



STATE OF CALIFORNIA
**NATIVE AMERICAN
HERITAGE COMMISSION**

EXECUTIVE SECRETARY REPORT

October 05, 2023

CHIEF LEGAL COUNSEL POSITION

Starting on Monday, September 18, the Commission restarted the interview process for new applicants who applied for the Chief Legal position. We had to put out the job posting another time due to HR posting and salary complications from the first round.

OFFICE TECHNICIAN POSITION

On September 22, 2023, our new Office Technician, Lucien David-Osas left us to take another more lucrative position outside the State System. We wish him the best on his next endeavors and truly thank him for all his hard work especially with NAHC Website, and Website and all Social Media posting. As of October 04, 2023, we started interviewing for the OT position. We had several applicants. We hope to have this position filled by the end of the month. We are also creating an SSA /AGPA position for the Administrative side to assist with day-to-day Admin work and managing Website & Social Media posting and presence.

NATIVE AMERICAN HERITAGE MONTH

November is Native American Heritage Month and the CNRA is planning various events and round tables to discuss being Native American and working for the State, or how to get a job with the State and find those unique positions. More information to be posted on our Website and shared by our email list.

On Tuesday, November 07, 2023, 10:00-12:00pm, Assembly Member Ramos will be unveiling a California Native American Monument on Northeast side of the Capitol grounds across from the Hyatt on 12th & L Streets. They will be honoring Capitol Area Tribes: Buena Vista Rancheria of Me-Wuk Indians, Chicken Ranch Rancheria of Me-Wuk Indians, Lone Band of Miwok Indians, Shingle Springs Band of Miwok Indians, Tuolumne Band of Me-Wuk Indians, and Miwok & Nisenan Community of Wilton Rancheria.

The statue is of Spiritual Leader Grampa Bill Franklin, member of Lone Band of Miwok Indians in full regalia. The statue was created in 2019 by George Pontius, a Jackson, California resident and renown sculpture. At the time of this completion, he was 93-years old. The statue stands 7+ feet high and will be a replacement for the old statue of Junipero Serra taken down from the Capitol grounds during the height of the social justice and George Floyd protest marches during the Summer of 2020.



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CTCA TRIBAL LEADERS FORUM

On Thursday, September 21, 2023, the CTCA held its Annual Tribal Leaders Forum where many Tribal Leaders from around the State were in attendance along with many State Agency Leaders. Assemblymember James Ramos was also in attendance as a keynote speaker. As a part of the Forum Agenda, the NAHC did a presentation honoring past Chairpersons, Commissioners, and Executive Secretaries who served the Commission. Vice Chairwoman Buffy McQuillen, Commission Wayne Nelson, Secretary Sara Dutschke, Commissioner Isaac Bojorquez, and myself all took part in honoring the following NAHC individuals with a beautiful clear glass award thanking them for their service, and a framed Resolution outlining their service to the Commission to serve and protect our Ancestors and Ancestral sites around the State:

- Chairwoman Laura Miranda,
- Commissioner Buster Attebery,
- Commissioner/ Chairman Bill Mungary,
- Commissioner Mary Lopez-Keifer

A moment of silence was held the loss of 2 great commissioners back in 2020 during the height of the Pandemic:

- Chairman Marshall Mackay,
- Commissioner Joseph Meyers

Past Executive Secretaries were honored for their service including:

- Secretary Larry Myers (1987-2009)
- Secretary Cynthia Gomez (2011-2018)
- Secretary Christina Snider-Ashtari (2018-2022)

A special shout out and honoring went to

- Deputy Secretary Miss Debbie Treadway (1989-2022)

To finish the beautiful evening, Commissioner Wayne Nelson led the honoring of our former Chairman of the Commission and current Assemblymember James Ramos!



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56TH ANNUAL CALIFORNIA NATIVE AMERICAN DAY

2023 California Native American Day was held on Friday, September 22, at the California State Capitol. 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.

We had an estimated 4,500 people including Volunteers, Tribal Leaders, Tribal Members, Elders, Veterans, school children, general public, (15) Cultural Practitioners, (25) Retail Vendors, (4) Food Trucks, (90) Exhibitor tents, and (3) cultural performers including the Karuk Tribe Traditional Dancers from the North, The California Kalte Crew from the Central, and the Intertribal Bird Singers from the South led by our very own

AB 389

Assembly Member James Ramos, Garcia, Mathis, and Valencia passed AB 389 on September 18, 2023, to address poor CalNAGPRA repatriation efforts of the California State University System outlined in the July 2023 Audit Report of the entire CSU System. Governor Newsom has until October 14, 2023, to sign the Bill into Law. When the Bill becomes Law, it has a direct effect on the NAHC. We will be responsible for the implementation of the Nomination Process of all Committee Members and recommendations to the Commissioners for eventual formal nomination. It is estimated there will be 23 Campus Committees with (7) Members each and a Systemwide Committee of (7) Members. That is approximately 150 Nominations to Approve by Commissioners.

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 a 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 merging was not an option. Other fields require 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 the date of when the contact was updated.



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In September CNRA / DWR notified us that the NALIS system will need to be housed in a Cloud format, not on servers they currently use, and we pay for. The estimated cost for this Migration is around \$200k! Very frustrating and to rebuild another system would be far more expensive.

As a part of future upgrades, the Commission will seek 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. We asked for an estimate but CNRA were hesitant to bid until migration was complete.

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.

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 did such an update was in 2017 to help create the 2018 NAHC Directory. 85 Tribes responded.

We sent out a Tribal Contacts Update Form Link:

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

All Tribes who have not responded to final attempts to get updated contact information will be receiving a letter from the NAHC requesting they update their contact information immediately.

To all Tribes on our current Contact List and received only (56) 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 the 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



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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 in helping us have the right information moving forward as this will a yearly campaign moving forward to keep our Tribal Contacts Lists up to date.

TRADITIONALLY & CULTURALLY AFFILIATED 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 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.



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CSU AUDIT SUMMARY

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>.

On August 29, 2023, Assembly Member Ramos of the Select Committee on Native American Affairs held a Joint Hearing on the California Audit Report of the CSU System. I provided comments about the lack repatriation, violations that are still occurring, and how the Commission can be a resource to help facilitate appropriate Repatriation policies and procedures when the CSU is ready to engage.

Since then we have had virtual and in-person meetings with CSU Systemwide and some Campus Leadership to forge a path forward respectfully.

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.



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DRAFT SACRED LANDS INVENTORY & FEE (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.

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.

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.