

The Law Says We Can Be There. *Nothing Says How.*

California increasingly recognizes Native cultural and religious practice on ancestral lands — but the working machinery of access barely exists. The paper is mostly there. The maintenance isn't. What the law grants, where it breaks, and what to build.

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About this briefing. This briefing draws on the public record — California statute, pending legislation, state policy, and agency programs — together with concerns raised in community conversation, which appear here as ideas only, with no individuals identified or quoted. It names no ceremonial sites and describes no private case. Items that are community-relayed and unconfirmed are labeled. It is not legal advice and not a position paper.

1976

the year California
barred interference with
Native religious practice
on public land (\$5097.9)

0

general right of entry
onto private land for
ceremony — agreements
are the only path

90 days

the state's clock to
begin co-management
talks once a tribe asks
(AB 1284, 2024)

\$107.7M

state grants already
moving land and access
back to tribes (34
projects, ~49,000 acres)

01 — OVERVIEW

The short version

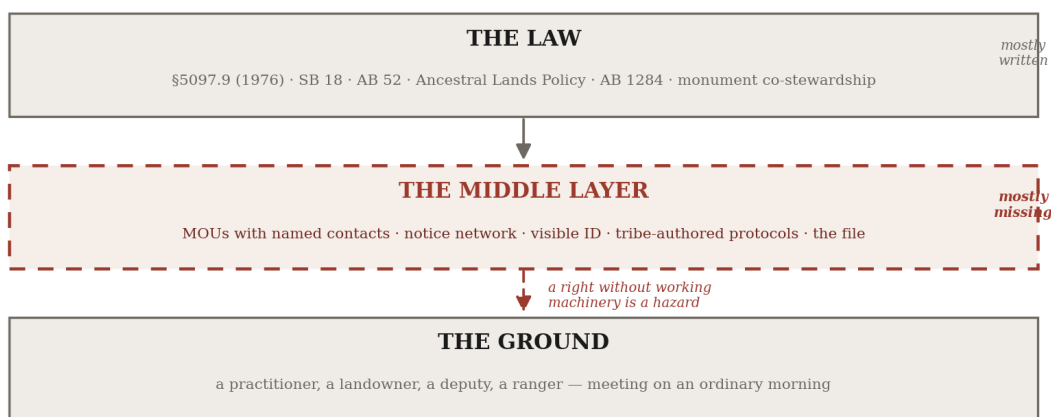
Ask a rancher, a sheriff's deputy, a Forest Service officer, and a Native cultural practitioner what the law says about tribal members being on ancestral lands, and you will get four uncertain answers. That uncertainty is the story. Recognition of Native cultural and religious practice is expanding in California law and policy — but the working machinery that would make access safe, legible, and routine mostly does not exist. Nobody is sure who gives notice, who carries what identification, which agreements govern which ground, or whom to call when something goes wrong.

The public record, checked, says three things. On public land, the law is largely already there — and some of it has been there for fifty years. On private land, there is no right of entry at all: agreements, relationships, and acquisition are the entire toolkit. And the newest legislation exists precisely because the older law was never made real on the ground. The problem, in short, is rarely the statute. It is the

middle layer — the memoranda of understanding, notice systems, protocols, and relationships — that was never built, was built badly, or was quietly abandoned.

A right without an implementation architecture is a hazard, and the hazard lands first on the practitioners — the people standing on the land when the misunderstanding happens. This briefing lays out what the law actually grants, where the gap is, what goes wrong inside it, what the middle layer looks like when it is built, and one thing a tribe can start doing tomorrow: keeping the record.

Where it breaks: the statute reaches the ground only through the middle layer



02 — THE LAW

What the law actually says

On state public land — mostly there, and for a long time. Since 1976, California Public Resources Code §5097.9 has barred public agencies — and private parties operating on public property under permit — from interfering with the free expression or exercise of Native American religion, and from causing severe or irreparable damage to sacred sites except on a showing of compelling public necessity. The Native American Heritage Commission has existed just as long to catalog sacred places and mediate. Consultation duties came later: SB 18 (2004) for city and county general plans, AB 52 (2014) for environmental review under CEQA. In 2020, the Governor’s Statement of Administration Policy on Native American Ancestral Lands directed state entities to facilitate tribal access to sacred sites on state lands, support traditional gathering, hunting, and fishing, pursue co-management, and work with tribes seeking the return of surplus state land. In 2024, AB 1284 (Ramos) gave the Natural Resources Agency clear authority to sign co-governance and co-management agreements — and a duty to begin government-to-government negotiations within 90 days of a tribe’s request. State Parks already runs a Tribal MOU Program for access and co-management; one such agreement grew into the first tribally operated visitor center in the state park

system. And money is moving: the Tribal Nature-Based Solutions program has granted \$107.7 million across 34 projects, supporting the return of roughly 49,000 acres to California tribes.

On federal public land. The pattern is similar: broad commitments — the 2021 Joint Secretarial Order on tribal co-stewardship, and, locally, the Sattitla Highlands National Monument proclamation's requirement of a management plan written with the Tribes within three years — sitting on top of a day-to-day reality of special-use permits, applications, and advance bookings. The commitments are real; the daily experience is still permission-first. (The monument's plan, as of this writing, does not yet exist — while a multi-year vegetation project proceeds. See this series' Sattitla briefing.)

On private land — nothing. There is no general right of entry onto private property for cultural or religious practice, and it is worth saying plainly because the confusion runs in both directions. The Heritage Commission's own founding statute treats sacred places on private land as presumptively inaccessible: its remedies are to recommend state acquisition of such places to secure access, and to recommend ways to voluntarily encourage private owners to preserve and protect them. Voluntary. On private ground, the agreement layer is not where the system breaks down — it is the only system there is.

Pending — AB 1881, the California Indian Freedom Act of 2026. Authored by Assemblymember James Ramos and sponsored by Indigenous Justice, AB 1881 passed the Assembly on June 1, 2026, cleared its Senate policy committee 10-1 on June 30, and now sits in Senate Appropriations. It is not law yet. It would prohibit state actions that substantially burden California Indian religious practice absent a compelling interest pursued by the least restrictive means; require agencies to allow access to sacred sites on state lands; require written, free, prior, and informed consent from affected tribes before state projects that put sacred sites at risk; make sacred-site information confidential and exempt from the Public Records Act; and expressly preserve agencies' authority to sign MOUs granting access. Its own legislative findings state that existing California law does not require Indigenous consent or comprehensively protect Native religious exercise and access. Track its status before relying on it.

03 — THE GAP

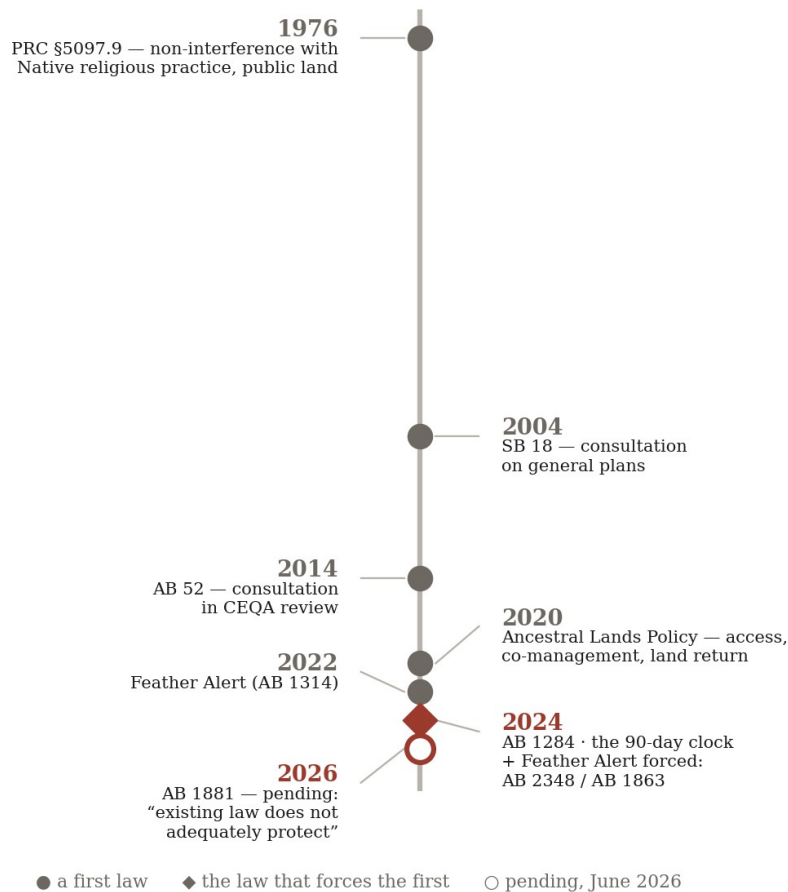
Policy to practice: where it actually breaks

Put two dates side by side. Non-interference with Native religious practice on public land: 1976. A bill declaring that existing law does not adequately protect Native religious practice and access: 2026. Fifty years separate the promise from

the legislature's own finding that the promise was never adequately kept. That is not a gap in the law. It is a gap between the law and the ground.

California has already demonstrated the pattern once, in fast-forward. The Feather Alert — the statewide notification system for endangered missing Indigenous people — became law in 2022. Within two years, families and tribes reported alerts delayed and denied, and the legislature had to pass two more laws (AB 2348 and AB 1863, 2024) to force what the first law assumed: a 24-hour decision clock, a tribe's right to go directly to the CHP, a written reason for every denial. Pass the law; watch implementation fail; pass another law to force the first one. AB 1881 is that same second law, arriving fifty years late.

1976-2026: the promise, then the laws to force it



Fifty years from promise to enforcement — shapes, not color, carry the meaning, so this copies cleanly in black and white.

Sources: Cal. Pub. Res. Code §5097.9; SB 18; AB 52; Governor's Office (2020); AB 1284; AB 1314/2348/1863; AB 1881 — see references.

Between the statute and the ground sits the middle layer — the MOUs, notice procedures, contact lists, protocols, and working relationships that turn a right on paper into a safe morning on the land.

That layer fails in three ways. **Never built:** no agreement exists at all, so every encounter is improvised. **Built with errors:** an agreement exists but names no contacts, sets no notice mechanism, defines no terms — so it cannot actually be used. **Or abandoned:** signed, shelved, and orphaned by staff turnover, so that nobody decided to end it; it simply stopped being anyone's job.

THE FIELD TEST FOR DEAD PAPER

Use the recognized channel, correctly. Watch whether the outcome ever moves.

If the channel only receives requests and never changes results, the agreement is dead paper — whatever the file says.

Run it on every agreement in the file at least once a year — the log's dates are the receipts.

04 — THE FAILURE MAP

What goes wrong inside the gap

- **Danger to practitioners first** — When no one knows who is supposed to be where, the person standing on the land absorbs the risk — and the regional public record already documents a pattern of hostility and violence toward Native people in Northern California (see this series' MMIP briefing). Uncertainty plus hostility is a bad equation, and the practitioner is the one in the field when it resolves.
- **The kindling problem** — It takes one bad actor invoking a cultural claim as cover — one rowdy night, one fire, one act of vandalism wrapped in the language of access — to hand every hostile neighbor the story they wanted. A sloppy system leaves exactly that opening, and one bad example can poison access for a generation of people who did everything right.
- **The checkerboard** — Ancestral landscapes do not respect parcel maps. A single culturally coherent place can sit under a dozen or more owners — federal, state, private — which turns one landscape into many separate negotiations, some of which will be hostile no matter what is offered. When shoreline or adjacent parcels at culturally significant places change private hands, access can vanish overnight, with no notice owed to anyone.

- **The recursive cascade** — Generations of harm push people to withdraw from involvement; the withdrawal is then read from outside as indifference or forfeiture; and the apparent forfeiture becomes the justification for the next exclusion. “They never come here anyway” is how a taking talks about itself. Absence created by injury is not consent.
- **Uncertainty rewards the aggressive** — Where rules are unclear, outcomes default to whoever is most willing to escalate — which is precisely backwards from what a lawful system is for. Clarity protects the reasonable people on every side of a boundary.

05 — THE MIDDLE LAYER

What the machinery looks like when it exists

- **A notice network** — A simple, standing way to tell affected landowners and agencies who will be on or near the land, where, when, and for roughly what purpose — a text or email list maintained by the tribe, with protected details never included. Notice is not permission-seeking on ground where a right or agreement exists; it is the courtesy that prevents the 911 call.
- **Visible identification** — The utility-contractor model: vehicle placards, vests or insignia, and a norm of self-identifying on contact. Practitioners may reasonably feel that wearing a badge on their own ancestral land is a bitter thing to be asked — and it is. It is also managed visibility on the tribe’s own terms, chosen because it buys safe passage, and it is the same choice every official crew already makes for the same reason.
- **Tribe-authored protocols and scripts** — Written by the tribe, trained by the tribe, carried by the tribe’s own monitors and practitioners: what to say at a fence line, whom to call, when to disengage, how encounters get logged. If the protocol is not the tribe’s own, it becomes someone else’s leash — and the tribe holding its own people to the protocol is part of what makes the whole system credible. [The Tribe’s cultural-monitor program is community-relayed here; confirm current details with the THPO.]
- **MOUs with the agencies that matter** — The Forest Service, the county sheriff, State Parks, and — under AB 1284, with its 90-day negotiation clock — the Natural Resources Agency and its departments. Each agreement should name contacts on both sides, define notice and access procedures, and be reviewed on a schedule so turnover cannot orphan it. The cross-deputization agreements that fixed part of the MMIP jurisdiction tangle are the proof that the instrument works when it is actually maintained.
- **Public-land carve-outs** — Reserved windows for tribal use of public sites — closures published like any other. The precedent is already running: the July 15–21, 2026 closure of two Medicine Lake campground loops for the Annual

Pit River Tribal Gathering, posted on Recreation.gov like any maintenance closure. The model is not hypothetical; it needs only to be extended and made routine.

- **A land strategy underneath it all** — Identify the priority parcels — the ones whose loss would cut deepest — and pursue them: acquisition where possible, rights of first refusal where not, the Heritage Commission's statutory authority to recommend state acquisition of inaccessible sacred places, and the state grant programs already funding exactly this. Agreements manage the checkerboard; ownership retires it, one square at a time.

06 — FAIRNESS

Holding both truths

This briefing asks something of landowners, so it owes them their strongest case, honestly stated. The rancher at the fence line did not design the system he bought into. He purchased in good faith, under the law as it stood; he inhabits and works the land; his livelihood is physically attached to it; and his fears — fire in a dry year, gates left open, cattle disturbed, liability for strangers, simply not knowing who is on his ground — are concrete, not coded. There can be two historic wrongs in a chain of title — land taken from a people, then sold to a buyer who knew nothing of it — without the current holder being the villain of either. Any workable architecture has to protect his reasonable interests too, and can: notice, identification, defined terms, and accountability run in both directions.

And, held at the same time and not canceled by it: for the tribe this is not recreation, and it is not merely property. It is the continuity of a people — ceremony, obligation, and identity tied to specific ground that was made public or private without the tribe's consent in living historical memory. The severities are not symmetric: one side risks inconvenience and the other risks the loss of what makes it a people. Both of these are true at once. The answer to their tension is not a villain; it is architecture — built rules, named contacts, kept agreements — so that neither side's safety depends on the other side's goodwill on a bad day.

07 — CALL TO ACTION

Keep the record: sovereignty needs a file

One thing does not wait on any agency, any legislature, or any neighbor's goodwill, and it multiplies the value of everything else: record everything in the domain of sovereignty. Every notice given, every landowner contacted, every access taken, every consultation held, every request made, and — above all — every denial received, in writing. The Feather Alert reforms forced the CHP to give written

reasons for every denial within 48 hours; that is the standard to demand from every agency, and the habit to keep on the tribe’s own side: get the no in writing.

One firewall keeps the file safe, and it is absolute: the record captures that, never what — the that being the facts of events, the what being the meaning they carry. That notice was given, that access occurred, that consultation happened, that a denial arrived on a date — never the content of ceremony, the meaning of a site, or protected knowledge of any kind. AB 1881 would build the same firewall into state government, making sacred-site information confidential and exempt from public-records law. The tribe keeping an answerable file with a protected core is not exposure; it is the tribe authoring its own record instead of being someone else’s.

GOES IN THE FILE	NEVER GOES IN
Dates · notices sent · who was contacted · access taken · consultations held · denials received, in writing · incident facts · follow-ups and outcomes — good and bad alike.	The content of ceremony · what a site means · songs, prayers, or practices · precise locations of protected places · anything a knowledge-keeper says stays out.

The file pays four ways. Compliance: when the “those people are trouble” story arrives — and the kindling problem guarantees someone will tell it — the answer is a dated paper trail, not a counter-story. Grants: funders renew what they can verify; the reporting that today’s victim-services and land grants require is generated by exactly these logs. Cases: in a jurisdictional tangle, the documented trail is what makes a pattern provable and a claim enforceable — whether the matter is an agency’s inaction or an incident on the land. And institutional memory: monitors and staff will turn over; forms outlive people. Without the file, every departure is a small archive fire. With it, the program survives its people. And resourcing it is small: the keeper is a named duty inside an existing role — a few hours a month written into a job description — and a line item in the next heritage or victim-services grant, so the file has a budget, not just a believer.

Start ugly, start now. A binder and a spreadsheet beat a dream of a database. A short standard form-set — notice log, contact log, incident report, consultation tracker, denial file — one named keeper, tribe-governed access rules, the that-not-what firewall stated in writing, and a simple retention plan. Everything else in this briefing works better the day this exists.

08 — TOOLKIT

Questions worth asking

- What MOUs exist today — with the Forest Service, the county sheriff, State Parks — and who are the named contacts on each side? When was each last reviewed?
- Has the Tribe invoked AB 1284's 90-day clock with the Natural Resources Agency, and for which lands and waters?
- Who wrote the cultural monitors' field protocol, who trains to it, and are monitors identifiable in the field?
- What is the notice procedure when practitioners will be on or near private parcels — and who maintains the landowner contact list?
- Where does the access archive live, who keeps it, and is the protected-content rule — record the that, never the what — written down?
- Which priority parcels are identified for acquisition or first refusal, and has state grant funding been sought for them?
- What happens when a landowner refuses — and, just as important, what happens when one of our own breaks protocol?
- If AB 1881 becomes law: which state lands does it open, what is the access procedure, and who files and keeps the written consents?

09 — CONTACTS

Who to reach

Verify before relying. Offices, officers, and phone numbers change. Confirm current contacts before you need them — and put the confirmed list in the file.

WHO	HOW TO REACH THEM · WHAT FOR
Modoc National Forest — Supervisor's Office	225 W. 8th St., Alturas, CA 96101 · (530) 233-5811 · fs.usda.gov/r05/modoc — special-use permits, project records, closures, consultation
Native American Heritage Commission	nahc.ca.gov · Sacramento — sacred-places inventory, mediation, recommendations for state acquisition of inaccessible sites
California Natural Resources Agency — Tribal Affairs	resources.ca.gov — AB 1284 co-governance and co-management requests; the 90-day negotiation clock starts on the tribe's ask
California State Parks — tribal liaison / MOU program	parks.ca.gov — access and co-management agreements within state parks

California Highway Patrol — Feather Alert	chp.ca.gov — request via local law enforcement; a tribe may go direct to the CHP if no decision within 24 hours
Pit River Tribe — administration & THPO	pitrivertribe.gov · Burney — confirm current officers, the cultural-monitor program, and tribal protocol directly with the Tribe
Pit River MMIP tip line	530-335-6325 — see this series' MMIP briefing for the full safety toolkit
Track AB 1881	leginfo.legislature.ca.gov — live bill text and status

10 — IN CLOSING

Where this stands

AB 1881 sits in the Senate as of this writing, and it is worth watching: if it passes, access to sacred sites on state lands shifts from policy to mandate, and the entire question becomes the one this briefing is about — implementation. But nothing needs to wait for it. The non-interference law is fifty years old; the co-management authority and its 90-day clock are on the books; the MOU program and the grant money exist; the carve-out precedent is posted on Recreation.gov right now. The paper is mostly there. What remains is the unglamorous middle layer — agreements with named contacts, notice that actually reaches neighbors, identification that answers questions before they become confrontations, protocols the tribe writes and enforces for its own, and a file that remembers all of it after the people move on.

Build that layer before the first bad incident builds the narrative instead. The communities that get this right will not be the ones with the best statutes. They will be the ones where, on an ordinary morning, everyone on both sides of the fence line already knows how this goes.

References

Details are current as of June 2026. AB 1881's status is live and legislation changes — verify time-sensitive items at [leginfo.legislature.ca.gov](https://leginfo.ca.gov) and with the agencies and the Tribe directly. This is a community resource, not legal advice.

THE LAW ON THE BOOKS

California Public Resources Code §5097.9 (1976) — non-interference with Native American religious expression on public property; sacred-site protection. Native American Heritage Commission, “State Laws and Codes” (nahc.ca.gov) — including §5097.91–94 (the Commission’s duties: cataloging sacred places, recommending state acquisition of inaccessible private-land sacred places, voluntary-preservation recommendations).

SB 18 (2004), Gov. Code §§65352.3–4 — tribal consultation on general plans and open space. AB 52 (2014) — tribal cultural resources consultation under CEQA.

POLICY, AGREEMENTS, AND MONEY

Governor’s Statement of Administration Policy on Native American Ancestral Lands, Sept. 25, 2020 (gov.ca.gov; summarized by California Indian Legal Services) — access, gathering, co-management, and return of surplus state lands.

AB 1284 (Ramos, 2024) — Tribal Cogovernance and Comanagement of Ancestral Lands and Waters Act; CNRA signatory authority; the 90-day negotiation requirement. Bill text at [leginfo](https://leginfo.ca.gov); Assemblymember Ramos release, Sept. 27, 2024; Pew Charitable Trusts analysis, 2024.

Governor’s office, June 18, 2024 (land-return announcement) — the State Parks Tribal MOU Program; the first tribally operated visitor center (Yurok JPA); Tribal Nature-Based Solutions figures: \$107.7M, 34 projects, ~49,345 acres.

PENDING — AB 1881

AB 1881, the California Indian Freedom Act of 2026 (Ramos; sponsored by Indigenous Justice) — bill text and status at [leginfo.legislature.ca.gov](https://leginfo.ca.gov); passed Assembly June 1, 2026, in Senate as of this writing. Assemblymember Ramos release, June 1, 2026; Native News Online, May 2026 (the 2026 tribal package). The bill’s findings on the insufficiency of existing law are its own §1.

THE PATTERN, LOCALLY

The Feather Alert sequence — AB 1314 (2022), then AB 2348 and AB 1863 (2024) forcing decision clocks and written denials — sourced fully in this series’ MMIP briefing.

Sáttítla Highlands: the monument proclamation’s three-year co-written management-plan requirement, the plan’s absence, and the July 15–21, 2026 Tribal Gathering closure of the Medicine and A.H. Hogue loops — sourced fully in this series’ Sáttítla briefing (thelongreturn.org).

A NOTE ON METHOD

Concerns and proposals attributed here to “community conversation” are drawn from private discussion with consent to use the ideas; no participant is identified or quoted. No ceremonial site is named or located in this briefing, by design.

The two log sheets that follow carry no branding and no footer, so photocopies can go straight into the binder.

Field Event Log

One event per sheet · copy freely

The firewall — record the event, protect the meaning. Write the facts of the event — who, what, when, where. Never write the content of ceremony, what a site means, or protected knowledge. General location in public terms only.

Date / time:

General location (public terms only):

People present (names or roles):

Nature of event: ☐ Positive ☐ Neutral ☐ Concern ☐ Incident

Type: ☐ Notice given ☐ Access / visit ☐ Encounter ☐ Consultation
☐ Denial received (attach — in writing)

What happened — facts only:

Witnesses / how to reach them:

Follow-up needed · by whom · by when:

Recorded by / date:

Contact & Notice Log

Every notice given and every contact made · copy freely · facts of contact only — nothing protected

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