

## NATIVE AMERICAN HERITAGE COMMISSION

### EXECUTIVE SECRETARY HITCHCOCK'S IMMEDIATE SHORT TERM STRATEGIC PLAN

November 28, 2022

- **CONTACT LIST REGULATIONS**

- Draft Regulations are under Administrative Review. The goal is to start a 60–90-day Tribal Consultation in February or March pending Commission Approval to release. During the Tribal Consultation period, there will be in-person Workshops and virtual options to have dialogue and get comments to Draft Reg's. Initiate formal Tribal Consultation.
- After Draft Contact List has been revised to reflect Tribal Consultation, it will then be presented to Commissioners to approve the start of the APA Rulemaking Process in the Fall of 2023. The Formal APA Rulemaking Process must be complete within 1-year, or the entire process needs to be redone.

- **MLD PROCESS REGULATIONS**

- Draft MLD Regulations have been circulated to tribes on several occasions beginning in 2015. They were recirculated and redrafted in 2018. Formal Tribal Consultation and comments were received as late as 2020. This process was stalled with the passing of AB 275 and the Contact List became the most important regulation to pursue. It is imperative to restart this process as the MLD process has undergone intense scrutiny by tribes concerned about the lack of transparency with Staff, MLD Determinations, and internal processes.
- It is this Agency's strong opinion Commissioners review the steps of the internal process NAHC Staff currently follows to determine MLD and Co-MLD Determinations and decide to discuss the interim process in a Workshop that would be a good way to make these determinations until 60-90-day Tribal Consultation can occur to restart the process and get tribal input and formal Tribal Consultation on the Draft Regulations. This too will take a very long time to get to the formal APA Rulemaking Process.
- Imperative to restart MLD Sub-Committee meetings with Staff and Legal Counsel on the current Draft of these Regs and reevaluate its status to move them to Administrative Review before Commissioner approval and commencement of 60-90-day Tribal Consultation with virtual and in person Workshops.



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- **CHIEF LEGAL COUNSEL**

- After several months of deliberation and internal State review, this position will be posted on December 09, 2022 - January 13, 2023. It will be pending Cal HR final approval and Department of Finance final approvals before the position can be officially filled.
- We are hopeful to have the position filled by March/April depending on if there's a decent candidate pool with required qualifications.

- **CALNAGPRA PROCESS & ENFORCEMENT REGULATIONS / CALNAGPRA WEBSITE TRACKING IMPROVEMENTS**

- Currently these Draft Regulations are in an infant stage of drafting. With the hiring of Mario Pallari, NAHC Attorney, and Steven Quinn, Staff Services Manager, we have been able to move the needle of our internal process to track and monitor CalNAGPRA claims for repatriation by California Native American Tribes.
- Our CalNAGPRA Webpages have been updated to reset to the step-by-step process AB 275 implements and move Inventories & Summaries submitted to the NAHC by Institutions early this year to a Tribal Resources: Collections Database. Some other tabs are under reconstruction but not inhibiting the ability of our Staff to track any Claims for Repatriation.
- In the interim, we have created various Certification Forms for Institutions and Tribes to utilize during the Website Reconstruction.
- The Website construction for CalNAGPRA Tracking does not have any Fiscal Budget Funding but we are looking for ways to cover the cost of reconstructing a functional, user friendly (Staff, Tribes, Institutions) system to navigate and track repatriation from start to finish.
- These steps of the process will be the building blocks to Draft CalNAGPRA Process Regulations.
- Once in place, Best Practices Trainings and Workshops will be initiated by NAHC Staff and Commissioners to help educate both Tribes and Institutions on the process, how it works, and if there are concerns or issues, we can address on the front end to circumvent any confusion or lack of understanding to the process.
- Commissioners can initiate 60-90-day Tribal Consultation once CalNAGPRA Regulations have been reviewed and drafted by Staff, Sub-Committee, Legal, and gone through Administrative Review.



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- **DISPUTE RESOLUTION / MEDIATION PROCESS REGULATIONS**

- These Draft Regulations have already been through Formal Tribal Consultation and revisions. They have been reviewed by Staff, Sub-Committee, and Legal. They are in process of the Administrative Review before Commissioners can initiate the formal APA Rulemaking Process.
- The Commission is currently working to create a CalNAGPRA Mediation Training Program. Our goal is to get a pool of qualified trusted mediators who understand CA Native tribes and the repatriation process.
- This training will require funding to create this program.
- The NAHC is responsible to supply Mediators when a dispute occurs. Currently there are over 17,000 Collections on our Database and just (1) collection could trigger up to (4) Disputes or Mediation. Just 1% of the Collections is up to 170 mediations. 1% of the total chances of mediation are 680 mediations. Each mediation has a substantial cost to provide this service.
- Currently, the NAHC does not have a budget for this expense. We will have to be creative to provide these services when mediation occurs until more funding can be secured.

- **CREATE BEST PRACTICES AND TRAINING FOR CAL NAGPRA**

- **FILL VACANT EMPLOYMENT POSITIONS**

- Create specific job descriptions for internal vacant positions to address current needs within the Agency.
- Get approvals from DGS on specific job descriptions.
- Begin recruitment for vacant positions.

- **MEET WITH ALL CULTURAL AFFILIATIONS THROUGHOUT THE STATE**

- Tribal Consultation and Workshops to get insight and comment on MLD Regulations, Contact List Regulations, and CalNAGPRA Process Regulations.
- Discussions on Cultural Affiliation and territorial maps between tribes in culturally affiliated area or boundary area between cultural affiliations.
- Hear issues and needs of tribes and how the NAHC can assist.