



Michael V. Drake, MD
President

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Delegation of Authority to Approve and Execute Agreements with Tribes re Access, Co-Stewardship and Reburial on UC Lands.

The University of California (UC) campuses, the Natural Reserve System (NRS), and Agricultural and Natural Resources Research and Extension Centers (ANR) lie on land that is the ancestral home and traditional territory of indigenous communities that thrived for hundreds of years. Native American tribes¹ have a unique relationship to these lands and an interest in all land-based matters. The University of California was established through the Morrill Act, which allocated Native American lands for the creation of university endowments. In recognition of this relationship and history, and as a public trust vested by the State Constitution with legal title and the management and disposition of the property of the university and property held for its benefit, the University seeks to collaborate with tribes to facilitate their access to UC lands, to incorporate tribal expertise into the stewardship of UC lands, and to offer suitable locations for interested tribes to rebury human remains, funerary objects, and cultural items, including those repatriated by the University.

Pursuant to the authority delegated to the President under Bylaw's 22.1 and 30 and Regents Policy 8103, I have the authority, within certain limits set forth in Bylaw 22.2(d), to enter into agreements with tribes for: (1) access to UC lands; (2) co-stewardship of UC lands; and (3) use of UC land for reburial of human remains, funerary objects and cultural items.

Effective immediately, I hereby delegate authority to Chancellors, Provost-EVP, and VP-ANR in their respective jurisdictions and within the limitations set forth the below, to enter into agreements with tribes for: (1) access to UC lands; (2) co-stewardship of UC lands; and (3) use of UC land for reburial of human remains, funerary objects, and cultural items. Directions regarding notification and reporting to UCOP regarding tribal consultations and consummation of such agreements will be forthcoming and will be accompanied by materials designed to assist campuses in conducting consultations and drafting agreements.

This delegation includes the specific authorities and limitations listed below. Any agreement that exceeds these limitations must be approved by the President and will be evaluated to determine if it encompasses authority reserved to the Regents under Bylaw 22.2.

¹ As used herein "tribe" means an Indian Tribe or Native Hawaiian Organization as defined by NAGPRA (25 USC § 3001 (7) & (11) and 43 C.F.R. § 10.2), or a California Indian tribe as defined by CalNAGPRA (Cal. Health & Saf. Code § 8012(c)).

(1) Access

(a) Definition

“Access” means the ability to enter upon UC Lands or into a UC facility. The access granted to a tribe by agreement may exceed that already available to the general public. For example, the agreement may grant a tribe access during hours the general public is not permitted, or for a longer duration of time than is normally allowed. The agreement may afford a tribe private access (i.e., excluding the general public) to the land or facility during the period for which the tribe is granted access.

(b) Delegation

The following persons are delegated authority to approve and execute agreements granting tribes access to UC lands and facilities for the purpose of tribal educational, cultural or religious activities, subject to the limitations set forth in part (c) below:

Chancellors:	On campus lands or NRS lands managed by their campus.
Provost-EVP:	On NRS lands, in consultation with relevant Chancellor.
VP-ANR:	On lands managed by ANR.

(c) Limitations

At a minimum, an agreement for such access must:

- Be consistent with all applicable systemwide and campus policies and applicable law related to use of the land and any facility thereon, including, but not limited to, the California Environmental Quality Act (CEQA) and the California Coastal Act;
- Be of a defined frequency (e.g., one-time, annual), not more frequent than monthly, and duration, not longer than 5 days continuous access;
- Not exceed a term of 10 years, but retain the delegatee’s authority to renew the agreement on the same or modified terms;
- Require that after each access, the tribe agrees to leave the land and any facility thereon in the same or similar condition existed prior to such access (i.e., not involve permanent disturbances to the land, the erection of permanent structures, or alteration of existing structures); and
- State that UC retains ownership and control of the land and any facility thereon.

(2) Co-Stewardship

(a) Definitions:

“Stewardship” means activities relating to management, conservation, and preservation of UC lands. These include authorized development activities and the maintenance of existing infrastructure, management of vegetation, fish, wildlife, and other resources, protection of cultural resources, and other activities in furtherance of the University’s mission.

“Co-Stewardship” means collaborative or cooperative arrangements between the University and tribes related to shared interests in managing, conserving, and preserving UC lands. Collaborative and cooperative arrangements can take a wide variety of forms, including, for example: sharing technical expertise; combining capabilities to improve resource management and advance the responsibilities and interests of the University and tribes; making tribal knowledge, experience, and perspectives integral to the UC community’s and the public’s experience on UC lands; and other cooperative agreements. “Co-Stewardship” does not include the delegation of UC decision making authority (i.e., management) to a tribe.

(b) Delegation

The following persons are delegated authority to approve and execute co-stewardship agreements with tribes, subject to the limitations set forth in part (c) below:

Chancellors:	Regarding campus lands or NRS lands managed by their campus.
Provost-EVP:	Regarding NRS lands, in consultation with relevant Chancellor.
VP-ANR:	Regarding lands managed by ANR.

(c) Limitations:

Such co-stewardship agreements must:

- Be consistent with all applicable systemwide and campus policies and applicable law related to use of the land, including, but not limited to, CEQA and the California Coastal Act;
- Require no change, or no more than minor amendments, to the Long Range Development Plan (LRDP) (see DA 2629 Box 13);
- Require approval of the Chancellor, EVP-Provost, VP-ANR or their designee for major² stewardship decisions;
- Require pre-notification to the Chancellor, EVP-Provost, VP-ANR or their designee of any (1) use of fire or burning, (2) removal or destruction of any structure; (3) activity that could trigger CEQA or Coastal Act compliance obligations;
- Not exceed a term of 10 years, but retain the designee's authority to renew on the same or modified terms;
- Be compatible with any active or funded research or teaching being conducted or to be conducted on the land;
- If consideration is to be paid by UC to a tribe or tribes pursuant to a co-stewardship agreement, such consideration shall not exceed \$100,000 per annum.

(3) Reburial

(a) Definition:

"Reburial" means the reinternment of human remains, funerary objects, and cultural items that had been removed from the ground where they were originally buried. Reburial is distinct from "repatriation," which is the legal term under federal and state law for the transfer of legal possession and control of human remains, funerary objects, and cultural items from a museum (broadly defined to include universities) to a tribe.

(b) Delegation

The following persons are delegated authority to approve and execute agreements with tribes to rebury human remains, funerary objects, or cultural items, subject to the limitations set forth in part (c) below:

Chancellors:	On campus lands or NRS lands managed by their campus.
Provost-EVP:	On NRS lands, in consultation with relevant Chancellor.
VP-ANR:	On lands managed by ANR.

(c) Limitations

Such reburial agreements must:

- Be consistent with all applicable systemwide and campus policies and applicable law related to use of the land, including, but not limited to, CEQA and the California Coastal Act;
- Require no change, or no more than minor amendments, to the LRDP (see DA 2629 Box 13);

² What constitutes a "major stewardship decision" should be described in the stewardship agreement.

- Cover a land area not to exceed 4 acres per reburial agreement;
- Allow for memorial markers (if desired) but not otherwise allow for construction of any permanent structures;
- Document security measures agreed upon to protect the site;
- Memorialize limitations UC agrees to place on use and access by the members of the public and the UC community, while preserving the University of California's ability to address any health and safety issues;
- Permit relocation of the burial site at the request of the Tribe, if required by law or order of a court with jurisdiction, or at the University's convenience.

This delegation creates an alternative pathway to DA 2629 for approval of the above defined agreements when entered into with tribes. Where this delegation is in conflict with DA 2629, this delegation shall be deemed controlling. In all other respects, DA 2629 remains unchanged.

These authorities may be redelegated to the following positions: Executive Vice Chancellors and Vice Chancellors.

Sincerely,

A handwritten signature in black ink, reading "Michael V. Drake" with a stylized flourish at the end.

Michael V. Drake, MD
President

cc: Division Leaders
Theresa Maldonado, Vice President for Research & Innovation
Marisa McAuliffe, Chief Policy Advisor
Kelly Drumm, Deputy General Counsel
Stephanie Beecham, Chief of Staff to the Provost
David Zonana, Principal Counsel
David Phillips, Associate Vice President, Energy and Sustainability
Joseph Castro, Senior Advisor to the President
Universitywide Policy Office