May 8, 2019 NAAC Meeting Materials
Contents

Meeting Announcement and Agenda.................................................................Page 3
January 31, 2108 Draft Meeting Minutes.......................................................Page 5
Outreach to California Native American Tribal Representatives....................Page 12
2018 Annual Report - Native American Advisory Council..............................Page 20
NAAC’s 2019 Goals and Objectives.................................................................Page 23
CAL FIRE Tribal Communities Relations Policy Information............................Page 25
Recommended Framework for Protecting Cultural Resources from Impacts Associated with Fire Protection Activities.................................................................Page 28
Memorandum

To: Interested Public

Date: April 29, 2019

Telephone: (916) 263-3370

Website: www.fire.ca.gov

From: Chris Browder

California Department of Forestry and Fire Protection (CAL FIRE)

Subject: Native American Advisory Council Meeting Announcement and Agenda

Meeting Announcement

Date: May 8, 2019
Time: 9:00 AM – 3:00 PM
Location: Rincon Fire Department, Rincon Band of Luiseno Indians, 33485 Valley Center Road, Valley Center, 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.

Conference Call
The council meeting will have a call-in line for those that cannot attend in person. The conference call number is 877-411-9748 and the participant code is 6530834.

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. Outreach to California Native American Tribal Representatives

8. 2018 Annual Report - Native American Advisory Council

9. NAAC’s 2019 Goals and Objectives

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

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

12. Public forum: Members of the public may address the council on any topic not otherwise on the agenda.

ADJOURN
November 15, 2018 Meeting Minutes
CAL FIRE’s Native American Advisory Council

Minutes of the November 15, 2018 Meeting

CAL FIRE Sacramento Headquarters

(Recorded by Chris Browder)

Action Items in **bolded underline**.

**Members Present:** Kevin Gaines, Bill Tripp, Dore Bietz, Ed Hadfield, Christina McDonald (representing North Fork Rancheria)

**Members present via Webinar:** Chris Nejo (on behalf of Robert Smith), Ed Mann (of behalf of Tm Hayden)

**Members Absent:** Representative from San Manuel Band of Mission Indians

**Native American Heritage Committee Representative:** None

**CAL FIRE Personnel Present:** Matthew Reischman, Assistant Deputy Director Resource Protection and Improvement (9 to 10 AM); Chris Browder, Deputy Chief, Environmental Protection and Archaeology Program Manager

**Guest:** Marcos Guerrero, United Auburn Indian Community

1. **Call Meeting to Order:** (9:00 am)
   a. Kevin Gaines calls the meeting to order in Ed Hadfield’s absence.
   b. A quorum is established by roll call (see above for attendees).
   c. The council and guests introduce themselves.
   d. Kevin provides brief welcoming remarks.
   e. Chris Browder explains changes in council composition. Ann Brierty has left San Manuel Band, and Lee Clauss, San Manuel’s Director of Cultural Resource Management, will represent the tribe. She is unable to attend today. Gary Walker of North Fork Rancheria has resigned, and Christina McDonald has replaced him for now. The North Fork Rancheria Tribal Council may choose another replacement.

2. **Review and approve agenda**
   a. The council reviews and approves of the agenda.

3. **Review and approve last meeting’s minutes**
   a. The council reviews last meeting’s minutes. Some council members suggest changes, which staff indicates will occur. The council approves the minutes based on changes made (motion by Kevin; 2nd by Dore).
   b. There is some discussion of THPOs. Bill explains them. The National Park Service certifies a THPO program. The person assuming the THPO role for a tribe has to meet the Secretary of Interior’s standards for education and experience.
   c. Ed Hadfield arrives and Kevin transfers chairpersonship over to him.
   d. Marcos Guerrero joins as a guest.
   e. The council re-does introductions again.
f. Chris Browder re-explains the changes in council composition.

4. Report of the CAL FIRE Deputy Director (Matthew Reischman on behalf of Helge Eng)
   a. Matthew reports on current fires (Camp and Woolsey). He provides various statistics (evacuations, acres burned, building destroyed, fatalities, etc.)
   b. Recent legislation.
      i. SB 1260 makes revision to statutory law pertaining to prescribed fire (liability, burn permit issuance, planning, coordination, public outreach, etc.) It should help the department increase the pace and scale of fuel treatments.
      ii. SB 901 makes changes related to fire prevention, forest health and wildfire resilience and funds the California Climate Initiative grant program for the next five years with roughly $200,000 per fiscal year. There is also funding for dedicated fire crews. The bill represents a substantial change and will provided needed improvements relative to CAL FIRE’s engagement with tribes, federal partners, and the public.
   c. California Forest Improvement Program. CAL FIRE has just finished developing a strategic plan for the program (how it will function, priorities, etc.)
   d. Forester hiring. Resource Management is working with Human Resources to overcome difficulties with hiring. There has been extensive outreach. There is funding for fire crews. They will be composed of forestry technicians (lowest forestry classification) and will be technical specialists at prescribed fire. CAL FIRE hopes to have the crews staffed by January 2019 and working sometime soon after. The crews will have 13 members (fire captain, forestry assistant II, equipment operator, nine technicians). Filing dates for Forestry Assistant II has passed and Forestry Technician is November 15, 2018 (today).
   e. Good Neighbor Authority. Some projects are in development. The Craggy project, which consists of state-funded timber harvest on federal lands, has some complications.
   f. Work with California Air Resources Board. This consists of monitoring air quality near prescribed burn projects. CAL FIRE’s Fire and Resource Assessment Program collects project-related fuels data. No air quality exceedances have been noted so far. CARB and FRAP are working together to analyze the data.
   g. Forest Management Task Force. Various staff are involved.
      i. Ed Hadfield asks about tribal participation. Tribes may apply. The procedural guides explain this. They are at Forest Health Program Grant Guidelines 2018-2019 and Fire Prevention Grant Program Procedural Guide 2018-2019
      ii. Someone asks about the grant review process. It depends on the grant. Some are reviewed by multiple agencies; others only by CAL FIRE. There is local, regional, and headquarters review.
      iii. Someone asks whether tribes get preference. Tribes do not.
      iv. The council generally discusses grants.
      v. Chris Browder points out salient points of the Forest Health and Fire Prevention procedural guides (eligibility, judging criteria, etc.)

5. Report of the CAL FIRE Archaeology Program (Chris Browder)
   a. Archaeological Site Recognition Training. Chris describes recent efforts (five-day course in Redding in October, refreshers in Willows yesterday and today). Courses will be offered in 2019 (two five-day courses and for refreshers). See the CLFA website for details (https://www.clfa.org/workshops-continuing-education/).
b. **Staff Changes.**
   
i. Richard Jenkins will be retiring as Senior State Archaeologist in the Northern Region at the end of 2018. His position may be filled with a transfer or new person. He has been in Redding for over 30 years and will be sorely missed. CAL FIRE expects an adjustment period while the new person settles in. If a transfer occurs, there will be another vacancy in the CAL FIRE archaeology ranks.
   
ii. Herb Dallas, Associate State Archaeologist at the San Diego Unit, will retire in spring of 2019. He will also be missed as he is a long-time CAL FIRE employee and an integral part of the current program. CAL FIRE expects to have to hire someone from outside of the department to fill his position, unless someone wants to transfer into his position in southern California. The department is not aware of any existing employees wanting to work at that location.

   
a. None.

7. **California Climate Initiative Grants and Tribes (Angela Lottes)**
   
a. None

8. **Survey of California Native American Tribal Representatives**
   
a. Ed Hadfield has done some informal outreach with local tribes.
   
b. Chris Browder describes what has been done previously. He has sent emails to CAL FIRE unit, regional and HQ managers notifying them of the council’s existence and purpose. He has requested that any issues related to Native Americans be passed on to the council, if desired. He has sent an email to NAHC’s Debbie Treadway asking her to forward it to her Native American contacts statewide. The email described the council’s purpose and provided a link for more information.
   
c. **The council requests Chris to:**
      
i. **Contact NAHC to see who the email was sent to and to get tribal contact list.**
      
ii. **Contact the Governor’s Office of the Tribal Advisor to request appropriate contacts to which to send information about the council (tribal chairman’s association, etc.).**
      
iii. **Prepare letter to be sent out to those in (8)(c)(i) and (8)(c)(ii).**
      
iv. **Report back to the council about the above.**
   
d. The council discusses the Governor’s tribal liaison under the incoming administration.

9. **2019 NAAC Meeting Schedule**
   
a. The council agrees on the previously-designated meeting dates and locations. They are

<table>
<thead>
<tr>
<th>2019 NAAC Meeting Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date          Location</td>
</tr>
<tr>
<td>February 13, 2019 Sacramento</td>
</tr>
<tr>
<td>May 8, 2019       Rincon</td>
</tr>
<tr>
<td>August 14, 2019   Sacramento</td>
</tr>
<tr>
<td>November 13, 2019 Tuolumne</td>
</tr>
</tbody>
</table>

   b. Ed will work with the casino hotel to on getting state rate for attendees at the Rincon meeting. The council can meet at the fire station.
   
c. Dore agrees to host the council at Tuolumne in November.
d. Chris has scheduled the Sacramento meetings in the Sequoia Room at the Office of the State Fire Marshall, 2251 Harvard St., Suite 400, Sacramento, CA 95815. There is a Hilton across the street (2200 Harvard St, Sacramento, CA 95815, (916) 922-4700) and free parking. **Please put this on your calendars.**

Break from 11:00 until 11:20 AM.

10. **CAL FIRE’s Native American Tribal Communities Relations Policy Revision**
   a. The council and staff works on the latest draft of CAL FIRE’s Native American Tribal Communities Relations Policy. Chris explains that the policy had been divided into two documents using CAL FIRE’s current policy and procedures template. There is now a policy document and a separate procedures document. Currently, the policy document contains both policy (the goal) and procedures (how to attain the goal). The group works on the policy document and defers work on the procedures one until a future date.
   b. The council discusses how to address local tribal jurisdiction on CAL FIRE DPA per agreements with BIA. The group decides that this would be done during consultation on “programs” and “agreements.”
   c. **The council decides on the following changes:**
      i. Add “procedures” to the list of actions on which CAL FIRE will consult with Native Americans. (Chris Browder will try to convince them in the future not to do this due to its inherent inclusion in “programs.”)
      ii. Change “tribal communities” to “Native American communities” in policy statement.
      iii. Change various terms (tribes, tribal, etc., as appropriate to “Native American” to be consistent with use in policy statement.
      iv. Add bullets or phrases, as appropriate, in all “Responsibilities” cells that states “the policy will be followed as part of development and implementation of such actions.”
      v. Add row that includes the Assistant Deputy Director of Climate and Energy.
      vi. Change “external consultants” to “archaeologically-trained resource professionals.”
      vii. Add “Assistant Deputy Director of Climate and Energy” to subject matter experts.
   d. Chris will make the changes and send to the group for review and comment. [DONE.]
   e. Once a working draft is agreed upon, he will forward through Matthew Reischman to Deputy Director Helge Eng, who is on the CAL FIRE Executive Team. Dr. Eng can review the document and decide whether it is appropriate to share with his fellow executive team members or if further action by the council is necessary. The council can make its next actions on the policy recommendations based on Dr. Eng’s recommendations.
   f. Chris Browder states he will revise the companion procedures document to the Native American Tribal Communities Relations Policy based on current edits to the policy document. However, as of this writing, he will wait until Dr. Eng has responded to the draft policy document before taking any action on the procedures.

11. **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**
   a. The council does not work on this. It will work on this when the associated policy and procedures have been completed and approved by the CAL FIRE Executive Team.

12. **Recommended Framework for Protecting Cultural Resources from Impacts Associated with Fire Protection Activities**
   a. The council discusses this item. Dore mentions “best practices”—actions tribes could take to work with local CAL FIRE units to develop protection measures.
b. Ed asks about what currently exists in this area?

c. Bill says the MOU in the meeting materials.

d. Chris mentions a NAHC document (Protecting California Native American Sites During Drought, Wildland Fire, and Flood Emergencies). Chris will send this out to the group. [DONE.]

e. The council will look at the NAHC document and others like it to see if it is sufficient.

f. **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; and (c) Potential direct protection relationships in remote tribal communities with response capacity and no local CAL FIRE stations.

i. Some of this item is related to, and can likely be addressed in, (12).

ii. Dore says this is about promoting partnerships. There are good examples around the state. There are tribes that CAL FIRE units can learn from. This issue needs to be addressed as part of CAL FIRE training efforts at various levels.

iii. Bill mentions tribal frustrations with reimbursement mechanisms between CAL FIRE and them.

iv. Ed says “assistance-by-hire” can remedy this some. The person is on the ERB and can be name-requested.

v. Someone says CAL FIRE can make its staff aware of the above through outreach that educates about all available agreements for the use of aid using a tribal resource with reimbursement.

vi. Bill describes “place-based solutions.” He gives an example of a community-based plan to reduce transmission and distribution line fire starts by including the right-of-way as part a fuel reduction treatment area. A utility subsidizes the treatment.

vii. Someone mentions gaming compacts and trust fund payments could provide a funding source.

viii. Ed states that CAL FIRE has provided guidance on existing agreements in certain areas (San Diego County). The council could suggest greater state-wide application of such guidance. The council could emphasize education with the utilities regarding agreements and the power grid.

ix. Bill states “it’s” something that’s being developed. Your humble minute-taker does not know what “it” is.

x. Kevin says it’s a matter of how to change the current mindset, which generally does not consider cultural resource protection when responding to an incident.

xi. Dore says Caltrans has provided training to it divisions. She discusses the structure of the training. She says unit chief involvement is key. This can be done with local tribes.

xii. The group discusses outreach. Education and training—how will tribes get reimbursed?

xiii. Dore says the existing tribes in an area will not change. CAL FIRE staff will. There may be new tribes as well. Outreach should take that into consideration.

xiv. Bill talks about the strategy for shared stewardship and how this is the foundation for the Craggy project.

xv. Ed again reiterates that education of key CAL FIRE staff is imperative.

xvi. Bill says collaboration is important as well.

xvii. **Your humble minute-taker is unclear as to whether this item should stay on the agenda?**

16. **Evaluate the Potential to Update the California Master Cooperative Wildland Fire Management Agreement to Reflect Changes to CAL FIRE’s Tribal Communities Relations Policy**

a. This agreement has been renewed and is in effect until 2023. **This item will be removed from the agenda.**
17. **California Environmental Quality Act and Forest Practice Act Overview**
   a. This item has been on the addenda for the whole year but has not been covered. **It will be removed from the agenda.**

18. **CAL FIRE Resource Management Programs**
   a. This item has been on the addenda for the whole year but has not been covered. **It will be removed from the agenda.**

19. **Public forum: Members of the public may address the council on any topic not otherwise on the agenda.**
   a. There are no public members present at this time. However, council members has some discussion of other items and announcements:
      i. The group discusses SB 901 and the NEPA-CEQA crosswalk. Chris says it should be easier for state agencies to comply with CEQA when NEPA has been done.
      ii. Bill describes the United Auburn Indian Community’s Fire Consortium. He says there was an interesting field component to it at which they looked at a proposed project.
      iii. Dore says the Tuolumne Band has received a BIA Climate Adaptation Grant, which is GIS-related. The tribe has teamed with the Department of Water Resources. It will fund training sessions focused on cultural resource protection on fires. She also says there will be a train-the-trainer course for tribes with a current CERT program from December 17 to 21, which is open to all California tribes as long as participants have completed certain prerequisites.
      iv. Bill describes a project, which the humble minute-taker’s notes do not capture.
      v. Christina says the North Fork Rancheria has received a BIA WUI grant for fuel treatment on 61.5 acres. She also discusses the Sierra National Forest Tribal Forum, which is on-going. She said they would like CAL FIRE to participate. She also mentions the upcoming Tribal Emergency Summit in March 2019. **Christina will contact Chris Browder to try to recruit CAL FIRE staff to attend both of these meetings.**
      vi. Bill describes a meeting in Orleans about a prescribed burn that USFS declared a wildfire due to the fire creeping off of USFS land.

20. **Motion to adjourn by Kevin; Dore seconded. All ayes.**
Outreach to California Native American Tribal Representatives
<table>
<thead>
<tr>
<th>#</th>
<th>Tribe</th>
<th>Email</th>
<th>1 = Received</th>
<th>0 = Not Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Agua Caliente Band of Cahuilla Indians</td>
<td><a href="mailto:pagarcia@aguacaliente.net">pagarcia@aguacaliente.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Alturas Rancheria of Pit River Indians</td>
<td><a href="mailto:tiwamarcus@aol.com">tiwamarcus@aol.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Amah Mutsun Tribal Band</td>
<td><a href="mailto:vlopez@amahmutsun.org">vlopez@amahmutsun.org</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Amah Mutsun Tribal Band of Mission San Juan Bautista</td>
<td><a href="mailto:amahmutsuntribal@gmail.com">amahmutsuntribal@gmail.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Augustine Band of Cahuilla Mission Indians</td>
<td><a href="mailto:info@augustinetribe-nsn.gov">info@augustinetribe-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Barbareno/Venturenro Band of Mission Indians</td>
<td><a href="mailto:turnamait@hotmail.com">turnamait@hotmail.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Barona Group of the Capitan Grande</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Bear River Band of Rohnerville Rancheria</td>
<td><a href="mailto:erikacooper@brb-nsn.gov">erikacooper@brb-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Benton Paiute Reservation - Ulu Uhu Gwautu Tribe</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Berry Creek Rancheria of Maidu Indians</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Big Lagoon Rancheria</td>
<td><a href="mailto:vmoorehead@earthlink.net">vmoorehead@earthlink.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Big Pine Paiute Tribe of the Owens Valley</td>
<td><a href="mailto:d.gutierrez@bigpinepaiute.org">d.gutierrez@bigpinepaiute.org</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Big Sandy Rancheria</td>
<td><a href="mailto:lkipp@bsnation.com">lkipp@bsnation.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Big Valley Rancheria of Pomo Indians</td>
<td><a href="mailto:ajack@big-valley.net">ajack@big-valley.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Bishop Paiute Tribe</td>
<td><a href="mailto:alien.summers@bispoppaiute.org">alien.summers@bispoppaiute.org</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Blue Lake Rancheria</td>
<td><a href="mailto:bmobbs@blueakeranthera-nsn.gov">bmobbs@blueakeranthera-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Bridgeport Paiute Indian Colony</td>
<td><a href="mailto:chair@bridgeportindiancolony.com">chair@bridgeportindiancolony.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Buena Vista Rancheria</td>
<td><a href="mailto:rhonda@buenavistatrib.com">rhonda@buenavistatrib.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Cabazon Band of Mission Indians</td>
<td><a href="mailto:jtapp@cabazonindians-nsn.gov">jtapp@cabazonindians-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Cahilla Band of Indians</td>
<td><a href="mailto:Chairman@cahuilla.net">Chairman@cahuilla.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Calaveras Band of Mi-Wuk Indians - Grimes</td>
<td><a href="mailto:CBmiwikindians@aol.com">CBmiwikindians@aol.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Calaveras Band of Mi-Wuk Indians - Wilson</td>
<td><a href="mailto:sircharles@volcano.net">sircharles@volcano.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Campo Band of Mission Indians</td>
<td><a href="mailto:rgoff@campo-nsn.gov">rgoff@campo-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Cedarville Rancheria of N. Paiute Indians</td>
<td><a href="mailto:cedranch@citlink.net">cedranch@citlink.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Chemehuevi Reservation</td>
<td><a href="mailto:chairman@cit-nsn.gov">chairman@cit-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Cher-Ae Heights Indian Community of the Trinidad Rancheria</td>
<td><a href="mailto:AAAtkins@TrinidadRancheria.com">AAAtkins@TrinidadRancheria.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Chumash Council of Bakersfield</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Cloverdale Rancheria of Pomo Indians</td>
<td><a href="mailto:info@cloverdalancercheria.com">info@cloverdalancercheria.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Coastal Band of the Chumash Nation</td>
<td><a href="mailto:cbcontrabchair@gmail.com">cbcontrabchair@gmail.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Cold Springs Rancheria of Mono Indians</td>
<td><a href="mailto:csrchair@netptc.net">csrchair@netptc.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Colorado River Indian Tribe</td>
<td><a href="mailto:crit.museum@yahoo.com">crit.museum@yahoo.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Colusa Indian Community Council</td>
<td><a href="mailto:dpomez@colusa-nsn.gov">dpomez@colusa-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Cortina Band of Indians</td>
<td><a href="mailto:info@cortina-rancheria.com">info@cortina-rancheria.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Costanoan Ohlone Rumsen-Mutsun Tribe</td>
<td><a href="mailto:yanapvoic97@gmail.com">yanapvoic97@gmail.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Coyote Valley Band of Pomo Indians</td>
<td><a href="mailto:tribalgovernment@coyotevalley-nsn.gov">tribalgovernment@coyotevalley-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Death Valley Timbi-Sha Shoshone Tribe</td>
<td><a href="mailto:george@timbisha.com">george@timbisha.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Dry Creek Rancheria of Pomo Indians</td>
<td><a href="mailto:loril@drcreekrancheria.com">loril@drcreekrancheria.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Dunna Wo-Wah Tribal Government</td>
<td><a href="mailto:ledgerrobert@ymail.com">ledgerrobert@ymail.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Dunlap Band of Mono Indians</td>
<td><a href="mailto:dcharley2016@gmail.com">dcharley2016@gmail.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Elem Indian Colony</td>
<td><a href="mailto:elem.admin@elemnindiancolony.org">elem.admin@elemnindiancolony.org</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Elk Valley Rancheria</td>
<td><a href="mailto:dmiller@elk-valley.com">dmiller@elk-valley.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Enterprise Rancheria - Estom Yumeka Maidu Tribe</td>
<td><a href="mailto:info@enterpriserancheria.org">info@enterpriserancheria.org</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Esselen Tribe of Monterey County</td>
<td><a href="mailto:tom@ventana.us">tom@ventana.us</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>Ewlaapiaap Tribal Office</td>
<td><a href="mailto:michaelg@leaningrock.net">michaelg@leaningrock.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Federated Indians of Graton Rancheria</td>
<td><a href="mailto:info@gratonrancheria.com">info@gratonrancheria.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Fernandeno Tataviam Band of Mission Indians</td>
<td><a href="mailto:administration@tataviam-nsn.us">administration@tataviam-nsn.us</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Fort Bidwell Indian Community of Paiute</td>
<td><a href="mailto:calindn1977@yahoo.com">calindn1977@yahoo.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Fort Independence Indian Community of Paiutes</td>
<td><a href="mailto:businesscommittee@fortindependence.com">businesscommittee@fortindependence.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Fort Mojave Indian Tribe</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Gabrieno Band of Mission Indians - Kizh Nation</td>
<td><a href="mailto:admin@gabrielenoindians.org">admin@gabrielenoindians.org</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Gabrieno/Tongva San Gabriel Band of Mission Indians</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Gabrieno Tongva Nation</td>
<td><a href="mailto:sgoad@gabrieno-tongva.com">sgoad@gabrieno-tongva.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Gabrieno Tongva Indians of California Tribal Council</td>
<td><a href="mailto:atongva@gmail.com">atongva@gmail.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Gabrieno-Tongva Tribe</td>
<td><a href="mailto:roadkingcharles@aol.com">roadkingcharles@aol.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Greenville Rancheria of Maidu Indians</td>
<td><a href="mailto:kself@greenvillerancheria.com">kself@greenvillerancheria.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>Grindstone Rancheria of Wintun-Wailaki</td>
<td><a href="mailto:gir_rancheria@yahoo.com">gir_rancheria@yahoo.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>Guindiville Band of Pomo Indians</td>
<td><a href="mailto:admin@guindiville.net">admin@guindiville.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Habemateol Pomo of Upper Lake</td>
<td><a href="mailto:aarroyosr@hpoltribe-nsn.gov">aarroyosr@hpoltribe-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Honey Lake Maidu - Garcia</td>
<td><a href="mailto:drinkwiz@sbcglobal.net">drinkwiz@sbcglobal.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Honey Lake Maidu - Morales</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Tribe</td>
<td>Email</td>
<td>1 = Received</td>
<td>0 = Not Received</td>
</tr>
<tr>
<td>----</td>
<td>-----------------------------------------------</td>
<td>--------------------------------------------</td>
<td>--------------</td>
<td>------------------</td>
</tr>
<tr>
<td>61</td>
<td>Hoopa Valley Tribe</td>
<td><a href="mailto:medildin@gmail.com">medildin@gmail.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Hopland Band of Pomo Indians</td>
<td><a href="mailto:jsandiego@hoplandtribe.com">jsandiego@hoplandtribe.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Iipay Nation of Santa Ysabel</td>
<td><a href="mailto:info@iipaynation-nsn.gov">info@iipaynation-nsn.gov</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Inaja Band of Mission Indians</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>Indian Canyon Mutsun Band of Costanoan</td>
<td><a href="mailto:ams@indiancanyon.org">ams@indiancanyon.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>Ione Band of Miwok Indians</td>
<td><a href="mailto:tracy@ionemiwok.net">tracy@ionemiwok.net</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>Jackson Rancheria of Miwuk Indians</td>
<td><a href="mailto:adalton@jacksoncasino.com">adalton@jacksoncasino.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>Jamul Indian Village</td>
<td><a href="mailto:lumpem@liv-nsn.gov">lumpem@liv-nsn.gov</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>69</td>
<td>Juaneño Band of Mission Indians</td>
<td><a href="mailto:sonia.johnston@bcsglobal.net">sonia.johnston@bcsglobal.net</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>Juaneno Band of Mission Indians Acjachemen Nation - Belardes</td>
<td><a href="mailto:maria.belardes@hotmail.com">maria.belardes@hotmail.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Juaneno Band of Mission Indians Acjachemen Nation - Romero</td>
<td><a href="mailto:secretary@juaneno.com">secretary@juaneno.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Karuk Tribe</td>
<td><a href="mailto:atobin@karuk.us">atobin@karuk.us</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>Kashia Band of Pomo Indians of the Stewarts Point Rancheria</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>Kern Valley Indian Council</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>Kings River Choinumni Farm Tribe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>Kitanemuk and Yowlumme Tejon Indians</td>
<td><a href="mailto:deedominguez@juno.com">deedominguez@juno.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>Koi Nation of Northern California</td>
<td><a href="mailto:kn@koination.com">kn@koination.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>78</td>
<td>KonKow Valley Band of Maidu</td>
<td><a href="mailto:res2125ng@gmail.com">res2125ng@gmail.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>79</td>
<td>Kwaaymii Laguna Band of Mission Indians</td>
<td>Carmen Lucas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>La Jolla Band of Mission Indians</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>81</td>
<td>La Posta Band of Mission Indians</td>
<td><a href="mailto:LP13boots@aol.com">LP13boots@aol.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>82</td>
<td>Laytonville Rancheria/Cahto Indian Tribe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>Lone Pine Paiute Shoshone Reservation</td>
<td><a href="mailto:chair@lippsrg.org">chair@lippsrg.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>84</td>
<td>Los Coyotes Band of Mission Indians</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>85</td>
<td>Lytton Rancheria of California</td>
<td><a href="mailto:margiernejia@aol.com">margiernejia@aol.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>86</td>
<td>Manchester-Point Arena Rancheria</td>
<td><a href="mailto:lisaelgin@yahoo.com">lisaelgin@yahoo.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>Manzanita Band of Kumuayya</td>
<td><a href="mailto:numberz4me@aol.com">numberz4me@aol.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>Meechoopda Indian Tribe of Chico Rancheria</td>
<td><a href="mailto:dramirez@meechoopda-nsn.gov">dramirez@meechoopda-nsn.gov</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>89</td>
<td>Mesa Grande Band of Mission Indians</td>
<td><a href="mailto:mesaplanedeband@msn.com">mesaplanedeband@msn.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>90</td>
<td>Middletown Rancheria of Pomo Indians</td>
<td><a href="mailto:middletown@middletownrancheria.com">middletown@middletownrancheria.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>91</td>
<td>Mishewal-Wappo Tribe of Alexander Valley</td>
<td><a href="mailto:scottg@mishewalwappotrib.com">scottg@mishewalwappotrib.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>92</td>
<td>Modoc Tribe of Oklahoma</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>93</td>
<td>Mono Lake Indian Community</td>
<td><a href="mailto:clange2008@hotmail.com">clange2008@hotmail.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>94</td>
<td>Mooretown Rancheria of Maidu Indians</td>
<td><a href="mailto:frontdesk@mooretown.org">frontdesk@mooretown.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>95</td>
<td>Morongo Band of Mission Indians</td>
<td><a href="mailto:morongo2@worldnet.attnet">morongo2@worldnet.attnet</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>96</td>
<td>Muwekma Ohlone Indian Tribe of the SF Bay Area</td>
<td><a href="mailto:muwekma@muwekma.org">muwekma@muwekma.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>97</td>
<td>Nor-Rel-Muk Nation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>98</td>
<td>North Fork Mono Tribe</td>
<td><a href="mailto:rwgooden911@hotmail.com">rwgooden911@hotmail.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>99</td>
<td>North Fork Rancheria of Mono Indians of California</td>
<td><a href="mailto:NRFrancheria@netpto.net">NRFrancheria@netpto.net</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>100</td>
<td>North Valley Yokuts Tribe</td>
<td><a href="mailto:canutes@verizon.net">canutes@verizon.net</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>101</td>
<td>Northern Chumash Tribal Council</td>
<td><a href="mailto:fcollins@northernchumash.org">fcollins@northernchumash.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>102</td>
<td>Ohlone/Costanoan-Esselen Nation</td>
<td><a href="mailto:ramirez.louise@yahoo.com">ramirez.louise@yahoo.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>103</td>
<td>Paia Band of Mission Indians</td>
<td>rsmith@paumatribecom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>104</td>
<td>Paskenta Band of Nomlaki Indians</td>
<td><a href="mailto:office@paskenta.org">office@paskenta.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>105</td>
<td>Pauma Band of Luiseno Indians - Pauma and Yulma Reservation</td>
<td>info@paumatribecom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>106</td>
<td>Pechanga Band of Mission Indians</td>
<td><a href="mailto:epreston@pechanga-nsn.gov">epreston@pechanga-nsn.gov</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>107</td>
<td>Picayune Rancheria of Chukchansi</td>
<td><a href="mailto:info@chukchansi-nsn.gov">info@chukchansi-nsn.gov</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>108</td>
<td>Pinoleville Pomo Nation</td>
<td><a href="mailto:leonaW@pinoleville-nsn.us">leonaW@pinoleville-nsn.us</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>109</td>
<td>Pit River Tribe</td>
<td><a href="mailto:cll@citrivertribe.org">cll@citrivertribe.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>110</td>
<td>Potter Valley Tribe</td>
<td><a href="mailto:pottervalleytribe@pottervalleytribe.com">pottervalleytribe@pottervalleytribe.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>111</td>
<td>Quartz Valley Indian Community</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>112</td>
<td>Quechan Band of the Fort Yuma Reservation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>113</td>
<td>Ramona Band of Cahuilla Mission Indians</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>114</td>
<td>Redding Rancheria</td>
<td><a href="mailto:amanda@shastarcf.org">amanda@shastarcf.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>115</td>
<td>Redwood Valley Rancheria of Pomo</td>
<td><a href="mailto:nursesecretary@comcast.net">nursesecretary@comcast.net</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>116</td>
<td>Resighini Rancheria/Coast Indian Community</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>117</td>
<td>Rincon Band of Mission Indians</td>
<td><a href="mailto:rwhipple@rincontribe.org">rwhipple@rincontribe.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>118</td>
<td>Robinson Rancheria of Pomo Indians</td>
<td><a href="mailto:tavilabasket@yahoo.com">tavilabasket@yahoo.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>119</td>
<td>Round Valley Reservation/Coveo Indian Community</td>
<td><a href="mailto:tribalcouncil@rivit.org">tribalcouncil@rivit.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>120</td>
<td>Salinan Tribe of Monterey, San Luis Obispo Counties</td>
<td><a href="mailto:salinantribe@aol.com">salinantribe@aol.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>121</td>
<td>San Fernando Band of Mission Indians</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>122</td>
<td>San Luis Rey Band of Mission Indians</td>
<td><a href="mailto:cjmajoado@slrmisionindians.org">cjmajoado@slrmisionindians.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Tribe</td>
<td>Email</td>
<td>1 = Received</td>
<td></td>
</tr>
<tr>
<td>----</td>
<td>------------------------------------------------</td>
<td>---------------------------------------------------------</td>
<td>--------------</td>
<td></td>
</tr>
<tr>
<td>123</td>
<td>San Manuel Band of Mission Indians</td>
<td><a href="mailto:lclauss@sanmanuel-nsn.gov">lclauss@sanmanuel-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>124</td>
<td>San Pasqual Band of Mission Indians</td>
<td><a href="mailto:allenl@sanpasqualtribe.org">allenl@sanpasqualtribe.org</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>125</td>
<td>Santa Rosa Band of Mission Indians</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>126</td>
<td>Santa Rosa Rancheria Tachi Yokut Tribe</td>
<td><a href="mailto:tachijobs@tachi-yokut.com">tachijobs@tachi-yokut.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>127</td>
<td>Santa Ynez Band of Mission Indians</td>
<td><a href="mailto:kkahn@santaynezchumash.org">kkahn@santaynezchumash.org</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>128</td>
<td>Scotts Valley Band of Pomo</td>
<td><a href="mailto:resumes@sv-nsn.gov">resumes@sv-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>129</td>
<td>Serrano Nation of Mission Indians</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>130</td>
<td>Shasta Nation</td>
<td><a href="mailto:samjiodif@yahoo.com">samjiodif@yahoo.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>131</td>
<td>Sherwood Valley Rancheria of Pomo</td>
<td><a href="mailto:svradministrator@sbcglobal.net">svradministrator@sbcglobal.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>132</td>
<td>Shingle Springs Band of Miwok Indians</td>
<td><a href="mailto:rcuellar@ssband.org">rcuellar@ssband.org</a>; <a href="mailto:jbarker@ssband.org">jbarker@ssband.org</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>133</td>
<td>Tolowa Dee-ni’ Nation</td>
<td><a href="mailto:kara.miller@tolowa-nsn.gov">kara.miller@tolowa-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>134</td>
<td>Southern Sierra Miwuk Nation</td>
<td><a href="mailto:RDHHornet@aol.com">RDHHornet@aol.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>135</td>
<td>Strawberry Valley Rancheria</td>
<td><a href="mailto:catfrmsac2@yahoo.com">catfrmsac2@yahoo.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>136</td>
<td>Susanville Indian Rancheria</td>
<td><a href="mailto:sirtribalchair@citlink.net">sirtribalchair@citlink.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>137</td>
<td>Sycuan Band of the Kumuexaay Nation</td>
<td><a href="mailto:ssilva@sycuan-nsn.gov">ssilva@sycuan-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>138</td>
<td>Table Mountain Rancheria</td>
<td><a href="mailto:sjimenez@tmar.org">sjimenez@tmar.org</a>; <a href="mailto:lgrant@tmar.org">lgrant@tmar.org</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>139</td>
<td>Tejon Indian Tribe</td>
<td><a href="mailto:oescobedo@tejonindiantribe-nsn.gov">oescobedo@tejonindiantribe-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>140</td>
<td>The Ohlone Indian Tribe</td>
<td><a href="mailto:chochenyo@AOL.com">chochenyo@AOL.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>141</td>
<td>Torres-Martinez Desert Cahuilla Indians</td>
<td><a href="mailto:tmchair@torresmartinez.org">tmchair@torresmartinez.org</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>142</td>
<td>Traditional Choinumni Tribe</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>143</td>
<td>Tsi Akim Maidu</td>
<td><a href="mailto:tsi-akim-maidu@att.net">tsi-akim-maidu@att.net</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>144</td>
<td>Tsungwwe Council</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>145</td>
<td>Tubatulabal of Kern County</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>146</td>
<td>Tule River Indian Tribe</td>
<td><a href="mailto:neil.peyron@tulerivertribe-nsn.gov">neil.peyron@tulerivertribe-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>147</td>
<td>Tuolumne Band of Me-Wuk</td>
<td><a href="mailto:receptionist@mewuk.com">receptionist@mewuk.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>148</td>
<td>Twenty-Nine Palms Band of Mission Indians</td>
<td><a href="mailto:29chairman@29palmsbomi-nsn.gov">29chairman@29palmsbomi-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>149</td>
<td>United Auburn Indian Community of the Auburn Rancheria</td>
<td><a href="mailto:mail@elmets.com">mail@elmets.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>150</td>
<td>Viejas Band of Kumeyaay Indians</td>
<td><a href="mailto:ihaigen@viejas-nsn.gov">ihaigen@viejas-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>151</td>
<td>Walker River Reservation</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>152</td>
<td>Washoe Tribe of Nevada and California</td>
<td><a href="mailto:darrelcruz@washoetribucket.us">darrelcruz@washoetribucket.us</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>153</td>
<td>Wilton Rancheria</td>
<td><a href="mailto:rtholchock@wiltonrancheria-nsn.gov">rtholchock@wiltonrancheria-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>154</td>
<td>Winnemem Wintu Tribe</td>
<td><a href="mailto:winnememwintutribe@gmail.com">winnememwintutribe@gmail.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>155</td>
<td>Wintu Tribe of Northern California</td>
<td><a href="mailto:WintuTribe1@mail.com">WintuTribe1@mail.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>156</td>
<td>Wiyot Tribe</td>
<td><a href="mailto:Wiyotadmin@wiyot.us">Wiyotadmin@wiyot.us</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>157</td>
<td>Wukchache Indian Tribe/Eshom Valley Band</td>
<td><a href="mailto:kwood8934@aol.com">kwood8934@aol.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>158</td>
<td>Kolom-Salinan Tribe</td>
<td><a href="mailto:blukat41@yahoo.com">blukat41@yahoo.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>159</td>
<td>yak tityu tityu - Northern Chumash Tribe</td>
<td><a href="mailto:olivas.mona@gmail.com">olivas.mona@gmail.com</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>160</td>
<td>Yoche Dehe Wintun Nation</td>
<td><a href="mailto:ikinter@yochede-nsn.gov">ikinter@yochede-nsn.gov</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>161</td>
<td>Yurok Tribe of California</td>
<td><a href="mailto:mgrant@yuroktribe.nsn.us">mgrant@yuroktribe.nsn.us</a></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>133</td>
<td></td>
</tr>
</tbody>
</table>
The Department of Forestry and Fire Protection has re-established its Native American Advisory Council. According to the council’s missions statement:

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

The council met four times in 2018 and plans to meet four times during 2019. For more information about council membership, meetings, and webinars, please go to: Native American Advisory Council. You may also contact me directly.

Please forward this to anyone who you think may be interested.

Thanks very much.
CAL FIRE’s Native American Advisory Council

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

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

The council met four times in 2018 and plans to meet four times during 2019. For more information about council membership, meetings, and webinars, please go to: Native American Advisory Council. You may also contact me directly.

Please forward this to anyone who you think may be interested.

Thanks very much.

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

Every Californian should conserve water. Find out how at:

Save Our Water

SaveOurWater.com · Drought.CA.gov
CAL FIRE’s Native American Advisory Council

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

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

The council met four times in 2018 and plans to meet four times during 2019. For more information about council membership, meetings, and webinars, please go to: Native American Advisory Council. You may also contact me directly.

Please forward this to anyone who you think may be interested.

Thanks very much.

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

Every Californian should conserve water. Find out how at:

SaveOurWater.com · Drought.CA.gov
CAL FIRE’s Native American Advisory Council

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

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

The council met four times in 2018 and plans to meet four times during 2019. For more information about council membership, meetings, and webinars, please go to: Native American Advisory Council. You may also contact me directly.

Please forward this to anyone who you think may be interested.

Thanks very much.

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

Every Californian should conserve water. Find out how at:

SaveOurWater.com · Drought.CA.gov
Memorandum

To: Thom Porter
Date: December 19, 2018

From: Native American Advisory Council

Subject: 2018 Annual Report

The California Department of Forestry and Fire Protection’s Native American Advisory Council’s charter states:

The NAAC shall submit an annual report to the Director that describes the accomplishments specified in the list of goals and objectives submitted earlier in the year. The annual report is due by January 30 of the following year.

The Native American Advisory Council’s goals and objectives for 2018 were:

1. Revising CAL FIRE’s Native American Tribal Communities Relations Policy.
2. Recommending a 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.
3. Recommending a Framework for Protecting Cultural Resources from Impacts Associated with Fire Protection Activities.
5. Evaluating the Potential to Update the California Master Fire Agreement to Reflect Changes to CAL FIRE’s Tribal Communities Relations Policy.

What follows is a report on how the Council has progressed on addressing its goals and objectives in 2018.

Revising CAL FIRE’s Native American Tribal Communities Relations Policy

The Council spent most of the year working diligently on this goal. The current tribal communities relations policy is a combination of policy and procedure. The Council first began working on the policy portion of the document. This consisted of considering Executive Order B-10-11, which instructed state agencies to formulate and implement a
tribal consultation policy, and the California Natural Resources Agency’s Final Tribal Consultation Policy, which is intended to ensure the agency and its departments engage in effective consultation with tribal entities. The Council has developed a draft policy document that uses the Department’s current policy template and incorporates the guidance contained in the executive order and the Natural Resources Agency’s policy. This proposed policy revision has been forwarded by Council staff to upper level Resource Management for consideration before moving on to executive staff.

The Council has done some work on the procedural portion of the tribal communities relations policy. However, before doing more, the Council will wait for feedback on its proposed revision of the tribal communities relations policy.

**Recommend a 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**

Work on this goal is dependent on completion of the above goal. The Council has not worked on it yet.

**Recommend a Framework for Protecting Cultural Resources from Impacts Associated with Fire Protection Activities**

Council staff has distributed existing documents related to this topic for consideration in advance of the Council’s February 2019 meeting. The Council expects to spend much time in 2019 working on this goal.

**Proving Recommendations on How to Promote the Establishment of Partnerships Between CAL FIRE and Tribes for Cooperation and Support for: (1) Cultural Burns; and (2) Agreements for Cultural Resource Protection**

The Council has not worked on this goal.

**Evaluating the Potential to Update the California Master Fire Agreement to Reflect Changes to CAL FIRE’s Tribal Communities Relations Policy**

This agreement was updated in 2018 and will last until 2023. No work was completed on this in 2018. The Council will likely work on this over the next few years in order to inform the next update.
NAAC’s 2019 Goals and Objectives
Hi all,

2018 is coming to a close. That means we need to plan for 2019. The NAAC charter says: “At the beginning of each calendar year, the NAAC shall develop a list of goals and objectives it seeks to accomplish during the year. This list shall be submitted to the CAL FIRE Director by March 1 of each year.”

In 2018, goals and ideas for goals included:

1. **CAL FIRE’s Native American Tribal Communities Relations Policy Revision**: This is a combined policy and procedures document. The council has made suggested revisions to the policy portion of it. Chris Browder has forwarded this to Assistant Deputy Director Matthew Reischman, who will advise on how to forward it to CAL FIRE’s upper management. Once feedback is received on the revised policy, the council may work on revising the procedural portion of the document before forwarding to CAL FIRE upper management.

2. **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**: This will follow the completion of (1).

3. **Recommended Framework for Protecting Cultural Resources from Impacts Associated with Fire Protection Activities**: Council staff has provided two existing documents regarding this topic. The council has planned to begin discussing this in 2019. It likely will be major topic in the next year.

4. **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**

5. **Promoting Agreements Between CAL FIRE and Tribes**

6. **Evaluate the Potential to Update the California Master Fire Agreement to Reflect Changes to CAL FIRE’s Tribal Communities Relations Policy**: This agreement will not be up for review until 2023 so the council will have to work on this in terms of the next update.

7. **Training Opportunities**

8. **Cultural Burning**

Please be thinking about this list of goals and objectives for the meeting in February 2019. The council should try to describe its goals and objectives for the year at the meeting.

Thanks,

Christopher E. Browder
**Deputy Chief, Environmental Protection**
Registered Professional Forester #2662
CAL FIRE
California Department of Forestry and Fire Protection
CAL FIRE Tribal Communities Relations Policy Revision
POLICY STATEMENT

The California Department of Forestry and Fire Protection shall consult with Native Americans regarding Departmental policies, programs, projects, plans, property decisions, and agreements that may affect Native American communities.

DEFINITION(S)

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.

Native Americans means those individuals, groups and organizations that fall within the following:

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 Public Resources Code § 21073.

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 pursuant to Title 14 California Code of Regulations § 895.1.

Native American Contact List means the list that identifies those Native Americans that must be notified or consulted pursuant to the Forest Practice Rules. [The California Department of Forestry and Fire Protection] 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 [the California Department of Forestry and Fire Protection] 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 [the California Department of Forestry and Fire Protection’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, [the California Department of Forestry and Fire Protection] 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.

**ROLES AND RESPONSIBILITIES**

<table>
<thead>
<tr>
<th>Roles</th>
<th>Responsibilities</th>
</tr>
</thead>
</table>
| Director                      | • Works with Native Americans, in cooperation with the Native American Heritage Commission and the Governor’s Office of the Tribal Advisor, to achieve the intended results of this policy, both directly and through delegation to executive level staff.  
• Lead responsibility for working with the State Board of Forestry and Fire Protection in development of the California Strategic Fire Plan.  
• Ensures this policy is followed as a part of the development and implementation of such plans.  
• Designates a Tribal Liaison, who will have day-to-day responsibility for ensuring implementation of this policy. |
| Deputy Director for Resource Management | • Lead responsibility for the development and implementation of policy regarding issues impacting Native American communities.  
• Coordinates activities of appointed committees should they be appointed by the Director. |
| Assistant Deputy Director Resource Protection and Improvement | • Lead responsibility to ensure demonstration state forest, forestry assistance, vegetation management, urban and community forestry, nursery, archaeology, environmental protection, and other programs adhere to this policy.  
• Provides day-to-day supervision for the Tribal Liaison. |
| Assistant Deputy Director, Forest Practice | • Lead responsibility to ensure adequate consultation with Native Americans and development of necessary mitigation during the review of timber harvesting projects pursuant to the Z'-Berg-Nejedly Forest Practice Act and the Board of Forestry and Fire Protection regulations. |
| Assistant Deputy Director, Climate and Energy | • Lead responsibility for climate and energy policy and programs.  
• Ensures this policy is followed as a part of the development and implementation of such programs |
| Assistant Deputy Director for Cooperative Fire Protection, Training, and Safety | • Lead responsibility coordinating Fire Protection Reimbursement Agreements.  
• Ensures this policy is followed as a part of the development and implementation of such agreements. |
| Assistant Deputy Director for Technical Services | • Lead responsibility for CAL FIRE capital outlay projects.  
• Ensures this policy is followed as a part of the development and implementation of such projects. |
| Tribal Liaison | • Represents the Director on all matters associated with Native American relations.  
• Reports to the Assistant Deputy Director for Resource Protection and Improvement, unless otherwise directed.  
• Lead responsibility for ensuring conformance with this policy for actions other than those subject to the Forest Practice Act.  
• Oversees archaeology program areas and delivery of services.  
• Staffs or delegates staffing of Director-appointed committees, if any.  
• Oversees Native American relations training for Departmental managers and personnel.  
• Oversees training for external stakeholders for the protection of cultural resources on Departmental projects and projects on which CAL FIRE is the lead agency. |
| Senior and Associate State Archaeologists | • Lead responsibility for project review to ensure compliance with federal and state law.  
• Responsible for federal and state reporting requirements relative to protection of cultural resources.  
• Perform review of work done by archaeologically-trained resource professionals.  
• Conduct of site reviews and surveys for Departmental projects, as appropriate. |
| --- | --- |
| Regional Resource Managers, Forestry and Fire Protection Administrators | • 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 Chiefs and Unit Chiefs are familiar with Departmental policy, tribal laws, existing agreements and contracts with local Native Americans, and any impediments to Departmental authorities and capability to enter into agreements with Native Americans. |
| Unit Chiefs | • Lead responsibility for development of Fire Protection Reimbursement Agreements.  
• Lead responsibility for development of Unit Fire Management Plans.  
• With involvement of Departmental archaeological staff, lead responsibility for:  
  o Protection of cultural resources during capital outlay projects and other local Unit projects.  
  o Development of local cultural resource protection strategies to be employed during fire suppression activities.  
• Ensures this policy is followed as a part of the development and implementation of such agreements, plans, projects, and strategies. |
| Native American Advisory Council | • Advises the Director on Native American issues and concerns.  
• Assists CAL FIRE in establishing a cooperative and meaningful relationship with Native Americans.  
• Represents Native American interests statewide. |
RELATED FORM(S)/LINK(S)

CAL FIRE Archaeology Program Internet Page

AUTHORITY

Public Resources Code
Government Code
Title 14 California Code of Regulations
Executive Order B-10-11
California Natural Resources Agency Tribal Consultation Policy

REFERENCE(S)

None

SUBJECT MATTER EXPERT(S)

Director; Deputy Director, Resource Management; Assistant Deputy Director, Resource Protection and Improvement; Assistant Deputy Director, Forest Practice; Assistant Deputy Director, Climate and Energy; Assistant Deputy Director, Cooperative Fire Protection, Training, and Safety; Assistant Deputy Director, Technical Services; Tribal Liaison; Senior and Associate State Archaeologists; Regional Resource Managers; Forestry and Fire Protection Administrators; Unit Chiefs; Native American Advisory Council

REVISION DATE

November 2018
Recommended Framework for Protecting Cultural Resources from Impacts Associated with Fire Protection Activities
PROTECTING CALIFORNIA NATIVE AMERICAN SITES
DURING DROUGHT, WILD LAND FIRE, AND FLOOD EMERGENCIES

A GUIDE TO RELEVANT LAWS AND
CULTURAL RESOURCES MANAGEMENT PRACTICES
November 2015

STATE OF CALIFORNIA
Edmund G. Brown Jr.
Governor

Cynthia Gomez
Executive Secretary
Native American Heritage Commission

1500 Harbor Blvd.
West Sacramento, CA 95691
www.nahc.ca.gov
Native American Heritage Commission

James Ramos
Chairperson
Highland
Serrano/Cahuilla

Laura Miranda
Vice Chairperson
Temecula
Luiseno

Julie Tumamait-Stenslie
Secretary
Ojai
Chumash

William “Bill” Mungary
Chairperson Emeritus
Bakersfield
Paiute/White Mountain Apache

Marshall McKay
Brooks
Wintun

Reginald Pagaling
Santa Ynez
Chumash

Russell “Buster” Attebery
Happy Camp
Karuk

Joseph Myers
Santa Rosa
Pomo

Merri Lopez-Kiefer
Martinez
Luiseno
CONTENTS

Introduction 5

Protecting California Native American Cultural Resources: Laws, Definitions and Procedures 5

Federal Statutes 5

California Statutes, Regulations, and Executive Orders 7

Native American Cultural Resources Defined 9

Why Cultural Resources Matter? 10

Protecting Native American Human Remains 10

Procedures under Health and Safety Code Section 7050.5 When Human Remains are Discovered 10

Native American Heritage Commission (NAHC) Procedures Under Public Resources Code Section 5097.98 When Native American Human Remains Are Discovered 10

Protecting Archaeological Sites, Ceremonial Places, and Cultural Items 13

Public Resources Code Section 5097.99 (Possession of Native American Artifacts or Human Remains) 13

Public Resources Code Section 5097.94 (NAHC Power to Seek Injunctive Relief to Protect or Provide Access to Native American Sacred Sites on Public Property) 13

Public Resources Code Section 5097.97 (NAHC Investigation of Potential Damage to or Denial of Access to Native American Sacred Site on Public Property) 13

The Native American Historic Resources Protection Act (Public Resources Code Sections 5097.993 and 5097.994) 14
Government Code Section 6254, Subdivision (r) (Exemption of Records of Native American Graves, Cemeteries and Sacred Places from Disclosure Under the Public Records Act) -------------------------------14

Government Code Section 6254.10 (Exemption of Records Related to Archaeological Site Information Maintained by Various Resources Agencies from Disclosure Under the Public Records Act) --------------------- 15

Cultural Resources Management Guidelines and Best Practices ----------------------15

Effects of Fire and Flood on Native American Cultural Resources ------- 16

Cultural Resources Management Guidelines --------------------------------------17

  Pre-Event Educational Activities --------------------------------------------- 17

  Event Prevention and Planning Guidelines ------------------------------------ 18

  During the Event: Operational Guidelines ------------------------------------ 18

  Post-Event: Restoration and Cleanup Practices ------------------------------- 20

Example of Cultural Resources Management Best Practices ------ 21

Identification of Native American Cultural Resources ------------------------ 21

Conclusion -----------------------------------------------------------------22
Introduction

After four years of well below average precipitation, California is facing one of the worst droughts in its history. As a result, Governor Edmund G. Brown Jr. declared a drought state of emergency on January 17, 2014. As water levels recede in the state’s rivers, lakes and reservoirs, long submerged Native American cultural sites and cultural items have emerged. Heightened risk of catastrophic wildfires during the drought means that Native American sacred places and sites of religious, ceremonial and cultural significance face greater threats of damage or destruction from fire. Previously hidden sites may be exposed, making them vulnerable to vandalism. With the winter of 2015 – 2016 may come a strong El Nino event with the possibility of major flooding in parts of California. Flooding, with the possibility of mudslides, levee breeches, and erosion will have devastating effects on Native American cultural sites.

To be prepared for these events, it is important that California’s resources agencies be informed about the laws and best practices regarding the protection of Native American cultural sites and cultural resources. This guide provides information on the protection of Native American cultural resources in the face of natural disasters such as drought, wildfire, and flooding, as well as best Native American cultural resources management practices before, during and after these potentially catastrophic events.

This guide provides information on the federal and state statutes, regulations and executive orders that protect Native American human remains and associated grave goods, religious or ceremonial sites, sacred places, and archaeological sites so that agency staff will know what to do in the event these items are encountered in a natural disaster.

Protecting California Native American Cultural Resources: Laws, Definitions and Procedures

The following is a partial listing of federal and state statutes, regulations and executive orders that protect California Native American cultural resources, background information on what cultural resources are and why they are important, and a discussion of procedures and penalties under California law to protect Native American human remains and cultural resources.

- Federal Statutes

This law gives the President of the United States the authority to, by presidential proclamation, create national monuments from public lands to protect significant natural, cultural or scientific features. For any archaeological excavation on these lands, the Act requires that a permit (Antiquities Permit) be obtained from the Secretary of the department that has jurisdiction over those lands.


ARPA was enacted to provide more effective law enforcement to protect public archeological sites. ARPA provides more detailed descriptions of the prohibited activities over the Antiquities Act and larger civil and criminal penalties for convicted violators. The Act describes the range of prohibited actions, including damage or defacement in addition to unpermitted excavation or removal. Selling, purchasing, and other trafficking activities whether within the United States or internationally are also prohibited. Another section of ARPA prohibits interstate or international sale, purchase, or transport of any archeological resource excavated or removed in violation of a State or local law, ordinance, or regulation.


This legislation was enacted to preserve historical and archaeological sites. The Act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices. The law was amended in 1992 to allow federally recognized Indian tribes to take on formal responsibility for the preservation significant historic properties on tribal lands.

The Act also requires federal agencies to evaluate the impact of all federally funded or permitted projects on historic properties (buildings, archaeological sites, etc.) through a process known as Section 106 Review.


NGPRA requires federal agencies and institutions, including museums
that receive federal funding to repatriate "cultural items" to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organizations. Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony. The Secretary of the Interior may assess civil penalties on museums that fail to comply.

NAGPRA also establishes procedures for the inadvertent discovery or planned excavation of Native American cultural items on federal or tribal lands. NAGPRA makes it a criminal offense to traffic in Native American human remains without right of possession or in Native American cultural items obtained in violation of the Act. Penalties for a first offense may reach 12 months imprisonment and a $100,000 fine.

- **California Statutes, Regulations and Executive Orders**

  **California Environmental Quality Act (CEQA) (Pub. Resources Code §§ 21000-21177)**

  CEQA was enacted by the state legislature shortly after the federal government passed the National Environmental Policy Act (NEPA for the purposes of instituting a statewide policy for environmental protection. CEQA requires state and local agencies to follow a protocol of analysis and public disclosure of environmental impacts, including impacts to historical, archaeological, and tribal cultural resource, for proposed projects and adopt all feasible measures to mitigate those impacts. CEQA makes environmental protection a mandatory part of every California state and local agency's land use decision-making process.

  **California Environmental Quality Act Guidelines (§§ 15000-15387 California Code of Regulations Title 14, Chapter 3)**

  CEQA Guidelines are regulations to be followed by all state and local agencies in California for the implementation of CEQA. The Governor’s Office of Planning and Research develop the CEQA Guidelines for adoption by the Secretary for Natural Resources (Public Resources Code §15000).

  **Public Resources Code §§ 5097.9, 5097.94, 5097.97, 5097.99, 5097.991, 5097.993, and 5097.994**

  These laws address the protection of Native American historical, cultural and sacred sites including: the “Powers and Duties” of the
NAHC, the inadvertent discoveries Native American human remains and associated grave items, the inventory of sacred sites, the protection of Native American cultural sites and access to those sites for Native Americans on public land, the prohibition of the possession of Native American human remains or artifacts removed from a grave on or after January 1, 1984, the criminal and civil penalties for unlawful and malicious excavation, removal, destruction, or defacement of a Native American historic, cultural or scared site on private or public land.

California Native American Graves Protection and Repatriation Act of 2001 (Cal NAGPRA) (Health & Safety Code § 8010 et seq.)

Is intended to apply a state repatriation policy consistent with the provisions of the federal Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). It provides a mechanism for lineal descendants and culturally affiliated California Indian tribes that file repatriation claims for human remains and cultural items under federal NAGPRA or Cal NAGPRA to request assistance from the NAHC in ensuring that state that publicly funded agencies and museums are responding to those claims in a timely manner. It provides for facilitating the resolution of disputes regarding those repatriation claims. It the law also provides that California tribes that are not federally recognized may file claims with agencies and museums for repatriation of human remains and cultural items.

Health and Safety Code section § 7050.5

Health and Safety Code Section 7050.5 (b) and (c) establishes the authority of the county coroner regarding the inadvertent discovery of human remains outside of a dedicated cemetery and the roll of the NAHC if the coroner determines that the remains are that of a Native American.

Forest Practice Rules 2015 (Title 14 California Code of Regulations, Chapters 4, 4.5, and 10, §§ 929-929.7; 949-949.7; 969-969.7; 1052; 1092.14 and 1104.1(a)(3)

Under Forest Practice Rules the NAHC reviews, analyzes and prepares written comments to the California Division of Forestry (Cal Fire) on timber harvest plans, emergency notices, prescribed burn plans, and forestry management plans statewide relative to the preservation of cultural resources as defined by the rules. The NAHC assists Cal fire with the maintenance of their Native
American consultation list. The NAHC also aids Cal Fire archaeologists in the protection of Native American sacred sites during wildfire response.

Government Code sections §§ 65092, 65351, 65352.3, and 65562.5

These codes require that prior to the adoption or amendment of a city or county’s general plan, the city or county must conduct consultations with California Native American tribes, with federally recognized or non-federally tribes on the contact list maintained by the NAHC, for the purpose of preserving specified places, features, and objects that are located within the city or county’s jurisdiction.

Civil Code § 815.3(c)

Authorizes a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to hold a conservation easement to protect a California Native American prehistoric, archaeological, cultural, spiritual, or ceremonial place, if the conservation easement is voluntarily conveyed.

California Executive Order B-10-11

This Executive Order established the Position of Governor’s Tribal Advisor to oversee and implement effective government-to-government consultation and communication between the Administration, including state agencies and agency tribal liaisons, on policies that affect California tribal communities.

It The Executive Order states that it is the policy of the Administration that every state agency and department subject to the Governor’s executive control will encourage communication and consultation with California Indian Tribes and that they shall permit elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters affecting tribal communities.

Native American Cultural Resources Defined

- Native American cultural resources are evidence of past peoples and cultures that has been identified by a culturally affiliated tribal
representative. They can include villages, ceremonial sites, religious sites, burial sites, and associated cultural items.

- The culturally affiliated Native American tribe defines its cultural resources. A tribe sometimes may be the only source of information regarding a cultural site.

- Other sources of information may include archaeological sites recorded in the California Historical Resources Information System (CHRIS) and the NAHC Sacred Lands Inventory.

- Examples of cultural resources in the Sacred Lands Inventory include sites, landscapes, petroglyphs, pictographs, bedrock mortars, rock art, ceremonial places, burial places and historic structures.

Why Cultural Resources Matter?

- They are significant to local Native Americans and represent their tribal cultural values. A strong bond exists between present-day descendants and their sacred places and sites, no matter how old or small in nature.

- They reflect the indigenous human history of California reaching back more than 10,000 years before the arrival of Europeans.

- They provide factual explanation and illustration of human habitation and life prior to European contact.

- They may be places of religious and ceremonial significance still in use by Native American communities.

Protecting Native American Human Remains

For purposes of California law, human remains of a Native American may be in the form of an inhumation or a cremation and in any state of decomposition or skeletal completeness. Any items that are placed or buried with Native American human remains are to be treated in the same manner as the remains, but they do not by themselves constitute human remains (Public Resources Code §5097.98(d)(1)).

The following actions must be taken immediately upon the discovery of skeletal remains at any site other than a dedicated cemetery:
- **Procedures under Health and Safety Code Section 7050.5 When Human Remains are Discovered**
  - Stop work immediately at the site of the discovery and/or any nearby area reasonably suspected to overlie adjacent remains. Contact the County Coroner.
  - Protect the discovery site from any additional subsurface disturbance. The Coroner will have two working days to determine if the remains are subject to his or her authority as part of a crime.
  - If the Coroner determines that the remains are that of a Native American, the Coroner must contact the NAHC within 24 hours.

- **NAHC Procedures Under Public Resources Code Section 5097.98 When Native American Human Remains Are Discovered**
  - The NAHC will immediately notify the person or tribe it believes to be the Most Likely Descendant (MLD) of the deceased Native American.
  - The MLD has 48 hours from being granted access to the site to inspect the site and make recommendations to the landowner or the landowner’s representative for the treatment or disposition, with appropriate dignity, of the Native American human remains and any associated grave goods.
  - The landowner shall ensure that the immediate vicinity where the Native American human remains are located is not damaged or disturbed by further development activity, according to generally accepted cultural or archaeological standards or practices, until the landowner has *discussed and conferred* with the MLD their recommendations, taking into account the possibility of multiple human remains, if applicable.

  “Discuss and confer,” means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties’ cultural values, and, where feasible, seeking agreement. Each party shall recognize the other’s needs and concerns for confidentiality of information provided to the other. (Public Resources Code §5097.98(c))
- If the landowner does not accept the MLD’s recommendations, either party may request mediation by the NAHC pursuant to Public Resources Code section 5097.94(k). If the mediation fails, the landowner shall reinter the human remains and any associated grave items with appropriate dignity on the property, protecting the site from any further and future subsurface disturbance as specified by the law.

- Only by mutual agreement between the landowner and the MLD can Native American human remains and any associated grave goods be reinterred in a location other than the property where they were discovered.

- Third parties, e.g., archaeologists, cannot authorize the destructive or non-destructive testing of Native American human remains or associated grave goods without the MLD’s consent.

- If the NAHC is unable to identify a descendant, or the MLD does not make recommendations within 48 hours of being allowed access to the site, the landowner or his or her authorized representative shall reinter the remains and any associated grave items with appropriate dignity on the property in a location not subject to further and future subsurface disturbance as specified by law. The landowner shall protect the site by doing one or more of the following:
  - Record the site with the NAHC or other appropriate CHRIS Information Center.
  - Utilize an open space or conservation zoning designation or easement.
  - Record a document titled “Notice of Reinterment of Native American Remains” with the county in which the property is located. The document shall include a legal description of the property, the name of the owner of the property, and the owner’s acknowledged signature, in addition to any other information required by law. The document shall be indexed as a notice under the name of the owner.
Protecting Archaeological Sites, Ceremonial Places, and Cultural Items

If Native American cultural resources, including archaeological sites, are inadvertently discovered, the first consideration must be protecting them in place undisturbed.

While the treatment and disposition of Native American human remains and associated grave items are addressed by California codes, as noted above, other Native American cultural items or artifacts that may be unearthed by drought or flood conditions are not. Culturally affiliated tribes should be consulted regarding recommendations for the treatment and disposition of any cultural items that may be discovered as a consequence of flooding, receding water levels, or wild land fires.

The following California statutes protect Native American cultural sites, provide access to sites by Native Americans for ceremonial purposes, mitigate impacts to cultural sites on public lands and provide penalties for the willful destruction of Native American cultural sites:

Public Resources Code Section 5097.99 (Possession of Native American Artifacts or Human Remains)

Anyone knowingly or willfully obtaining or possessing Native American artifacts or human remains taken from a grave or cairn on or after January 1, 1984, unless authorized under Public Resources Code sections 5097.94 or 5097.98, is guilty of a felony.

Public Resources Code Section 5097.94 (NAHC Power To Seek Injunctive Relief to Protect or Provide Access to Native American Sacred Sites on Public Property)

The NAHC has the power to bring an action to prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, pursuant to Public Resources Code section 5097.97. If the court finds that severe and irreparable damage will occur or that appropriate access will be denied, and appropriate mitigation measures are not available, it shall issue an injunction, unless it finds on clear and convincing evidence that the public interest and necessity require otherwise.
Public Resources Code Section 5097.97 (NAHC Investigation of Potential Damage to or Denial of Access to Native American Sacred Site on Public Property)

In the event that any Native American organization, tribe, group, or individual advises the NAHC that a proposed action by a public agency may cause severe or irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, or may bar appropriate access by Native Americans, the NAHC shall conduct an investigation as to the effect of the proposed action. If the NAHC finds, after a public hearing, that the proposed action would result in irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine on public property, the NAHC may ask the Attorney General to take appropriate legal action pursuant to subdivision (g) of Public Resources Code section 5097.94.

The Native American Historic Resources Protection Act (Public Resources Code Sections 5097.993 and 5097.994)

California law protects Native American cultural sites and cultural items from wanton destruction. A person who unlawfully and maliciously excavates or damages a Native American historic, cultural, or sacred site that is listed or eligible for listing on the California Register of Historic Places, pursuant to Public Resources Code Section is guilty of a misdemeanor if the act was committed with specific intent to vandalize, deface, destroy, steal, convert, possess, collect or sell a Native American historic, cultural or sacred artifact, art object, inscription, feature or site, and may be sentenced to up to one year in jail and a fine not to exceed $10,000. Persons convicted of these charges may also face up to $50,000 in civil penalties per violation.

Government Code Section 6254, Subdivision (r) (Exemption of Records of Native American Graves, Cemeteries and Sacred Places from Disclosure Under the Public Records Act)

The Public Records Act exempts from disclosure records of Native American graves, cemeteries, and sacred places and the records of Native American places, features and objects described in Public Resources Code section 5097.9 and 5097.993 maintained by, or in the possession of, the NAHC, another state agency, or a local agency.
Government Code Section 6254.10 (Exemption of Records Related to Archaeological Site Information Maintained by Various Resources Agencies from Disclosure under the Public Records Act)

The Public Records Act exempts disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the NAHC, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

The NAHC recommends that agencies create guidelines in consultation with Native American tribes to address the protection of these records.

**Cultural Resources Management Guidelines and Best Practices**

**In the Event of Drought, Wild Land Fires, and Flooding**

There is a threat of increased wild land fires due to California’s drought emergency. Wild fires can severely threaten, damage or destroy Native American sacred places and sites of religious or ceremonial importance, as well as expose previously hidden sites, making them vulnerable to vandalism. Severe flooding also causes irreversible damage to Native American cultural sites. As the water recedes sites and cultural items are also exposed, making them vulnerable to vandalism.

This section is intended to provide agencies the tools needed to collaborate with California tribes in the protection of their fragile cultural resources in the event of flooding or wild land fire. For example, before and during a wild land fire, tribes and their tribal fire departments can provide California Department of Forestry and Fire Protection (CAL FIRE) and other fire suppression organizations with information and guidance to prevent and/or minimize damage to their cultural resources. The same is true for agencies involved in flood response and recovery.

In terms of wildfire suppression, California Native American tribes, especially those that have wild land fire suppression capability, have expressed concerns that they lack the authority during a wild land fire to protect their cultural resources. This is in part due to the limitations imposed on tribes by the National Fire Program, which provides funding from the U.S. Department of the Interior to CAL FIRE for fire suppression services on California reservations and rancherias (with the exceptions of the Hoopa and Tule River reservations), giving CAL FIRE authority for fire suppression activities on California reservations and rancherias.
Tribes should also be given the opportunity to be directly involved in protection of their cultural places during flood events and during flood recovery activities.

The information provided here regarding wildfire suppression resulted from discussions among tribes, Native American fire fighters, and CAL FIRE archaeologists. It is intended to provide tribes more control over the protection of their cultural resources during wild land fire operations, allowing tribes to prioritize the most culturally sensitive areas of their cultural territories for protection and recommend to CAL FIRE, and other fire suppression organizations, protocols and methodologies during wild land fires for that purpose. This methodology also applies to response and recovery for flood events.

Effects of Fire on Native American Cultural Resources

- Fire destroys wooden structures and fixtures, discolors and causes severe cracking and disintegration of stone masonry and sandstone, breaks obsidian artifacts, carbonizes or oxidizes ceramic items, chars or destroys bone and other organic material, and scorches petroglyphs and pictographs.
- In addition to fire directly damaging or destroying cultural resources, other factors can also be very damaging, such as erosion and run-off caused by the fire, destruction of plant material in the soils, falling trees, harsh fire retardant chemicals, the movement of hoses during fire suppression activities, and especially the use of heavy equipment on the fire lines.
- Destruction of plant material that may be used for “gathering” purposes, including the removal of pollinating plant species, is also damaging to Native American cultural resources.
- Heat, intense flames and smoke cause damage to vulnerable cultural resources.
- Looting and theft of cultural items can also occur following a fire.

Effects of Flooding on Native American Cultural Resources

- Flooding destroys and severely damages wooden structures, which would including historic ceremonial roundhouses, and displaces cultural sites and their associated material items. Native American human remains may also be exposed. Flooding’s aftermath results in erosion and silting that may either expose sites or cover them with layers of silt. Flooding can erode away petroglyphs and pictographs.
Flooding may destroy plant material that may be used for “gathering” purposes.

Landforms that may have had special ceremonial significance may be altered or destroyed.

Looting and theft of cultural items may also occur as sites are exposed following a flood event.

Cultural Resources Management Guidelines

Pre-Event Educational Activities

- The tribe may identify tribal representatives to consult in case of a fire or flood event, including contact information for agencies to use in advance of an event.

- Affected tribes may determine how fires or floods will affect cultural resources and recommend tactics, methodologies, or operation methods to use that will best protect their cultural resources.

- Tribal representatives may present information to agencies involved in fire suppression, flood response and recovery about their resources, including cultural significance, and which areas will require extra consideration during a flood or fire event.

- Tribal fire departments may provide a Fire Map/Protection Plan that identifies and prioritizes Culturally Sensitive Areas/Zones (CSA/Zs), and identifies the confidential nature of the site locations. Within these areas, tribal fire departments may describe the appropriate fire management protocols to use in avoiding cultural resources during a fire, which may include color-coded “flagging.”

- In the case of flooding, tribal representatives may also provide agencies involved in response and recovery with a Map/Protection Plan identifying and prioritizing Culturally Sensitive Areas/Zones (CSA/Zs) that identifies the confidential nature of site locations and the appropriate protocols to use regarding culturally sensitive areas.
Pre-Event Prevention and Planning Guidelines

- Pre-event planning guidelines may be created by tribes to prioritize CSA/Zs and recommend operation protocols to agencies in order to minimize damage to cultural resources. Such protocols may include using minimally invasive methods, identifying zones of cultural sensitivity while maintaining the confidentiality of site locations, and recommending appropriate measures (such as the use of alternative methods to heavy equipment) in order to protect and preserve as many cultural resources as possible.

- As part of a pre-fire cultural resources management strategy, tribes may survey their tribal territory to identify the type of fuel surrounding the area and recommend steps to reduce damage to cultural resources in a wildfire, including fuel reduction projects to reduce the fuel load in areas surrounding cultural resources in order to create a buffer. Methods may include mechanical thinning to remove highly flammable trees and vegetation as well as prescribed burning.

- When ground-disturbing activities are being planned in a known Native American cultural area, a representative designated by the culturally affiliated tribe should participate in their review and approval.

- Vegetation that is a contributing element to an area’s cultural importance should not be removed.

- Slash piles should be burned in an area away from cultural resource sites.

During an Event: Operational Guidelines

- Presence of Tribal Representatives During Fire Suppression or Flood Recovery Activities

A tribal representative should always be present during all fire suppression and flood recovery activities to advise on the treatment and care of cultural resources. Ideally, the tribal representative or team leader should be a member of a local disaster response team and be knowledgeable about the Native American community’s needs and concerns. Typically, the best policy lies with a minimalist strategy. The less activity in an area, the less likely it is that cultural resources will be damaged.
The use of Minimum Impact Suppression Tactics (MIST) may be recommended by tribes for use by fire suppression organizations. This is a standard used by many federal fire suppression units.

In the CSA/Zs, tribes may recommend the use of hand tools as opposed to the use of heavy equipment; the latter can cause considerable damage to cultural resources. Other methods recommended may include building a fire line by hand instead of using a bulldozer during a wildfire. In either a wildfire event or as part of flood recovery efforts heavy equipment, like bulldozers, can easily destroy the natural environment as well as any cultural resources present and can leave trails where they did not exist before, creating a new area of exposure and potential for erosion.

Tribes may determine a standard color and marking strategy to identify sensitive areas during fire suppression and restoration phases. Standards for color-coding are already available to fire-fighting units. Depending on conditions, it may be appropriate to mark areas of cultural sensitivity prior to flood recovery activities.

For wildfires the following guidelines for marking and flagging are recommended:

- Yellow and black-striped flagging is a signal for wildlife hazards like hornets or bees.
- Use a specific color to mark safety zones and escape routes.
- It will be important to make flagging effective depending on conditions and geographic factors, for example, greater use of flags for night time or thicker forest; flag the areas that contain priority cultural resources so that fire lines created are an optimal position and minimally invasive methods will be employed.
- Remove unnecessary flags to avoid confusion between multiple crews when and if a fire line is rerouted.

Positioning fire trucks in close proximity to areas of high-risk cultural resources before a fire starts is another recommended tactic.

Where feasible, building a pond as a source of water in a predetermined area to facilitate the use of aircraft water relief has been found helpful in suppressing many wild land fires; however,
crews must work with tribal representatives to ensure that cultural resources are not impacted.

- Use local rivers or lakes for water resources accessible by helicopter, with the approval of the tribe or landowner.

- Use of fire retardants/foam agents
  - Can be used on/around cultural resources, subject to tribal advice, to determine if the fire retardant is harmful to the specific type of cultural resource.
  - Soil and water can be used in fire lines to cool down the fire and make items, like a tree stump, less likely to catch fire.

- Fire Wraps
  - Vulnerable resources may be wrapped in or surrounded by fire resistant material to create barriers between them and the fire.

- Fire Lines
  - Use fire lines to break fuel lines leading up to cultural resources.
  - Clear fire line to mineral soil to prevent the spread of fire through fuel, such as dead roots.
  - Use existing trails (like cattle trails or gravel roads) as fire lines, where possible.

- Burial of Cultural Resources
  - By burying the cultural resources at least 10 cm below the surface, the severity of fire damage can be significantly reduced.

- Post-Event: Restoration and Cleanup Practices
  - Conduct a post-site evaluation to determine:
    - The post-event effects on the surrounding area;
✓ If cultural resources were damaged;
✓ How plant species were affected.

- Create a future plan that will better protect cultural resources and prevent post-event impacts.
- Disguise heritage sites to protect against looting and loss of heritage site value.
- Consult the Burned Area Rehabilitation (BAR) Guidebook on how to stabilize the affected area immediately after the fire.
- Assess the Pre-Event Plan’s success, cooperation between parties, and appropriate use of material.

➢ Example of Cultural Resources Management Best Practices

- Identification of Native American Cultural Resources

✓ After notification of a fire incident, CAL FIRE archaeologists have taken on the role of identifying Native American archaeological sites that may have been threatened during a wild land fire. These archaeologists have then operated in the field during the fire to flag sites and keep fire equipment and fire suppression activities from damaging archaeological sites. To identify threatened sites prior to a fire, CAL FIRE archaeologists have done the following:

- Completed archaeological site records searches at the appropriate California Historical Resources Information System (CHRIS) regional archaeological records information center to identify threatened recorded archaeological sites;

- Completed a Sacred Lands Inventory search through the NAHC, at which time an NAHC staff member has provided the CAL FIRE archaeologist with contact information for the tribe or the individual California Native American who submitted the site for listing;
• Contacted the tribes or individuals provided by the NAHC and collaborated with them to identify the locations of threatened sites.

• Contacted the culturally affiliated tribes and individuals on the CAL FIRE Native American contacts list to see if they may be able to provide additional information.

✓ This approach is also recommended to agencies charged with preparing for the eventuality of a flood and post-flood recovery. Being forearmed with site location information prior to a flood offers the best chance to identify and preserve sites as the water recedes.

**Conclusion**

It will take the coordinated and concerted efforts of tribes, resources agencies, and agencies to protect California Native American human remains and cultural resources from the effects natural disasters such as drought, fire, and flood. It is our intention that this guide provides the tools to accomplish such protection.

Any questions or concerns about this guide should be directed to the Native American Heritage Commission, nahc@nahc.ca.gov, and (916) 373-3710.
BEST MANAGEMENT PRACTICES
FOR PROTECTING CULTURAL RESOURCES

A GUIDE FOR CALIFORNIA FIRE SAFE COUNCIL MANAGERS AND
LANDOWNERS FOR COMMUNITY WILDFIRE PROTECTION PLANS
IN SAN DIEGO COUNTY, CALIFORNIA
# TABLE OF CONTENTS

What is the Purpose of this Guide?..................................................................................................................3
What are Best Management Practices?............................................................................................................3
What is Archaeology?.......................................................................................................................................3
What are Cultural Resources?..........................................................................................................................3
The Value of Cultural Resources..........................................................................................................................4
A Glimpse into the Past.......................................................................................................................................4
A Brief Legislative History ...................................................................................................................................4
What is the National Historic Preservation Act?.................................................................................................5
What is an Undertaking?.....................................................................................................................................5
What is the California Environmental Quality Act?..............................................................................................5
How Does this Concern You? And What You Can Do..........................................................................................5
What Should You Do if you Find an Archaeological Site.......................................................................................6
Types of Artifacts...............................................................................................................................................6
Best Management Practices for Cultural Resources...............................................................................................7
Recommendations for Fire Safe Councils............................................................................................................8
The Section 106 Process Flowchart ....................................................................................................................9
Federally Funded Projects: NHPA Section 106 Compliance Process
Section 106 Timelines.......................................................................................................................................10
Building Blocks for Streamlining Grant Application Review Related to Environmental Compliance..................11
Section 106 Timelines.......................................................................................................................................12
State Funded Projects: CEQA Process for Cultural Resource Compliance.......................................................13
What is the Purpose of this Guide?

This guide provides basic information about archaeology and cultural resources in order to help the Fire Safe Council Community Wildfire Protection Plan (FSCCWPP) partners and landowners in San Diego County understand and appreciate the value of cultural resources, to help them better plan their projects, and to identify those cases when professional help is needed.

What are Best Management Practices?

Best Management Practices (BMPs) are practices and procedures that help to avoid, reduce or mitigate any adverse effects to protected resources (i.e. cultural resources) resulting from project implementation (i.e., fuels treatments). Although there are no formal BMPs in place for cultural resources, this guide looks at those FSCCWPP activities that may impact cultural resources and provides suggestions for protecting these resources.

What is Archaeology?

Archaeology is the scientific study of historic or prehistoric peoples through the excavation and evaluation of sites and artifacts. *Historic* refers to any site or artifact dating since European arrival and older than 50 years old, while *prehistoric* refers to Native American sites and artifacts dating to the time before European arrival. Sites are places where people left some sign of their presence. Artifacts are portable objects, such as stone tools, pottery, or glassware, and non-portable objects, such as fire pits, stone foundations, or rock art. All archaeological sites have the potential to tell us something about past people and the environments in which they lived.

What are Cultural Resources?

Cultural resources is a broad term that encompasses all physical remains of past human life that must be at least 50 years of age (50 years provides the historical perspective necessary to evaluate the significance of these physical remains). Examples include prehistoric Native American villages and seasonal campsites, milling stations, rock art, homesteads, logging camps, and emigrant trails. More importantly, cultural resources are nonrenewable, that is, unlike plants, a cultural site will not grow back. When the artifacts and surrounding material are disturbed, archaeological information is destroyed.

Cultural resources greater than 50 years of age are deemed to be important or significant if they are eligible or listed on the National Register of Historic Places (NRHP), at which point they become protected by federal or state law. A cultural resource is significant if it meets one or more of the following four criteria under the NRHP.

A. It is associated with events that have made significant contributions to broad patterns of our history.
B. It is associated with the lives of persons significant in our past.
C. It embodies distinctive characteristics of construction type, works of a master, high artistic value.
D. It has yielded, or is likely to yield, information important in prehistory and history.

The California Register of Historical Resources (CRHR) was created to identify resources deemed worthy of preservation at the State level and was modeled closely after the NRHP. The criteria for evaluation...
are nearly identical to the four criteria of the NRHP, but focus upon resources of statewide, rather than national, significance.

The Value of Cultural Resources

California has a tremendously rich cultural history spanning 11,000 years from the earliest inhabitants with no written records to Spanish settlements and various Gold Rush activities. While the value of archaeological sites is partly scientific, revealing new information about the past, it also provides opportunities for recreation and education.

A Glimpse into the Past

Prehistoric Era

Studies of the archaeological record of the San Diego area have identified three different time periods: the San Dieguito, La Jollan, and Late Prehistoric (Yuman). During the San Dieguito period, the earliest inhabitants were hunters and gatherers who first occupied the area about 11,000 years ago. Subsequent environmental changes caused a major shift in subsistence strategies during the La Jollan Period (ca. 8000 – 1100 years ago). During this time, the inhabitants relied on plants, shellfish and fish, leading to a more sedentary lifestyle. During the Late Prehistoric Yuman Period (beginning 1100 years ago), further adjustments were made in which the inhabitants focused on a variety of seasonally available plant and animal resources.

Historic Era

The historic period of San Diego County spans the late 1700s to early 1900s and is associated with Spanish, Mexican and American occupation and land use.

The Spanish period (1769-1821) was a time of exploration, the establishment of the San Diego Presidio and the San Diego and San Luis Rey Missions, and the introduction of agriculture to the region.

The Mexican period (1821-1846) includes the retention of Spanish laws and practices before secularization of the Mission San Diego de Alcala in 1834. Vast tracts of land were granted and the Rancho era began. The Pueblo of San Diego was established and transportation routes were expanded.

The American Period (1848 – present) began when Mexico ceded California to the United States under the Treaty of Guadalupe Hidalgo. Much of the land that once constituted rancho holdings became public land, available for settlement by emigrants to California. As more Americans ventured into the area at the end of the 19th century, the old Spanish land grants were gradually broken up and the land changed hands many times.

A Brief Legislative History

Did you know that Federal laws have been in place since 1906 to protect and preserve important cultural resources? Since then, a number of additional laws and regulations have been developed at the federal, state and local levels to ensure that cultural resources are considered during planning and permitting of projects. These laws have helped reduce the loss of cultural resources on public lands where projects are under review. On private lands where regulations do not apply, the conservation of
archaeological sites depends on informed and caring landowners.

The main federal and state laws and guidelines for protecting important cultural resources are summarized below.

**What is the National Historic Preservation Act?**

The key legislation that Federal agencies must follow for the protection and preservation of cultural resources is the National Historic Preservation Act of 1966, as amended (NHPA). This Act was established as a result of the rapid loss of a number of archaeological sites due to development, erosion, and looting.

The main component of NHPA is:

- **Section 106**, which requires Federal agencies to consider the effects of their actions (undertakings) on important cultural resources.

**What is an Undertaking?**

An **undertaking** can be a project, activity, or program funded by a Federal agency, including:

- those carried out by or on behalf of the agency;
- those carried out with Federal financial assistance;
- those requiring a Federal permit, license, or approval; and,
- those subject to State or local regulation with approval by a Federal agency.

Any project that meets the definition of an **undertaking** triggers compliance with the NHPA. If your project is an undertaking, then the steps of Section 106 apply (see Flowchart, p. 9).

**What is the California Environmental Quality Act?**

The California Environmental Quality Act (CEQA) is the principal statute requiring an environmental assessment of projects in California. The purpose of CEQA is to evaluate whether a proposed project may have an adverse effect on the environment, and if so, if that effect can be reduced or eliminated by pursuing an alternative course of action or through mitigation.

The basic goal of CEQA is to develop and maintain a high-quality environment now and in the future. The specific goals are for California’s public agencies to:

1. Identify the significant environmental effects of their actions; and, either
2. Avoid those effects, where feasible; or
3. Mitigate those significant environmental effects, where feasible.

CEQA applies to projects proposed to be undertaken or requiring approval by state and local public agencies. **Projects** are activities which may have a physical impact on the environment.

**How Does this Concern You? And What You Can Do.**

A number of cultural resources exist on privately owned lands. Many of these are unrecorded sites unknown to the landowner, and can only be located by an on-the-ground search of the area made by people trained to recognize them.

Landowners who have cultural resources on their property are stewards of California’s past. The guardianship of these sites provides future generations with the
opportunity to learn from and experience our history.

Cultural resources can be damaged or destroyed during CWPP activities if they are not identified and protected before the project begins. If you have a CWPP project that uses funds from a federal, state or local agency, then the project is an undertaking that is subject to Section 106 of the NHPA or CEQA. In this case, you might be required to comply with state or federal legislation, which may require the identification, evaluation, and/or mitigation of effects on the cultural resource present.

Protecting cultural resources does not need to cost the landowner a lot of money, often none whatsoever. Protected resources include both historic and prehistoric sites as well as locations of cultural significance to local Native Americans that do not necessarily have visible artifacts or features.

What Should You Do if You Find an Archaeological Site?

If you find what may be an archaeological site, artifact or feature, do not disturb it. Contact the California State Historic Preservation Office in Sacramento and report your find. If you are unsure about a possible site, you can ask a professional archaeologist to look at it. There are state and federal laws with civil and criminal penalties that protect sites.

If you encounter human remains on your property, you are subject to State Health and Safety Code Section 7050.5, which states that “every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor.” Call the county coroner upon discovery of human remains; no further disturbance should occur to those remains until the coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code 5097.98.

Types of Artifacts

Among the most common items at many prehistoric sites are stone tools. These tools were used for a variety of tasks, including hunting, skinning and butchering of animals, and the pounding or grinding of seeds, nuts, and other plant foods (stone mortars and pestles, flat grinding slabs, and hand-held grinding stones). Other tools were made of wood, shell, and other organic materials.

Artifacts found in historic sites tend to be items such as cans, glassware, ceramic and pottery and glassware that are associated with logging camps, emigrant trails, homesteads, and Gold Rush-era mining towns and features.
Best Management Practices for Protecting Cultural Resources

What are CWPP activities?

Treatment types are fuel-reduction activities that involve hand labor, mechanical treatment, chemical treatment, prescribed burning, grazing.

Which CWPP activities may impact cultural resources?

This depends on methods used for each activity. In general, treatment types that involve hand labor (trimming, thinning brush and tree, debris removal by hauling) will least likely impact cultural resources. Ground disturbing activities using mechanized equipment have a greater potential to impact cultural resources.

- For non ground disturbing activities within the 100’ to 300’ feet defensible space with no known cultural resources, no impacts are to be expected.
- Activities within the 1.5 mile Wildland Urban Interface zones in unsurveyed areas: potential for impacts exist.

CWPP Project Planning

It is likely that the greatest threats to cultural resources are on private lands where surveys have not been conducted. Here’s what you can to do to help.

Determine if there are cultural resources on or near the property

- gather information from local or regional sources

If compliance is needed, work with qualified professionals to

- evaluate potential impacts of proposed activity
- conduct cultural resource inventories to identify sites
- develop avoidance measures
- consult with SHPO and tribes as per agency protocols

See flowcharts (p. 9, 10, 13) and text for federal or state processes.

Protection Measures for Cultural Resources

- avoid impacts to known cultural resources
- exclude the area containing the cultural resources from prescribed burn locations
- clearly mark the boundaries of the cultural resources when included in the prescribed burn area
- create buffers (protective space) around cultural resources
- keep roads, skid trails, and landings away from cultural resources
- take measures to reduce soil disturbance in cultural resource areas
Recommendations for Fire Safe Councils

FSC projects are subject to CEQA and NHPA where federal, state or local governments are funding, permitting or assisting them.

Plan Early and Often

- engage agency cultural resources specialists in project planning
- include cultural resources in CWPP

Provide Good Project Descriptions

- where will the treatments occur?
- what treatments will occur?
- fuel models, fuel loads, burn prescriptions
- location of known cultural resources
- planning early and often results in good understanding of project specifics among agency personnel

Ensure Compliance is Covered

- negotiate with agency to determine how compliance obligations will be met
- if necessary, determine in consultation with the agency, the amount of cultural resource compliance funding is needed and include in grant proposal

Examples of Exemptions

- timber stand improvement, where ground is not disturbed
- mulching, hand application
- shaded fuel breaks, thinning and pruning trees along sides of a road
- disposal of piled brush (except burning)
- hand lines
- road maintenance
- previously surveyed areas
- other practices such as use of heavy equipment, to be considered on a case-by-case basis
The basic steps in the Section 106 process that archaeologists follow:

1. Is the project an undertaking?
   - No: proceed with project
   - Yes: establish area of potential effects, conduct record search, consult with SHPO/Tribes, conduct field survey

2. Cultural resources present?
   - No: prepare report, consult with SHPO, proceed with project
   - Yes: evaluate cultural resource for National Register of Historic Places eligibility by applying criteria

3. Cultural resources eligible?
   - No: prepare report, consult with SHPO, proceed with project
   - Yes: determine effects

4. Will there be an effect?
   - No: prepare report, consult with SHPO, proceed with project
   - Yes: resolve adverse effects, consult with SHPO/THPO, develop MOA, invite Advisory Council on Historic Preservation to comment
Building Blocks for Streamlining Grant Application Review related to Environmental Compliance

**Types of Inventory**

There are three types of inventory: existing information inventory; probabilistic field survey; and intensive field survey.

**A review of existing information inventory**

This is called prefied research. This is a professionally prepared study that includes a compilation and analysis of all reasonably available cultural resource data and literature, and a management-focused, interpretive, narrative overview, and synthesis of the data.

The purpose of prefied research is to provide cultural resource specialists and managers with an informed basis for understanding the study area. This step involves the following:

- Access California Historical Resources Information Center for site records. Review site records and maps.
- Determine level of previous survey. This will determine the necessity for new cultural resource survey to improve the state of knowledge, especially where there are substantial data gaps.
- Determine site types and probable importance of cultural resources presently known to exist within the study area.
- Determine natural settings where the various known kinds of cultural resources might be expected to occur or not to occur within the study area, based on present information.
- Determine potential for and probable consequences of conflict between the known kinds of cultural resources and the various types of land and resource uses proposed in the study area.

**Probabilistic Field Survey**

This type of survey may be appropriate when existing information about the project area or similar environments indicates that a properly designed sample survey would adequately address the relevant research questions about past human use of the area. This survey is generally not appropriate where designing a sample and executing a discontinuous survey may prove more demanding and time-consuming than a continuous intensive survey.

A survey may be appropriate when:

- comparing alternative locations for proposed undertakings
- testing hypotheses about presence or absence of significant prehistoric and historic archaeological and architectural properties
- the regional inventory suggests that there is a low probability of finding significant historic properties in the study area
- the regional inventory suggests a significant correlation between certain site types and environmental variables can be tested through sampling the study area.

**Intensive Field Survey**

Intensive survey is most useful when it is necessary to know precisely what historic properties exist in a given area or when information sufficient for later evaluation and treatment decisions is needed on individual historic properties.

- Intensive Field Survey is a professionally conducted, thorough pedestrian survey of an entire target area (except for any subareas exempted), intended to locate and record all historic properties.
Section 106 timelines

Example: For a typical 50-100 acre fuel treatment unit

1. Identification and assessment of effects
   - 30 days: consultation with State Historic Preservation Office, Tribes, other interested parties
   - 1-2 days pre-field research
   - 1-3 days field survey (assume 60-80 acres/person/day)

2. Prepare documentation
   - 1-3 days

3. State Historic Preservation office Consultation
   - 30 days to concur/not concur
State Funded Projects: CEQA Process for Cultural Resource Compliance

PROJECT PROPOSED

**Preliminary Study** to Determine if Impacts to Cultural Resources are Possible

- No Impacts Expected
  - Cultural Resource Survey Not Required
    - Complete Letter to The Project File Documenting Why Survey Was Not Required

- Impacts Possible
  - Cultural Resource Survey Required
    - Records Check
    - Native American Notification of Project
    - Conduct Preliminary Research
    - Consultation with CDF Archaeologist
    - Survey
    - Develop Protection Measures
      - Contact with Native Americans
    - Record Sites
    - Complete Archaeological Survey Report

Agency Archaeologist Provides Approval Signature Once Investigation and Report Have Been Satisfactorily Completed

Archaeological Clearance