



STATE OF CALIFORNIA
**NATIVE AMERICAN
HERITAGE COMMISSION**

EXECUTIVE SECRETARY REPORT

April 19, 2024

Staff Services Manager: Environmental / Cultural Division

The Commission created a new position for a Supervisor to manage the Environmental & Cultural Division. Executive Leadership conducted several interviews and are working to make a final determination. This Division Supervisor will oversee up to (5) subordinate staff. The job duties will be to manage and oversee the Environmental & Cultural Division. This Division is responsible for responding to Sacred Lands File requests and CEQA requests, creating various Contact Lists for lead agencies. This Division is also responsible for making Most Likely Descendant determinations when Ancestors are inadvertently disturbed.

Staff Services Manager: Legal Division (Spec)

The Legal Division will be conducting interviews for the vacant SSM I (Spec) position which will be responsible for managing and tracking repatriation activities within the CalNAGPRA Website among other duties within the Legal Division. This position will not be overseeing or managing any other staff.

Associate Governmental Program Analyst: Administration Division

The Commission will be posting a newly created AGPA/SSA position to assist the Administrative Division with managing the NAHC Website, Social Media pages, among other administrative duties.

Attorney III/I: Legal Division

The Commission will be posting a vacancy for adding another attorney to the Division. The level (III/I) will be determined by the direction of Chief Legal Counsel and experience of the candidates.

Draft Contact List Regulations

On March 02, 2024, the Commission concluded a 120+ day Tribal Comment & Consultation Period. During that time, the Commission conducted (5) In-person Round Table discussions, (4) Virtual Zoom Listening Sessions, several 1on1 Tribal Consultations, and received many written Comment Letters. Access and information about the Contact List can be found on the **NAHC Website Homepage** and access the **Proposed Regulations** Tab (**Figure 1**).

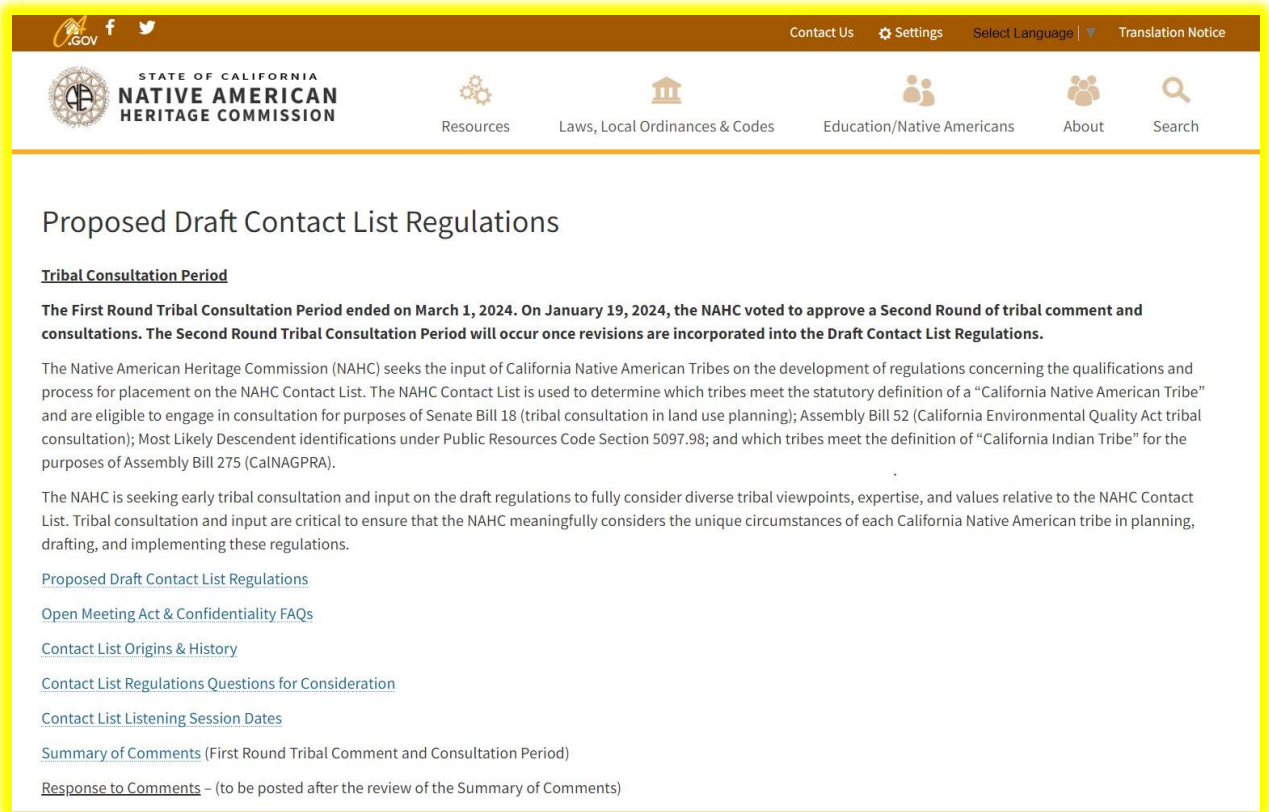


Figure 1. NAHC Homepage / Proposed Regulations



Once the Draft Contact List Regulations Link has been accessed (Figure 2), users can navigate several links to all information about the status of the Draft Contact List Regulations. The Most recent Link added is the "Summary of Comments" which detail all comments received based on areas of the Draft Contact List Regulations.

Figure 2. Draft Contact List Regulations



The next steps for the Draft Contact List Regulations are to thoroughly review the vast comments received and consult with Legal Counsel and the Contact List Sub-



Committee which include Vice-Chairwoman Buffy McQuillen and Commissioner Wayne Nelson on policy decisions and direction. It may take several months to fully review and create a Second Draft of the Contact List for an entire Commissioner review and eventual release for Round II Tribal Comment & Consultation Period. We anticipate these being ready by the Fall Commission Meeting for review and potential approval.

Draft CalNAGPRA Dispute Resolution & Mediation Regulations

On March 29, 2024, the Commission concluded Round II of a 60-Day Tribal Comment & Consultation Period. During this period, we conducted several 1on1 Tribal Consultations, (2) Virtual Zoom Listening Sessions, and accepted many written comments. To access all information about the CalNAGPRA Draft Dispute Resolution Mediation Regulations please see **NAHC Homepage / Proposed Regulations, (Figure 1)** then click the Mediation Link to access the **Draft Dispute Resolution Mediation Regulations (Figure 3)**.

Figure 3. Draft Dispute Resolution Mediation Regulations

A screenshot of the State of California Native American Heritage Commission website. The page title is 'Proposed Draft Dispute Resolution Mediation Regulations'. The header includes the NAHC logo and navigation links: 'Resources', 'Laws, Local Ordinances & Codes', 'Education/Native Americans', 'About', and 'Search'. The main content area starts with a section titled 'Tribal Consultation Period' followed by a paragraph of text. Below the text are several blue hyperlinks: 'February 7, 2022, Draft Dispute Resolution Mediation Regulations', 'Summary of Tribal Comments', 'Current Proposed Dispute Resolution Mediation Regulations', 'Overview of Changes from February 7, 2022 Draft to Current Proposed Regulations', 'Summary of Comments', and 'Response to Comments - (to be posted after the review of the Summary of Comments)'. The entire screenshot is highlighted with a yellow border.

A [Link](#) to the “[Summary of Comments](#)” can be accessed for users to view all comments received by the Commission from the most recent Round II Tribal Comment & Consultation Period. We will be working with Legal Counsel and the Mediation Subcommittee which include Chairman Reggie Pagaling and Secretary Sara Dutschke to review and make policy decisions to revise the Draft Regulations. Once a revision has been drafted, the Draft will be presented to the full Commission to determine whether to release for Round III of a Tribal Comment & Consultation Period or begin the formal APA Rulemaking process.



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Draft Most Likely Descendants' (MLD) Regulations

Commission Legal Counsel Michelle Carr has reviewed the Draft MLD Regulations and identified several issues with the current regulations. We will reconvene working internally with the MLD Commission Sub-Committee which include Commissioner Isaac Bojorquez and Commissioner Laurena Bolden to discuss issues and work to redraft a version of the Most Likely Descendants' Regulations to be reviewed by the entire Commission and potentially redistributed to Tribes for a robust Tribal Comment & Consultation Period. These Regulations have been out to Tribal Consultation (3) different times since 2016 and need to be finalized.

Draft Sacred Lands Inventory & Fee (SLF) Regulations

NAHC Staff are redrafting 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.

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 Round I of Tribal Consultation.

CalNAGPRA Process & Enforcement Regulations

After several internal discussions, we determined to combine the CalNAGPRA Process and Enforcement Regulations instead of creating 2 separate regulations. NAHC Staff and Legal will continue working with the Commission Sub-Committee, Secretary Sara Dutschke and Chairman Reggie Pagaling to create a solid Draft of the Cal NAGPRA Process & Enforcement Regulations to reflect AB 275 and the steps to repatriate the 1000's of collections still being held by some State Agencies and Higher Learning Institutions. Enforcement Regulations allow the NAHC to have the ability to levy fines for repatriation violations. We are striving for Fall 2024 for potential release to Tribes for Round I of Tribal Comment & Consultation to begin the Regulations codification



process. Currently, Mario Pallari has created a CalNAGPRA Flow Chart outlining an easy step by step process for Repatriation which can be found on the **NAHC Website Homepage**, **CalNAGPRA** Tab, [“CalNAGPRA Resources and FAQ”](#) Tab (**Figure 4**).

Figure 4. NAHC Homepage / CalNAGPRA



CalNAGPRA Dispute Resolution Mediation Certified Training and Mediator Program

In July of 2022, Commissioners directed NAHC Staff to create a pool of mediators throughout the State who could assist the NAHC with its responsibility of providing mediation when disputes arise pertaining to AB 275 CalNAGPRA. Since that time, we have actively identified and executed a contract with the Restorative Justice Center ("RJC") at UC Berkeley to work with NAHC to create and facilitate a Certified Mediation Training Program focused on CalNAGPRA and Restorative Justice Principles. The first round of training will include qualified candidates who can assist with dispute resolution and mediation services around the State. This training includes any Commissioner or NAHC Staff who would like to attend. Once a pool of certified Mediators is identified, the RJC will manage and oversee the costs and scheduling of mediators to conduct the mediation sessions including time, travel, and accommodations. More information will be released in the coming months as we work to build the training module.

57th Annual California Native American Day

Over the next several months and on Friday, September 27, 2024, the NAHC will be leading the charge planning and overseeing the 57th Annual California Native American Day to be held on the West steps of the State Capitol. This year's theme will be **"Recognizing 100 Years of Citizenship and the Fight for the Right to Vote: 1924-2024"**. The first internal Planning Committee Meeting occurred on April 25th and regular volunteer planning meetings will be scheduled over the next several months.



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California Tribal Nations Summit

On February 26th, Governor Newsom co-hosted the California Tribal Nations Summit which tribal leaders had the opportunity to engage with Administration officials on issues of mutual importance, set high-level policy priorities for the next year of the Newsom Administration and educate the Administration on tribal nations. The goals of this year's Summit are to *hear the top priorities of participant tribal nations, meet new and continuing tribal leaders and set the stage to propose tribal-state initiatives responsive to the California Truth & Healing Council charge of working toward historical justice for California Native people. The NAHC Executive Secretary presented during the lunch hour to both Tribal Leaders and Agency officials discussing ongoing business of the Commission.*



California Advisory Committee on Geographic Names ("CACGN")

As a part of AB 2022, the CACGN will be monitoring the progress of Cities and Counties outreach to California Native American Tribes within culturally affiliated areas where SQ



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and derogatory names are present in geographic locations including public streets, bridges, and buildings. In March during a Public Meeting, the CACGN voted to keep the name of Habematolel Valley in Lake County to replace SQ Valley. Another proposed name was Kilkenny Valley was not accepted. In Ventura County, three SQ features were renamed by the Barbareño Ventureño Band of Mission Indians in Chumash language that were voted on and accepted by the CACGN. A new derogatory name has been assigned to CACGN to review in Lake County. The current name of the town is Kelseyville and many federally recognized tribes have shown unified interest and support for the proposed name change to Konocti. The history of Kelsey was one of horrific stories of slavery, rape, and murder towards the indigenous Pomo of the area.

Environmental & Cultural Division Update

The NAHC Environmental & Cultural Division Staff Analysts are responsible for several functions. Maintaining and updating contacts for Tribes on the Contacts List for general information, CACGN, MLD Determinations, AB 52, SB18, AB 168, and other project requests, GIS Tribal Cultural Affiliation Map updates and submissions, SLF Searches, among other functions. Since January 2024, the Division completed the following:

- (14) Most Likely Descendant** determination Requests
- (1707) Contact List** Requests
- (4917) Sacred Lands File** Searches

NAGPRA & CalNAGPRA Training Sessions

June 27-28th, NAHC Staff and NAGPRA Program Manager, Melanie O'Brian will be holding a NAGPRA/CalNAGPRA training graciously hosted by the Santa Ynez Band of Chumash Indians. The training is intended for California repatriation professionals including THPO's, SHPO's, and UC/CSU Repatriation Coordinators. This training is aimed at guiding Tribes and Institutions through the state and federal repatriation process. Among the topics to be covered are the new NAGPRA regulations and their effects on CalNAGPRA repatriation and best practices. More information and details to come in the following weeks.

2nd Annual Missing & Murdered Indigenous Persons Week at the Capitol

Several activities are planned for the week of April 30- May 02, 2024, to honor and bring education and awareness to the Missing & Murdered Indigenous Persons ("MMIP") epidemic throughout Indian Country and specifically in California. These MMIP events include a Tribal Leaders Reception, Press Conference, Floor Ceremony, and culminating with a candlelight vigil to be held on the West Steps of the Capitol on May 01, from 6:00-8:00pm. (**See attached Flyer**)



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2ND ANNUAL 2024

**CANDLELIGHT VIGIL FOR
MISSING &
MURDERED
INDIGENOUS
PEOPLE**

WEDNESDAY | MAY 1 | 6 - 8 P.M.
CA STATE CAPITOL, WEST STEPS

