



IN REPLY REFER TO:
Forestry 4401-P5

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

DEC 13 2016

Chairman Pedro Nava
Little Hoover Commission
925 L Street, Suite 805
Sacramento, California 95814

Dear Chairman Nava:

Thank you for your letter of December 5, 2016, concerning the current California tree mortality hazard emergency. The State of California and the Bureau of Indian Affairs must partner to meet this threat that endangers Indian people, their heritage and their aboriginal assets.

The Governor's Executive Order B 10-11 promotes the use of both federal and state laws to partner with Tribal entities promoting Tribal sovereignty while meeting our shared interests.

Congress has provided the Bureau of Indian Affairs (BIA) the fiduciary Trust legal mechanisms to form partnerships with federal, state, local and private entities in a way that supports Tribal sovereignty. The BIA can facilitate the transfer of funds, property and other assistance to Tribal entities at no cost utilizing mechanisms that maximize the benefit of the investment to the investor and the Tribal beneficiary.

Federal and State authorities that recognize the unique relationship that our governments share with Indian Tribes are usually only gained by the hard work and sacrifice of Indian people. Federal and State law recognizes our commitment and responsibility to ensure that Tribes are partners in the management of natural resources that Indian people have managed from time immemorial. California Law (CA FGC § 16000 and CA GC § 11019.8) provides:

*Jurisdiction over the protection and development of natural resources is of great importance to both the State of California and California Indian tribes. To California Indian tribes control over these natural resources is crucial to their economic self-sufficiency and the preservation of their heritage. More than any other issue confronting the State of California and California Indian tribes, the regulation of natural resources transcends political boundaries. **The State of California is committed to providing a legal mechanism, other than protracted and expensive litigation over unresolved legal issues, for achieving tribal and state mutual goal to protect and improve natural resources.** All state agencies are encouraged and authorized to cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the tribes. Cooperation by state agencies with federally recognized California Indian tribes may include, but need not be limited to, all of the following: (1) Providing information on programs available to assist Indian tribes (2) Providing technical assistance on the preparation of grants and applications for public and private funds, and conducting meetings and workshops. (3) Any other steps that may reasonably be expected to assist tribes to become economically self-sufficient.*

The National Indian Forest Resource Management Act (25 USC Chapter. 33) provides a legal mechanism to invest funds from any source that supports Tribal management of natural resources across jurisdictional boundaries, maximizing value to investors while minimizing risk. The Indian Trust Asset Reform Act of 2016, requires the BIA to adopt policies that promotes the use of Tribal Trust account investments facilitating Tribal natural resource management (25 USC § 5633 and BIA California policy 53 IAM 11-H Chapter 1 § 11.1-PAA and Chapter 3 § 3.1- PAA with illustrations).

In addition, the Indian Self-Determination Act (25 USC §§ 450 et. seq. as amended EO 13175) provides a legal mechanism that facilitates the transfer of real property to Tribes from outside sources to benefit these partnership efforts. The Sustained-yield Management Act promotes the partnership for the management of forest resources across all jurisdictional boundaries and Tribes upon their request are the only land manager required to be included in the multi-jurisdictional natural resource management program (16 USC § 583f).

The California Department of Forestry and Fire Protection (CDF) and the California Department of Emergency Services (Cal OES) have lead roles in the implementation of the Governor's emergency declaration regarding the reduction in hazards posed by the tree mortality crises. The BIA maintains agreements with CDF and Cal OES (16 USC § 594, A13AC00001, and A15ACPRO01). These BIA/State agreements provide for the partnerships with Tribes to mitigate and suppress natural resource hazards.

We are hopeful that your Agency's tree mortality report will indicate that more must be done to meet our shared obligation to promote Tribal natural resource management, Tribal economic self-sufficiency, preservation of Tribal heritage, while utilizing mechanisms that promote Tribal sovereignty and Indian self-determination. Indian people have always managed natural resources in a manner to mitigate the hazards that tree mortality can pose. Please partner with us to meet our shared obligation in respecting this Tribal heritage and continue the long history of sustainable Tribal natural resource management.

If you have any questions, please call Gerald Jones, Regional Forester, at (916) 978-6076, or Dale Morris, Acting Chief, Regional Division of Natural Resources, at (916) 978-6050.

Sincerely,



Regional Director

Enclosures

- Tribal Investment Opportunities Information
- USFS/BLM in California : Free Use Without Permit and Tribal Management Support
- USFS/BIA Diagram promoting Tribal Management Across Jurisdictional Boundaries
- BIA Forestry in the Pacific Region
- CDF/BIA Project Plans
- BIA Programs Data Disk

cc: California Tribal Leaders
 Director, CDF (with enclosures)
 Director, Cal OES (with enclosures)
 BIA Superintendents within the Pacific Region (with enclosures and initial letter)
 Executive Director, Little Hoover Commission (with enclosures)
 Project Manager, Little Hoover Commission