



News Release

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California Native American Heritage Commission and State Office of Historic Preservation Urge Protection of Native American Sites Exposed by Drought

WEST SACRAMENTO, CA –As the drought continues throughout California, complaints of vandalism and looting of Native American remains and artifacts have risen while water levels have receded in the state’s lakes, rivers, streams and reservoirs. The California Native American Heritage Commission (NAHC) and the State Office of Historic Preservation (OHP) are urging respect for and protection of these important cultural resources as the drought exposes more of these historic, cultural and sacred sites and burials.

“We want to remind the public that just because a river has receded and has revealed Native American artifacts, doesn’t mean that those items are free to be taken,” said Cynthia Gomez, Executive Secretary of the California Native American Heritage Commission and the Governor’s Tribal Advisor. “As Californians we must protect all of our resources – water resources and cultural resources – during this drought.”

“The best thing a person can do if they see any of these sacred, historic or cultural items is to contact the local authorities so they can be preserved and protected,” added Carol Roland-Nawi, State Historic Preservation Officer. “It is important to protect these important resources for future generations and doing so will keep people from running afoul of the law.”

Several state and federal laws protect Native American historic and cultural resources from vandalism and looting, including:

- California Public Resources Code section 5097.99 – Makes it a felony to obtain or possess Native American artifacts or human remains taken from a Native American grave or cairn except as provided by law on lands subject to the NAHC’s jurisdiction. A violation of this law is a felony punishable by imprisonment. The NAHC has legal standing to enforce this law and refers such matters to the California Attorney General’s Office for prosecution.
- California Public Resources Code section 5097.991 – Makes it a misdemeanor to unlawfully and maliciously excavate upon, remove, destroy, injure or deface Native American historic, cultural or sacred sites eligible for listing in the California Register of Historic Resources if the act was committed with the intent to vandalize, deface, destroy, steal, convert, possess, collect or sell a Native American historic, cultural or sacred artifact or art object if the act occurred on public land or on private land by someone other than the landowner.
- California Public Resources Code section 5097.9 – Prohibits any public agency or any private party using or occupying public land under a license, lease, grant, permit or contract from causing severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require.
- Federal Archaeological Resources Protection Act, 16 U.S.C. 470a(a)(1) et seq. – Prohibits the unauthorized excavation, removal, damage, alteration and trafficking in archaeological resources found on federal or tribal lands.

If Native American artifacts are found and are believed to be burial items, the public should contact the NAHC at (916) 373-3710, or nahc@nahc.ca.gov or local law enforcement.

If remains are found, the public should contact the local county coroner. The county coroner will make a determination whether the remains are Native American; if they are, the coroner will contact the NAHC. The NAHC will designate a tribe or individual that is the most likely descendant of the decedent to work with the landowner for treatment and disposition of the remains with appropriate dignity.

For more information, visit www.nahc.ca.gov or www.ohp.parks.ca.gov.

The California Native American Heritage Commission (NAHC) is a state trustee agency for the protection of Native American cultural resources pursuant to the California Environmental Quality Act (CEQA) under the direction of its Executive Secretary, a gubernatorial appointee, and its Commissioners. The NAHC Executive Secretary also serves in the Governor’s Cabinet as the Governor’s Tribal Advisor.

The California State Office of Historic Preservation (OHP) is responsible for administering federally and state mandated historic preservation programs to further the identification,

*evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the **State Historic Preservation Officer (SHPO)**, a gubernatorial appointee, and the **State Historical Resources Commission**.*

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