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Memorandum

To: Interested Public  
Date: July 17, 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: August 16, 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/57785222346101505.

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. Survey of California Native American Tribal Representatives

9. California Environmental Quality Act and Forest Practice Act Overview

10. CAL FIRE Resource Management Programs

11. CAL FIRE’s Native American Tribal Communities Relations Policy Revision

12. 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

13. Recommended Framework for Protecting Cultural Resources from Impacts Associated with Fire Protection Activities

14. 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
   c. Potential direct protection relationships in remote tribal communities with response capacity and no local CAL FIRE stations.

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
CAL FIRE’s Native American Advisory Council
Minutes of the April 19, 2018 Meeting
CAL FIRE Sacramento Headquarters
(Recorded by Gerrit L. Fenenga)

Members Present: Kevin Gaines; Edward Hadfield (Chair); William Tripp

Members present via Webinar: Ann Brierty; Ed Mann (for Tim Hayden)

Members Absent: Robert Smith; Tim Hayden; Walt Lara; Gary Walker; Allen Wright

CAL FIRE Personnel Present: Helge Eng, Deputy Director Resource Management (afternoon); Matthew Reischman, Assistant Deputy Director Resource Protection and Improvement; Chris Browder, Deputy Chief, Environmental Protection and Archaeology Program Manager; Gerrit Fenenga Senior State Archaeologist; Mike McGuirt, Senior State Archaeologist

Guest: Marcella Ernst (United Auburn Indian Community)

1. Call to Order: (9:08 am)
   a. C. Browder handed out CEQA Guideline books to Council members
   b. Chairman Hadfield opened meeting with thank you to C. Browder for preparing handout materials and making other meeting arrangements. He also thanked CAL FIRE for re-establishing the NAAC and re-iterated its purpose of fostering relationships between Native American tribal people and CAL FIRE. He finished his introductory remarks by reminding us that we are just now entering the fire season, which if like recent years, will be very busy.

2. The council approved the meeting agenda.

3. Approval of Minutes from the January 31, 2018 Meeting:
   a. Chairman Hadfield stated they appear to be accurate and correct.
   b. Bill Tripp said he had one comment that concerned Council Business Item #4x. He wanted to clarify that the Master Mutual Aid agreement template involved more than just mutual aid and that new language was being inserted into the new template to correct this.
   c. Some minor changes needed:
      A. Matt Reischman title correction.
      B. Correct use of Chairman “Hadley” to “Hadfield” throughout when in error.
      C. Correct term “proactive” in Item 16ciii under Council Business.
   d. Chris Browder said he would make these corrections.
   e. Motion to approve (Kevin Gaines); 2nd by Bill Tripp.
      A. All in favor; non-opposed; no abstentions.
   f. Motion to Approve Minutes Passed.
4. **Report of the Cal Fire Deputy Director:**
   
a. Matt Reischman reported that this fiscal year $220,000,000 dollars were apportioned by the legislature from Cap and Trade funds to CAL FIRE for funding projects beneficial to combating climate change. 2014-2017 these were referred to as Greenhouse Gas Reduction Funds and they are geared toward reducing greenhouse gasses.
   
   A. This year the Air Resources Board re-branded this to be called the California Climate Initiative.
   
   B. $20,000,000 of these funds are targeted for Urban Forestry projects.
   
   C. The remaining $200,000,000 are for the Forest Health Program, which includes Fuel Breaks, Reforestation, Forest Legacy, and Forest Conservation easements.
   
   i. The conservation easements are arrangements with private land owners designed to protect forests by insuring they continue to stay as forests rather than be converted into other uses.
   
   D. Acquisition of these funds involves two steps:
   
   i. Proponent produces a “Concept Proposal.”
   
   ii. 70-75 of these were received this year, requesting approximately $330,000,000.
   
   iii. After review of these, CAL FIRE makes an initial selection and sends out a letter to proponents requesting full applications.
   
   I. CAL FIRE has done this and is waiting for replies.
   
   II. Matt will keep the NAAC informed of the progress of this.
   
   b. Deputy Director Reischman stated this is the time of year in the legislature for new bills.
   
   A. He said there is a lot of interest in prescribed fire due to the past several year’s fire events and associated losses and liability issues.
   
   c. He then commented on CEQA projects regulated by CAL FIRE and that we are working on better tracking of the reviewing process for these.
   
   d. The Tree Mortality Task Force is continuing its work assessing insect and drought mortality.
   
   e. Last, he described the Forest Management Task Force, which was mentioned in the Governor’s State of the State address. We are currently in the process of developing this program that focuses on forests and the use of wood products. Current work is on regulatory changes that would help streamline forest management activities.
   
   f. Chief Reischman then asked if there were any questions.
   
   A. Chairman Hadfield asked about the end user perspective of Cap and Trade funds. He said he only saw one email announcing this subject and thought that 75 applications seemed like a low number.
   
   i. Based on those observations, he asked about the possibility of CAL FIRE developing a better process of notification and outreach.
   
   B. Matt Reischman indicated CAL FIRE went through its normal outreach, largely generated through the Internet. There were no TV or radio announcements. He said he would look into this matter further.
   
   g. Chief Reischman said he had not mentioned the SRA grants projects, but we are hoping to have a call for applications for these very soon.
   
   A. He said the intent was to reach as many people as possible and CAL FIRE has had some workshops with attendance of 30-50 people at each.
B. The greater interest in these is for smaller projects with budgets in the neighborhood of approximately $5,000,000.

h. Chairman Hadfield asked how tribal groups in San Diego can access these workshops, or if they could. He said he was only aware of the one workshop and only heard about it in one email. He also said there was no clear point of contact.
   A. Matt Reischman said he would look into this.
   B. He then suggested local Fire Safe Council fire prevention grants could be incorporated into larger grants as a means to organize additional workshops.
   C. Chairman Hadfield indicated a lot of people were concerned about this, especially following the Lilac Fire last year, which was a winter event. The local community was interested in preparedness and prevention and would like to maximize the use of this.
   D. He went on to compliment CAL FIRE and Chief Eng for his recent interview in Forbes magazine.

i. Ann Brierley thanked Ed Hadfield for bringing this topic up because this information was coming to fire departments, but not to the THPOs or to tribal resource management personnel.
   A. She suggested that the NAAC might be a vehicle to disseminate information to tribes who do not have fire departments.

j. Bill Tripp noted the issue of outreach was important but that tribes did not have access to some monies. He said they are eligible for greenhouse gas funds, but there are issues for tribal entities with concerns that extend beyond tribal trust lands.

k. Matt Reischman offered that this group (NAAC) was good for accessing this type of funding, especially through the CCI (versus SRA funds).
   A. Chris Browder cautioned the use of the Council may need legal clarification because there are differences in accessing funding.
   B. Matt stated that SB 859 specifically called out tribal eligibility, which is different than SRA funds.
   C. Chairman Hadfield said this needs to be clearly spelled out to identify who is eligible.

l. Chris Browder discussed the workshops conducted last year. He said last year they were coordinated by Joel Vela and were held in May, June, and July in Monte Vista Unit (San Diego), San Bernardino, Riverside, Santa Barbara, Morgan Hill, Sanger, Sonora, Placerville, St. Helena, Redding and Eureka.
   A. He said there was a delay this year due to the end of the SRA program and its transition to CCI.
   B. Last year’s workshops had decent attendance with good dialogue. Previously unsuccessful applicants discussed CEQA and how they might be more successful next time.
   C. He said that Scott Witt now runs these and he will send information to tribes in the future. He had not thought of doing this before.
   D. Chairman Hadfield indicated this was one purpose of this group because they can channel information to the right person.

m. Bill Tripp brought up legislative developments relating to Native burning. He pointed out there were significant liability issues, but there was progress with strategies being
developed by the National Resources Committee and the Wildland Fire
Committee.

n. Chief Reischman provided a short historical overview wherein there had been three
alternative approaches to dealing with prescribed fire and liability issues.
A. Purchase insurance.
   i. Original process, but costs grew over time.
   ii. CAL FIRE had lead role.
B. Indemnify or hold harmless.
   i. Done when CAL FIRE controlled burn.
C. Develop shared liability.
   i. Cooperative process with tribal roles and CAL FIRE roles (TREX program).
   ii. Likely where we would go.
   iii. Hope is to implement these.
o. Reischman thanked Bill for his comments and ideas.

5. Report of the CAL FIRE Archaeology Program
a. Chris Browder spoke briefly about the program starting with the Certified Archaeological
Surveyor training, which he described as “para-archaeologist” training. He noted graduates
can access the records from the California Historical Resources Inventory System, commonly
referred to as the “Information Centers.” He also noted they can conduct archaeological
surveys and prescribe protections for archaeological sites, and that all their work is reviewed
by CAL FIRE archaeologists. He then asked Gerrit to discuss the status of the archaeological
training program at CAL FIRE.
b. Gerrit Fenenga reviewed this year’s training, having recently completed a full week class in
Los Angeles County and an earlier set of two one-day refresher courses in February. The
remaining classes this year will be held in May, October and November in northern
California.
   A. Ann Brierty asked about having Native American monitors take the course since they
can use as much archaeology training as they can get to help with their work.
      i. Gerrit responded that they could enroll in our classes, but that they were directed
         more towards individuals with little or no background or experience in archaeology.
         Consequently, there might not be much new information in the classes if the
         monitors or other resource managers were already involved in this subject in their
         work.
      ii. Chris Browder pointed out that there already is a provision in our arrangements
         with the California Licensed Foresters Association (CLFA) to allow two Native
         American participants in the class.
   B. Chris Browder also described how the Certified Archaeologist training is codified in the
      Forest Practice Rules and is presented as a partnership between CAL FIRE and CLFA, with
      CAL FIRE being responsible for the course curriculum content and presentation and the
      CLFA responsible for administration. This arrangement is because CLFA can accept
      course fees and CAL FIRE as a State agency cannot do this.
      i. Chris told the Council he would send out information about attending the course.
   C. Bill Tripp asked about how the course crossed over with the federal government, which
      provides its own archaeological training.
i. Chris explained that the CAL FIRE training is limited to projects on state and private lands where CAL FIRE is the lead agency under CEQA and timber-related work regulated by the Forest Practice Rules. It also can be used where CAL FIRE has a Programmatic Agreement with federal agencies to conduct fuels management projects or other projects where federal funding is attached.

ii. There was some follow-up discussion outlining the limitations of the use of the Archaeological Certificate, including the fact that any use of it requires review of the work by a CAL FIRE archaeologist.

c. Continuing with the report on the archaeology program, Chris brought up the current work being done with Cal Trans on the Highway 20 re-alignment at Camp 20 on Chamberlain Creek at Jackson Demonstration State Forest in Mendocino County. He explained this project would entail impact to a significant archaeological site and that CAL FIRE was working closely with Sherwood Valley Rancheria on this. He also noted there are federal dollars and regulation involved with this and that Mike McGuirt, who has a background and experience in this area, was working with him on this.

d. The archaeology program review being finished, Chairman Hadfield suggested a 10-minute break and made a motion to do so. Kevin Gaines seconded and the motion passed.

e. 10:20 Call back to Order

6. Report of the Native American Heritage Commission
   a. No representation
      A. Debbie Treadway was here last time; no one today.
      B. Chris Browder stated he will make sure they are informed of the meeting next time.

   a. Chief Eng’s welcome and comments.
      A. He is very glad the NAAC group is up and running.
      B. He believes that face-to-face meetings are the best practice.
         i. These provide for a direct line of communication.
      C. He gave an example-- the transfer of PG&E lands to the Demonstration State Forest system.
         i. Involves issues of concern to tribes, both past and present.
         ii. Provides means for developing constructive relationships.
         iii. Helps us understand anything we can do to facilitate relationships.
   b. Chairman Hadfield referred again to the article he read in Forbes magazine [?] that quoted Chief Eng. He commended him, especially on his transparency where Helge described mistakes CAL FIRE had made and where we had gone wrong in relation to forest management and fire. He said this perspective was very positive for the state.
      A. Chief Eng responded that the last 5 years had taught us how little we understand and that is was a good reason to be humble.
      B. He followed with it was evident there was a well-defined place for traditional knowledge and that this was something that could come out of this group.
   c. Chairman Hadfield said that there is an “appetite” for natural resource protection and people were more sensitive and engaged. He also said there was more concern for cultural issues including spirituality.
d. Chris Browder reminded us there were two main topics on today’s agenda.
   A. Revising the Tribal Relations Policy.
   B. Protecting Cultural Resources during fires, including wild fires, controlled fire, and pre-fire planning.

e. Helge Eng brought up the Little Hoover Institute’s recent comments regarding spiritual development, which is transcending the timber and ranching industries.
   A. He indicated a “Holistic” approach to management was Natural Resource-centric but this was currently in transition (in relation to cultural values).
   B. Chairman Hadfield responded that this will be the charge of this Council.
      i. He noted that Elders speak of the loss of resources, including both spiritual and cultural values.
      ii. They have expressed a need to “assist” the lands in order that they flourish.

f. Chris Browder observed this might be a use of the State Forests.
   A. Bill Tripp asked where these were located.
      i. Chris stated they were all over the state and amounted to approximately 70,000 acres in area.
         I. He mentioned: Jackson SF (50,000 acres); Soquel SF (3,000 acres); LaTour (10,000 acres); and Boggs Mountain (3,500 acres) in Lake County, which burned up in the Valley Fire 2 ½ years ago.

8. Chairman Hadfield indicated it was time to address Item #7 on the agenda, which was the Geographic Assignments of Native American Advisory Council Members
   a. He reminded us the original discussion of this topic in January had led to no consensus and that this was important for the Council to insure regional representation for the entire state and for the purposes of outreach. The current make-up of the Council is weighted toward northern and southern portions of the state, with little representation for the central parts, especially the central coast region.
   b. He suggested there were different ways to approach this including by CAL FIRE’s organization into Regions and Units, by Native American tribal or cultural distributions, and by California counties.
      A. He said he liked the idea of geographic regions and we could work from there.
   c. Chairman Hadfield stated that we need to solidify general regions and delineate these today.
      A. Bill Tripp pointed out there is no perfect solution to this problem.
   d. Chairman Hadfield suggested we might consider OES Regions or CAL FIRE Units.
   e. Gerrit said that anthropologists divide the state into different cultural areas based on tribal characteristics.
   f. Bill said we might use linguistic groupings or county groupings.
      i. Gerrit pointed out that CAL FIRE uses Units for fires, but tribal and county groupings for forestry in contacting tribes.
      ii. He also noted that there were complexities with using linguistic divisions such as were shown on the map in the handouts because some linguistic families such as the Hokan group was scattered all about the state due to past population movements, while other were concentrated in one area of the state such as the Numic speakers found only in southern California.
I. Bill added to this noting the presence of several very small, regionally restricted families like the Algonquin and Athabascan speakers found in his area of northwestern California.

g. Kevin Gaines and Ed both stated the Council could work with anything that works.
   A. They both brought up the fact that the Council is an advisory committee to CAL FIRE and for ease of communication its organization might make the most sense.

h. After further discussion, it was decided to divide the state into three regions using CAL FIRE Unit boundaries combined with generalized cultural boundaries. The resulting divisions were 1) Northern California including CAL FIRE Units HHU, SKU, LMU, MEU, TGU, and BTU; 2) Central California including LNU, NEU, AEU, MRN, CZU, SCU, TCU, MMU, BEU, FKV, and TUV; and 3) Southern California including SLU, KRN, BDU, SBC, VNC, LAC, ORC, RRU, and MVU.

i. Bill Tripp made a motion to accept these divisions, Kevin seconded, all voted in favor, no one opposed, no abstentions. Motion Carried.

j. Bill Tripp then suggested that to meet the intent of consultation we should send this out for review and comment.
   A. Chairman Hadfield agreed saying we have a common purpose to make people aware of the Council as a point of contact, to show its intent and vision, and for assurance of geographic representation.
      i. He then pointed out this was topic #10 on the agenda “outreach to tribal communities about the Council and its work.”
      ii. He also noted that it appeared that a workable framework was coming together

9. Next on the agenda was Item #8: Goals of the Native American Advisory Council
   a. Chairman Hadfield briefly outlined these goals which included revising CAL FIRE’s Tribal Relations Policy, Training Opportunities, recommendations for protecting cultural resources during fires, recommendations for cultural burning, and evaluating the California Master Fire Agreement to reflect the Tribal Relations Policy. He also noted there was overlap between some of these topics.
   b. Chairman Hadfield stated that the Policy was the cornerstone to everything else.
      A. Chris Browder agreed saying this was the initial framework that set the stage for other things.
      B. Chairman Hadfield followed, stating he would like the Council to wrap this subject up today and come up with a final draft for approval.
      C. Chris agreed saying if needed, we can table other things in order to complete this today because of its importance.
         i. Ed said it was important to consider the “cornerstone” as opposed to the “fluff” and we must address this first.

10. Skipped Item #9.

11. Item #10 Outreach to Tribal Communities about the Council and its work.
   a. Chris Browder stated he sent an email to Debbie Treadway at the NAHC.
      A. She was to send message to tribes on list that the Council has met and plans to meet 3 more times this year and to describe plans for outreach.
   b. He also said he sent out message about the Council to CAL FIRE Units.

13. The discussion under #11 segued into CAL FIRE’s Native American Trial Communities Relations Policy Revision

   a. Bill Tripp noted that outreach was contingent upon our policy statement because it was dependent upon geographic delineation of contacts for regional representation.
   b. Chris said the Council would make recommendations to CAL FIRE for Executive review in our draft policy document and then tribes would be consulted.
      A. Matt Reischman noted this would also require a 2nd Executive review.
      B. Chairman Hadfield stated the Council would then make recommendations to the tribal constituents and then forward a final draft for Executive review.
      C. Matt said we would prepare a “green sheet” for review by lower management.
   c. Chris followed by stating this would require a legal review because it represented a significant policy change and that we may need to change the title.
      A. Chairman Hadfield suggested we might be better using the term “procedures” instead of “policy.”
      B. Chris said we would have to also look at our charter for clarification.
      C. Discussion continued with Ed observing this was not binding, but advisory guidelines.
         Ann said that “procedure” was best fit by legal definition. Mike McGuirt said that the Council would see final version before moving it to Executive Team.
   d. In summation, Chairman Hadfield indicated the Council would take the current 2012 policy, draft an updated version, send this out for tribal input, and bring it back for final summary.
      Chris added we would: 1) develop a working draft today, 2) send this out to tribes for review, 3) address their comments and amend, and then 4) move it through the Executive Team.
   e. Chris and Chairman Hadfield said that today the best use of time was to go through the entire packet of comments already received from the Council members and get a draft out today for circulation.
      A. We can approve a draft today for next meeting and put this on the agenda.
      B. We also need to develop a list of who we propose to send the final draft Policy to.
         i. The Tribal Chairman’s Association was suggested.
   f. Chairman Hadfield made a motion to break for lunch.
      A. Kevin 2nd, motion passed. Time was 11:45.
   g. Post Lunch Call to Order was at 12:35.
   h. A lengthy and detailed review of individual comments Chris had received from the Council members who reviewed the 2012 Policy followed and took up much of the remaining meeting.
      A. The resulting proposed changes were compiled by Chris Browder, who stated **he would make the agreed-upon modifications and prepare a draft for use at the August Council meeting.**
      i. After the revising and wordsmithing of the Tribal Policy, Chairman Hadfield stated that this work today was “epic” in terms of modernizing the policy document. He further said that it was important to understand it was based on the “intent” of the NAAC as it proceeds on through review.
j. In summary, the afternoon session: 1) went through all the comments made by the Council members who had reviewed the 2012 tribal policy, 2) a draft with the revised language will be prepared by Chris Browder, 3) Chris will transmit the draft to the Council for any further comments, 4) it will then be finalized at the next council meeting, 4) it will move forward with a “push” out to Native American community leaders for their comments and corrections, 5) these will be reviewed and the document amended at the following NAAC meeting, and 6) should be in the final draft by the 1st NAAC meeting of 2019 for moving on to CAL FIRE’s Legal and Executive staff for approval.

k. **Chris Browder indicated he would contact the new liaison for the Governor’s Tribal Relations Office and request a list of who should review it.**

l. It was decided no vote was needed to approve this.

m. Ann Brierty noted the purpose and intent of the policy was to be used by tribal governments and by CAL FIRE to foster relationships and how both see cultural resources in emergencies in relation to “spiritual bonding.” She also reminded the Council that tribal elders “still tell those stories.”

12. As new business, Chris Browder brought up the issue that there is need for recruitment of the Council is not fully represented, suggested some individual who might be good candidates, and asked the Council to consider this for the next meeting.

13. Chairman Hadfield moved to adjourn the meeting.
   a. Kevin Gaines 2nd the motion.
   b. All were in favor.
   c. Meeting adjourned at 3:30.
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>Average/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timber Harvesting Plans</td>
<td>255</td>
</tr>
<tr>
<td>Nonindustrial Timber Management Plans</td>
<td>17</td>
</tr>
<tr>
<td>Exemption Notices</td>
<td>2,352</td>
</tr>
<tr>
<td>Emergency Notices</td>
<td>178</td>
</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.
CAL FIRE’s Forest Pest Management (FPM) program promotes and protects the health of forest trees on state and private lands. Insects and diseases, both native and introduced, are the top killers of trees in California. Sudden oak death and bark beetles attacking drought-stressed trees have been the leading causes of tree mortality in recent years, but many other pests have impacted and/or will impact California’s forests. Impacts include increased wildfire risk and changes in forest diversity and structure.

FPM staff evaluate pest outbreaks, recommend preventative measures and treatment alternatives, assist landowners with the management of dead and dying timber, evaluate fire-damaged trees for survival and hazard, provide training, produce publications, conduct surveys and applied research, and provide leadership for stakeholder groups. They also work with Forest Practice staff on forest health issues related to timber harvest activities.

In 1923, the Forest Insect Eradication Law was enacted, authorizing the State Forester, with Board of Forestry and Fire Protection approval, to establish Zones of Infestation for insect control. In subsequent years, the law was amended and expanded. Zones are declared when large-scale pest infestations require a coordinated, area-wide response. They provide CAL FIRE greater latitude in conducting pest management activities and require commercial timber harvests to use appropriate mitigation measures. Zone establishment authorizes CAL FIRE participation in multiple-landowner pest control projects; without CAL FIRE assistance, private landowners would not have the technical expertise or resources needed to conduct projects on their own. About 25 million acres are currently in Zones across California.

In 1986, the exotic tree disease pitch canker was discovered in California and in 1997 the Coastal Pitch Canker Zone was established, the first Zone for a forest disease. A new and similarly devastating disease dubbed sudden oak death was discovered in 1995.

CAL FIRE pest management staff are actively involved in the ongoing Southern California Bark Beetle Control Program. Specially trained Conservation Camp Crews in Southern California have contributed greatly to insect control and fire hazard reduction by removing thousands of beetle-infested trees within bark beetle Zones of Infestation.
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.
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 SelecTree 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/.
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.
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.
Since 1990, more than 17,000 homes and other structures have been damaged or destroyed by wildfires in CAL FIRE’s jurisdiction. By placing emphasis on what needs to be done long before a fire starts, Pre-Fire Management actions can reduce property losses, fire fighting costs, increase firefighter safety and contribute to ecosystem health.

Pre-fire activities such as, clearing a defensible space, planting and maintaining fire safe landscaping, utilizing prescribed fire, creating fuel breaks and managing forests effectively, are proven methods of reducing wildfire destruction.

In 2003, over 3,700 homes were destroyed by wildfires in Southern California alone. Pre-Fire Management is a term all Californian’s living in a wildland setting need to know.

**Defensible Space**
When you remove flammable vegetation and create a fire safe landscape at least 100 feet around structures, you create a “defensible space” that will help protect your home and provide a safety zone for the firefighters who are battling the flames.

Defensible space around your home and other structures not only provides the greatest chance for survival, it is also required by California Law (PRC 4291). Check with your local fire department for defensible space requirements in your area.

**Fire Safe Landscaping**
Defensible space does not mean bare dirt.
- Plan your landscape to eliminate a continuous path of vegetation, or “fire ladder” that will carry wildfire to your home.
- Use fire resistant plants, native species, green lawn, rock, stone and other materials to create an attractive and fire safe landscape.
- Space trees at least 10 feet apart, and choose shrubs and trees that are no higher than 18 inches within your 100 feet defensible space area.
- Remove lower tree branches within six feet of the ground to prevent fire from travelling up and through the trees.
- Keep trees trimmed at least 10 feet from your chimney and away from your roof.
- Maintain your landscaping with regular watering and weeding.

*Statistic provided by CAL FIRE, Fire Protection, Operations Support*
Prescribed Fires/Vegetation Management Program (VMP)

The use of “prescribed” or intentionally set fire, under controlled circumstances can remove unhealthy and dangerously overgrown vegetation before a wildfire strikes. Prescribed fire projects reduce the risk of large, damaging wildfires while improving the growing conditions of native plants and wildlife.

The CAL FIRE Vegetation Management Program (VMP) is a cost-sharing program with landowners. The program focuses on the use of prescribed fire and mechanical means to address wildland fire fuel hazards and other resource management issues on State Responsibility Area (SRA) lands.

Fuel Breaks

Fuel breaks are wide strips of land on which trees and vegetation have been significantly and in some cases, permanently reduced or removed.

They may also be large greenbelt areas built into communities. These areas can slow and even stop, the spread of a wildland fire because they provide fewer fuels to carry the flames. They also provide firefighters with safe zones to take a stand against a wildfire, or retreat from flames if the need arises.

Forest Management

Densely-packed forested and vegetated areas provide ample fuel for flames to spread. Well-managed forests and wildland areas reduce fire hazard while improving forest health, wildlife habitat and watershed resources.

www.fire.ca.gov
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

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<thead>
<tr>
<th>State Forest</th>
<th>County</th>
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<tr>
<td>Jackson DSF</td>
<td>Mendocino</td>
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<td>LaTour DSF</td>
<td>Shasta</td>
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<td>Mountain Home DSF</td>
<td>Tulare</td>
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<td>Boggs Mountain DSF</td>
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<td>Soquel DSF</td>
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<td>Las Posadas DSF</td>
<td>Napa</td>
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<td>Mount Zion DSF</td>
<td>Amador</td>
<td>164</td>
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<tr>
<td>Ellen Pickett DSF</td>
<td>Trinity</td>
<td>160</td>
</tr>
</tbody>
</table>

**Jackson DSF**
802 N. Main
Fort Bragg, CA 95437
(707) 964-5674

**LaTour DSF**
1000 Cypress Avenue
Redding, CA 96001
(530) 225-2432

**Soquel DSF**
4750 Soquel-San Jose Road
Soquel, CA 95073
(831) 475-8643

**Boggs Mountain DSF**
P.O. Box 839
Cobb, CA 95426
(707) 928-4378

**Mountain Home DSF**
P.O. Box 517
Springville, CA 93265
(559) 539-2321 summer
(559) 539-2855 winter
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

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 Departmental activities to minimize impacts of CAL FIRE projects to protect 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 tribes organizations, and individuals identified on the CAL FIRE Native Americans contact list.
• Shall acknowledge both federally and NAHC recognized tribes as unique and separate entities and/or governments, or both, as appropriate.
• Shall consult with tribes to ensure that Departmental programs and activities protect cultural resources through avoidance of those resources or through

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† 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.

‡ 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.
implementation of protection measures that minimize adverse impacts and significant effects.

- Shall recognize and respect tribal rights, sites, traditions, and practices.
- Shall consult with tribes for Departmental projects it undertakes or approves having the potential to impact tribal communities.
- Shall consult with tribes for Departmental planning efforts, assessments, strategic plans, etc. having the potential to impact tribal communities, lands, territories or resources.
- Shall encourage participation by tribes in obtaining grants, or otherwise conducting activities, for improvement of forest health or community safety-risk reduction, planning and implementation.
- Shall work with tribes for protection of cultural resources during fire suppression efforts where practical, based on threat to public safety and situation.

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)’s mission 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/take 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 in program and during project design and 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 Liaison Historic Preservation Officer, who will have day-to-day responsibility for ensuring implementation of this policy.

**Tribal Liaison 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. Has lead responsibility for ensuring conformance with this policy for actions 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 committees, 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.

**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 committees 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 Liaison 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.

**Assistant Deputy Director for Technical Services**: Has lead responsibility for CALFIRE 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 as 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 CALFIRE 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 Departmental policy, tribal laws, existing agreements and contracts with local tribes, and any impediments to Departmental 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 Departmental 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 council is to assist CAL FIRE in establishing a cooperative and meaningful relationship with California tribes. The nine appointed members are Native Americans representatives 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 tribes for all CAL FIRE projects actions. 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 actions.

CAL FIRE is required by State law and regulations [ref. Public Resources Code (PRC) §§ 21080.3.1, 21080.3.2, 21104 and Title 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 tribes and Native
Americans during the development and review of CAL FIRE projects. Fire Protection Reimbursement Agreements are not considered “projects” requiring tribal consultation with the NAHC. Tribal groups and individuals identified on the Native American Heritage Commission’s California Native American Tribal Contact list and on CAL FIRE’s Native American Contact List are the appropriate local points of tribal contact, unless otherwise specified.

Consultation Procedures Statement

CAL FIRE shall consult with the NAHC and listed local tribes for any CAL FIRE projects action that has the potential to cause significant adverse impacts or significant effects to a Native American cultural resource. Consultation shall proceed pursuant to current applicable statutory and regulatory law, and for the purposes of this policy, shall have the same meaning as provided in 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.

“Consultation” means 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. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation shall also recognize the tribes’ potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

Definition of Consultation

Consultation means providing recognized tribes timely notice and opportunity to comment on a proposed communicating early and often on CAL FIRE project in an ongoing manner actions whether the situation activity 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 on a government-to-government basis, when appropriate. Consultation’s 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 tribes and tribal communities 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 decisions. Thus, the consultation requirement, thus, gives a tribe the ability to advocate for the desired outcome of their tribal community it would like to see regarding relevant CAL FIRE actions 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 registered professional foresters 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 tribes. A principal goal of consultation is to provide Native Americans a reasonable opportunity to express their views on CAL FIRE programs, projects and response actions. Although face-to-face meetings are not required for every project action, 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.

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 and/or RPF registered professional forester 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 may lead to alignment of cultural values better when seeking agreement.

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.

CAL FIRE actions include:
1. Projects that are carried out, supported, or approved (permitted) by CAL FIRE in its role as lead agency under the California Environmental Quality Act (timber harvesting plans, non-industrial timber management plans, timberland conversions permits, Vegetation Management Program projects, California Forest Improvement Program projects, various grant-funded projects (Urban and Community Forestry, California Climate Initiative, etc.), demonstration state forest projects, fire prevention projects, capital outlay projects, management plans, archaeological test excavations, etc.)

2. Training activities that may affect the environment.

3. Fire suppression activities.

i Cultural Resource: a broad category that describes a wide variety of resources including archaeological sites, isolated artifacts, objects, features, places where religious, ceremonial or resource gathering and utilization occur, cultural landscapes, sacred places, records, manuscripts, historical sites, traditional cultural properties, historical resources, and historic properties. This term is intended to include all forms of archaeological, historical, and traditional cultural properties, regardless of significance, as well as tribal cultural resources. This term includes all of the material and locations contained in “tribal cultural resource,” “unique archaeological resource,” “nonunique archaeological resource,” “historical resource,” and “significant archaeological or historical site” (Public Resources Code §§ 5020.1(j), 21074, 21083.2(q)-(h), 21084.1, California Code of Regulations §§ 895.1 and 15064.5(a)).

ii Pursuant to Public Resources Code § 21073, California Native American tribe means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004 (Senate Bill 18).

Pursuant to Title 14 California Code of Regulations § 895.1, Native Americans means the Native American Heritage Commission and those local Native American tribal groups and individuals to be notified or consulted pursuant to the Forest Practice Rules as defined in the Native American Contact List.

Native American Contact List means the list that identifies those Native Americans that must be notified or consulted pursuant to the Forest Practice Rules. CAL FIRE shall maintain this list utilizing information and advice provided by the Native American Heritage Commission (NAHC). The list shall identify the appropriate contacts to be notified or consulted during preparation or review of Timber Harvesting Plans. The list shall be organized by counties or portions of counties and shall include all local federally recognized tribal governments. It shall also include other California Native American organizations or individuals that CAL FIRE places on the list based upon demonstrated knowledge concerning the location of archaeological or cultural resources within California. The NAHC shall also be included as a required contact for each county on the list to enable the NAHC to complete a check of their Sacred Lands File which is authorized by Public Resources Code §§ 5097.94(a) and 5097.95. The list shall be posted on CAL FIRE’s internet site to make it readily available to registered professional foresters and others needing the list to comply with these rules. The list shall also be available by mail through written request to the appropriate CAL FIRE Review Team Offices. At least twice annually, CAL FIRE shall update the list to provide the most current information. Each update will reflect a new revision date, so users of the list may identify which version of the list they were using.
Karuk Tribe-USFS Fire Protection MOU
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
- Safety Officer
- Information Officer
- Liaison Officer
  - Forest Supervisor’s Tribal Government Liaison
  - Designated Tribal Government Representative

Operations  Planning  Logistics  Finance
- Resources Unit
- Situation Unit
- Documentation Unit
- FS Heritage Resource Advisor
- Heritage Consultant Coordinator
- Heritage Consultant(s)

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><strong>Name:</strong> Mike Minton</td>
<td><strong>Name:</strong> Rachel Corkill</td>
</tr>
<tr>
<td><strong>Address:</strong> 1330 Bayshore Way</td>
<td><strong>Address:</strong> 1330 Bayshore Way</td>
</tr>
<tr>
<td><strong>City, State, Zip:</strong> Eureka, CA 95501</td>
<td><strong>City, State, Zip:</strong> Eureka, CA 95501</td>
</tr>
<tr>
<td><strong>Telephone:</strong> 707-441-3535</td>
<td><strong>Telephone:</strong> 707-441-3522</td>
</tr>
<tr>
<td><strong>FAX:</strong> 707-441-3591</td>
<td><strong>FAX:</strong> 707-441-3591</td>
</tr>
<tr>
<td><strong>Email:</strong> <a href="mailto:mminton@fs.fed.us">mminton@fs.fed.us</a></td>
<td><strong>Email:</strong> <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><strong>Name:</strong> Ed Guzman</td>
<td><strong>Name:</strong> Sherri Withrow</td>
</tr>
<tr>
<td><strong>Address:</strong> 1711 S. Main Street</td>
<td><strong>Address:</strong> 1711 S. Main Street</td>
</tr>
<tr>
<td><strong>City, State, Zip:</strong> Yreka, CA 96097</td>
<td><strong>City, State, Zip:</strong> Yreka, CA 96097</td>
</tr>
<tr>
<td><strong>Telephone:</strong> 530-841-4442</td>
<td><strong>Telephone:</strong> 530-841-4440</td>
</tr>
<tr>
<td><strong>FAX:</strong> 530-841-4571</td>
<td><strong>FAX:</strong> 530-841-4571</td>
</tr>
<tr>
<td><strong>Email:</strong> <a href="mailto:eguzman@fs.fed.us">eguzman@fs.fed.us</a></td>
<td><strong>Email:</strong> <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; cooperator availability of funds and other resources; agency and cooperator 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  
Karak Tribe  
**Pat A. Grantham**  
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 Boomgardner**  
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). TDD users can contact USDA through the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). 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) "K" (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<sup>10</sup> (CULS)
Physical fitness requirement: Light
Training: Annual Fire Refresher (red or blue book standards)
Personal Protective Equipment required<sup>20</sup>

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<sup>10</sup> (CULS)
Physical fitness requirement: Light<sup>20</sup>
Training: Annual Fire Refresher (red or blue book standards)
Personal Protective Equipment required<sup>20</sup>

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<sup>10</sup> (CULS)
Physical fitness requirement: None
Training: None
Endnotes

[^1] AD pay rates are defined in FSH 5109.34 (Chapter 10, Exhibit 01, amended and published annually).

[^2] Physical fitness requirements are defined in FSH 5109.17, Section 23.

[^3] 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.

[^4] 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 {AmeeKyoexam Mountain Dance
Near Mouth of Salmon River
TBD

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

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

Katimiin ~ Pik-ya-wish: World Renewal Ceremony
Somes Bar
September 20th ~ 29th
(farihiv 34th)