



NATIVE AMERICAN HERITAGE COMMISSION

January 19, 2024

To: Commissioners, Native American Heritage Commission
From: Mario Pallari, Staff Counsel
Re: Provisional Nomination of Dustin Murray to the UC Berkeley Campus Repatriation Committee

I. INTRODUCTION

Dustin Murray, a Tribal Administrator and enrolled member of the Shingle Springs Band of Miwok Indians is applying for a Tribal Representative position on the UC Berkeley Campus Repatriation Committee. His application is attached. The UC Nominations Subcommittee is recommending his “provisional” nomination to the committee because while exceptionally qualified, he does not meet all the technical requirements under CalNAGPRA for the position. However, his experience and qualifications more than satisfy the intent of the statutory requirements. Additionally, there are an inadequate number of Tribal Representatives at UC Berkeley where there is a dire need to address the past institutional harms of the campus.

Under these circumstances, the subcommittee recommends that the Commission provisionally nominate Dustin Murray pending the potential availability of another applicant who may meet all CalNAGPRA’s specified requirements and is otherwise acceptable to the Commission. Any other outcome would potentially harm repatriation when the purpose behind the repatriation and consultation experience is otherwise met by the applicant.

II. TRIBAL REPRESENTATIVE REQUIREMENTS

All Tribal representatives must meet the following criteria:

- A voting member of a California Indian tribe shall be an elder, spiritual leader, or tribal member, as designated by the governing body of the individual’s tribe, with a minimum of five years prior experience in any of the following:
 - Repatriation pursuant to federal NAGPRA.
 - Cultural resources protection under tribal, state, and federal laws.
 - Consultation with state and federal entities and agencies.

(Health and Saf. Code § 8026 (c)(1))

III. THE UC NOMINATIONS SUBCOMMITTEE SUPPORTS THE PROVISIONAL NOMINATION OF DUSTIN MURRAY TO THE UC BERKELEY CAMPUS COMMITTEE

While the Tribal Representative criteria are designed to appoint individuals with experience in repatriation and consultation, it has created a shortage of much needed qualified Tribal applicants to the UC Berkeley Campus Committee. The UC and the NAHC have repeatedly conducted outreach to Tribal communities, but an inadequate number of qualified Tribal applicants have applied. Because of this, staff strongly supports flexibility in the nominations process.

Under CalNAGPRA, the Commission is tasked with providing nominations to the UC for appointment. (Health & Saf. Code, § 8026, subd. (b)(3).) Maintaining a campus committee for UC Berkeley is crucial given its troubled history with archaeological staff opposing and hindering repatriation efforts, including but most definitely not limited to the White collection. This troubled history has been compounded by convoluted UC NAGPRA and CalNAGPRA Policy.

The UC Nominations Subcommittee supports the provisional nomination of Dustin Murray to the UC Berkeley campus repatriation committee. (His application is attached as Ex. 1.) Dustin Murray is a voting member of Shingle Springs Band of Miwok Indians, where he currently serves as a Tribal Administrator. Mr. Murray has over 11 years of experience supporting his Tribal Government. He gained increasing responsibility, starting as an Intern, rising to a Law Clerk, and finally to the position of Tribal Administrator directly under the Chairperson. Mr. Murray, in his role as Tribal Administrator, has provided oversight to two successful reburials and receives mentorship from Cultural Resources Protection Staff that collectively have over 15 years of repatriation experience. Furthermore, Mr. Murray has participated in the re-negotiation of the Tribe's Gaming Compact and has experience working with corresponding governmental agencies. Lastly, Shingle Springs Tribal Council, in the attached Tribal Resolution declares that "Dustin Murray has the educational and professional experience demonstrating his ability to work in collaboration with other Native American tribes on issues related to repatriation."



NATIVE AMERICAN HERITAGE COMMISSION

UNIVERSITY OF CALIFORNIA NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT IMPLEMENTATION AND OVERSIGHT COMMITTEE

- NOMINATION FORM -

The Native American Heritage Commission (NAHC) seeks nominees for the University of California (UC) Systemwide and Campus Native American Graves Protection and Repatriation Act Implementation and Oversight Committees (pursuant to Section 8026 of the California Health and Safety Code).

If you are interested in serving or nominating a candidate please review the criteria below, complete the following application materials, and submit completed packet to the NAHC nominations subcommittee: 1) Indicate the position(s) sought for the nominee, 2) Attach a short biography or resume demonstrating that the nominee meets the criteria below; 3) Attach a letter of support or tribal resolution with this form; and 4) Attach a list of at least three references, with names, telephone numbers, and email addresses for each.

Tribal Nominees: Support letters or tribal resolutions for tribal nominees should be from Tribal governments, tribal community organizations or Institutional leadership organizations, include the strengths of the candidate, as well as any information that might be relevant to the NAHC reviewing committee.

UC Nominees: Support letters for UC nominees should include professional experience demonstrating the ability to work in collaboration with Native American tribes successfully on issues related to repatriation or museum collection management.

Please note, even if you are not selected in the initial appointment group the NAHC will keep your application on file for Committee positions that may become available in the future.

Deadline: Nomination packets are due on the date(s) indicated at nahc.ca.gov/calnagpra/nominate.

QUALIFICATIONS

Tribal Nominees

Tribal Nominees must be a member of a federally or non-federally recognized California Indian tribe as defined by Section 8012 of the Health and Safety Code. And have at least five years of experience in any of the following:

- Repatriation of human remains and cultural items pursuant to the federal Native American Graves Protection and Repatriation Act;
- Cultural resources protection under tribal, state, and federal law; or
- Consultation with state and federal entities and agencies.

Preference: Preference shall be given to members of a California Indian tribe.

UC Nominees

UC Nominees must be affiliated with or employed by the University of California and have the following:

1. A graduate degree in any of the following: Archaeology, Anthropology, Native American Studies, Ethnic Studies, Law, Sociology, Environmental Studies, or History, with a focus in California; and
2. A minimum of five years' experience working in his or her field of study.

Note: At least two UC nominees to the Systemwide one UC nominee to the Campus Committee(s) must be affiliated with an American Indian or Native American Studies program.

You are encouraged to submit a nomination if the nominee meets a majority of the requirements, even if you are unsure as to whether they meet a specific requirement. **In the event that you are uncertain as to whether a nominee may be qualified under a certain requirement, please include a brief explanatory statement supporting their qualifications in your nomination packet.** The NAHC shall consider all supporting materials and narrative to make a final determination of eligibility.

Preference: Preference shall be given to members who have demonstrated, through their professional experience, the ability to work in collaboration with Native American tribes successfully on issues related to repatriation or museum collection management.

COMMITTEE(S) SOUGHT

Please indicate the Committee(s) to which the nominee is seeking appointment. If nominating for a campus committee(s), list the campus(es) where the nominee is interested in serving, in order of preference. Check all that apply. If a nominee selects both the UC Systemwide Committee and Campus Committee, their application will be considered for both Committees and they may be appointed to either, however at this time Committee members will only serve on one Committee at a time, unless the pool of candidates does not allow.

- UC Systemwide Committee *(if only Systemwide please skip to Nominator Information below)*
- Campus Committee *(please fill out Section A below)*



A. If the Nominee would like to serve on a Campus Committee, please fill out the following additional information.

Campus Committee *(Preferred Campus)*: UC Berkeley

Alternative campus(es) Nominee will consider (candidates are encouraged to complete this section, if possible):

- 1) _____
- 2) _____
- 3) _____

SUBMISSION INFORMATION

Nominator Information

Name: Regina Cuellar Title: Tribal Chairperson
Tribal/UC Institutional Affiliation: Shingle Springs Band of Miwok Indians
Email: rcuellar@ssband.org Phone: (530) 387-4970

Nominee Information

Name: Dustin Murray Title: Tribal Administrator
Tribal/UC Institutional Affiliation: Shingle Springs Band of Miwok Indians/ UC Berkeley
Email: dumurray@ssband.org Phone: (530) 957-8925
Position Sought: Tribal Nominee UC Nominee

Please attach:

- (i) A short biography and, if desired, a resume or CV of the nominee,
- (ii) A tribal resolution or letter of support, and
- (iii) A list of at least three references, with names, telephone numbers, and email addresses for each.

Submit completed nomination packets to NAHC@nahc.ca.gov or 1550 Harbor Blvd, Suite 100, West Sacramento, CA 95691 by the due date indicated at nahc.ca.gov/calnagpra/nominate.

Incomplete packets will not be considered.

Dustin T. Murray

dumurray@ssband.org · 530-957-8925

WORK EXPERIENCE

Shingle Springs Band of Miwok Indians – Placerville, Ca

Tribal Administrator, SSBMI:

July 2021 - Current

- Responsibility of overall and day to day administrative and management operations of the Shingle Springs Rancheria.
- Implement directives of the Tribal Council promoting the Tribe's strategic plan at the departmental level. Active communication in communicating organizational goals and objectives to all employees and creation and maintenance of strong organizational culture.
- Assist the Chairperson in reviewing and evaluating program operations, ensuring that all contractual obligations are fulfilled, and modifying objectives as necessary to allocate resources at maximum effectiveness.

Law Clerk, SSBMI:

December 2019 – June 2021

- Supported legal department under supervision of the general counsel in determining legal options by assembling and organizing information, researching law, reviewing case materials, and writing briefs, reports, and memoranda.
- Assisted general counsel in providing legal advice to Tribal leadership, governmental agencies, and outside attorneys along with drafting correspondence to Tribal members and external partners.
- Tasked with ensuring all Tribal codes and ordinances complied and were updated to meet new standards set forth in the re-negotiation of Tribe's Tribal-State Compact during and after, successfully completed in 2021.

Tribal Government Intern, SSBMI:

Seasonal/Summers 2012-2018

- Performed in a professional office environment training in all matters related to administrative assistance and proper conducting of processes and procedures under the lead administrative assistant. Assigned special projects by tribal attorneys including research on Tribal law and policy, drafting amendments thereof, and review of tribal codes and ordinances with presentation to the Tribal Council for approval.
- Supported wide coordinated efforts between the Tribal Court and Tribal Police department demonstrating the importance of cross-departmental cooperation and receiving my Tribal lay advocacy to attend tribal court proceedings, arbitration, and conferences to represent the Tribe in appropriate corresponding matters.

LEADERSHIP ACTIVITIES

Indigenous and Native Coalition-Recruitment and Retention Center – Berkeley, Ca

Fall 2016 – Spring 2020

K-12 Outreach Coordinator, Budget Coordinator:

- Facilitated and organized several recruitment focused events for Native identifying high school and community college students across various Tribal communities and state campuses each academic year resulting in increased yield rates of participants from previous years efforts. Collected and reported data on student-oriented programs to UC Regents to help solve barriers of access and improve outreach methods.

UCB Pow-wow Committee:

- Served on the Pow-wow committee to put on the annual pow-wow for four years and performed many duties, including the hiring of the head staff, management of budget and securing funding, and tabulation for over 300 attendees.

EDUCATION

University of California Berkeley – Berkeley, Ca

Graduated Spring 2020

Bachelor of Arts in Political Science, Native American Studies (Double Major)

GPA: 3.678

HONORS & AWARDS

Native and Indigenous Community Engagement Award

Powwow Initiative Award

Native Undergrad Student Body Representative for Graduation 2020/2021

Biography:

Dustin Murray (he/him) is an enrolled member of the Shingle Springs Band of Miwok Indians where he proudly serves as Tribal Administrator and has been actively engaged in Tribal leadership and governance since his youth. Born into and a descendant of the Confederated Tribes of Grande Ronde, his lived experience as a dual heritage, mixed individual raised in conditions experienced all too frequently on Tribal lands (poverty, substance abuse, mental health stigma, and treatment disparity) exposed him firsthand to the generational trauma, social inequity, and discrimination that exists in Tribal communities and is the foundation for his motivation to serve his and all similarly placed disadvantaged communities.

Determined to break down these barriers and understand the systemic structures that perpetuate and enable them, his passion guided him towards obtaining a higher education with hopes that he could return to his home and bring back the insight and skills it afforded him to the benefit of his Tribe. This journey took him to the University of California, Berkeley, where the knowledge that was instilled in him broadened his awareness to the extent in which a multitude of injustices exist and persist in Tribes who battle them every day.

One such injustices is the varied and ongoing NAGPRA issues all Tribes encounter across the state. As an active participant during his four years as a student in Cal's Native student organizations, he learned about the campus' status as the largest holder of Native American remains in the UC system and his own Tribe's participation in the repatriation and reburial of these collections. After graduating and during the two years of his role as Tribal Administrator, he has provided oversight to two successful reburials and has an active Site Protection support staff with over 15 years' experience who are engaged in the process of several other NAGPRA claims across several institutions. This active role highlighted the importance of cultural resource protection in the work he performs for his Tribe and continues to be a commitment in all future endeavors he strives to meet.

References:

- Regina Cuellar, Tribal Chairperson, SSBMI, rcuellar@ssband.org, (916) 397-9161
- Kara Perry, Site Protection Director, SSBMI, kperry@ssband.org, (530) 363-5123
- Phenocia Bauerle, Director of Native American Student Development, UC Berkeley, phenocia.bauerle@berkeley.edu, (510) 725-7370



SHINGLE SPRINGS BAND OF MIWOK INDIANS

Shingle Springs Rancheria, (Verona) Tract, California
5281 Honpie Road, Placerville CA 95667
P.O. Box 1340, Shingle Springs CA 95682
(530) 676-8010 Office; (530) 676-8033 Fax

RESOLUTION 2023-45

SUBJECT: AUTHORIZING NOMINATION OF DUSTIN MURRAY FOR THE UNIVERSITY OF CALIFORNIA NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT IMPLEMENTATION AND OVERSIGHT COMMITTEE

WHEREAS, the Shingle Springs Band of Miwok Indians (the “Tribe”) is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

WHEREAS, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, the Tribe recognizes the importance of continuing the preservation of its unique cultural heritage to the greatest extent possible; and

WHEREAS, it is vital that the Tribe’s cultural experts and authorities provide input on historic preservation issues within the Tribe’s aboriginal territory; and

WHEREAS, the Shingle Springs Band of Miwok Indian’s Cultural Resource Division is taking a leading role in working for the repatriation of all Native American Human Remains and funerary or other culturally affiliated items; and

WHEREAS, the Native American Heritage Commission (NAHC) seeks nominees for a vacant seat on the University of California (UC) System wide and Campus Native American Graves Protection and Repatriation Act Implementation and Oversight Committee (pursuant to Section 8026 of the California Health and Safety Code); and

WHEREAS, the Tribal Council has deemed that entry into the NAHC for the UC System wide and Campus Native American Graves Protection and Repatriation Act Implementation and Oversight Committee holds cultural importance and is necessary for the Tribe; and


WHEREAS, the Tribal Council believes that Dustin Murray has the educational and professional experience demonstrating his ability to work in collaboration with other Native American tribes on issues related to repatriation or museum; and

NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby endorses the nomination of Dustin Murray to serve on the UC Native American Graves Protection and Repatriation Act Implementation and Oversight Committee.

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 22nd day of June 2023 at which time a quorum of (6) was present, this resolution was duly adopted by a vote of (6) FOR, (0) AGAINST, (1) ABSTAINED, and said resolution has not been rescinded or amended in any form.


Chairperson

June 22, 2023
Date

ATTEST:


Secretary

June 22, 2023
Date