



STATE OF CALIFORNIA  
**NATIVE AMERICAN  
HERITAGE COMMISSION**

**EXECUTIVE SECRETARY REPORT**

**JULY 03, 2023**

**THANK YOU, CHAIRWOMAN LAURA MIRANDA**

On May 19, 2023, Chairwoman Miranda informed Governor Newsom of her resignation as a Commissioner for the Native American Heritage Commission for over 16 years. She will now turn her focus and passion to serving her Tribe, the Pechanga Band of Indians, and the greater tribal community. We truly thank her for her leadership, direction, and legal perspective to help shape and guide the Commission all these years. We know she will continue to be a force to and a leader in the realm of Tribal Cultural Resource Protection & Repatriation. We wish her all the best in all her future endeavors.

**TRIBAL CONTACTS LISTS INFORMATION INITIATIVE**

On June 04, 2023, Commission Staff began 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 Name (CACGN)** changes. Each of these topics may have a potential for more than one contact for each. The last time the Commission underwent such an update was in 2017 to help create the 2018 NAHC Directory.

We sent out a Tribal Contacts Update Form (link below) to all Tribes on our current Contact List and received only 48 completed responses to date out of approximately 160 California Native American Tribes. We need these forms to be accompanied by a letter on Tribal Letterhead signed by leadership certifying the information is true and correct to be uploaded 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 or when we reach out for Most Likely Descendant Determinations, we need the correct and valid contact to help you protect your Ancestors. Our Staff are making calls, sending emails, and will be sending letters for assistance to update these contacts. 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 Tribal Contacts Lists up to date.

<https://nahc.ca.gov/wpcontent/uploads/2023/02/Contact-update-form-fillable.pdf>

**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



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"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 were sent out to Public Agencies, they were not in an Excel format, so mail merge was not an option. Other fields required a slower process for searching multiple Counties when a project crosses those borders. The search fields don't include all the Tribal Contact Lists the Commission is now responsible for creating.

As of June 04, 2023, the first upgrade to NALIS was completed. All Tribal Contacts Lists now created are available via email in Excel format. If an entity requests a list by mail, the format will still be in PDF. The Excel version will have searchable fields and include date of when the contact was updated.

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. We do have the information backed up.

Another wish list for additional funding to the NALIS system is to request funding to utilize ArcGIS 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.

### **TRIBAL MAPS UPDATE PROJECT**

Another issue the NAHC has is the use of approved or unapproved Tribal Maps for either Tribal Consultation, Most Likely Descendent Determinations, and Repatriation. Initially when the NAHC began reaching out to all Tribes on our Contact List to work together to create Tribal Maps a few years ago, we asked to have Tribal Maps of your Cultural & Traditional Tribal Territory for the purposes of Tribal Consultation. Out of the (169) California Native American Tribes on our current Contact List, only (83) have Tribally Approved GIS Maps. These GIS maps were uploaded into our NALIS System for the purposes listed above. Many letters and correspondence occurred to try and get Tribal Approved Maps, but they fell short. If we don't have your Tribally Approved Cultural & Traditional Maps, we have been relying on the Cultural Maps of Volume #8 which many Tribes disapprove of. When we get requests for Consultation Lists, our internal process was to look at the Volume #8 map and if it partially dissected a County, we would include the Tribe in the entire County for Tribal Consultation. This is a time-consuming endeavor considering the upgrades we made to the NALIS System.

After review of these Cultural & Tradition Maps, and hearing from Tribes about areas they consult, there really should be (2) Maps. The first Map should be the Tribe's Cultural & Traditional Territory Map. This could be used for MLD Determinations and Repatriation purposes. The second map should be for Tribal Consultation. Some Tribes only want to



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consult with specific Counties or areas that may differ from their Cultural & Traditional Maps. We have heard this complaint from tribes about getting consultation request for areas they consider their territory but too far away that another tribe could consult.

Commission Staff will be sending letters to all Tribes on our Contact List to reevaluate existing Tribal Maps on file and request Tribally Approved Maps from those who have yet to approve them. In August, if we haven't received response from those tribe without a Tribally Approved Map, we will send out the Volume #8 GIS generated Map to those Tribes as that will be the default map until we get the final Tribally Approved Map. For those tribes who have Tribally Approved Maps, we want to consult with you to see if you have a desire to refocus your Tribal Consultation Area vs your Cultural & Traditional Area.

We hope this change will expedite our ability to complete Tribal Consultation List requests much faster, make more accurate determinations of inclusion, and for Tribes to only get requests for consultation on projects in areas they want to be consulted with and cut down on the letters received.

### **CalNAGPRA PROCESS REGULATIONS, DISPUTE RESOLUTION & MEDIATION, & UPDATES**

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.

As of Monday, June 04, 2023, the NAHC started a process for Tribes to review our CalNAGPRA Website: <https://calnagpra.nahc.ca.gov/> to see when Claims are posted, or when a Collection moves from the Database to Preliminary Inventories & Summaries, Final Inventories & Summaries, or Request for Repatriation and the status of the Repatriation even though the upgrades to our Tracking System are not complete. To make it easier for Tribes, we are posting these updates on each Tab in the CalNAGPRA Website, the first business Monday of the Month. The next posting will occur, Monday, July 03.

Draft Dispute Resolution / Mediation Process Regulations have gone through formal Tribal Consultation. A Final Draft of the Regulations are currently being reviewed by State Legal Counsel. Once complete, the Draft will to be considered by Commissioners at a future Public Meeting to initiate the Formal APA Rulemaking Process. This Process can take up to one-year.



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The Commission is currently working to create a CalNAGPRA Mediation Training Course to allow tribal representatives around the State with NAGPRA experience to get Mediation Certification and be able to provide mediation on dispute resolution and Restorative Justice to Tribes, Agencies, Higher learning Institutions, and Museums. Look for more updates in the coming months.

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

In 2019, 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. These trainings to be uploaded and hosted on the NAHC Website Friday, July 14, 2023. When live, go to the **Resources Tab** at the top of the NAHC Website homepage: [California Native American Heritage Commission](https://nahc.ca.gov)

### **56<sup>TH</sup> ANNUAL CALIFORNIA NATIVE AMERICAN DAY**

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 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: Missing & Murdered Indigenous People. The Future: K-12 Education in California, Indian Child Welfare Act.

This year's Host Nation is the California Tribal Chairpersons' Association (CTCA), Legislative Sponsors are Assemblymember James Ramos and the Native American Caucus, and the NAHC along with many other State Agency partners are aiding make the day another huge success. The NAHC has already begun outreach and biweekly Volunteer Planning Meetings to coordinate the event. If any Retail Vendor, State Agency or Non-Profit would like to reserve a booth, please contact [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov) for more information or click on the link for the online form: <https://nahc.ca.gov/2023/06/56th-annual-california-native-american-day-requesting-retail-vendors-and-exhibitors/>. The CTCA will be reaching out to Tribes for tribal participation through sponsorship opportunities, cultural practitioners to share and educate the public in the Cultural Pavilion, and to have Cultural Performers from all parts of the State to share their songs and dance. We look forward to seeing you all here in September.



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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 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.

### **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,



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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.

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.

### **CalNAGPRA AUDIT**

On June 29, 2023, the State Auditor completed and filed its Audit findings on review of the California State University System and how it has handled CalNAGPRA and the repatriation of Collections to Tribes. The Audit surveyed 23 CSU Campuses and conducted on-site reviews at Chico State, Sacramento State, San Diego State, and San Jose State. Out of 21 CSU's with NAGPRA Collections, more than half have not repatriated any remains or cultural items to Tribes. Some recommendations made by the Audit report are as follows: The Legislature should require the Chancellor's Office to report on an annual basis to the Legislature on progress reviewing its Collections, consulting with Tribes, and repatriating Ancestors and Cultural Items. The Chancellors Office should monitor Campus efforts to review their Collections and have it completed by December 2024. The Chancellor's Office should ensure campuses are properly consulting with Tribes in a timely fashion and discuss respectful manners and protocols for the handling of the Collections. Many other findings and recommendations can be found here: <http://auditor.ca.gov/reports/2022-107/index.html>.

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

In early March MSNBC broadcast a story <https://www.youtube.com/watch?v=-BDudeHtgWg>



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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 UC Berkeley representatives at our July 15, 2022, NAHC Public Meeting. The Commission sent a strong letter to the University and on May 24, 2023, we received a response letter from UC president Michael Drake. 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 some Universities slow pace and lack of accountability helping to get our Ancestors home. We hope these stories can be a model to utilize news outlets, both print & media, to expose flagrant violators and pressure them to work with tribes to get our Ancestors home.

### **PROFESSOR ELIZABETH WEISS RESIGNS FROM SAN JOSE STATE**

In October of 2021, San Jose State Professor Elizabeth Weiss posted a photo posing with a skull with her bare hands and writing, "So happy to be back with some old friends." This photo outrages the Native community and triggered a backlash of scrutiny including a harsh letter from the NAHC Commissioners. In a lawsuit filed, the University reached a settlement that allows her to retire with full benefits at the end of the 2023-2024 school year. It also locked her out of her collection of skeletal remains. She voluntarily submitted her resignation effective May 29, 2024. Full story here: <https://www.mercurynews.com/2023/06/26/controversial-san-jose-state-prof-who-posed-with-native-american-skull-to-resign-after-settlement-reached/>

### **ICWA SUPREME COURT CASE**

On Thursday, June 15, 2023, the Supreme Court of the United States overwhelmingly ruled in favor of the Brackeen vs. Haaland case by a vote of 7 -2 to protect the Indian Child Welfare Act. <https://www.facebook.com/posts/pfbid0TTfgh1mxVbpV9Nak5WBDLvGM1FVz6m9ttqXei995JJQ7ack7Loa37rBnA3LdRel>

This was a huge win for all Indian Country and another attempt to attack Tribal Sovereignty.

### **MISSING & MURDERED INDIGENOUS PEOPLE**

A Candlelight Vigil for Missing & Murdered Indigenous People was held on Wednesday, May 03, 2023, on the West Steps of the California State Capitol to raise awareness and to promote MMIP week. Host sponsor, Assemblymember James Ramos, many CTCA Tribal Leaders, and advocates for families who have endured the trauma of losing a loved one shared stories and perspectives to bring awareness to this delicate and disturbing issue.



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**ASSEMBLY RULES COMMITTEE CHAIRMAN APPOINTMENT**

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.

**CALIFORNIA ADVISORY COMMITTEE ON GEOGRAPHIC NAMES (CACGN)**

The NAHC recently received funding to assist the efforts of the California Advisory Committee on Geographic Names (CACGN). The Executive Secretary of the NAHC has a voting seat on this Committee Board. We are actively in Tribal Consultation and requesting comment on our Draft CACGN Procedures guidelines. The last day for comment or consultation by Tribes and the Public is Friday, July 14, 2023. If your tribe have a point person for Name Change efforts in your Ancestral Territories for consultation with Cities, Counties, and Public Entities for changing names please contact the NAHC with their respective contact information.