California Department of Forestry and Fire Protection
Native American Advisory Council
April 19, 2018
Meeting Materials
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Meeting Announcement and Agenda
Memorandum

To: Interested Public  
Date: April 2, 2018

From: Chris Browder  
California Department of Forestry and Fire Protection (CAL FIRE)

Subject: Native American Advisory Council Meeting Announcement and Agenda

Meeting Announcement

Date: April 19, 2018  
Time: 9:00 AM – 3:00 PM  
Location: Natural Resources Building, 1416 9th Street, 15th Floor Director's Conference Room, Sacramento, CA

Contact Information
Those requiring further information regarding this meeting notice may contact Chris Browder, Deputy Chief, Environmental Protection, Department of Forestry and Fire Protection, 2180 Harvard St., Suite 200, Sacramento, CA, 95815, (916) 263-3370, chris.browder@fire.ca.gov.

Webcast
The council meeting will be webcast. Council members, CAL FIRE staff and visitors will attend at the noticed meeting location. Members of the public may register for the webinar at https://register.gotowebinar.com/rt/5778522346101505.

Persons with Disabilities
Pursuant to the Americans with Disabilities Act, individuals who, because of a disability, need special assistance to attend or participate in a Native American Advisory Council meeting may request assistance at the CAL FIRE office, 2180 Harvard St., Suite 200, Sacramento, CA, 95815, (916) 263-3370, chris.browder@fire.ca.gov. Requests should be made one week in advance whenever possible. The meeting location is accessible to persons with disabilities.

Agenda

1. Call Meeting to Order
   a. Establish quorum by roll call
   b. Introductions of council and guests
   c. Chairperson's welcoming remarks
2. Review and approve agenda
3. Review and approve last meeting’s minutes
4. Report of the CAL FIRE Deputy Director
5. Report of the CAL FIRE Archaeology Program
6. Report of the Native American Heritage Commission
7. Geographical assignments of Native American Advisory Council members
8. Native American Advisory Council’s Goals (see (14) through (17) below)
9. Survey of California Native American Tribal Representatives
10. Outreach to Tribal Communities about the Council and Its Work
11. California Environmental Quality Act and Forest Practice Act Overview
12. CAL FIRE Resource Management Programs
13. What constitutes a “local agency.”
14. CAL FIRE’s Native American Tribal Communities Relations Policy Revision
15. Recommended Framework for Providing Training to CAL FIRE Staff on Implementation of the Native American Tribal Communities Relations Policy and How to Best Engage with Tribes to Meet the Department’s Mission
16. Recommended Framework for Protecting Cultural Resources from Impacts Associated with Fire Protection Activities
17. Recommendations on How to Promote the Establishment of Partnerships Between CAL FIRE and Tribes for Cooperation and Support for:
   a. Cultural Burns (using successful tribes’ knowledge)
   b. Agreements for Cultural Resource Protection
16. Evaluate the Potential to Update the California Master Fire Agreement to Reflect Changes to CAL FIRE’s Tribal Communities Relations Policy
17. Public forum: Members of the public may address the council on any topic not otherwise on the agenda.

ADJOURN
January 31, 2018 Meeting Minutes
CAL FIRE’s Native American Advisory Council
Minutes of the January 31, 2018 Meeting
CAL FIRE Sacramento Headquarters
(Recorded by Gerrit L. Fenenga)

Members Present: Ann Brierty; Kevin Gaines; Edward Hadfield; Tim Hayden; Robert Smith; William Tripp; Gary Walker

Members Absent: Walt Lara; Allen Wright

CAL FIRE Personnel Present: Helge Eng, Deputy Director Resource Management; Matthew Reischman, Assistant Deputy Director Resource Management; Chris Browder, Deputy Chief, Environmental Protection and Archaeology Program Manager; Gerrit Fenenga Senior State Archaeologist; Mike McGuirt, Senior State Archaeologist; Stephanie Duncan, Associate State Archaeologist; Jamie Sammut, CAL FIRE Legal Services.

Native American Heritage Commission Personnel Present: Debbie Treadway

Action Items: Bolded and underlined.

Welcome, Opening Remarks, and Introductions:

1. Chris Browder welcomed everyone and thanked them for attending. He described today’s meeting as “mostly getting started business.” This business included the presentation of the charter and purpose of the council, meeting structure and staff roles, and logistics such as bathroom locations, lunch options, etc.

2. Introductions of council members and CAL FIRE and Native American Heritage Commission staff who were present. Introduced Helge Eng, Deputy Director for Resource Management.

3. Helge Eng welcomed everyone and stated that Director Pimlott could not be here because he was in Arizona on business; otherwise he would have been. He said that this was a timely reconstitution of the council and that he hoped for good attendance. He stated we do not have clear answers for everything that relates to the drought, fire frequency, etc. and that we were looking for new and innovative ideas. He acknowledged the importance of traditional ecological knowledge and the problems created historically by fire suppression.

4. Chief Eng then spoke about the fact that CAL FIRE does not manage much land with the main exception being the state forest system. He mentioned we would be adding to the state forests with the Pacific Forest and Watershed Lands Stewardship Council presently involved in PG&E land acquisitions. He noted that our primary activities involved the suppression of wild fires and enforcement of forest practice regulations.

5. Chief Eng finished his introduction by noting that Native American culture is alive and well in California and that working together will benefit us both and stating we were looking for ideas to improve our forest management.
6. Matthew Reischman, Assistant Deputy Director of Resource Management welcomed the council and stated this meeting and the NAAC were very important to us to help us improve our activities. He indicated we were looking for direction regarding Native American concerns and that the council is important in helping us protect cultural resources.

7. Chief Eng spoke up and pointed out this was an important group because they have a direct line to the director. He brought up the recent increase in fuel reduction activities throughout the state and that this was a place the council might help improve and increase efficiency.

8. Ann Bier asked about contact information for meeting participants. **Chris Browder said that a mailing list would be sent out to all members.**

**Opening Business:**

1. Chris Browder went over some council-related business matters
   a. Website link to NAAC. This is up on the CAL FIRE website, go to Resource Management link on homepage, then to Archaeology link to find it. Useful information to council members and others, meeting information, minutes, and updates will be posted here ([http://calfire.ca.gov/resource_mgt/archaeology-advisory_council](http://calfire.ca.gov/resource_mgt/archaeology-advisory_council)).
   b. Bagley-Keen Act. He explained that the council meetings are subject to this act, which relates to public meetings and that he had provided each member with a copy they can read to familiarize themselves with. Cautioned members to not discuss NAAC business in any violation of it.
   c. The NAAC charter (item #3 on the agenda today). He stated the council is meant to help CAL FIRE’s mission to protect life, property, and resources—especially protecting resources.
      i. He pointed out there are nine voting members on the council and that six are here today (one more, Tim Hayden arrived short time later). In addition, there are two non-voting agency members.
      ii. A quorum is needed to conduct any official NAAC business and a quorum is more than 50% of the council membership. Since we have six (later seven) we have a quorum today.
      iii. He also clarified that if a voting member was unable to attend, they can designate a substitute.
   d. Chris said the council has a quorum and must select a chairperson and vice-chairperson today.
   e. Also, the council should meet two to four times per year in a public setting subject to the Bagley-Keen Act. Meetings will follow the Sturgis Parliamentary procedures guidelines with formal motions and votes carried by a majority. He noted that confidentiality issues with cultural resources may be problematic under Bagley-Keene, but we will sort that out if and when problems arise.
   f. Meeting agenda will be developed by the chairperson in consultation with the other members of the council and with CAL FIRE staff.
   g. Chief Browder then went over NAAC travel expenses explaining members go through him for reimbursement by providing receipts to him in a timely manner. A short discussion followed concerning details of expense reimbursement.
h. He then briefly reiterated the goals and objectives of the NAAC and that the council was required to provide the director with an annual report at the end of the year.

2. Ann Brierty asked Chris to explain how and when the NAAC began. He explained it was created in 1994 as an advisory committee to the Board of Forestry and Fire Protection, and it acted as such until 1999. In 2002, the Native American Advisory Council was created to assist the California Department of Forestry and Fire Protection in protecting Native American cultural resources during timber harvests, fuels reduction projects and other activities. This group was active until 2006 when budget issues forced the state to reduce expenses, and the NAAC meetings were curtailed. In the meantime, the NAAC remained dormant until 2017 when it was decided to reconstitute it due to improving fiscal circumstances and in recognition of the importance the council can bring in helping the agency with decision-making and project implementation.

3. Ann then asked what the council was doing before the NAAC went dormant. I (Gerrit) was a non-voting agency member of the NAAC at that time and answered that the council was primarily involved with fire issues, especially how Native American’s could become more involved on wildfires. A second area of concern was Native American gathering rights and permits for collecting plant materials in the state forests.

4. Kevin Gaines and Ann Brierty asked if we could provide the current council with copies of the old minutes from past NAAC meetings. Chris Browder promised to provide these to each of the council members.

5. Chris continued with a short history of CAL FIRE’s archaeology program. He noted that it was created by Dan Foster in the 1980s and has now grown into a staff of nine professional archaeologists, with himself acting as program manager. He also serves as the department’s historic preservation officer and as the tribal liaison.

6. Chris then re-iterated the issue with the Bagley-Keene legislation and the NAAC. Because CAL FIRE is a public agency and the NAAC acts as an advisory board to it, all the business the council does is subject to public participation, including timely notification of meetings and provisions required for those persons with special needs if needed for their attendance. He also noted that members must be careful about conducting NAAC business outside of our official meetings, including in email messages and at social gatherings.

7. Chris then went back to the NAAC charter, explaining the council membership included not only the nine representatives of tribal communities, but also two non-voting agency members. One of these is CAL FIRE’s Deputy Director of Resource Management, Helge Eng, although he may appoint a substitute for attending meetings. The other non-voting member is the Executive Secretary of the Native American Heritage Commission. Debbie Treadway is acting in this capacity until someone is appointed to that position following the recent retirement of Cynthia Gomez. Chris Browder will act as staff for NAAC business issues and the CAL FIRE archaeologists will serve as subject matter experts.

8. Chris once again went over travel logistics and then briefly discussed the disposition of the meeting minutes. These will be posted on the NAAC weblink in the Archaeology Program link under Resource Management on the public pages of the official CAL FIRE website (http://calfire.ca.gov/resource_mgt/archaeology-advisory_council). Posting will occur after approval at the beginning of the next council meeting. Draft copies of the minutes will be
sent out to each meeting participant via e-mail after they are completed. Participants can make changes to the draft of the minutes as needed.

9. Council member Tim Hayden from the Yurok tribe arrived and introduced himself, apologizing for his late arrival. Introductions were made again around the room to identify each of us to Tim.

10. Chris Browder introduced today’s agenda items. These included review of the department’s Native American Tribal Communities Relations Policy, Assembly Bill 52 and recent changes to CEQA concerning Native American cultural resources, a recent consultation memo, CALFIRE’s Archaeological Review Procedures for CALFIRE Projects, which is currently under review, and provisions in the 2017 Forest Practice Act and Rulebook. He also spoke of the tribal relations training CALFIRE has done in the past and how this sort of training might be helpful in clarifying how we communicate with tribes. He said that NAAC advice on this would be helpful and future training would follow whatever decisions were made.

Council Business:

1. The first order of official NAAC business (item #4 on agenda) was to select a chairperson.
   a. Kevin Gaines made a motion to nominate Ed Hadfield chairperson.
      i. Gary Walker seconded the motion.
         A. There were no additional nominations and no discussion.
         B. A vote was taken, six ayes and zero opposed; motion passed.
            1. Ed Hadfield appointed chairman by unanimous vote.
   2. Nominations were opened for vice-chairperson.
      a. Robert Smith moved to nominate Gary Walker as vice-chair.
         i. ________seconded.
            A. No additional nominations; no discussion.
            B. Vote taken, six ayes and zero opposed; motion passed.
               1. Gary Walker appointed vice-chairman by unanimous vote.
   3. The next order of business was to schedule meeting dates for 2018.
      a. Chairman Hadfield opened up this topic for discussion.
         i. Chief Gaines said we should hold quarterly meetings.
         ii. A short discussion ensued between Robert Smith, Gary Walker, and Chairman Hadfield about moving meeting locations around the state.
         iii. Chief Browder interjected that we should set the location issue aside for now and concentrate on meeting dates. He will research locations and facilities.
            A. After discussion, the dates of April 19, August 16, and November 15 were selected.
   4. Next order of business was to develop an agenda for next meeting.
      a. Chairman Hadfield started by saying we need to check on the protocols for circulating the agenda due to Bagley-Keene, but that he wanted a collaborative effort that would maximize the use of time and make for an efficient agenda.
      b. Discussion followed with agenda topics suggested by various participants.
         i. Robert Smith expressed concern with bulldozers used on fires with no tribal representation.
ii. Bill Tripp described an existing MOU between the Karok, Hoopa, and Yurok tribes and the U.S. Forest Service that is being revised. It concerns the Incident Command structure and integrating Native American involvement.

iii. Chairman Hadfield mentioned the need for outreach to the Incident Command Management Teams and especially his concern for tribal resources that might be located outside of historic territorial boundaries.
   A. Chris Browder said this is an ongoing issue and that the annual Tribal Historic Preservation Officer-State Historic Preservation Officer conference, and the NAAC provide good formats to address this.

iv. Ann Brierty stated we need clear goals and objectives to come from these meetings. She gave examples of training (tribal perspective vs. CAL FIRE perspective; red card training) and confidentiality problems as areas we could work on. She indicated it was important to have an established tribal contact person who knows the resources at risk.
   A. Chief Gaines said that historically the pattern on tribal fires was to contact the Bureau of Indian Affairs, but the bureau did not know this sort of information because they do not contact the tribes.
   B. He further said this was a collaborative arrangement and that today there are many vacancies in the Bureau of Indian Affairs. He thinks we need to develop our own contacts.
   C. Chief Gaines also commented on the sensitive nature of some cultural sites and the need to be able to respond quickly when needed. In order to respond quickly, people must be prepared beforehand.

v. Bill Tripp described the Incident Qualifications and Certification System Cultural Specialist qualification and tribal certification that is in the MOU that tribes have with the U.S. Forest Service in northern California. He also mentioned the “territorial scale” to which this MOU applies.

vi. Chairman Hadfield asked if the council would like to see the MOU. The answer from all was “yes.”

vii. Tim Hayden stated that the Yurok has a similar MOU, which has a tribal designated cultural specialist and that applies to tribal lands both on and off the reservation.

viii. Tim further emphasized the importance of formalizing relationships through these MOUs and the fact that cultural resources includes natural resources of significance to Native Americans, as well as archaeological sites. He said a good goal for this group (the council) would be to determine how other tribes can develop MOUs to address these concerns.

ix. Chairman Hadley pointed out the council reports to CAL FIRE and should have no territorial concerns.

x. Bill Tripp noted that tribal concerns with wildfires do not need to be formalized into an MOU. An alternative approach is using the existing master mutual aid format. Any fire protection entity can enter into local agreements, regardless of whether or not they are a signatory. He said the master mutual aid system was undergoing
template review right now and that signature of a tribe is required, but no tribal involvement is mandatory.

taxi. Chairman Hadfield reminded everyone that the key to Native American involvement was to establish and develop relationships with local CAL FIRE operational units. He also said that CAL FIRE team assignments can create problems because fires know no boundaries, and teams are assigned to go all over the state when the need arises.

taxi. Chairman Hadfield then recapped the conversation so far. The primary goal here is to establish a collaborative relationship between tribes and fire agencies in order to address culturally sensitive issues and sensitive areas.

taxii. Ann Brierty again said we need to also revisit the goals of the previous NAAC.

5. Kevin Gaines made a motion to take a 10-minute break; motion was seconded.
   b. Return from break at 10:50 am.

6. Chris Browder, following up on the previous topic, stated that CAL FIRE’s Native American Tribal Communities Relations Policy might be a place we could put some language to enhance cooperation, especially in relation to planning before fires.
   a. Ann said there were some things she would like to see modified in this policy (but provided no specific examples).

7. Chairman Hadfield asked if there were any agenda items from CAL FIRE.
   a. Chris replied “yes” and proceeded to describe the roles of the Native American Heritage Commission and the Governor’s Office of the Tribal Advisor. He noted these groups have regular meetings, and they discussed the need for a tribal relations policy. Within this framework, state agencies are expected to interact with Native Americans in a government-to-government relationship. He also noted the roles of various CAL FIRE staff are spelled out in the department’s Native American Tribal Communities Relations Policy document.
      i. He believes this arrangement could provide guidelines for relationships between tribes and fire operations.
         A. He gave an example of an incident (the Tule Incident) that occurred on Yurok tribal and State Responsibility Area lands in which contaminated water was dropped onto a Native American dance site. Investigation determined this was a fire-side miscommunication. The outcome of this event was that Sacramento Headquarters needs to provide cultural sensitivity training to all CAL FIRE staff.
         B. Tim Hayden noted this type of training should be involved with and compliment tribal staff. He stated the U.S. Forest Service structure allows tribes to assist when issues occur. He added the question is how do tribes best work with CAL FIRE. He added the Yurok have their own emergency services department.
      ii. Chris said CAL FIRE trains internally through our operational units and through our training center. He indicated operational units could make contacts with tribes, and there are many levels of communication this could address.
         A. Chairman Hadfield asked how we would open this conversation?
B. Keven Gaines suggested incident command team meetings or the Tribal Fire Chief’s Association.

C. Ann asked about tribes that do not have fire departments and about non-federally recognized tribes? How do we connect with those tribes?

D. Chairman Hadfield said the appropriate place to open this conversation is at the operational unit level. He said unit chiefs should know who to contact. He added there are 109 recognized tribes in California and that the Tribal Chiefs Association is a statewide organization, and they could play a role.

E. Ann brought up the fact of unmapped or otherwise recorded sites and resources and the confidential nature of this information. She said tribes could provide general direction.

F. Gerrit Fenenga described his experience on the Mill Fire in Tehama County and the circumstance with the location of Ishi’s repatriated brain and tribal concerns over disclosing its location. In this case, six different tribes daily reviewed incident fire maps depicting fire lines, etc. As the incident archaeologist, Fenenga never learned of the exact location of concern, but was assured it was not affected by fire suppression activities.

I. Chief Hadfield observed that fire suppression can work with sensitive issues.

II. Bill Tripp said contact with the archaeological Information Centers is important, but so is intent. He advocated establishing communication and understanding the tribal importance of these. He described the “three-legged-stool” approach involving collaboration, strategic planning, and program alignment. He stated it all comes down to relationships and having a strategy. He indicated his tribe now has trainees out in front of heavy fire equipment operators.

8. Chairman Hadfield asked if there was any further discussion or conversation. With no response, he went back to CAL FIRE’s Native American Tribal Community Relations Policy.

a. Chris Browder explained he thought it could benefit from some revisions and mentioned our current expectations and that these should be realistic. He reminded us we are speaking of changing departmental policy and that any adjustments would have to go through CAL FIRE executive channels to effect changes.

i. Chairman Hadley brought up training (cultural sensitivity training?) and that our policy will drive this.

ii. Chris Browder said we need statewide training associated with our tribal relations policy in order to get up-to-date.

iii. Bill Tripp followed, expressing a need for new training concerning the new Assembly Bill 52 definitions. He said we need the capability to provide examples and to engage in dialogue.

A. He went on to describe problems with root-rot disease on his tribal lands and that trees are not conventionally seen as cultural resources. He re-iterated that cultural resources to tribes involves more than just archaeology, but also other resources.
iv. Tim Hayden agreed stating “natural resources can be cultural resources” and giving bear grass as an example.
b. Chris Browder said tribes may need to help operational units with this and that engaging with them is where you will make progress.
c. Chairman Hadley mentioned training delivery and said operational unit-level local expertise is needed, versus a state-wide approach.
d. He continued stating that after lunch we could work on some goals of the council and perhaps establishing some working group assignments, to work on terminology for example.
i. Tim Hayden gave some other examples of tribal concerns including conducting culturally sensitive post-fire fire suppression repair, arson prevention, fuels management and the planning and implementation of cultural burning.
ii. Chairman Hadley noted the Rincon Band already does cultural burning and that that was a sovereign community issue.
iii. Tim said that on trust lands in northern California these are jointly managed. This involves tribes applying for burn permits. He would like to see a better system established.
e. Gary Walker pointed out that CAL FIRE’s fuels modification or management projects use conservation camp staff.
f. Chairman Hadley said that ceremonial burning was becoming more common due to the aging population and he now sees two to three applications a month.

9. Chairman Hadley asked if there were any other questions or comments on this topic; none were generated.

10. Chairman Hadley next brought up the topic of integrating Native American advisement into executive decision making at CAL FIRE.
a. He noted that the California Highway Patrol has a tribal liaison at the executive level, and CAL FIRE could conceivably mirror them since this idea is not foreign to either state agencies or to those in emergency response.
b. He followed that given the importance of the NAAC to CAL FIRE, it should merit having relations at the executive level.
i. Debbie Treadway agreed, saying this gave Native Americans an opportunity to talk with decision makers.
c. Chris Browder reminded the council that the existing Tribal Community Relations Policy lists specific responsibilities for CAL FIRE, and this might be one way to get there.
d. It was suggested that CAL FIRE could establish partnerships with tribes similar to the U.S. Forest Service, Bureau of Land Management, Pacific Gas and Electric, etc.
i. Chairman Hadfield asked for clarification-- who establishes these relationships?
   A. Chris Browder said CAL FIRE and the Native American Heritage Commission.
e. Tim Hayden repeated his “three-legged stool” analogy and said this is an important piece of it.

11. Chairman Hadley asked if all the tribes in California knew of the NAAC.
a. Chris Browder responded that announcement and invitation query letters were sent to all of the tribes on our contact list, which amounted to about 140 letters.
b. Chairman Hadfield asked about outreach to the Tribal Chairman’s Association and informed us that Gary Walker (who is on the council) was chairman of that organization.
   i. Chris Browder told the group that he had solicited advice from the Governor’s Office of the Tribal Advisor and that was to use our existing contact list.

c. Chairman Hadley emphasized the importance of the council being the voice for tribes not represented on the NAAC.
   i. Debbie Treadway asked if CAL FIRE had the capabilities to use “live streaming” or a webinar for our meetings for other parties to engage with us.
   ii. Chairman Hadley said we should provide a point of contact for other voices.
   iii. Debbie followed, stating it was important to also include non-federally recognized tribes.

12. It was now 12:10 pm. A motion was made to break for lunch; motion seconded.
   a. One hour lunch.

   a. Absent were council members Robert Smith and Tim Hayden. Tim arrived a short time later; Robert Smith did not.

14. The afternoon began with Chief Gaines asking if the NAAC had an official logo, such as could be used on letterhead for official business, etc.
   a. Chris Browder said there is not and that the NAAC is an advisory committee to CAL FIRE and we would use CAL FIRE logo on letterhead on behalf of the council.

15. Chairman Hayfield asked Chris Browder if he had anything else to discuss following the morning’s agenda.
   a. Chris said we should review the goals of the NAAC we have identified so far.
      i. The first of these was for the NAAC to provide suggested edits to the Native American Tribal Communities Relations Policy. He asked that the document be reviewed by the council and suggested edits submitted to him. The CAL FIRE executive staff would then review these and then accepted changes would be made.
         A. Ann Brierty asked how they would be making suggestions for changes.
            I. The answer was that CAL FIRE would send the original document out electronically and members could make changes to these and send them back. Chris would compile the suggestions, the council would review them during upcoming meetings, and eventually, the document would be forwarded through the chain of command to CAL FIRE executive staff for review and approval.
            II. If any issues arise, these will be dealt with as needed.
      ii. The second goal Chris identified was for the NAAC to provide a framework for training related to our Tribal Communities Relations Policy.
         A. He asked: How can CAL FIRE best meet its mission to meet and work effectively with tribes?
            I. Chairman asked if we could use “Survey Monkey” to solicit responses and help drive our goals and objectives?
               A. Debbie Treadway pointed out that different tribes have different needs and this needs to be controlled in any survey.
B. Chairman Hadley spoke of “original data” collection, with the example of knowing what specific region does your tribe recognize? These kinds of data help establish efficiency.

II. Discussion ensued regarding how to address tribal coverage areas.
- Tim Hayden brought up CAL FIRE’s statewide organization with 2 Regions and 21 Units.
- Chris Browder and Chairman Hadfield discussed geographic designators, as well as using counties or the regional divisions used by the Office of Emergency Services.
- **Chairman Hadfield said it was important to use factual data and suggested this as an agenda item for the next meeting.**
  - Debbie described various mapping formats used by the Native American Heritage Commission and that she could provide some assistance obtaining maps depicting tribal distributions in California.

16. Tim Haden went back to re-capping the morning’s goals.
   a. He mentioned developing a framework to protect cultural resources during fire suppression activities, including both:
      i. Pre-fire planning
      ii. Fire suppression operations.
   b. Next, he said we need to examine how to promote agreements between CAL FIRE and tribes.
   c. Another goal he described was updating the California Master Fire Agreement to reflect CAL FIRE’s Tribal Community Relations Policy.
      i. Chairman Hadfield said we need to track down the current status of this.
      ii. Chief Matthew Reischman said we can get a status report.
         A. Chairman Hadfield asked who authors this report?
         B. Chief Reischman indicated it was done by a committee pursuant to the “Stafford Act” and that it includes the Bureau of Indian Affairs, U.S. Forest Service, CAL FIRE, Department of Water Resources, etc.
      iii. Chris Browder noted that our tribal liaison was underused and tended to be more reactive than proactive. He thinks the NAAC could use this position to proactively.
   d. Tim said he would like to expand the use of fire for ecological management.
      i. Chris commented on a comparison of “we do this” tribes versus “we want to do this” tribes.
      ii. Chairman Hadfield said the Rincon Band uses their own traditional practices, but applies modern safety measures.
         A. He suggested developing a “best practice” procedure and emphasized the importance of establishing a “comfort level” that the tribe is comfortable with when conducting these burns. He then briefly mentioned ceremonial mortuary burning as an example.
      iii. Tim spoke of “landscape level” management and the need to promote support and cooperation for this. He thought it would be helpful if the council could articulate
this. He observed that within the California Master Fire Agreement framework, little things can make a big difference. For example, he cited the use of the word “among” versus “between” in agreement documents. These issues can filter throughout the system and cause unexpected consequences.

iv. Chief Gaines said that we need a general policy for ceremonial and other cultural burning.
   A. Bill Tripp said that notification takes place for his tribe’s annual renewal ceremony fires.

v. Chairman Hadfield stated the issue of sovereignty is paramount and might have some implications.

vi. Tim next suggested we might want to revisit our policies for post-fire rehabilitation on both tribal and non-tribal lands. He mentioned concern over fisheries, forests, greenhouse gases, the decommissioning of roads and other problems. He also mentioned the lack of resources for post-fire repair.
   i. Ann Brierty said that it was important to address this. She asked who do you go to?
   ii. She next described problems with leaving archaeological site damage open.

vii. Tim brought up the problems being generated by cannabis cultivation.

17. Chairman Hadfield said we should be able to provide a “best practices” approach as we identify issues. He then outlined the scenario of 1) preparation followed by 2) planning, followed by 3) response and then 4) recovery as a model format.

18. Matthew Reischman explained the California Master Fire Agreement and that CAL FIRE focuses on damage from fire suppression (not from the fire itself), and that the federal land managing agencies follow our lead.
   a. He said that because of differences in ownership, this is where we might have an opportunity to define tribal interests.
   b. Chairman Hayfield said that on fee lands (= private property) within tribal lands basic fire services are provided.
      i. There are lots of local agreements made with local entities and the tribes could explore this.
      ii. He then said to approach this at the operational unit level to compensate for regional variation.
   c. Tim commented on the Bureau of Indian Affairs’ approach.
      i. He said the Bureau of Indian Affairs and CAL FIRE have cooperative agreements, but the tribes are not participants.
         A. There is room for improvement and the NAAC could make recommendations.
   d. Chris Browder cited CAL FIRE’s Native American Tribal Community Relations Policy, which states under Objectives on page #2, second paragraph that where appropriate there should be tribal involvement. It also states in the third paragraph that we should “…work with tribes to resolve impediments.”
      i. He then briefly went over the history of CAL FIRE’s Archaeology Program and its involvement with developing the NAAC and its charter, as well as our Native American Tribal Community Relations Policy. He spoke of Dan Foster’s original contributions, followed by those of Chris Zimny, and then himself.
ii. Matt Reischman noted that the policy is geared toward CAL FIRE projects more than it is toward wild fire suppression.

A. Chris countered that the policy objectives clearly expand beyond wild fires.

19. Chairman Hadfield made a motion to take a 5-minute break; motion seconded and passed.
   a. Break

20. Chairman Hadfield called the meeting back to order.

21. Chairman Hadfield indicated we needed to summarize our agenda items and all resulting action items.
   a. Chris Browder listed off eight different items:
      i. He would send out the council roster (mailing list) to all members.
      ii. He would provide expense information to the council members.
      iii. He would provide historical notes and minutes from previous NAAC meetings.
      iv. He would research locations around the state for the next meeting.
      v. He would investigate possible outreach mechanisms for tribes to inform them of NAAC activities. He said all contact in this regard would go through him.
      vi. He offered to investigate the best way to divide the state geographically in a manner that will be most efficient and effective. This likely would be developed in consultation with the Native American Heritage Commission.
      vii. He will work on developing a survey instrument for tribes around the state to assess tribal needs. He asked that the NAAC constituents send them their ideas and questions to help this process.
      viii. He will send out an electronic version of CAL FIRE’s Native American Tribal Communities Relations document to each council member.
   b. Overall, the goal here is to determine how CAL FIRE can serve the Native American community better.
      i. Chairman Hadfield said that better education through training would be helpful.

22. Tim Hayden said he would like to see a paragraph (= mission statement) describing the NAAC and its objectives relative to its goals.
   a. He also noted his experience with returns on community polls, which are usually very low. He cited a survey done by his tribe where out of 500 inquiries, a total of seven responses were received.
   b. Debbie Treadway commented there was a lot of variation between tribes, some of whom have staff while some do not.
      i. She suggested using a webinar for outreach as this was an open public meeting.

23. Debbie offered to search for maps showing cultural use areas, saying she would provide these to help the NAAC with its regional organization.

24. Debbie (or was it Tim) offered to obtain examples of MOUs tribes have with other agencies for the NAAC to review.
   a. Some may be in draft form.

25. Chris Browder stated that one of the primary goals we need to focus on is the revision of our Native American Tribal Community Relations Policy because this was elemental to other issues of concern to the NAAC.
a. **He will send out an electronic version of the document to each council member.** He would like comments back by April 1st in order to be prepared for the next NAAC meeting scheduled for April 19th.

26. Another goal to work on is developing a framework for protecting cultural resources on wildfires and during post-fire repair within the context of Native American concerns, notably sensitivity and confidentiality, but also natural habitat reconstruction.

27. Chairman Hadfield said all of this was “good for the order” and asked for any final comments.
   
a. Tim Hayden expressed his appreciation for CAL FIRE’s efforts and the NAAC.
   
b. Chairman Ed Hadfield echoed his comments.
   
c. Ann Brierty also thanked CAL FIRE and said it was good for the state to get precedents set in policy to achieve best practices. She appreciates we are allowing for a tribal perspective and that this is a reversal from the past.

28. Chief Kevin Gaines made a motion to close meeting; Tim seconded; meeting adjourned at 2:49 PM.
California Native American Territory and County Maps
Local Agency Issue Information
Hi all,

CAL FIRE has re-formed its Native American Advisory Council. The council’s mission is to assist the Department in establishing a cooperative and meaningful relationship with California tribes. The council has met once and expects to meet three more times in 2018. If your unit or program has issues that pertain to tribal relations, which you would like the council to consider, please let me know.

Information about the Native American Advisory Council is at http://calfire.ca.gov/resource_mgt/archaeology-advisory_council.

Thanks.

Christopher E. Browder  
Deputy Chief, Environmental Protection  
Registered Professional Forester #2662  
CAL FIRE  
California Department of Forestry and Fire Protection  
2180 Harvard St., Suite 200  
Sacramento, CA 95815  
(916) 263-3370  
chris.browder@fire.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com · Drought.CA.gov
Hi Debbie,

Please forward this email to NAHC’s Native American contacts. Thanks very much.

CAL FIRE’s Native American Advisory Council

The Department of Forestry and Fire Protection has re-established its Native American Advisory Council. According to the council’s missions statement:

The mission of the Native American Advisory Council is to assist the California Department of Forestry and Fire Protection in establishing a cooperative and meaningful relationship with California Native American tribes. A positive relationship will facilitate the Department’s work toward achieving its goals and objectives while protecting places of significance to California Native American tribes and actively involving tribes in all aspects of the Department’s responsibilities that affect California Native Americans.

The council has met once and plans to meet three more times during 2018. For more information about council membership, meetings and webinars, please go to: http://calfire.ca.gov/resource_mgt/archaeology-advisory_council. You may also contact me directly.

Christopher E. Browder
Deputy Chief, Environmental Protection
Registered Professional Forester #2662
CAL FIRE
California Department of Forestry and Fire Protection
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Every Californian should conserve water. Find out how at:

SaveOurWater.com · Drought.CA.gov
Bill,

I’ll work with Chris to see that we have an opportunity to discuss this at the next meeting. You bring up excellent points.

Edward Hadfield CFO, CFC, MIFireE
Fire Chief
Rincon Band of Luiseño Indians
33485 Valley Center Road | Valley Center, CA 92082
O: 760-297-2300 | C: 760-703-3655
Email: ehadfield@rincontribe.org

---

From: Bill Tripp [mailto:btripp@karuk.us]
Sent: Friday, February 02, 2018 2:07 PM
To: Browder, Chris@CAlFIRE; Allen Wright; Ann Brierty; Eng, Helge@CAlFIRE; Gary Walker; Gaines, Kevin@MorongoFire; Smith, Robert@CDSS-Import; Tim Hayden; Treadway, Debbie@NAHC; Walt Lara
Subject: Potential April agenda topic

Question regarding homework review of Consultation Policy:

Can we have a discussion on what constitutes a “local agency” at our April meeting? It does not seem clear to me in review of AB52 or anything else I can find on the Internet. It would seem that if a Tribal government as a “sovereign nation” would have Tribal departments that may or may not be considered a “local agency” for the purposes of enabling consultation to occur under AB 52 and subsequently, the consultation policy. Tribes do not have the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, so the provision for no reimbursement would only be applicable to those “local agencies” chartered under California State law, while AB 32 does “impose a state-mandated local program”. It would be good to get clarity regarding where the cost for consultative services would be covered, under state, or
federal law. Perhaps AB52 triggers a need for update of NHPA/NPS program formulas covering
THPO advise and assist activities for coverage of this unfunded mandate?

Don’t want to trigger a discussion that would constitute a meeting, but want to place mark the issue
for further discussion at a later date.

Thanks,

Bill Tripp

---

**From:** Browder, Chris@CALFIRE

**Sent:** Thursday, February 01, 2018 4:08 PM

**To:** Allen Wright; Ann Brierty; Bill Tripp; Ed Hadfield; Eng, Helge@CALFIRE; Gary Walker; Gaines,
Kevin@MorongoFire; Smith, Robert@CDSS-Import; Tim Hayden; Treadway, Debbie@NAHC; Walt Lara

**Subject:** Maps

Hi all,

Attached are some maps that may be of interest and use in establishing geographical territories.

Christopher E. Browder
**Deputy Chief, Environmental Protection**
Registered Professional Forester #2662
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California Department of Forestry and Fire Protection
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[Save Our Water](https://www.saveourwater.com) · [Drought.CA.gov](https://www.drought.ca.gov)
CEQA Excerpts

§ 21062. LOCAL AGENCY

“Local agency” means any public agency other than a state agency, board, or commission. For purposes of this division a redevelopment agency and a local agency formation commission are local agencies, and neither is a state agency, board, or commission.

§ 21063. PUBLIC AGENCY

“Public agency” includes any state agency, board, or commission, any county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision.

15367. LEAD AGENCY

“Lead Agency” means the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared. Criteria for determining which agency will be the Lead Agency for a project are contained in Section 15051.

15368. LOCAL AGENCY

“Local agency” means any public agency other than a state agency, board, or commission. Local agency includes but is not limited to cities, counties, charter cities and counties, districts, school districts, special districts, redevelopment agencies, local agency formation commissions, and any board, commission, or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency.

15379. PUBLIC AGENCY

“Public agency” includes any state agency, board, or commission and any local or regional agency, as defined in these Guidelines. It does not include the courts of the state. This term does not include agencies of the federal government.
CEQA Overview
California Environmental Quality Act Overview

- CEQA applies to state and local government action that may affect the environment. Government action includes carrying out, supporting or approving an activity. For CEQA to apply, the government agency must have decision-making authority over the action. These actions are called “projects.”

- CEQA provides a process whereby government agencies may identify whether their actions will affect the environment. It is an information-generating process. This information is used to determine whether changes need to be made in the project to protect the environment. This information is shared with the public so that it may comment on governmental actions.

- Government agencies go through a multi-step process to determine if CEQA applies:
  
  - Determine if the action is a “project.” If yes, CEQA may apply. If no, CEQA does not.
  
  - Determine if the project is exempt from CEQA. If yes, file a notice of exemption. If no, go to the next step.
  
  - Perform an initial study to determine the appropriate CEQA document.
    
    ▪ If the initial study’s results show the project won’t have a significant effect, then prepare a negative declaration (ND).
    
    ▪ If the initial study’s results show the project won’t have a significant effect after applying mitigation, then prepare a mitigated negative declaration (MND).
    
    ▪ If the initial study’s results show the project will have a significant effect, then prepare an environmental impact report (EIR).

- Consultation with California Native American tribes may be required as part of preparing one of the above documents (ND, MND, EIR).

- The above documents (ND, MND, EIR) are circulated to the public and other government agencies for comment. The agency that prepared the document must consider the substantive comments it receives. Based on the comments, the agency may abandon the project, change it or not change it.

- When the agency has addressed comments and revised the document, if necessary, it prepares a final document, files final notices and may carry out, support or approve of the project.

- The public has a certain amount of time, which varies by document, to challenge in court the agency’s decision to carry out, support or approve of the project.
Forest Practice Act and Rules Overview
Forest Practice Act and Rules Overview

Timber operations consist of the harvesting and removal of forest products from state- and privately-owned timberlands for commercial purposes. Commercial purposes include selling forest products and converting to another use (development, etc.) CAL FIRE has jurisdiction over timber operations, and it requires a permit. Most permits (timber harvesting plans, non-industrial timber management plans, some exemption notices and some emergency notices) must be prepared by a registered professional forester.

The requirements for timber harvesting are contained in the Forest Practice Act and Rules. These are analogous to the California Environmental Quality Act and Guidelines. One law is statutory, and the other is regulatory. The legislature creates the Act. The Board of Forestry and Fire Protection creates the Rules. The Board of Forestry and Fire Protection’s rule-making process and CAL FIRE’s timber harvesting document review, acceptance and approval process are both certified as the functional equivalent of the CEQA environmental impact report preparation, review and certification process.

While CEQA outlines a process by which an agency generates information about whether its project will have a significant effect on the environment, the Forest Practice Act and Rules are a mix of similar, process-based guidelines and specific prescriptive measures pertaining to timber management, road buildings, water course protection, etc.

The Rules divide California into three forest districts (Northern, Coast, Southern). Rules are crafted for each distinct district. Each district has a review team office, which is located at a CAL FIRE regional office (Redding, Santa Rosa, Redding). The registered professional forester submits the timber harvesting document to the review team office.

If the harvesting document is an exemption or emergency notice, CAL FIRE reviews the document for completeness and accepts or rejects it. If the document is a timber harvesting or non-industrial timber management plan, it goes through two or more office reviews staff and a field review. A multi-agency team reviews the plan (CAL FIRE, Department of Fish and Wildlife, Regional Water Quality Control Board, California Geological Survey, etc.) The plan is subject to public comments, which CAL FIRE must consider and address before plan approval. Once the review is complete, CAL FIRE approves or denies the plan.

The following shows average recent harvesting documents:

<table>
<thead>
<tr>
<th>CAL FIRE Timber Harvesting Documents 2013-2017</th>
<th></th>
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<tbody>
<tr>
<td></td>
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<td>Exemption Notices</td>
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<td>Emergency Notices</td>
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</tr>
</tbody>
</table>
CAL FIRE Resource Management Programs Information
The California Department of Forestry and Fire Protection (CAL FIRE) enforces the laws that regulate timber harvesting on privately-owned lands in California. These laws are found in the Forest Practice Act, enacted in 1973 to ensure logging was done in a manner that would preserve our fish, wildlife, forests, and streams. Additional rules adopted by the State Board of Forestry and Fire Protection, and environmental laws such as the California Environmental Quality Act (CEQA) and the Endangered Species Acts (ESA and CESA), are also enforced to protect these resources.

CAL FIRE ensures private landowners abide by these laws when harvesting trees. Compliance with the Forest Practice Act and Board rules apply to all commercial harvesting operations for landowners of small parcels, ranchers owning hundreds of acres, and large timber companies with thousands of acres.

The Timber Harvesting Plan (THP) is the blueprint submitted by a landowner to CAL FIRE outlining logging operations and providing protection for natural and cultural resources. Although there are exemptions for specific cases, the THP describes what trees the landowner intends to harvest, how they will be harvested, and what steps will be taken to prevent damage to the environment. THPs are prepared by Registered Professional Foresters (RPFs) who are licensed to prepare these complicated, detailed plans. CAL FIRE reviews and approves approximately 400 THPs each year. THPs can range from about 100 pages to more than 500 pages. All logging must be done by a Licensed Timber Operator (LTO).

CAL FIRE does not have the authority to deny a THP that is in compliance with state and federal laws and regulations simply because the logging plan is unpopular with the public. A THP that does not comply with all forestry and environmental regulations is returned to the RPF. It is only approved after the RPF and landowner agree to make the changes necessary to ensure compliance with all laws. CAL FIRE follows-up on approved THPs with site inspections and can shut down operations or require corrective work to ensure protection of the environment. CAL FIRE can also pursue criminal or civil prosecution with significant fines against RPFs, LTOs, and landowners if illegal operations are found.

CAL FIRE works in conjunction with the California Department of Fish and Game, California Regional Water Quality Control Boards, and the California Geological Survey when reviewing THPs.
The California Forest Improvement Program (CFIP)
The California Forest Improvement Program was created in 1978 and launched in 1980. About one-half of California’s 32 million acres of forestlands is privately-owned; one-half of that, or 8 million acres, is in small private ownerships. Aimed at these nonindustrial private forestlands, CFIP’s purpose is to encourage private and public investments in forestlands and resources to ensure adequate future high quality timber supplies, related employment and other economic benefits, improve wildlife and fisheries habitat, improve fire safety, and to generally protect, maintain, and enhance the forest resource for the benefit of present and future generations.

The Forest Stewardship Program
The Cooperative Forestry Assistance Act of 1978 authorized the Forest Stewardship Program (FSP) to provide technical assistance, through state forestry agency partners, to nonindustrial private forest (NIPF) owners to encourage and enable active long-term forest management. A primary focus of the program is the development of comprehensive, multi-resource management plans that provide landowners with the information they need to manage their forests for a variety of products and services. Participation in the Forest Stewardship Program is open to any non-industrial private forest landowners who commit to the active management and stewardship of their forested properties for at least 10 years. In addition to funding the development of management plans, the FSP grants have provided for technical assistance and educational outreach to NIPF landowners. The program has provided CAL FIRE the means to cooperate with watershed groups, the University of California Cooperative Extension and Resource Conservation Districts and other groups on a variety of projects such as community fuel breaks, watershed studies and educational venues.

The Forest Legacy Program
The federal Forest Legacy (16 U.S.C. Sec. 2103c) Program was part of the 1990 Federal Farm Bill. It recognized that private forestland owners were facing increased pressure due to greater population densities and user demands. Then in 2000, Governor Gray Davis signed into law SB1832, the California Forest Legacy Act. This law allows CAL FIRE to acquire conservation easements, and permits federal and state agencies, local governments and nonprofit land trust organizations to hold conservation easements acquired pursuant to the California Forest Legacy Program. Money to fund the program comes from a variety of sources: gifts, donations, federal grants and loans, other appropriate funding sources, and from the sale of bonds pursuant to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000. The objective of the Forest Legacy Program is to identify and protect environmentally important forestlands that are threatened by present or future conversion to non-forest uses by either purchasing the land or purchasing the development rights through deed restrictions such as a conservation easement.

Since the program began in California, CAL FIRE has entered into conservation easements on 3840 acres and purchased another 1097 in fee.
The Vegetation Management Program is a cost share program that allows public and private landowners to participate in wildland fuel reduction projects. The primary tool used is prescribed fire, although in more recent years CAL FIRE has used the program for mechanical treatments of vegetation as well.

Vegetation management, or VMP, was preceded by the Range Improvement Program that was used aggressively by CAL FIRE to remove undesired woody vegetation and increase forage production for domestic stock and wildlife. Early records indicate that range improvement burns were conducted by CAL FIRE as early as 1945, when CAL FIRE was known as the Division of Forestry under the Department of Natural Resources. Acres burned during the period of 1949-1953 averaged 141,400 acres per year, and totaled approximately 707,000 acres for the same period (T. F. Arvola Deputy State Forester, Inter Office Memo, April 5, 1954). These burns were carried out in cooperation with landowners primarily interested in improving forage for livestock.

In July of 1980 Senate Bill 1704 (Keene) created the Chaparral Management Program. This legislation provided CAL FIRE authorization to contract with private and public landowners for the purpose of fuel hazard reduction, vegetation management, and the improvement of wildlife, range, and forest resources. The program is currently known as the Vegetation Management Program; however, the objectives and authority for fuel reduction projects are still guided by the statutes created by Senate Bill 1704.

VMP acres treated have declined significantly in recent years, averaging approximately 13,000 acres per year since 1999. Increasing rural populations, air quality issues, and new CAL FIRE programs have reduced the use of prescribed fire in many areas of the state. However, VMP is a cost effective tool that is still used to treat vegetation where physical and social conditions are conducive to its use. The program has proven to be well suited for controlling invasive weeds and improving wildlife habitat under joint projects with organizations such as the Nature Conservancy. Its use to establish fuel breaks and eliminate heavy fuel accumulations in many areas of the state will continue.
The purpose of the Urban and Community Forestry Program (U&CF) is to establish and maintain optimal urban and community forests to help improve the quality of life of Californians and the quality of urban natural resources.

To accomplish this, CAL FIRE’s Regional Urban Foresters provide technical assistance, education, and policy advice to local governments, non-profits, private sector organizations, and the general public that help to advance Urban Forestry per the Urban Forestry Act of 1978 (PRC 4799.06 – 4799.12). The Urban Forestry Act was last updated in 2010.

The U&CF Program Regional Urban Foresters engage in statewide, regional, and local issues in regards to urban forestry. Some examples of this are:

- Speaking at workshops, conferences, and events.
- Writing articles and engaging the media when appropriate and requested.
- Providing technical and Best Management Practice information to local governments, non-profit organizations, and the general public.
- Engaging in helping local governments devise improved policies for urban forest management.
- Helping local practitioners and advocates connect and collaborate.
- Administering pass through grants to help accomplish these functions.

As outlined by the Urban Forestry Act of 1978, U&CF Program staff work to:

- Promote the use of urban forest resources for purposes of increasing mutually beneficial projects in communities.
- Arrest the decline of our urban forest resources, facilitate the planting of trees in urban communities, and improve the quality of the environment in urban areas through the establishment and improved management of urban forest resources.
- Facilitate the creation of permanent jobs in tree maintenance and related urban forestry activities in neighborhoods, local, and regional urban areas.
- Optimize the potential of tree and plant cover in reducing energy consumption and producing fuel and other products.
- Encourage the coordination of state and local agency activities in urban forestry and related programs and encourage maximum resident participation in their development and implantation.

The structure and delivery of the U&CF Program is built upon cooperative relationships with and technical assistance to local governments, non-profit organizations, and private companies. Partnerships include:

The Urban Forest Ecosystems Institute (UFEI), which was developed to address the increasing need for improved management of urban forests in California. The UFEI website houses SelectTree online tree selection software, UrbanWood online tree utilization marketplace, the California Register of Big Trees downloadable publications, current events, job listings, links to other related sites and much more.

The California ReLeaf organization (California ReLeaf), Maintains a network of over 90 local non-profit urban and community forestry organizations. They seek to empower grassroots efforts and build strategic partnerships that preserve, protect, and enhance California’s urban and community forests.

The California Urban Forest Council (CaUFC), Composed of professionals associated with municipalities, the tree care industry, the nursery industry, community-based and public health organizations. The CaUFC support seven regional councils across California. They are dedicated to the expansion and perpetuation of sustainable urban and community forests to enhance the quality of life for all Californians.
The Western Chapter of the International Society of Arboriculture (WCISA), a member driven organization dedicated to fostering a greater appreciation for trees by promoting research and education to advance the professional practice of arboriculture.

As one mechanism for encouraging better Urban & Community Forestry management practices, the U&CF Program provides grants, when funding is available for the many economic, environmental, and social benefits that urban society gains from urban and community forests.

Grants
Local governments and non-profit organizations are eligible to apply for U&CF Grant programs. The U&CF Program encourages the best urban forest management practices. Grants are for activities including but not limited to: tree planting, comprehensive urban forest management plans, tree resource inventories, educational programs, green infrastructure, and innovative ideas that promote urban forestry in California. Grantees must expend the necessary money and do the work. They are then reimbursed as the work is completed satisfactorily. All grants are administered and inspected by the programs’ Regional Urban Foresters.

Climate Change
The Urban Forestry Act is closely linked (PRC 4799.12) to the Global Warming Solutions Act. Urban forests store carbon as they grow and can help to mitigate the effects of climate change on the urban populations of California by moderating temperatures on hot days, i.e. reducing the urban heat island effect. Benefits are also realized through direct shading of buildings and other facilities by trees. You can find more information about CAL FIRE’s climate change efforts at www.fire.ca.gov.

Urban Wood, Biomass Utilization and Carbon Sequestration
The Urban and Community Forestry Program embraces the concept of sustainability. A crucial part of this concept is economic viability. One way that urban forests can contribute is through utilization of wood fiber and biomass grown in urban areas. This is currently a resource that goes largely untapped in California. The U&CF Program purports that when a tree must be removed in a city, it should be used for its highest and best purpose. This is often high quality wood products. Additionally, the U&CF Program is keeping abreast of ways that urban biomass could be utilized to develop bio-fuels or to generate electricity. The U&CF Program hosts an UrbanWood website through the UFEI website at Cal Poly San Luis Obispo. Technical assistance is available through the program’s Regional Urban Foresters.

The Urban & Community Forestry Program worked with other state agencies and researchers to develop a compliance offset protocol for Urban and Community Forestry in the emerging carbon credit trading market. These protocols have been officially adopted by the California Climate Action Registry and the California Air Resources Board.

Tree City USA, Tree City USA Growth Award, Sterling Growth Award, Tree Line USA and Tree Campus USA
The Tree City USA Award (TCUSA) program is organized by the National Arbor Day Foundation (NADF) on a nationwide basis. The U&CF Program delivers this program in California. This certification shows a baseline level of achievement. The TCUSA Growth Award shows that city’s Urban and Community Forestry program is expanding and improving in a significant way. The TCUSA Sterling Growth Award is achieved by obtaining the TCUSA Growth Award for ten years.

Tree Line USA and Tree Campus USA are similar award programs for utilities and college campuses that show a baseline commitment to an Urban and Community Forestry program. More about programs can be learned at: http://www.arborday.org/.
The California Department of Forestry and Fire Protection (CAL FIRE) operates eight Demonstration State Forests totaling 71,000 acres. The forests represent the most common forest types in the state. The State Forests grow approximately 75 million board feet of timber annually and harvest an average of 30 million board feet each year, enough to build 3,000 single-family homes. Revenue from these harvests fund the management of the State Forests. In addition, the forests provide research and demonstration opportunities for natural resource management, while providing public recreation opportunities, fish and wildlife habitat, and watershed protection. Activities include: experimental timber harvesting techniques, watershed restoration, mushroom collecting, hunting, firewood gathering, cone collecting for seed, a variety of university research projects, horseback riding, camping, mountain biking, and hiking.

Las Posadas, Mount Zion, and Ellen Pickett State Forests were acquired as gifts and are the smallest of the demonstration forests. Hikers can enjoy Mount Zion. However, Las Posadas and Ellen Pickett are not open to the public (Las Posadas because it is dedicated solely to the purposes of study and research, and Ellen Pickett because there are no roads into the forest). Please check with the local State Forests administrative headquarters for restrictions and seasonal closures.

### State Forests Program
Management Department of Forestry and Fire Protection / CAL FIRE 1416 Ninth Street Sacramento, CA 94244-2460 (916)716-0867

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### State Forests

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<thead>
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<tr>
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</tr>
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</table>

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www.fire.ca.gov
December 2014
The L.A. Moran Reforestation Center
Established in 1917, the Davis Nursery, now known as the L.A. Moran Reforestation Center (LAMRC), initially produced seedlings for highway and roadside planting and other landscape purposes on public lands. LAMRC was changed over to a container system in the 1980’s and at peak staffing was able to produce about 600,000 container seedlings of a wide variety of species. The State Seed Bank is co-located with the container nursery at LAMRC. The Bank stores a large volume of seed, both conifer and hardwood species, native to a broad range of areas and elevations of the state. In addition to storage of state-controlled seed, the Seed Bank provides seed storage, for a small fee, for landowners, both public and private. At present, the Seed Bank is storing about 36,000 pounds of seed, of which about 30% is owned by parties other than CAL FIRE. The total value of the seed alone is estimated at $4.6 million.

Magalia Reforestation Center
Located in the foothills of Butte County, the Magalia Reforestation Center (MRC) has been in production since 1952. MRC is capable of producing on average 2.5 million barefoot seedlings yearly with a peak capacity of up to 6 million seedlings. Of the seedlings grown, many are grown on speculation to be used for reforesting areas following wildfires. Foresters in the program work closely with CAL FIRE’s Fire Protection staff to evaluate fire prone regions of the state for the purpose of planning this production. CAL FIRE has expanded the nursery to its current size of 15 acres for bare root production. In 2000 a greenhouse was added that is capable of growing 50,000 container seedlings.

At the Magalia Reforestation Center, about 400,000 seedlings that are naturally adapted to areas of Southern California are being raised yearly. CAL FIRE has made these seedlings available to state and private forestlands as part of a long-term effort of reforestation in areas impacted by the bark beetle infestation and wildfires. A significant undertaking to identify areas for cone collection to recover seeds needed to continue and enlarge the Southern California reforestation effort has been undertaken in cooperation with the U. S. Forest Service.
Cultural Resources such as Native American village or ceremonial locations, or historic properties are among the most fragile and vulnerable types of resources. These are found throughout the state and reflect thousands of years of human use of forests and other environments. Unlike renewable Natural Resources such as trees or wildlife, cultural resources are irreplaceable, and when damaged or destroyed, are lost forever.

The purpose of the CAL FIRE Archaeology Program is to identify and manage archaeological and historical resources located within project areas under CAL FIRE jurisdiction and to develop methods to protect these resources from project related impacts. This is accomplished through regulations and policies requiring archaeological surveys of project areas, evaluation of potential impacts, and the incorporation of protection measures before project approval. The program provides archaeological surveys, technical assistance, project review, and archaeological training to CAL FIRE staff and resource professionals working in the private sector. Legal mandates that require CAL FIRE to protect archaeological and historical resources are found in the California Environmental Quality Act, the Forest Practice Regulations, California Executive Order W-26-92, and the California Register of Historic Resources.

Wildland fires and the suppression methods used in fire fighting are potentially some of the greatest threats to cultural resources in forest settings. CAL FIRE has implemented a set of procedures designed to minimize such threats during major wild fires, when these can be accomplished without compromising fire suppression efforts, and archaeologists are routinely assigned to these incidents.

The CAL FIRE Archaeology Program has grown and evolved considerably since it began in the early 1970’s. Originally, CAL FIRE had to borrow archaeologists from the Department of Parks and Recreation to review timber harvests or for other needs. In 1981, CAL FIRE hired its first full-time staff archaeologist and today has eight full-time professional archaeologists, and a large cadre of archaeologically-trained foresters, on-call professional contract archaeologists, and other resource professionals involved in the program. As a consequence, more than 1000 archaeological sites are discovered, protected, and recorded each year and incorporated into the California Historical Resource Information System maintained by the Office of Historic Preservation.

CAL FIRE works in conjunction with the California Department of Fish and Game, California Regional Water Quality Control Board, and the California Geological Survey when reviewing THPs.
CAL FIRE Tribal Communities Relations Policy Information
Native American Tribal Communities Relations Policy

California Department of Forestry and Fire Protection

Approved by Executive Team January 18, 2012

Policy

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Consistent with this policy, the Department:

- Shall consider "recognized Native American tribal governments" (hereinafter referred to as "tribes") to include federally recognized tribes; Native American Heritage Commission (NAHC) recognized tribes; California Native American organizations, and individuals identified on the CAL FIRE Native American contact list.
- Shall acknowledge both federally and NAHC recognized tribes as unique and separate entities and/or governments.
- Shall consult with tribes to ensure that Department programs and activities protect cultural resources through avoidance of those resources or through implementation of protection measures that minimize adverse impacts.
- Shall recognize and respect tribal rights, sites, traditions, and practices.
- Shall consult with tribes for Department projects it undertakes or approves having the potential to impact tribal communities.
- Shall consult with tribes for Department planning efforts, assessments, strategic plans, etc. having the potential to impact tribal communities.
- Shall encourage participation by tribes in obtaining grants, or otherwise conducting activities, for improvement of forest health or community safety.
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**Policy Objectives**

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When projects are in the proposal stage, preplanning and consultation with the culturally affiliated tribes should be part of the planning process. Where appropriate, tribal involvement also should be included during project implementation, fire suppression, fire planning and agreements, etc., when such involvement will facilitate protection of cultural resources, tribal rights, or tribal trust resources. Where there are regulatory, statutory and/or procedural impediments limiting CAL FIRE’s ability to work effectively and consistently with tribal communities, CAL FIRE will work with the tribes to resolve such impediments.

**Responsibilities**

**Director:** Works with tribes, in cooperation with the Native American Heritage Commission, to achieve the intended results of this policy, both directly and through delegation to executive level staff. The Director will designate a Tribal Historic Preservation Officer, who will have day-to-day responsibility for ensuring implementation of this policy.

**Tribal Historic Preservation Officer:** Represents the Director on all matters associated with tribal relations. Reports to the Assistant Deputy Director for Resource Protection and Improvement, unless otherwise directed.

**Deputy Director for Resource Management:** Has lead responsibility for the development and implementation of policy regarding issues impacting tribal communities and coordinates activities of appointed committee(s) should they be appointed by the Director.

**Assistant Deputy Director Resource Protection and Improvement:** Has lead responsibility in assuring that landowner assistance and other related programs include tribal entities to the extent feasible and consistent with statute and regulation. Provides day-to-day supervision for the Tribal Historic Preservation Officer.
**Assistant Deputy Director, Forest Practice:** Has lead responsibility to ensure adequate consultation with tribal entities and development of necessary mitigation during the review of timber harvesting projects pursuant to the Z’-Berg-Nejedly Forest Practice Act (FPA) and the Board of Forestry and Fire Protection regulations (Forest Practice Rules).

**Assistant Deputy Director for Cooperative Fire Protection, Training, and Safety:** Has lead responsibility coordinating Fire Protection Reimbursement Agreements.

Central Valley Tribes will be hosting Tribal Summit in March 2019 at Tule River, recommend this be a presentation.

**Assistant Deputy Director for Technical Services:** Has lead responsibility for CAL FIRE capital projects and ensuring that this policy is followed as a part of the development and implementation of these projects.

**Environmental Protection Forestry and Fire Protection Administrator:** Currently serves at the Department’s Tribal Historic Preservation Officer. Has lead responsibility for ensuring conformance with this policy for projects other than those subject to the Forest Practice Act; oversight of archaeology program areas and delivery of services; staffing or delegation of staffing of Director appointed committee(s), if any; oversight of tribal relations training for Department managers and personnel; and oversight of training for external stakeholders for the protection of cultural resources on Departmental projects or for projects on which CAL FIRE is the lead agency.

**Senior and Associate State Archaeologists:** Have lead responsibility for project review to ensure compliance with federal and state law; are responsible for federal and state reporting requirements relative to protection of cultural resources; perform review of work done by external consultants; and conduct of site reviews and surveys for Department projects, as appropriate.

**Regional Resource Managers, Forestry and Fire Protection Administrators:** Have lead responsibility for providing continuity of policy implementation at the Regional level, to the extent feasible given local needs. Responsible for ensuring that the Region Chief, Assistant Region Chief, Staff and Unit Chiefs are familiar with Department policy, tribal laws, existing agreements and contracts with local tribes, and any impediments to Department authorities and capability to enter into agreements with tribes.

**Unit Chiefs:** Have lead responsibility for development of Fire Protection Reimbursement Agreements and, with involvement of Department archaeological staff, protection of cultural resources during capital outlay projects and other local Unit projects, and development of local cultural resource protection strategies to be employed during fire suppression activities.

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The NAAC has been inactive for several years. The Department will evaluate the need for and appropriate role of the NAAC and take action accordingly.

**Native American Consultation Procedures**

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**Definition of Consultation**

Consultation means providing recognized tribes timely notice and opportunity to comment on a proposed CAL FIRE project in an on-going manner whether the situation is an emergency or planned event. It is also an opportunity for CAL FIRE to request information on specific cultural resources that may be impacted by a proposed project. Consultation is intended to address the identification of sites, site significance evaluation, impacts assessment, and resolution of significant adverse change. Its purpose is to give Native Americans an opportunity to present their interests and concerns to a lead agency. In this relationship, CAL FIRE's obligation is to seek and consider the views of participating Native American groups. This means CAL FIRE must make a good faith effort to solicit the views of Native American individuals and
groups and factor these views into the final agency decision. The consultation requirement, thus, gives a tribe the ability to advocate an outcome it would like to see CAL FIRE take in the final project decision.

Receipt of Native American written or oral comments, views, and concerns while projects are in the planning phase is a key objective of consultation. Where not a requirement of regulations, RPFs and CAL FIRE project managers are encouraged to correspond and provide maps of the location of the proposed project. Direct contacts through telephone calls, email correspondence and face-to-face meetings facilitate the development of mutual trust and encourage the exchange of information. Such meetings and correspondence are strongly encouraged, as a follow-up to the written notifications, as appropriate.

Critical to successful consultation is listening to and actively considering the views expressed by Native American individuals and/or groups. A principal goal of consultation is to provide Native Americans a reasonable opportunity to express their views on a CAL FIRE project. Although face-to-face meetings are not required for every project, the value of personal contact should not be overlooked.

The CAL FIRE project manager should recognize that in many instances, Native American people are being asked to volunteer their time to provide CAL FIRE with information. Accordingly, CAL FIRE should consider steps to overcome financial impediments which might prevent Indian tribes from effectively participating in the consultation process. These steps may include scheduling meetings in places and times that are convenient for the consulting parties.

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Commented [AB1]: They need to explicitly include Tribal Cultural Resources as a cultural resource type in their definition.

Commented [AB2]: Consider changing the title to “Tribal Liaison” or “Tribal Relations Coordinator/Manager” or other title. The THPO title is a regulatory term defined by NHPA and may lead to unnecessary confusion.
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Commented [AB3]: Is the equal sign a typo?

Commented [AB4]: The policy says Consultation will occur on projects that have potential to cause significant impacts to cultural resources. This is problematic in that one cannot ascertain if there may be impacts to resources if (1) you’ve not consulted with tribes to know what the resources are in the area; (2) you’ve not consulted with the tribes about the nature of those resources and (3) you do not know what kinds of changes to the surrounding environment might be considered “significant” impacts from a tribal point of view. Consultation, rather, should begin when a project is first being proposed, at the earliest possible stage of any project planning and design.

Commented [AB5]: It would be helpful to know what kinds of CALFIRE activities are considered exempt from CEQA review...this could be noted in the policy and tribes might have concerns or differences of opinion to share on this subject.

Commented [AB6]: The policy would benefit from a discussion of how CALFIRE will receive, notate, and manage confidential/sensitive information that tribes might share in the consultation process.
Native American Tribal Communities Relations Policy

California Department of Forestry and Fire Protection

Approved by Executive Team January 18, 2012

Policy

It is the policy of the California Department of Forestry and Fire Protection (CAL FIRE) to work cooperatively with all recognized Native American tribal governments in all facets of Department activities to minimize impacts of CAL FIRE projects to cultural resources.

Consistent with this policy, the Department:

- Shall consider "recognized Native American tribal governments" (hereinafter referred to as "tribes") to include federally recognized tribes, Native American Heritage Commission (NAHC) recognized tribes, California Native American organizations, and individuals identified on the CAL FIRE Native American contact list.
- Shall acknowledge both federally and NAHC recognized tribes as unique and separate entities and/or governments.
- Shall consult with tribes to ensure that Department programs and activities protect cultural resources through avoidance of those resources or through implementation of protection measures that minimize adverse impacts.
- Shall recognize and respect tribal rights, sites, traditions, and practices.
- Shall consult with tribes for Department projects it undertakes or approves having the potential to impact tribal communities.
- Shall consult with tribes for Department planning efforts, assessments, strategic plans, etc. having the potential to impact tribal communities.
- Shall encourage participation by tribes in obtaining grants, or otherwise conducting activities, for improvement of forest health or community safety.
- Shall work with tribes for protection of cultural resources during fire suppression efforts where practical, based on threat to public safety and situation.

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1 This document provides the overall, high-level policy for the Department. More specific policy and implementation direction is included in other Departmental directives, including Archaeological Review Procedures for CAL FIRE Projects and the CAL FIRE Handbook.

2 CAL FIRE projects are projects that are initiated, funded, or permitted by CAL FIRE in its role as lead agency under the California Environmental Quality Act (CEQA) and include, but are not limited to, Timber Harvesting Plans, Nonindustrial Timber Management Plans, Timberland Conversions, projects in the Vegetation Management Program (VMP), California Forest Improvement Program (CFIP), Proposition 46 and 84 grants, State Forest timber sales and other demonstration state forest projects, engineering and Pre-Fire (Burn/Mechanical Plan) project areas, and capital outlay projects. Additional examples include, but are not limited to the development of management plans, cultural resource inventories on State Forests, special projects such as archaeological test excavations, design of archaeological interpretive trails and the development of interpretive materials and CAL FIRE brochures.
The policy direction contained herein is intended to be consistent with similar policies developed by the California Natural Resources Agency and the Governor's Office.

Policy Objectives

The mission of the California Department of Forestry and Fire Protection (CAL FIRE) is to serve and safeguard the people and protect the property and resources of California. Among the varied resources to be protected are cultural resources, which include Native American cultural sites (places where religious, ceremonial, and/or resource gathering activities took place) and Native American archaeological sites. CAL FIRE, at all levels, will act in a knowledgeable, sensitive, and respectful manner when working with tribes to protect cultural resources.

When projects are in the proposal stage, preplanning and consultation with the culturally affiliated tribes should be part of the planning process. Where appropriate, tribal involvement also should be included during project implementation, fire suppression, fire planning and agreements, etc., when such involvement will facilitate protection of cultural resources, tribal rights, or tribal trust resources. Where there are regulatory, statutory and/or procedural impediments limiting CAL FIRE's ability to work effectively and consistently with tribal communities, CAL FIRE will work with the tribes to resolve such impediments.

Responsibilities

Director: Works with tribes, in cooperation with the Native American Heritage Commission, to achieve the intended results of this policy, both directly and through delegation to executive level staff. The Director will designate a Tribal Historic Preservation Officer, who will have day-to-day responsibility for ensuring implementation of this policy.

Tribal Historic Preservation Officer: Represents the Director on all matters associated with tribal relations. Reports to the Assistant Deputy Director for Resource Protection and Improvement, unless otherwise directed.

Deputy Director for Resource Management: Has lead responsibility for the development and implementation of policy regarding issues impacting tribal communities and coordinates activities of appointed committee(s) should they be appointed by the Director.

Assistant Deputy Director Resource Protection and Improvement: Has lead responsibility in assuring that landowner assistance and other related programs include tribal entities to the extent feasible and consistent with statute and regulation. Provides day-to-day supervision for the Tribal Historic Preservation Officer.
Assistant Deputy Director, Forest Practice: Has lead responsibility to ensure adequate consultation with tribal entities and development of necessary mitigation during the review of timber harvesting projects pursuant to the Z'Bar-Negedly Forest Practice Act (FPA) and the Board of Forestry and Fire Protection regulations (Forest Practice Rules).


Assistant Deputy Director for Technical Services: Has lead responsibility for CAL FIRE capital projects and ensuring that this policy is followed as a part of the development and implementation of these projects.

Environmental Protection Forestry and Fire Protection Administrator: Currently serves at the Department's Tribal Historic Preservation Officer. Has lead responsibility for ensuring conformance with this policy for projects other than those subject to the Forest Practice Act; oversight of archaeology program areas and delivery of services; staffing or delegation of staffing of Director appointed committee(s), if any; oversight of tribal relations training for Department managers and personnel; and oversight of training for external stakeholders for the protection of cultural resources on Departmental projects or for projects on which CAL FIRE is the lead agency.

Senior and Associate State Archaeologists: Have lead responsibility for project review to ensure compliance with federal and state law; are responsible for federal and state reporting requirements relative to protection of cultural resources; perform review of work done by external consultants; and conduct of site reviews and surveys for Department projects, as appropriate.

Regional Resource Managers, Forestry and Fire Protection Administrators: Have lead responsibility for providing continuity of policy implementation at the Regional level, to the extent feasible given local needs. Responsible for ensuring that the Region Chief, Assistant Region Chief, Staff and Unit Chiefs are familiar with Department policy, tribal laws, existing agreements and contracts with local tribes, and any impediments to Department authorities and capability to enter into agreements with tribes.

Unit Chiefs: Have lead responsibility for development of Fire Protection Reimbursement Agreements and, with involvement of Department archaeological staff, protection of cultural resources during capital outlay projects and other local Unit projects, and development of local cultural resource protection strategies to be employed during fire suppression activities.

CAL FIRE’s Native American Advisory Council

CAL FIRE has a Native American Advisory Council (NAAC) to advise the CAL FIRE Director on Native American issues. The mission of the NAAC is to assist CAL FIRE in establishing a cooperative and meaningful relationship with California tribes. The nine
appointed members are Native Americans and represent Native American interests statewide.

The NAAC has been inactive for several years. The Department will evaluate the need for and appropriate role of the NAAC and take action accordingly.

Native American Consultation Procedures

Introduction/Legal Authority

This document describes the procedures for consultation with Native Americans for all CAL FIRE projects. This set of consultation procedures in combination with existing procedure direction posted on the CAL FIRE website provides direction to CAL FIRE staff on consultation requirements for CAL FIRE projects.

CAL FIRE is required by State law and regulations [ref. Public Resources Code (PRC) § 15064.5, 929.1(a)(2) and 929.1(b)] to consult with the Native American Heritage Commission (NAHC) and recognized local Native American tribes during the development and review of CAL FIRE projects. Fire Protection Reimbursement Agreements are not considered "projects" requiring consultation with the NAHC. Tribal groups and individuals identified on CAL FIRE's Native American Contact List are the appropriate local points of tribal contact.

Consultation Procedures Statement

CAL FIRE shall consult with the NAHC and listed local tribes for any CAL FIRE project that has the potential to cause significant impacts to a Native American cultural resource. Consultation should proceed pursuant to Government Code §§ 65352.3, 65352.4, 65560 and 65562.5. Resources of concern that require Native American consultation include prehistoric or ethno-historic archaeological sites, and traditional cultural properties such as sacred places and gathering locations. In addition to consulting during specific CAL FIRE projects, CAL FIRE should also initiate consultation during broad-scale program development and activities.

Definition of Consultation

Consultation means providing recognized tribes timely notice and opportunity to comment on a proposed CAL FIRE project in an on-going manner whether the situation is an emergency or planned event. It is also an opportunity for CAL FIRE to request information on specific cultural resources that may be impacted by a proposed project. Consultation is intended to address the identification of sites, site significance evaluation, impacts assessment, and resolution of significant adverse change. Its purpose is to give Native Americans an opportunity to present their interests and concerns to a lead agency. In this relationship, CAL FIRE's obligation is to seek and consider the views of participating Native American groups. This means CAL FIRE must make a good faith effort to solicit the views of Native American individuals and
groups and factor these views into the final agency decision. The consultation requirement, thus, gives a tribe the ability to advocate an outcome it would like to see CAL FIRE take in the final project decision.

Receipt of Native American written or oral comments, views, and concerns while projects are in the planning phase is a key objective of consultation. Where not a requirement of regulations (RPFs) and CAL FIRE project managers are encouraged to correspond and provide maps of the location of the proposed project. Direct contacts through telephone calls, email correspondence and face-to-face meetings facilitate the development of mutual trust and encourage the exchange of information. Such meetings and correspondence are strongly encouraged, as a follow-up to the written notifications, as appropriate.

Critical to successful consultation is listening to and actively considering the views expressed by Native American individuals and/or groups. A principal goal of consultation is to provide Native Americans a reasonable opportunity to express their views on a CAL FIRE project. Although face-to-face meetings are not required for every project, the value of personal contact should not be overlooked.

The CAL FIRE project manager should recognize that in many instances, Native American people are being asked to volunteer their time to provide CAL FIRE with information. Accordingly, CAL FIRE should consider steps to overcome financial impediments which might prevent Indian tribes from effectively participating in the consultation process. These steps may include scheduling meetings in places and times that are convenient for the consulting parties.

When CAL FIRE independently discovers that Native American people may have concerns about a proposed CAL FIRE project, the CAL FIRE manager and/or-RPF should investigate and consult. In those instances, telephone calls and face-to-face meetings (in an office or out at the project site) should be completed to gather information, answer questions, listen to concerns, and give consideration to any recommendations provided by concerned/interested Native Americans.

Typically, consultation regarding CAL FIRE projects can be completed in a series of steps. The first step, called Initial Consultation, is intended to provide notice of a proposed project and request information about cultural resources known or thought to exist within or adjacent to the project area. The second step, called Second Consultation, is taken when known cultural resources are located within the project.

Additional Consultation Efforts

CAL FIRE will conduct additional Native American consultation beyond Initial and Second Consultation if it is judged to be appropriate and necessary or requested by the tribe. The purpose here is to fully evaluate potential effects, and provide the NAHC and local listed tribes additional opportunity to participate in the project review process. For example, this type of consultation might include escorts of appropriate Native American persons or groups to inspect archaeological resources and prescribed CAL FIRE treatments.
Native American Tribal Communities Relations Policy

California Department of Forestry and Fire Protection

Approved by Executive Team January 18, 2012

Policy

It is the policy of the California Department of Forestry and Fire Protection (CAL FIRE) to consult and work cooperatively with tribes on projects affecting the tribal lands, territories, or resources of recognized California Native American Tribal governments. All facets of Department activities are intended to minimize avoid significant impacts of CAL FIRE projects to tribal cultural resources, and to enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources as appropriate.

Consistent with this policy, the Department:

- Shall consider "recognized California Native American tribal governments" (hereinafter referred to as "tribes") to include federally recognized tribes; Native American Heritage Commission (NAHC) recognized tribes; California Native American organizations, and individuals identified on the CAL FIRE Native American contact list.
- Shall acknowledge both federally and NAHC recognized tribes as unique and separate entities and/or governments.
- Shall consult with tribes to ensure that Department programs and activities protect cultural resources through avoidance of those resources or through implementation of protection measures that minimize adverse impacts.
- Shall recognize and respect tribal sovereignty, rights, sites, traditions, and practices.
- Shall consult with tribes for Department projects it undertakes or approves having the potential to impact tribal communities.
- Shall consult with tribes for Department planning efforts, assessments, strategic plans, etc. having the potential to impact tribal communities, lands, territories, and/or resources.
- Shall encourage participation by tribes in obtaining grants, or otherwise conducting activities, for improvement of forest health or community risk reduction planning and implementation safety.
- Shall work with tribes for protection of cultural resources during fire suppression efforts where practical, based on threat to public safety and situation.
- Shall work with tribes to address barriers and align management programs and projects as feasible in the interest of leveraging action in regard to implementation of the National Cohesive Wildland Fire Management Strategy (Cohesive Strategy).

1 This document provides the overall, high-level policy for the Department. More specific policy and implementation direction is included in other Departmental directives, including Archaeological Review Procedures for CAL FIRE Projects and the CAL FIRE Handbook.

2 CAL FIRE projects are projects that are initiated, funded, or permitted by CAL FIRE in its role as lead.
agency under the California Environmental Quality Act (CEQA) and include, but are not limited to, Timber Harvesting Plans, Nonindustrial Timber Management Plans, Timberland Conversions, projects in the Vegetation Management Program (VMP), California Forest Improvement Program (CFIP), Proposition 40 and 84 grants, State Forest timber sales and other demonstration state forest projects, engineering and Pre-Fire (Burn/Mechanical Plan) project areas, and capital outlay projects. Additional examples include, but are not limited to the development of management plans, cultural resource inventories on State Forests, special projects such as archaeological test excavations, design of archaeological interpretive trails and the development of interpretive materials and CAL FIRE brochures.
The policy direction contained herein is intended to be consistent with similar policies developed by the California Natural Resources Agency and the Governor’s Office.

**Policy Objectives**

The mission of the California Department of Forestry and Fire Protection (CAL FIRE) is to serve and safeguard the people and protect the property and resources of California. Among the varied resources to be protected are cultural resources, which include Native American cultural sites (places where religious, ceremonial, and/or resource gathering and utilization activities took/take place) and Native American archaeological sites, cultural landscapes, objects, features and setting of cultural significance in fulfilling our legal and moral obligations. CAL FIRE, at all levels, will act in a knowledgeable, sensitive, and respectful manner when working with tribes to protect cultural resources.

When projects are in the proposal stage, preplanning and consultation with the culturally affiliated tribes should be part of the planning process. Where appropriate, tribal involvement and monitoring engagement in planning, implementation, monitoring and adaptation, should be included during program and project implementation and design. Fire suppression, fire planning and agreements, development, are important factors in achieving strategic alignment, collaborative engagement, and program alignment activities called for in the Cohesive Strategy, when such involvement will facilitate protection of cultural resources, tribal rights, or tribal trust resources. Where there are regulatory, statutory and/or procedural impediments limiting CAL FIRE’s ability to work effectively and consistently with tribal communities, CAL FIRE will work with the tribes to resolve such impediments.

**Responsibilities**

**Director:** Works with tribes, in cooperation with the Native American Heritage Commission, to achieve the intended results of this policy, both directly and through delegation to executive level staff. The Director will designate a Tribal Historic Preservation Officer, who will have day-to-day responsibility for ensuring implementation of this policy.

**Tribal Historic Preservation Officer Liaison:** Represents the Director on all matters associated with tribal relations. Reports to the Assistant Deputy Director for Resource Protection and Improvement, unless otherwise directed.

**Deputy Director for Resource Management:** Has lead responsibility for the development and implementation of policy regarding issues impacting tribal communities and coordinates activities of appointed committee(s) should they be appointed by the Director.

**Assistant Deputy Director Resource Protection and Improvement:** Has lead responsibility in assuring that landowner assistance and other related programs include tribal entities to the extent feasible and consistent with statute and regulation. Provides
day-to-day supervision for the Tribal Historic Preservation Officer Liaison.
Assistant Deputy Director, Forest Practice: Has lead responsibility to ensure adequate consultation with tribal entities and development of necessary mitigation during the review of timber harvesting projects pursuant to the Z’-Berg-Nejedly Forest Practice Act (FPA) and the Board of Forestry and Fire Protection regulations (Forest Practice Rules).

Assistant Deputy Director for Cooperative Fire Protection, Training, and Safety: Has lead responsibility coordinating Fire Protection Reimbursement Agreements and other compact, contract and agreement mechanisms as authorized.

Assistant Deputy Director for Technical Services: Has lead responsibility for CAL FIRE capital projects and ensuring that this policy is followed as a part of the development and implementation of these projects.

Environmental Protection Forestry and Fire Protection Administrator: Currently serves at the Department’s Tribal Historic Preservation Officer/Liaison. Has lead responsibility for ensuring conformance with this policy for projects other than those subject to the Forest Practice Act; oversight of archaeology program areas and delivery of services; staffing or delegation of staffing of Director appointed committee(s), if any; oversight of tribal relations training for Department managers and personnel; and oversight of training for external stakeholders for the protection of cultural resources on Departmental projects or for projects on which CAL FIRE is the lead agency.

Senior and Associate State Archaeologists: Have lead responsibility for project review to ensure compliance with federal and state law; are responsible for federal and state reporting requirements relative to protection of cultural resources; perform review of work done by external consultants; and conduct of site reviews and surveys for Department projects, as appropriate.

Regional Resource Managers, Forestry and Fire Protection Administrators: Have lead responsibility for providing continuity of policy implementation at the Regional level, to the extent feasible given local needs. Responsible for ensuring that the Region Chief, Assistant Region Chief, Staff and Unit Chiefs are familiar with Department policy, tribal laws, existing agreements and contracts with local tribes, and any impediments to Department authorities and capability to enter into agreements with tribes.

Unit Chiefs: Have lead responsibility for development of Fire Protection Reimbursement Agreements and, with involvement of Department archaeological staff, protection of cultural resources during capital outlay projects and other local Unit projects, and development of local cultural resource protection strategies to be employed during fire suppression activities.

**CAL FIRE’s Native American Advisory Council**

CAL FIRE has a Native American Advisory Council (NAAC) to advise the CAL FIRE Director on Native American issues and concerns. The mission of the NAAC is to assist CAL FIRE in establishing a cooperative and meaningful relationship with California tribes. The nine

Commented [BTS]: This does not fit with compacted tribes, or tribes with BIA cooperative agreements that are engaged more on a statewide, or regional level. This seems applicable if a tribe is only pursuing a local volunteer fire department, but tribes should be able to operate at broader scales on a sovereign to sovereign level when operating regional or national programs. Perhaps this needs to also involve Cal-OES? Even that would not get to true all lands implementation of the Cohesive Strategy across boundaries and program areas.
appointed members are Native Americans or representatives and represent Native American interests statewide that are appointed by ???. Three representatives from each of three regions of the state (see figure ???) typically serve on this Council for ???.

The NACC is a state chartered advisory council, and as such does not represent individual California Native American tribes in consultation with Cal-Fire, but rather to represent a broad range of tribal interests and concerns throughout the state, which may be considered in undertaking consultation efforts with individual California Native American tribes.

The NAAC has been inactive for several years. The Department will evaluate the need for and appropriate role of the NAAC and take action accordingly.

Native American Consultation Procedures

Introduction/Legal Authority

This document describes the procedures for consultation with Native Americans for all CAL FIRE projects. This set of consultation procedures in combination with existing procedure direction posted on the CAL FIRE website provides direction to CAL FIRE staff on consultation requirements for CAL FIRE projects.

CAL FIRE is required by State law and regulations [ref. Public Resources Code (PRC) § 21104 and 14 California Code of Regulations (CCR) §§ 15064.5, 929.1(a)(2) and 929.1(b)] to consult with the Native American Heritage Commission (NAHC) and recognized local California Native American tribal governments during the development and review of CAL FIRE projects. Fire Protection Reimbursement Agreements and other partnership mechanisms/activities not requiring CEQA compliance are not considered “projects” requiring prior consultation with the NAHC. Tribal groups and individuals identified on CAL FIRE’s Native American Contact List are the appropriate local points of tribal contact unless specified differently in a separate grant, agreement, contract or compact with an individual California Native American Tribe, in which case identified individuals would be additional contacts based on subject matter addressed in applicable instrument.

Consultation Procedures Statement

CAL FIRE shall consult with the NAHC and listed local tribes for any CAL FIRE project that has the potential to cause significant impacts to a Native American cultural resource. Consultation should proceed pursuant to Government Code §§ 65352.3, 65352.4, 65560 and 65562.5. Resources of concern that require Native American consultation include prehistoric or ethno-historic archaeological sites, and traditional cultural properties such as sacred places and gathering locations. In addition to consulting during specific CAL FIRE projects, CAL FIRE should also initiate consultation during broad-scale program development and activities.
Definition of Consultation

Consultation in California is defined as the “meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement.”

In this sense, Consultation means providing recognized tribes timely notice and opportunity to comment on communicating early and often on proposed CAL FIRE programs and projects in an on-going manner whether the situation is an emergency or planned event. It is also an opportunity for CAL FIRE to request information and discuss specific cultural resources that may be impacted by a proposed project on a sovereign to sovereign level. Consultation is intended to address the identification of sites, site significance evaluation, impacts assessment, and resolution of significant adverse change. Its purpose is to give California Native Americans tribes and their communities an opportunity to present have dialogue in regard to their interests and concerns to with a lead agency of a state undertaking. In this relationship, CAL FIRE’s obligation is to seek and consider the views of participating California Native American groups tribes. This means CAL FIRE must make a good faith effort to solicit the views of Native American individuals and
groups and factor these views into the final agency decisions. The consultation requirement, thus, gives a tribe the ability to advocate for the desired outcome(s) of their tribal community it would like to see regarding any CALFIRE undertaking take in the final project decision.

Receipt of Native American written or oral comments, views, and concerns while projects are in the planning phase is a key objective of consultation. Where not a requirement of regulations, RPFs and CAL FIRE project managers are encouraged to correspond and provide maps of the location of the proposed projects and other planning, implementation, monitoring and adaptation efforts. Direct contacts through telephone calls, email correspondence and face-to-face meetings facilitate the development of mutual trust and encourage the exchange of information. Such meetings and correspondence are strongly encouraged, as a follow-up to the written notifications, as appropriate.

Critical to successful consultation is listening to and actively considering the views expressed by Native American individuals and/or groups. A principal goal of consultation is to provide Native Americans a reasonable opportunity to express their views on a CAL FIRE programs, projects and response actions. Although face-to-face meetings are not required for every project, activity or undertaking, the value of personal contact should not be overlooked.

The CAL FIRE project manager should recognize that in many instances, Native American people are being asked to volunteer their time to provide CAL FIRE with information engage in the discussion. Accordingly, CAL FIRE should consider steps to overcome financial impediments which might prevent Indian tribes from effectively participating in the consultation process. These steps may include scheduling meetings in places and times that are convenient for the consulting parties, or in developing joint issue statements to other federal, tribal, state, local or NGO actors.

When CAL FIRE independently discovers that Native American people may have concerns about a proposed CAL FIRE program, project, or response action the CAL FIRE manager, RPF and/or delegate RPF should investigate and consult. In those instances, telephone calls and face-to-face meetings (in an office or out at the project site) may better lead to alignment of cultural values when seeking agreement on an issue should be completed to gather information, answer questions, listen to concerns, and give consideration to any recommendations provided by concerned/interested Native Americans.

Typically, consultation regarding CAL FIRE projects can be completed in a series of steps. The first step, called Initial Consultation, is intended to provide notice of a proposed project and request information about cultural resources known or thought to exist within or adjacent to the project area. The second step, called Second Consultation, is taken when known cultural resources are located within the project.

Additional Consultation Efforts

CAL FIRE will conduct additional Native American consultation beyond Initial and Second Consultation if it is judged to be appropriate and necessary or requested by the...
The purpose here is to fully evaluate potential effects, and provide the NAHC and local listed tribes additional opportunity to participate in the project review process. For example, this type of consultation might include escorts of appropriate Native American persons or groups to inspect archaeological resources and prescribed CAL FIRE treatments.
MEMORANDUM OF UNDERSTANDING
Between The
KARUK TRIBE
And The
USDA, FOREST SERVICE
SIX RIVERS & KLAMATH NATIONAL FORESTS

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the Karuk Tribe, hereinafter referred to as “Tribe,” and the USDA, Forest Service, Six Rivers and Klamath National Forests, hereinafter referred to as the “U.S. Forest Service.”

Title: Terms for Tribal Resource Protection During Wildland Fire Incidents

I. PURPOSE:

The purpose of this MOU is to document the cooperation between the parties concerning wildland fire management and wildland fire use activities on the Six Rivers and Klamath National Forests. This cooperation provides for the protection of significant cultural resources important to the Tribe, Forest Service, and the public. This agreement also gives clear direction to the Tribe and Forest Service for purposes of “rates of pay” that are commensurate to the complexity of Incident Management Organizational Roles & Responsibilities for assigned Tribal resources as outlined in Attachment “A” of this MOU. It further provides for the Tribe to be contacted, allows for expedient consultation with the Tribe, and for Tribal concerns to be considered in the management of wildland fire while providing for safe, effective, and cost efficient wildland fire and wildland fire management activities, in accordance with the following provisions.

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The Tribe and the Forest Service through an established Government-to-Government protocol agreement, the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, American Indian Religious Freedom Act, Sacred Sites Executive Order 13007, Executive Order No. 13175 on Consultation and Coordination with Indian Tribal Governments and other statutes and regulations, share mutual interests related to the effects of wildland fire management on significant cultural resources and properties.

The Parties will work within a cooperative approach to incident management that provides safe and effective wildland fire management activities within the area of mutual interest identified in the Government-to-Government protocol agreement.
Protecting cultural resources while providing a fire management environment, which fosters focused attention to safety, incident objectives, and firefighting fundamentals, will be furthered when all parties work together to understand one another's priorities and responsibilities.

The demands of incident management require that firm planning and activity schedules be maintained and often preclude lengthy consideration of long term issues during the management of the incident. It is in the best interest of all parties to identify and address these types of concerns through the process established in the formal Government-to-Government protocol agreement.

*In consideration of the above premises, the parties agree as follows:*

**III. TRIBE SHALL:**

A. Identify annually by May 1, with a letter to the Forest Supervisors from the Tribal Council, the identification and contact information of the Tribal Duty Officer(s) who will serve as the single point of contact for the Tribe for wildland fire notification. Included in this letter will be a list of authorized Designated Tribal Government Representative(s) and the delegated authorities extended to the Designated Tribal Government Representative on behalf of the Tribal Council. For the purpose of this agreement the letter will also include a list of the names of individuals who are qualified to perform the duties and responsibilities of Heritage Consultant Coordinator(s) and Heritage Consultant(s) Level 1 and 2, as outlined in the position descriptions of Attachment “A”.

The Tribal Duty Officer(s) will have the responsibility to notify the Designated Tribal Government Representative(s).

B. Ensure all individuals identified by the Tribe to be hired by the Forest Service shall meet the requirements of the Administratively Determined (AD) hiring authority established in the Forest Service Handbook (FSH) 5109.34, Interagency Incident Business Management Handbook, Chapter 10 – Personnel.

C. Ensure all individuals identified by the Tribe will meet all the requirements of the Interagency Standards for Fire and Aviation Operations (red book or blue book) for fire line duty commensurate of the position descriptions outlined in Attachment “A” of this MOU.

D. Maintain a list of individuals who have received certification of successfully completing required fire training and the Work Capacity Test (WCT) at the required level for the position, and maintain those individual’s records in the Incident Qualifications and Certification system (IQCS) program maintained by the Bureau of Indian Affairs.
IV. **THE U.S. FOREST SERVICE SHALL:**

A. From the list identified in the annual letter, contact the Tribal Duty Officer as soon as possible after suppression forces are dispatched to an incident within or directly adjacent to the identified area of mutual interest.

B. Consult with the Designated Tribal Government Representative assigned to the incident, to coordinate information and engage in consultation of incident management objectives. Consider the information provided by the Designated Tribal Government Representative regarding cultural or other concerns when developing strategic and tactical incident management plans.

C. The Forest Supervisor will initiate a delegation of authority to the Incident Commander that specifies which Line Officer(s) will be the Forest Supervisor’s Tribal Government Liaison to the Tribe for the incident, identify any specific known concerns, identify the names of the Tribal Government Official(s), designated representative(s), identify any management direction, and provide a copy of this MOU.

D. The Forest Supervisor or designated Forest Service Agency Administrator Representative, in consultation with the Heritage Resource Advisor and the Designated Tribal Government Representative will determine the need to hire Heritage Consultants, to work with the Forest Service Heritage Resource Advisor to develop strategies to protect significant archaeological, cultural, and/or spiritual resources.

E. The Forest Supervisor shall ensure that the Forest’s fire organization, including any relevant Incident Management Team, is aware of this MOU, and how it is to be implemented.

F. Provide necessary personal protective equipment (PPE) to line going personnel that are hired under the authorities of the AD hiring process.

G. Allow the tribe to participate in training opportunities for those positions that require specific fireline training to meet the intent of this MOU.

H. The Forest Supervisor’s official representative that coordinates with the Tribe is the designated Forest Supervisor Tribal Liaison identified in the current government-to-government protocol agreement or as otherwise provided in the “Letter of Delegated Authority” to Incident Management Teams.

V. **IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:**

A. The Tribal Council and the Forest Supervisor maintain their distinctive responsibilities as the primary decision-makers for their respective entities.
B. The Forest Supervisor and the Tribal Council shall be responsive to communications and interactions through the formal consultation process as defined in the Government-to-Government protocol agreement throughout the incident and as needed after the incident.

C. The emergency nature of the incident may necessitate an immediate decision by the Forest Supervisor or Incident Commander that may preclude formal Government-to-Government consultation or coordination with the Tribe prior to the decision being implemented. In such cases, consultation with the Tribe will be initiated as soon as practical thereafter.

D. In addition to consultation with the Tribe and the Heritage Consultants, the Forest Service will make every attempt to meet various heritage and natural resource laws by consulting with other interested traditional practitioners and publics regarding heritage resources on National Forest System lands.

E. The Tribe will identify in an annual letter by May 1, to the Forest Supervisors, qualified individuals to perform duties outlined in this MOU.

F. Cooperation and consultation between the parties of this MOU shall be integrated into the Forest Service’s Incident Management Organization.

G. Initial Attack Fires.

Every effort will be made to insure that the Tribal Duty Officer is notified by the District Ranger as soon as possible of incidents that are identified in the area of mutual interest identified in the Government to Government protocol agreement.

Consultation on initial attack incidents may be implemented through notification by the District Ranger to the designated Tribal Duty Officer, who will notify the Designated Tribal Government Representative. If, after being notified the Designated Tribal Government Representative feels that there is a need to provide information about archaeological, cultural, spiritual or other concerns, such information will be addressed when developing the initial action tactics provided to suppression resources (see Section IV. B). On Initial Attack, this information may be given to the appropriate Forest Supervisor’s Tribal Government Liaison, Incident Commander and/or District Duty Officer.

The Incident Commander or District Duty Officer will determine the need for the addition or reduction of personnel, as it relates to this MOU, after consultation with the Forest Supervisor’s Tribal Government Liaison and the Designated Tribal Government Representative.
H. Extended Attack or Large Fires.

Tribal representation will be incorporated into Incident Management Organizations as appropriate to the size and complexity of the incident. Assigned personnel in the positions described in Attachment "A" will participate in the planning and implementation phases as appropriate, and will interact with all relevant resource personnel. The Incident Commander or District Duty Officer will determine the need for the addition or reduction of personnel, as it relates to this MOU, after consultation with the Forest Supervisor's Tribal Government Liaison and the Designated Tribal Government Representative. The number and types of resource personnel assigned will be appropriate for the incident size and complexity.

The timeframes employed on extended attack fires and wildland fire use allow for formal Government-to-Government consultation to take place, which should be documented as part of the incident record provided the information is not confidential in nature.

The incident management system is a prescribed organization with roles, responsibilities, and relationships defined in FSH 5109.17 Fire and Aviation Management Qualifications Handbook. A full description of all incident positions may be found in that manual. The incident management system is as charted below. Specific positions added to the organization in relation to this MOU are in bold and italicized.

The Incident Management Organization under this MOU:

Forest Supervisor (Agency Administrator)
Incident Commander
Incident Commander's Safety Officer
Incident Commander's Information Officer
Incident Commander's Liaison Officer
Forest Supervisor's Tribal Government Liaison
Designated Tribal Government Representative

<table>
<thead>
<tr>
<th>Operations</th>
<th>Planning</th>
<th>Logistics</th>
<th>Finance</th>
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<tbody>
<tr>
<td>Resources Unit</td>
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<td>Situation Unit</td>
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<tr>
<td>Documentation Unit</td>
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<td></td>
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<tr>
<td>FS Heritage Resource Advisor</td>
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<td></td>
<td></td>
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<tr>
<td>Heritage Consultant Coordinator</td>
<td></td>
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<tr>
<td>Heritage Consultant(s)</td>
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<td></td>
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I. Incident Management Guidelines.

Cooperative and consultative processes will be used during incident management and planning. The Forest Service has the final responsibility to make the decisions on jurisdictional lands in areas of incident management such as incident objectives, development of strategies and tactics, cost containment and obligating federal government dollars, approving mobilization and de-mobilization plans, approving the Wildland Fire Decision Support System (WFDSS), Post Wildfire
Activities, Burned Area Emergency Response Plan (BAER), delegating authority to Incident Management Teams, and implementing the AD Pay Plan hiring authority.

Suppression and associated resources will be requested and mobilized through established dispatch channels; procedures for doing so may be found in the California Mobilization Guide and the National Mobilization Guide. More specific guidelines for implementation under current policy and law are provided in the Interagency Incident Business Management Handbook.

J. Post Wildfire Activities

The Tribal Council will be requested to designate a representative(s) to participate in the planning and implementation of Post Wildfire Activities. These activities are identified in Chapter 11 of the Interagency Standards for Fire and Aviation Operations (Red Book) as Wildfire Suppression Activity Damage Repair, Emergency Stabilization, Rehabilitation (Emergency Stabilization and Rehabilitation are to be included in the BAER documentation), and Restoration.

K. Where more than one Federally Recognized Tribe has identified an area of mutual interest that overlaps on National Forest System lands, the Forest Service will honor the assertions of each of the Federally Recognized Tribe(s).

L. **PRINCIPAL CONTACTS**. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

**Principal Cooperator Contacts:**

<table>
<thead>
<tr>
<th>Cooperator Program Contact</th>
<th>Cooperator Administrative Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Leaf Hillman</td>
<td>Name: Leaf Hillman</td>
</tr>
<tr>
<td>Address: P.O. Box 282</td>
<td>Address: P.O. Box 282</td>
</tr>
<tr>
<td>City, State, Zip: Orleans, CA 95556</td>
<td>City, State, Zip: Orleans, CA 95556</td>
</tr>
<tr>
<td>Telephone: 530-627-3446</td>
<td>Telephone: 530-627-3446</td>
</tr>
<tr>
<td>FAX: 530-627-3448</td>
<td>FAX: 530-627-3448</td>
</tr>
<tr>
<td>Email: <a href="mailto:leafhillman@karuk.us">leafhillman@karuk.us</a></td>
<td>Email: <a href="mailto:leafhillman@karuk.us">leafhillman@karuk.us</a></td>
</tr>
</tbody>
</table>
### Principal U.S. Forest Service Contacts:

<table>
<thead>
<tr>
<th>U.S. Forest Service Program Manager Contact – Six Rivers National Forest</th>
<th>U.S. Forest Service Administrative Contact – Six Rivers National Forest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Mike Minton</td>
<td>Name: Rachel Corkill</td>
</tr>
<tr>
<td>Address: 1330 Bayshore Way</td>
<td>Address: 1330 Bayshore Way</td>
</tr>
<tr>
<td>City, State, Zip: Eureka, CA 95501</td>
<td>City, State, Zip: Eureka, CA 95501</td>
</tr>
<tr>
<td>Telephone: 707-441-3535</td>
<td>Telephone: 707-441-3522</td>
</tr>
<tr>
<td>FAX: 707-441-3591</td>
<td>FAX: 707-441-3591</td>
</tr>
<tr>
<td>Email: <a href="mailto:mminton@fs.fed.us">mminton@fs.fed.us</a></td>
<td>Email: <a href="mailto:rcorkill@fs.fed.us">rcorkill@fs.fed.us</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>U.S. Forest Service Program Manager Contact – Klamath National Forest</th>
<th>U.S. Forest Service Administrative Contact – Klamath National Forest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Ed Guzman</td>
<td>Name: Sherri Withrow</td>
</tr>
<tr>
<td>Address: 1711 S. Main Street</td>
<td>Address: 1711 S. Main Street</td>
</tr>
<tr>
<td>City, State, Zip: Yreka, CA 96097</td>
<td>City, State, Zip: Yreka, CA 96097</td>
</tr>
<tr>
<td>Telephone: 530-841-4442</td>
<td>Telephone: 530-841-4440</td>
</tr>
<tr>
<td>FAX: 530-841-4571</td>
<td>FAX: 530-841-4571</td>
</tr>
<tr>
<td>Email: <a href="mailto:eguzman@fs.fed.us">eguzman@fs.fed.us</a></td>
<td>Email: <a href="mailto:sewithrow@fs.fed.us">sewithrow@fs.fed.us</a></td>
</tr>
</tbody>
</table>

M. **NOTICES.** Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or Tribe is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To Tribe, at Tribe’s address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

N. **PARTICIPATION IN SIMILAR ACTIVITIES.** This MOU in no way restricts the U.S. Forest Service or Tribe from participating in similar activities with other public or private agencies, organizations, and individuals.

O. **ENDORSEMENT.** Any of Tribe’s contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of Tribe’s products or activities.

P. **NONBINDING AGREEMENT.** This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The
parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperative availability of funds and other resources; agency and cooperative administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies’ statutory and regulatory authority.

Q. USE OF U.S. FOREST SERVICE INSIGNIA. In order for Tribe to use the U.S. Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service’s Office of Communications. A written request must be submitted and approval granted in writing by the Office of Communications (Washington Office) prior to use of the insignia.

R. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.

S. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).

T. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt
and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

U. U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. Tribe shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this MOU.

V. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. Tribe shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

W. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.

X. DEBARMENT AND SUSPENSION. Tribe shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should Tribe or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

Y. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed
and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.

Z. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through May 1, 2018 at which time it will expire, unless extended by an executed modification, signed and dated by all properly authorized, signatory officials.

AA. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU. In witness whereof, the parties hereto have executed this MOU as of the last date written below.

RUSSEL ATTEBERRY, Council Chairman
Karuk Tribe

PATRICIA A GRANHAM, Forest Supervisor
U.S. Forest Service, Klamath National Forest

TYRONE KELLEY, Forest Supervisor
U.S. Forest Service, Six Rivers National Forest

The authority and format of this agreement have been reviewed and approved for signature.

JANET BOOMGARDEN
U.S. Forest Service Grants Management Specialist
Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice) or TDD voice users (800) 877-8339 (TDD). USDA is an equal opportunity provider and employer.
ATTACHMENT “A”
Incident Management Organization Roles & Responsibilities

Following are descriptions of the roles, responsibilities of the Forest Service as well as those positions for the Tribe, and AD pay plan identifiers of each tribal position for emergency fire hires. These pay plan identifiers are commensurate with positions outlined in the Interagency Incident Business Management Handbook and supported with authorization of the Regional Forester, Pacific Southwest Region. Regular Karuk Tribal employees will be reimbursed through the Bureau of Indian Affairs (BIA) under Cooperative Agreement AGJ20100042.

Agency Administrator

The Agency Administrator, designated by the Forest Supervisor, is the line officer responsible for the management, protection, development, and administration of the National Forest. The Agency Administrator is responsible for establishing and maintaining formal Government-to-Government relations and consultation with the Tribe’s elected officials regarding planning, policy, significant issues, and governmental cooperation.

The Agency Administrator considers the information obtained through the consultation process with the Tribal Government before making decisions that affect management of National Forest System lands or any federally reserved trust resource and includes specific direction related to these decisions in the Delegation of Authority letter to the Incident Commander. The delegation letter will address the number and types of tribal positions that should be filled in the fire organization.

Incident Commander

The Incident Commander is responsible for overall incident activities and decision-making, including the development and implementation of strategic decisions consistent with land management direction and delegations of authority. The Incident Commander approves the mobilization and release of incident resources. Reporting directly to the Incident Commander are the Command and General Staff. The Forest Supervisor’s Tribal Government Liaison and the Designated Tribal Government Representative positions, described below, work under the Incident Liaison Officer in the Incident Command System (ICS) organization or the Incident Commander in the Liaison Officer’s absence.

Forest Supervisor’s Tribal Government Liaison

A Forest Line Officer designated by the Forest Supervisor as the Liaison to the Tribe representing the Forest Supervisor for coordination and work with the Tribal staff and the Designated Tribal Government Representative(s) regarding day-to-day operations and implementation of agreements reached in the formal Government-to-Government consultation.

The Forest Supervisor’s Tribal Government Liaison reports to the Incident Liaison Officer or the IC in absence of the Liaison Officer and is responsible to consult and coordinate with the Designated Tribal Government Representative and the Forest Service Heritage Resource Advisor, if one is present.
Planning Section Chief

Works with the Forest Service Heritage Advisor and Designated Tribal Government Representative to develop mitigation measures for the protection of cultural resources from direct and indirect effects related to wildland fire management.

Forest Service Heritage Resource Advisor

The Forest Service will assure that personnel filling the position are familiar with this MOU, the relationships with the parties, and the incident organization. Technical archeological expertise will be required of individuals filling this position. If assigned, the Forest Service Heritage Resource Advisor will be assigned to the Planning Section Chief, a Forest Service employee, as needed, will fill this position, to coordinate heritage resource concerns and interactions, including heritage tribal concerns, priorities, and spiritual areas. The position directs the work of the Heritage Consultant Coordinator and Heritage Consultants. The Forest Service Heritage Resource Advisor is responsible for obtaining heritage resource input from the Heritage Consultants, Forest Supervisor's Tribal Government Liaison, the Designated Tribal Government Representative, and interested traditional practitioners. The position provides advice to the Incident Management Team through the Planning Section Chief for planning purposes regarding the protection of cultural resources from direct and indirect effects related to wildland fire management.

Designated Tribal Government Representative.

This will be the first position filled as needed and determined by the Agency Administrator, Incident Commander or District Duty Officer in consultation with the Tribe. An individual to whom the Tribe has formally delegated the authority to represent the Tribe’s interests pertaining to incident activities shall fill this position. The Designated Tribal Government Representative reports to the Incident Liaison Officer or the Incident Commander in absence of the Liaison Officer and shall be readily accessible to the Tribal Government, the Forest Supervisor’s Tribal Government Liaison, and to the Incident Commander.

Additionally, the Designated Tribal Government Representative may communicate directly with the Forest Supervisor(s) with respect to the incident. Should any modifications in incident activity or priorities be agreed to by such contact, they will be binding upon the Incident Commander only after a new or amended delegation of authority is prepared and conveyed to the Incident Commander. Such formalization is necessary to clarify what may otherwise be conflicting direction.

The Designated Tribal Government Representative plays a critical role in the coordination with Forest Supervisor’s Tribal Government Liaison, Forest Service Heritage Resource Advisor, Tribe, and incident personnel, which is essential for focused action on the incident.

Pay plan: AD-K (Exception Position 5) <sup>135</sup> (INCS)
Physical fitness requirement: None (This is not a fireline assignment.)
Training: Annual Fire Refresher (red or blue book standards)
Heritage Consultant Coordinator

This position will be filled if the number of Heritage Consultant(s) exceeds the effective supervisory span-of-control, commonly 3 to 5. The responsibility of this position is to coordinate the activities and input of the Heritage Consultant(s) assigned to the incident with the Planning Section Chief and Forest Service Heritage Resource Advisor. This position works for and is directed by the Forest Service Heritage Resource Advisor, if present, or the Planning Section Chief while remaining in close contact with the Designated Tribal Government Representative.

Pay plan: AD-I <i> (CULS)
Physical fitness requirement: Light
Training: Annual Fire Refresher (red or blue book standards)
Personal Protective Equipment required <ref> </ref>

Heritage Consultant(s), Level 1

Heritage Consultant(s) are charged with conveying specific heritage concerns to the Forest Service Heritage Resource Advisor, if assigned, or the Heritage Consultant Coordinator, if assigned, or to the Planning Section Chief. Consultants work for and are directed by the Forest Service Heritage Resource Advisor, if present, or the Planning Section Chief. Work location and hours of work will be determined based upon incident needs and will be coordinated with operational activities.

Pay plan: AD-F <i> (CULS)
Physical fitness requirement: Light <ref> </ref>
Training: Annual Fire Refresher (red or blue book standards)
Personal Protective Equipment required <ref> </ref>

Heritage Consultant(s), Level 2

Heritage Consultant, Level 2 are often elders, ceremonial leaders and others who have significant knowledge and whose input is critical. These positions will be filled based on fire location and limited to those the Tribe determines as having specific information relating to the area in question at any given time. These individuals do not need to be deployed in the field to participate as a Heritage Consultant. As with those Heritage Consultants that are deployed to the field, non-field going Heritage Consultants work for and are directed by the Forest Service Heritage Resource Advisor if present, or the Planning Section Chief. Work location and hours of work will be determined based upon incident needs and will be coordinated with operational activities.

Pay plan: AD-F <i> (CULS)
Physical fitness requirement: None
Training: None
Endnotes

AD pay rates are defined in FSH 5109.34 (Chapter 10, Exhibit 01, amended and published annually).

Physical fitness requirements are defined in FSH 5109.17, Section 23.

Personal Protective Equipment (PPE). All personnel assigned to fire line duties must wear and use all personal protective equipment required for fire line duty. The Forest Service does not provide boots.

The Karuk Tribe will invoice the Bureau of Indian Affairs (BIA) for all expenses related to regular Karuk employees dispatched to a Six Rivers National Forest wildland fire incident. Emergency hire personnel will be paid by the Forest Service as stated in the AD pay plan. Regular Karuk employees will be paid, as appropriate, their regular tribal wage, overtime pay, hazard pay and per diem. Additionally, as appropriate, the Karuk Tribe will invoice BIA for employee’s cost to the Tribe, supply expenses, transportation expenses to and from the point of dispatch and damage or loss of equipment incident to the service and as allowed under respective Wildland Fire claim authorities. The Forest Service will provide the Karuk Tribe completed and signed Emergency Firefighter Time Reports (OF 288) and/or Crew Time Reports (SF 261). Additionally, if appropriate, signed Emergency Equipment Shift Tickets (OF 2978) will be provided.
2014 CEREMONIAL CALENDAR

Inam ~ Inaamva: Spring Salmon Ceremony
Pile Rocks at Mouth of Clear Creek
July 26th ~ 31st

Amakyorum: Jump Dance
Near Mouth of Salmon River
TBD

Inam ~ Pik-ya-wish: World Renewal Ceremony
Near Clear Creek
August 20th ~ 29th (Irishiv 25th)

Tishawnik ~ Pik-ya-wish: World Renewal Ceremony
Near Camp Creek
September 9th ~ 18th (Irishiv 13th)

Katimiin ~ Pik-ya-wish: World Renewal Ceremony
Somes Bar
September 20th ~ 29th (Irishiv 26th)