

# CALNAGPRA FLOWCHART

Note: This is not legal advice please consult your legal counsel. This is limited to statutory reference and best practice. Tribal Consultation is MANDATORY prior to any identification, determination, or handling of collections.

## KEY

Institution

Tribe

NAHC

Informational

## Contamination Disclosure

Institutions must inform the NAHC and any Consulting Tribes if there is any likelihood, based on existing records, of a Collection being exposed to potential hazardous materials. Pursuant to Section 8013, this should not be interpreted as a reason to delay Tribal Consultation or handle Collections prior to Tribal Consultation.

[Helpful Contamination Guidance Link](#)

## Dispute Resolution

\*can be triggered at any time\*

## Tribal Consultation MANDATORY Prior to Any Handling or Collection Verification

Institutions must consult, prior to new or additional Inventory or Summary work being conducted, with California Native American Tribes reasonably believed to be Culturally Affiliated with the Inventory or Summary based on the totality of circumstances. The NAHC may assist with the identification of California Native American tribes, but the Institution bears the obligation to contact and consult with the California Native American Tribes.

Consultation should address any protocols to be used in the inventory process, including, but not limited to, handling, lot approach, and identification of cultural items or human remains.

**Tribal input must be given deference as expert opinion.**

Dispute Resolution  
\*can be triggered at any time\*

## Tribal Resource: Collections Inventories & Summaries Database

This holds all uploaded Inventories & Summaries that have not met Tribal Consultation or information requirements set forth in Health and Safety Code Section 8013. This provides Tribes the opportunity to verify the information posted by Institutions. Without meaningful Tribal Consultation, Collections cannot move from the Tribal Resource: Database to Preliminary, from Preliminary to Tribal Review, and from Tribal Review to Final Status. *Note: Consultation without compensation is a burden on Tribal Resources for these reasons Tribes may be unable to consult without financial support.*

## Access Code

Tribes can request an Access Code from the NAHC.

## Preliminary Status: Inventories & Summaries

An Institution must satisfy the Consultation Requirements for Preliminary Inventories & Summaries as outlined in Health and Safety Code Section 8013.

[Click for FAQ Page](#)

Dispute Resolution  
\*can be triggered at any time\*

## Preliminary Inventories & Summaries: 30-Day Tribal Review Period

Upon Certification, the Inventory/Summary will be moved to the NAHC Inventories & Summaries – Preliminary Webpage on the 1<sup>st</sup> business Monday of the month.

## Preliminary Inventories & Summaries: 30-Day Tribal Review Period

### Potentially Culturally Affiliated Tribes

Tribes that are not listed as Culturally Affiliated have 30-days to request Consultation and request changes to a Preliminary Inventory/Summary.

### CONSULTATION

Institutions must consult with Tribes who reach out as Potentially Affiliated. Institutions must contact and consult with Culturally Affiliated Tribes listed in the Preliminary Inventory/Summary.

[Click for Tribal Review Requirements](#)

### Culturally Affiliated Tribes

Tribes listed as Culturally Affiliated have 30-days to review and request changes to a Preliminary Inventory/Summary.

### Non-Response from a Culturally Affiliated Tribe.

Institution must maintain record of outreach to Culturally Affiliated Tribes that did not respond to outreach during the 30 Day-Tribal Review Period. Outreach should include certified mail, phone, and email.

### Concurrence

All Responding Tribes concur with the information listed in the Preliminary Inventory/Summary.

### Disagreement

Either a Culturally Affiliated or Potentially Culturally Affiliated Tribe disagrees with the information listed.

Institution must provide additional Consultation to clarify the Disagreement & amend information to reflect the Tribe's Disagreement with the Preliminary Inventory/Summary.

Dispute Resolution  
[Click for process.](#)

## Final Inventories & Summaries

Once all Culturally Affiliated Tribes have Concurred and all Disputes are resolved, the NAHC will post the Inventory/Summary to the Final Inventories & Summaries Webpage.

## Final Status and NAGPRA

An Institution that has completed an Inventory/Summary as required by the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.) shall be deemed to be in compliance with this section provided that the agency or museum provides the NAHC with both of the following:

- (1) A copy of the Inventory/Summary.
- (2) Preliminary Inventories & Summaries to **comply with the consultation requirements** set forth in CalNAGPRA.

Note: At any time, Collections can move from the Final Status back to the Preliminary Status if a Tribe disagrees with the Cultural Affiliation or any information listed in a Final Inventory/Summary.

Claims and Repatriation Process Continued on Next Page

## CaINAGPRA Claims

Tribe/Museum Action		NAHC Action	Claim Status	Repatriation Status
Unverified Claims	Claim can be submitted by Lineal Descendant or Tribe directly. Any Claim an Institution receives must be sent to the Commission. Tribes may reach out to NAHC regarding verification.	Claims are Unverified until Inventory or Summary satisfies the requirements of §8016 (a) (1-5). The NAHC will post Unverified Claims to our website on the first business Monday of the Month.	The Claim Status of an Unverified Claim is: "Pending - Unverified"	Unverified Claims do not initiate the Repatriation Timeline.
	A Claim is Verified when the associated Inventory or Summary achieves "Final Status".	NAHC will update an Unverified Claim's Status to "Verified" the first business Monday of Month, after the associated Inventory or Summary achieves "Final Status".	The Claim Status of a Verified Claim is: "Pending - Verified"	Repatriation Status is updated to "In Process" when a Claim is posted to the Verified Claims Webpage. Posting to the Verified Claims Webpage initiates the 90-Day Legal Control Transfer Deadline if there are no competing Claims.
30-Day Institution Objection	Institution has 30 days from the posting of the Verified Claim to object to the Verified Claim. A Tribe may request Dispute Resolution in response to an Institution's objection the Claim.	Updates Claim Status to "Accepted", on the First Business Monday of the Month after an Institution waives or does not object to a Verified Claim w/ 30 days. Claim Status will not be updated to "Accepted" if there are competing Claims.	Objection to a Claim updates a Claim's Status to "Disputed". Approval of a Claim by an Institution or lack of objection to a Claim updates a Claim to "Accepted" if there are no competing Claims.	Repatriation Status remains "In Process" during the 30-Day Institution Objection Timeline. Objection of a Claim may trigger Dispute Resolution. Objection of a Claim may pause the 90-Day Repatriation Timeline.
90- Day Legal Transfer Control	Legal Transfer of Control occurs 90-days after a Claim is Verified. Claimants and Institutions should coordinate directly with each other on Repatriation Agreements, which they must send to the NAHC. A Claimant can trigger Dispute Resolution throughout this phase.	The Commission will develop technical resources and templates to support Tribes in the creation of equitable Repatriation Agreements, the costs associated with Repatriation, including reburial. Tribes may trigger Dispute Resolution throughout this process.	Claim Status remains "Accepted" as long as there are no competing Claims prior to Repatriation.	Repatriation Status will be updated to "Complete" at the end of the 90-Day Legal Transfer of Control Timeline. Dispute Resolution, Institution objection to a Claim, competing Claims, and extensions of the Federal Notice Period may extend the 90-Day Repatriation Timeline.
Repatriation Agreements/ Physical Transfer	Tribes and Institutions must submit all Repatriation Agreements to the NAHC. Repatriation Agreements are encouraged to incorporate aspects of Restorative Justice including providing Land for reburial.	The NAHC will receive all Repatriation Agreements and will have the power to enforce these agreements. Best Practices: Tribes may request Restorative Justice principles be incorporated into Repatriation Agreements. NAHC will update Repatriation Status to complete.	Claim Status remains "Accepted".	Repatriation Agreements and transfer paperwork must be submitted to the NAHC within the 90 Timeline. The Commission has the authority to enforce the timelines for transfer of physical control agreed upon in the Repatriation Agreements. Further guidance is in development from the NAHC.

### Repatriation Agreements and Restorative Justice.

Repatriation Agreements aspects of Restorative Justice including but not limited to financial restitution, formal apologies, land for reburial, materials, or funding for reburial. Tribes may trigger dispute resolution at any time during this process.