



STATE OF CALIFORNIA  
**NATIVE AMERICAN  
HERITAGE COMMISSION**

**EXECUTIVE SECRETARY REPORT**

**APRIL 21, 2023**

**UC BERKELEY / SANTA YNEZ BAND OF CHUMASH INDIANS (SYBCI) VIDEO**

In early March MSNBC broadcast a story <https://www.youtube.com/watch?v=-BDudeHtgWg> about the slow process of repatriation and the continued mishandling of Ancestors by UC Berkeley. It touched on now retired UC Professor Tim White's Collection he had in his possession for decades which included a partial Collection of SYBCI repatriated to the Tribe back in 2018. The NAHC debated in great length with Campus Repatriation Committee members and Linda Rugg at our July 15, 2022, NAHC Public Meeting. The Commission sent a strong letter to the University and received a response letter from new UC president Michael Drake. We have yet to get formal response to the Letter and Questions raised by Commission. This video piece on a national cable news network was a very powerful and informational topic that conveyed the ongoing battles we have as tribes with repatriation, and the universities slow pace and lack of accountability with getting our Ancestors home. I hope this can be a model to utilize news outlets, both print & media, to expose these flagrant violators and pressure them to work with tribes to get our Ancestors home.

**DRAFT MOST LIKELY DESCENDANTS' (MLD) REGULATIONS**

January 20, 2023, the Commission shared its Internal Process for how Environmental Staff make MLD Determinations. This Process is part of a bigger conversation which are MLD Regulations. These Draft Regulations have been circulated several times since 2016. The last time they were in circulation was 2020. Since so much time has passed, NAHC Staff, Legal Counsel, and MLD Sub-Committee are actively reviewing old draft and making revisions for Sub-Committee review and eventual Commissioner approval to restart Tribal Consultation. More information to be shared in the coming months.

**DRAFT SACRED LANDS FILE (SLF) REGULATIONS**

NAHC Staff are currently drafting SLF Regulations on how tribes can add Sacred Sites to our Sacred Sites Files. These Draft Regulations will also allow for the NAHC to charge a small fee for Sacred Lands File Searches which will include all searches being conducted by the Commission such as AB 52, SB 18, AB 168, SB 35, CalNAGPRA, AB 2022, and Cultural Resource Assessments Searches. As a part of the 2018-2022 NAHC Strategic Plan, the Commission had embedded the need to charge for these searches, but a legislative fix would be needed to allow for fees. In 2019, a Trailer Bill was passed to allow for SLF Fees to be implemented with formal Regulations approved.



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The SLF were created in the early 80's to protect Sacred Places of Worship, Village Sites, and areas of tribal concern that need to be protected. Since then, most tribes on our Contact List have submitted their own tribal information, including Ancestral Territory, Village Sites, and places of worship they deem necessary to protect and preserve. For many years these files have been kept separately and only been used specifically for MLD Determinations and Consultation Map areas. Sacred Lands Files were not reviewed.

After the Corona MLD Determination, April 03, 2022, where Pechanga Band of Indians was initially and inadvertently left off as a Co-MLD with Kizh Nation, we found their tribal information was stored in the Sacred lands Files. Hence when an AB 52 request was done for the Project years prior, a positive SLF hit was conveyed by the NAHC to the City of Corona and recommendation to consult with Pechanga for the SLF hit. This brought to light several factors. To be in alignment with the duties of the Commission, these Files need to be integrated. To be carrying out the directives of the expired Strategic Plan and the Trailer Bill language from 2019 that allows for SLF Search Fees, we are working to upgrade and streamline our Database. As we get more legitimate Draft Regulations and a Commissioner Sub-Committee has been identified, we will keep you apprised of upcoming Draft Regulations for the first round of Tribal Consultation.

### **NATIVE AMERICAN LANDS INFORMATION SYSTEM (NALIS)**

In 2015, the Commission built and launched a new system for digitally housing Tribal Maps and Tribal Information including Contacts for various areas of concern such as AB 52, MLD, SB 18, etc. This system, NALIS, has been the centerpiece for creating various "Lists" requested by Public Agencies, etc. After recent review of the system, we found it was time to embark on some much-needed overdue upgrades. When Lists are sent out to Public Agencies, they are not in an Excel format, so mail merge is not an option. Other fields require a slow process for searching multiple Counties when a project crosses those borders. The fields don't include all the Lists the Commission is now responsible for creating.

As a part of future upgrades, the Commission will seek for additional funding to take the Sacred Lands Files and merge them into the Tribe's files. This way when SLF Searches are done, they will be done simultaneously within NALIS and not File Maker where the current SLF are housed. File Maker is no longer supported by State IT and if it goes down, it's over. We do have the information backed up.

Another wish list for additional funding to the NALIS system is to request funding to utilize ARC GIS which is integrated within NALIS. To have the ability to plot all village sites, Ancestral Territory Maps, past MLD Determinations, Sacred Sites, etc. for tribes and the NAHC, would be an advanced tool to protect those sites and make more concise determinations for MLD by the NAHC.



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### **2023-2027 NAHC STRATEGIC PLAN**

On January 19, 2023, the Commission had a Public Meeting to discuss the previous 2018-2022, 5-Year Strategic Plan, and its success and failure. We also discussed next steps and how to create a new Strategic Plan for 2023-2027. The Commissioners decided to take the previous SP and have it edited it to be an ongoing SP for the next 4-5 years. The Commission requested robust Tribal Consultation by Staff for the next 9-12 months including in-person workshops and listening sessions throughout the State. In the meantime, the Commission Staff created a digital Strategic Plan Survey Link: <https://nahc.ca.gov/wp-content/uploads/2023/02/2023-2027-Strategic-Plan-Survey-website-upload-1.pdf> and are asking Tribes to rate their most pressing issues from 1-10 and include any other topic they feel is important for the Commission to undertake in the next 5-years.

One topic of interest was restarted by a majority Motion of the Commission is to restart, or resubmit paperwork needed to begin the Special License Plate Fund Initiative. This was enacted in 2018, and by the deadline of November 2021, the Commission did not get to the needed 7,500 subscriptions to start the "NTV PL8" initiative. This was due to the Pandemic. The Commission has since begun to review past applications, media materials, process, and how to successfully launch this initiative. This could be a great resource for the Commission for extra revenue to implement many of its internal and external needs and goals based upon the Strategic Plan.

### **CalNAGPRA PROCESS REGULATIONS & MEDIATION**

Commission Staff have been working internally and with Commission Sub-Committee on creating the framework for Draft Regulations for CalNAGPRA based on AB 275. We have commissioned IT to help rebuild our NAGPRA Website to change how we track Claims for Repatriation from start to finish. We already moved over 17,000 Inventories and Summaries from a previous "Preliminary Inventories & Summaries" tab to our "Tribal Resources Collections Database" tab to reset the process. We are actively working on "Best Practices" to navigate CalNAGPRA and our Website once it is fully operational. A Draft Flow Chart is being developed to help with understanding each step and navigating the Repatriation Process. Our goal is to create Best Practices Trainings and Workshops to have an open discussion and dialogue about the Process.

Draft Dispute Resolution / Mediation Process Regulations have gone through formal Tribal Consultation. A Final Draft of the Regulations are ready to be submitted the Governor's Office of Administrative Review (GOAR). Once complete, the Draft will to be considered by Commissioners at a Public Meeting to initiate the APA Formal Rulemaking Process. This Process can take up to one-year.

The Commission is currently working to create a CalNAGPRA Mediation Training Course to allow tribal representatives around the State with NAGPRA experience to get Certification and be able to provide mediation on dispute resolution and restorative justice to Tribes, Agencies, Higher learning Institutions, and Museums.



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### **TRIBAL CONTACTS INFORMATION UPDATE**

The Commission is embarking on an active campaign to update our internal files which are stored on our Native American Lands Information System (NALIS). We keep various Contacts from each Tribe for various topics such as General Information, AB52/SB18/CEQA Consultation, CalNAGPRA/ Most Likely Descendants' Determinations, and Geographical names changes. Each of these topics may have a number of contacts for each. The last time the Commission has done such an update was in 2017 to help create the 2018 NAHC Directory. We sent out a Tribal Contacts Update Form Link: <https://nahc.ca.gov/wp-content/uploads/2023/02/Contact-update-form-fillable.pdf> to Tribes and received only 26 to date out of approximately 160 California Native American Tribes. We need these forms to be accompanied by a letter on Tribal Letter signed by leadership certifying the true and correct information to upload to our NALIS Database. We strongly urge you to assist us when we reach out to help us update these important Tribal Contacts so we can get the information you and the Public Agencies who request Consultation with Tribes. The Commission is also working on some IT Upgrades to our NALIS Database to provide the Requests Lists in a format that can be easily formatted for mail labels. We appreciate your assistance and cooperation to help us have the right information moving forward as this will a yearly campaign moving forward to keep our Contacts up to date.

### **TRIBAL CULTURAL RESOURCES LAW PROJECT**

The Commission funded a project with UC Davis School of Law to provide training, education, and awareness to student advocates and members of the Native American community related to NAHC. The project focused on academic instruction to law students, legal research, and assistance on NAGPRA issues, and training on cultural resources law for the California tribal Community. Judge Christine Williams, Yurok Tribal Member, and attorney has over 20 years of experience in these fields. Within the training module, ten (10) comprehensive training videos were created for tribes to understand the complexities of Tribal Cultural Resource Protection and Repatriation. These (10) videos also have accompanying Law Libraries where the information can be referenced for each individual unit. Look for announcement of these trainings to be uploaded and hosted on the NAHC Website.

### **GENERAL UPDATES**

A Candlelight Vigil form **Missing & Murdered Indigenous People** to be held on Wednesday, May 03, 2023, 6:00-8:00 pm, on the West Steps of the California State Capitol. Please join Assemblymember James Ramos and many other Tribal Leaders to support and bring awareness to this delicate and disturbing issue.

There has been a flyer sent out by Seventh Sovereign to promote Repatriation Workshops, CalNAGPRA In-Focus, May 15-19. In Sacramento. This Training has no affiliation, or support from the Native American Heritage Commission whatsoever.



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2023 California Native American Day will be held on Friday, September 22, at the California State Capitol. The location has yet to be determined as the Capitol Annex Project is underway and may cause the event to be held on the East Lawn as opposed to the usual West Steps. This year's Theme: **Protecting Our People Through Sovereignty: Past, Present, & Future**. The Past: CalNAGPRA, Boarding Schools & Colonization History. The Present: Murdered & Missing Indigenous People. The Future: K-12 Education in California, Indian Child Welfare Act.

On January 25, 2023, Assembly Member James Ramos was officially named as the Assembly Rules Chairman. We would like to congratulate Assemblymember Ramos for this historic achievement as the first California Native American to hold an Assembly seat and to be appointed to this prestigious and important position. The historic celebration was held in the Capitol Rotunda where a statue of Christopher Columbus and Queen Isabella once stood. To hear the songs of the Cahuilla Bird Singers (Southern), California Kalte Crew (Central), and Yurok Tribal Chairman Joseph James solo singing (Northern), each belting out beautiful songs inside the Capitol brought goosebumps as their beautiful singing echoed throughout the Capitol that evening.