

## **CalNAGPRA Dispute Resolution/Mediation Regulations Updates from Original Draft**

- Updated/corrected California Code references throughout
- Removed formal service of process requirements (former §29004)
- Added federal dispute resolution section (new §29006)
- Additional mediator qualifications to include preference to individuals with experience working with California tribes and repatriation (§29010(b))
- Expanded mediator selection options:
  - Designated by Commission from mediators under contract with NAHC
  - Agreed upon by the Parties from mediators under contract with NAHC
  - Non-NAHC contracted mediator agreed upon and paid for by the Parties (§29010(b)(1-3))
- Mediator disqualifications expanded to include spouse and minor children who have provided professional advice to, employed by, affiliated with, or member of a Party (§29010(c))
- New section detailing the use of restorative justice principles in both the conduct of mediation and crafting of a resolution which includes concepts previously found in the section defining mediation as well as additional principles (§29011)
- Addition of mediation venue to be as agreed upon by the Parties, or if necessary, by the mediator; clarifies that unless agreed upon by the Parties and the mediator, the process is conducted in-person (§29013(d))
- Process/timing of proceedings revised to conform to the Administrative Procedure Act (§29014)
- Require posting of “precedential” Commission decisions on NAHC website (§29015)