



## NATIVE AMERICAN HERITAGE COMMISSION

### MEMORANDUM

SEPTEMBER 19, 2023

**TO:** Native American Heritage Commission  
**FROM:** Raymond C Hitchcock, Executive Secretary  
**RE:** Options for Relocation and Modification of the Digital Atlas of California Native Americans

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#### INTRODUCTION

At the May 5, 2023, Public Commission Meeting, the Native American Heritage Commission (NAHC) issued a Commission Directive to its Staff to compile options for the modification and tentative relocation of the Digital Atlas of California Native Americans (Atlas), to address Commissioners' and Tribal communities' major concerns about the Atlas's potential for misuse and misinformation.

This memorandum has been prepared with the intention of summarizing the project history of the Atlas, acknowledging functional issues present within it as of the date of the May 5, 2023, Public Commission Meeting, and providing possible solutions to address these issues.

#### BACKGROUND

The Digital Atlas of California Native Americans was developed by the California Department of Parks and Recreation (DPR) in 2019 by a research team headed by Special Assistant to the Director Dr. Jason MacCannell and comprised of anthropologist Kaylee Pinole of the Kashia Band of Pomo Indians, Native American studies specialist Heidi Lucero of the Juaneño Band of Mission Indians Acjachemen Nation, geographer Eve McGlynn, historian Julia Lewandoski, and advisor Benjamin Madley (Project Team).

The project was funded by a generous CY Pres Grant from the Dynamic Random Access Memory (DRAM) Antitrust Lawsuit settlement, administered by the California Department of Justice.

According to Dr. MacCannell's initial presentation of the project to the NAHC on April 19, 2019, the objectives of the Digital Atlas of California Native Americans project included the following:

- Educate the public through the visualization of data that shows California before, during and after European occupation, with a focus on the Native American experience.
- Inspire positive social, cultural, and political change through information.
- Document the California genocide on a state website.

- Create a permanent digital repository for cultural and historical data and materials, with Tribes in control of their representation.
- Provide a platform for Tribes with limited access to means of online publication to post information.
- Cause no harm or disruption to Indigenous peoples living or dead, including emotional harm from bad representation or physical harm through the publication of culturally significant locations.
- Respect the wishes of descendants through collaborative project development.

As published in October 2020, the Atlas consisted of five main parts:

- **Atlas Map**

The Atlas Map is a web application that utilizes GIS technology to provide geographical context to California Native American history. It consists of twelve map layers, which synthesize information taken from secondary academic sources and links to primary sources into interactive representations intended to put into perspective the diverse community of Native peoples of California, as well as the immense loss of life that occurred during California's genocide of Indigenous peoples.

- **Cultural Portals**

The Cultural Portals list Tribes by Cultural Affiliation on a self-reported basis. They also contain information about the ethnolinguistic group that different cultural affiliations belong to.

- **Tribal Atlas Pages**

The Tribal Atlas Pages contain information submitted directly by Tribes, intended to educate the public about their cultural histories, languages, traditions, lifeways, and more. The Tribal Atlas Pages are also intended to provide an online platform for Tribes that may not be able to independently host information online.

- **Natural Resource Atlas Pages**

The Natural Resource Atlas Pages detail natural resources utilized by peoples residing in different ecological regions of California and their respective uses.

- **Regional Timelines**

The Regional Timelines compile secondary and primary source documents describing instances of the violent killing of Indigenous people into chronologies, with the intention of putting the immense loss of life that occurred during California's genocide of Indigenous peoples into perspective.

## HISTORICAL NARRATIVE

When contacted regarding the history of the Atlas project, Dr. MacCannell provided the following narrative, which is included here for greater context on the development of the Atlas:

In 2016, when Benjamin Madley published his book *An American Genocide: The United States and the California Indian Catastrophe*, Governor Brown asked his Special Assistant for Research, Jason MacCannell, who served at the time in a joint appointment as Assistant Director of the California Research Bureau at the State Library, to assess the evidence in the book and report back to him. MacCannell engaged with Professor Madley and the ensuing conversations with the Governor led to the first official acknowledgment of the California Genocide. This may be found in a quote from the Governor on the back cover of the second and later editions of the book. This was the first time a sitting California Governor or any U.S. Governor had used the word to describe the actions of their own state and country.

While working with MacCannell, Professor Madley suggested an online remembrance of the genocide hosted by the state. The reason for this would be twofold: first, for public education, and second, as a hedge against future denial of the genocide by state officials and others. MacCannell discussed the idea with Cynthia Gomez, the Executive Secretary of the Native American Heritage Commission (NAHC), who also served as the Tribal Advisor to the Governor. Secretary Gomez expressed the consensus that, while important, a remembrance of the genocide should not be brought forward without the wider cultural and historical context of Native California. As these cultures and histories are little known and poorly understood, still, among the general public, it would be a further disservice and erasure of the state's Native peoples to simply acknowledge that they were victims of an attempt at exterminating them that nearly succeeded.

Out of these discussions emerged a white paper, co-authored by MacCannell, Secretary Gomez and her Deputy Tribal Advisor, Heather Hostler, and Professor Madley, proposing the creation of a digital atlas of California's Native peoples, including the evidence of genocide but also as much cultural and historical information as was available and appropriate to display. Originally designed to be done under MacCannell's direction at the Library, the project did not move forward until 2018. Prior to her retirement in 2017, Secretary Gomez had submitted a version of the white paper on behalf of NAHC as an application for funds available at the California Department of Justice for digital projects advancing social justice. The source of the funds was the DRAM Antitrust Settlement, a class action case affecting consumers in the digital memory industry. In 2018, by which time MacCannell had left the Library for a full-time appointment in the Governor's Office, funding became available at NAHC to execute the project.

Secretary Gomez wrote the proposal on the assumption that MacCannell, still at the Library, would lead the project, so it was structured as an Interagency Agreement (IAA) between NAHC and an unspecified state agency. After some consideration between the Governor's Office and NAHC staff (at the time, Christina Snider and Debbie Treadway) it was decided to offer MacCannell an appointment at the Department of Parks and Recreation (DPR), initially to execute the Atlas project under an IAA with NAHC. The agreement was executed in November 2018, shortly before Governor Brown appointed MacCannell to his current position at DPR.

From the time of his appointment in November 2018, until the launch of the Atlas on Native American Day 2020, MacCannell appeared at every NAHC quarterly meeting to give an

update on the Atlas project as an informational item. NAHC also sent multiple notices by both electronic and conventional means to every Tribe on the contact list apprising them of the project and directing them to work with MacCannell if they wished to give input or contribute content. In all, while planning and executing the project MacCannell had direct contact with around 50 Tribes including numerous one-on-one consultations. He traveled to distant parts of the state such as Susanville and Bridgeport to meet with any Tribe that asked him to visit and conducted other consultations by phone and email. He also joined the State Historic Preservation Officer on a listening tour of the state connected to a different project, providing further opportunities for Tribes to help guide the project.

Tribal input resulted in significant changes to the Atlas. In the earliest stages of planning and execution, the Cultural Base Map (as printed in the NAHC's 2015 Tribal Directory) was identified as potentially problematic, and 10-kilometer buffers were introduced at all boundaries as a partial solution. (The use of open-source boundaries from native-land.ca was also considered, but members of some Tribal communities cautioned against presenting their data.) For the presentation of cultural materials, the project initially employed a California Indian contractor to curate a collection of digital objects; this function of the Atlas was changed through consultation with Pala and other Tribes to the Tribal Atlas Pages, an ongoing program that DPR has supported since the exhaustion of the original project funding. In addition, the project created GIS layers of about 1,600 place names, mostly from the Smithsonian Institution handbooks, but feedback from Tribes and the Commission raised concerns about inaccuracy and potential exposure of sacred sites, so this data was not published in the final product.

The Atlas has received positive feedback not only from Tribal communities throughout California but scholars, researchers, educators, and geographers working on similar projects in many places. Among the resources that are unique to the Atlas are digitizations of the following:

- Most of the evidence of genocide presented in Professor Madley's book, connected to the regions in which they occurred on the digital map.
- The boundaries of Spanish and Mexican land grants statewide
- The parcels of land granted to individual state militia soldiers for their participation in the California genocide, with original documentation of the warrants linked to the map.
- Ancestral trails and trade relationships, as drawn from the ethnographic record.

DPR continues to devote time and resources to the maintenance and expansion of the project. MacCannell made a trip to Covelo earlier this year to consult with the Yuki Committee of the Round Valley Tribes about creating an Atlas page of their own and is currently scheduling a similar visit to the Tule River Reservation. The Atlas page of the Gabrieleño Tongva Nation went live earlier this year with DPR providing all necessary staff work to create the page.

As this ongoing commitment demonstrates, it has always been the vision of the Atlas project to serve as a living and evolving resource that is responsive to the needs of the communities it represents. Tribal voices have always been elevated above scholarly source material whenever a decision about representation in the Atlas has been made, and this policy continues to govern the project. DPR looks forward to supporting any change the Commission calls for.

## **PROBLEMS FOR ADDRESS**

Since the publication of the Atlas in October 2020, several concerns have arisen amongst Commissioners and Tribal communities with its usage and with the information included within it.

One of the major concerns discussed at the May 5, 2023, Public Commission Meeting was the capacity for misuse of the information presented in the Atlas. It was noted by Commissioners, as well as in several Public Comments from Tribal members in the cultural resource management field, that agencies and consultants have been witnessed utilizing the geographic information in the Atlas to bypass the NAHC's Tribal Consultation request process. As such, it is evident the Atlas is being used outside of its intended purpose of educating the public and it is imperative that efforts be made to clarify the function of the Atlas and prevent its usage for non-educational purposes.

The misrepresentation of Tribes' ancestral lands in the Atlas Map's Cultural Base Map was another concern brought forth. The Cultural Base Map's geographic data cites the NAHC's 2015 Directory of Tribal Governments as a source, which in turn cites Volumes 8, 10, and 11 of the Handbook of North American Indians. Given that this reference work was compiled primarily through the research of academic anthropologists and not through the direct participation of Indigenous representatives, there is considerable potential for the Cultural Base Map to diverge from Tribes' traditional cultural knowledge.

In response to this potential for inaccuracy, the intention of the Project Team was to prioritize collaboration in the development of the Atlas. The Project Team has made and continues to make a concerted effort to keep an open line of communication with Tribes regarding the Atlas. However, there remains room to improve the accessibility of communication between Tribes and the Project Team. Notably, the Atlas's current iteration lacks any documentation on who to contact in the event of a dispute, redaction, or addition of information or on the process by which any such changes might occur. Without addressing these lapses in accessibility of communication, the Atlas retains a barrier to Tribal participation that may dissuade feedback necessary to accomplishing the Atlas's goal of accurate and proper representation of Tribes.

While these are the issues that will be addressed in this memorandum, they do not constitute a final or complete list of issues with the Atlas and are intended only to start an ongoing conversation on how the NAHC might best improve access to the Atlas and accuracy of the valuable information within it.

## POTENTIAL SOLUTIONS

Staff has compiled several courses of action that may be able to mitigate or eliminate some of the concerns that Commissioners and the community have brought forth.

### I Relocation Alternatives

- **Option A: Native American Heritage Commission website with access path modifications**

In **Option A**, the Atlas remains on the NAHC website, but undergoes several changes to its access path, to prevent confusion as to how it should be used. Currently, the Atlas can be accessed through two links: one on the NAHC website's homepage and another in a directory accessed through the "Native Americans" tab in the menu bar, as shown in **Figures 1, 2, and 3**. It has been brought up that these access paths have caused users of the website to misinterpret the purpose of the Atlas due to lack of clear designation of the Atlas as an educational material.

Consequently, **Option A** intends to change these access paths and include additional information on the Atlas's history and purpose, in order to better inform the public on how to correctly and responsibly use and access the resource. Proposed changes to the access paths include the removal of the link to the Atlas on the homepage and relocation of the link under the "Native Americans" tab to a separate tab clearly titled "Education." Reducing the ways that the Atlas can be accessed and restricting access to an "Education" tab in the menu bar ensures that users must acknowledge that they are using an educational resource before they are even able to access the Atlas. While a disclaimer detailing what constitutes proper and improper use of the Atlas is already included on its main page, changing the Atlas's access path to include an intermediate page between the NAHC homepage and the Atlas's main page provides another place for the disclaimer to be posted and, as such, requires that the user see the disclaimer twice before accessing the resource.

Documentation on the history of the Atlas's development and the aforementioned project objectives is also proposed as an addition to the current information on the Atlas's main page. A brief passage emphasizing the inspiration behind the Atlas and the community needs that it serves would contribute to discouraging misuse by providing users with greater direction on its intentions.

Major benefits of maintaining the Atlas's home on the NAHC website include the website's high traffic relative to other options; a search of the web analytics tool Similarweb yielded the information that the NAHC website received a total of 30,100 visits in the month of June, as shown in Figure 4 in the Appendix. Furthermore, as the NAHC is the longest standing public facing state agency whose purview focuses upon Tribal issues, it often serves as a first stop for many members of the public who are seeking information about Tribes. For example, the agency receives many phone and email correspondences from K-12 students and teachers hoping to obtain information for assignments. The Atlas serves as a useful reference with which the NAHC can respond to these inquiries and similar ones, as it presents comprehensive, region-specific information taken from academic research and primary sources in a manner that is interactive and easy to navigate.

Maintaining the NAHC's custody and control of the Atlas would greatly aid in its responses to informational questions from the public, in that it would allow for the NAHC to refer inquirers

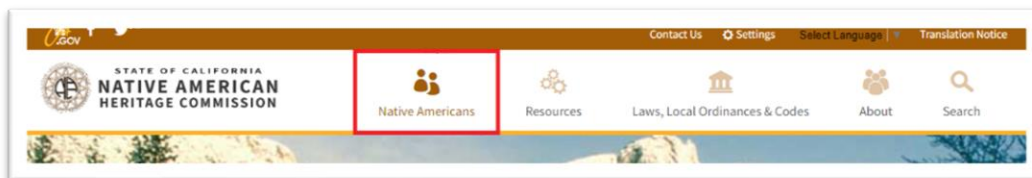
to a resource whose veracity can be directly authenticated by Tribes using the NAHC's working relationships with Tribal contacts. Although there is no current procedure for this process, the NAHC's frequently updated list of Tribal contacts has great potential to serve as an asset to the Atlas's transition to a living, collaborative resource.

While it is acknowledged that inclusion of the Atlas on the NAHC website may still allow for improper use of its information, the changes proposed above are intended to mitigate this problem to the greatest extent possible. It is also important to note that the existence of such a valuable and comprehensive resource may, regardless of location, attract those who intend to misuse the information, but that measures to mitigate this misuse ultimately serve the community better than total limitation of access.

**Figure 1.** Access link to the Atlas on the NAHC homepage.



**Figure 2.** First step to accessing the Atlas from the menu bar.



**Figure 3.** Second step to accessing the Atlas from the menu bar.



- **Option B: Governor's Office of Tribal Affairs website**

In **Option B**, the Atlas would be moved from the NAHC website to the Governor's Office of Tribal Affairs (OTA) website. This option comes in response to many inquiries as to the availability of information included within the Atlas from attendees of the OTA's Truth and Healing Council Meetings.

Moving the Atlas to the OTA website may alleviate some of this misuse of the Atlas's information in that the OTA does not have the same function as the NAHC and, as such, is less likely to be misconstrued as acceptable information for use in place of the NAHC's Tribal Consultation process. There is an added benefit in that the current Tribal Affairs Secretary, Christina Snider, was employed as the NAHC's Executive Secretary at the time of the Atlas's development. As such, one member of the OTA's staff would be aware of the Atlas, its function, and its history and able to educate the remainder of the staff, in the event that they must become involved in management of the Atlas's content. Furthermore, the Atlas was developed during the time when the NAHC and the OTA functioned as a joint office and, as such the OTA also possesses an overall history of involvement with the project.

Possible disadvantages of Option B include the substantially smaller reach that the OTA website has, in comparison to the NAHC website, likely due to its being a much newer individual agency with a much narrower and less public-facing focus. In a search of Similarweb, a web analytics tool, it was shown that the OTA website received only 365 visits for the month of June, while the NAHC website received 30,100 visits for the same month, as shown in **Figures 4** and **5**, respectively. Given this information, it is worth considering whether relocation may potentially limit public access to the Atlas.



Furthermore, it is important to recognize that the Atlas has historically included both federally recognized and non-federally recognized Tribes in its Cultural Portals, while the OTA primarily deals with federally recognized Tribes, which may prove as a cause for concern amongst the Tribal community.

Figure 4. Similarweb search of OTA website.

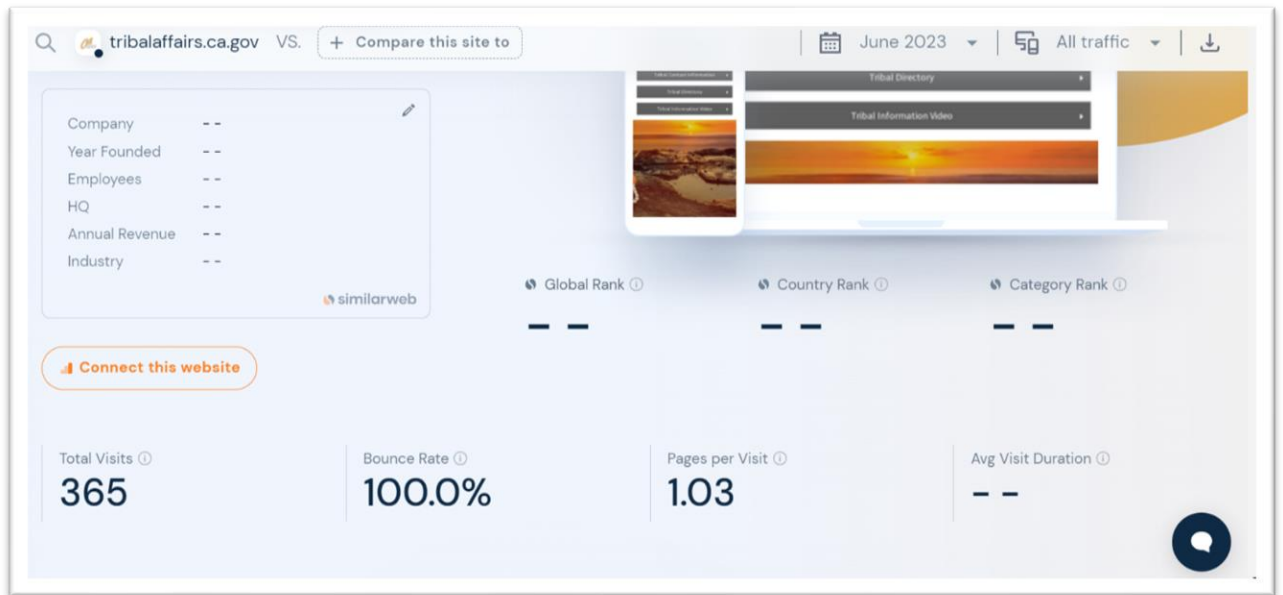
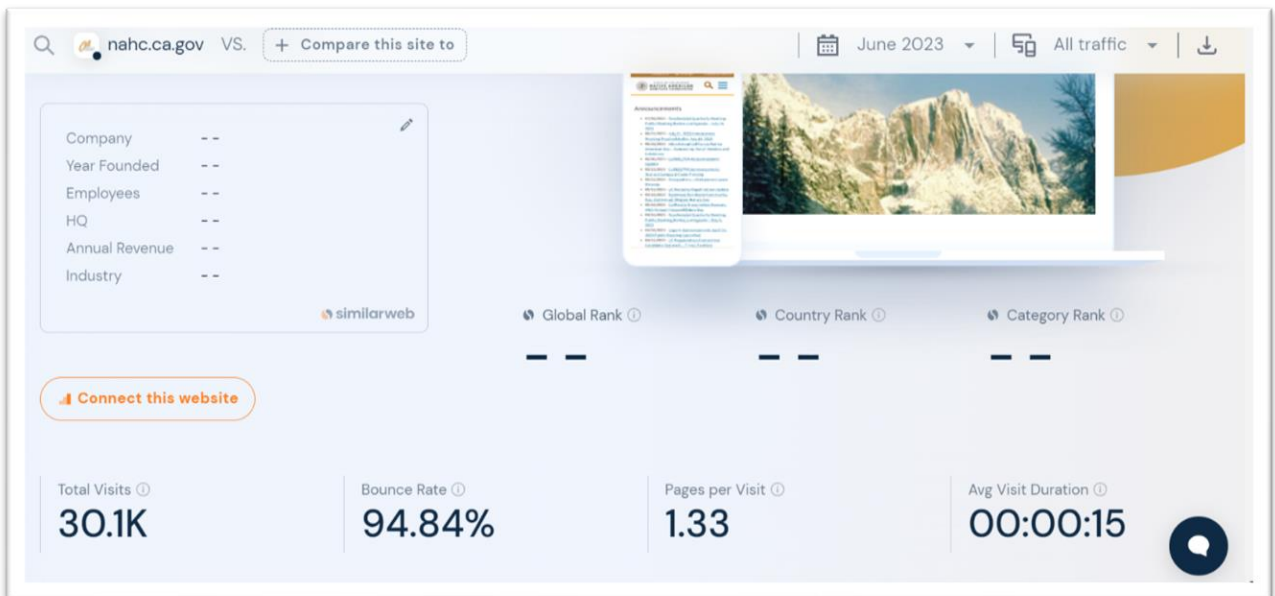


Figure 5. Similarweb search of NAHC website.



- **Option C: California Indian Heritage Center website**

In **Option C**, the Atlas would be moved from the NAHC website to the California Indian Heritage Center (CIHC) website. Given that the CIHC is intended as a “center of statewide significance for cultural preservation, learning and exchange, land stewardship based on Native American values, and a place to engage all visitors in celebrating the living cultures of California tribe communities,” its purpose of public outreach and education is closely aligned with that of the Digital Atlas.

Although the Atlas would be a valuable addition to the website of the educationally-minded CIHC, the major obstacle to Option C lies in the fact that the CIHC, as an entity, remains in its early stages of development. As of the time of writing this memorandum, land has been allocated for its physical space and its website primarily focuses upon the plans for development at the physical location. To date, no development has taken place and the process of designing the space is underway. Consequently, it is predicted that the CIHC will not be operational in its intended role as a center for public outreach or education for several years. It may not be optimal to include the Atlas on the CIHC website at this time.

- **Option D: Department of Parks and Recreation website**

In **Option D**, the Atlas would be moved from the NAHC website to the Department of Parks and Recreation (DPR) website. This option takes into consideration the origins of the project as an undertaking of the DPR.

Once again, moving the Atlas to the DPR website may alleviate some of this misuse of the Atlas's information in that the DPR does not have the same function as the NAHC and, as such, is less likely to be misconstrued as acceptable information for use in place of the NAHC's Tribal Consultation process. Given that the DPR was primarily responsible for the development of the project and continues to be involved in efforts to maintain and update the Atlas, it may prove beneficial to house the Atlas where it originated and where it may be edited directly, without entanglement with a third-party agency. Furthermore, the DPR website has historically hosted many educational resources, which may make it an even more appropriate home for the Atlas.

Access is a major potential weakness of **Option D**; due to the fact that the DPR website serves many purposes and is much larger than the NAHC website or any of the websites mentioned in other options, it may be difficult for the public to find the Atlas amongst the pages. As an agency not focused upon serving the Native community, it may not also immediately stand out as the agency to look to for the information included in the Atlas.

- **Option E: State Library website**

In **Option E**, the Atlas would be moved from the NAHC website to the State Library (Library) website. As the Library itself is home to many educational resources and references, this option comes as a consideration of the Library as a central source for information pertaining to the State of California and its history.

As the Library website is home to a variety of educational resources, including a collection of online resources on the history of the State of California, it may prove an appropriate home

for the Atlas. It is worth noting that the Atlas would be a valuable addition to the aforementioned collection, as none of its current resources focus solely on the history of California's Indigenous peoples.

Considerations that may arise with this option include overshadowing by the Library website's overarching purpose of displaying all of the Library's available resources, the majority of which are physical rather than virtual. More specifically, access to the Atlas might be limited by the difficulty locating it amongst the Library's abundance of other resources. In addition to this caveat, this option, similarly to **Option D**, **Option E** places the Atlas on a website not explicitly focused upon serving the Native community.

- **Option F: On a standalone website**

In **Option F**, the Atlas would be moved from the NAHC website to its own standalone website that all other agencies that intend to offer access to the Atlas would link to directly. This option seeks to address concerns with hosting the Atlas on existing State websites that serve different functions.

While it may be beneficial to dissociate all other interests from the Atlas, this option comes with several additional considerations. Namely, these include who will be responsible for management and hosting of the website and how the website will be maintained or updated. Furthermore, it may also be worth assessing how the public might search for and access the website and what additional information should be included on the website to give context to the Atlas and its use.

- **Option G: Status quo**

In **Option G**, the Atlas remains unchanged on the NAHC website.

Like **Option A**, this option would make use of the NAHC website's high traffic in relation to other agency websites and reputation for its focus upon Tribal issues. However, **Option G** would not address any of the concerns brought forth by the Commission or the Tribal community.

## II **Modification Alternatives**

Whether or not the Atlas is relocated, the NAHC and/or its potential host may opt to enact several changes to increase its functionality, accessibility, and proper use. Suggestions for changes to be made, organized by the problems they address, include the following:

- **Issue A: Misuse of information in Atlas for Tribal Consultation purposes**

- **Suggestion A1: Increase visibility of Disclaimer**

In **Suggestion A1**, the disclaimer detailing the proper use of the Atlas would be made more noticeable to users, either by increasing the number of times it appears or by changing the display color or typeface to stand out more.

- **Suggestion A2: Require verification of receipt of Disclaimer before access**

In **Suggestion A2**, a pop-up dialogue would be added to the Atlas homepage that would require the user to read and verify receipt of the disclaimer before accessing the resource.

- **Suggestion A3: Increase documentation of purpose and history**

In **Suggestion A3**, the Atlas homepage would be appended to include more context on the history of the project, to better illustrate the inspiration behind the project, how it serves the Native community, and its intended use.

- **Issue B: Inaccuracy of Cultural Base Map**

- **Suggestion B1: Modify boundaries of Cultural Base Map to be less specific**

In **Suggestion B1**, the boundaries on the Cultural Base Map might be made less specific by removing hard GIS boundaries and instead indicating Cultural Affiliation boundaries as gradients. Alternatively, the boundaries may be made to have greater overlap, with additional space added within them as buffers. In both cases, the intention would be to designate borders between lands as indefinite.

- **Suggestion B2: Supplement Cultural Base Map with additional Base Map Layers**

In **Suggestion B2**, additional map layers might be added to indicate that the maps derived from Volume 8 of the Handbook of North American Indians, Kroeber Maps, and other public Cultural Base Maps that differ with Cultural Affiliation and boundary locations. These Cultural Base Maps are not comprehensive and do not necessarily reflect Tribal traditional knowledge. Map layers may be sourced directly from Tribes and from other ethnographic works. Currently all maps submitted by Tribes to the NAHC are not used for this purpose and are held confidential.

- **Suggestion B3: Remove Cultural Base Map altogether**

In **Suggestion B3**, the Cultural Base Map would be removed entirely. Although this clearly solves the initial problem, it leaves the end-user who may not be native or even know the names of any of the many Cultural Affiliations in California, or where those Cultural, Traditional, and Aboriginal Territories are within the State.

- **Issue C: Lack of clear information regarding the processes by which Tribes can change the Atlas**

- **Suggestion C1: Add contact information and instructions**

In **Suggestion C1**, contact information of an individual or agency designated as the editor of the Atlas and instructions on how to relay desired changes to the Atlas would be added to the Atlas homepage. Additional information would be supplied as to the process by which changes are verified and published to the Atlas.

- **Suggestion C2: Create Form**

In **Suggestion C2**, a Form requiring general information about the submitter of proposed changes to the Atlas (e.g., name, contact information, Tribal affiliation), a summary of proposed changes, and some form of verification would be appended to the Atlas homepage, or another clearly labeled page of the Atlas. Additional information would be supplied as to the process by which changes are verified and published to the Atlas.

- **Issue D: Digital Atlas Disclaimer Language not strong enough to deter Cultural Resource Firms to misuse the information for Consultation and Cultural Affiliation purposes.**

- **Current Digital Atlas Disclaimer Language:**

DISCLAIMER  
PLEASE READ BEFORE CONTINUING

The Digital Atlas of California Native Americans (Atlas) is for educational and display purposes only. The geographical information displayed in the Atlas is not for use in determining locations of cultures, boundaries or people for recognition, consultation or any other legal or policy purpose. The resources displayed in the Atlas remain the property of their owners as cited. All resources are found in the public domain or displayed with the owner's permission. The content of Tribal pages reflects the ideas and beliefs of the pages' creators and does not constitute an official endorsement of any particular viewpoint.

- **Proposed Digital Atlas Disclaimer Language:**

DISCLAIMER  
PLEASE READ BEFORE CONTINUING

The Digital Atlas of California Native Americans (Digital Atlas) is provided solely for educational purposes and **may not be used for official use of any kind**, including, without limitation, for use in determining tribal territories, cultural affiliation, or for repatriation, reinterment, or for obtaining recognition. *The unauthorized or inappropriate use of the Digital Atlas by agencies subject to the California Native American Graves Protection and Repatriation Act of 2001 (Health & Saf. Code, §§ 8010, et seq.) may subject themselves to civil penalties.* The link to the Digital Atlas does not constitute an endorsement or approval by the Commission of any information or opinions contained within it. All resources, information, and opinions contained in the Digital Atlas remain the property and views of the cited entities/individuals and the Commission bears no responsibility for their accuracy, legality, or content. Viewers should contact cited entities/individuals for more information about particular content.

## CONCLUSION

### ACTION ITEM #6: DIGITAL ATLAS COMMISSION DIRECTIVES

(Updated October 5, 2023)

In conclusion of this analysis of the Digital Atlas and its potential issues raised by Commissioners and the general public, NAHC Staff recommend the following as temporary or permanent solutions:

#### I Relocation Alternatives Action Item #6 (b) Commissioners to consider which Agency Website location should host and maintain the Digital Atlas currently on the NAHC Website.

To continue to have the High visibility and traffic generated by the NAHC Website, ability to review, edit, and update information, it is the Staff Recommendation to support **Option A: Native American Heritage Commission website with access path modifications**. This Option will change how the Digital Atlas appears on the NAHC Website and move it to a more appropriate "Education" Tab (to be created within our website.)

#### II Modification Alternatives

##### Issue A: Misuse of information in Atlas for Tribal Consultation purposes (not for action)

There are (3) different suggestions for how to better inform the public about the use and intended purposes for the Digital Atlas. Both **Suggestion A1: Increase visibility of Disclaimer** and **Suggestion A2: Require verification of receipt of Disclaimer before access** are viable solutions but a clear direction on how the Digital Appears on the webpage must first be decided.

##### Issue B: Inaccuracy of Cultural Base Map (not for action)

The internal Digital Atlas Maps page is entirely GIS driven. The Cultural Base Maps are definitive lines created from Volume #8 which most tribes disagree with these maps, hence they have their own maps with NAHC on file. We feel it is important for the public and tribes to understand the Cultural, Traditional, and Aboriginal Affiliation and Territory or Area within the State. This can be accomplished by removing the GIS Cultural Base Map Layer function and replace with either **Suggestion B1: Modify boundaries of Cultural Base Map to be less specific**, thus making the Cultural Base Maps have a faded or nonspecific boundary to give the appearance of where approximately a Cultural Affiliation would be located within California. Or **Suggestion B2: Supplement Cultural Base Map with additional Base Map Layers**. This will create a GIS Layer Map(s) of all the different Public Academia Maps available creating different boundary lines for each individual map that the public can see all at once, or individually.

**Issue C: Lack of clear information regarding the processes by which Tribes can change the Atlas (not for action)**

All information on the Digital Atlas is either from public documents or tribal submissions for their respective cultural affiliations. We feel that **Suggestion C2: Create Form** would be the best way to update tribal pages and track who submitted information. Ultimately, Dr. MacCannell would be the point of contact and consult with the NAHC on any potential changes.

**Issue D: Digital Atlas Disclaimer Language not strong enough to deter Cultural Resource Firms from misusing the information for Consultation and Cultural Affiliation purposes.**

**Action Item #6 (c) Commissioners to consider adopting revised Disclaimer Language on the Digital Atlas Pages.**

Several comments from Commissioners asked for more stringent and binding language to discourage any misuse of the Digital Atlas for Tribal Consultation and Cultural Affiliation purposes by lead agencies. A thorough legal review of the current Disclaimer Language has been conducted both internally and externally. NAHC Staff recommend updating the existing Disclaimer Language to the **Proposed Digital Atlas Disclaimer Language** as stated above.