



MECHOOPDA INDIAN TRIBE
of Chico Rancheria, California

MECHOOPDA INDIAN TRIBE OF THE CHICO RANCHERIA
Butte County General Plan 2030
July 9, 2008

Since 2005 the Mechoopda Indian Tribe of Chico Rancheria (MIT) has requested government-to-government consultation that began with the General Plan Technical Update, Chapter 9 of the Background Report on Cultural Resources and the Cultural Resources Element from the Policy Document (October 3, 2005). The following is an analysis of the process for government-to-government consultation between the County of Butte (County) and MIT, by reference of Senate Bill 18 (SB 18) and the Office of Planning and Research (OPR), Tribal Consultation Guidelines, Supplement to General Plan Guidelines.

MIT values a positive working relationship with the County and is committed to working with the County to develop a cooperative, streamlined process for consultation. We feel it is important to clarify our position on the method of our input into the County's comprehensive update of its General Plan. We respectfully submit the provisions in both California and federal law that supports our position.

The Mechoopda Indian Tribe of the Chico Rancheria is a federally recognized Indian tribe as confirmed by the January 6, 1992 judgment in *Scotts Valley Band of the Pomo Indians of Sugar Bowl Rancheria v. United States of America*, Civil Case C-86-3660-VRW (Scotts Valley Judgment), and duly reorganized under the Act of June 18, 1934, 48 Stat. 984, as amended [the Indian Reorganization Act (25CFR81)].

It is the position of the MIT that during the County's General Plan 2030 process, the County acknowledges the tribes as sovereign governments rather than as "stakeholders." As stated in SB 18, the County of Butte shall:

...prior to the adoption or amendment of [the] county's general plan...conduct consultations with California Native American tribes for the purpose of preserving specified places, features, and objects that are located within the city or county's jurisdiction." [Legislative Counsel's Digest, SB 18, Burton, (3)].

The Mechoopda are a sovereign, self-governing tribe governed by the Mechoopda Tribal Council, comprised of seven members with executive offices of Chairperson, Vice

Chairperson, Secretary, Treasurer and three members at large. MIT Tribal Council is empowered to make tribal policy, carry out tribal business, and entitled to “meaningful consultations... [with] California local governments at the earliest possible point in the local government land use planning process...” (S1.b.2.) The law further states that local governments shall:

Establish government-to-government consultations regarding potential means to preserve those places, determine the level of necessary confidentiality of their specific location, and develop proper treatment and management plans. (S1.b.3.)

Under SB 18 the definition of “consultation” is:

[T]he 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 tribe’s potential needs for confidentiality with respect to places that have traditional tribal significance. (S8)

In order to facilitate government-to-government consultation, the MIT desires to continue to follow the consultation guidelines outlined by the State of California, Governor’s Office of Planning and Research (OPR) titled, *State of California Tribal Consultation Guidelines: Supplement to General Plan Guidelines*, April 15, 2005.

We look forward to working with the County of Butte in establishing the consultation procedures. MIT acknowledges the County’s efforts to initiate consultation and offers a process for pre-consultation with the County as outlined in OPR’s Part C: Pre-Consultation, Section VI, Preparing for Consultation:

1. Invite tribal government leaders to meet with local government leaders for the purpose of establishing working relationships and exchanging information about respective governmental structures, practices and processes.
2. Hold informational workshops or meetings with the tribe to discuss the General Plan process, the existing General Plan, and any contemplated amendments.
3. Develop a consultation protocol that addresses how a cooperative relationship can be maintained and how future consultations should be conducted.
 - Insertion of Tribal cultural consultation procedures as an element of the General Plan
 - MOU/MOA

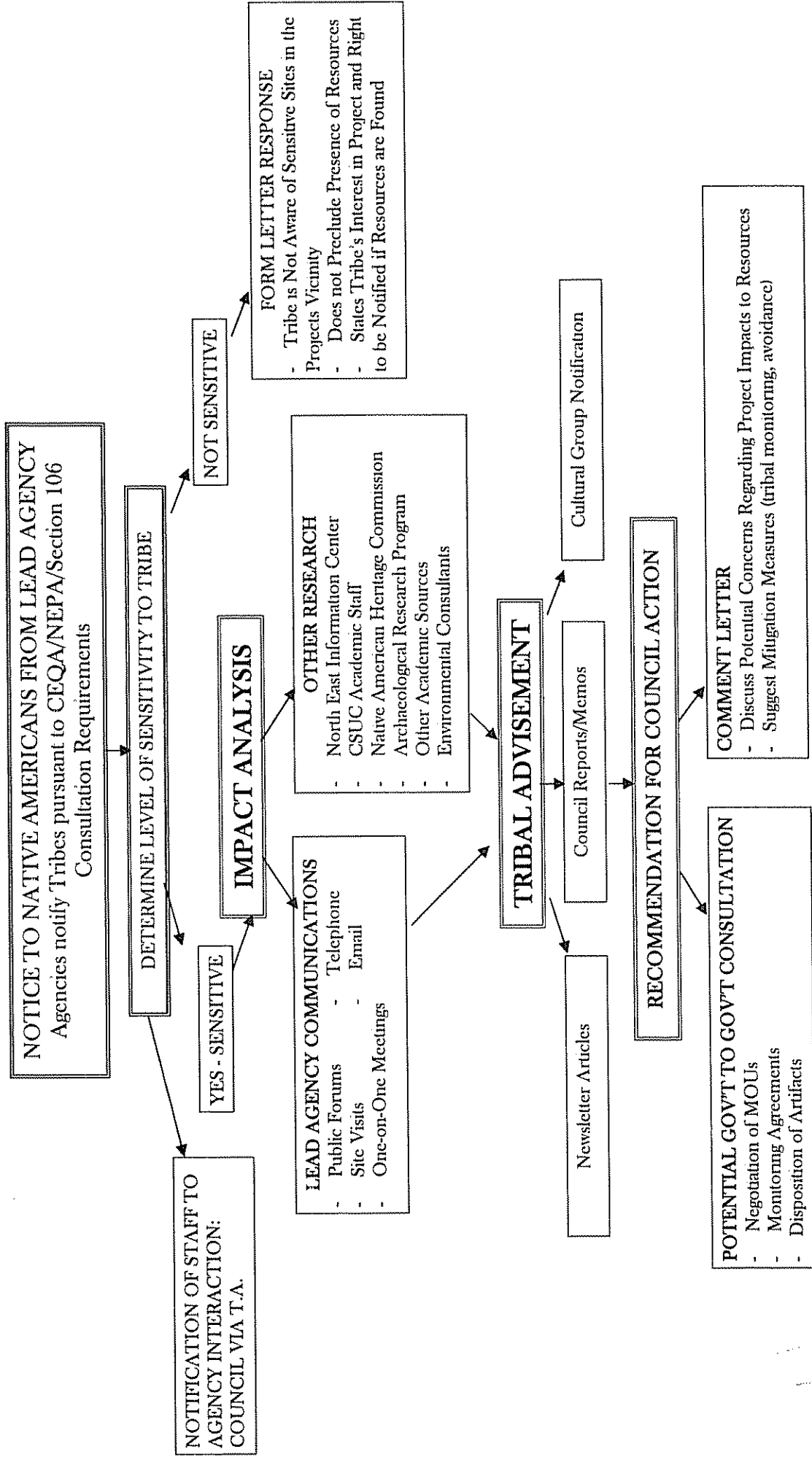
The Part C guidelines suggest that after the consultation protocol is developed, both parties should suggest topics (page 22) that they believe will facilitate consultation. The following are examples of items that may be appropriate to discuss.

1. Representative(s) from each party designated to participate in consultations and manage information.
 - Ensure continuity if representative(s) are no longer in their positions.
2. Identify key points in consultation process when elected government leaders may need to be directly involved in consultation.
3. Identify method(s) of contact preferred by tribal representatives and tribal government that the City should contact regarding a proposed action.
4. Identify procedures for giving and receiving notice, including method and timing.
5. Identify preferred location of consultation meetings.
6. Identify procedures to allow tribal access to the County's consultation records.
7. Identify procedures for maintaining accurate, up-to-date contact information.
8. Identify procedures for identifying and agreeing on changes to consultation protocol.
9. Keep a record of agreed procedures (MOA) and provide final copies to all representative parties.

The following are the Mechoopda Indian Tribe's top priorities to facilitate developing these consultation procedures.

1. Adopt a MOU regarding guiding principles for the County of Butte consultation with the Mechoopda Indian Tribe of the Chico Rancheria.
2. Establish a cultural resources element in the General Plan, associated ordinances and the County's best management practices manual(s).
 - Cultural resources clearly defined as part of the County's historic preservation directives.
3. Incorporate into the General Plan a consultation process within the County's Development Services Department.
4. The County's Development Services Department and its divisions establish and enforce government-to-government consultation with the Mechoopda Indian Tribe through an MOA.

MECHOOPDA ENVIRONMENTAL PROTECTION DEPARTMENT CEQA/NEPA/SECTION 106 PROCEDURES





MECHOOPDA INDIAN TRIBE

of Chico Rancheria, California

General Plan Tribal Issues

Date: May 2008

- Establish protocol and process for Tribal consultation on General Plan, Specific Plan, or Open Space updates or amendments (i.e., adequate notification and review periods, consultation meeting protocol, sharing of confidential information, and define terms, etc.)
- Create/update cultural element (separate section) in the General Plan;
- Budget funds to implement the Cultural Element measures into the agency-wide efforts for planning and development.
- Develop study plan(s) to document, evaluate for National Register of Historic Places (NRHP) eligibility, and identify General Plan effects on archaeological and historic-era properties and on Traditional Cultural Properties (TCPs) within city/county jurisdictional lands and spheres of influence; and whose results will be used to develop a cultural resources management plan (CRMP).

[TCPs are a type of historic property that are eligible for inclusion in the National Register because of their association with cultural practices or beliefs of a living community that: 1) are rooted in that community's history; or 2) are important in maintaining the continuing cultural identity of the community (National Register Bulletin 38) and can also be defined as:

- Locations associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world.
 - A rural, community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents.
 - An urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices.
 - Locations where Native American religious practitioners have historically gone and are known or thought to go today, to perform ceremonial cultural rules of practice.
 - Locations where a community has traditionally carried out economic, artistic or other cultural practices important in maintaining its historic identity. (National register Bulletin 38, 1998:1)]
- Identify open space zones for significant traditional cultural and resources properties; i.e., National Historic Register District, native plant restoration habitat zones/conservation easements, archeological areas, and sacred/ceremonial sites.

- Adopt a CRMP for curation/disposition of objects, protection, preservation, and long-term monitoring measures for archaeological and historic-era properties and Traditional Cultural Properties (TCPs) to include incorporation into Best Management Practices and appropriate manuals, for city/county-owned and private lands when an agency permit/approval is required.
- Allocate funds for compensated tribal monitoring of city/county and/or private land development projects (grading permits, archaeological testing, and construction) that may potentially impact archaeological and historic-era properties and Traditional Cultural Properties (TCPs) for which the city/county has jurisdictional approval/permitting responsibilities.
- Adopt specific standards within procurement policy for contractual services, or for employment of a professional archaeologist or cultural resource specialist, who meets U.S. Department of Interior standards and to include specific experience and knowledge of Butte County's Native American heritage and archaeology.



MECHOOPDA INDIAN TRIBE

of Chico Rancheria, California

INTRODUCTION TO TRIBAL ORGANIZATION

PRECONSULTATION MEETING

**MECHOOPDA INDIAN TRIBE
OF CHICO RANCHERIA**

AND

COUNTY OF BUTTE

JULY 9, 2008

TRIBAL ORGANIZATION

THE MECHOOPDA INDIAN TRIBE IS A SOVEREIGN,
FEDERALLY-RECOGNIZED INDIAN TRIBE

ORGANIZED UNDER THE INDIAN REORGANIZATION
ACT OF 1934

THE GENERAL MEMBERSHIP CONSISTS OF OVER 470
TRIBAL MEMBERS.

COUNCIL MEMBERS ARE ELECTED BY MAJORITY VOTE
OF THE GENERAL MEMBERSHIP, PURSUANT TO
ARTICLE IV OF THE TRIBAL CONSTITUTION.

THE CONSTITUTION PROVIDES THE FOUNDATION TO
PROMOTE THE COMMON WELFARE AS TRIBAL
MEMBERS AND AS A POLITICAL ENTITY AND TO
SECURE TO THE TRIBAL MEMBERS AND THEIR
DESCENDANTS THE RIGHTS, POWERS, AND
PRIVILEGES OF TRIBAL SOVEREIGNTY.

TRIBAL COUNCIL

THE TRIBAL COUNCIL CONSISTS OF SEVEN (7) MEMBERS SERVING STAGGERED TERMS OF TWO (2) YEARS.

DENNIS RAMIREZ, CHAIRPERSON
SANDRA KNIGHT, VICE CHAIRPERSON
ROBYN FORRISTEL, SECRETARY
BARBARA ROSE, TREASURER
PAULITA HOPPER, MEMBER-AT-LARGE
DONNA ROSE, MEMBER-AT-LARGE
ARLENE WARD, MEMBER-AT-LARGE

TRIBAL COUNCIL MEETINGS

- REQUIRES A QUORUM; 2/3RD MEMBERS OF TRIBAL COUNCIL NEED TO BE PRESENT
- COUNCIL MEETINGS ARE HELD MONTHLY, ON THE FIRST SATURDAY OF THE MONTH
- COUNCIL MEETING AGENDA'S ARE FIALIZED TWO THURSDAYS PRIOR TO THE MEETING.
- AGENDA REQUESTS AND SUPPORTING DOCUMENTATION NEED TO BE COMPLETED TWO THURSDAYS PRIOR TO COUNCIL MEETING

TRIBAL PROGRAMS

NORTHERN VALLEY INDIAN HEALTH, INC.

CHILD CARE PROGRAM

LOW INCOME HEATING & ENERGY ASSISTANCE

PROGRAM

CHICO RANCHERIA HOUSING CORPORATION

EDUCATION DEPARTMENT

TRIBAL YOUTH PROGRAM

OFFICE OF ENVIRONMENTAL PLANNING &

PROTECTION CULTURAL DEPARTMENT

