Trial and Appeal Board, Cancellation # 92046185 (2014)
- USDOJ, The Indian Arts and Crafts Act of 1990, <https://www.doi.gov/iacb/act>

IV. “KILL THE INDIAN SAVE THE MAN”

Apr. 7 **Prevention of Violence Against Tribal Members**

- Sarah Deer, “Federal Indian Law and Violent Crime: Native Women and Children at the Mercy of the State,” 31 SOCIAL JUSTICE 17 (2004)
- Haunani Kay Trask, “The Color of Violence,” 31 SOCIAL JUSTICE 8 (2004)

- Roe Bubar and Pamela Jumper Thurman, “Violence Against Native Women,” 31 SOCIAL JUSTICE 70 (2004)
- *Mark Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978)
- Violence Against Women Reauthorization Act of 2013: Title IX: Safety for Indian Women
- Vaidya Gullapalli, “THE CRISIS OF MURDERED AND MISSING INDIGENOUS WOMEN AND WHY TRIBES NEED THE POWER TO ADDRESS IT.” <https://theappeal.org/the-crisis-of-murdered-and-missing-indigenous-women-and-why-tribes-need-the-power-to-address-it/>

Apr. 14 **Tribal Juvenile Justice & Education**

- Andrea Smith, “Boarding School Abuses, Human Rights, and Reparations,” 31 SOCIAL JUSTICE 89 (2004)
- Indian Child Welfare Act, 25 U.S.C. 1901
- *Mississippi Choctaw Indian Band v. Holyfield*, 490 U.S. 30 (1989)
- *Adoptive Couple v. Baby Girl*, 133 S. Ct. 2552 (2013)
- The Baby Veronica Case <http://www.nicwa.org/babyveronica/>
- *Brackeen v. Bernhardt*, No. 18-11479 (5th Cir. 2019)
- Report: Native Americans Suspended at Disproportionate Rates, Recommendations Offered, http://newscenter.sdsu.edu/sdsu_newscenter/news_story.aspx?sid=77764
- Shingle Springs Band of Miwok Indians Tribal Court and Superior Court of El Dorado County Joint Jurisdictional Court Manual, <http://www.wellnesscourts.org/files/Shingle%20Springs%20El%20Dorado%20Family%20Wellness%20Court%20Manual.pdf>
- Boarding Schools and the School to Prison Pipeline: <http://carceralcolonialism.cla.umn.edu/web/projects/boardingschool2prison/>
- Vincent Schilling, Indian Country Today, An eagle feather? When representation of a Native Nation gets in the way of graduation, <https://newsmaven.io/indiancountrytoday/news/an-eagle-feather-when-representation-of-a-native-nation-gets-in-the-way-of-graduation-xEyG1-i9VUefaG0DZ-kw-g/>
- NCAI, Education, <http://www.ncai.org/policy-issues/education-health-human-services/education>
- Cinnamon Janzer, States Move to Add Native American History to Curriculum, <https://www.usnews.com/news/best-states/articles/2019-11-29/states-move-to-add-native-american-history-to-education-curriculum>
- NCAI, Issue Brief: Tribal Juvenile Justice, http://www.ncai.org/policy-issues/tribal-governance/public-safety-and-justice/NCAI_Issue_Brief_Tribal_Juvenile_Justice.pdf

Apr. 21 **Presentation of Final Papers**

Attachment C – Tribal Cultural Resources Law Training Series Outline



**Tribal Cultural Resources Law in California:
A Training Series for Tribes
Presented by Christine Williams**

Series Outline

Training Agenda

Part 1: Introduction and Background

Unit 1: Training Series Introduction

Unit 2: Tribal Cultural Resources Law Background Information

Part 2: Tribal Cultural Resource Preservation

Unit 3: Land Use Planning and Development – Tribal Consultation

Unit 4: Project Impacts and Mitigation – Tribal Consultation

Unit 5: Discovering, Disturbing and Trafficking Human Remains and Tribal Cultural Resources

Part 3: Tribal Cultural Resources Repatriation

Unit 6: Repatriation Overview

Unit 7: Collections and Repatriation Claim Process

Unit 8: Repatriation Disputes, Decisions, Dispositions, and Transfers

Part 4: Series Conclusion

Unit 9: Tribal Management of Tribal Cultural Resources

Unit 10: Training Series Closing Considerations

Unit Descriptions

Part 1: Introduction and Background – 65:02 Minutes

No.	Unit Title	Description	Time
1.	Training Series Introduction	This unit provides an introduction to the Tribal Cultural Resources Law Training Series. A directed moment of silence is included to promote the opportunity for trainees to participate in a good way. The format of the series will be reviewed as will the topics for each training unit included in the series.	23:25
2.	Tribal Cultural Resources Law Background Information	This unit provides background information about Tribal Cultural Resources Law (TCRL) that will serve as the foundation for the training series and for practice in tribal cultural resources protection and repatriation. The audience will be introduced to the history of how TCRL evolved in California, the organization of relevant California laws and how to access them and the powers and duties of the NAHC.	41:37

Part 2: Tribal Cultural Resource Preservation – 131:45 Minutes

No.	Unit Title	Description	Time
3.	Land Use Planning and Development – Tribal Consultation	This unit provides an explanation of the body of law that governs land use and planning for public and private projects in relation to Tribal Cultural Resources in California. An overview of tribal consultation in the context of planning and development is included.	42:12
4.	Project Impacts and Mitigation – Tribal Consultation	This unit provides instruction on the environmental review process for construction projects in California and the legal requirements around mitigating project impacts to tribal cultural resources. The consultation process regarding mitigation will be explained. Common outcomes of the mitigation process will be reviewed and considered.	51:58
5.	Discovering, Disturbing and Trafficking Human Remains and Tribal Cultural Resources	This unit defines the Federal and California policies and laws around discovering, obtaining, possessing, or trafficking human remains and other tribal cultural resources in California. The legal process required to be followed when an inadvertent discovery of Native American human remains, or cultural items occurs in California will be provided. The penalties and enforcement process for committing a violation will be reviewed.	37:35

Part 3: Tribal Cultural Resource Repatriation – 133:42 Minutes

No.	Unit Title	Description	Time
6.	Repatriation Overview	This unit draws on both Federal and California laws to provide the background and policy behind collections and repatriation of Human Remains and Cultural Items. The unit will focus on the 2020 UC System State Audit, key changes to CalNAGPRA from AB 275, repatriation requirements for the UC System, and the role of the NAHC will be reviewed and discussed.	50:38
7.	Collections and Repatriation Claim Process	This unit will explain the state collections and consultation process as well as the process for making a repatriation claim. Information about the legal requirements for state agencies' collections that contain human remains and cultural resources will be provided. This will include an explanation of the inventories and summaries of collections; the legal requirements for cultural affiliation; and the timelines for notice, publication, and tribal consultation. The roles of key stakeholders in the repatriation claims process will be examined along with deadlines and timelines within the claim process.	38:53
8.	Repatriation Disputes, Decisions, Dispositions and Transfers	This unit covers the possible outcomes of the repatriation claim process. The unit will include a review of the process for disputes, mediation, and appeal. Various dispositions of repatriated human remains, and tribal cultural resources will be explored. The difference between legal versus physical custody in relation to repatriated human remains and cultural resources will be explained.	44:12

Part 4: Series Conclusion – 71:07 Minutes

No.	Unit Title	Description	Time
9.	Tribal Management of Tribal Cultural Resources	This unit will provide an overview of what some options are for tribes to resume or enhance their own role in the management of their cultural resources. This unit will explore a variety of functions tribal cultural resources departments can exercise including, tribal historic preservation officers, cultural monitors, and participation in the repatriation process.	54:04
10.	Training Series Closing Considerations	This is the closing unit of the training series. It is important to bring consciousness to the difficult nature of the subject matter of the training series and the work done within Tribal Cultural Resources Law. A moment of reflection will be provided along with a brief overview of the concepts around indirect trauma and protective practices for trainees exposed to the traumas suffered by others.	17:03