



**NATIVE AMERICAN HERITAGE COMMISSION
M E M O R A N D U M**

September 19, 2023,

To: Native American Heritage Commission
From: Raymond C. Hitchcock, Executive Secretary
Re: 2018 – 2022 Strategic Plan Objectives

Introduction

The following memo is presented to the Commission to inform them of the status of the objectives identified in the Native American Heritage Commission’s 2018 – 2022 Strategic Plan:

- 1. Sacred Lands/Tribal Consultation List Fee Regulations (Priority One).** Now called Sacred Lands Inventory List Process & Fee Regulations
Status: In Process

Establishing a Sacred Lands File (SLF) fee has been an ongoing discussion with Commissioners. The largest pro being a source of revenue for the department, although a Budget Change Proposal would be required to realize revenue. The largest con may be risking reducing SLF searches, due to SLF searches being optional. This objective is also contingent on Objective 10b.

In 2019, a Trailer Bill was passed to allow for additional revenue to the NAHC and support for a BCP for additional positions for the NAHC. Fees cannot be charged until formal Regulations are codified, and fee processing procedures have been established to receive \$\$\$ for SLF and other related Searches. DOF is awaiting the enactment of the Regulations and projected fees the NAHC stated we could generate on a yearly basis to contribute to the overall budget increase given to the Commission in 2020.

**Since April 2022, the NAHC has been contacted by DOF about the status of these Regulations. In early 2023, the first Draft of the Sacred Lands Inventory List Process & Fee Regulations were circulated. We have done an initial review, comment, and edit. A second Draft has been circulated. To date, no Commission Sub-Committee has been created for these Regulations. One major issue with the Sacred Lands Files is the purpose as to which they were originally intended by the creation of the Native American Heritage Commission and how the NAHC uses them currently. There are over 3,000 SLF submissions uploaded into our outdated and unsupported digital FileMaker System since the late 70’s. These SLF’s are now generated and stored by Quadrangle, or Quad Maps utilizing Township, Range, & Section. Many submissions*

**were submitted by a singular person, Tribe, State Entity, Private Company, etc. When the NAHC does an SLF Search as requested by the Lead Agency, we only acknowledge there is a positive hit within the Township, Range, or Section(which is the smallest unit measuring 1-mile x 1-mile square)In some instances, we cannot share who to contact if there is a positive hit because the person or entity who submitted the SLF was not from a California Native American Tribe. We see the potential to move all the SLF File to our Native American Lands Information System (NALIS) and have all the SLF files be absorbed by the appropriate Culturally Affiliated Tribe(s) to which they may be associated to. This could be a part of the Contact List Regulations Process, but more discussion and thought needs to occur on how to streamline the process to add sites to the Sacred Lands File and if they should be Tribal Information. Also, there is tribal confusion between what is Sacred Land and what is a Sacred Site the Tribe has claim to?*

2. Special Interest License Plate Subscription Campaign and Programs (Priority One).

Status: Suspended in November 2021

The Special Interest License Plate Subscription Campaign was initiated in November 2019 for a 1-year subscription campaign to receive 7,500 pre-subscriptions X \$50= \$375,000 by November 2020. With the pandemic, a 1-year extension was granted until November 2021. The Commission only received approximately 2,000 subscriptions. The SILPSC fell short and was ended. All funding has since been returned to the pre-subscribers.

**On January 19, 2023, Commissioners voted to restart the SILPS. Commission Staff have since began to revisit past applications, materials, and process to restart License Plate Campaign. The program is currently being analyzed for program changes that may have occurred since the suspension of the program in 2021. All new applications will be needed. CHP & DMV approval of license Plate artwork will need to be re approved. The actual artwork submitted originally will need to be vetted and approved by whomever did the rendering. To date, minimal progress has been made to restart the SILPS due to staff shortage.*

3. Exploring additional sources of funding (Priority One).

Status: In Process

Sources of funding are continually being reviewed by NAHC staff. A couple sources of funding have been identified:

- Fee schedule for Sacred Lands File searches
- Special Interest License Plate Campaign

In 2019 a BCP allocated several (7) positions and funding to the NAHC to bolster its statutory duties.

** In FY 2022-23 the NAHC was given funding to hire a full-time executive Secretary and separate the Governor's Office Tribal Liaison position. The NAHC, in partnership with CNRA, has been approved for \$75,000 for fiscal year 2023-24 and 2024-25 for activities relating to the removal of derogatory names by public agencies and local governments. The NAHC submitted funding requests for FY 2023-24, but due to State budget funding issues they were denied.*

4. A succession/retention plan as part of a larger Workforce Plan (Priority Two).

Status: In Process

The 2018-2022 Strategic Plan outlined that CalHR requires state agencies to develop a Workforce Plan that addresses issues with succession and retention. The objectives included in the 2018-2022 Strategic Plan are as follows:

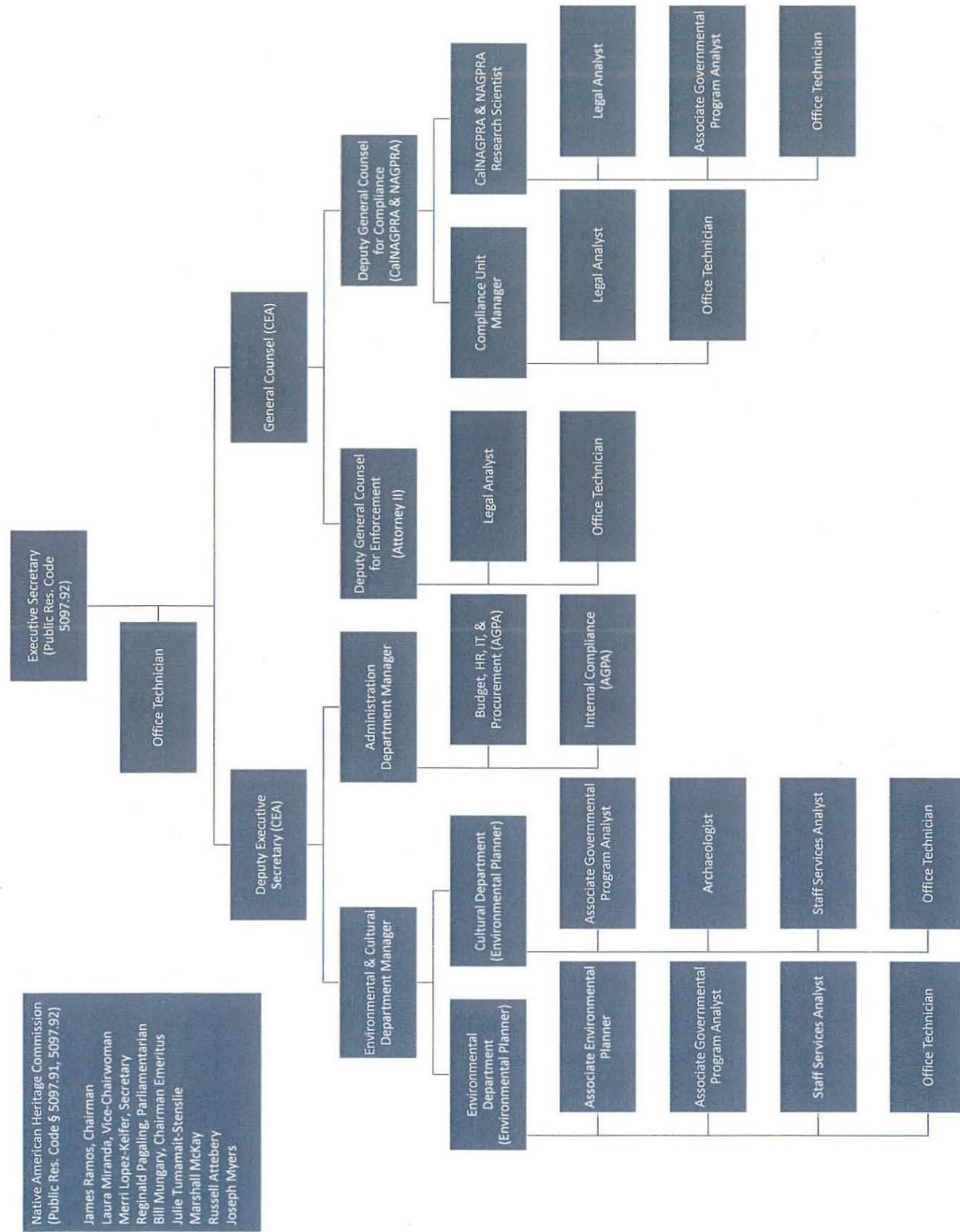
- i. Draft a succession and retention plan as part of a larger, CalHR-required Workforce Plan.
- ii. Expedite training of and imparting institutional knowledge of tribes and Commission processes to newer staff by senior staff through a formalized training program.
- iii. Update internal policies and procedures.
- iv. Provide promotional opportunities for current staff within the agency by increasing staff size to sufficiently carry out the Commission's statutory powers and duties via a reorganization and secure funding to support the reorganization.
- v. Provide internship and externship programs for college, law, and other students to work with the Commission and learn about tribal cultural resources law.

The 2018-2022 Strategic Plan also included an organizational chart of the agency's future structure (Page 4).

In 2019-2020, there were BCP submissions for positions. In 2020-2022, an outline of all position approvals and funding was created. In 2023, the NAHC organizational chart was recreated to reflect today's goals and objectives. Vacant positions are being reclassified to job duties and titles that create upward mobility and career path options for employees.

**Currently, we have changed the overall Org Chart as developed in 2018. We are currently reclassifying allocated positions to better suite the current duties and stator requirements the Commission is responsible for. We have created some ability for entry-level and mid-level Staff to develop skills and advance to higher level positions within the Commission without having to leave and go to another State agency. Simplifying the Org Chart and changing the current position titles by reclassifying positions has helped to better create a path of upward mobility. We have already begun to actively pursue filling vacant positions and hope to have 3-5 in the next 6 months.*

NAHC Reorganization Plan



Native American Heritage Commission
(Public Res. Code 5097.91, 5097.92)

James Ramos, Chairman
 Laura Miranda, Vice-Chairwoman
 Merri Lopez-Keller, Secretary
 Reginald Pagaling, Parliamentarian
 Bill Mungary, Chairman Emeritus
 Julie Tumamala-Stensile
 Marshall McKay
 Russell Attebery
 Joseph Myers

5. Training modules for staff on institutional knowledge of Tribes and Commission processes (Priority Two).

Status: In Process/Completed

Training Modules (Environmental)

- [Archaeological Terms](#)
- [AB52 Tribal Consultation Requirements and Best Practices](#)
- [CalNAGPRA Training Modules \(Removed from Website\)](#)
- [California Indian History \(Short Overview\)](#)
- [Cultural Humility](#) (Link on NAHC site takes you to CalEPA website)
- [Cultural Resources Handbook](#)
- [Implementation of AB52 Presentation](#)
- [Protecting CA Native American Sites](#)
- [Tribal Cultural Resources Law Training \(BROKEN LINK TO NOWHERE\)](#)
- [Tribal Cultural Resources Sensitivity Training](#) (Link on NAHC site takes you to CalEPA website)
- [Tribal Sovereignty Training](#) (Link on NAHC site takes you to CalEPA website)
- [Understanding Cultural Resources](#)

**To date no required training has been initiated for all staff members outside of mandatory State training requirements. Refresher courses and review of all statutory requirements the NAHC is beholden to and responsible for will be a priority of the Office.*

6. Update internal policies and procedures (Priorities Two and Three).

Status: In Process

Internal policies and procedures are continually updated as needed. These policies follow any draft regulations that are identified in Objective 10.

Environmental Internal Policies

- [AB 52 Request Procedures](#)
- [Adding Tribal Contacts](#)
- [Cal FIRE Timber Harvest Procedures](#)
- [CalNAGPRA List Request Procedures](#)
- [Draft MLD Procedures](#)
- [Draft Sacred Lands File Search Procedures](#)
- [Draft Tribal Map Procedures](#)
- [Environmental Document Review Procedures](#)
- [MLD Designation Process](#)
- [NAHC Telework Program Policy and Procedures](#)
- [NAHC Tribal Consultation Policy](#)
- [Office Emergency Procedures](#)
- [Oil Spill Prevention and Response Procedures](#)
- [Resource Guide](#)
- [SB 18 Application](#)
- [Updating Tribal Contacts](#)

HR Internal Policies (Currently Drafted)

- [Anti-Discrimination Policy](#)
- [Incompatible Activity Statement](#)
- [Lactation Accommodation](#)
- [Nepotism Policy](#)
- [Sexual Harassment Prevention Policy & Acknowledgement](#)
- [Policy on Substance Abuse](#)
- [Workplace Violence Prevention Policy](#)
- [Evaluation/Performance Policy](#)
- [Workers Compensation Guide \(SCIF E13571\) & Acknowledgement](#)
- [New EE's guide to Workers Compensation \(SCIF E13286\)](#)

Front Desk / Receptionist Internal Policies

- [Daily, Weekly, and Monthly Tasks](#)
- [Hardcopy Filing](#)
- [Mail Receiving, Sending, and Distribution](#)
- [Mailing Lists](#)
- [Miscellaneous Tasks](#)
- [NOP Letters](#)
- [Office Equipment](#)
- [Office Layout](#)
- [Phone Etiquette and Voice Messages](#)
- [Processing Invoices](#)
- [Processing Requests](#)
- [Scheduling Meetings](#)
- [Spreadsheets and Counts](#)
- [Staff Meeting Minutes](#)
- [NAHC Commission Meeting – Minutes](#)
- [NAHC Commission Meeting – Planning Checklist](#)
- [NAHC Commission Meeting – Quick Minutes](#)
- [Counting Environmental Documents](#)

7. Increase promotional opportunities for current staff by increasing staff size to sufficiently carry out the Commission's statutory duties (Priorities Two and Three).

Status: In Process

The NAHC increased its authorized positions in fiscal year 2021-22 from 12.1 positions to 25.0 positions.

The following positions were added between 2018-2022:

- 4 Associate Governmental Program Analysts
- 1 Attorney
- 1 Chief Counsel
- 1 Chief Deputy Executive Secretary
- 1 Deputy Tribal Advisor*
- 1 Environmental Program Manager
- 1 Tribal Advisor*

- 2 Legal Analysts
- 1 Office Technician
- 1 Senior State Archaeologist
- 1 Staff Services Manager I
- 1 Temporary Help Position (Retired Annuitant)

*These positions have been transferred following the conclusion of the 2021-22 fiscal year.

The following positions were removed between 2018 – 2022:

- 1 Research Scientist (Ethnographer)

**Again, as stated in Priority #4, we have taken the listed positions and are starting a tedious process to reclassify positions to create a uniform progressive ability to promote within. We are working closely with DGS HR to help us navigate this complicated process. DGS Accounting has also been working closely with us as have Department of Finance to approve our change in overall structure and positions we were allocated. One note to highlight, if we were to hire all 25 positions today, we would be about \$280k over budget for tis fiscal year. By reclassifying positions and reviewing our financial health, we have suspended (2) positions to stay under budget and are working to fill the vacant positions.*

8. Provide internship and externship opportunities for college and law students (Priority Two).

Status: Completed

The NAHC previously entered contracts with UC Berkeley, UC Davis, and UC Los Angeles. These contracts expired and were not renewed. The contracts allowed for opportunities but were never realized as originally intended. Different outcomes were derived from these contracts.

9. Create an internal compliance calendar and process to oversee internal compliance (Priority Three).

Status: Completed

The internal compliance calendar has been created and is maintained by the Administration Unit.

**In 2023 we found a Compliance Calendar in some old digital files, but it was never utilized by any of our current Staff. It looks to be in draft form not Complete as stated above. Its use at the time of the Strategic Plan had a different use and purpose. It can be redeveloped to capture many other deadlines and dates of importance throughout our entire Agency.*

10. Adopt regulations to implement and interpret statutes under the Commission's authority (Priority Three).

Status: Incomplete

a. Most Likely Descendant and Definitions

Status: Drafted in 2016. Tribal Consultation in 2020. Needs to be revisited and restarted.

b. Sacred Lands Inventory List (Criteria for inclusion of sites on the Sacred Lands Inventory)

Status: Never drafted until March of 2023.

- c. SB 18 List
Status: This List is now the Contact List Regulations being reviewed for pending release of 90-day Tribal Consultation.
- d. CalNAGPRA
Status: These Draft Regulations are in a beginning phase of drafting and require input. Currently a Repatriation Process Flow Chart is being developed to outline the Process in a rudimentary way for all Tribes and Institutions to understand the process until formal Regulations are drafted including Enforcement Process (to be included within the Process Regulations) and Dispute Resolution/Mediation Process Regulations (drafted separately and has went through 90-day Tribal Consultation and moving towards formal APA Rulemaking Process in the coming months.)
- e. Investigations and public hearings, Public Resources Code sections 5097.9, 5097.94(g), and 5097.97
Status: Unknown
- f. Mapping of geographic area of tribal traditional and cultural affiliation for California Native American Tribes (Public Resources Code section 5097.94(m))
Status: In Progress. The Commission tried (5) different times between 2018-2022 to get all tribes on the current Contact List to submit GIS generated Tribal Traditional and Cultural Affiliation Maps for the purposes of Tribal Consultation. To date we have 80+ Tribally Approved Maps. In August of 2023, the NAHC will again try to get all remaining Tribes to submit Tribally Approved Maps. Until then, we will rely on Volume #8 Cultural Affiliation Maps for those Tribes who have not submitted their respective maps as a default.
- g. Interference with Native American Religion or Damage to Cemeteries or Places of Worship (Public Resources Code section 5097.9)
Status: Unknown
- h. Native American Heritage Commission Conflict of Interest Code
Status: Never drafted. NAHC Attorney Justin Freeborn drafted a copy in late 2022. These require Commissioner review and adoption. FPPC has been actively pressing the NAHC to get these in place.

**To date no single regulation has been promulgated. Since April of 2022, we drafted Contact List Regulations to replace SB 18 List and MLD List (not including Lineal descendents). A draft of Cal NAGPRA Process Regulations is in early stages. Cal NAGPRA Dispute Resolution / Mediation Regulations are through Tribal Consultation and awaiting the start of the Formal Rulemaking APA Process. A first Draft Cal NAGPRA Enforcement Regulations have been circulated. Draft MLD Regulations are again being reviewed due to the lapse of time since they were last circulated in 2020. Sacred Lands Inventory Lists Process & Fee Regulations are in the second draft of internal review.*

11. Audit and enforce landowners' compliance with reinternment provisions of the Most Likely Descendants' statute, Public Resources Code section 5097.98 (Priority Three).

Status: None

**The NAHC currently lacks the resources to begin implementation of this objective.*

12. Update contents and technology of the Sacred Lands Inventory (Priorities Three and Five).

Status: In Process

As of July 2020, staff has completed reviewing the contents of the Sacred Lands File. Considerations for next steps may include tribal consultation on items contained in the Sacred Lands File and digitizing records.

**In August of 2023, the NAHC embarked on a comprehensive IT upgrade to move the Sacred Lands Files from "FileMaker" to our newly created and IT supported Native American Lands Information System (NALIS). In September we were notified the current NALIS System will not be supported by CNRA Servers and if we want to keep the NALIS we will need to migrate to the cloud for a cost of \$50k-\$250k + yearly service & access fees. They have yet to give us the estimate. This does not include the cost of migrating the Sacred Lands Files from File Maker to NALIS (\$60k-\$90k). They suggested we wait until we made a final decision before embarking on this endeavor. Another option is to rebuild the NALIS system with an outside vendor and keeping on the CNRA servers. Again, the cost is unknown, but a ballpark could be upwards of \$500k. A request for funding is being drafted in the coming weeks.*

13. Implement CalNAGPRA (Priority Three).

Status: In Process

CalNAGPRA has been implemented and is currently being refined to create a more user-friendly experience for tribes and institutions. In January of 2022, the NAHC Website was upgraded to receive Collections from Institutions and post them for Tribes to review and track their respective Ancestors and Cultural Items. By April of 2022, over 17,000 Inventories & Summaries were uploaded to the system. In August of 2022, the NAHC began a comprehensive overhaul of the CalNAGPRA Website to have a more robust tracking system.

**In June of 2023, we began actively tracking the progression of Collections through the respective steps. Tests are being conducted to check for accuracy and ease of function. This upgrade will be ready for the Public by November 2023. CalNAGPRA best practices and Flow Chart are being refined and updated in accordance with the drafting of CalNAGPRA regulations (see Objective 10d).*

14. Training for staff, tribes, and stakeholders on Cultural Resources Laws (Priority Four).

Status: Completed

In 2019, NAHC contracted with UC Davis School of Law to create a training series for Tribes called the Tribal Cultural Resources Law Project. They were completed in January of 2022. The UC Davis trainings were prepared by the Honorable Christine Williams.

**In July of 2023, the NAHC uploaded the TCRLP Training Videos to our website for public use. The TCRLP Training videos and content will be housed on our Resources Tab.*

15. Internal staff training on Commission policies and procedures. (Priority Four).

Status: Completed

The NAHC has created PowerPoint trainings for staff. These trainings cover the Cultural Resource Law that is under the jurisdiction of the NAHC. The NAHC has also created a PowerPoint training on the timekeeping process. This PowerPoint is in the process of being updated based on the new upcoming timekeeping process. These trainings are located on the Shared Drive. All members of Staff were required to complete these trainings as part of the onboarding process. This means that anyone who is currently a part of the team has gone through and completed these trainings.

**Since 2022, no current staff member has ever been required or asked to take these trainings. Until review of the Strategic Plan, we had no idea it even existed.*

16. Update technology for videoconferencing, webinars, and live streaming for consultations and training (Priority Four).

Status: Completed

Due to the Covid-19 pandemic, these efforts were expedited and the NAHC currently leverages technology in a variety of ways. Currently the NAHC utilizes Teams Platforms for internal meetings, access to ZOOM for Public Meetings, and contract with TKO to provide videoconferencing and live Stream Meetings.

**Although the Commission utilizes TEAMS and has access to ZOOM Conferencing through our Video Provider, the NAHC offices need upgraded telecommunications, large smart screens, camera access, and phone/speaker upgrades to have a robust Virtual Conference Room to allow for more than one person on a laptop to participate and attend. Again, this is a financial burden that needs to be addressed.*

17. Update the Cultural Resources Handbook (Priority Four).

Status: In Process

The first edition of the Cultural Resources Handbook was published in March of 1980. It was created as a resource for Tribes to better understand how cultural resource law works and how the laws can be properly applied. It only existed as a hardcopy until Staff turned it into a workable Word Document version. This workable document exists on the Shared Drive.

**To date, no review of this Handbook has been started since 2022.*

18. Utilize the most up-to-date technology for video conferencing, webinars, and live streaming to reduce travel costs for consultations and training and to increase accessibility (Priority Five).

Status: Completed

Due to the Covid-19 pandemic, these efforts were expedited and the NAHC currently leverages technology in a variety of ways. We still have a need to do in-person Tribal Consultation, Meetings, Public Hearings, and Listening Sessions.

19. Utilize all forms of social media to communicate with the public (Priority Five).

Status: Completed

The NAHC currently leverages Facebook, Instagram, and Turtle Talk to increase its social media presence.

**Currently the NAHC does not have staff to actively and effectively leverage and post on Social Media. The NAHC Website is also an issue and outdated with content and functionality. We are looking to add a position to our staff who has the background to take on these tasks to make our Commission more active, visible, and transparent. We also need to find another Website provider other than CNRA which takes 5-7 days to change any formatting issue other than language changes.*

20. Digitize the Commission's files (Priority Five).

Status: In Process

Due to teleworking, the NAHC has begun digitizing many of its files. However, there are some specific files which require a more detailed digitization plan (e.g., Sacred Lands Files, etc.). NALIS is in the process of becoming the primary database for housing the contact information of California Tribes, project responses, and comment letters. Hardcopy files of Tribes' information have yet to be digitized.

**To date no process has been implemented to upload all hard copy files or relocate file to one stored source.*

21. Draft and circulate digital versions of a quarterly newsletter, annual report, SLAA reports, strategic plans, and Commission meeting minutes (Priority Five).

Status: Never Completed

The NAHC is currently in the process of drafting and circulating the documents listed in Objective 21. We have been circulating an Executive Report on a Quarterly basis but need to make it more of a newsletter style for engagement of constituents.

**It is the current leadership that outward information and updates create a more engaged and informed tribal and state community with the business and actions of the NAHC. Creating stories, newsletter, or content, is a need we must begin to endeavor.*

22. Update the Commission's website to include reports, plans, meeting minutes, newsletters, and information on Cultural Resources Laws. (Priority Five).

Status: In Process

**As of January 2023, the NAHC is currently in the process of reviewing and updating formatting, content, forms, training, ease of access, pictures, articles, educational tabs and other aspects of *The NAHC website. We want to create an Agenda Tab. Video Library, and other viable functions not currently available with the existing Website and formatting.*

23. Conduct needs assessment for Southern California Office via the (Priority Six).

Status: Completed

Upon completion of the needs assessment in 2021, it was determined that a Southern California Office was not needed or viable. The NAHC had no additional funding to lease and operate another location in Southern California. To have an employee telework from Southern California, would still require excessive travel and support. The lack of oversight and supervisory issues would potentially be an impediment to the execution of this position.

**All Italicized comments are from current timeframes after the completion of the 2018-2022 Strategic Plan. As of January 2023, it is the direction of the Commissioners to take this version of the Strategic Plan and re edit it to make it a living document. Some priorities and requests were outlined in the Strategic Plan Meeting held in Santa Ynez in 2023. The next steps will be taking the 2018-2022 SP and changing from PDF to word so it can be edited. It is the Staff recommendation to start over and create a new Strategic Plan and incorporate old objectives, but update to reflect current issues, situations, and duties.*