



**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