

# California Agricultural Land Equity Task Force

## Sustaining Natural & Cultural Resources

### Subcommittee Meeting Summary: July 2, 2024

#### Roll Call

The meeting was called to order around 10:00 a.m. Roll call was conducted by Meagan Wylie, facilitator.

#### Members present:

- Emily Burgueno, Task Force Vice Chair
- Lawrence Harlan

#### Members absent:

- Darlene Franco

#### Welcome and Housekeeping

Meagan Wylie provided information on Zoom policies for online attendees, and the public comment process. She discussed the meeting plan and code of conduct. Slides and materials presented during the meeting are available on the Strategic Growth Council [\(SGC\) website](#).

#### Working Session & Next Steps

##### Subcommittee Goals

In considering goals, Members emphasized how natural and cultural resources are interconnected. They are relatives and part of creation stories. The subcommittee seeks to acknowledge and promote solutions that support tribal sovereignty and stewardship practices.

Subcommittee members discussed various topics and priorities for their work to develop proposal(s) for Task Force Recommendations related to sustaining natural and cultural resources and land access.

Members desire to highlight the following through their efforts:

- Structural factors that created current conditions related to land inequities.
- Laws that are in place in California related to natural and cultural resources (e.g., California Environmental Quality Act (CEQA)).
- Government to government consultation processes.

- Traditional cultural uses and traditional ecological knowledge within the framework of land access and equity, including cultural burning, water restoration and traditional fisheries.
- Land-back and first right of refusal to Native Americans are different than land acquisition, which can limit sovereignty in different ways.

Members desire to expand participation on this subcommittee to include other Task Force members in the future.

## Working Session

Members considered and discussed a preliminary list of five topics related to sustaining natural and cultural resources shared at prior Task Force meetings. Key points raised and suggestions for next steps to advance each topic, if offered, are outlined below.

### **Protection of sacred sites, human remains, and cultural artifacts during development**

It is difficult to implement and enforce existing regulations created to protect and repatriate cultural artifacts, such as Native American Graves Protection and Repatriation Act (NAGPRA). This is especially true for private lands.

Equitable access to land is important in coastal areas. Tribes have been displaced from these regions, impacting traditional practices and ecosystems. Ongoing revitalization efforts, such as fishing and protecting coastal village sites, underscore the interconnectedness of cultural and environmental health. When tribes are removed from ecosystems i.e., dispossessed from land, they are impacted negatively and deprived of their cultural practices, and the ecosystem experiences a reciprocal negative effect.

*Next steps may include:*

1. Careful review of legislation compiled and shared in this meeting's briefing packet to determine what may be elevated.
2. Research examples from other states; identify information gaps.
3. Develop language to call for legislative and governmental changes to support tribal sovereignty and cultural practices.

### **Acknowledgement of history of land, especially during land transfer**

A particular challenge faced by California Native American tribes with land transfers is the stipulations that often accompany these transfers. For example, stipulations prohibiting development or building. The inability to build necessary structures, such as for food preservation or traditional buildings, highlights the impact of these stipulations on land use and cultural practices.

Acknowledging history of land during land transfer should be considered during Government-to-Government Consultation processes.

*Next steps may include:*

1. Consideration of existing guidelines and proposed revisions as they relate to the transfer of land.

### **Legal framework that supports California Native American land management practices**

This topic connects to the Government-to-Government Consultation and cultural burning discussions.

Most California Native American tribes lack ratified treaties, which affects their legal standing and rights.

There are negative health impacts caused by the loss of access to ancestral lands. Good policy is needed to support tribal agricultural practices and overall well-being.

*Next steps may include:*

1. Conduct research on existing treaties. Consider: Do existing treaties address the protection of cultural resources? Are they being implemented?
2. Revisit treaty rights discussion with full Task Force.

### **Honoring sacred sites**

Discussion related to this topic is captured under the discussion for protection of sacred sites, human remains, and cultural artifacts during development, above.

### **Respect for California Native American tribal lands and land management practices, e.g. cultural fire**

Traditional agricultural practices include activities such as hunting, fishing, harvesting plant medicines, and cultural fire. State and federal agencies often do not respect or allow these practices without permits and certifications. This results in legal and practical barriers for tribes. Advocacy for the implementation of tribal sovereignty and the recognition of cultural practices, including with CalFire, and at state and local levels, has been attempted.

Tribal homelands and cultural practices surpass current reservation lines. Some desire to gain access or allowances to practice culture on lands beyond reservation lines, even if the tribe does not own the land.

*Next steps may include:*

1. Map tribal ancestral lands overlaid with current land ownership (private and public)
2. Research cultural fire, including supporting science, criminal reports to see who is being prosecuted, etc. Gather feedback from agencies on their perspective on cultural burning.
3. Explore existing efforts and additional avenues to decriminalize cultural burning and cultural practices of land stewardship.

4. Review the science and research on the effects of cultural burning to garner support from state and federal agencies.
5. Review current CalFire practices and positions on cultural burning and develop language to recommend inclusion of cultural burning in CalFire's training requirements.

## Next Steps and Action Items

The next steps and action items considered during the meeting include:

- Staff to check in with subcommittee member Darlene Franco on priorities discussed and request her additions.
- Staff to translate the priorities and goals shared by Subcommittee members into feasible policy recommendations and "report language." E.g., propose forms of land transfer that allow tribes to practice sovereignty.
- Staff to respond to Subcommittee members' requests for:
  - Maps overlaying tribal ancestral lands with current land ownership
  - Catalogue of ratified and respected treaties in the state of California
  - Research on the implementation and effectiveness of NAGPRA and related laws on public and private lands
  - Research current requirements and regulations related to cultural fire within regulatory agencies (i.e., CalFire) and examine how and whom agencies are prosecuting for practicing cultural fire
  - Outline options for tribal consultation in context of land transfer

The subcommittee expects to meet again in late August or September.

## Public Comment

None.

## General Public Comment

None.

The meeting concluded at 12 p.m.