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FESIA A. DAVENPORT
Chief Executive Officer

October 5, 2021

To: Supervisor Hilda L. Solis, Chair
Supervisor Holly J. Mitchell
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

From: Fesia A. Davenport
Chief Executive Officer

Board of Supervisors
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Second District

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Third District

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Fifth District

REPORT BACK ON INDIGENOUS PEOPLES DAY 2020 (ITEM NO. 9, AGENDA OF SEPTEMBER 29, 2020)

On September 29, 2020, the Board of Supervisors (Board) adopted a motion by Supervisor Solis directing the Chief Sustainability Office (CSO), in coordination with the Los Angeles City/County Native American Indian Commission (LANAIC), and County of Los Angeles (County) Departments of Parks and Recreation, Beaches and Harbors, and Public Works, to convene local Tribal and urban American Indian and Alaska Native (AIAN) stakeholders in order to identify barriers to the observance by Tribal and Native communities of religious and cultural practices on County-owned lands resulting from County, State, or federal policies. The motion further directed the named County departments to report to the Board on these barriers and to make recommendations on how to address them, with the goal of increasing equitable access to County-owned lands for Native people. That report is attached.

Stakeholder Engagement

As directed by the motion, the CSO and LANAIC held a series of listening sessions and individual meetings to hear from local Tribal leadership or their delegated representatives, as well as organizations and individuals representing the urban AIAN population. Listening sessions and meetings were held prior to development of the draft report. Staff also developed a survey to gather input, which was sent to listening session invitees and posted on social media as well as on LANAIC's website. LANAIC also facilitated work with the University of California, Los Angeles Tribal Law Clinic, who prepared a white paper on land access barriers faced by Tribes, portions of which were used for the *Historical Context* section of the report.

After the draft report was developed, staff sent the draft to local Tribal leadership, as well as to AIAN stakeholders who had participated in the listening session, for review and comments, and held additional draft review sessions. A link to the report was also posted on the LANAIC

website for public review and comment. Written comments, as well as comments received during the listening sessions, were reviewed by staff and incorporated into the report. The CSO convened the County departments named in the motion, as well as the Departments of Arts and Culture and Regional Planning because of their history of work with Tribes and AIAN communities, both before and after the initial listening sessions to support development of the draft report. The County departments reviewed and commented on the draft report prior to its release for public review. The stakeholder engagement process is described in greater detail in the report.

Summary of Feedback

Discussions with listening session and meeting participants were rich and covered a vast scope of issues with accessing County land as well as root causes of these issues. Issues raised ranged from very specific administrative issues, such as permits not being tailored to Tribal needs, to larger issues with cultural literacy of both governmental staff and the non-Native public writ large, to much more fundamental issues such as the forcible taking of land, which is ultimately the reason why Tribes often must rely on public lands for ceremony and other cultural practices. This feedback is described in greater detail in the report and is the basis of the recommendations summarized below.

Summary of Recommendations

Below is a summary of the recommendations contained in the report. A key point that was made by listening session participants was that while all of Los Angeles' AIAN communities face barriers that the County should address, the County's work should center and prioritize the needs of local Tribes whose ancestral lands the County occupies. This point is reflected in the report's recommendations.

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

The report recommends addressing issues related to the administration of land and land management by streamlining permitting processes for local Tribes and Tribal citizens, waiving fees for parking and permitting, working with Tribes to provide accessible information about what chemical treatments have been used in specific areas, and hiring local Tribal practitioners to steward land;

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

The report includes several options the County should explore to ensure that Tribes have dedicated space, including land return; adoption of a First Right of Refusal Policy; collaborating with Tribes to develop agreements, such as for co-stewardship, exclusive use of land at certain times and for certain uses, cultural easements, and storage space at County properties close to waterbodies for water-faring vessels such as tomols and ti'ats; and establishing a cultural or community center for Native communities;

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

Tribal and AIAN community members noted that many of the issues discussed stem from a lack of cultural awareness on the part of County staff tasked with working with Tribes; therefore, the report recommends that the County provide training for staff and host an AIAN panel through the Department of Human Resources' Diversity, Inclusion, and Acceptance (DIAlogue) program to build cultural literacy on local Tribes and Native communities in the County;

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

Related to building internal expertise and ensuring that County staff have access to that expertise, as well as clear guidance on County protocols related to Tribal relations, the report recommends that the County develop and adopt a Tribal consultation policy, and create a Tribal Relations Office;

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

In addition to raising awareness of local Tribal and AIAN history and culture among County staff, participants asked that the County use its resources and position to do the same for the general public, by increasing visibility of Tribes through wayfinding and signage throughout the County; supporting and resourcing Tribal cultural expertise; revising data collection and reporting methods, which often fail to accurately capture the AIAN community in the County; ensuring that County procurement and contracting is inclusive of local Tribes; and embedding the recommendations from this report into other relevant County work, such as anti-racism and equity efforts; and

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

Participants noted that in addition to doing proactive work to address barriers faced by Tribal and AIAN communities, the County should also acknowledge and address historic harm to Tribes and communities in which the County has been complicit and benefitted from.

Subsequent Board Actions

It is noted that since the adoption of the motion directing the attached report, the Board adopted motions on June 22, 2021 and July 13, 2021, that initiated work related to the recommendations on the DIAlogue series, the Tribal Relations Office, a Tribal consultation policy, and a formal acknowledgment of harm; therefore, important work recommended by this report has already been initiated.

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Should you have any questions concerning this matter, please contact me or Gary Gero, Chief Sustainability Officer, at (213) 974-1160 or ggero@ceo.lacounty.gov.

FAD:JMN:TJM
GG:RK:jg

Attachment

c: Executive Office, Board of Supervisors
 County Counsel
 Beaches and Harbors
 Parks and Recreation
 Public Works
 Workforce Development, Aging and Community Services

Indigenous Peoples Day Report

The County of Los Angeles (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 Gabrielino Tongva,¹ Gabrieleño Kizh, Fernandeño Tataviam, Ventureño Chumash, and Serrano, 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' (Board) *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 and Recreation (DPR), Beaches and Harbors (DBH), and Public Works 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 creating the Plan, the County held a series of stakeholder meetings, including a Tribal listening session that members of local Tribal nations, whose ancestral lands are within current-day Los Angeles County, attended. During that meeting, Tribal attendees described the difficulties their community members have faced when trying to practice traditional cultural and religious ceremonies and other activities on public lands, such as 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 in both 2020 and 2021.

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 University of California, Los Angeles (UCLA) School of Law's Tribal Legal Development Clinic, who 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

¹ Relying on the State of California's Native American Heritage Commission Tribal Consultation List, we have generally in this report used the spelling "Gabrielino," with the exception of references to the Gabrieleño/Tongva San Gabriel Band of Mission Indians and the Kizh Nation - Gabrieleño Band of Mission Indians, in which case we have honored their preferred spellings.

barriers to observance of these practices. We reference UCLA's research in the *Background* section of this report.

Background

The County sits on the ancestral homelands of the Gabrielino Tongva, Gabrieleño Kizh, Fernandeño Tataviam, Ventureño Chumash, and Serrano people,² the known First Peoples of the County, who have called this land home since time immemorial. Presently, none of the currently existing groups are recognized by the United States federal government, though there are currently pending petitions with the Office of Federal Acknowledgment. According to the U.S. Census Bureau, Los Angeles County is home to over 157,000 AIAN people, which is the largest population of AIAN people of any county in the U.S.³ There are representatives of 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. 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 based on work done by the UCLA School of Law's Tribal Legal Development Clinic.

Summary of Historical Context

In 1851 and 1852, the State of California negotiated 18 treaties with 139 California Indian signatories, reaching one-third to one-half of all California Tribes.^{4,5} 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.⁶ 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.⁷ The Senate placed an *injunction of secrecy* on the

² There are currently seven different Gabrielino band of organizations that community members belong to: Ti'at Society/Traditional Council of Pimu, the Gabrieleño/Tongva San Gabriel Band of Mission Indians, the Gabrielino/Tongva Nation, the Gabrielino Tongva Indians of California Tribal Council, the Gabrieleño-Shoshone Nation, the Kizh Nation (aka Gabrieleño Band of Mission Indians), and the Gabrielino-Tongva Tribe, although some Gabrielino people choose not to belong to any group.

³ Los Angeles City/County Native American Indian Commission, *Understanding Native American Homelessness in Los Angeles County* (March 2019)

⁴ 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).

⁵ In 1843, 41 surviving Fernandeño Tataviam families successfully petitioned for one square league of Ex-Mission San Fernando lands from Mexican Governor Micheltorena. In addition to this land, the Fernandeño Tataviam received title to Rancho Encino (Encino), Rancho Patzkunga (San Fernando), Rancho Sikwanga (Granada Hills), Rancho Cahuenga (Burbank), Rancho El Escorpion (Chatsworth), and Rancho Tujunga (Tujunga). In total, the Fernandeño Tataviam Tribal community received approximately 18,000 acres of land under the Mexican government's trust and protection. Native rights to the land grants of the 1840s were meant to be preserved in the American period according to the Treaty of Guadalupe Hidalgo in 1848. The administration of Governor Pico, however, ignored the secularization regulations, and sold the mission assets and land.

⁶ 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).

⁷ *Id.* at 3. There is no other known instance in which negotiated treaties were simply unratified.

treaties, and they were left sealed for 50 years.⁸ In 1851, the California State Legislature also passed the Land Claims Act.⁹ This provided that all lands in California would pass into the public domain if the claim was invalid or not presented within two years.¹⁰ This limitations period was running while these treaties were being negotiated, and because many California Indians were unaware of this, the limitations period lapsed along with their claims to land without their knowledge.¹¹ This resulted in the eviction of Tribal communities. For example, the Fernandeño Tataviam were evicted from all of their lands save the 10 acres in San Fernando that had taxes paid in full by their leader. Due to the increased value of the water source located on the property, the Fernandeño Tataviam spent 10 years fighting settlers from the land and were even represented by a Los Angeles law firm appointed by the U.S. Attorney General. On December 11, 1883, the Los Angeles Superior Court had entered a default judgment against the Tribe in the eviction proceedings and denied their petition two years later, thereby evicting the Fernandeño Tataviam from their last remaining tract of land.¹²

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.¹³ In 1928, the Fernandeño Tataviam filed claims regarding the Tribe's lost land as a result of these unratified treaties and evictions.¹⁴ This came after decades of dispossession and litigation in which local courts authorized, and the County Sheriff's Department enforced, the eviction of the Fernandeño Tataviam members from their ancestral land.¹⁵ Many California Indians were forced to move to one of seven military reservations across the State.¹⁶ Over 20 years, population numbers declined by half, and by the 1890s, 85 percent of the population was gone.¹⁷

In 1905, the treaties were inadvertently rediscovered by a Senate clerk.¹⁸ Due to a large public outcry, Congress created 61 reservations or rancherias in Central and Northern California.¹⁹ However, many California Indians did not move to these reservations because doing so meant choosing between potentially relocating to inhospitable areas or remaining with their communities.²⁰ 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.²¹ By 1915, nearly 20,000 California Indians lived in all but a few of the State's counties.²² Of these, only 1,800 lived on reservations while at least 4,500 were left

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Duane Champagne and Carole Goldberg, *A Coalition of Lineages: The Fernandeño Tataviam Band of Mission Indians*, University of Arizona Press, 2021. JSTOR, www.jstor.org/stable/j.ctv1k76js7. Accessed 30 June 2021.

¹³ 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).

¹⁴ FERNANDEÑO TATAVIAM MISSION BAND OF INDIANS, *History*, <https://www.tataviam-nsn.us/history/#Timeline> (last visited Nov. 3, 2020).

¹⁵ *Id.*

¹⁶ Allogan Slagle, *Unfinished Justice: Completing the Restoration and Acknowledgment of California Indian Tribes*, 13 AM. INDIAN QUARTERLY 325, 329 (1989).

¹⁷ 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).

¹⁸ 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).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Allogan Slagle, *Unfinished Justice: Completing the Restoration and Acknowledgment of California Indian Tribes*, 13 AMERICAN INDIAN QUARTERLY 325, 330 (1989).

homeless.²³ 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.²⁴ In addition, while some California Tribes gained federal recognition, those indigenous to Los Angeles did not.²⁵

Between 1940 and 1960, over 122,000 AIAN moved to cities, largely because of federal government relocation programs.²⁶ Los Angeles was a primary destination, with nearly 30,000 non-local AIAN arriving due to relocation programs,²⁷ and there is therefore 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.²⁸ This was compounded by the fact that many AIAN people did not qualify for public housing assistance, experienced racial discrimination in housing, or both.²⁹ Many relocatees in Los Angeles, as a result, lived on skid row or in *slum areas*.³⁰ 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 experienced 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 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.³¹

²³ *Id.*

²⁴ 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).

²⁵ 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 TATAVIAH MISSION BAND OF INDIANS, *Update on Federal Acknowledgement*, <https://www.tataviam-nsn.us/update-on-federal-acknowledgment/> (last visited Nov. 20, 2020).

²⁶ Kenneth R. Philp, *Stride Towards Freedom: The Relocation of Indians to Cities, 1952-1960*, 16 WESTERN HISTORICAL QUARTERLY 175 (Apr. 1985).

²⁷ Joan Weibel-Orlando, *Indian Country, LA: Maintaining Ethnic Community in Complex Society*, URBANA: UNIV. OF ILLINOIS PRESS, 24 (1999).

²⁸ 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.

²⁹ *Id.* at 279.

³⁰ Kenneth R. Philp, *Stride Towards Freedom: The Relocation of Indians to Cities, 1952-1960*, 16 WESTERN HISTORICAL QUARTERLY 175 (Apr. 1985).

³¹ MICHAEL D. McNALLY, *DEFEND THE SACRED: NATIVE AMERICAN RELIGIOUS FREEDOM BEYOND THE FIRST AMENDMENT* 8 (2020).

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.³² 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."³³

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, and gather any relevant information or experiences the departments had previously gathered from local Tribes.

Because many Tribes are not able to support permanent professional staff, they often face capacity issues in responding to all requests for participation or feedback. Understanding this reality, CSO and LANAIC sought to contact local Tribal leadership through several different routes to ensure, to the best of our ability, that they were aware of the project and able to participate if they so desired. Prior to drafting the report, we held two formal listening sessions specifically for local Tribal representatives. To reach local Tribes, we requested a Tribal consultation list for the County from the California Native American Heritage Commission (NAHC). We sent letters and 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 meet, and followed up with reminders and non-responses.

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 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 the draft report, which had been provided to them in advance for review and comments. Following that internal review, the draft report was further edited before being

³² Stephanie H. Barclay & Michalyn Steele, *Rethinking Protections for Indigenous Sacred Sites*, HARVARD L. REV. 1, 15 (forthcoming 2021).

³³ *Id.*

distributed to the Tribal contact list we received from NAHC, to all invitees and participants of the listening sessions, and to 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 to solicit public review and comments. We held two additional listening sessions during the four-week comment period, one for local Tribal leadership, and the second for AIAN community members. Between the three Tribal meetings (two prior to report drafting, and one after the draft release) and written comments, we heard from individuals representing nine local Tribes, including the Barbareño/Ventureño Band of Mission Indians (Chumash); Fernandeño Tataviam Band of Mission Indians; Gabrieleño San Gabriel Band of Mission Indians; Juaneño Band of Mission Indians; Acjachemen Nation-Belardes; San Fernando Band of Mission Indians (Fernandeño, Tataviam, Vanyume); and San Manuel Band of Mission Indians. We reviewed all feedback received during the listening sessions as well as the written comments and incorporated them, as appropriate, into this report.

Summary of Feedback

Although the feedback we received was rich and comprehensive, 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 on the NAHC list. As the County moves forward with consideration or 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, 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, local Tribes related experiences of being required to provide public access or education about traditional Indigenous knowledges and religious ceremonies. Tribes may also be required to pay for parking and other fees to gain access to sacred sites, which they often seek 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 a liaison role into agencies and departments could provide relief from some of these process-related challenges. Having dedicated Tribal liaisons on staff would provide Tribes with a known point of contact who is 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 ongoing 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 about Native communities and local Tribes in particular. They suggested that departmental 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 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 preparing 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 about what may be contained in their collections.

Participants noted that the County should work to develop a Tribal consultation policy that brings consistency to interactions between County 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. The 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. Public parks, beaches, and other open locations are more susceptible to interference, unwanted onlookers, and/or noise from traffic, which can affect the requisite atmosphere for ceremony. Further, disturbance of these lands is often prohibited, despite ceremonial needs, such as digging of holes and use of fires. Even in situations where Tribes have come to some agreement with the owner of private 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 whether the land has been treated with chemicals, such as pesticides or fire-fighting foam, as well as general environmental pollution. With the increase in the public's knowledge of native plants, plant stands have been severely impacted by overharvesting. If Tribes had dedicated spaces within public lands, these plants could be actively cultivated to ensure their availability, quality, and overall survival. Notably, access to land, including dedicated spaces, should include sanitation facilities to ensure meaningful access, particularly for the elderly and mobility challenged.

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 NAGPRA 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 not only leads to barriers to practicing their religion and culture, but is also fundamentally tied to economic challenges that 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 land areas. Various community members shared that it is important to use 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,

how to manage invasive species, 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 the key to making such agreements successful is a multi-pronged approach to institutionalizing this access. Tribal agreements should be developed through memoranda of understanding, cultural easements, and built into resource management and restoration plans.

Building on the discussion of dedicated spaces and co-stewardship agreements of lands, participants suggested that the County collaborate with Tribes and the Native community to establish a cultural/community center for Los Angeles' Native communities. A space like this could be used to uplift Tribal histories and increase visibility of Tribal and Native communities, and provide space for cultural practices, education, and community meetings and events. An institution like this could also serve as a safe repository for artifacts and remains, if needed.

Leveraging County Resources

Listening session participants highlighted ways that the County could leverage its 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 example is that existing County programs and funding should be inclusive of Tribes. Local Tribes' lack of federal recognition puts them in an uncertain position with respect to tax designations; therefore, 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 land or property is put up for 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 local governments and other agencies and that the County leverage its leadership role in the region to facilitate improved access for Tribes Countywide.

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, which led to intergenerational trauma and destabilized communities, and state how the County has benefitted from this treatment. Participants noted examples from State agencies, including the Coastal Commission and the Governor's Office, that could serve as models for the County. Part of this work should also include identifying Tribal artifacts that 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, and Promoting Visibility

Based on the above feedback, County staff have developed the following recommendations for the County to consider implementing 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 (ARDI), which are both unanimously supported by the Board. We emphasize that funding to support these recommendations should be considered as part of the regular County budget process. This will allow funding decisions to be made within the context of the overall budget and in recognition of other competing funding priorities and requests.

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 among government staff and the public. 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 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, and the County should develop a permitting mechanism to allow for specific culturally important usages, such as open fires. At the same time, these processes should be designed in a way that respects the Tribes' needs for privacy and not require detailed disclosure of ceremonial practices.

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 any chemical treatments applied to plant materials, such as pesticides or fire retardants, 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 practitioners from local Tribes to steward land*

The County should hire or contract practitioners from local Tribes to steward the land or provide trainings to County staff, when appropriate, regarding how to care for the land. Tribal practitioners should also be directly involved in the development of resource management plans and restoration plans. This might involve development of a new job classification for grounds maintenance or other related roles that explicitly includes expertise in traditional practices as a requirement. County staff could also collaborate with these 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, including proliferation of invasive species. 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 the feasibility of 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.

As a first step, the County should research local, State, and federal legislation that may present barriers to land return. In considering land return, the County should also work collaboratively with Tribes to identify and address barriers that Tribes may have with taking possession of land, for instance, by providing technical or legal assistance.

- 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. With all of these strategies, it is important that agreements are developed in collaboration with Tribes to ensure that they are designed to accommodate culturally specific activities, such as use of open fires in ceremonies and harvesting:

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 to ensure that local Tribes have access to sacred sites on privately owned land.

iv. Storage space for ti'ats, tomols, and other Tribal 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.

d. *Establish a cultural or community center for the County's Native communities*

The County should collaborate with local Tribes to explore the establishment of a cultural or community center for Los Angeles' Native communities to uplift Tribal histories, increase visibility, and provide space for cultural practices, education, and community meetings and events.

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 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. The County should contract with Tribal community members to develop these trainings to ensure that they are accurate. 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 the County Human Resources' Diversity, Inclusion, and Acceptance (DIAlogue) program with event focused on the AIAN 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 the 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 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 to support 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.

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, Regional Planning, DBH, etc.). These Tribal liaisons would be tasked with building and maintaining relationships and open communication with local Tribes, assisting Tribes in navigating department processes, and assisting departmental staff in Tribal engagement and consultation.

- b. *Create a Tribal Relations Office*

The County should consider the 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. This Office should be staffed, resourced, and positioned so that it is able to effectively achieve these goals, and work across

departments to facilitate Tribal involvement in all aspects of the County's work. The Cities of Portland and Seattle can be looked to as examples of this work.

It is noted that at LANAIC's May 18, 2021 regular meeting, the Commission adopted a resolution recommending that the Board 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., DPR 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 traditional knowledge and expertise

The County should develop a policy to ensure that the time and cultural knowledge of AIAN community members are 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 and 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 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, 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 against Tribal nations and Native American people in which the County has been complicit, 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*

The County has not officially acknowledged the harm against Native American people in which it has been complicit. 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 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 Governor’s Executive Order also established the California Truth and Healing Council (Council), which provides an example of a path forward for beginning the process of addressing harms and investing in the documentation of historical realities. The 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.

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