

Native American Heritage Commission Streamlining Legislative Changes

- Over this Summer's Legislative Session of 2022, the Native American Heritage Commission ("NAHC") pursued streamlining efforts to ensure timely development of Regulations for allowing California Native American Tribes to be included on the NAHC "Contact List" required under AB 275, SB 18, AB 52, and Public Resources Code 5097.98 Most Likely Descendants ("MLD") and streamlining efforts for Regulations to create the Process to designate a MLD when Ancestral Remains are inadvertently discovered.
 - o AB 275- repatriation of Ancestral remains & cultural items to Tribes.
 - o SB 18 – local governments are required to consult on updates to general plans
 - o AB 52 – lead agencies are required to consult with tribes during the CEQA environmental review process
 - o Most Likely Descendants are required to be designated when Ancestral Remains are discovered
- The NAHC also pursued legislative changes to ensure sensitive tribal information is protected from wide public disclosure under the Public Records Act, without sacrificing early, often, and meaningful Tribal Consultation and engagement with California Native American Tribes.
- These exemptions from the long and tedious Administrative Procedures Act and additional protections under the Public Records Act will give the NAHC the tools it needs to quickly streamline and enact meaningful and timely procedures for the "Contact List" and "MLD Process" Regulations and protect sensitive tribal information, like ancestry and confidential governmental documents, from public disclosure.
- These procedures will streamline the Contact List and Most Likely Descendent Process from beginning to end allowing the NAHC to better serve Tribes, project lead agencies, state agencies, and property owners.
- These proposed legislative changes also allowed for NAHC Commissioners to go into Closed Session during Public Meetings to privately discuss and review sensitive Tribal Information pertaining to the inclusion on the Contact List and MLD List not currently allowed under the Bagley-Keene Act.