



Caltrans CalNAGPRA and NAGPRA Compliance

Caltrans Headquarters, Division of Environmental Analysis, Cultural Studies Office
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Background

This informational sheet is being provided as an acknowledgement of the California Department of Transportation's (Caltrans) responsibilities under, and implementation of, the California Native American Graves Protection and Repatriation Act (CalNAGPRA), as revised by Assembly Bill 275 (AB 275; codified as Health and Safety Code §§ 8010-8030), and the federal Native American Graves Protection and Repatriation Act (NAGPRA; 43 CFR Part 10).

Caltrans Commitments

- Committed to working in earnest to comply with CalNAGPRA and NAGPRA so that human remains and identified objects can be returned home respectfully and efficiently
- Recognition that AB 275 amended the operative language of CalNAGPRA, adding concepts which were not previously included in CalNAGPRA or NAGPRA
- Addressing each collection on a case-by-case basis in consultation with individual tribes to ensure tribal identification of human remains and objects meeting the definitions of items subject to repatriation under CalNAGPRA and NAGPRA
- Ensuring that the consultation and repatriation processes are transparent and documented, the constituents of the repatriated collections are identified, and the subsequent agreements, notices, and transfers are clear and complete
- Identifying opportunities to support tribes in the repatriation process
- Continue to adapt as the AB 275 regulations and dispute resolution process are developed

Caltrans Actions

- Established District Points of Contact (AB 275 POCs) in each of the 12 Caltrans Districts
- Actively consulting in good faith and transparency with all California Indian tribes
- Uploaded all inventories/summaries to the NAHC portal for posting
- Continuing tribal consultation and documenting data from multiple lines of evidence to:
 - Establish State Cultural Affiliation (CalNAGPRA) and cultural affiliation (NAGPRA)
 - Finalize inventories/summaries with the NAHC (CalNAGPRA) and file notices with National NAGPRA (NAGPRA)
 - Process claims and engage in the NAHC's dispute resolution process if needed
- Move repatriation forward, returning home human remains and identified objects

Helpful Links

- [Caltrans CalNAGPRA/NAGPRA](#)
- [Native American Heritage Commission](#)
- [Assembly Bill 275 Legislation](#)
- [National NAGPRA Program](#)
- [Federal NAGPRA Regulations](#)

Disclaimer: This informational sheet was published on October 10, 2022. It may be updated when the new regulations are published, and/or the Native American Heritage Commission (NAHC) issues new guidance, and/or AB 275 is further interpreted by case law.

For questions about this informational sheet, contact the Cultural Studies Office at NACS.Info@dot.ca.gov.