

Indigenous Peoples’ Day Report Back

The LA County Chief Sustainability Office (CSO) and the Los Angeles City/County Native American Indian Commission (LANAIC) recognize and acknowledge the first people of this ancestral and unceded territory. With respect to their elders, past and present, we recognize the Tongva, Tataviam, Chumash, and Kizh, who are still here and are committed to lifting up their stories and culture.

Introduction

This report summarizes work done in response to the Board of Supervisors’ “Indigenous Peoples Day 2020” motion (Motion), which was adopted on September 29, 2020. The motion directed the CSO to coordinate with the LANAIC, and the Departments of Parks Recreation (DPR), Beaches and Harbors (DBH), and Public Works (DPW) to address issues related to access of County public lands that local Native American Tribes and urban Indian communities in the County face when these communities are seeking to observe traditional cultural and religious practices.

This directive originated from the County’s OurCounty Sustainability Plan (Plan), which the Board adopted in August 2019. In order to develop the Plan, the County held a series of stakeholder meetings, including a Tribal listening session that was attended by members of local Tribal nations, whose ancestral lands are within current-day Los Angeles County. During that meeting, Tribal attendees uplifted the difficulties their community members have faced when trying to practice traditional cultural and religious ceremonies and other activities on public lands. Some examples of these challenges included onerous permit requirements, fees, and harassment by authorities or the general public. Attendees highlighted the existence of such barriers to cultural and religious practice as a serious equity issue, and as a result, the Plan included Action 78, directing the Chief Executive Office (CEO) to “collaborate with local Tribes to identify and address barriers to observance of traditional practices such as harvesting and gathering, particularly on County-owned land.” Following adoption of the Plan, the Board directed CSO to coordinate with County departments and other stakeholders on an annual basis to select priority actions from the Plan for implementation. Action 78 was prioritized for implementation during both the 2020 and 2021 prioritization process.

As directed by the Motion, CSO and LANAIC held a series of listening sessions and individual meetings focused both on local Tribes and urban American Indian and Alaska Native (AIAN) stakeholders. The engagement process used to support this report is described in further detail below. In this report, we summarize the feedback we heard during the engagement process, which consists of information on barriers faced by Native communities as well as how the County might address some of these barriers. We then present a list of potential next steps and recommendations that are based on this feedback. During the development of this report, we also had the opportunity to work with the UCLA School of Law’s San Manuel Band of Mission Indians Tribal Legal Development Clinic, who have prepared a draft report summarizing the impact of California State and local policies on the ability of Native American Tribes to observe cultural and religious

practices, and policy recommendations for how governments and agencies may address barriers to observance of these practices. We reference UCLA’s research in the “Background” section of this report, and once the UCLA report is finalized, it will be included as an Attachment to the Board submittal memo along with this report.

Background

The County sits on the ancestral homelands of the Tongva, Tataviam, Chumash, and Kizh people, the known First Peoples of the County, who have called this land home since time immemorial. The County is home to the largest population of AIAN people of any county in the U.S. (171,163), representing over 200 Tribal nations, which reflects both the local Tribal population and the disruptive effects of Federal Indian policies such as the Urban Indian Relocation program.

A centuries’ deep history of anti-AIAN policy throughout the State of California coupled with local contemporary policies, procedures, and operations negatively impacts land access for Los Angeles Tribes, as well as the tens of thousands of AIAN who have relocated to Los Angeles from around the country. In order to address the barriers faced by the County’s AIAN community when accessing County-owned land, it is critical to understand how Tribes were dispossessed of their unceded and ancestral territories. The following is an abbreviated summary of this history which was taken from work done by the UCLA School of Law’s San Manuel Band of Mission Indians Tribal Legal Development Clinic.

Summary of Historical Context

In 1851 and 1852, California negotiated 18 treaties with 139 California Indian signatories, reaching one-third to one-half of all California Tribes.¹ The treaties guaranteed that 8.5 million acres of reservation land would be set aside in exchange for the 70 million acres to which California Indians held title.² However, the United States Senate, under pressure from the California congressional delegation, refused to ratify these treaties, in large part due to the anti-Native sentiment of white settlers.³ The Senate placed an “injunction of secrecy” on the treaties, and they were left sealed for 50 years.⁴ That same year, California also passed the Land Claims Act.⁵ This provided that all lands in California, the claim to which was invalid or not presented within two years, would pass into the public domain.⁶ This limitations period was running while these treaties were being

¹ FINAL REPORTS AND RECOMMENDATIONS TO THE CONGRESS OF THE UNITED STATES PURSUANT TO PUBLIC LAW 102-416, ADVISORY COUNCIL ON CAL. INDIAN POL’Y, 3 (Sept. 1997); *1851-1852 - Eighteen Unratified Treaties between California Indians and the United States*, 5 US GOV. TREATIES AND REPORTS (2016).

² BENJAMIN MADLEY, AN AMERICAN GENOCIDE: THE UNITED STATES AND THE CALIFORNIA INDIAN CATASTROPHE, 1846-1873 (2016); FINAL REPORTS AND RECOMMENDATIONS TO THE CONGRESS OF THE UNITED STATES PURSUANT TO PUBLIC LAW 102-416, ADVISORY COUNCIL ON CAL. INDIAN POL’Y, 35 (Sept. 1997).

³ *Id.* at 3. There is no other known instance in which negotiated treaties were simply unratified.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

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negotiated, and, because many California Indians did not know, the limitations period lapsed along with their claims to land.⁷

The refusal to ratify these treaties, and California's refusal to uphold its agreements harmed Los Angeles Tribes and left the State's Native population, in large part, landless.⁸ For example, the Gabrielino Tongva Tribe was recognized by these treaties.⁹ However, rather than receive the reservation land promised, the land became the private property of the Superintendent of Indian Affairs.¹⁰ In later litigation, Los Angeles Tribes like the Gabrielino-Tongva received a mere fraction of the value of the 8.5 million acres they were promised, without any account to interest accumulated.¹¹ Further, they did not receive any money for the 70 million acres that were taken.¹² In 1928, the Fernandeano Tataviam filed claims regarding the Tribe's lost land as a result of these unratified treaties.¹³ This came after decades of dispossession and litigation in which local courts authorized, and the Los Angeles County Sheriff's Department enforced, the eviction of Tribal members from their ancestral land.¹⁴ Many California Indians were forced to move to seven military reservations across the State.¹⁵ Over 20 years, population numbers declined by half, and by the 1890s, 85 percent of the population was gone.¹⁶

In 1905, the treaties were inadvertently rediscovered by a Senate clerk.¹⁷ Due to a large public outcry, Congress created 61 reservations or rancherias in Central and Northern California.¹⁸ However, many California Indians did not move to these reservations, because doing so meant choosing between potentially relocating to inhospitable territory or remaining with their communities.¹⁹ For instance, the lands were frequently not suitable for agriculture, and due to the locations of these reservations, for Los Angeles Tribes, moving to a reservation meant leaving their ancestral homeland.²⁰ By 1915, nearly 20,000 California Indians lived in all but a few of the State's counties.²¹ Of these,

⁷ *Id.*

⁸ FINAL REPORTS AND RECOMMENDATIONS TO THE CONGRESS OF THE UNITED STATES PURSUANT TO PUBLIC LAW 102-416, ADVISORY COUNCIL ON CAL. INDIAN POL'Y (Sept. 1997).

⁹ GABRIELINO TRIBE, *Tribal History*, <https://gabrielinoTribe.org/history/> (last visited Nov. 3, 2020).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ FERNANDEÑO TATAVIAM MISSION BAND OF INDIANS, *History*, <https://www.tataviam-nsn.us/history/#Timeline> (last visited Nov. 3, 2020).

¹⁴ *Id.*

¹⁵ Allogan Slagle, *Unfinished Justice: Completing the Restoration and Acknowledgment of California Indian Tribes*, 13 AM. INDIAN QUARTERLY 325, 329 (1989).

¹⁶ FINAL REPORTS AND RECOMMENDATIONS TO THE CONGRESS OF THE UNITED STATES PURSUANT TO PUBLIC LAW 102-416, ADVISORY COUNCIL ON CAL. INDIAN POL'Y, 4 (Sept. 1997).

¹⁷ Carole Goldberg and Duane Champagne, *A Second Century of Disonor: Federal Inequities and California Tribes*, A Report Prepared for the Advisory Council on California Indian Policy, UCLA AM. INDIAN STUDIES CENTER (1996).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Allogan Slagle, *Unfinished Justice: Completing the Restoration and Acknowledgment of California Indian Tribes*, 13 AMERICAN INDIAN QUARTERLY 325, 330 (1989).

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only 1,800 lived on reservations while at least 4,500 were left homeless.²² When the Indian Reorganization Act of 1934 enabled those living on reservations to establish a constitution, the thousands of California Indians who lived off of reservations, many of whom were members of Los Angeles Tribes, were left out.²³ In addition, while some California Tribes gained federal recognition, those indigenous to Los Angeles did not.²⁴

Between 1940 and 1960, over 122,000 AIAN moved to cities, in large part due to federal government relocation programs.²⁵ Los Angeles was a primary destination, with nearly 30,000 non-local AIAN arriving due to relocation programs.²⁶ As a result, there is a large Native American diaspora in Los Angeles. While recruiters traveled onto reservations showing AIAN brochures of the economic prosperity that awaited them in cities, the financial assistance these programs provided to relocatees was minimal.²⁷ This was compounded by the fact that many AIAN people did not qualify for public housing assistance and/or experienced racial discrimination in housing.²⁸ Many relocatees in Los Angeles, as a result, lived on skid row or in “slum areas.”²⁹ AIAN are geographically dispersed throughout the County, with no particular ethnic enclave as compared to those seen for other racial/ethnic communities. Much like members of Tribes local to Los Angeles, AIAN community members who are not indigenous to Los Angeles also experience various barriers to accessing land for ceremonial and traditional practices as County policies prohibit various cultural and traditional practices including sweats and harvesting and gathering.

As a result of centuries of colonization and dispossession and governmental attempts to destroy Native culture and religion, AIAN experience a wide range of issues and barriers related to accessing County-owned land for traditional and ceremonial purposes. These access issues include but are not limited to, certain ceremonies or practices being prohibited on County-owned land, including harvesting and gathering culturally significant plant materials; fees for parking and permits; feelings of being unwelcome or unsafe due to a lack of understanding and awareness by staff and the general population; a complicated and inaccessible bureaucracy requiring excessive paperwork; multiple and sometimes redundant permitting processes; and land management practices and

²² *Id.*

²³ Carole Goldberg and Duane Champagne, *A Second Century of Dishonor: Federal Inequities and California Tribes*, A Report Prepared for the Advisory Council on California Indian Policy, UCLA AM. INDIAN STUDIES CENTER (1996).

²⁴ Alexa Koenig and Jonathan Stein, *Lost in the Shuffle: State-Recognized Tribes and the Tribal Gaming Industry*, 40 USF L. REV. 327, 331 (2005); FERNANDEÑO TATAVIAM MISSION BAND OF INDIANS, *Update on Federal Acknowledgement*, <https://www.tataviam-nsn.us/update-on-federal-acknowledgment/> (last visited Nov. 20, 2020).

²⁵ Kenneth R. Philp, *Stride Towards Freedom: The Relocation of Indians to Cities, 1952-1960*, 16 WESTERN HISTORICAL QUARTERLY 175 (Apr. 1985).

²⁶ Joan Weibel-Orlando, *Indian Country, LA: Maintaining Ethnic Community in Complex Society*, URBANA: UNIV. OF ILLINOIS PRESS, 24 (1999).

²⁷ Eli Keene, *Lessons from Relocations Past: Climate Change, Tribes, and the Need for Pragmatism in Community Relocation Planning*, 42 AMERICAN INDIAN L. REV. 259, 277 (2017). In general, relocatees received a bus ticket, first month’s rent, clothing, and one month of essentials.

²⁸ *Id.* at 279.

²⁹ Kenneth R. Philp, *Stride Towards Freedom: The Relocation of Indians to Cities, 1952-1960*, 16 WESTERN HISTORICAL QUARTERLY 175 (Apr. 1985).

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environmental pollution that put cultural and religious practices at risk, such as exposure of plant materials to harmful chemical treatments, destruction of native ecosystems, climate change, and physical inaccessibility to sacred sites.

For AIAN, control over and access to land is directly linked to the free exercise of culture and religion. Many AIAN cultural and religious practices are tied to specific landscapes; they are oriented toward space in contrast to the defining orientation of “Western traditions” to time.³⁰ Ancestral homelands and particular locations may be inextricably linked to a Tribe’s identity, and cultural and religious practices may be effectively prohibited without meaningful access to certain sites.³¹ In other words, “It’s not just that sacred places or traditional territories belong to Native peoples; it’s that Native peoples belong to those places.”³²

Summary of Stakeholder Engagement

As directed by the Motion, CSO and LANAIC held a series of listening sessions and meetings to hear from local Tribal leadership or their delegated representatives, as well as organizations and individuals representing the urban AIAN population. Prior to holding these meetings, CSO convened the County departments named in the Motion to review the Motion directives, discuss the process that would be used to develop this report back and gather any relevant information or experiences the departments had previously gathered from local Tribes. We held two formal listening sessions specifically for local Tribal representatives. In order to reach local Tribes, we requested a Tribal consultation list for the County from the California Native American Heritage Commission (NAHC). We sent letters as well as e-mails to all contacts on the list with an invitation to participate in one of the two listening sessions or to contact CSO staff to schedule an alternate time to connect. We subsequently sent a follow up e-mail as a reminder about the invitation and called each contact from whom we did not get a response. Between the two listening sessions, we were able to speak with individuals representing six local Tribes.

In addition to the listening sessions focused on local Tribes, we also held a listening session for Native American community members and Native-serving organizations. Invitations for that event were e-mailed to a list of stakeholders who were encouraged to share the invitation with community members, and meeting information was also posted to social media and on LANAIC’s website.

At all three listening sessions, County staff provided a brief introduction to the Motion and then asked participants a series of questions to gather input about the experience individuals had trying to access public lands for traditional cultural and religious practices, any barriers they faced, as well as best practices or other recommendations they might

³⁰ MICHAEL D. McNALLY, DEFEND THE SACRED: NATIVE AMERICAN RELIGIOUS FREEDOM BEYOND THE FIRST AMENDMENT 8 (2020).

³¹ Stephanie H. Barclay & Michalyn Steele, *Rethinking Protections for Indigenous Sacred Sites*, HARVARD L. REV. 1, 15 (forthcoming 2021).

³² *Id.*

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have to improve access. County staff took notes at each meeting and sent meeting summaries to participants for review to ensure accuracy.

Aside from these three larger meetings, County staff spoke with several individual Tribal and Native community members who were interested in learning more about the County's work on the Motion and providing input. We also developed a survey to gather input from individuals who may have been interested in giving feedback but were unable to attend a meeting. We sent this survey to the Tribal contact list as well as to stakeholders who took part in the listening sessions and posted it on social media as well as on LANAIC's website.

Following the Tribal and Native community meetings and the drafting of this report, CSO convened the County departments named in the Motion a second time to review the feedback received and discuss this draft report back, which was provided to them for review and comments. Following that internal review, we distributed this report to the Tribal contact list we received from NAHC, as well as to all invitees and participants of the listening sessions, and those with whom we had individual calls, with an invitation to review and provide any comments on the document within four weeks. We also posted this report on the LANAIC website for public review and comments. We will hold at least one more group listening session during the review and comment period. We will review feedback given during that listening session as well as any written comments received and incorporate them as appropriate into this draft report prior to it being submitted to the Board of Supervisors.

Summary of Feedback

As noted above, CSO and LANAIC held a series of meetings and phone calls with Tribal and Native community members to receive input on barriers faced by these communities in observing traditional cultural and religious practices on public lands. This feedback is summarized below.

Although the feedback we received was rich and comprehensive, we want to emphasize that engagement on these topics should be considered ongoing, especially as it relates to local Tribal nations, since we were not able to connect with all of the Tribes listed in the NAHC list. As the County moves forward with consideration and implementation of the recommendations from this report, Tribes and Native communities should be engaged early and regularly and the County should seek to make participation as convenient as possible. The County should also acknowledge that as sovereign Nations, each Tribe should have the opportunity to work directly with the County on policies that impact them, and the County should ensure that policies do not impact Tribes who have not participated.

Administrative processes

Participants stated that processes to gain official approval for cultural and religious activities were onerous as they involved paperwork that in some cases needed to be repeated year after year, or had to be submitted to multiple agencies, and in some cases

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had to be repeated multiple times during the timeframe the permit covered to obtain individual approval each time a ceremony was to be performed. Permit applications are sometimes written in a way that is not inclusive of Tribal activities and ceremonies, leading to a lack of clarity on process or the imposition of inappropriate requirements for approval. For instance, Tribes related experiences of being required to provide public access or education about traditional knowledge and religious ceremonies. Tribes may also be required to pay for parking and other fees in order to gain access to sacred sites which amounts to requiring payment in order to practice their religion and culture. Gaining access to specific sites also requires Tribes to navigate complex jurisdictional and bureaucratic systems that may have inconsistent policies.

Participants suggested that many of these issues could be addressed through the development of a permit tailored specifically for Tribal access that is valid across multiple jurisdictions. Such a permit should be designed in such a way to allay fears expressed by participants that any actions the County took to provide greater access to sites may result in non-Native or non-local individuals taking advantage of these opportunities as well, potentially leading to further degradation of sites as well as culturally significant plants and ecosystems. It should be noted that both local Tribal participants as well as non-local AIAN participants emphasized the need to center and prioritize access for local Tribes.

Cultural literacy

Listening session participants related that their experience with agencies and departments could vary depending on individual staff and their willingness to assist. While this experience could be frustrating, Tribes noted that institutionalizing this type of liaison role into agencies and departments could provide relief from some of these process-related challenges. Having Tribal liaisons on staff would provide Tribes with a known point of contact who was familiar with their needs and previous interactions with the agency, and could assist them in working through bureaucratic processes. Informed staff could be even more proactively supportive of Tribes by informing them of agency activities that may be of interest. For instance, the County sometimes clears plants that are culturally significant to Tribes as part of site maintenance. Staff could inform Tribes of these activities and coordinate with them so that they could gather the cleared material.

In general, participants emphasized the need for greater cultural literacy among government staff with regards to Native communities and local Tribes in particular. They suggested that department staff be trained to understand the historical context that has led to the issues that Tribal and Native communities face, the cultural relationship to land and nature that Tribes have, and related to that, what plants and sites may have cultural significance to Tribes. Finally, and importantly, staff should understand and respect the expertise that Native communities have regarding the care and cultivation of land, and value that expertise.

Participants noted that this lack of cultural understanding is often at the root of barriers they face to practicing their culture and religion. Tribal and Native communities also related experiences of being harassed by staff on public lands, and being questioned or

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detained when gathering materials or performing ceremonies. This has led to Tribal members feeling the need to perform these activities in secret and feeling shame as a result. Participants also described a general sense of disrespect of their traditions and culture, with government staff not recognizing the importance of ceremonies and the effort that goes into preparations for them, as well as their status as sovereign Nations.

Participants also described interactions with departments as very one-way, with staff setting the scope and agenda for discussions rather than Tribes having the ability to engage proactively on an equal footing and expect a response. This is particularly relevant in the case of public institutions such as museums that may have Native artifacts within their collections. Tribes described a lack of openness on the part of these types of institutions with regards to what is contained in their collections.

Participants noted that the County should work to develop a Tribal consultation policy that brings consistency to interactions between departments and Tribes and clarifies expectations for these interactions. A Tribal consultation policy should emphasize that relationships with Tribes should be reciprocal and respectful, that staff should work to understand Tribal priorities, and that Tribes should be included meaningfully in decision-making related to their ancestral lands.

This lack of understanding and cultural competence is of course not limited to government staff. Participants related similar experiences in encounters with non-Native members of the public, of getting harassed or simply questioned or interrupted during ceremonies and other cultural practices. Participants also noted that certain plant materials that are culturally significant for Tribes are now harder to find as a result of overharvesting by non-local or non-Native people. While these experiences are not directly within the control of the County, participants noted that public education and greater visibility of local Tribes could help reduce these occurrences. The County could make it a practice to include information on interpretive signage in public lands about the Tribes whose ancestral lands the site is located on, for instance. County could also issue general proclamations stating their partnership with local Tribes and support for their ability to freely practice their religious and cultural traditions. These proclamations could be distributed to staff and referenced by Native communities if they encounter difficulties with either staff or non-Native members of the public.

Access to Dedicated Spaces

Many of the issues described by Tribes and Native communities are rooted in the underlying problem that local Tribes are landless and therefore must rely on access to public lands to conduct cultural and religious activities such as gathering plant material and visiting sacred or culturally significant sites. Even in situations where Tribes have come to some agreement with the owner of lands to have access, those agreements may not be recognized if land is transferred to other entities, again putting access into jeopardy. Tribes also expressed concerns about gathering plant materials from public lands in the County for activities that require consumption of the material, as a result of not knowing how the land has been treated with respect to chemicals such as pesticides or fire-fighting foam, for example, as well as general environmental pollution. If Tribes

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had dedicated space, these plants could be actively cultivated to ensure their availability, quality, and overall survival.

Participants also brought up the important point of upcoming timelines related to the Native American Graves Protection and Repatriation Act (NAGPRA) which the United States Congress adopted as law in 1990. NAGPRA requires federal agencies and institutions that receive federal funding to return Native American cultural items to relevant Tribes. As this Act is implemented by institutions throughout the County, landless Tribes face the dilemma of determining how and where to repatriate these items, which may include the remains of ancestors, in a way that is respectful and ensures that they will not be further disturbed.

Tribal members also noted that lack of land does not only lead to barriers to practicing their religion and culture but is also fundamentally tied to economic challenges Tribes face. Lack of Tribal land hinders economic growth and development, and the ability for Tribes to support their members, further undermining their ability to practice their sovereignty. In Los Angeles in particular, where housing costs are among the highest in the country, Tribal members are often not able to live within their ancestral lands, especially Tribes whose ancestral lands are located on the coast. Tribal participants in our listening sessions framed this as a second wave of displacement.

A straightforward solution to these issues would be for Tribes to have their own land, and Tribes emphasized that the County should consider and work toward the return of land to the Tribes, a policy also known as “land back.” In the meantime, listening session participants suggested other opportunities and mechanisms that the County could consider to ensure that local Tribes have space to support their continued observance of their culture and religion. These include developing co-stewardship agreements with Tribes for specific areas. Various community members shared that it is important to utilize the terminology of co-stewardship versus co-management, as the former is more representative of the relationship that Native people have with land. These agreements could include conditions that give Tribes responsibility for care of the land, allow them to determine how and what plants are cultivated and how they are treated, and the ability to close lands at certain times to allow for Tribal activities. The County could also work with Tribes to designate specific areas, such as community gardens, where Tribes can cultivate and harvest culturally significant plants and have full control over pest management. The County could also support Tribes’ practice of culture and religion by providing storage space for property such as canoes and tomols near waterbodies and on the coast where land and property costs are particularly high. Listening session participants noted that key to making such agreements successful is a multi-pronged approach to institutionalizing this access. Tribal agreements should be developed through memorandums of understanding, cultural easements, and built into resource management plans.

Leveraging County Resources

In addition to pursuing opportunities to provide Tribes with dedicated space, listening session participants also highlighted ways in which the County could leverage its

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resources and leadership role in the region to support the ability for Tribes to have access to land and practice their cultural and religious traditions. One key way that the County could achieve this is by ensuring that existing County programs and funding are inclusive of Tribes. Local Tribes' lack of federal recognition puts them in an uncertain position with respect to tax designations, so programs that are intended to center equity and inclusivity but thus prioritize organizations with 501(c)3 status often exclude local Tribes from participating. Participants also recommended that the County consider adopting a policy that when lands or property are put on sale, to offer discounted rates to Tribes.

Listening session participants also noted that the County could increase visibility of Tribes in the region by including information about local Tribes on interpretive signage in County-owned spaces and prioritizing culturally significant plants in landscaped areas. Participants further recommended that the County consider hiring Native experts to care for lands and provide guidance on the care and cultivation of native plants, recognizing and valuing the expertise and knowledge of Tribes.

Participants also requested that the County share the feedback from these sessions with other jurisdictions and that the County leverage its leadership role in the region to facilitate improved access for Tribes in other jurisdictions as well.

Acknowledgment of Harm

Finally, although listening session participants named many proactive and forward-looking actions the County could take, they also uplifted the need for the County to acknowledge and apologize for its role in the historic treatment of Tribes and how the County has benefitted from this treatment. Participants noted examples from other State agencies including the Coastal Commission and the Governor's Office. Part of this work should also include identifying Tribal artifacts County institutions such as museums have in their collections and opening those to Tribes. They noted that the County should also critically review past interactions with Tribes, especially those that Tribes have identified as harmful, and how departments currently consult with Tribes. Participants noted that the County should consider providing mental health resources specifically for Tribes and Native communities to address intergenerational trauma.

Recommendations on How to Move Forward: Respecting Sovereignty, Ensuring Inclusion & Promoting Visibility

Based on the above feedback, County staff have developed the following recommendations for the County to consider implementing in order to both address the numerous barriers the County's AIAN residents face when trying to use County-owned land for cultural, religious, and traditional practices and to improve the County's relationship with Tribal nations and AIAN residents. These recommendations are in line with the intent of the Countywide Cultural Policy and the Anti-Racism, Diversity and Inclusion Initiative, which were both unanimously supported by the Board. Participants also suggested that the County, in its position as a regional leader, share the feedback and recommendations summarized in this report with cities within the County.

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During listening sessions, participants highlighted specific land access issues as well as issues that underpin the barriers they face when trying to access County-owned lands. These include a lack of a Countywide Tribal consultation policy and protocol which erodes Tribal sovereignty and the government-to-government relationship; land dispossession and a resulting reliance on public spaces for cultural and religious practices; and erasure that has resulted in a lack of cultural literacy amongst government staff and the public. As a result, the recommendations presented here are intended to address both specific land access issues and the systemic issues uplifted by Tribal leadership and AIAN community members.

1. Improve land use and land management policies in order to make County-owned land and plant materials accessible to local Tribal nations and their citizens.

a. Streamline permitting processes throughout the County for local Tribes and local Tribal citizens

The County should streamline permitting processes across County departments to reduce the burdens placed upon local Tribal nations and their citizens for accessing their unceded and ancestral territory. Permitting should also be granted to local Tribal members to be able to harvest culturally significant plant materials.

b. Waive fees such as parking and permitting fees for local Tribes and local Tribal citizens

The County should waive fees related to accessing County-owned lands for local Tribes and their Tribal citizens. Departments noted that the County currently takes such action on a case-by-case basis as directed by the Board, however, the County could develop a blanket policy that covers local Tribal nations which departments could then apply to such requests without individual Board approval.

c. Provide easily accessible information regarding how plant materials have been treated

The County should provide easily accessible information to local Tribal nations and Tribal citizens about how plant materials have been treated on County-owned lands. The County should also consider working with local Tribes to designate areas of County-owned lands for cultivation of culturally significant plants and mutually agree to methods for care and stewardship for these plants. These approaches would help to ensure availability and long-term survival of these plants and provide assurance that community members are harvesting and gathering safe materials.

d. Hire Indigenous practitioners to steward land

The County should hire or contract Indigenous practitioners to steward the land or provide trainings to County staff when appropriate regarding how to care for the land. This might involve development of a new job classification for grounds maintenance or other related roles that explicitly includes expertise in indigenous practices as a requirement. County staff could also collaborate with these

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practitioners to develop native plant pallets that incorporate culturally significant plants for use in County projects. This would help ensure long-term preservation of Native plants and sacred sites and address damage that has resulted from current land management practices. These efforts are also in alignment with County sustainability goals related to biodiversity and preservation of native habitat and ecosystems.

2. Ensure that local Tribes have dedicated space to engage in cultural, traditional and religious practices.

a. Land return

The County should explore restoring County-owned land to the Tribes for whom it is their ancestral territory. This land is in County hands due to centuries of colonization and dispossession, coupled with attempts to destroy Native culture and religion. Relinquishing possession of this land addresses these historical wrongs, affirms Tribal sovereignty, and ensures genuine access to culturally significant sites. This action is not without precedent. In fact, on April 20, 2021 the Board voted unanimously to support two items regarding Bruce's Beach, both authored by Supervisor Hahn and co-authored by Supervisor Holly Mitchell, instructing the CEO to report back on a plan for how to return the property to the Bruce family, and plans for the County to either lease the property from the Bruce family or relocate County facilities currently at the property. In so doing, the Board recognized the historic injustice that was committed and sought to redress it. It has been pointed out that a similar principle applies with regard to the restoration of ancestral lands to local Tribal nations.

As a first step, the County should research local, state, and federal legislation, such as the California Park Preservation Act, that may present barriers to land return.

b. A First Right of Refusal policy

Consistent with the recommendation of land return, and in recognition of past harms done to local Tribes in the County, the County should consider adopting a First Right of Refusal policy to work cooperatively with local Tribes that are interested in acquiring surplus County land. A First Right of Refusal policy for local Tribes would ensure that Tribes with ancestral claims to this land are given first consideration on purchasing surplus land. The State of California has developed such a policy that the County can use as a template.

c. Ensure dedicated access to land

While land return is the most critical strategy for ensuring land access for local Tribal nations, the following are additional strategies the County can pursue to improve land access:

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i. Co-stewardship agreements

The County should consult with local Tribal nations regarding their interest in developing and entering into co-stewardship agreements that would give them decision-making authority when it comes to land stewardship within specific areas. Such agreements would allow Tribes to determine how to maintain land and how and when materials are harvested. These agreements facilitate Tribal control over their ancestral lands.

ii. Exclusivity agreements

The County should examine the feasibility of developing and entering into exclusivity agreements with local Tribal nations, allowing Tribes exclusive use of lands at certain times in order to observe cultural and religious practices without fear of intrusion by the public. These types of agreements have been used in other parts of the country to address land access barriers including a lack of privacy. One way to do this is through protected land use designations.

iii. Cultural easements

The County should examine the feasibility of adding cultural easements to permits in order to ensure that local Tribes have access to sacred sites on privately owned land.

iv. *Storage space for tomols and other water-faring vessels*

The County should identify existing storage space located near waterways and enter into agreements with local Tribes to store water-faring vessels.

3. Prioritize training and educational opportunities for the County workforce to improve cultural literacy related to local Tribes and the Native American population

a. *Mandate training(s) for all County employees*

The County should invest in and develop and implement appropriate trainings to increase the workforce's cultural literacy of the AIAN community and local Tribal nations. A lack of understanding of the history and contemporary realities of AIAN in staff who work with Tribes can result in repeated missteps in government-to-government relationships, program development and implementation, and resource allocation.

b. *Leverage County Human Resources Diversity, Inclusion, and Acceptance (DIALOGUE) program with event focused on the American Indian and Alaska Native community*

The County should commit to hosting a DIALOGUE with an AIAN panel uplifting AIAN history and societal inequities that impact the community. Since the County has committed to development of an anti-racist agenda, it has facilitated conversations specific to this effort through its DIALOGUE Series. This event could be hosted to coincide with Indigenous Peoples Day 2021 or Native American Heritage Month in November. This event could serve as an opportunity to educate the County

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workforce on the AIAN community and be one of many ways for the County to increase visibility of the AIAN community.

4. Develop Countywide policies and programs to improve government to government relations

a. Develop a Countywide Tribal consultation policy and protocols in collaboration with local Tribes

The County should develop and adopt a Tribal consultation policy and protocols that ensures consistent, respectful interactions, and meaningful engagement with Tribes. This policy should be developed in collaboration with tribes and reflect their priorities as well. Without this policy or protocol, County staff are left to determine for themselves how to appropriately interact with local Tribes and when to engage them, leaving the County at risk of damaging these relationships and failing to meet its duty of government-to-government consultation with Tribes.

Tribal consultation is sometimes presumed to apply only to federally recognized Tribes. However, the State of California has adopted consultation as a necessary process when engaging with the State's Tribal populations. This State responsibility is binding on City and County agencies. Consultation, in addition to satisfying a legal obligation to Tribal sovereign nations, provides beneficial insight, helping to produce more robust and meaningful policies, procedures and ordinances.

A Tribal consultation policy and protocol for the County should ensure that County staff have access to expertise in Tribal issues, including laws, regulations, and policies that apply to relationships between the County and Tribal nations. The policy should provide clear guidance to staff on when to engage this expertise as well.

The Tribal consultation policy should also include designation of Tribal liaisons in each department, office, and agency, prioritizing entities that manage County land and real estate (e.g. CEO, DPR, DRP, DBH, etc.). These Tribal liaisons would be tasked with building and maintaining relationships with local Tribes, assisting Tribes in navigating department processes, and assisting department staff in Tribal engagement and consultation.

b. Create a Tribal Relations Office

The County of Los Angeles should consider creation of a Tribal Relations Office to affirm and strengthen the County's commitment to the AIAN community. This office would be dedicated to promoting culturally grounded, long-term, positive relationships and decision-making processes through government-to-government consultation with Tribal governments and engagement with the urban AIAN community, and developing focused and long-term strategies to improve programs and services for all AIAN people living in the County. The Cities of Portland and Seattle can be looked to as examples of this work.

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LANAIC supports the creation of a Tribal Relations Office. At LANAIC's May 18, 2021 regular meeting the Commission adopted recommending to the Board of Supervisors that they create a Tribal Relations Office that would house the LANAIC and the LANAIC's Self Governance Board when the Department of Workforce Development, Aging and Community Services is restructured later this calendar year.

5. Leverage County resources and authority to increase awareness of and foster respect for Native American history, communities, and knowledge

a. Collaborate with local Tribes and County departments on wayfinding and signage efforts

The County should ensure that local Tribes are consulted regarding the County's various wayfinding and signage efforts (e.g. Department of Parks and Recreation and the Department of Arts and Culture) in order to include information about local Tribes on signage located on County-owned lands. This can help increase visibility of local Tribes and the urban AIAN community to the general public.

b. Support and resource Indigenous knowledge and expertise

The County should develop a policy to ensure that the time and cultural knowledge of AIAN community members is properly and appropriately compensated in a consistent way across the County, and develop streamlined processes to allow departments to contract with AIAN community experts. The County should also expand eligibility for "artist in residence" type programs to include cultural practitioners and knowledge keepers.

c. Address data collection & reporting issues

County staff who work with AIAN noted that County data collection and reporting practices can result in underreported, omitted, or highly inaccurate demographic data related to AIAN. These data issues can have a ripple effect when the data are used to design programs and allocate resources, leading to Native people being excluded from County planning and further exacerbating the sense of invisibility that listening session participants described.

The County should work collaboratively with the LANAIC, local AIAN data experts, and AIAN serving organizations when collecting and reporting AIAN health data and make changes to address these issues. For instance, questions on racial and ethnic identity should be altered to better encapsulate AIAN identities by using the following options: those who identify as AIAN alone; those who identify as AIAN alone and in combination with other races; those who identify as AIAN and also identify as Hispanic.

d. Coordinate work with other County efforts

As previously noted, the recommendations outlined in this report are consistent with the Countywide Cultural Equity and Inclusion Initiative and ARDI efforts and

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as such the County should look to coordinate these efforts, and ensure that the feedback reported here from the AIAN community is reflected across all County equity and anti-racism work.

e. *County procurement and contracting*

The County should examine its procurement and contracting policies, as well as grant and other funding programs, and identify ways to be more inclusive of the varied statuses some local Tribes possess beyond 501(c)3 status. The County could look to agreements it has established with other governments such as local cities or other counties that could be tailored to suit the unique relationship the County has with local Tribal governments.

6. Adopt a formal acknowledgment of the harm that the County has been complicit in against Tribal nations and Native American people, develop processes to address the harm, and invest in a project to document the historical relationship between the County and Native Americans

a. *Acknowledgment of harm*

To our knowledge and the knowledge of community participants, the County has never officially acknowledged the harm it has been complicit in against Native American people. As the County develops an anti-racist agenda, acknowledgment of this harm should be part of that agenda. The County can look to the State of California (State) as an example of how to formally acknowledge harm committed against Native people through government action. On June 18, 2019, Governor Gavin Newsom issued Executive Order N-15-19, which acknowledged and apologized on behalf of the State for the historical “violence, exploitation, dispossession and the attempted destruction of Tribal communities” which dislocated California Native Americans from their ancestral land and sacred practices. This acknowledgment of harm should be included as part of the land acknowledgment being developed through the County’s Cultural Equity and Inclusion initiative.

b. *Addressing harm*

The State Executive Order also provides an example of a path forward for beginning the process of addressing harms and investing in documenting historical realities through the establishment of the California Truth and Healing Council. The California Truth and Healing Council bears witness to, records, examines existing documentation of, and receives California Native American narratives regarding the historical relationship between the State of California and California Native Americans in order to clarify the historical record of such relationship in the spirit of truth and healing. The Council works in consultation with California Native American Tribes to shape the overarching focus and develop the work of the Council and will endeavor to accurately represent the diversity of experience of California Native Americans within the State of California.

Acknowledgments

We would like to express our deep gratitude to the members of the sovereign Tribal nations of the County who generously took the time to share their experiences with us despite a centuries' long history of mistreatment in which the County was complicit. We also thank the AIAN community members and Native-serving organizations who took part in our process to ensure that the concerns of the community were heard. Finally, we are indebted to Evan Zavidow and Lauren van Schilfgaarde at UCLA for their detailed research and policy work, and for selflessly giving of their time and expertise to help shape this work.