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April 19, 2024

Draft Contact List Regulations and Draft CalNAGPRA Dispute Resolution & Mediation Regulations: Updates

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 1011 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

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NATIVE AMERICAN HERITAGE COMMISSION	Resources	Laws, Local Ordinances & Codes	Education/N	ative Americans	About	Search	
• 02/22/2024 - Robert M. Wood – Obitua	ry						
02/07/2024 - NAHC Commission Meeti	ng Rescheduled – May 3, 20	24	0	1000		and the second	
 01/29/2024 - Proposed Draft Contact L 	ist Regulations – Comment	Period Extended to March 1, 2024	0	Proposed	Regulatio	ons	
 01/16/2024 - Reminder: NAHC Seeks N 	ominations to the CSU NAG	PRA Systemwide and Campus					
Implementation and Oversight Committees • 01/09/2024 - Public Meeting Notice and Agenda – January 19, 2024 • 12/19/2023 - NAHC Seeks Nominations to the CSU NAGPRA Systemwide and Campus Implementation and				 Draft Contact List Regulations 			
			 Draft Dispute Resolution Mediation Regulations 				
						Oversight Committees	
 12/07/2023 - Governor Newsom appoi 	nts NAHC Deputy Executive	Secretary					

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

Figure 2. Draft Contact List Regulations

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NATIVE AMERICAN HERITAGE COMMISSION	Resources	1 Laws, Local Ordinances & Codes	Education/Native American	ks About	Q Search
Proposed Draft Contact List	Regulatio	ns			
Tribal Consultation Period					
The First Round Tribal Consultation Period ended o consultations. The Second Round Tribal Consultation					
The Native American Heritage Commission (NAHC) see process for placement on the NAHC Contact List. The N and are eligible to engage in consultation for purposes consultation); Most Likely Descendent identifications of purposes of Assembly Bill 275 (CalNAGPRA).	NAHC Contact List is of Senate Bill 18 (t	s used to determine which tribes meet the ribal consultation in land use planning);	ne statutory definition of a "Cali Assembly Bill 52 (California En	fornia Native Americ vironmental Quality	an Tribe" Act tribal
The NAHC is seeking early tribal consultation and inpu- List. Tribal consultation and input are critical to ensure drafting, and implementing these regulations.		-			
Proposed Draft Contact List Regulations					
Open Meeting Act & Confidentiality FAQs					
Contact List Origins & History					
Contact List Regulations Questions for Consideration					
Contact List Listening Session Dates					
Summary of Comments (First David Tribal Comment	and Consultation P	eriod)			
Summary of Comments (First Round Tribal Comment					

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 Commission 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 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 1011 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

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NATIVE AMERICAN HERITAGE COMMISSION	Resources	ش Laws, Local Ordinances & Codes	Education/Native American	s About	Q Search		
Proposed Draft Dispute Resolu	ution Me	diation Regulations					
Tribal Consultation Period							
In August 2021, the California Native American Heritage Commission (NAHC) began tribal pre-consultations on the development of Draft Dispute Resolution Mediation Regulations. On February 7, 2022, the California Native American Heritage Commission initiated a 45-day first round tribal comment and consultation period on the Proposed Draft Dispute Resolution Mediation Regulations. On Friday, January 19, 2024, the Commission voted to circulate the revised Proposed Draft Dispute Resolution Mediation Regulations for a minimum of 60-days for a second round of tribal comment and consultation which ended Friday, March 29, 2024.							
The NAHC sought early tribal consultation and input on th resolution and mediation. Tribal consultations and input a American tribe in planning, drafting, and implementing th	are critical to ens	sure that the NAHC meaningfully conside					
February 7, 2022, Draft Dispute Resolution Mediation Regu	lations						
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							
Response to Comments – (to be posted after the review of	the Summary ol	f Comments)					

A <u>Link</u> to the <u>"Summary of Comments"</u> 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 Sub-Committee 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.