



California Tribal Historic  
Preservation Officer-State  
Historic Preservation  
Officer  
Tribal Summit on Heritage  
Preservation and  
Intergovernmental  
Consultation

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Thunder Valley Casino Resort - October 30th and  
31st, 2013



# California Tribal Historic Preservation Officer-State Historic Preservation Officer Tribal Summit on Heritage Preservation and Intergovernmental Consultation

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## Agenda

Day 1, Wednesday, October 30<sup>th</sup>, 2013

Location: Pano Hall, Thunder Valley Casino Resort, 1200 Athens Avenue, Lincoln, CA 95648

<u>Time</u>	<u>Event</u>
7:00 AM	<b>Registration (Breakfast Provided)</b>
8:00AM	<b>Welcome Introduction and Opening Prayer, Tribal Historic Preservation Committee, United Auburn Indian Community</b> <ul style="list-style-type: none"><li>• Allen E. Adams, Tribal Historic Preservation Committee Chair, United Auburn Indian Community of the Auburn Rancheria - <i>Opening Prayer</i></li></ul> <b>CalTHPO Tribal Summit Introduction of all Attendees and Announcements</b> <ul style="list-style-type: none"><li>• Jason Camp, Assistant Tribal Historic Preservation Officer, United Auburn Indian Community of the Auburn Rancheria</li></ul>
9:00 AM	<b>Break</b>
9:15 AM	<b>State of the SHPO Address</b> <p>This session will discuss current projects and programs of the State Office of Historic Preservation that may be of interest to THPOs and tribes, and provide an update for attendees about the top priorities of the State Historic Preservation Officer.</p> <ul style="list-style-type: none"><li>• Carol Roland-Nawi, State Historic Preservation Officer, California Office of Historic Preservation (Panel Chair)</li><li>• Jenan Saunders, Deputy State Historic Preservation Officer, California Office of Historic Preservation</li></ul>
10:00 AM	<b>SB 18 and CEQA Tribal Intergovernmental Consultation (Panel Discussion)</b> <p>Note: Today, the audience is asked to write down ideas about how to improve SB 18 and CEQA consultation with tribes on the cards provided, that come from their own experiences and listening to Day 1 panelists, for development of action plans in the Day 2 session. <u>Please turn cards in to Co-Chairs Eidsness and Guerrero by the end of Day 1.</u> Our goal is for the THPOs and tribal representatives, and collective experts from state and local governments to have a take away plan of action that we can collaboratively and individually work towards realizing by the end of Day 2.</p> <b>Opening Remarks</b> <ul style="list-style-type: none"><li>• Janet Eidsness, Tribal Historic Preservation Officer, Blue Lake Rancheria (Panel Co-Chair)</li><li>• Marcos Guerrero, RPA, Cultural Resources Manager, United Auburn Indian Community of the Auburn Rancheria (Panel Co-Chair)</li></ul> <b>SB 18, CEQA, and Current Opportunities for Consultation</b> <ul style="list-style-type: none"><li>• Liane Randolph, Chief Counsel, Natural Resources Agency</li><li>• Scott Morgan, Governor's Office of Planning and Research, Deputy Director &amp;</li></ul>

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## SCH Director

Ms. Randolph and Mr. Morgan will provide a brief overview of the existing tribal consultation requirements in the state Government Code (SB 18) related to amending and updating city or county General and Specific Plans, as well as outline existing provisions in the CEQA Statute and Guidelines that provide Tribal Governments and individuals opportunities to be involved in the CEQA process. In addition, they will discuss current efforts to update the CEQA Guidelines and General Plan Guidelines, and will provide an overview of the Governor's Executive Order on tribal consultation and the Natural Resources Agency tribal consultation policies.

## ***CEQA Compliance Review and Tribal Concerns– OHP Perspective***

- Lucinda Woodward, Local Government Assistance Unit Supervisor, California Office of Historic Preservation

Ms. Woodward supervises the local government program at the OHP, including CEQA review by local agencies. She will share her thoughts on best practices local agencies should consider when preparing CEQA documents, including early tribal consultation, early identification efforts, creative mitigation, and consideration of traditional cultural properties.

## **10-minute Case Studies**

Panelists will share examples of best and worst case scenarios related to tribal consultation required under Senate Bill 18 by local governments (to be initiated when adopting or updating their General Plans or Specific Plans), and by lead agencies when conducting CEQA review to effectively identify, evaluate, assess impacts and develop protection or mitigation measures for historical resources significant to tribes. Observations about best practices, weaknesses and recommendations for improving SB 18 and CEQA consultation with tribes and tribal authorities will be noted for follow up action planning on Day 2.

## ***Placer County: Indian Gold County and Intergovernmental Tribal Consultation***

- Marcos Guerrero, RPA, Cultural Resources Manager, United Auburn Indian Community of the Auburn Rancheria (Panel Co-Chair)
- Edmund Sullivan, Senior Planner, Placer County

Nestled within the foothills of the Sierras and ground zero to the California Gold Rush, Placer County is home to the United Auburn Indian Community, whose service area spans an additional five counties. County Planner Edmund Sullivan and United Auburn Cultural Resources Manager Marcos Guerrero will describe the work both governments have accomplished and are currently consulting on to help protect and preserve the natural and cultural resources in the area. This includes developing a government to government relationship, consulting on natural and cultural resources development projects early in the planning phases, and forecasting for long-term conservation planning.

## ***Humboldt County: Protecting Tribal Cultural Resources on Ancestral Lands Behind the Redwood Curtain***

- Janet Eidsness, Tribal Historic Preservation Officer, Blue Lake Rancheria (Panel

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Co-Chair)

- Steve Lazar, Senior Planner, Humboldt County

Located behind the Redwood Curtain along California's North Coast, Humboldt County is home to a number of robust and culturally strong Indian tribes including six that have THPO programs. Senior County Planner Steve Lazar and Blue Lake THPO Janet Eidsness will describe how THPOs are collaborating with the County to refine procedures that allow THPOs to screen CEQA project applications and provide rapid-response project-specific comments for protection of Native American cultural resources early in the review process.

## ***Butte County: Partnering Together for a Better Future in the Land of Natural Wealth and Beauty***

- Mike DeSpain, Director, Office of Environmental Planning and Protection and NAGPRA Coordinator, Mechoopda Indian Tribe
- Bob Summerville, City of Chico, Senior Planner

In partnership with the Mechoopda Indian Tribe, the City of Chico adopted in April 2011 a Cultural Resources & Historic Preservation Element of the 2030 General Plan. The Tribe was instrumental in assisting the City to achieve designation by the State Office of Historic Preservation (OHP) as a Certified Local Government (CLG) in December 2011. In January 2012, the Tribe was instrumental in assisting the City to host the State Historic Resources Commission's first quarterly meeting in January 2012. The City is currently working on grant funding to develop a Cultural Resources Management Plan (CRMP), a goal identified in the MOU and City's General Plan.

## ***Inyo County: What we've got here is failure to communicate!***

- Bill Helmer, Tribal Historic Preservation Officer, Big Pine Paiute Tribe of the Owens Valley

The Big Pine Paiute Tribe of the Owens Valley has had some negative experiences regarding SB 18 consultation and CEQA review for projects in Inyo County. A few examples of some of the problems we encountered will be given. What can be done to help improve the implementation of these laws will be shared on Day 2 of the Summit.

## **New Directions in Historic Preservation: Native American Land Trusts and Conservation Easements**

### ***Preserving in Perpetuity: Use of Conservation Easements in CRM***

- Lisa Westwood, RPA, Cultural Resources Manager, ECORP Consulting

Lisa Westwood will discuss the use of conservation easements to preserve cultural resources, including archaeological sites, traditional cultural properties, and cultural landscapes. Topics to be briefly introduced include how conservation easements function, how to hold and maintain conservation easements, rights and responsibilities, and important questions to ask when considering their use in preserving cultural properties.

### ***Beyond 'In Perpetuity: The Potential for Tribally-Held Conservation Easements under SB-18***

- Dr. Beth Rose Middleton, Professor, University of California, Davis
- SB-18 adds California Native American tribes (federally or non-federally recognized) to

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the list of entities that "may acquire and hold conservation easements." A conservation easement is a restriction on development on a parcel that follows chain in title, and often encumbers the property "in perpetuity." Conservation easements have proven to be powerful tools for incentivizing and implementing environmental conservation, and they have much promise for use in cultural conservation. To date, there may be only one conservation easement held by a Native American tribe in California following SB-18. Dr. Rose Middleton will give a brief overview of conservation easements and Native land trusts, offer some examples of successful California Indian conservation using easement tools, and speculate on possibilities for increased tribal applications of conservation easements around the state for cultural (including environmental) protection.

12:00 PM      **Lunch (Lunch Provided)**

1:00 PM      **Current proposals, trends and legislation you should know related to tribal cultural resources**

- Courtney Ann Coyle, Attorney (Panel Co-Chair)
- Laura Miranda, Attorney (Panel Co-Chair)

Ms. Coyle and Ms. Miranda will be discussing the current CEQA proposals, as well as on-going trends and legislation being proposed that you should know about related to tribal cultural resources.

2:15 PM      **Break**

2:30 PM      **Section 106 Intergovernmental Consultation (Panel Discussion)**

Panelists will share examples of best and worst case scenarios related to tribal consultation required under Section 106 Regulations (36 CFR Part 800) of the National Historical Preservation Act by state and federal government agencies (to be initiated when there is an undertaking), and by lead agencies when conducting Section 106 review to effectively identify, evaluate, assess adverse effects. This will include developing treatment plans, mitigation measures, and agreement documents for historic properties significant to tribes. Observations about best practices, weaknesses and recommendations for improving SHPO and ACHP consultation with tribes and tribal authorities will be noted for follow up action planning on Day 2.

The audience is asked to write down ideas and turn them in to Panel Co-Chairs or Audience Moderators, that come from their own experiences and listening to Day 1 panelists, about how to improve Section 106 consultation with tribes, for development of action plans in the Day 2 session. Our goal is for the THPOs and tribal representatives, and collective experts from state and federal governments to have a take away plan of action that we can collaboratively and individually work towards realizing.

## **Introduction to Tribal Intergovernmental Consultation**

- Marcos Guerrero, RPA, Cultural Resources Manager, United Auburn Indian Community of the Auburn Rancheria (Panel Co-Chair)
- Jason Camp, Assistant Tribal Historic Preservation Officer, United Auburn

Presenters will introduce the panel and go over how we have got to this point in tribal

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intergovernmental section 106 consultations, specifically environmental review and compliance under the 36 CFR Part 800 regulations which clarify an agencies responsibility to consult with Native American Tribes under the National Historical Preservation Act.

## **SHPO Perspectives**

- Susan Stratton, Cultural Resources Program Project Review Unit Supervisor, California Office of Historic Preservation

Ms. Stratton will provide an overview from a CA SHPO Reviewers perspective on Section 106 guidance and tribal consultation practices currently being developed.

## **NATHPO Perspectives**

- D. Bambi Kraus, President, National Association of THPOs

Brief overview from a national perspective on nationwide Programmatic Agreements and tribal consultation practices.

## **THPO Perspectives**

### **Agua Caliente Band of Cahuilla Indians**

#### ***Engaging Section 106: A THPO in Practice***

- Patricia Garcia, Tribal Historic Preservation Officer and Director, Agua Caliente Band of Cahuilla Indians

A review of the Agua Caliente THPO program and experiences consulting on Section 106 projects with federal agencies and their representatives. Garcia will go over how the office was set up and goes through the 106 review process which includes similar roles and responsibilities as those of the Native American Heritage Commission, the CHRIS Information Centers, and SHPOs office.

## **Intergovernmental Agency Perspectives**

### **US Army Corps of Engineers'**

#### ***Section 106 Compliance Within the Regulatory Program***

- Erin Hess, National Historic Preservation Act Compliance Regulatory Division, Sacramento District U.S. Army Corps of Engineers

A regulatory specialist will discuss the Division's role as a permitting agency for projects on private, state, and federal lands and the requirements for compliance with Section 106 of the NHPA; national policies regarding tribal consultation (USACE Tribal Consultation Policy, USACE Tribal Policy Principles); Sacramento District's Regulatory Division's Guidelines for Compliance With Section 106 of the NHPA, particularly the tribal consultation section; and challenges with our tribal consultation process.

## **US Bureau of Land Management**

### ***Lessons Learned As A Result of Renewable Energy Development***

- Charlotte Hunter, PhD, Bureau of Land Management (BLM) State Office, Deputy Preservation Officer

Dr. Hunter will provide insights into the federal government process that can lead to misunderstandings, and she will offer ways we can communicate better in the future.

- Raymond Andrews, Tribal Historic Preservation Officer, Bishop Paiute Tribe  
The Bishop Paiute Tribe signed a Memorandum of Understanding with the BLM to co-

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manage the Volcanic Tablelands and, most recently, a Memorandum of Agreement for the Casa Diablo VI Geothermal Development Project. The Tribe has also entered into a Programmatic Agreement with other Tribes, federal agencies, and governmental entities. Currently, the Tribe has an interest in Digital 395 Broadband construction. These are examples of what the Tribe is engaged now, and our working on agreement documents with National Park Service, California State Transportation Agency, and the US Department of Navy.

## **US Forest Service**

### ***Agreement Documents and Section 106 Compliance***

- Julie A. Burcell, RPA, Tribal Historic Preservation Officer/People's Center Museum, Karuk Tribal Member

A former BLM/Forest Service Heritage Program Manager will offer her perspective on the new US Forest Service Region 5 Programmatic Agreement with SHPO and the ACHP for Section 106 compliance, and the importance of communication protocols with Tribes.

4:00 PM

**Adjourn Day One**

7:00 PM -  
9:00 PM

**Reception at Mingle Bar (Appetizers provided)**

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Day 2, Thursday, October 31st, 2013

Location: Pano Hall, Thunder Valley Casino Resort, 1200 Athens Avenue, Lincoln, CA 95648

<u>Time</u>	<u>Event</u>
8:30 AM	<b>Sign-In (Breakfast Provided)</b>
9:00 AM	<b>Developing Section 106 Consultation Guidance for THPOs (Panel and Audience Discussion)</b> The objective of this session is to develop take away action plans for improving tribal consultation under Section 106 and 110 Regulations (36 CFR Part 800) of the National Historical Preservation Act. Panelists will go step by step down from 36 CFR Part 800.01-800.16 (including Appendix A - Criteria for Council Involvement in Reviewing Individual section 106 Cases), brain storming discussions with the audience, and consider written ideas and comments submitted by attendees following the previous day's session on this topic.  <i>Panelist Discussion:</i> <ul style="list-style-type: none"><li>• Jason Camp, Assistant Tribal Historic Preservation Officer, United Auburn Indian Community of the Auburn Rancheria (Discussant)</li><li>• Dwight Dutschke, Ione Band of Miwok Indians (Discussant)</li><li>• Thomas Gates, Ethnographer, California Energy Commission (Discussant, Historical Overview)</li><li>• Marcos Guerrero, RPA, Cultural Resources Manager, United Auburn Indian Community of the Auburn Rancheria (Panel Co-Chair and Facilitator Open/Closing)</li><li>• D. Bambi Kraus, President, NATHPO (Discussant, Historical Overview)</li><li>• Susan Stratton, Cultural Resources Program Project Review Unit Supervisor, California Office of Historic Preservation (Panel Co-Chair, Presenter)</li></ul> <i>Audience Moderators:</i> <ul style="list-style-type: none"><li>• Julie A. Burcell, RPA, Tribal Historic Preservation Officer, Karuk Tribal Member</li><li>• Patricia Garcia, Tribal Historic Preservation Officer, Agua Caliente Band of Cahuilla Indians</li><li>• Suntayea Steinruck, Tribal Heritage Preservation Officer, Smith River Rancheria</li></ul>
10:15 AM	<b>Break</b>
10:30 AM	<b>Actions Plans for Improving SB 18 and CEQA Tribal Consultation (Panel and Audience Discussion)</b> The objective of this session is to develop take away action plans for improving tribal consultation under CEQA and SB 18, and with regard for Governor Brown's Exec. Ord. B-10-11 (9/19/11) and the Natural Resources Agency's Tribal Consultation Guidelines (11/20/12). Panelists will first share their ideas and then facilitate brain storming discussions with the audience, considering written ideas submitted by attendees at end of Day 1 and comments from today's live audience. Dr. Thomas Gates will serve as our Session Moderator.



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## ***Opening Remarks***

- Janet Eidsness, Tribal Historic Preservation Officer, Blue Lake Rancheria (Panel Chair)

## ***Panelist Discussion:***

- Bill Helmer, Tribal Historic Preservation Officer, Big Pine Paiute Tribe of the Owens Valley
- Anmarie Medin, State Historical Resources Commissioner (Information Center Procedural Advisory Committee)
- Lucinda Woodward, Local Government Assistance Unit Supervisor, California Office of Historic Preservation
- Thomas Gates, Ethnographer, California Energy Commission (Session Moderator)
- Janet Eidsness, Tribal Historic Preservation Officer, Blue Lake Rancheria (Panel Chair)

## ***Audience Moderators:***

- Jason Camp, Assistant Tribal Historic Preservation Officer, United Auburn Indian Community of the Auburn Rancheria
- Patricia Garcia, Tribal Historic Preservation Officer, Agua Caliente Band of Cahuilla Indians
- Suntayea Steinruck, Tribal Heritage Preservation Officer, Smith River Rancheria

12:00 PM

**Lunch (On your own)**

1:00 PM

## **California Historical Resources Information System (CHRIS) Access for THPOs**

Discussion of what type of information is stored at Information Centers, the role of Information Centers in Cultural Resource Management, how Tribes can access the data at Information Centers, examples of how different THPOs have obtained and utilized Information Centers and a discussion of potential paths toward ensuring that all tribes are able to obtain CHRIS data.

- Jenan Saunders, Deputy State Historic Preservation Officer, California Office of Historic Preservation (Discussant)
- Marshall McKay, Tribal Chairman, Yocha Dehe Wintun Nation & State Historical Resources Commissioner (Discussant)
- Anmarie Medin, State Historical Resources Commissioner (Information Center Procedural Advisory Committee) (Discussant)

## **CHRIS Perspectives**

### ***CHRIS Overview***

• Eric Allison, CHRIS Coordinator, California Office of Historic Preservation  
Eric Allison will discuss the function and organization of the CHRIS, roles of the Information Centers, Office of Historic Preservation and the State Historical Resources Commission. Services and products that the Information Centers provide, the ongoing work to convert to the CHRIS Inventory to digital format, Information Center fees, and

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current CHRIS policies regarding THPO and tribal access will be shared. Possible approaches to addressing, fee, access, and data sharing concerns will be suggested.

## ***Partnerships with Tribes at the Northeast Information Center***

- Amy Huberland, Assistant Coordinator, Northeast Information Center

The Northeast Information Center, Chico, will provide a brief background on how the center operates, touching on its unique situation in Northeastern California. The main focus will be on the Center's relationships with Native American Tribes, Memoranda of Agreements (MOA's) providing tribal access to CHRIS information, tribal entities involved, fees charged, and other partnerships with tribes that have evolved over the past ten years.

## ***Partnerships with Tribes at the Northwest Information Center***

- Leigh Jordan, Coordinator, Northwest Information Center

The Northwest Information Center provides Tribal MOAs that provides access to designated tribal member and Restrict Access MOAs that apply agency or tribal conditions in addition to the CHRIS criteria for access to confidential data. In addition, to a short discussion of both, Leigh Jordan will provide Draft templates of each type of MOA to all attendees.

## **THPO Perspectives**

### **United Auburn Indian Community of the Auburn Rancheria**

#### ***Integration and application of CHRIS Data***

- Jason Camp, Assistant Tribal Historic Preservation Officer, United Auburn Indian Community of the Auburn Rancheria (Panel Co- Chair)
- Melodi McAdams, Cultural Resources Associate, United Auburn Indian Community of the Auburn Rancheria (Panel Co-Chair)

A discussion of how CHRIS data is used at a Tribal Historic Preservation Office, including how to integrate CHRIS data with other types of information to develop risk maps and traditional landscape maps, as well as the hurdles to obtaining CHRIS data.

### **Agua Caliente Band of Cahuilla Indians**

- Patricia Garcia, Tribal Historic Preservation Officer, Agua Caliente Band of Cahuilla Indians (Discussant)

Ms. Garcia will be on the panel to discuss and share her experiences partnering with the CHRIS and IC's.

### **Karuk Tribe**

- Julie A. Burcell, RPA, Tribal Historic Preservation Officer, Karuk Tribal Member (Discussant)

Ms. Burcell will be on the panel to discuss and share her experiences partnering with the CHRIS and IC's.

2:30 PM

## **Concluding Remarks**