

NAHC 4/21/23 Meeting
Agenda Item 4(a)

April 21, 2023

Assemblymember Ramos
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0045

Re: **Request for 2-year process on AB 389:** Public resources: Native American Heritage Commission: human remains notifications: tribal contact list: public records: open meetings

Dear Assemblymember Ramos:

I submit this letter on behalf of the State Native American Heritage Commission (“Commission”) on your AB 389. We would first like to acknowledge your contributions to the Commission as a former member, and thank you for introducing a measure that seeks to assist the Commission.

As you are aware, the NAHC is a nine-member body of governor appointed tribal members nominated by tribes or Native American organizations. The Commissioners have special expertise on cultural resources protection and related matters. They were selected to serve the tribal community on the NAHC because of these qualifications.

As we’ve all learned through many years of working in California tribal policy, any change in policy, major or minor, affects all tribal governments, especially a vast departure from current State legal standards on public meetings and transparency. Major changes, like what is proposed in AB 389, deserve consultation and meaningful engagement with the tribal community.

The Commission will soon begin the regulation process for the NAHC contact list. Subsequently, the Commission will be promulgating regulations on the MLD statute. As part of this regulatory process, the Commission will undertake consultation with the tribal community. We expect that this regulatory process will illuminate the issues that tribal governments are struggling with in terms of cultural resources protection, the contact list, and the MLD process. Tribes deserve the right to participate in the rulemaking processes and then decide if further statutory changes are needed to assist tribal governments. As such, we respectfully request this measure become a 2-year bill, which would allow the Commission to engage tribes through the rulemaking processes.

The Commission recalls and appreciates your generosity at the January 2022 NAHC meeting as you offered to assist the Commission with its work. Your support of the Commission’s work on

the contact list regulations, including expediting this process through the Governor's Office, can have a meaningful lasting impact, as it will allow the Commission to complete the tribal consultation process on these crucially important matters.

We thank you for your continued support of the Native American Heritage Commission.

I am available for further discussion.

Sincerely,

Laura Miranda
Chairwoman