



STATE OF CALIFORNIA
**NATIVE AMERICAN
HERITAGE COMMISSION**

**Proposed Draft Contact List Regulations
Questions for Consideration and Comment**

1. What criteria should the NAHC use to determine whether a group meets the criteria for inclusion as a tribe on the Contact List? (See Proposed Draft Contact List Regulations, Sections 31003, 31004, & 31005 for current criteria)

The current proposed regulations would require non-federally recognized tribes to establish that they are direct descendants of a "Historic California Native American Tribe" defined as any of the following:

- 1) a formerly federally recognized tribe;
 - 2) a party to one of the eighteen unratified treaties with the United States drafted between April 29, 1851, and August 22, 1852;
 - 3) a tribe with members on the California Mission Rolls; and/or
 - 4) a tribe with other evidence of a historical relationship with the United States.
2. Are there elements of the existing criteria that should or should not be included?
 3. Are there elements of criteria that need to be considered for inclusion on the Contact List?
 4. Should these regulations consider whether a tribal entity functions as a Tribe?
 5. If so, what evidence should be used to establish this?
CalNAGPRA defines State Aboriginal Territory to mean "lands identified as aboriginally occupied by one or more California Indian".
 6. How should State Aboriginal Territory, consistent with CalNAGPRA, be identified in these regulations and what evidence should be used to establish it?



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7. Should Tribal Traditional Knowledge receive deference in establishing state aboriginal territory?
8. How should Tribal Traditional Knowledge be used to define state aboriginal territory?

Under the proposed regulations a non-federally recognized Tribe would be required to establish that they are a direct descendant from a "Historic California Native American Tribe."
(See Section 31001, Definitions. Section 31004(c)).

9. What criteria should the NAHC use in determining this direct descendancy?
10. What evidence should be used to establish this direct descendancy?

Under the proposed regulations non-federally recognized tribes would need to demonstrate descendancy to: 1) a formerly federally recognized tribe; 2) a party to one of the eighteen unratified treaties with the United States drafted between April 29, 1851, and August 22, 1852; 3) a tribe with members on the California Mission Rolls; and/or 4) a tribe with other evidence of a historical relationship with the United States.

11. Are these (4) criteria appropriate?
12. If not, what criteria should be considered?
13. What evidence should the NAHC rely upon in making this determination?