

KARUK TRIBE
COUNCIL MEETING AGENDA
Thursday, August 22, 2013, 3 PM, Happy Camp, CA

A) CALL MEETING TO ORDER – ROLL CALL

AA) PRAYER / KARUK TRIBE MISSION STATEMENT

The mission of the Karuk Tribe is to promote the general welfare of all Karuk People, to establish equality and justice for our Tribe, to restore and preserve Tribal traditions, customs, language and ancestral rights, and to secure to ourselves and our descendants the power to exercise the inherent rights of self-governance.

CH) APPROVAL OF THE AGENDA

EE) APPROVAL OF THE MINUTES *(July 25, 2013)*

H.) OLD BUSINESS *(Five Minutes Each)*

1.

F.) GUESTS: *(Ten Minutes Each)*

1.

I.) DIRECTOR REPORTS *(Ten Minutes Each)*

1. April Attebury, Tribal Court Administrator
2. Sandi Tripp, Director of Transportation (written report)
3. Scott Quinn, Director of Land Management (written report)
4. Leaf Hillman, DNR Director (written report)
5. Lisa Morehead, Grant Writer/Resource Developer (written report)
6. Daniel Goodwin, Maintenance Supervisor
7. Leloni Colegrove, HR Manager
8. Dion Wood, TERO/Childcare Director (written report)
9. Tom Fielden, Emergency Preparedness Coordinator (written report)
10. Julie Burcell, People's Center Coordinator
11. Jaclyn Goodwin, Self-Governance Coordinator (written report)
12. Erin Hillman, Executive Director KTHA (written report)
13. Laura Mayton, Chief Financial Officer
14. Bill Keenan, KCDC Executive Director

II.) REQUESTS *(Five Minutes Each)*

K) PHONE VOTES *(Five Minutes)*

1. Request approval to set aside \$5,000 of discretionary funding to provide services (food/water) to the Orleans community, “Dance Fire” emergency. Passed. 5 haa, 0 puuhara, 3 pupitihara (Jody Waddell, Crispen McAllister, Amos Tripp)
2. Request approval to provide a certificate of insurance for \$12,000 covering the loan of a wolf skin for ceremonies. Passed. 5 haa, 0 puuhara, 3 pupitihara (Crispen McAllister, Dora Bernal, Amos Tripp).
3. Request approval of resolution 13-R-101 authorizing the use of Tribal Enrollment Data as opposed to labor force statistics for FY14 HUD. Passed. 5 haa, 0 puuhara, 3 pupitihara (Jody Waddell, Crispen McAllister, Amos Tripp)
4. Request approval of MOU 13-M-008 authorizing approval of the consultation MOU between the Karuk Tribe and USDA, Forest Services Six Rivers and Klamath National Forest. Passed. 6 haa, 0 puuhara, 2 pupitihara (Crispen McAllister, Amos Tripp).

M) INFORMATIONAL *(Five Minutes Each)*

- 1.

N) COMMITTEE REPORTS *(Five Minutes Each)*

1. NCIDC Meeting Minutes

OO) CLOSED SESSION *(Five Minutes Each)*

1. Enrollment (dinner break)
2. Sammi Goodwin (written)
3. Barbara Snider
4. Tribal Council Members

P) SET DATE FOR NEXT MEETING *(September 26, 2013 at 3 PM in Orleans, CA.)*

R) ADJOURN

**Karuk Tribe – Council Meeting
July 25, 2013 – Meeting Minutes**

Meeting called to order at 3:00 pm by Russell “Buster” Attebery, Chairman

Present:

Russell “Buster” Attebery, Chairman
Michael Thom, Vice-Chairman
Joseph “Jody” Waddell, Secretary / Treasurer
Elsa Goodwin, Member at Large
Charron “Sonny” Davis, Member at Large
Amos Tripp, Member at Large

Absent:

Dora Bernal, Member at Large
Alvis “Bud” Johnson, Member at Large
Crispen McAllister, Member at Large

Sonny Davis completed a prayer and Chairman Attebery read the Mission Statement.

Agenda:

Elsa Goodwin moved and Amos Tripp seconded to approve the agenda with changes, 5 haa, 0 puuhara, 0 pupitihara.

Minutes of June 27, 2013:

Amos Tripp moved and Michael Thom seconded to approve the minutes of June 27, 2013, 5 haa, 0 puuhara, 0 pupitihara.

Old business:

None

Guests:

None at this time.

Director Reports:

1.) Jaclyn Goodwin, Self-Governance Coordinator:

Jaclyn is present to review her report. She has one action item which is a letter to the BOR indicating that the Karuk Tribe is willing to waive the 90 day waiting period to AFA FY14 modification (1).

Michael Thom moved and Amos Tripp seconded to approve the letter to BOR waiving the 90 day award, 5 haa, 0 puuhara, 0 pupitihara.

Jaclyn then provided information on a conference call on the executive order establishing the White House Council on Native American Affairs.

She provided information on the changes that may have been required by the USFS. The overall consultation MOU does not have much progress and there is another meeting on August 15, 2013 (she is unsure the exact date), to discuss this.

The BIA AFA is ready for review. She provided it to Laura for her review and then it will be submitted to the BIA.

Tomorrow Jaclyn will attend the O-link agreement to discuss the area of overlap on funding.

Michael Thom moved and Sonny Davis seconded to approve Jaclyn's report, 5 haa, 0 puuhara, 0 pupitihara.

2.) Erin Hillman, ED of KTHA:

Erin is present to review her report. She is going to attend the 2014 O-link meeting and negotiations. This meeting will have 13-14 Tribes that share a service area. If the Karuk Tribe was to use their TRIP numbers then there would be a specific amount of funding provided. With using Enrollment numbers then that increases the funding to the Tribe. If the other Tribes do that as well then some other Tribes receive less funding and then the negotiations fail. The former Self-Governance Coordinator, Bob Goodwin, used to attend and this will be Jaclyn's first year.

She submitted the model activities to HUD. There were some comments received and there were recommendations to have larger Tribes, not the Karuk Tribe, but to allow more representation to the Committee.

On July 18, 2013 there was a pre-bid conference for the Childcare feasibility study and no one attended. It was not mandatory and anyone that is interested can seek further information. Dion Wood has agreed to be on the panel to evaluate the proposals and hopefully there will be interest in this activity.

There has recently been training and it was well attended by housing employees as well as tribal employees. Additional training will be for Indian Housing Law in November which will include participation for the BOC and Council and the Self-Governance Coordinator. Sexual harassment, workplace bullying and similar training will be provided in the future as well.

The Yreka Maintenance Supervisor position has been filled and the Happy Camp and Orleans security positions will have interviews on Monday. One person is off for a non-work related injury and other staffing updates were provided.

The yellow house appraisal has been completed but not submitted to Laura Mayton or Scott Quinn yet.

The Construction option has been redirected for a roof replacement for the Lowden House and to keep the pool. This is being evaluated at this time. They are working with April Attebury on the Comstock unit to see if the programs can work together.

Buster, Kristen, Erin and Charlene will attend a meeting at the Morongo Tribe to seek approval for additional facilities with possible funding that their housing department did not use as reported by Chairman Attebery.

The Yreka Wellness Center is moving along nicely. Environmentals are done for the Blue House purchase. Retaining walls options are progressing. The Orleans single family home is moving along.

She went on to highlight her report upon Buster's request. There was several trash days scheduled for Yreka. The Hoopa home replacement was awarded. Unit prep and hazard tree removal has been completed.

Jody inquired about the down tress to be available for fire wood. Erin will check with the families to continue to clear the property and to cut up the wood that was donated to their units after the hazard was removed.

Elsa Goodwin moved and Amos Tripp seconded to approve Erin's report, 5 haa, 0 puuhara, 0 pupitihara.

3.) Sandi Tripp, Transportation Director:

Sandi is present to review her report. She noted that the Red Cap bikeway is underway. She is in the process for seeking funding for another project which will be September 2014.

They have been going through quite a bit of difficulties with the cultural resources for the report. She has been working with Julie Burcell and another project consultant because of the cultural resources inventory reports that are needed.

The Happy Camp Street Scapes is moving forward but she is seeking funding for a safety report. She is in the process of identifying funds. This September 2013 she will be able to allocate funding toward this project.

The KCDC parking lot facility has been advertised and she expects on the 24th they will receive all the bids and she will review the selection with the Tribal Council at their Planning Meeting.

The Orleans Wellness Center parking is in the design phase and she will be moving toward a hazard tree removal for that parking facility.

The Head Start parking lot is complete. Sandi will provide the Council with before and after pictures.

She added into her report this month a letter from the FTA; stating that they will receive Tribal Encroachment funding. Sandi was able to receive additional funding due to reporting she submitted. This is the first time that the Tribe will receive replacement funding.

She has no action items, except travel and training. There was no agenda provided so the Council will wait on that approval.

Jody Waddell moved and Sonny Davis seconded to approve Sandi's report, 5 haa, 0 puuhara, 0 pupitihara.

4.) Scott Quinn, Director of Land Management:

Scott is not present, written report provided. He is not in attendance because he had been working on property that the Tribe purchased.

Elsa Goodwin moved and Amos Tripp seconded to approve Scott's report, 5 haa, 0 puuhara, 0 pupitihara.

5.) Leaf Hillman, DNR Director:

Toz and Crystal are present to seek approval of action items. Leaf is not present.

Crystal first sought approval of an amendment to the PacifiCorp Agreement to continue a special study that is being done.

Michael Thom moved and Elsa Goodwin seconded to approve resolution 13-R-095, 5 haa, 0 puuhara, 0 pupitihara.

Toz then noted that he has two resolutions that need approval. One is 13-R-087 for FY14 BOR AFA which was signed off internal through Laura Mayton and Compliance.

Then he would like to seek approval of 13-R-086 for an authorization to submit a scope of work under a modification (1) to the FY14 BOR AFA. He understands that this is generally not done this way but it was in the way the funding was set this year.

The scope of work will be done and he will seek approval of the RFP for the additional work to be done. Instead of using things such as work, they will use live trees and have a local contracting logger to complete the tasks. The Council did not like approving the resolutions in an order of the modification prior to the resolution for the funding. The numbers were switched in the book and changed on the resolutions to reflect the BOA AFA FY14 being approved first.

Amos Tripp moved and Elsa Goodwin seconded to approve resolution 13-R-086 authorizing submission of the FY14 BOR AFA 5 haa, 0 puuhara, 0 pupitihara.

Amos Tripp moved and Elsa Goodwin seconded to approve resolution 13-R-087 to submit modification (1) to FY14 BOR AFA, 5 haa, 0 puuhara, 0 pupitihara.

Elsa Goodwin moved and Michael Thom seconded to approve DNR's report, 5 haa, 0 puuhara, 0 pupitihara.

6.) Megan Rocha, Grant Writer/Resource Developer:

Megan is present to review her report. She has two items on the monthly report that they are seeking consensus to move forward on. Lisa has been working with the DOJ on the Blue Shield of California partnership. A letter of intent has been submitted but she is looking for consensus from the Council to submit for the funding. April Attebury clarified that she and Lessie worked on the objectives and goals. Elsa does not have a copy so she would like to see the report first.

Megan then went on to provide the Council with a brief synopsis of the EDA funding which has quarterly deadlines. She will be seeking funding under the December 2013 deadline. The concept is to seek the funding for several items. There are several items that can be drafted for but they are seeking funding to build onto the Orleans Computer Center which will be to expand partnerships with other agencies. The idea is to have further work toward this and it will charge \$5,000 -\$10,000 for the engineering report, which is not covered.

Buster asked if there would be training for customer service and aspects of the casino business. Jody noted that KCDC has also discussed the opportunity for wildland fire training. Michael would suggest that when the partnerships are established then they come up with the 20%, needed for the engineering report. The outside agencies that will be provided use of the facility for training needs may be able to offset that cost.

Consensus: to move forward with the information gathering to draft a proposal to the EDA.

She then provided Lisa Morehead's report for the Council since they did not have it. The purpose of funds is to expand the domestic violence funds which will extend services to Tribal Members and adding training workshop, health policies and procedures and a position that will help bridge a gap between the Domestic Violence Program and the Health Program.

April noted that the lead will be the clinics and the health field.

Consensus: to allow the grant writers to move forward on the Blue Shield Foundation grant.

Next Monday and Tuesday will have the strategic planning session in Orleans for the People's Center Advisory Committee.

Michael Thom moved and Sonny Davis seconded to approve the Grant Writer report, 5 haa, 0 puuhara, 0 pupitihara.

7.) April Attebury, Judicial system and programs administrator:

April is present to provide her report and has no action items. She provided a 7th generation report that is submitted. It is on the Youth Mentoring program. She drafted CILS for assistance to complete a draft for an illegal detainer document. She is working with CILS and the Coalition which will hopefully come to pass soon.

She included the minutes to the NCTCC which had a good turnout.

The DA roundtable was in Eureka which was well attended and she provided those minutes.

On September 24, 2013 they are having a DA roundtable media gathering and it will be for the Humboldt County Board of Supervisors. She would like to have some staff attend.

April also commented that they are trying to set up another task force. The Sheriff was at the meeting and he suggested completing a small roundtable to begin working on identifying the issues in that area. Michael believes that the Sheriff's Department needs to set a meeting with any and all of the Orleans Community because the security issues there are affecting the community as a whole.

Elsa Goodwin moved and Sonny Davis seconded to approve April's report, 5 haa, 0 puuhara, 0 pupitihara.

8.) Daniel Goodwin, Maintenance Supervisor:

Daniel is not present. Fred's report provided.

Amos Tripp moved and Jody Waddell seconded to approve the Construction manager's report, 5 haa, 0 puuhara, 0 pupitihara.

9.) Le Loni Colegrove, HR Manager:

Le Loni is present to provide her report. She updated the Council on the recent hires for the Tribe. She also noted the pending vacancies and meetings she attended.

She also has 7 Director Evaluations that need to have their annual evaluations. The Newsletter Summer Edition is with the Council for final review and they did not receive a hard copy of it and it is not final. She will be holding a 2013 post reunion assessment review.

Le Loni would like to update the Newsletter to include the reunion pictures.

Le Loni has discussed briefly with Tom Fielden and Tiffany Ashworth on how to get staff to review the Reunion and how to move forward. The management team meeting is next week and they will work on that as well.

Jody Waddell moved and Sonny Davis seconded to approve Le Loni's report, 5 haa, 0 puuhara, 0 pupitihara.

Michael thanked Le Loni for stepping up and doing a great job at the Reunion. He noted that there were a few complaints but it was from the staff but it seemed that the membership enjoyed the event.

10.) Dion Wood, TERO/Childcare Director:

Dion is present to provide his report. He summarized his report. He will email the TERO Commissioners training reports that they attended.

He thanked Le Loni for her work on the Reunion, she did a great job and he understands that it was her first time completing this task and he was proud to see her really shine.

There was a WPA meeting and it included the Hiring policy, RFP procedures and forms were held. He hopes to have this done by the next Council Meeting.

With cooperation with TANF; the food program is moving along and really making it work for the youth in all three areas. Rana' Bussard in Yreka and Nell Sakota and Donna Goodwin-Sanchez work on the Happy Camp and Orleans meals. The staff is serving at least 130 youth total. The reimbursement is low but the reward is the youth receiving meals.

There is the possibility to use 200 hours for youth workers. Dion provided that information to the Management Team.

There were 57 surveys and about ¾ are interested in working in the casino once it opens. He is going to use this information to develop a bulk mailing which he has been discussing. He will start planning some training on customer service and other areas so it will look good on resumes. The fire contractors that the Tribe assisted were dispatched and are working.

The TERO commission is attending an EEOC training August 14-16, 2013 in Reno NV, for investigating and interviewing techniques. He invited any Council Members to attend.

He submitted the Indian Childcare Plan and it is under review. He gave away over 500 t-shirts at the Reunion.

Next month he will not be present, he will be at training. He would like to request a rental car for an upcoming training August 25-29, 2013.

Michael Thom moved and Jody Waddell seconded to allow Dion Wood to get a rental car in Denver CO, 5 haa, 0 puuhara, 0 pupitihara.

Dion noted that he is not clear on the abstentions from Jody Waddell since his wife is on the BOC. He is unclear of this process and would like to understand how it works. The Council confirmed that Jody does not have to abstain as his position as supervisor is with the Tribal Council, not stand alone. There appears to be no conflict and if one was to occur then that would be disclosed.

Elsa Goodwin moved and Michael Thom seconded to approve Dion's report, 5 haa, 0 puuhara, 0 pupitihara.

11.) Tom Fielden, Emergency Preparedness Coordinator:

Tom is present to review his written report. He has one action item which is an MOU for working with the Computer Centers.

Michael Thom moved and Elsa Goodwin seconded to approve 13-M-006, 5 haa, 0 puuhara, 0 pupitihara.

He then updated the Council on the training spreadsheets. The employees are at about 70% completion. They are ready to move on to the higher levels of training. There is a Karuk emergency preparedness training meeting and will provide an update on that level as well.

He has been working on drafting a site specific operating procedures for each office. Updating the emergency operations plan was been underway. The quarterly report has been submitted on time. He is working with Laura Mayton and Laura Olivas to purchase additional emergency response equipment. Ms. Beckman is charged with identifying maps and locations of Elders or critical structures. KTHA is the lead on the neighborhood watch connection.

The final ICS trainings are not available online and they are in class trainings that are targeted for managers and/or directors.

He updated the Council on several inter-agency meetings that both he and Jill attend in and outside of the community.

He noted that there is training coming up in Blue Lake, CA., which will cover one day for Tribal Leaders. It will provide overviews of the disasters trainings and declaring of emergencies.

Michael Thom moved and Elsa Goodwin seconded to approve Tom's report, 5 haa, 0 puuhara, 0 pupitihara.

12.) Julie Burcell, People's Center Coordinator:

Julie is present to review her report. She noted that a positive step is coming under review which the USFS is acknowledging the Tribes sacred sites. There are seven private property owners that own parcels of land near or crossing the trail. She and Scott Quinn have begun to identify the assessor's parcel information to obtain those owners' permission to protect different areas.

The National Park Service grant was received for Inaam.

Meeting with Caltrans will be Wednesday next week. Caltrans did put in writing to gain federal recognition for Katimiin and they have not progressed but she is hoping to discuss this with them. Moving forward this will assist in identifying guidelines for similar sites moving forward.

Julie inquired about the request for a fire truck and the past years fire at Inaam. She would like to take extra precautions.

Julie continues to work on strategic planning. They are trying to finalize the policies of the People's Center and once they are through this process then they will seek accreditation.

Amos Tripp moved and Elsa Goodwin seconded to approve purchasing six Karuk caps for the People's Center, as attached to Julie's report, 5 haa, 0 puuhara, 0 pupitihara.

Julie noted that KRAB is struggling with the food security grant and interviewing the Elders. They report that they are struggling with the paperwork. KRAB would like to review options of not having the elders provide the needed paperwork. The group agrees that it is an audit finding but somehow a faster, easier process has to be identified. The requirements for paperwork are mandatory and will continue to be done in the interim.

Elsa Goodwin moved and Sonny Davis seconded to approve Julie's report, 5 haa, 0 puuhara, 0 pupitihara.

13.) Tiffany Ashworth, Dir. Of Administration and Compliance:

Tiffany is present to provide a verbal report. She has attended several TERO meetings to provide assistance with the ongoing efforts that the group is moving forward with. She has put out a schedule that she sent to the Management Team to update them on her reviewing schedule. She worked on that for one week and then deviated because of the Reunion, but she will go back to it to ensure consistency.

She would like to request to be on the Planning Meeting Agenda to provide her written report. The Council will add her.

She provided thank-you and recognition to those who assisted her during the Reunion. She thanked, Donna Zook, Kathy Meinheirt, Babbie Petersen, Joann, Laura Mayton, Laura Olivas, Mercedes DeAcosta, Laura (last name unknown), Erin Hillman and the maintenance crew, Jill Beckmann, and others who stepped up at the last minute to serve Elders and line servers. For Sunday Sharon Crocker, Karen Derry and Patty Gail Whitehouse assisted.

Michael Thom thanked Tiffany for her stepping up and providing assistance and working on the Reunion to make sure dinner was provided.

Sonny also noted that he would like to thank his wife for cleaning up the kitchen as it was left a mess after all that cooking.

Michael Thom moved and Elsa Goodwin seconded to table Tiffany's report, 5 haa, 0 puuhara, 0 pupitihara.

14.) Laura Mayton, CFO:

Laura Mayton is present to review her report. Laura noted that she has been listening to the Directors reports. She noted that the staff is into anything and everything. There are a lot of activities going on and the staff really does a great job and is very knowledgeable.

She reviewed her report. She would like to cross train this year and she will be having Laura Olivas work on budgets and the Indirect cost proposal which she will oversee. Amos would like a summary of the overall budgets of the Tribe. She will begin to provide those at the Planning Meetings.

They have an RFP out for auditing which was adjusted to be for five years as opposed to three years. This will be to contract with an auditing firm.

Laura noted that she has a phone call with Tim Rose from ROI and he would like to discuss attendance with G2E conference. He suggests that this conference be the time to begin working toward financing. He noted that there needs to be financiers sought. He would like to have the financiers meeting in conjunction with the conference because he will be present. Jody commented that he attended once and they met with Wells Fargo Bank. Laura commented that at this point there are no discussions but ready to move forward but it's up to the Council on how they want to move forward.

Michael Thom moved and Elsa Goodwin seconded to approve Laura's report, 5 haa, 0 puuhara, 0 pupitihara.

15.) Bill Kennen, KCDC Executive Director:

Bill is present to review his report with the Council. He believes that the ongoing issue for the Orleans building is that they do not feel completely responsible for the security of the building because it is owned by the Tribe as well. He would like to partner with the Tribe regarding this and provide security cameras.

The organizational chart Bill provided will be moved to closed session and Laura Mayton will be present.

Elsa Goodwin moved and Jody Waddell seconded to approve KCDC report, 5 haa, 0 puuhara, 0 pupitihara.

Dinner Break: Closed Session: Resolutions for Enrollment.

Phone Votes:

1. Request approval to pay up to \$1,000 for emergency dental care for patient #SS from Third Party. 4 haa, 0 puuhara, 1 pupitihara (Dora Bernal). Absent for vote (Amos Tripp, Bud Johnson Elsa Goodwin)
2. Request approval to allow use of the Yreka TANF van by Head Start employees to attend a funeral service. 5 haa, 0 puuhara, 0 pupitihara. Absent for vote (Crispen McAllister, Dora Bernal, Elsa Goodwin).
3. Request approval to pay the balance of \$6,500 for a revised Innovation Study. 7 haa, 0 puuhara, 0 pupitihara. Absent for vote (Elsa Goodwin).
4. Request approval of resolution 13-R-089 authorizing submission of a grant proposal with KCDC identifying the shortfall and covering that amount. 4 haa, 1 puuhara (Jody Waddell), 0 pupitihara. Absent for vote (Amos Tripp, Bud Johnson, Elsa Goodwin).

5. Request approval of contract 13-C-054 between the Karuk Tribe and Lomakatsi Restoration Project. 5 haa, 0 puuhara, 0 pupitihara. Absent for vote (Amos Tripp, Bud Johnson, Elsa Goodwin).
6. Request approval of resolutions; 13-R-064, 13-R-065, 13-R-066, 13-R-067 authorizing ICW Intervention. 5 haa, 0 puuhara, 0 pupitihara. Absent for vote (Jody Waddell, Amos Tripp, Elsa Goodwin).
7. Request approval for out of state travel for Babbie Peterson to Washington DC., August 5-8, 2013. 5 haa, 0 puuhara, 0 pupitihara. Absent for vote (Crispen McAllister, Dora Bernal, Elsa Goodwin).

Closed Session:

Michael Thom moved and Amos Tripp seconded to approve #LS treatment for 30 days from third party not to exceed \$1,800, 5 haa, 0 puuhara, 0 pupitihara.

Amos Tripp moved and Sonny Davis seconded to approve resolution 13-R-090, 5 haa, 0 puuhara, 0 pupitihara.

Amos Tripp moved and Sonny Davis seconded to approve the Enrollment Terms of Office, 5 haa, 0 puuhara, 0 pupitihara.

Consensus: to deny a revised organizational chart, to have the tribes finance staff review receipts, to instruct staff to work together toward better communication and the Council will meet with staff as needed, to ensure consistency, but staff is to meet with their oversight board to ensure communication.

Consensus: to table resolution 13-R-096.

Amos Tripp moved and Michael Thom seconded to approve resolution 13-R-097 seconded 5 haa, 0 puuhara, 0 pupitihara.

Amos Tripp moved and Jody Waddell seconded to approve resolution 13-R-098, 4 haa, 0 puuhara, 0 pupitihara (Elsa absent for vote).

Amos Tripp moved and Sonny Davis seconded to approve resolution 13-R-099 4 haa, 0 puuhara, 0 pupitihara (Elsa absent for vote).

Consensus: to refer request from Tribal Member #2220 back to provide additional information to the Council; education enrollment.

Amos Tripp moved and Michael Thom seconded to approve out of state travel for Buster Attebery to Airway Heights, WA for TBIC Meeting, 5 haa, 0 puuhara, 0 pupitihara.

Jody Waddell moved and Michael Thom seconded to approve travel for Amos Tripp and Sonny Davis to Sacramento CA 7/10-11, 5 haa, 0 puuhara, 0 pupitihara.

Michael Thom moved and Amos Tripp seconded to allow travel for Elsa Goodwin, Verna Reece, Sonny Davis to Eureka for ICWA training and find the funding, 4 haa, 0 puuhara, 1 pupitihara (Elsa Goodwin).

Informational: Dr. Robert Milton won the employee gift card for employee recognition.

Committee structure: During Council absences due to health issues, KCDC Board will sustain itself with one representative, the People's Center Advisory Board will have Crispen attend in Bud's absence, and TERO will be taken on by Amos Tripp and/or if the need is still relevant after August 2013.

Amos Tripp moved and Jody Waddell seconded to put up and install cameras for buildings in Orleans for KTHA, KCDC, Tribal buildings, 5 haa, 0 puuhara, 0 pupitihara.

Elsa Goodwin: She feels like her items are not "informational" they are actual desires and meetings she wants set.

Consensus: to refer the NOC contest to the Planning Meeting.

Next Meeting Date: August 22, 2013 at 3pm in Happy Camp, CA.

Amos Tripp moved and Michael Thom seconded to adjourn at 8:28pm, 5 haa, 0 puuhara, 0 pupitihara.

Respectfully Submitted,

Russell "Buster" Attebery, Chairman

Recording Secretary, Barbara Snider

Tribal Council Report
Karuk Tribe Department of Transportation
Council Meeting: August 22, 2013

Submitted by: Sandi Tripp, Director of Transportation

Date: August 15, 2013

Red Cap Bikeway

As noted in last month's report this project is partially funded through a grant from Humboldt County and the State of California Dept of Transportation in the amount of \$420,000. This funding is available to us through a phased drawdown process that ensures milestones and project schedules are met. I am currently researching to determine a solid funding stream to ensure project delivery is as scheduled.

Project Update:

As noted last month the Cultural Resources Inventory Report (CRIR) that was developed through a subcontractor, LACO Associates, did not meet the requirements for approval by the Karuk Tribal Historic Preservation Officer (THPO). Due to the complications with the CRIR our THPO a consultant for the bridge project on Red Cap will be working together to update and revise the CRIR. We had to cancel our last project meeting due to the recent local wildfires; we have rescheduled the meeting for September 4, 2013 at 10:00am in the Council Chambers in Orleans.

On July 18, 2013 I met with Humboldt County and discussed the Red Cap Road speed study and final survey conducted on July 9, 2013. We now have a designed and enforceable speed for Red Cap Road. The Humboldt County Board of Supervisors will approve it at their upcoming meeting and in September it will be posted as 45mph on the straight stretch and 35mph along the remainder of the route.

We are currently meeting all project timelines and task milestones for this project. I will share all relevant project information with Tribal Council as it becomes available.

Happy Camp Streetscapes (Complete Streets Project)

This is complex ongoing project and I anticipate several years of coordination and collaboration with multiple agencies. I will continue to provide Council a Project overview with status updates as relevant information becomes available.

Project Update:

The next steps to move this project forward are the development of a **Safety Plan and PSR**.

*I have received Notice of Availability for Tribal Transportation Safety Funding and I will be meeting with Lisa Hillman on August 20 & 21, 2013 to develop and submit a proposal to develop of a Safety Plan for this project.

*The PSR will enhance our abilities to elevate this project to priority status with Caltrans. If no other funding is available by October 2013, I can allocate the necessary TTP funds for this phase.

I will share all relevant project information with Tribal Council as it becomes available.

KCDC/KTHA Parking Facility

As noted in previous Council Reports we have been working on the planning/design, utility relocation for this project for over two years.

As you are aware I asked for and received Tribal Council approval on Contact #13-C-063, with Mike Peters Inc.. Our Tribal Construction Management Team and TERO met with the Contractor today. We will begin project implementation on Monday August 19, 2013 and I expect construction will be complete on the new parking facility by September 30, 2013. I will share all relevant project information with Tribal Council as it becomes available.

Orleans Wellness Cnt – Asip Road Parking Facility Project

I have been working with FHWA to review the Environmental Analysis (EA) that was previously completed for the Orleans Wellness Center. FHWA has made a preliminary determination of “no historic properties affected”. Although, the final step in the compliance process is to ensure concurrence is met with the Karuk Tribe THPO.

Last month I met with the Karuk Resources Advisory Board (KRAB) to review the HUD EA that was completed for the new Wellness Center Project. Although the EA clearly focused on the actual building and its possible impacts to the site; we may in fact, be able to utilize the documents findings to ensure site mitigations are developed and Section 106 compliance is met. I have sent a copy of the EA to Julie Burcell, Karuk THPO. To date I have not had further correspondence with our THPO regarding this project. I do look forward to coordination with the THPO, since I am at a standstill on this project until such time I am able to coordinate with our THPO.

As previously discussed the hazard trees located at this site must be removed and I have developed an RFP and plan to advertise it within the next week.

I continue to work with our Engineering Firm, GHD Inc., to develop a PS&E package for this project. I will share all relevant project information with Tribal Council as it becomes available.

Tribal Transit Funding

I met briefly with the Yurok Tribe on July 18, 2013 and discussed opportunities to enhance the current transit services between Orleans and Weitchpec. The conversation though brief was really positive and I will be meeting at the Weitchpec offices On September 10, 2013 to begin coordination to expand services with Klamath Trinity Non-Emergency Transit and the Yurok Tribe.

Transportation Maintenance

Bucky Lantz, Lead Roads Maintenance Worker and our new employee Pim Cename, has been hard at work this month ensuring safe ingress/egress on Tribal roads and facilities.

DOT Maintenance Projects include; but, are not limited to the following:

- Road Maintenance – Crack Sealing
- Working complete procurement documentation for equipment and supply purchases.
- Preformed site development at the Ranch in Happy Camp for placement of our new metal roofing structure to protect our new CRAFTCO Crack Seal machine from extreme weather conditions. container at the Ranch in Happy Camp.
- Ongoing removal of roadside vegetation in Orleans, Happy Camp and the Yreka area routes within KTHA housing complexes.

- Ongoing Gutter and DI maintenance on all Tribal routes including Yreka, Happy Camp and Orleans
- Ongoing equipment maintenance and repair
- Ongoing route review to identify maintenance and project needs

Action Items:

Request for a Tribal Council member to attend the CalSTA meeting scheduled for September 4, 2013.

Unfortunately I cannot attend this meeting due to a scheduling conflict*. Jaclyn Goodwin will be attending this newly established California State Transportation and Law Enforcement Agency. Since this is a cabinet level agency and this meeting is to discuss the development of a Tribal Consultation Policy, I think it would behoove us to have our Self Governance Director a member of the Tribal Council in attendance.

Please see attached: CalSTA Meeting Invitation

*I will ensure my attendance at future CalSTA meetings.



RECEIVED AUG 07 2013

Edmund G. Brown Jr.
Governor

915 Capitol Mall, Suite 350B
Sacramento, CA 95814
916-323-5400
www.calsta.ca.gov

Brian P. Kelly
Secretary

August 1, 2013

Chairperson Russell Attebery
Karuk Tribe
P.O. Box 1016
Happy Camp, CA 96039

Dear Chairperson Attebery:

It my pleasure to invite you to join me at a Consultation Policy Listening Forum for the newly established California State Transportation Agency (CalSTA).

By way of background, in 2012 Governor Brown's Government Reorganization Plan 2 (GRP2) was approved. The GRP2 reconfigured agencies and departments to streamline government operations and consolidate similar functions. That included grouping all state transportation-related entities under CalSTA, a cabinet-level agency dedicated exclusively to state transportation issues.

As Secretary of the newly formed CalSTA, I want you to know that this agency and its departments are committed to improving communication and working relationships with California Indian Tribes.


Pursuant to Governor Brown's Executive Order B-10-11, I am formally initiating the process of creating a Consultation Policy for the new agency and its departments. Prior to drafting language, I am seeking your input so that the needs and concerns of tribal leaders can be fully integrated into the policy. Liaisons from CalSTA departments will also be present. The Forum will take place as follows:

Event: CalSTA Listening Forum
Date: September 4, 2013
Time: 1:30 - 3:30 p.m.
Location: California Highway Patrol
Address: 601 North 7th Street
Sacramento, CA 95811

If you are unable to attend, I invite you to send a representative or submit your comments via mail or email no later than September 16, 2013. Please RSVP by contacting Carol Farris, the CalSTA Native American Tribal Liaison, at carol.farris@calsta.ca.gov or by phone (916-323-5401).

I appreciate your guidance and look forward to working with you on this important matter.

Sincerely,


BRIAN P. KELLY
Secretary

SEP 7

Karuk Department of Tribal Lands Management

August 22, 2013 Council Report

Scott Quinn – Director
July 18, 2013 to August 15, 2013

Land – We had some plumbing, cooling, and refrigeration issues at the White Mtn. Estates MH Park in Yreka. I worked with our park manager Sandra Sheub to remedy them.

I've been working with a Tribal Member on a request to the USF&W for her son in Prison.

I gave our insurance co. the necessary information to cover the new Menne Property.

I talked to Gregg Neitch and requested he file the Final Map for the Tebbe Property.

On 8/14/13 I met with Lisa Morehead and Leaf Hillman for a concurrence call with the Archeological Conservancy regarding the Tishaniik Property potential acquisition. I brushed a ceremonial trail that same day.

I contracted with a well company to determine the capacity of a well on our property.

I worked with our Maintenance Department to clear a fire line on one of our properties.

GIS – I made a “in Remembrance Poster” for the Tribal Reunion.

I gave a summary of Fee and Trust lands to our Karuk DOT.

CASINO – I fielded a question from the CAL USF&W regarding the casino project NOP.

I've been in contact with an adjacent landowner to negotiate a potential acquisition.

I sat in on conference calls with our developer and lawyer.

I worked with Buster, Jaclyn, and Laura on the Yreka IGA.

I reviewed and commented on the Traffic study that is part of the TEIR.

I attended a meeting with the City of Yreka regarding the IGA.

Department of Natural Resources

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Post Office Box 282
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Phone: (530) 627-3446
Fax: (530) 627-3448

Karuk Tribe

**Administrative Office**

Phone: (530) 493-1600 • Fax: (530) 493-5322
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

Orleans Medical Clinic

39051 Highway 96
Post Office Box 249
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DEPARTMENT OF NATURAL RESOURCES TRIBAL COUNCIL REPORT

August 2013

Please accept the following information as the Department of Natural Resources written report for the upcoming Tribal Council Meeting.

Action Items

FISHERIES PROGRAM/Toz Soto

Action Items

NONE

During July the fisheries program worked on various summer field projects. Projects included; summer steelhead and spring Chinook counts, out migrant fish trapping, PIT tagging and tracking, fish passage and habitat enhancement, fish health data collection, stream flow data collection and educational projects.

Crew worked closely with the US Fish and Wildlife Service with monitoring fish health conditions along the Klamath River. Crews collected weekly samples from designated river reaches in an effort to evaluate disease infection levels of juvenile out migrating salmon. Work is now begging on evaluating returning adult salmon health. This year the Klamath River is expected to have large returns of Chinook, but river flows are near record lows therefore managers are concerned about another large scale fish kill. Water has been identified from the Trinity River reservoir that could be used to increase flows and lower stream temperatures to aid salmon migrating up the Klamath River. The plan has come under scrutiny from Central Valley agricultural interests and has been stopped in the courts therefore placing a large run of salmon at risk of not making it up the river in a healthy condition. During the next week the Court will decide whether the release is legal. Despite the lack of water, temperatures have lowered considerable with the recent cooler night time air temperatures and smoky conditions, all helping improve conditions for salmon. Water temperatures in the Klamath River in Orleans have dropped from the high 70's to low 70's during the past two weeks (see water temperature chart below). Fall Chinook will migrate up river when water temperatures are generally below 72 degrees.

The program recently hired three tribal college students to work as summer interns. This is part of an effort to provide work skills and experience to students interesting in fisheries biology. The students are working with our technicians checking out-migrant traps and working on habitat enhancement projects. Additionally the program is hosting the Klamath Basin Tribal Youth program during the week of August 12th.

Our crews are continuing to collect data on juvenile Coho salmon including PIT tagging juvenile fish to determine movements and growth rates. We are continuing to operate three remote PIT tag detection systems with one in lower Seiad Creek, one in lower Sandy Bar Creek and one near Happy Camp in the mainstem Klamath.

The program participated in Middle Klamath Restoration Tour. We toured and presented habitat enhancement projects along Seiad Creek and fish passage projects along Klamath. The event was hosted by the Middle Klamath Watershed Council.

Contact Toz Soto at 627-3116 for more information regarding the program or other Klamath River fisheries issues.

ENVIRONMENTAL EDUCATION PROGRAM/ Jeanette Quinn

Action Items

NONE

Grant Research & Development. I am researching grant opportunities for the Environmental Education Program and notifying Carley Whitecrane of the opportunities that are possible matches for the Program.

Coordination/Planning. I met with the principals at Happy Camp Elementary and Happy Camp High schools on August 13 to make appointments to meet with teachers for project sign-ups for the 2013-14 school year.

ENVIRONMENTAL COORDINATOR/ Carlotta Whitecrane

Action Items

NONE

EPA PPG

- Meeting the PPG Grant Program Objectives
- Meeting the GAP Grant Program Objectives
- Process invoices from consultants
- Prepare contracts/documents for Council review/approval
- Review monthly fiscal documentation, prepare and distribute budget summary reports for Natural Resources staff
- Create requests for proposals (RFP)
- Develop, modify and process contracts
- Continuous updating and modification of project status spreadsheet

- Develop, modify and process agreements
- PAN (Personnel Action Notice) wage and billing code adjustments
- Prepare resolutions and process proposals for Council approval
- Assist all coordinators with budget management activities
- Meet with coordinators for project/budget review

If any questions or comments, please contact Carlotta Whitecrane at cwhitecrane@karuk.us, or 530-627-3446 x 3014.

WATERSHED RESTORATION PROGRAM/ Earl Crosby

Action Items

NONE

Watershed Program Activities

Through the latter portion of July through mid-August we have or will provide input and assistance towards various projects within DNR;

- 1) Worked as a member of the Emergency Response Team dealing with the Orleans Incident and Butler Fire.
- 2) Met with BIA BAER Team to determine the extent of damage to natural resources on tribal property which will require stabilization.
- 3) Met with FEMA, OES, BIA staff and Tribal Emergency Staff to determine cost estimate of repairs for Emergency Declaration.
- 4) Assisted in the deployment of the EBAM Air Monitor in Somes Bar
- 5) Deployed the hydroseeder to Butler Flat as structure protection of Tribal Member property
- 6) Accomplished various repairs to hydroseeder as needed.
- 7) Our crew finished the 12N02 Complex and moved onto the 12N40 Complex in the Camp Creek
- 8) Assisted internally and externally with our allies regarding the suction dredge and other mining issues.

Funding Update

1) Continued working with Humboldt County who is administrating a NCIRWMP grant we received. I am still requesting the ability to refine the sub-agreement with the county to include language which protects tribal sovereignty. In addition we are arguing we are exempt from paying Davis-Bacon wages based on our own wage rate. In addition we are accomplishing this restoration activity with tribal employees and not sub-contracting hence Davis Bacon is not applicable.

In conclusion, we would like to thank the Tribal Council for their continued support. I would encourage any Tribal Council Member who can please arrange a time when you can visit the crew as they appreciate it. If you have any questions, please do not hesitate to call me at (530) 469-3454 or email me at ecrosby@karuk.us

Earl Crosby
Watershed Restoration Coordinator

FOOD SECURITY COORDINATOR/ Bob Rohde

Action Items

NONE

Funding for the first year was received. Start date was March 15, 2013. Prior to receiving Food Security grant funds, the Karuk Tribe's Department of Natural Resources convened and financed from alternative sources the first Food Security Management Team meeting in January at Orleans.

The first year of the Karuk Tribe's portion of the Food Security grant is to begin a dialogue with the Karuk Tribal Council, spiritual leaders, health professionals, basket weavers, traditional food gathering specialists and others to identify ways to integrate traditional use resources into Karuk Tribal programs and communities in a manner that reconnects people to place.

Ron Reed (Cultural Biologist) and Bill Tripp (Eco-Restoration Specialist) are the lead on communication within the Tribe and expanding that communication as appropriate to other forums. So far, Ron has met with representatives from various departments, participated along with Bill Tripp in the Food Security Coordination Committee and participated in other forums, such as the up-slope restoration working group with the US Forest Service and other partners.

Ron traveled to Washington D.C. with the UC Berkeley representative to meet with other USDA grant recipients. Ron also attended meetings with NRCS and US Forest Service representatives regarding the food security grant, and came back enthusiastic about Washington DC level support for the Food Security Project. In addition, Ron continues to discuss ways to integrate traditional use resources into Karuk Tribal programs and communities with tribal department staff, and provided a presentation to the Basket Weavers during their annual meeting in Happy

Camp. Ron has prepared a Karuk Season Youth/Food Camp Draft Plan and has scheduled seasonal camps for early August.

Bill Tripp has attended the Karuk Resource Advisory Committee (KRAB) and met with the US Forest Service regarding field native plant monitoring sites. Bill Tripp participated in the Food Security Coordination Committee in coordination with Ron. Bill has been actively involved in Elk and Lamprey issues that affect tribal food security. Dialogue has begun that should lead to long-term tangible results affecting Karuk Tribal use of these food sources. Bill has also been working on the food field crew plan. Efforts are underway to identify the steps in preparing for the crew so that hiring can begin in the spring of 2014.

The PC (Bob Rohde) traveled with Ron and Bill to the University of California at Berkeley campus under alternative funding and participated in a presentation to students and staff along with a series of scheduled meetings with the museum, law and cultural departments. Over the spring and early summer the PC has been going out into the forest with the University of Berkeley PhD botanist to develop a strategy for locating gathering areas not currently utilized by the tribal membership for implementation in the second year. Field identification of important traditional foods and materials has been limited to the early spring when plants are flowering. While in the field the botanist has been gathering flowering plants that will be part of the Karuk Tribal plant herbarium and made available for plant identification instruction.

In an effort to gain greater insights into traditional food and material site assessments, the PC has been working closely Bill Tripp and the Pacific Southwest Experimental Station (PSW). The local PSW representative has provided three informative field trips into the Katamiin Cultural Management area, Redcap Creek, and west side of the Klamath River for the following participants:

Karuk Tribe	Project Coordinator, Cultural Biologist, Tribal Elder & Tribal member
UC Berkeley	PhD Botanist
Humboldt State	Student Intern
Stanford University	PhD Ecological Anthropology

Backup information has been provided by the PC to help PSW in the creation of a Native Food Seasonal Calendar. A plant profile has been prepared by Karuk staff and PSW, and provided to the HSU student intern for data input for specific traditional foods.

The field trips with the UCB PhD Botanist and PSW representative have led to the need to document field locations and field data in a geographic information system (GIS). A GIS computer has been purchased and software made available through the Karuk Tribe. In addition, fire maps have been obtained from the US Forest Service, Klamath National Forest, Happy Camp Ranger District, in preparation for downloading the field maps and field data into the GIS computer for analysis. Following the transfer of the Klamath National Forest GIS data, Six Rivers National Forest data will be requested to complete the fire history for the entire Karuk Tribe Ancestral Territory.

In addition to field trips for traditional food and material purposes, PSW has been assisting staff in identifying locations where the UC Berkeley and Stanford experimental plots could be located. One location previously identified by PSW serves as a convenient location within the Katamiin Management Area where research plots can be established prior to control burning.

The PC and Cultural Biologist have reviewed a spring burn on private land that is the site of one of the Food Security research locations. The acorn UC Berkeley research plots have been reviewed on the property and plans are underway to assist the PhD grad during the busy acorn harvest season.

The PC has met with the College of the Redwoods at the first working group to identify steps toward community college Food Security instruction. In addition, the PC and Cultural Biologist have met with Dr. Kari Norgaard regarding the protection of tribal sovereignty that will serve to assist in meeting Food Security objectives.

The PC has provided Tribal Oversight to the Mid-Klamath Watershed Council, attended a Karuk Youth Council meeting, attended the UC San Francisco training to Karuk youth in Orleans, and worked with UC San Francisco for the purchase of an iPad for Cultural Biologist use in the field.

The PC currently meets with the KRAB. The KRAB has assisted in identifying a way for tribal elders and practitioners to receive stipends for assisting Food Security staff.

First draft annual plans are developed by project staff before they are edited and submitted to UC Berkeley by the Project Coordinator (PC) to avoid reporting unachievable timelines and work tasks.

BUDGET

- Currently about 25% of the first year funding has been spent.

Questions or comments: Please contact either Bob Rohde brohde@karuk.us 530-627-3446 x 3016, Ron Reed rreed@karuk.us (530) 627-3446 x 3048, or Bill Tripp btripp@karuk.us (530) 627-3446 x 3023.

FOOD SECURITY PROGRAM/ Ron Reed

Action Items

NONE

Karuk Tribal Reunion 2013

The Karuk Traditional Food Sec. Program participated by providing a traditional food survey to gain information regarding knowledge, usage and teaching skills of tribal members to promote the KTFSP academic/cultural goals and objectives. The results are still to be digitized and shared with the KRAB and tribal council. I also drove down to Klamath Glen and picked up fresh springers for the council to provide to the Karuk community, a day before the reunion to re assure fresh fish.

USDA FOOD SECURITY GRANT

The Carter/Wentz Foundation provided a grant for this year's Ti Bar Traditional Food Workshop Pilot Project. Knowledge and information gathered at this workshop will be evaluated and utilized appropriately as we move forward with continued planning and implementation in the grant.

Due to the Orleans/Salmon River Complex Fire the workshop had to be scaled back drastically. The length of the program was shortened from three days to two and the rafting trip was also scratched from the agenda. There was a discussion of canceling the workshop altogether, but encouragement from the community changed those plans. A youth work day of 27 youths and numerous adults participated in pulling noxious weeds on Ti Bar flat. Afterwards, tribal staff decided to provide already purchased food to the community in a gesture of solidarity. The lunch and dinner was received well by the community and it turned into a meaningful gathering to support tribal folks affected by the fire. The following day we resumed a scheduled traditional food workshop on Ti Bar Flat. A mapping exercise involving cell phones, was the featured event and associated field management objectives on the flat was the subject matter. After the mapping session there was a great discussion on the subject "What is a traditional food?" Later in the evening, a traditional salmon dinner was provided to the group. A demonstration Karuk Card Game gathered folks up to learn more about the event. A demonstration "fish stick" carving session was also presented. Students from Yreka, Happy Camp and the Orleans/Somes Bar participated in the event.

KLAMATH BASIN TRIBAL YOUTH PROGRAM

KBTYP students participated in the TI Bar Traditional Food Workshop for the two days of activities. The youth is also participating in "cleaning up" the ceremonial grounds at Katamin. The boys will also clean the trails and pack bridge materials down to Ishi Pishi falls. The group has also worked with the Karuk Watershed Program with Earl Crosby and "cleaned up" fire effected houses in Orleans, in association with KTHA.

KLAMATH CAMPAIGN COORDINATOR/ Craig Tucker

Action Item
ATTACHED

Summary

- KBRA/KHSA Legislative Task Force
- Talks with Montague Water Conservation District
- Suction Dredge Update
- Scott River Update
- Proposal to BIA to approve

KBRA/KHSA Legislative Task Force

The major outcome of Senator Wyden's June congressional hearing on Klamath issues was the creation of a legislative action committee. The committee was officially convened by Senators Wyden and Merkley, Congressman Walden, and Governor Kitzhaber. The joint letter inviting us to join the task force (attached) charges the group with addressing three issues:

- Develop a water management plan that includes Upper Basin off project irrigators;
- Resolve outstanding issues related to affordable power deliveries to Upper Basin irrigators;
- Reduce federal costs of KBRA programs.

Throughout the process thus far, Richard Whiteman, a special aid to Governor Kitzhaber and chair of the task force, has emphasized that the task force is not re-negotiating the KBRA or KHSA. However, I will note that reducing costs of the KBRA is challenging proposition and we should be prepared to defend KBRA programs that we view as our bargained for benefits in the Agreements.

The Task Forces is expected to convey recommendations to the Oregon congressional delegation by September 10, 2013. The Task Force has met twice with two additional meetings scheduled for August 22 in Ashland and August 25 in Klamath Falls. It would be great if council member(s) could attend.

Talks with Montague Water Conservation District

We continue to negotiate a settlement with MWCD. We have communicated to MWCD that we have until end of August to reach a settlement. The reason for our deadline stems from the fact that if we are to ask a judge for an injunction to increase flows next spring, we must start that process by September 1, 2013 in order to get a court order take effect by next April. The court process is simply that slow.

Our settlement proposal describes in interim period whereby MWCD would provide in stream flows consisted with those recommended by recent Fish and Wildlife report, a plan to retire diversions from Parks Creek, plan to line diversion canal, and gauges to allow all Parties to monitoring diversions to ensure that MWCD diverts water in a manner consistent with their adjudicated water right. Our analysis shows that simply lining the canal and diverting only

amounts that they are legally entitled to precludes the need to divert water from Parks Creek and provide requested flows while meeting their irrigation needs in most years. A drought lasting more than 2 years leads to shortfalls in irrigation deliveries but we argue that this is a natural risk associated with agriculture.

A detailed presentation on the proposed settlement and our interactive water model can be provided at the council's request.

Suction Dredge Update

As noted previously, the dredge miners found a legal loophole in the existing moratorium on dredge mining whereby they can simply remove the sluice box from their dredge and the machine no longer be considered a dredge.

We petitioned the CA DFW Director to close the loophole and he denied our petition. However, after we started provided photos and videos of these 'underwater gravel transfer devices' to CA DFW, the agency amended its existing dredge regulations such that these devices are also included in the moratorium.

Currently, CA DFW wardens are citing and/or arresting miners operating these devices. We have experienced a lot of inconsistency with enforcement, but slowly the department is reigning in the illegal mining.

We expect additional court briefings this fall over miners' suits against the department and the moratorium.

Scott River Update

We recently signed onto group letter (attached) to CA DFW and CA State Water Resources Control Board demanding immediate action to protect juvenile coho and Chinook salmon stranded in pools of disconnected river. We note that the USFS' water right for 30 cfs in August is not being met and note that agencies are doing little to address the calamity.

BIA Proposal

Please see attached BIA proposal to the Water Rights Fund. This proposal is essentially to fund work of Klamath Coordinator particularly in the context of implementing the KBRA and KHSA. This proposal is due August 30.

**KARUK TRIBE
FUNDING REQUEST
BIA FY 2014 Water Resources Planning & Pre-Development Program**

1. **DATE OF REQUEST:** August 30, 2013
2. **TRIBE:** Karuk Tribe

3. **PROJECT NAME AND PURPOSE:** *Implementation of Klamath Settlement Agreements.* The Karuk Tribe is one of over 40 signatories to two Agreements aimed at restoring the ecological and economic vitality of the Klamath Basin. Implementation of these Agreements requires the Karuk Tribe to participate in environmental reviews, development of fisheries restoration and reintroduction plans, and water quality improvement plans. Inherent to this process is continued negotiation and collaboration with representatives from the Department of Justice and the Secretaries of Interior, Agriculture, and Commerce, the California and Oregon Governors' offices and local governmental entities. If fully implemented, these Agreements would settle a large portion of the bitterly disputed water rights claims (and potential claims) in the Klamath Basin on behalf of the Karuk and other Tribes and establish flow allocations to meet the needs of fish and farms in the Klamath Basin.

4. **FUNDING AMOUNT REQUESTED:** \$158,370

5. **TYPE OF REQUEST:** Water Resources Planning & Pre-Development Program

6. **PROJECT MANAGER:** S. Craig Tucker, Ph.D.
PO Box 282, Orleans CA 95556
916-207-8294
ctucker@karuk.us

7. **PREPARED BY:** S. Craig Tucker, Ph.D.
PO Box 282, Orleans CA 95556
916-207-8294
ctucker@karuk.us

8. **PROJECT DESCRIPTION:**

a. **Scope of Work**

The Karuk Tribe, along with neighboring Tribes, US Departments of Commerce, Agriculture, and Interior, the states of California and Oregon, Klamath Hydroelectric Project owner PacifiCorp, and numerous other parties entered into a pair of connected Settlement Agreements on February 18, 2010. The Agreements essentially represent a blueprint for the largest river restoration plan in United States' history. In addition to the removal of the lower four Klamath River Dams, the Agreements call for improved irrigation efficiency and increased water storage for the Klamath Basin Irrigation Project and numerous other related restoration actions aimed at restoring the Klamath fishery in a manner that provides economic security for all of the Basin's diverse rural economies.

The wide array of state and federal agencies involved is necessary because the Klamath River flows through two state and four counties creating many multi-jurisdictional issues to reconcile.

Collectively, the irrigation plan, which generally calls for reductions in agricultural water deliveries, and the new overall approach to determining Klamath River in-stream flows are essential water management activities for protecting the Karuk Tribe's water and fishery resources. The KBRA water management plan provides the Karuk Tribe an unprecedented opportunity to play an active role in water management decisions.

The Klamath Hydropower Settlement Agreement (KHSA) describes a pathway to removing the lower four Klamath Dams in 2020 pending an affirmative determination by the Secretary of Interior that dam removal would indeed benefit Klamath Basin fisheries and is in the public interest. This Secretarial Determination must comply with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). These environmental reviews have been completed along with a Secretarial Overview Report with additional information related to the matter.

The Environmental Impact Statement/Environmental Impact Report concludes with a recommendation that the Klamath Dams be removed and Agreements implemented.

The Karuk Tribe was a Coordinating Agency for preparing these environmental reports. The Tribe provided input into various subgroups studying the issues, provided technical comments and review throughout the process, and developed cultural, ethnographic, and other information specific to the Tribe throughout the process.

The related Klamath Basin Restoration Agreement (KBRA) describes a near basin-wide restoration strategy for dealing with impacts of dams in the interim period prior to dam removal, a new approach to managing river flows, a power program for Klamath Project irrigators, enhancing water storage in the Upper Basin, and a reintroduction plan for anadromous fish whose migration to the upper basin is currently blocked by the dams. A critical component of the KBRA is provisions that describe waivers of claim by signatory Tribes. The KBRA commits the Karuk Tribe to not file water rights claims or further Tribal trust claims against the United States or Klamath Irrigation Project irrigators provided that dams are removed, fisheries restoration projects are funded, and limitations on water diversions from Klamath are maintained. Thus, the Klamath Agreements represent both a water management plan and a tribal water rights settlement.

Additionally, the Tribe will be working with other fisheries managers in state, federal, and Tribal governments to develop a series of fisheries restoration plans, water quality improvement plans, a specific dam removal plan, drought plan and

more. Some of these plans will be subject to additional NEPA review and/or Endangered Species Act consultation.

The Karuk Tribe is participating in several KBRA subcommittees, including the Technical Advisory Team, the Klamath Basin Coordinating Council, and Technical Coordinating Team that provide the organizational structure for developing and implementing these plans and programs and generally providing oversight to implementation of the Agreements.

The Klamath Basin Advisory Council and Technical Advisory Team are a group and subgroup respectively that provides recommendations to federal agencies. The Klamath Basin Coordinating Council provides coordination and oversight of various elements of the Agreements not requiring recommendations to Federal Agencies. Participation in each of these committees is important to ensure the Agreements are properly implemented to meet the terms and conditions necessary to resolve current or potential water rights and tribal trust claims against the United States as outlined in the Klamath Basin Restoration Agreement.

For many of the provisions of these Agreements, detailed implementation plans must be developed through ongoing negotiations by Parties to the Agreements along with the appropriate federal agencies, the federal administration, and Department of Justice. These Agreements and their implementation provides the Karuk Tribe a framework and legal rationale for developing the legal context for quantifying and clarifying the Tribes water and fishing rights.

In addition, the Karuk Tribe collaborates with federal agencies and other KBRA Parties to educate the public on the various components of the Agreements and the findings of numerous technical studies describing the impacts of implementing (or not implementing) the Agreements.

b. Proposed Methodology

- The Karuk Settlement Coordinator will organize Tribal participation in all facets of the Klamath Settlement process and implementation of the Agreements. Karuk interests will be forwarded through the direct involvement of Tribal Council, staff, and consultants as well as the Traditional Ecological Knowledge of Tribal members and elders as restoration plans, drought plans, etc. are developed, reviewed, and implemented.
- The Settlement Coordinator will represent the Tribe on various governing committees created by the Agreements as well as represent the Tribe and/or organize participation of relevant staff and Tribal Council in associated ESA and Tribal Trust consultations with federal agencies.

- The Settlement Coordinator will be responsible for developing written comments submitted to the formal record of the proceedings as necessary.
- The Settlement Coordinator will serve as Public Relations Officer to communicate to Tribal members as well as the general public the Karuk Tribe's positions and goals for each step in the process as necessary.

c. Project Deliverables

Deliverables include:

- Written comments on draft restoration, reintroduction, and water quality plans.
- Written comments on environmental impact statements evaluating restoration, reintroduction, and water quality plans.
- Various technical and cultural impact reports.
- Government to Government meetings with state and federal agencies as needed throughout the process.
- Press releases, talking points memos, fact sheets, and other materials associated with the media and public education efforts designed to improve the public's understanding of the terms of the Agreements and their benefits.

d. Description of Past Accomplishments

Over the past ten years, the Karuk Tribe has actively participated in the Federal Energy Regulatory Commission relicensing of the Klamath Dams, generating comments and technical reports for the FERC record. Simultaneously, the Tribe was a key participant in the settlement negotiations that led to the development of both the Klamath Hydroelectric Settlement Agreement and the Klamath Basin Restoration Agreements. These complex agreements would, if fully implemented, direct the largest river basin restoration effort in America and end decades of conflict between Tribes, farmers, fishermen, and dam owner PacifiCorp. This includes resolution of outstanding and potential Indian water rights claims. The negotiations culminated with over 40 parties signing the Agreements in February 2010.

Additionally, the Karuk Tribe was a coordinating agency for purposes of developing the Environmental Impact Statement/Environmental Impact Report.

Also, the Karuk Tribe contributed significantly to the development of the Secretarial Determination Overview Report.

e. Current Status of Litigation/Negotiation

The implementation of the Klamath Agreements is being evaluated in a National Environmental Policy Act compliant process managed by the Department of Interior. The Final Environmental Impact Statement was released earlier this year. Restoration plans pursuant to the Agreements are currently being developed and a suite of interim measures are being implemented. The Secretary of Interior will be called on to determine, based on the NEPA documents and other information, whether or not implementation of the Agreements is in the public interest. This action must be preceded by congressional approval of the Agreements.

In fiscal year 2014 we will continue to negotiate how restoration funds described by the Klamath Basin Restoration Act will be spent, develop specific actions to address water quality impairments pursuant to terms of the Klamath Hydroelectric Settlement Agreement, and further develop fish reintroduction and restoration plans. The final language of the Environmental Review.

9. BUDGET JUSTIFICATION

A. Budget breakdown (annually)

Personnel	
Wages	\$69,206.00
Fringe	\$9,576.00
Supplies	
Shipping	\$500.00
Misc. supplies	\$1,500.00
Travel	\$28,151.00
Scientific analysis and consulting	\$30,000.00
Indirect Costs (13.96%)	<u>\$19,437.00</u>

B. Total amount requested from BIA \$158,370.00

10. HISTORY OF PAST FUNDING

FY 2013: \$50,000 (not received)
FY 2012: \$0.00
FY 2011: \$65,000.00
FY 2010: \$46,000.00

11. KEY ACCOMPLISHMENTS PAST 3 YEARS:

- Was a leader in negotiating the Klamath Basin Restoration Agreement.
- Was a leader in negotiating the Klamath Hydroelectric Settlement Agreement.
- Was a leader in negotiating Interim Mitigation Measures that PacifiCorp must implement between now and dam removal.
- Worked with Parties to Agreements to develop Klamath Basin Drought Plan .
- Participated in Klamath Water Quality Conference which was funded pursuant to Klamath Hydroelectric Settlement Agreement. Represents first steps in developing basin-wide water quality improvement plan.

Karuk Tribe

White Paper: Policy Positions Regarding Scott River

August 14, 2013

Background:

A long-term goal of the Karuk Tribe is to restore fisheries habitat by improving hydrologic function and water quality in the Klamath River and key tributaries. Since time immemorial, the Karuk People have relied on fish such as salmon, lamprey, mussels, steelhead, and sturgeon for survival. Over time the Tribe developed strategies to manage and enhance populations of these species through active management techniques, many of which are incorporated into religious and ceremonial practices.

Many factors have contributed to a dramatic decline in virtually every fish species in the Klamath since contact, including logging, agricultural diversions, dam building, commercial fishing and more.

The Karuk Tribe seeks to restore Klamath River fisheries as a means to enhance subsistence fishing opportunities and to have access to resources necessary for engaging in traditional tribal

cultural practices. We have a Department of Natural Resources and a fisheries program which carries out restoration projects and advocates for policies at the local, state, and federal levels that promote fisheries restoration.

Fish production in the Klamath Basin depends on adequate water quality and quantity in the main-stem as well as that of tributaries which serve as spawning and juvenile rearing habitat. In order to begin the slow process of reversing the current downward trends in fish populations, the Karuk Tribe has developed restoration priorities informed by the scientific literature, analyses by tribal fisheries biologists, and traditional ecological knowledge.

From our previous studies, we have concluded that a top priority for restoring salmon populations basin-wide is the restoration of the Scott River and Shasta River sub-basins, historically the two most prolific and productive tributaries to the Klamath River upstream of the Karuk traditional dip-net fishery.

The Scott River is 58 miles long and historically provided optimal habitat for several anadromous species including coho salmon, Chinook salmon, Pacific lamprey, and steelhead trout. The Scott Valley's modest gradient and the close connection of surface flows with cold stores of groundwater contribute to its value as fish habitat. Today the Scott River has been dramatically altered mechanically by dikes and mining. Water quantity and quality is impaired by agricultural operations and sedimentation due to poor logging practices. Despite these impairments, the Scott River continues to support modest spawning and rearing populations of coho and Chinook salmon as well as steelhead trout.

Keys to Restoring Scott River Fisheries

Several species of anadromous fish depend on Scott River. Every species, and in some cases races within a species, has unique life history such that different developmental stages have different ecological requirements. In general, adult salmon migrate into the Scott in the fall and winter and juveniles need adequate habitat in the winter, spring, and summer to reach maturity. Whereas the majority of Chinook juveniles out-migrate in the spring, some Chinook and most coho juveniles remain in the river for the entire summer and fall. Thus, salmonids have habitat needs throughout the year.

Limiting factors for fish production are linked to: adequate flow to accommodate adult migration in the fall, adequate habitat, cold water, and flow to accommodate rearing of juveniles in summer, and adequate habitat to accommodate rearing of juveniles in the winter.

Approaches

To date, the Karuk has actively advocated that state and federal agencies use existing laws and regulatory authorities to protect Scott River fisheries. In particular, the Tribe has argued that the following agencies are failing to act on their legal responsibilities in the following ways.

State Water Resources Control Board (SWRCB):

- fails to use its regulatory authority under the Clean Water Act to protect water quality and quantity;
- fails to protect the public trust by not regulating groundwater pumping in the Scott Valley;
- fails to ensure that the existing Scott Valley Adjudication is fairly enforced by a water master;
- fails to engage to re-adjudicate the Scott River based on new scientific findings.

California Department of Fish and Wildlife (CDFW):

- fails to enforce requirement that surface divers obtain streambed alteration agreements pursuant to §1602 of the state fish and game code;
- fails to require landowner compliance with § 5937 of the state fish and game code;
- fails to enforce the California Endangered Species Act.

National Marine Fisheries Service (NMFS):

- fails to enforce the federal Endangered Species Act;
- fails to meet tribal trust obligations to Klamath Basin Tribes.

United States Forest Service (USFS):

- fails to demand that its water right in the Scott River be met;
- fails to meet tribal trust obligations to Klamath Basin Tribes.

The Karuk Tribe often engages with state and federal agencies in the context of government to government meetings to advocate for the enforcement of these laws. The Karuk Tribe continues to communicate in writing to lawmakers, agency officials, and when deemed appropriate, media outlets to make our case for enforcement of applicable state and federal laws.

Future Steps

As means to better understand hydrologic conditions in the Scott Valley and develop a technical tool that allows us to evaluate restoration scenarios, the Karuk Tribe has invested in a groundwater study and model for the Scott Valley. This analysis concludes that increased groundwater pumping is a leading factor in the declines of surface flow in the Scott River and that pumping beyond the zone of adjudication affects surface flows. This finding has informed our advocacy regarding enforcement of the USFS water right. Unless agencies and/or

landowners develop a means to regulate groundwater use such that in-stream flows are protected, the Karuk Tribe believes that the Scott Basin should be re-adjudicated using the best available science to inform the process.

The Karuk Tribe hopes to develop fish habitat models for the Scott River that will similarly inform what kinds of restoration actions would provide the greatest benefits.

The Karuk Tribe believes that negotiated settlements with landowners has the potential to provide a better and more secure outcome for fisheries than litigation or agency driven enforcement; however unless agencies are willing to enforce applicable laws there appears to be very little incentive to landowners to actively engage in such a negotiation.

The Karuk Tribe will support a negotiated settlement with agencies and landowners that:

- seeks to restore fisheries to healthy self-sustaining populations;
- is flexible such that new information and observations can inform changes in approach;
- addresses water use Valley-wide;
- provides landowners with means to comply with applicable state and federal laws including the ESA and CWA;
- provides long-term assurances for fisheries;
- is legally enforceable.

The Karuk Tribe remains ready and willing to participate in any stakeholder process that has the potential to reach a comprehensive resolution of Scott Valley fisheries issues that available personnel and financial resources will allow.

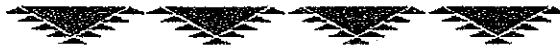
ECO-CULTURAL RESTORATION SPECIALIST/ Bill Tripp

Action Item

ATTACHED

Karuk Community Health Clinic
 64236 Second Avenue
 Post Office Box 316
 Happy Camp, CA 96039
 Phone: (530) 493-5257
 Fax: (530) 493-5270

Karuk Tribe



Karuk Dental Clinic
 64236 Second Avenue
 Post Office Box 1016
 Happy Camp, CA 96039
 Phone: (530) 493-2201
 Fax: (530) 493-5364

Administrative Office

Phone: (530) 493-1600 • Fax: (530) 493-5322
 64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

REQUEST FOR CONTRACT/MOU/AGREEMENT

Check One:

-
-
-
-

Contract
 MOU
 Agreement
 Amendment

Karuk Tribe Number Assigned: 6710-00 13 C-012

Funder/Agency Assigned: The Watershed Restoration & Planning Center

Prior Amendment: (0)

REQUIRED → Procurement Attached Budget Attached
 System for Award Management (SAM) (CONTRACTS ONLY)
 REGISTRATION NUMBER (CONTRACTS ONLY)

Requestor: Bill Tripp Date: August 9, 2013

Department/Program: Department of Natural Resources

Name of Contractor or Parties: Mid Klamath Watershed Council

Effective Dates (From/To): June 1, 2013 to June 1, 2014

Amount of Original	\$1,000
Amount of Modification	\$0
Total Amount	\$1,000

Funding Source: _____

Special Conditions/Terms:
 In the event that a retreat cannot take place due to a large wildfire in the Salmon River watershed, these funds will be will be redirected to the education/outreach activity to get additional wildfire footage by means of either MKWC Go-Pro time-lapse or HD real-time video recording.

Brief Description of Purpose:
 Page 9 of Fire Adapted Communities Proposal is requested budget June 1, 2013-June 1, 2014 contractual \$1,000 to otter bar lodge for 3 to 5 day retreat. 6710-00

REQUIRED SIGNATURES

[Signature] _____ Date: 8-9-13

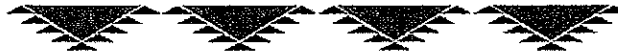
Laura Maytas _____ Date: 8-12-13
 Chief Financial Officer

Laura Oliver for T Ashworth _____ Date: 8-13-2013
 Director, Administrative Programs & Compliance

[Signature] _____ Date: 8/14/13
 Director of Self-Governance (MOU/MOA) or TERO (Contracts)

Karuk Community Health Clinic
64236 Second Avenue
Post Office Box 316
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64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

AGREEMENT FOR INDEPENDENT CONTRACTOR SERVICES

Contract Number: 13-C-072

This Agreement, dated as of August 22, 2013, is between the Karuk Tribe (hereinafter "the TRIBE") and Mid-Klamath Watershed Council (hereinafter "INDEPENDENT CONTRACTOR"), who agree as follows:

1. **Description of Services:** The Tribe hereby retains Independent Contractor to provide the services described in the attached *Description of Independent Contractor Services and Activities*.
2. **Duration:** The term of this Agreement shall be from June 1, 2013 to June 1, 2014.
3. **Compensation:** Independent Contractor will be compensated as provided in the attached *Description of Independent Contractor Services and Activities*, One Thousand Dollars and Zero Cents, (\$1,000.00). All invoices must be submitted no later than thirty (30) days past the end date of this Agreement as stated in Clause 2 above. The Eco-Cultural Restoration Specialist and/or Authorized Designee shall be responsible for overseeing this Agreement and approving invoices for payment.
4. **Claims for Compensation:** Independent Contractor agrees that he/she shall not be entitled to and shall not claim compensation for services performed under this Agreement from another federally funded source of compensation for the same work performed, same working hour(s) or same working day(s). It is further agreed by the Independent Contractor that any claim for compensation submitted in violation of this clause shall, if paid, be recoverable by the Tribe.
5. **Warranty, Indemnity and Hold Harmless:** Independent Contractor warrants and represents that it has every legal right to enter into the Agreement and to perform in accordance with its terms and that it is not and will not become a party to any Agreement with anyone else which would be in violation of the rights granted to the Tribe hereunder. Independent Contractor will indemnify and hold the Tribe harmless from and against any losses, damages and liabilities, including reasonable attorney's fees for Independent Contractor's negligent performance or unexcused failure to perform services under this agreement. The Tribe makes no warranty, indemnity or hold harmless agreement.
6. **Independent Contractor Status:** It is understood and agreed between the parties that the Tribe shall not be obligated to withhold any federal, state or local taxes from fees paid to the Independent Contractor, nor shall the Tribe have any liability for such withholding. Further, any required public liability, public damage and/or Worker's Compensation Insurances shall be the sole responsibility of the Independent Contractor.

7. **Confidential Information:** Independent Contractor will not disclose directly or indirectly to or use for the benefit of any third party any secret or confidential information, knowledge or data acquired by virtue of its relationship with the Tribe without the prior written approval of the Tribe. It is understood and agreed by the parties that the obligations of this paragraph shall survive the expiration or termination of the Agreement.
8. **Non-Assignability:** This Agreement may not be assigned or transferred by either party without the prior written approval of the other party.
9. **Authority:** Independent Contractor's authority to act under this Agreement can be suspended upon written or verbal notice by the Tribal Chairman of the Tribe or his/her designee. If verbal notice is given, it shall be confirmed in writing within five (5) working days.
10. **Termination:** This Agreement may be terminated at any time, with or without cause, by either party, upon notice in writing. Any such termination shall be effective immediately. Independent Contractor shall invoice the Tribe within thirty (30) days of agreement termination for satisfactory work performed up to termination date.
11. **Complete Agreement:** This Agreement constitutes the entire agreement between the parties, and no amendment or modification hereof shall be effective unless reduced to writing and signed by both parties.
12. **Severability:** Should any provision of this Agreement be held invalid or unenforceable, such a holding shall not affect the validity or enforceability of any other provision thereof.
13. **Copyrights:** All original materials, written, photographed, recorded or otherwise collected or produced by the Independent Contractor pursuant to this Agreement are instruments of Professional Services, and shall be the sole property of Tribe.
14. **Expertise Certification:** The Independent Contractor assures the Tribe that they and all their approved sub-contractors possess the expertise, and resources necessary for satisfactory completion of the activities described in the *Description of Independent Contractor Services and Activities*.
15. **Certification Regarding Debarment, Suspension and Related Matters:** The Independent Contractor hereby certifies to the best of their knowledge that it or any of its officers or contractors or sub-contractors:
 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transaction by any Federal department or agency;
 2. Have not within a three (3) year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction or agreement under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;

3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in Paragraph 2 of this certification; and
 4. Have not within a three (3) year period preceding this Agreement had one or more public (Federal, State or local) transactions terminated for cause or default.
16. **Applicable Law:** This Agreement shall be governed by the laws of the United States of America and by Karuk Tribal law. In the absence of Federal or Tribal law, relevant laws of the State of California shall be applicable. Independent Contractor is required to comply with Office of Management and Budget Circular A-102 and is responsible for understanding and compliance with applicable grant administration requirements as set forth in the Federal agency codifications of the grants management common rule. This provision is not intended to waive the Tribe's sovereign immunity status or submit the Tribe to any jurisdiction inconsistent with such status.
 17. **Indian Preference:** This Contract shall be executed in accordance with the Indian Preference Act of 1934 (Title 25, USC, Section 47) and/or the Tribal Employment Rights Ordinance (TERO), based on funding source requirements.
 18. **Tribal Employment Rights Ordinance (TERO):** Independent Contractor acknowledges that a two percent (2%) TERO fee will be imposed on the gross value of any contract initiated within the interior/exterior boundaries of the Karuk Ancestral Territory, provided that the total contract or annual gross revenues meet or exceed \$2,500.00.
 19. **Sovereign Immunity:** Nothing in this Agreement shall be construed or interpreted to relinquish the sovereign immunity of the Tribe.

In consideration of the mutual promises of the parties this Agreement is executed on the date first above written, in duplicate, intending each duplicate to be an original.

INDEPENDENT CONTRACTOR
 Mid Klamath Watershed Council
 P.O. Box 409
 Orleans, CA 95556
 TIN: 20-1501256

KARUK TRIBE
 Russell Attebery, Chairman
 64236 Second Avenue
 Happy Camp, CA 96039
 (530) 493-1600

Signature and Date

Signature and Date

Description of Independent Contractor Services and Activities (Scope of Work)

Independent Contractor will be responsible for shooting wildfire footage, interviewing local community, and preparing video clips of wildfire footage for future outreach and education purposes.

Fire Adapted Communities Learning Network

Proposal June 2013 – June 2014

1. Project Name: Mid-Klamath Upslope Prioritization Project (Phase 1)

2. Leader(s) and Contact Information (name(s), phone(s) and email(s)):

Bill Tripp, (530) 627-3446 ext. 3023, btripp@karuk.us
 Will Harling, (530) 627-3202, will@mkwc.org

3. Partners involved—Provide, at a minimum, the full name of each partner agency or organization. For large agencies, provide the most specific unit relevant (for example, a Ranger District or BLM office); if several units are partners on a project, please list them separately. Whenever possible, also include contact name(s), title(s), email(s) and phone numbers. You’ll notice that there are two tables: one for region-level partners and one for community-level partners. Note that some partners are probably active at both levels; in this case, please include them in both tables. You may add more lines/rows as needed.

Please note that a **partner** is a person or group with whom you are actively working to accomplish FAC Network goals and whom you consider to be participants in your local coordinating group (i.e. they would acknowledge that they are your partner).

A region-level partner is one who participates at the level of the regional network—for example, looking at issues that span several landscapes and communities, engaging in planning for network-wide activities, or providing specific skills to numerous landscapes in your network.

A community-level partner is one whose work is primarily confined to a single community (a person may be a community-level partner in more than one community).

Regional Partners

Agency or Organization	Partner’s Name	Partner’s contact information (phone, email, mailing address)
Karuk Tribe Department of Natural Resources (DNR)	Bill Tripp	btripp@karuk.us
Mid Klamath Watershed Council (MKWC)	Will Harling	will@mkwc.org
Klamath National Forest (KNF)	Patricia Grantham	pgrantham@fs.fed.us
Six Rivers National Forest (SRF)	Tyrone Kelley	tkelley01@fs.fed.us
Environmental Protection Agency (EPA)	Timothy Wilhite	Wilhite.Timothy@epamail.epa.gov
UC Berkeley (UCB)	Daniel Sarna	danielsarna@gmail.com
US Fish and Wildlife Service (USFWS)	David Johnson	David_E_Johnson@fws.gov

Supplies \$0

There are no supplies budgeted for this grant. Any supplies provided by the Tribe or Mid Klamath Watershed Council may be tracked as additional non-federal match.

Contractual: \$8,106

This line item allows the Mid Klamath Watershed Council to commit 118 hours of time toward partnership activities in accomplishing grant tasks in coordination with other upslope prioritization partnership and Happy Camp Fire Safe Council activities. This will help provide for Non-Tribal Community leadership into the collaborative processes involved with producing the deliverables of this grant as coordinated with supporting leveraged funds.

It also provides a means for 59 hours (may be modified slightly based on federal rates if travel and lodging is needed) of work from the Klamath-Salmon Media Collaborative to go towards producing High Definition video clips for future education and outreach opportunities.

\$1,000 in funds will be contracted to MKWC to contribute to catering, cleaning, or otherwise supporting a three to five day planning retreat at Otter Bar Lodge in the fall of 2013. In the event the retreat cannot take place due to a large wildfire in the Salmon River watershed, these funds will be redirected to the education/outreach activity to get additional wildfire footage by means of either MKWC Go-Pro time-lapse or HD real-time video recording.

Other: \$0

Match: \$21,600

This match will be split between the FAC Network Grant, Happy Camp and Orleans/Somes Bar special programs funding supplied by Region 5 of the US Forest Service. A minimum of \$3,000 will contribute to FAC grant match, and the rest will be split between the leveraged sources which only recommend a 20% non-federal match. Estimated match potential may include but will not be limited to:

A \$300 minimum in grantee match is being contributed to this project for Tribal travel (6 trips to Happy Camp at \$.565 * 90 miles each). Up to \$4500 in High Definition camera rental will be supplied by the Tribe to contribute to the education/outreach activities (30 days \$150 a day). For the purposes of identifying grantee match, a minimum of 18 days of camera rental will be dedicated to this project. There may be more tribal travel and less camera rental, but a minimum of \$3,000 match is dedicated from these Tribal sources for the project period.

\$2,000 in Cal Fish and Wildlife funds to MKWC for upslope prioritization partnership these funds are used in the first half of the grant period toward partner participation, and is why less funds are being requested for the upslope prioritization partnership in the first half and more are being requested in the second half.

Fireshed/Firescape mapping, \$3,000 to \$6,000 derived from community participation in mapping workgroup meetings calculated at \$25 per volunteer hour.

\$800 for conference room, and lodging for 10 to 20 people estimated at \$8,000 to \$16,000 contributed by Otter Bar Lodge in Forks of Salmon California for the planning retreat. There may be additional funds contributed to this through fundraising activities but none are dedicated at this point.

Leveraged federal support: \$74,000

Federal support has been leveraged from three primary sources supplying cash contributions, with many federal partners providing technical support and/or in-kind services. Federal support leveraged is estimated as follows:

\$20,000 uncalculated estimate from TNC FLN facilitation and federal staff participation in upslope prioritization partnership meetings. EPA alone stated they can contribute up to .10 Full Time Equivalent (FTE) to technical support for progressing this upslope prioritization partnership. TNC contributions of time and travel for meeting facilitation for approximately 6 to 10 meetings a year also adds to this estimate significantly. Time and travel for the remaining identified federal partners should meet or exceed this estimate. To reduce the burden on tracking actual match amounts from multiple federal partner agencies, match will be tracked by calculating the FTE for federal partner participation. Any mileage or lodging paid by participants will be calculated using federal rates.

\$7,500 from USFS R5 special programs (Happy Camp FSC) funds and \$7,500 from USFS Community Protection Program funds (O/SB FSC) will support the Fireline/Fireshed Mapping activities.

\$35,000 for GIS support from Happy Camp and O/SB FSC R5 special programs funds.

\$4,000 in education/outreach support from Happy Camp and O/SB FSC R5 special programs funds

Additional support to furthering FAC goals are being expended from the Happy Camp and O/SB FSC R5 special programs funds to fund other partner actions and activities. Additional activities may include coordinating consistency in collecting and processing Red Zone data between fire departments, and may include avenues for covering additional non-federal partner participation in meetings, conferences, and/or workgroup sessions, but these have yet to be determined at time of development of this proposal.

Budget statement—In order to give a complete picture of the project, this proposal includes our full proposed scope of work for activities that we hope to accomplish this upcoming year through various funding sources. The attached budget is not intended to cover all of these costs. Specific deliverables/activities to be funded by Federal funds or as match are itemized in the attached budget. In addition, any costs relating to pursuing additional funding will not be charged to this award or used as match.

Submitted By:

By submitting this I acknowledge that I have read and agree to the information contained in this document.

Date:

FAC Network 2013/14 BUDGET REQUEST

1. Instructions for completing the budget tables are contained in the RFP.
2. Enter figures in the highlighted cells to maintain formulas.
3. Use your organization's fringe benefit rate and approved federal indirect cost rate.

BUDGET PERIOD:

June 1, 2013 - December 31, 2013

CATEGORY	Requested FAC Net Funds	Grantee Match (note whether confirmed or pending in budget narrative)	Other Sources of Match (non-grantee, non-federal)	Total for Budget Line Item
Personnel	\$ 1,900.00	\$ -		\$ 1,900.00
Fringe Benefits	\$ 585.00	\$ -		\$ 585.00
Travel	\$ -	\$ 150.00		\$ 150.00
Supplies	\$ -			\$ -
Contractual	\$ 3,000.00			\$ 3,000.00
Other	\$ -	\$ 1,650.00		\$ 1,650.00
Total Direct Expenses	\$ 5,485.00	\$ 1,800.00	\$ -	\$ 7,285.00
Indirect Costs	\$ 962.00			\$ 962.00
Total Direct & Indirect	\$ 6,447.00	\$ 1,800.00	\$ -	\$ 8,247.00

BUDGET PERIOD:

January 1, 2014 - June 30, 2014

CATEGORY	Requested FAC Net Funds	Grantee Match (note whether confirmed or pending in budget narrative)	Other Sources of Match (non-grantee, non-federal)	Total for Budget Line Item
Personnel	\$ 1,900.00			\$ 1,900.00
Fringe Benefits	\$ 585.00			\$ 585.00
Travel	\$ -	\$ 150.00		\$ 150.00
Supplies	\$ -			\$ -
Contractual	\$ 5,106.00			\$ 5,106.00
Other		\$ 1,050.00		\$ 1,050.00
Total Direct Expenses	\$ 7,591.00	\$ 1,200.00	\$ -	\$ 8,791.00
Indirect Costs	\$ 962.00			\$ 962.00
Total Direct & Indirect	\$ 8,553.00	\$ 1,200.00	\$ -	\$ 9,753.00

Karuk Department of Natural Resources

**Please submit the following information:*

PROJECT TITLE: Fire Adapted Communities Karuk Pilot Project 2016/2017
 FUNDER: The National Science Foundation
 DATES OF WORK: 30 May 2016 to 30 June 2017
 TODAY'S DATE: 5/15/2016
 YOUR NAME: William Tripp

Position Title	Pay Rate	Hours to Work	WORKERS COMP RATE	# of months worked	Annual Leave Accrual	Base Hours	TOTAL Wages	Social Security (FICA) 6.2%	Medicare (MEDI) 1.45%	State Unemployment (SUTA)	Workers Comp	HEALTH	RETIREMENT	Total Fringe Benefits	Total Salaries & Fringe	Indirect % of wages	TOTAL	hourly rate
ADD	ADD	ADD	EMPLOYEE SPECIFIC YOU MUST CHECK	(used to calculate health insurance costs)								EMPLOYEE SPECIFIC YOU MUST CHECK	EMPLOYEE SPECIFIC YOU MUST CHECK			50.62%		includes all costs
B Tripp	19.00	200	1.260%	1	0	200	3,800.00	235.60	55.10	235.60	47.88	406.00	190.00	1,170.18	4,970.18	1,923.56	6,893.74	34.4687
							\$3,800.00	\$235.60	\$55.10	\$235.60	\$47.88	\$406.00	\$190.00	\$1,170.18	\$4,970.18	1,923.56	6,893.74	

Cells that may need manual adjustment.

- Position specific, ask Tamara for current rate.
- Only for permanent staff that DO NOT take any annual leave (ie. they cashout annual leave hours)
- SUTA column can not exceed \$434. If the cell turns blue, change by hand to \$434.
- Employees must work more than 6 months. \$526.34 less 3% of wages. Includes employee costs. Automatically adjusts based on # of months
- Employees must work more than 6 months. Seasonal/temp not eligible

wages	3800
fringe benefits	1170
other	0
equipment	0
travel	0
contractual*	8106
subtotal	13076
idc or admin*	1924
total	15000

*IF YOU HAVE AN ADMIN CAP, ENTER % IN BOX:

idc	1924
admin	1924
	0

*Contractual costs of \$8,106 is for Mid Klamath Watershed Council support in achieving grant tasks.
 \$8,106

Action Item(s): We have no Action Items to report this month.

Resource Development: Considerable time and effort have been spent, with extensive cooperation and collaboration of the People's Center Museum and Library Coordinator Julie Burcell, developing agenda and action toward the **People's Center Strategic Planning Meeting**. The actual workshop began with very positive input and action from the People's Center Advisory Committee, with Jody Waddell acting in the stead of our two Council Members, Alvis Johnson and Crispin McAllister, both on sick leave. Unfortunately, this Planning Meeting could not convene on its final day as a result of the active fires in Orleans. The next planning session is currently tentatively scheduled for September 11th, which will be followed by a day to review and affirm the identified goals and objectives, as well as revise and approve all draft policies and the Center collections manual.

Working intensively with the California Indian Environmental Alliance and the Seventh Generation Foundation, Lisa has been able to develop plans to help involve more statewide tribal participation on tribal water issues that are due for distribution to Tribal Councils for consideration and approval. These measures have been developed in order to assist Tribes with accessing the considerable funds available to California regions through Proposition 84, as yet without consideration of tribal water interest. Jaclyn Goodwin will be presenting a draft letter to Secretary Laird and a proposal for statewide approved definitions for statement on tribal-friendly definitions of water uses for Council support in the next weeks.

The **Aak Utkirihti** Project has been finalized with revisions at the suggestion and guidance of the California State Library Programs Consultant Susan Hanks. Lisa has been working with the project's coordinators Emma Lee Johnson and Bari Talley to reshape the language to emphasize the library aspect of the project. The grant proposal will remain, in its essence, unchanged from the version approved by Tribal Council and the KCDC Board on July 9, 2013. A copy of this version can be provided at your request.

Proposals Initiated/Under Consideration:

Megan was approached by KCDC on August 16th to assist with a funding opportunity for the **Naa Vura Yee Shiip Program**. She is waiting for KCDC to send the grant information, as well as last year's proposal, to begin working on this. The deadline is at the end of the month and this is the primary (or sole) funding for this Program. This will be presented to KCDC at their next Board meeting on August 21st and then it will require Council approval. We hope to have the information and resolution prepared for Council approval on August 22nd, however, due to the very short time frame, this may require a phone vote.

Department of Transportation Federal Highway Administration: Tribal Transportation Program Safety Funds. The Karuk Tribe's Department of Transportation Director Sandi Tripp will be working with Lisa to solicit available funds allocated based on an identification and analysis of highway safety issues and opportunities on tribal lands. Eligible projects include strategies, activities, and projects on a public road that are consistent with a State strategic highway safety plan and correct or improve a hazardous road location or feature, or address a highway safety problem. We both participated in a webinar on August 8 and concluded that the project is worth pursuing. Preliminary meetings have been set for August 20 and 21, pending approval by Lisa's supervisor.

Deadline for this funding opportunity is September 19, 2013, which imposes approval by Tribal Council outside the regularly scheduled Council Meeting on September 26.

Federal Emergency Management Assistance (FEMA): Tribal Equipment Assistance (TEA) Program FY2011 and FY2012. Megan will be working with Tom Fielden and the Housing Authority to determine what the Tribe needs for this one-time funding opportunity. Currently, there is no guidance with concern to funding amounts, as the funding agency has not been alerted to the overall funding capacity for this program.

Deadline due date is September 19, which will, again, require phone votes from KCDC and the Tribal Council.

National Science Foundation: Computing Education for the 21st Century. This funding opportunity has been developed in an effort to meet interrelated challenges: the significant underproduction of degrees needed for the computing and computing-related workforce, the longstanding underrepresentation of many segments of our population, and the lack of a presence of computing in K-12. Broadening Participation (BP) proposals will aim to develop and assess novel interventions that contribute to our knowledge base on the effective teaching and learning of computing for students from the underrepresented groups: in our case, Native Americans. Lisa will work with our Workforce Development Coordinators and potential research partners to craft a competitive proposal.

The award floor is \$200,000 with a proposal deadline of March 14, 2014.

U.S. Fish and Wildlife Service's National Fish Passage Program. Together with the Department of Natural Resource's Bill Tripp, the grant writers will be working in the upcoming months to develop a strategy to design a complete proposal to this program. It was decided that considerable strategic planning of resources needs to be developed in order to coordinate grant proposal efforts. Toz Soto and Earl Crosby will be involved in this project.

Proposals suggested without enough Departmental feedback for follow through:

U.S. Economic Development Administration, Public Works and Economic Enhancement.

Together with the KCDC Computer Center staff, Emma Lee Johnson and Bari Talley, a project concept to expand the Orleans Computer Center and expand/sustain workforce development opportunities at the Orleans and Happy Camp Computer Centers was developed and presented to the KCDC Board on July 24th and to the Tribal Council on July 25th. Upon conducting further project and grants research, including speaking in more detail with the funding agency, it was determined that this funding opportunity will support construction of the conceived facility, but not staffing in the development of partnerships and workforce development training opportunities. Thus, it does not fit the primary goal of sustaining the Computer Centers and thus, the opportunity will not be pursued for this purpose. It does appear, however, that this funding opportunity could be a possible fit for the conceived Forestry Fire Training Complex currently contemplated by Department of Natural Resources.

FEMA Flood Mitigation Assistance (FMA) program: National Flood Insurance Program (NFIP).

Erin Hillman and Thomas Fielden responded, but without sufficient follow-up from Mr. Fielden.

FEMA Pre-Disaster Mitigation Program. The Orleans Fire Complex occurred simultaneous to this proposal suggestion, making a response naturally difficult.

Department of Education: Race to the Top – District. After researching and developing a concept for an inter-district, two county collaboration, and with extensive discussions with representatives from the Klamath-Trinity Joint Unified School District, the promised follow-up failed to materialize.

Other Funding Opportunities: Several funding opportunities were researched in detail and related Program staff was contacted to assist in determining eligibility and/or interest. In two instances, it was determined the Tribe was not eligible because of an existing grant. In one instance, it was determined that there was insufficient time to put together a strong proposal and we will look to submit for that funding source next year. And in one instance, the Program staff never responded. Funding opportunities continue to be reviewed for eligibility and compatibility with Tribal program goals and objectives

Grant Reports:

Lisa Morehead has been working to complete the **HRSA Noncompeting Continuation (Budget Period Renewal) Progress Report for Fiscal Year 2014** this extensive and involved grant report. It is due the end of next month.

Training:

Lisa Morehead will undertake Microsoft Excel and Outlook training. Further plans for training will be put on hold due to staffing shortages.

CONSTRUCION MANAGER
DAILY LOG
From 7-18-13 to 8-14-13

- 7-18-13 Write Council report. Office work, fiscal paper work and order supplies.
- 7-19-13 Phone conference with contractor with questions regarding Rustic renovation. Communication with I.H.S. engineers about Yreka HVAC.
- 7-20-13 Reunion
- 7-22-13 Review payment request from Adams Construction. Orleans to check on progress of punch list items. See Fabian about Wellness Center schedule. Talk again to contractor wanting to bid on Rustic renovation.
- 7-23-13 Fill out paperwork for renewal of EPA I.D. number. Three of crew out, get rest of crew started finishing reunion cleanup.
- 7-24-13 Meet with Bergelio and Eric to plan for trip to Long Beach to pick up 65kw generator donated by VA through I.H.S. \$30,000.00 generator! Process and sign paperwork. Haul fish cooler back to storage for Ron Reed.
- 7-25-13 sick leave
- 7-26-13 Orleans, mark repair spots for flooring guy. Measure open reception counters for window installment.
- 7-29-13 Get final paperwork together for two crew members to go to Long Beach. Orleans, floor repaired, punch list done
- 7-30-13 Orleans with Daniel to check status of Tribes buildings after Monday fire. Wellness Center and Senior building OK thanks to Local peoples efforts. Power still out. Back in shop, order door handle parts for Community Center Bathroom in Orleans.
- 7-31-13 Talk to Bell Hardware about door handle. Adjust and balance thermostats in Museum.
- 8-01-13 Work on logistics problem with crew broke down by Los Banos. Check our equipment for possible rescue run to pick them up to haul back generator and Dodge truck. Decide to have them towed back

- 8-02-13 Check Inaam camps for water. See Mike about status of Dodge
- 8-05-13 Get crew started. Sort and I.D. key for Wellness Center. See Jody and Buster about milling cedar lumber for Tashunik.
- 8-06-13 See Mike for mechanics schedule. Get two guys started milling cedar. Rebuild door handle for modular building.
- 8-07-13 Medford, supply run. Purchase pallet jack to move new Museum display case when shipped.
- 8-08-13 Sick Leave Take wife to Dr.s appointment
- 8-09-13 Measure windows and doors at Rustic for estimate. See Linda at KCDC with Daniel, request from Community to hang banners
- 8-12-13 Time cards, mileage sheets. Office paperwork. Appointment in Yreka
- 8-13-13 Orleans to work in two door locks. One at Wellness Center and one at Community Center. Call supplier about defective key core
- 8-14-13 Yreka for interviews for Yreka Maintenance position. Interview 10 applicants, 8 Tribal members, 1 descendant and 1 Other Tribal member.

Emergency Preparedness Program
August 22nd. 2013

Please note information/activities are for the period of: 07/19/2013 through 08/15/2013.

Action Item(s):

- Purchase Portable two way radios and accessories for \$14,114.36 from Six Rivers Communication. Paid from Allocated Grant funds.
- Purchase 1 satellite Phone and two (2) Portable Satellite terminals with computer and smart phone tethering capabilities and 2 year service contracts for each system. Still seeking quotes as of report submission date. Estimates cost \$8,115.00

Emergency Management TF:

- 7/29- 8/2 Respond to Orleans Incident and set up an evacuation shelter for the residents of Orleans. Assemble Incident Management Team (IMT) for an organized response for an ongoing emergency providing for shelter, food and water for evacuated residents of Orleans. Transitioned from evacuation center to clean air center for Orleans Residents during Orleans Fire.
- 8/1 to 8/15 Work with Karuk Tribal Health Public Health Nurse to manage Unhealthy Air emergency assisting in obtaining air purifiers and air filters.
- 8/2 Work with Jaclyn draft Declaration of Disaster documents to submit to , County, state and federal officials.
- 8/12 three 8/15 Perform field assessments with FEMA, Cal OES and BIA of disaster area, prepare documentation and submit Presidential Disaster Declaration Request to FEMA for processing.

Projects TF:

- Working on Draft Emergency Operations Plan.
- Research opportunities Lisa Morehead and Megan Rocha to apply for Emergency grants from FEMA.
- Draft Delegation of Authority for emergency response.
- Draft procedures for emergency acquisitions in the first 48 hours of an incident.

Projects JB:

- Began teaching GIS classes on 8/9 at the Happy Camp Computer Center for Tribal Employees as required by our ANA grant. The first Class was attended by 6 people.
- Served as Planning Section Chief while responding to the Fire in Orleans and while managing the Tribe's on-going Hazardous Air Emergency.
- Mapped damage done to Tribally-owned land by the fire in Orleans, including FEMA Preliminary Damage Assessment and for potential BAER Project Funding through the BIA. Continue to update fire maps as needed.
- Finalized draft boundary for the Mid-Klamath Restoration Partnership.
- Continued to update and improve Karuk Tribe GIS layers including ownership layers and Karuk Aboriginal Territory layer.
- Began to work on utility mapping for Tribally-owned lands starting with water and sewer.

Meetings/Training Attended TF:

- 7/20 Staffed Emergency Management booth at Tribal Reunion, it was a good turnout lots of people interested in Emergency Management.
- 7/29 Attended Mid Klamath Watershed Restoration Partnership workshop, discussed how the Tribe, Fire Safe council and Government agencies can collaborate on maintaining a fire safe community, self-sustaining community with respect to cultural values of the Tribal Community. Day two canceled due to fire.
- 8/1 Facilitated After Action Review for Orleans Fire, Identified what worked well and what needs changing. Identified solutions to adopt and incorporate into operations for any future incidents.
- 8/1 Attended Management team meeting discussed overall operations and the Orleans Fire.
- 8/6 Attend FEMA workshop in Smith River, presented changes to Stafford act and how it affects Tribes.
- 8/8 Volunteered at the Indian Taco booth from 2 to 5 at Siskiyou County Fair.
- 8/12 GIS Class.
- 8/15 Attended Operation Area meeting in Eureka

Meetings Attended JB:

- Karuk Tribal Reunion 7/20.
- Mid-Klamath Restoration Partnership Scope Determination Meeting in Orleans 7/23 to collaboratively draft the project boundary.
- Guidance Webinar for FEMA Hazard Mitigation Assistance Grants 7/24.
- Mid-Klamath Restoration Partnership Meeting, Day 1 in Orleans 7/29. Day 2 was cancelled due to the fire in Orleans.
- Operational Planning Meetings for managing the Karuk Tribe's response to the Fire in Orleans on 7/29, 7/30, 7/31, 8/1, 8/7.
- Presentation/Training on Updates made to the Stafford Act in Smith River, CA, 8/6.
- After Action Review for Fire in Orleans at KTHA 8/7.
- FEMA Preliminary Damage Assessment Meetings 8/13, 8/14 with FEMA, Cal OES, and BIA Emergency Services.
- Humboldt County After Action Review for Fire in Orleans in Eureka 8/15.
- Humboldt County Operational Area meeting in Eureka 8/15.
- Meet with HIS Denise O'Gorman about utility maps for Karuk lands in Arcata, 8/15.

*Thomas N Fielden
Emergency Preparedness Coordinator
Karuk Tribe Administrative
Office 64236 Second Avenue
Post Office Box
1016 Happy
Camp, CA
96039
Phone: (530) 493-1600 Ext 2024*

Cell: (530) 643-6569

Fax: (530) 493-5322

tfielden@karuk.us



Jill J. Beckmann
GIS Resource Inventory Specialist
Emergency Preparedness Department
Karuk Tribe
530-493-1600 Ext. 2029
530-643-3628 (cell)

Six Rivers Communications
4060 Broadway
Eureka, CA 95503
707-443-4448
(707) 443-3797 FAX

Customer: Karuk Tribe

Attention: Tom Fielden (530)493-1600 Ext.2024

Date: August 12, 2013

Tom, Here is the quote you requested for BK radios.

This is GSA Contract Pricing.

Qty	Part	Description	Unit Price	Total Price
9	DPHX5102X	BK DPHP25 APCO, VHF, 5 watt Portable Radio, Metal case	\$1,343.10	\$12,087.90
9	LAA0818	9.5" VHF Antenna	\$15.51	\$139.59
9	LAA0139	Orange Clamshell	\$30.03	\$270.27
9	LAA0193	1400 MAH NICAD BATTERY, LIMITED QUANTITIES	\$46.20	\$415.80
9	LAA0325	DUAL RATE DESK CHARGER	\$89.10	\$801.90
9	LAA0400	Belt Clip	\$909.00	\$89.10
1	LAA0744X	DPH Software	\$59.40	\$59.40
1	LAA0725	PC PROGREAMMING CABLE	\$82.50	\$82.50
1	PCUSBDB9	DB9TO USB ADAPTER	\$42.90	\$42.90
1		GROUND SHIPPING	\$125.00	\$125.00
			TOTAL	\$14,114.36

If you have any questions or need further information, please don't hesitate to contact us. Prices valid for 30 days, Terms: Net 30 days.

Sincerely,

Ray Daniels
Owner

Action item: Approval of 2014 Reprogramming Request for the Bureau of Indian Affairs Annual Funding Agreement

Monthly Updates:

On August 22, 2013 there is a Klamath Basin Task Force Meeting in Ashland Oregon that I need to attend so I will not be in attendance at the Tribal Council Meeting.

Government to Government Consultation

On August 15th there was a Tribal Education Consultation. I helped gather some information regarding Title VII and Impact aid.

The Self Governance work group is requesting feedback on the Veteran Affairs/Indian Health Services Agreement. We are still negotiating our agreement. It sounds like they have a different set of performance measures than HRSA, AAAHC, and Partnership (all other programs we have to track quality performance improvement). Additionally it only covers veterans who make less than \$35,000. I will be working with Lessie and Rondi on this issue.

On August 26th HRSA will be conducting a Tribal Consultation meeting during the National Indian Health Board in Michigan. Tribal leaders will also be able call in to participate. This may be a place to get ideas on how to more effectively manage our HRSA Program with our IHS Program.

The Department of Justice Office of Violence Against Women will be holding their 8th Annual Tribal Consultation on October 30, and 31 in Bismarck, ND. It would be great to have a Tribal Council Member attend. I have shared this information with April Attebury and Tanya Busby as well.

U.S. Forest Service

As you are aware, we had to do a rush approval of our Fire MOU with the Forest Service to be able to get our Tribal Cultural Resources Advisors out on the fires in Orleans and up the Salmon River. There was a change made to the appendix which includes a reference to our BIA Cooperative Agreement and payment method, which was inappropriate and unnecessary. Bill Tripp has sent a letter indicating that if this does change the implications of the agreement we will strike this language, but it doesn't seem to be affecting our arrangement.

We have received a draft of the Government to Government agreement between the Tribe and the Forest Service. This meeting, as well as the August Project Coordination Meeting has been put off due to the emergent threat of the Fires. All key personnel are extremely busy working on the issues with these fires.

Bureau of Indian Affairs

Our 2014 Reprogramming Request looks good for the Bureau of Indian Affairs. I have discussed our Annual Funding Agreement with our Compact Negotiator. Next year we will be updating our Annual Funding Agreement. It may be worthwhile to look into legal counsel. Other tribes have used legal counsel in this process, but I am not sure if this has been successful in getting more funds, which would be the only reason it would be worth it.

Cal-Trans

On August 15th I had a teleconference with Leaf Hillman, and two representatives from Cal-Trans. We were discussing a current construction project that “fell through the cracks” that has the potential to impact upcoming Tribal Ceremonies. Cal-Trans has indicated they will shut-down the project completely when necessary. Leaf has been very kind and said we will work with them on finding acceptable times for certain construction/project work to take place during the upcoming World Renewal Ceremony. The Tribal Liaison for Cal-Trans will be providing me with a draft agreement on August 19 or 20th to review and edit. The idea is that we will have a Tribal Member, similar to a Cultural Monitor that will be able to make sure no disturbing activity occur—such as noise, environmental impacts, health and safety, etc. We will be coordinating with Julie Burcell, our Tribal Historic Preservation Officer on this as well. Additionally, the Tribal Liaison brought up the draft MOU between the Tribe and Cal-Trans. There is an issue with the TERO policy on their end that they are working through. I will work with Sandi Tripp to see if there is anything we can do to try to move this process along.

BOR

I assisted Toz Soto with completing the final paperwork and signatures for our BOR Annual Funding Agreement. One outstanding item is the enrollment into the Automated Standard Application for Payments System. The process has been initiated on the BOR side; we need to complete some steps to finalize this process within the next 30 days—I believe that ends September 12th.

KRAB Meeting

We continue to hold off on our letter requesting the Forest Service to look into mineral withdrawal of certain areas within our Aboriginal Territory. Earl and Leaf will be taking a field trip up to Flint Valley Road to provide specific miles that we would like to close down and which might be ok to keep open with minimal use.

The State Water Resources Legal Counsel has informed me that they do not have the authority to close the river corridor for Tribal ceremonies. We will be discussing this at our next KRAB meeting.

Emergency Preparedness

I was able to assist as the Tribal Liaison on the recent Orleans Fire. I assisted Tom with staying in contact with FEMA, Cal OES, BIA, and various other agencies. We have been working on declaring an emergency disaster. On August 6th we were fortunate to be able to

attend a FEMA Training right in our backyard (Smith River) about the Presidential Declaration Process. Right now the process is designed for states, so there is a million dollar threshold, which is obviously a lot more than we would consider our threshold. The fire did cause considerable damage to some sections of road and adjacent land which will need bank stabilization treatment. With these damages, the loss of the home and a few outbuildings, and the evacuation shelter we are just over a million dollars so we think that our Emergency Request will be accepted by FEMA.

We are working on a policy to identify how to meet emergency needs in the first 48 hours of an emergency. We need to identify who is authorized to approve spending, what will be allowed, and what will be the limit. There may be other things we need to address in this policy.

It has come to our attention that it would be beneficial for us to have MOUs in place with Siskiyou County and Humboldt County, as well as Red Cross and possibly other local agencies to effectively respond to an emergency. For example, the Tribe was able to set up our Evacuation Center almost immediately, whereas Red Cross took almost a full day. I will be working with Tom Fielden to see what kind of agreements we can get in place for future emergency events.

Health

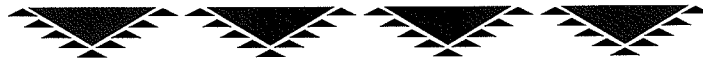
We sent another letter of support to the Senate Appropriations Committee on AB 1233, Medi-Cal Administrative Claiming Process, which will clarify how we can claim, as a Medi-Cal Administrative Activity, facilitating Medi-Cal applications using the California Healthcare eligibility, enrolment, and retention system (CalHEERS). The bill is still going through the 2nd reading I believe. I am not sure what the holdup has been, as this bill has been active since April.

Sovereign Immunity

I would like to request approval to have a legal opinion drafted by Stephanie Dolan regarding Tribal Council Authority to Waive Sovereign Immunity. Scott Quinn is having issues with First American Title, and they want us to do a Constitutional Amendment to clearly outline the process for waiving sovereign immunity and clearly state that Tribal Council has that authority. I briefly discussed this with Stephanie and she said that it sounds as if the title company doesn't understand Tribal Governments at all, and they are incorrect in their interpretation.

Karuk Community Health Clinic
64236 Second Avenue
Post Office Box 316
Happy Camp, CA 96039
Phone: (530) 493-5257
Fax: (530) 493-5270

Karuk Tribe



Karuk Dental Clinic
64236 Second Avenue
Post Office Box 1016
Happy Camp, CA 96039
Phone: (530) 493-2201
Fax: (530) 493-5364

Administrative Office
Phone: (530) 493-1600 • Fax: (530) 493-5322
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

RESOLUTION OF THE KARUK TRIBE

Resolution No: 13-R-XXX
Date Approved: August 22, 2013

RESOLUTION AUTHORIZING THE 2014 REPROGRAMMING REQUEST BETWEEN THE DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS AND THE KARUK TRIBE IN THE AMOUNT OF \$1,094,913.00

WHEREAS; the Karuk Tribe is a Sovereign Aboriginal People, that have lived on their own land since long before the European influx of white men came to this continent; and

WHEREAS; the members of the Karuk Tribe have approved Article VI of the Constitution delegating to the Tribal Council the authority and responsibility to exercise by resolution or enactment of Tribal laws all the inherent sovereign powers vested in the Tribe as a Sovereign Aboriginal People, including negotiating and contracting with federal, state, Tribal and local governments, private agencies and consultants; and

WHEREAS; the members of the Karuk Tribe have approved Article VIII of the Constitution assigning duties to the Chair, Vice Chair, and Secretary/Treasurer including signing and executing all contracts and official documents pertaining to the Karuk Tribe; and

WHEREAS; the Karuk Tribe is a federally recognized Tribe and its Tribal Council is eligible to and is designated as an organization authorized to Contract pursuant to P.L. 93-638, as amended, on behalf of the Karuk Tribe; and

WHEREAS; in the 2010-2014 Multi-Year Funding Agreement (MFA), it was agreed that annually the Karuk Tribe and the Bureau of Indian Affairs (BIA) would negotiate Annual Reprogramming Requests; and

WHEREAS; the Karuk Tribe and the BIA have met and the Karuk Tribal Council has approved the 2014 Annual Reprogramming Request from the BIA; and

THEREFORE BE IT RESOLVED; that the Tribal Council authorizes the 2014 Reprogramming Request between the Department of the Interior, Bureau of Indian Affairs and the Karuk Tribe in the amount of \$1,094,913; now

CERTIFICATION

I, the Chairman, hereby certify the foregoing resolution [Resolution Number] which was approved at a Council Meeting on August 22, 2013, was duly adopted by a vote of _____ AYES, _____ NOES, _____ ABSTAIN, and said resolution has not been rescinded or amended in any way. The Tribal Council is comprised of 9 members of which _____ voted.

Russell Attebery, Chairman

Date

**5th AMENDMENT TO THE 2010-2014 MULTI-YEAR FUNDING AGREEMENT
BETWEEN THE KARUK TRIBE**

AND THE UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR

In accordance with Section 8 of the Multi-Year Funding Agreement, this agreement is amended to attach the Reprogramming Request for 2014.

KARUK TRIBE

BY: _____
Tribal Chairman

DATE: _____

UNITED STATES OF AMERICA

BY: _____
Director, Office of Self-Governance

DATE: _____

Tribe: KARUK TRIBE

BIA Tribal Organization Code: J52555

OSG Tribal Compact Code: OSGT555

BIA Area Office: J00100 - PACIFIC REGION

BIA Agency Office: J52000 - NORTHERN CALIFORNIA

Line Item	Program Title	Cost Code	Info Tribal Share	A OSG Cumulative Base	B OSG Shortfall Base	C OSG Shortfall Request	D BIA Reprogram Request	E=A+B+C+D	FN
23	Trust Management Improvement Project (UTB) - NON TPA	A3A00	0	0	2,888	0	0	2,888	
24	Assistant Secretary Support - NON TPA	A5000	0	0	0	0	0	0	
27	Administrative Services - NON TPA	A5220	0	0	3,990	0	0	3,990	
30	Information Resources Technology - NON TPA	A5340	0	0	0	0	0	0	
32	Executive Direction (Regional) - NON TPA	A6000	0	0	788	0	0	788	
35	Executive Direction - TPA/Agency	A9010	0	0	6,006	0	0	6,006	
38	Administrative Services - TPA/Agency	A9120	0	0	6,041	0	0	6,041	
39	Administrative Services - TPA/Region	A9120	0	0	0	0	0	0	
48	Job Placement and Training - TPA/Tribal	C9035	0	28,400	0	0	0	28,400	
50	Economic Development - TPA/Region	C9110	0	0	0	0	0	0	
54	Road Maintenance - TPA/Tribal	C9250	0	3,433	0	0	0	3,433	4
58	Education Line Officers - NON TPA	E5030	0	1,260	0	0	0	1,260	
61	Johnson O'Malley - TPA/Tribal	E9040	0	45,400	0	0	0	45,400	
65	Tribal Scholarships - TPA/Tribal	E9310	0	17,312	0	0	0	17,312	
68	Tribal Adult Education - TPA/Tribal	E9320	0	300	0	0	0	300	
76	Housing Development - NON TPA	H6030	0	4,645	0	0	0	4,645	
77	Social Services - TPA/Agency	H9010	0	8,333	0	0	0	8,333	
78	Social Services - TPA/Region	H9010	0	1,815	0	0	133,815	135,630	7
79	Social Services - TPA/Tribal	H9010	0	0	0	0	0	0	
80	Welfare Assistance - TPA/Tribal	H9130	0	0	0	0	63,107	63,107	3
83	Indian Child Welfare Act - TPA/Tribal	H9220	0	65,100	0	0	0	65,100	
84	Housing Improvement Program - TPA/Tribal	H9370	0	0	0	0	0	0	2
90	Law Enforcement Projects - NON TPA	J3300	0	0	0	0	0	0	
96	Community Fire Protection - TPA/Tribal	J9030	0	1,200	0	0	0	1,200	
113	Forestry - NON TPA	N3E00	0	0	0	0	0	0	5
123	Natural Resources, General (UTB) - NON TPA	N6A10	0	0	0	0	0	0	6
125	Forestry (UTB) - NON TPA	N6A30	0	1,208	0	0	0	1,208	
127	Water Resources (UTB) - NON TPA	N6A40	0	584	0	0	0	584	
130	Natural Resources (UTB) - TPA/Agency	N9A05	0	648	0	0	0	648	

Tribe: KARUK TRIBE

BIA Tribal Organization Code: J52555

OSG Tribal Compact Code: OSGT555

BIA Area Office: J00100 - PACIFIC REGION

BIA Agency Office: J52000 - NORTHERN CALIFORNIA

Line Item	Program Title	Cost Code	Info Tribal Share	A OSG Cumulative Base	B OSG Shortfall Base	C OSG Shortfall Request	D BIA Reprogram Request	E=A+B+C+D	FN
								Total AFA	
133	Agriculture Program (UTB) - TPA/Agency	N9B10	0	2,613	0	0	0	2,613	0
136	Forestry Program (UTB) - TPA/Agency	N9C30	0	3,334	0	0	0	3,334	0
142	Wildlife & Parks Program (UTB) - TPA/Agency	N9E50	0	1,385	0	0	0	1,385	0
144	Wildlife & Parks Program (UTB) - TPA/Tribal	N9E50	0	135,600	0	0	0	135,600	0
148	Water Rights Negotiation/Litigation - NON TPA	R3120	0	0	0	0	0	0	6
151	Real Estate Service Proj (UTB) - NON TPA	R3A00	0	0	0	0	0	0	0
154	Environmental Quality Projects (UTB) - NON TPA	R3B30	0	0	0	0	0	0	6
160	Land Titles & Record Offices (UTB) - NON TPA	R6A50	0	0	0	0	0	0	0
162	Trust Services (UTB) - NON TPA	R6C10	0	0	0	0	0	0	6
163	Real Estate Services (UTB) - NON TPA	R6C40	0	0	0	0	0	0	6
164	Environmental Quality Services (UTB) - NON TPA	R6C70	0	229	0	0	0	229	0
169	Rights Protection - TPA/Agency	R9120	0	3,786	0	0	0	3,786	0
170	Rights Protection - TPA/Region	R9120	0	0	0	0	0	0	6
171	Rights Protection - TPA/Tribal	R9120	0	0	0	0	0	0	0
172	Trust Services (UTB) - TPA/Agency	R9A10	0	0	0	0	0	0	6
174	Trust Services (UTB) - TPA/Tribal	R9A10	0	0	0	0	0	0	0
177	Real Estate Services Program (UTB) - TPA/Agency	R9C70	0	1,700	0	0	0	1,700	0
178	Real Estate Services Program (UTB) - TPA/Region	R9C70	0	0	0	0	0	0	0
179	Real Estate Services Program (UTB) - TPA/Tribal	R9C70	0	4,300	0	0	0	4,300	0
181	Real Estate Appraisals (Moved to OST) - TPA/Region	R9C80	0	0	0	0	0	0	0
184	Environmental Quality Program (UTB) - TPA/Region	R9D40	0	0	0	0	0	0	6
189	Community Services, General - NON TPA	T6010	0	339	0	0	0	339	0
190	All Other Aid to Tribal Government - NON TPA	T6020	0	691	0	0	0	691	0
193	Other Aid to Tribal Government - TPA/Region	T9020	0	1,386	0	0	0	1,386	0
194	Other Aid to Tribal Government - TPA/Tribal	T9020	0	62,100	0	0	-52,219	9,881	8
198	Self-Governance Compacts - TPA/Tribal	T9240	0	-43,035	0	0	0	-43,035	0
199	Self-Governance Compacts-Adjustments - TPA/Tribal	T9240a	0	0	0	0	0	0	0
200	Contract Support - TPA/Region	T9370	0	0	0	0	378,600	378,600	1
205	TPA General Increase - TPA/Tribal	T9901	0	34,102	0	0	0	34,102	0

Tribe: KARUK TRIBE
 BIA Tribal Organization Code: J52555
 OSG Tribal Compact Code: OSGT555
 BIA Area Office: J00100 - PACIFIC REGION
 BIA Agency Office: J52000 - NORTHERN CALIFORNIA

Line Item	Program Title	Cost Code	Info Tribal Share	A OSG Cumulative Base	B OSG Shortfall Base	C OSG Shortfall Request	D BIA Reprogram Request	E=A+B+C+D	FN
206 638	Pay Costs - TPA/Tribal	T9902	0	163,729	0	0	0	163,729	
216	Engineering/Supervision - Irrigation - NON TPA	12210	0	0	0	0	0	0	
217	Safety of Dams - NON TPA	12400	0	0	0	0	0	0	6
	Report Total		0	551,897	19,713	0	523,303	1,094,913	

AUTHORIZED FINANCIAL OFFICERS

- _____ Bureau of Indian Affairs - Regional Office
- _____ Tribe
- _____ Office of Self Governance

Footnotes

- 1 The amount shown is an estimate. The actual amount to be provided is to be determined and will be distributed as described in the BIA's Contract Support Policy.
- 2 The FY 2014 President's budget request to Congress has proposed to eliminate the Housing Improvement Program. Should final appropriations restore the program funding the Tribe elects to operate the program through this funding agreement. Restored funds will be distributed based on HIP eligible applicant data and shall be used in accordance with HIP regulations unless waived.
- 3 The amount shown is an estimate. The actual amount to be provided is to be determined and distributed based upon welfare assistance need as determined by the national distribution methodology used by the BIA.
- 4 When the Tribe is eligible to receive road maintenance funds, subject to appropriations, Bureau of Indian Affairs road maintenance funds will be distributed using the same formula as used last fiscal year.
- 5 The amount to be provided is based on actual award, selection of project, or distribution methodology used by the BIA provided Self-Governance Tribes, other Tribes, and BIA agencies are treated similarly. Funding for non-recurring Programs, Services, Functions, and Activities (PSFAs) can only be provided on a one-time-only basis for this year and such PSFAs are not guaranteed to be funded in subsequent years.
- 6 All Realty increases, represented in Real Estate Services TPA, Real Estate Services non-recurring, Real Estate Services ROP, and other non-TPA programs will stay in with the BIA and support the California Trust Reform Consortium. This in turn will reduce the amount to be reprogrammed from Aid to Tribal Government (amount of return in FY2013 is \$52,219). Summary of offsets: R9A10 (NCA) \$375; R9120 \$15; R9C70 (NCA) \$692; R9D40 \$157; R3120 \$980; R3B30 \$95; N6A10 \$925; R6C10 \$1,389; R6C40 \$2,157; 12400 \$980; Total is \$7,765. (Participation in the Fee to Trust Consortium for FY 2011 will be paid from the \$60,000 retained.)
- 7 GA Administrative dollars to be annually reprogrammed from Regional PPA account based on annual review of GA caseload.
- 8 California Trust Reform Consortium (CTRC) - The Tribe has elected to reprogram this amount for trust related services to the Pacific Regional Office, for the California Trust Reform Consortium. These funds should not be base transferred and shall be reprogrammed on an annual basis. (See FN 6)

Erin Hillman
KTHA Council Report
August 22, 2013



Formula Negotiated Rulemaking:

The first meeting is in Denver August 27-29. This first meeting will be discussing future meeting protocols, and my schedule won't allow for me to be out of the office in late August. Ann has agreed to take my place this time and she will be there to assist Michael as staff support.

Also, the next meeting date for the Negotiated Rulemaking has been set for September 17-19. I hope to have obtained approval for travel so that I may accompany Michael to the Neg Reg meeting. This will be the first substantive meeting.

2014 O-Link-

I appreciate your understanding and thank the Council for approving the resolution for using Tribal Enrollment Data for the distribution of the Need portion of HUD funds. This will allow for KTHA to receive approximately 160k more than with the TRSAIP numbers. I hope that next year's meetings will be held in a timelier manner so to avoid these last minute requests.

NAHASDA Reauthorization-

KTHA submitted written testimony for the Senate Committee on Indian Affairs, Legislative Hearing on Senate Bill 1352. See attached.

Orleans Fire-

I am very proud to have been a part of the Tribal response to this event. We were able to learn a great deal from this experience that I am sure will be used in the future to make our Emergency Preparedness, Response, Recovery and Mitigation activities stronger.

Steve participated in the Preliminary Damage Assessment with FEMA while I was in Reno at the NevadaCal meeting. The amount of our properties affected by the fire has helped to push the total amount of losses over the million dollar threshold. That is good news for our claims, but no guarantee for funds.

We will have to begin the restoration process as soon as possible for the Upper Tishawnik Flat property as the fall will bring more damage from rains. Hydroseeding will need to occur as soon as possible, as soon as FEMA has concluded their damage assessment.

Karen Barnette (HUD) requested information on our damages and response, so I provided her with the Press Releases related to the fire.

The KTHA Insurance (Amerind) Representative, Thane Crozier, was at the NevadaCal meeting. We discussed the damages in Orleans. Amerind will seek restitution from the party that started the fire.

Child Care Feasibility Study-

We received zero bids on this RFP. We will be re-advertising and widening our area of advertising to include direct solicitation and requests to post at offices including those located in the state, county and federal agency (DHHS) levels.

NevadaCAL Meeting-

The group reviewed the Senate Bill 1352 (attached):

The NevadaCal group reached consensus without objection on these issues:

- Delete language regarding the useful life of units (page 5, line 23 to page 6 line 2).
- Change language from “and any other appropriate tribal organization” to “tribal designee” page 11 line 15-16.
- Page 16, line 1-8: Review Sec. 706 and make recommendation for language that would include those Tribes that have Tribal Housing Departments, not TDHE’s so long as this does not detract from the suggested language in the Bill that will benefit TDHE’s.

The committee voted to fund Phil Bush (Modoc Lassen ED) to attend the Neg Reg committee meetings because he will be able to make comments on behalf of small tribes who are receiving the minimum annual allocation. The concern expressed is that larger tribes will do what they can, and bring as many folks as they can to fight for more money for themselves. If the small tribes fall, then others may too.

There will be some upcoming trainings on the topic of Tax Credits. To date, no Tribes in either CA or NV have been able to successfully compete for tax credits, the selection criteria currently excludes them. I have volunteered to be on a subcommittee of NevadaCal to work on comments to be submitted on this issue. This means I will be participating in weekly phone conferences. Our position is that a set aside for tribes should be implemented, and tribes must be able to compete fairly. We were also encouraged to join the “California Coalition for Rural Housing” to influence this process as an insider.

We were also provided some very good information on USDA programs. We may be able to access grants for KTHA, individual grants or loans at low costs to our Tribal Members who may not be able to meet our eligibility criteria (income limits).

Indian Housing Plan 2014-

We are currently working on the Model Activity Requests to be submitted to HUD, this will be our final step to get our 2014 Plan approved, however, that does not mean we will see appropriations any time soon.

Personnel-

Notices were sent out regarding cell phone usage, it was a gentle warning, clarifying the policy and how usage is monitored. Housing employees with above average usage were

provided a copy of their bills showing texts and data usage so that they could see how high their usage was in comparison to other cell phone users (deleting names, of course).

Maintenance Engineer, Yreka- Interviews were held for this position the week of August 11th. A candidate was selected for this position.

Force Account – A candidate was selected for this position.

Orleans Landscaper- Two candidates selected for further screening.

HC Landscaper- Smokey Titus has accepted a position with the Happy Camp High School as the new janitor.

HC/ Orleans Tenant Relations Officer- Maria has accepted a position with the Siskiyou County Office of Education. Her job description requires some updating and will need to be reviewed on Monday the 19th for the Board's approval.

Comstock House:

We met with April and Tanya regarding the Comstock house on August 8. Richard is exploring some rehab options to make the most use of our insurance settlement. The timeframe for completion of this project should not be an issue as April stated they were funded late, and that she has notified the Department of Justice that we had a fire.

Morongo Tribe-Proposals

I will be drafting two proposals to be submitted at our meeting with the Chairman, in early September.

Katishraam Wellness Center-

Pre-solicitation notices have been advertised, as per policy. This means we are telling contractors to be on the lookout for our advertisement of this significant, large project.

Housing Improvement Program (HIP)-

Apparently there is no water source or septic at this site. This presents a problem, and we will try to obtain IHS services for the construction of that infrastructure since no NAHASDA funds are being used. Otherwise it will have to come out of the HIP budget.

Yreka Painting Project-

The Painting of ten homes is out for bid, and one home rehab project in Hoopa is also out for bid.

Property Purchase:

The Board of Commissioners is reviewing the appraisals for the Yellow House on Monday August 19th. I will bring you up to date on that discussion at the meeting.

Fiscal-

We are set to convert our software this month to a new fund accounting system called Accufund. The new software will be installed and the staff who will be using the system will receive a week of intense training, as well as continued technical support afterward.

KTHA Staff Reports:

Sara Spence, Executive Assistant

Environmental: The environmental review for the Blue House purchase, resident center/park/playground development/ replacement of the maintenance shop/construction of retaining walls along Jacobs Way, Shan D, and Itroop is complete the Release of Funds should arrive from HUD around September 3 so that the purchase price can be provided to the Tribe. I am revising the environmental to fill the pool at Loudon to include roof replacement. A new environmental is being started for a home rehab approved in Dunsmuir. There are a couple of home loan approvals that will need environmentals once they locate a home to buy. The environmental for the AE services on the duplex project is being revised as the actual cost was more than the estimate. I will also soon begin the annual environmental for the Fiscal Year 2014 Operating Budget. I continue conversing with Julie Burcell regarding the HUD Programmatic Agreement which was implanted in March and how it assists our projects.

Construction: Currently the Fourth Avenue Ramada, Yreka Home Painting, Singleton Lane Roof (Loudon), and Rice Lane Rehab (Second Advertisement since last bid was twice the budget) are out to bid. The Yreka Sprinkler System Installation and RV Park FEMA home relocation and ramadas will be advertised in the very near future. The Wellness Center will be advertised August 28. We advertised for the construction of a monument in the Yreka office lobby, however, the scope changed before the project closed so it will be re-advertised. The Camp Creek Apron paving was advertised but the bid came in at twice the engineer's estimate, we will wait for paving on another project in the area to try for a lower cost. The childcare feasibility study was advertised, with no response. Assistance for unit prep in Happy Camp was advertised three times with no response.

Administrative: One contract was assigned to have the property corners marked at the RV Park parcel to ensure proper placement of the homes when they are moved from Yreka to Happy Camp.

Human Resources: Randy White was hired for the Security & Emergency Services Officer vacancy, he will patrol Happy Camp and Orleans and Charles Sarmento will focus on Yreka. He started last week and is getting trained by Charles.

There are still vacancies for the Orleans Landscaper, Yreka Temporary Force Account Crew Member, and Yreka Shared Maintenance Worker; interviews for two of these positions are scheduled for this week.

The Orleans Summer Youth position was advertised three times with no applicants, I was told that one youth faxed their application to the Housing Office but that was not received by HR by the deadline, I am not sure what happened with that situation. We have had issues with our fax machines at Housing and the posting indicated applications were to be submitted to Le Loni at the Administration Office.

Training: Erin, Elsa, and I are scheduled to attend the Annual National Native American Human Resources Association conference October 7-9, 2013. That will fulfill my annual training requirement to maintain my Tribal Human Resource Professional (THRP) certification.

Scott Nelson, Director -Yreka Education Center

The Yreka Education Center has been serving the KTHA population in Yreka for a little less than 2 years and since it was opened, there has been consistent use of the computer lab and classroom. About 25 users a day access the computer lab and the classroom has been used on a regular basis. Monday night is Karuk Language class; Tuesday night is Karuk culture class. During the school year, the classroom is used for tutoring of K-12 students and it is also used for GED tutoring throughout the year. The Education Center is also accessed by job seekers who can view local jobs on the internet through our web site (www.ktha.us/jobs) and job seekers can also get assistance with writing resumes, submitting online applications and sending email attachments.

Brian Gonzalez- Maintenance Supervisor, Yreka

Yreka maintenance has been dedicating Monday's strictly to work orders and general repairs for all housing entities. This year the housing hired out two youth helpers to help clean up the landscaping. Unfortunately the extra help that we acquired did not last too long and we didn't get much accomplished with them. We do plan to better educate the youth next year so they understand the importance of work and their word. The elders got new screen doors installed with the handicap handles. KTHA flew a position for a new maintenance/tribal worker for the Yreka crew. We had interviews and selected a candidate that was best fit for the job. We look forward to having more man power with a skilled worker. We had 5 units open this month and the crew has managed to complete 4 out of 5. We have 1 on the agenda and no move-outs scheduled. Richard Black and I accomplished a scope of work which Erin Hillman will go over, for the janitorial work in unit prep to be contracted out. Recently I have been working on the inventory to best accommodate to our crew in Yreka to eliminate the trips to local hardware stores. I hope to be done and have an established system by time the month of August is over. Landscaping is coming along, so far we have completed all OH and most of elders to KTHA standards. We are striving to get caught up and everyone is working hard to better the community.

Richard Black- Construction Manager/ Force Account Crew Supervisor-

This month the Force Account crew has been working on prepping and painting homes throughout the Yreka housing. We have been working with the engineer to finish the designs for the Yreka Wellness Center, we have a pre bid coming soon in September and October 1st bids received. We have been working with a home replacement and a home rehab in Hoopa. We have several projects in Yreka like the Yreka monument which I am working on a new design for, the Yreka ten homes paint project, the Louden reroof project and others. We are working with April and Tanya rehabbing the home on Comstock. I participated in interviews and selected a new short time employee for the Force Account crew.

Ann Escobar, Assistant Director/Operations Manager-

There continues to be multiple areas to focus on; reviewing all TRO/Admission correspondence, rents, reports, agreements, complaints, etc. Court Eviction/Foreclosure update; currently KTHA has 1 eviction and 1 foreclosure matter in process. KTHA has offered Randy White the Emergency Security and Emergency Services position for the Happy Camp and Orleans he has accepted and started work on August 7, 2014. We had hired 3 Summer Youth help to assist with the landscaping needs of the communities, 1 of the 3 filled are still working. My staff Maria, Charles and I traveled to Orleans during the recent fire to assist with the evacuees, we placed 7 families and I continue to place the residents as the smoke has been bothersome to both Elders and non-elders. The Orleans communities were thankful that we were there checking on them and getting their needs taken care of. The Blue Lake Casino (BLC) and the Northern California Indian Development Council (NCIDC) have been very pleasant to work with the casino has given a discounted rate to help with the cost and NCIDC has been assisting with food vouchers to help with the residents with food costs. I will be sending thank you cards to thank them for the help and assistance.

Note: Although Ann was able to work on the food vouchers, there were a few communication issues that should be discussed with NCIDC representatives so that delays do not occur in the future.

Steve Mitchell, Inspector, HC and OR Maintenance Director

Projects currently out to bid: Yreka Home Painting - Home Rehab In Hoopa- Roof Replacement At Singleton Drive In Yreka. Fourth Ave. Ramada Inn Happy Camp.

Projects currently in the planning phase: Yreka Wellness Center - Happy Camp Duplexes – HIP Home replacement in Happy Camp – Resident center in Happy Camp – FEMA Home placement along Second Ave. in Happy Camp - Yreka domestic violence shelter on Comstock

Emergency Preparedness: Worked with Tom Fielden and other members of the KEEPR team responding to the fire/smoke emergency in Orleans. Worked with staff and Representatives of FEMA, CAL-OES, and BIA gathering data to support a Tribal Disaster Declaration.

Maintenance staff continue to work on unit prep and work orders. Annual repairs are addressed as time allows. Landscaping staff has been assisting maintenance with unit prep and are addressing landscaping chores and projects in Orleans and Happy Camp including the mowing of elder's lawns and common areas as well as installation of underground sprinkler systems.

Carter Bickford, Chief Financial Officer:

This last month was spent performing our usual duties, such as; paying our vendor invoices, running payroll, arranging for Board member and employee travel. I completed the month end financial close for July and prepared the monthly financial statements. We also helped with the Orleans fire, locating, and providing extra cell phones to KTHA maintenance personnel and purchasing food and supplies for those involved. We also prepared an analysis of costs directly incurred by KTHA and submitted them to the Tribe. I have also been preparing for our annual insurance renewal, by reviewing and updating our housing inventory, including sq. footage, value and tenants of each of our housing units.

KARUK TRIBE HOUSING AUTHORITY

P.O. Box 1159 • 635 Jacobs Way
Happy Camp, CA 96039
Ph: (530) 493-1414 • Fax: (530) 493-1415



1836 Apsuun Street
Yreka, CA 96097
Ph: (530) 842-1644 • Fax: (530) 842-1646

Testimony of Michael Thom

Chairman, Karuk Tribe Housing Authority
Vice-Chairman, Karuk Tribe

Senate Committee on Indian Affairs

Legislative Hearing on S. 1352 Reauthorization of NAHASDA

July 31, 2013

Greetings Chairwoman Cantwell, Vice-Chairman Barrasso and distinguished members of the Senate Committee on Indian Affairs. My name is Michael Thom, and I am the Chairman of the Karuk Tribe Housing Authority (KTHA), as well as the Vice Chair of the Karuk Tribe. I am honored to provide these comments as testimony for today's hearing in support of the reauthorization of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and in support of S. 1352, which contains amendments to NAHASDA to make it even stronger.

On behalf of the Karuk Tribe and the KTHA, I would like to thank the Chairwoman and the members of the Committee for introducing S. 1352, and for establishing the reauthorization of the NAHASDA as a priority legislative item for the Committee. In particular, we would like to thank the Chairwoman for her efforts to provide resources to meet the severe needs for housing assistance in Indian country and other rural areas. The housing needs for the Karuk Tribe, and across Indian country, are extreme. The NAHASDA has provided KTHA with tools to make notable progress in meeting the housing needs of our Tribe, but there is still a significant unmet need that is far too large. Reauthorization of the NAHASDA provides a necessary opportunity to strengthen the Act by increasing its flexibility and efficiency, but reauthorization is not enough: NAHASDA must also be funded in accordance with the dire housing needs in Indian country.

The Karuk Tribe is made up of several communities, which are located along the Klamath River in two extremely rural portions of Siskiyou and Humboldt Counties located in northwestern California. The Tribe has approximately 3600 enrolled tribal members and the Tribe's current reservation is approximately 600 acres, located on noncontiguous parcels within the three communities. The Karuk Tribe Housing Authority serves one of the most remote and poverty stricken areas of California. Many of our members live in remote, rural region where economic opportunity and jobs are very limited and unemployment is as extraordinarily high as the per capita income is low. This region was estimated to be 85% timber-dependent, and its economy has not recovered from the closures of local mills, a condition borne out the fact that, in 2006, 90% of the students enrolled in the local elementary school qualified for free lunch program. The census data for the Tribe's Happy Camp community, which is where the Tribe's administrative offices and the KTHA office are located, indicate that the median income of \$23,095 is less than half the median income for the state and the per capita income only \$13,614. The census data indicate that the unemployment rate for the Tribe is 83%, and BIA labor force data indicate that unemployment is at 89%. Not surprisingly, the KTHA waiting list for homes has over 350 families and individuals, many of whom have no other viable housing options.

The Karuk Tribe Housing Authority – Innovations and Unmet Needs

Since the passage of NAHASDA, the KTHA has developed a broad range of housing services, using the flexibility in the Act to meet the needs of our service population in the most efficient manner possible. We have developed several programs to utilize the tools in NAHASDA intended to facilitate homeownership. For example, we have established a

tribal direct loan program using our Indian Housing Block Grant (IHBG). With this program we are able to fund four to five low interest loans each year for eligible Indian participants seeking to purchase a home off reservation. We have also established a down payment assistance program to eligible Indian recipients with loans or mortgages to improve existing homes or purchase or construct their own new off reservation homes. Both of these programs are designed to assist low income members, but even with these benefits, only a small fraction of the families on our waiting list are financially capable of participating in these programs.

Additionally, the KTHA has implemented rental voucher programs to service the unique needs of college students and elders living off reservation. With these programs, we are able to provide rental assistance to between 28 and 36 students and 26 elders each year. While these programs help address real housing needs, they are also targeted and do not assist the majority of those families on the waiting list.

The vast majority of those on our waiting list (approximately 85 percent) do not have the means to participate in homeownership programs, and they are not students or elders. They are families and individuals seeking on-reservation low income rental units. However, we have only 187 low income housing units located on tribal land, of which 40 are set aside to serve the needs of low income elders and rents for elders are capped at \$125/month. Unfortunately, at the current level of NAHASDA funds available to the KTHA, we do not have the resources to build new low income rental units. The lack of resources is compounded by a lack of infrastructure, such as water, sewer, and, in some communities, electricity, and our remote location, which increases the cost for labor and materials. These environmental circumstances increase the cost of new construction significantly. Therefore, our new construction is limited to the replacement of one or two homes per year for families and individuals living in substandard housing, who are living in extreme poverty (i.e., an annual income below 30% of the poverty level).

Unmet Housing Needs in Indian Country

The circumstances facing the KTHA are not unusual in Indian Country. In 2003, the U.S. Commission on Civil Rights issues the report entitled "A Quiet Crisis in Indian Country, which includes a stark assessment of the unmet housing needs in Indian Country. The statistics cited in the report illustrate the dire needs of Native Americans nationwide. We cite the following of examples that reflect the issues we face at KTHA:

- Approximately 90,000 Indian families are homeless or under housed.
- 30 percent of reservation households are overcrowded, which is six times the national rate.
- 18 percent of reservation households are severely over crowded, which leads to a variety of other social ills such as domestic abuse, substance abuse, an increase in school dropout rates.
- Approximately 40 percent of on-reservation housing is considered inadequate as compared to six percent nationwide.

- A lack community infrastructure (water and sewer systems, electricity, and telephone service).

The Civil Rights Commission also noted that unmet housing needs in Indian Country are compounded by a number of factors such as depressed reservation economies, extreme poverty, lack of infrastructure to support housing communities, geographic isolation, environmental conditions on reservations, poor access to credit, and a lack of funding. Additionally, tribes and Indian housing authorities also face a myriad of overlapping and often duplicative administrative requirements, which require that tribes coordinate federal, local, and sometimes state requirements with tribal requirements, which is both time and resource intensive.

In NAHASDA, Congress expressly recognized the acute housing needs in Indian Country and in Indian communities, and Congress recognized that the provision of affordable houses in safe and health environments is an essential element in the special role of the United States in helping tribes and their members to improve their housing conditions and socio-economic status. However, as the report of the Civil Rights Commission details, the purchasing power of the IHBG decreased during the years assessed (1998 to 2003). The report also contrasts the loss of IHBG purchasing power to the overall HUD budget, which increased during this period. The report notes that, when adjusted for inflation, the overall HUD discretionary budget increased by 39.6 percent, while the funding for HUD's Native American programs decreased by 1.3 percent. Since the report was issued the funding for IHBG has remained flat or decreased at the same time construction costs have spiked, further eroding the purchasing power of tribes and Indian housing authorities.

In 2000, HUD estimated that the NAHASDA funding at that time would only meet 5 percent of the need for Indian housing and that more than 230,000 housing units would still be needed. The Civil Rights Commission also cites an estimate by the Coalition for Indian Housing and Development that \$1.1 billion would be needed to adequately fund NAHASDA. In testimony provided this year to the Senate Committee on Indian Affairs, the Native American Indian Housing Council (NAIHC) stated that the funding request for 2013 was only \$650 million but that \$875 million would be needed just to keep up with inflation. At these funding levels, even with additional flexibility and efficiencies, tribes and Indian housing authorities will not be able to even maintain the status quo, never mind addressing the unmet need. The 350 families on the KTHA waiting list are a symptom of this systematic underfunding.

S. 1352 - NAHASDA Reauthorization Bill

First, let me emphasize that reauthorization of NAHASDA is a priority. As Congress has recognized repeatedly, Indian programs work best when Indian tribes have the authority to plan, implement, and administer federal programs and are freed from federal micromanagement. NAHASDA was enacted in 1996 to begin to implement the longstanding federal policy of tribal self-determination in the housing arena, and it is critical to continue that process.

Despite the great progress that NAHASDA represents toward the goal of self-determination, amendments to NAHASDA are needed to increase flexibility and efficiencies in ways that will enable tribes and Indian housing authorities to stretch our underfunded block grants. We need the flexibility to identify and target our local needs, and we need to be free of micromanagement and overlapping and duplicative oversight requirements.

S. 1352 includes many amendments which we support as a means to provide greater flexibility and to promote tribal self-governance and self-sufficiency. We do not oppose any of the proposed amendments, and we highlight several of the amendments we believe will have the greatest positive effect. We also offer suggested amendments to a few of the current proposals, which we believe will increase their effectiveness. Finally, we note that the discussion draft does not address certain issues which are very important to tribes and Indian housing authorities. While the proposed amendments may appear, at first sight, to merely be a laundry list of particulars, when you step back and look at the big picture, these amendments are integrated pieces of the larger goal inherent in NAHASDA – furtherance of tribal self-determination in meeting the housing needs of its members. I will address several of the proposed amendments to illustrate this point.

Important Concepts Included in S. 1352

- **Program income:** Any income generated from program income (as opposed to being generated by IHBG funds) will be treated as nonprogram income and will have no restrictions. Currently, HUD treats income that is generated by program income as program income, with the attendant restrictions. Establishing greater flexibility in this area will spur innovation and development.
- **Tribally determined prevailing wage rates:** If a tribe has adopted prevailing wage rates applicable to a NAHASDA-funded project, those rates will apply to the entire project, including other federal funding sources. This amendment will greatly reduce redundancy in tracking and enforcing applicable wage rates, and allow for more funding to be used for constructing homes rather than administrative requirements.
- **Environmental review:** If a tribe has carried out an environmental review on a NAHASDA-funded project consistent with the applicable HUD requirements, that review will satisfy the environmental review requirements from other federal funding sources. This amendment will greatly reduce redundancy in environmental reviews, also allowing for more funding to be used for constructing homes rather than administrative requirements.
- **Binding commitments:** Binding commitments would no longer be required for funds utilized on privately owned homeownership units if aggregate cost is less than \$10,000 over a five year period. While KTHA supports a larger cut-off (of \$40,000), this amendment will also save time and resources.

- **Conversion of rental unit to homebuyer unit:** If a family initially occupied a rental unit as a low-income family, but later gains enough income to exceed the low-income threshold, that family can still convert to a homebuyer for that same unit without having to re-qualify as low-income. This amendment is necessary so that we don't punish those tribal members who succeed in bettering their financial circumstances.
- **Total Development Costs:** Authorizes recipients to exceed total development cost caps by 20% (under current HUD regulations, it is 10%). This language should allow some additional use of energy efficient building designs and materials that we were prevented from doing so by TDC caps.
- **Self-Monitoring:** The self-monitoring requirement would be changed from annually to every other year, except for subrecipients, who must be monitored by the recipient every year. This amendment will help reduce the administrative burden on our housing programs.
- **Indian Veterans' Housing Assistance Demonstration Project:** HUD would be authorized to take up to 5% of the rental assistance amounts appropriated under the 1937 Act to establish an Indian Veteran specific housing assistance voucher program for the benefit of Indian veterans who are homeless or at-risk of homelessness and who are residing on or near Indian lands. The program would be operated by IHBG recipients. This amendment is an important change, and provides much needed support to our vulnerable Indian veterans.
- **Low Income Housing Tax Credits Preference.** Section 42(m)(1) of the Internal Revenue Code would be amended to require states to provide preference to applicants for Low Income Housing Tax Credits who are tribes, TDHEs, or entities wholly-owned by tribes/TDHEs, or subrecipients of tribes/TDHEs. There would also be a preference for projects being developed in Indian areas as defined by NAHASDA. This amendment should assist in moving tribal applications forward in states, like California, that do not have a good track record of awarding LITHC to Indian tribes.
- **Indian Community Development Block Grant Eligibility for TDHEs:** TDHEs would be defined as Community-Based Development Organizations eligible to apply directly for ICDBG funding. KTHA supports this attempt to facilitate ICDBG funding to TDHEs.
- **Cherokee Nation funding:** The restriction on the Cherokee Nation receiving IHBG funds, which was tied to resolution of the "Cherokee Freedmen" issue, would be removed.
- **Native Hawaiian NAHASDA:** The title providing for a Native Hawaiian housing program would be restored.

- **Matching or Cost Participation:** IHBG funds would qualify to be used as matching or cost participation funds for projects where other federal or non-federal funding is conditioned on having matching or cost participation funds included.

Important Self-Determination Proposals Not Included in S. 1352

There are a number of important self-determination proposals that have been proposed by Indian country, by which are not included in S. 1352. We hope that you will consider these as you markup S. 1352. These proposals include:

- **30% maximum rental payment requirement.** The Senate Bill does not contain any language eliminating or modifying the 30% rule.
- **Exclusions from adjusted income.** S. 1352 does not contain authorization for tribes/TDHEs to adopt exclusions from adjusted income (which is the basis for determining income eligibility) through policy rather than through Indian Housing Plans, which require HUD approval.
- **Timelines for HUD to act and “deemed approved” provisions.** The NAIHC bill included timelines for HUD to act with regard to certain waiver or approval requests, and provided that request is “deemed approved” if HUD fails to act within timeline. None of those provisions were included in S. 1352.
- **HUD Section 3 requirements.** The NAIHC bill proposed excluding applicability of HUD Section 3 requirements (to hire low-income persons in the community for construction and development of projects) where tribe has adopted tribal preference in employment and contracting standards of its own. This provision was not included in S. 1352.
- **Reserve Accounts.** S. 1352 does not include the NAIHC-proposed language that would expand the purposes for which reserve accounts can be used beyond just administration and planning.
- **Adding “maintaining units” to definition of affordable housing activities.** S. 1352 does not include the NAIHC-proposed language that would add “maintaining” dwelling units to the list of affordable housing activities authorized under NAHASDA.
- **Insurance requirements.** S. 1352 does not include the NAIHC-proposed language that would limit the tribe/TDHE insurance requirements and maintenance policy requirements to those units owned or managed by the tribe/TDHE (excluding from this requirement homes that are only “assisted” with NAHASDA funds).

- **Binding commitments.** S. 1352 does not include the NAIHC-proposed language that would require the form of “binding commitment” necessary for useful life to be developed by negotiated rulemaking rather than – as in current language – complete discretion of HUD.
- **LOCCS edits.** S. 1352 does not include the NAIHC-proposed language that would require that HUD give notice and opportunity for a hearing before imposing a “LOCCS edit” on a recipient’s funds.
- **Statute of Limitations on enforcement actions:** S. 1352 does not include the NAIHC-proposed language that would impose a three year statute of limitations on HUD enforcement actions.
- **Recaptured funds.** S. 1352 does not include the NAIHC-proposed language that would require that any IHBG funds recaptured by HUD in an enforcement action be redistributed to the other tribes/TDHEs, rather than simply going back to the Treasury general fund, or that would prohibit HUD from recapturing funds for any reason if the funds have already been expended on affordable housing activities.
- **Training and Technical Assistance funding.** S. 1352 does not include the NAIHC-proposed language that would require that any training or technical assistance funds that are not distributed to a regional entity go to NAIHC.

Conclusion

NAHASDA represents great progress toward the goal of self-determination and has provided tribes and TDHEs with important tools for meeting the vast housing needs in Indian Country. However, the S. 1352 amendments to NAHASDA are needed to increase flexibility and efficiencies in ways that will enable tribes and TDHEs to do even more in this arena. The need is there in Indian Country and we look forward to working with the Committee on the best ways to address it.

For further information contact:

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113TH CONGRESS
1ST SESSION

S. 1352

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2013

Ms. CANTWELL (for herself, Mr. BARRASSO, Mr. JOHNSON of South Dakota, Mr. TESTER, Mr. UDALL of New Mexico, Mr. FRANKEN, Mr. BEGICH, Ms. HEITKAMP, Ms. HIRONO, and Mr. SCHLATZ) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES.**

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “Native American Housing Assistance and Self-Deter-
7 mination Reauthorization Act of 2013”.

8 (b) **TABLE OF CONTENTS.**—The table of contents for
9 this Act is as follows:

Sec. 1. Short title; table of contents; references.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Treatment of program income and labor standards.

Sec. 102. Environmental review.

Sec. 103. Authorization of appropriations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. Low-income requirement and income targeting.

Sec. 202. Lease requirements and tenant selection.

Sec. 203. Self-determined housing activities for tribal communities.

Sec. 204. Total development cost maximum project cost.

TITLE III—COMPLIANCE, AUDITS, AND REPORTS

Sec. 301. Reports to Congress.

TITLE IV—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

Sec. 401. Demonstration of rental assistance for homeless or at-risk Indian veterans.

Sec. 402. 50-year leasehold interest in trust or restricted lands for housing purposes.

Sec. 403. Training and technical assistance.

Sec. 404. Preferences for projects in Indian areas.

TITLE V—MISCELLANEOUS

Sec. 501. Community-based organizations and tribally designated housing entities.

Sec. 502. Elimination of limitation on use for Cherokee Nation.

Sec. 503. Reauthorization of Native Hawaiian Homeownership Act.

Sec. 504. Matching or cost-participation requirement.

1 (c) REFERENCES.—Except as otherwise expressly
 2 provided, wherever in this Act an amendment or repeal
 3 is expressed in terms of an amendment to, or repeal of,
 4 a section or other provision, the reference shall be consid-
 5 ered to be made to a section or other provision of the Na-
 6 tive American Housing Assistance and Self-Determination
 7 Act of 1996 (25 U.S.C. 4101 et seq.).

1 **TITLE I—BLOCK GRANTS AND**
2 **GRANT REQUIREMENTS**

3 **SEC. 101. TREATMENT OF PROGRAM INCOME AND LABOR**
4 **STANDARDS.**

5 Section 104 (25 U.S.C. 4114) is amended—

6 (1) in subsection (a), by striking paragraph (1)
7 and inserting the following:

8 “(1) **AUTHORITY TO RETAIN.**—

9 “(A) **IN GENERAL.**—Notwithstanding any
10 other provision of this Act, a recipient may re-
11 tain any program income that is realized from
12 any grant amounts under this Act if—

13 “(i) the income was realized after the
14 initial disbursement of the grant amounts
15 received by the recipient; and

16 “(ii) the recipient has agreed that the
17 recipient will utilize the income for housing
18 related activities in accordance with this
19 Act.

20 “(B) **REQUIREMENTS.**—Any income that is
21 realized by a recipient from program income
22 shall—

23 “(i) be considered nonprogram in-
24 come; and

1 “(ii) have no restrictions on use.”;

2 and

3 (2) in subsection (b), by striking paragraph (3)

4 and inserting the following:

5 “(3) APPLICATION OF TRIBAL LAWS.—

6 “(A) IN GENERAL.—Paragraph (1) shall
7 not apply to any contract or agreement for as-
8 sistance, sale, or lease pursuant to this Act, if
9 that contract or agreement is otherwise covered
10 by 1 or more laws or regulations adopted by an
11 Indian tribe that requires the payment of not
12 less than prevailing wages, as determined by
13 the Indian tribe.

14 “(B) WAGES.—The prevailing wages de-
15 scribed in subparagraph (A) shall apply to the
16 administration of all Federal funding for
17 projects funded in part by funds authorized
18 under this Act.”.

19 **SEC. 102. ENVIRONMENTAL REVIEW.**

20 Section 105 (25 U.S.C. 4115) is amended by striking
21 subsection (d) and inserting the following:

22 “(d) ENVIRONMENTAL COMPLIANCE.—Notwith-
23 standing any other provision of law or use of any other
24 source of funding for the project, compliance with the en-
25 vironmental review requirements of this section shall sat-

1 isfy any other applicable environmental review require-
 2 ment under any other Federal law (including regulations)
 3 required to be carried out by any agency involved in the
 4 project.”.

5 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 108 (25 U.S.C. 4117) is amended by striking
 7 “2009 through 2013” and inserting “2013 through
 8 2018”.

9 **TITLE II—AFFORDABLE**
 10 **HOUSING ACTIVITIES**

11 **SEC. 201. LOW-INCOME REQUIREMENT AND INCOME TAR-**
 12 **GETING.**

13 Section 205 (25 U.S.C. 4135) is amended by striking
 14 subsection (c) and inserting the following:

15 “(c) APPLICABILITY.—

16 “(1) IN GENERAL.—The provisions of sub-
 17 section (a)(2) regarding binding commitments for
 18 the remaining useful life of property shall not apply
 19 to—

20 “(A) a family or household member who
 21 subsequently takes ownership of a homeown-
 22 ship unit; or

23 “(B) any improvement to a privately
 24 owned homeownership unit if the aggregate
 25 value of the improvement for the 5-year period

delete

delete

1 following completion of the improvement is less
2 than \$10,000.

3 “(d) PURCHASE.—In the case of rental housing that
4 is made available to a current rental tenant for conversion
5 to a homebuyer or lease-purchase unit, the current rental
6 tenant may purchase through a contract to purchase,
7 lease-purchase agreement, or any other sales agreement
8 if the unit is made available for occupancy by a family
9 that is a low-income family at the time of initial occu-
10 pancy.”.

11 **SEC. 202. LEASE REQUIREMENTS AND TENANT SELECTION.**

12 Section 207 (25 U.S.C. 4137) is amended by adding
13 at the end the following:

14 “(c) NOTICE OF TERMINATION.—The notice period
15 described in subsection (a)(3) shall apply to projects and
16 programs funded in part by amounts authorized under
17 this Act.”.

18 **SEC. 203. SELF-DETERMINED HOUSING ACTIVITIES FOR**
19 **TRIBAL COMMUNITIES.**

20 Subtitle B of title II (25 U.S.C. 4145 et seq.) is re-
21 pealed.

22 **SEC. 204. TOTAL DEVELOPMENT COST MAXIMUM PROJECT**
23 **COST.**

24 Affordable housing (as defined in section 4 of the Na-
25 tive American Housing Assistance and Self-Determination

1 Act of 1996 (25 U.S.C. 4103)) that is developed, acquired,
2 or assisted under the block grant program established
3 under section 101 of the Native American Housing Assist-
4 ance and Self-Determination Act of 1996 (25 U.S.C.
5 4111) shall not exceed by more than 20 percent, without
6 prior approval of the Secretary of Housing and Urban De-
7 velopment, the total development cost maximum cost for
8 all housing assisted under an affordable housing activity,
9 including development and model activities.

10 **TITLE III—COMPLIANCE,**
11 **AUDITS, AND REPORTS**

12 **SEC. 301. REPORTS TO CONGRESS.**

13 Section 407 (25 U.S.C. 4167) is amended—

14 (1) in subsection (a), by striking “Congress”
15 and inserting “Committee on Indian Affairs and the
16 Committee on Banking, Housing and Urban Affairs
17 of the Senate and the Committee on Financial Serv-
18 ices of the House of Representatives”; and

19 (2) by adding at the end the following:

20 “(c) **PUBLIC AVAILABILITY.**—The report described in
21 subsection (a) shall be made publicly available, including
22 to recipients.”.

1 **TITLE IV—OTHER HOUSING AS-**
 2 **SISTANCE FOR NATIVE AMER-**
 3 **ICANS**

4 **SEC. 401. DEMONSTRATION OF RENTAL ASSISTANCE FOR**
 5 **HOMELESS OR AT-RISK INDIAN VETERANS.**

6 Section 8(o)(19) of the United States Housing Act
 7 of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding
 8 at the end the following:

9 “(D) INDIAN VETERANS HOUSING RENTAL
 10 ASSISTANCE DEMONSTRATION PROGRAM.—

11 “(i) DEFINITIONS.—In this subpara-
 12 graph:

13 “(I) INDIAN.—The term ‘Indian’
 14 has the meaning given the term in
 15 section 4 of the Indian Self-Deter-
 16 mination and Education Assistance
 17 Act (25 U.S.C. 450b).

18 “(II) INDIAN LANDS.—The term
 19 ‘Indian lands’ has the meaning given
 20 the term in section 3 of the Native
 21 American Business Development,
 22 Trade Promotion, and Tourism Act of
 23 2000 (25 U.S.C. 4302).

24 “(III) TRIBAL ORGANIZATION.—
 25 The term ‘tribal organization’ has the

1 meaning given the term in section 4
2 of the Indian Self-Determination and
3 Education Assistance Act (25 U.S.C.
4 450b).

5 “(ii) AUTHORIZATION OF PROGRAM.—
6 The Secretary may use not more than 5
7 percent of the amounts made available for
8 rental assistance under this subsection to
9 carry out a rental assistance and sup-
10 portive housing program, in conjunction
11 with the Secretary of Veterans Affairs, for
12 the benefit of Indian veterans who are
13 homeless or at-risk of homelessness and
14 who are residing on or near Indian lands.

15 “(iii) MODEL.—The program de-
16 scribed in clause (ii) shall be modeled on
17 the rental assistance and supportive hous-
18 ing program authorized under this section
19 and applicable appropriations Acts, includ-
20 ing administration in conjunction with the
21 Secretary of Veterans Affairs, except that
22 the Secretary may make necessary and ap-
23 propriate modifications to facilitate the use
24 of the program by Indian grant recipients
25 to serve eligible Indian veterans.

1 “(iv) ELIGIBLE RECIPIENTS.—Rental
2 assistance under clause (ii) shall be made
3 available to recipients eligible to receive
4 grants under section 101 of the Native
5 American Housing Assistance and Self-De-
6 termination Act of 1996 (25 U.S.C. 4111).

7 “(v) FUNDING CRITERIA.—Rental as-
8 sistance under clause (ii) shall be awarded
9 based on—

10 “(I) need;

11 “(II) administrative capacity; and

12 “(III) any other funding criteria
13 established by the Secretary in a no-
14 tice published in the Federal Register
15 after consulting with the Secretary of
16 Veterans Affairs.

17 “(vi) ADMINISTRATION.—Rental as-
18 sistance made available under clause (ii)
19 shall be administered in accordance with
20 the Native American Housing Assistance
21 and Self-Determination Act of 1996 (25
22 U.S.C. 4101 et seq.), except that grantees
23 shall—

24 “(I) submit to the Secretary, in a
25 manner prescribed by the Secretary,

1 reports on the use of rental assistance
2 provided under the demonstration pro-
3 gram; and

4 “(II) provide to the Secretary in-
5 formation specified by the Secretary
6 to assess the effectiveness of the dem-
7 onstration program in serving eligible
8 veterans.

9 “(vii) CONSULTATION.—The Sec-
10 retary, in coordination with the Secretary
11 of Veterans Affairs, shall consult with re-
12 cipients of grants under section 101 of the
13 Native American Housing Assistance and
14 Self-Determination Act of 1996 (25 U.S.C.
15 4111) and any other appropriate tribal or-
16 ganization on the design of the demonstra-
17 tion program to ensure the effective deliv-
18 ery of rental assistance and supportive
19 services to persons eligible to receive as-
20 sistance under this subparagraph.

21 “(viii) WAIVER.—

22 “(I) IN GENERAL.—Except as
23 provided in subclause (II), the Sec-
24 retary may waive or specify alter-
25 native requirements for any provision

1 of law (including regulations) that the
2 Secretary administers in connection
3 with the use of rental assistance made
4 available under this subparagraph if
5 the Secretary finds that the waiver or
6 alternative requirement is necessary
7 for the effective delivery and adminis-
8 tration of rental assistance made
9 available under this subparagraph to
10 Indian veterans.

11 “(II) EXCEPTION.—The Sec-
12 retary shall not waive or specify alter-
13 native requirements under subclause
14 (I) for any provision of law (including
15 regulations) relating to labor stand-
16 ards or the environment.”.

17 **SEC. 402. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RE-**
18 **STRICTED LANDS FOR HOUSING PURPOSES.**

19 Section 702(c)(1) (25 U.S.C. 4211(c)(1)) is amended
20 by inserting “(in effect before, on, or after the date of
21 enactment of this section)” after “law”.

22 **SEC. 403. TRAINING AND TECHNICAL ASSISTANCE.**

23 Section 703 (25 U.S.C. 4212) is amended by striking
24 “of fiscal years 2009 through 2013” and inserting “fiscal

1 year for which funds are appropriated under section
2 108.”.

3 **SEC. 404. PREFERENCES FOR PROJECTS IN INDIAN AREAS.**

4 (a) IN GENERAL.—Section 42(m)(1) of the Internal
5 Revenue Code of 1986 is amended—

6 (1) in subparagraph (B)(ii)—

7 (A) in subclause (II), by striking “and”;

8 and

9 (B) by adding at the end the following:

10 “(IV) projects which are located
11 in an Indian area (as defined in sec-
12 tion 4(11) of the Native American
13 Housing Assistance and Self-Deter-
14 mination Act of 1996 (25 U.S.C.
15 4103(11))) and for which the entity
16 applying to receive credit is—

17 “(aa) an Indian tribe or a
18 tribally designated housing entity
19 (as defined in section 4 of the
20 Native American Housing Assist-
21 ance and Self-Determination Act
22 of 1996 (25 U.S.C. 4103),

23 “(bb) wholly owned or con-
24 trolled by an Indian tribe or trib-
25 ally designated housing entity (as

1 defined in section 4 of the Native
2 American Housing Assistance
3 and Self-Determination Act of
4 1996 (25 U.S.C. 4103)), or

5 “(cc) a subrecipient of fund-
6 ing under the Native American
7 Housing Assistance and Self-De-
8 termination Act of 1996 (25
9 U.S.C. 4101 et seq.) with regard
10 to the project for which credits
11 would be awarded, and”;

12 (2) in subparagraph (C)—

13 (A) in clause (vi), by inserting “and In-
14 dian” after “public”;

15 (B) by redesignating clauses (ix) and (x)
16 as clauses (x) and (xi), respectively; and

17 (C) by inserting after clause (viii) the fol-
18 lowing:

19 “(ix) projects described in subpara-
20 graph (B)(ii)(IV),”; and

21 (3) by adding at the end the following:

22 “(E) PREFERENCE FOR PROJECTS IN IN-
23 DIAN AREAS.—In addition to the preference
24 provided to projects described in subparagraph
25 (B)(ii)(IV), for purposes of evaluating such

1 projects pursuant to a competitive application
2 process for allocation of housing credit dollar
3 amounts, a housing credit agency—

4 “(i) for purposes of any numerical
5 evaluation process employed by the agency,
6 shall increase the cumulative points or
7 score for such project by not less than 10
8 percent of the total points or credits avail-
9 able to any project, and

10 “(ii) shall not consider the lack of
11 proximity of such project to population
12 centers, public transportation systems, or
13 publicly available amenities.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to housing credit dollar amounts
16 allocated by a housing credit agency after December 31,
17 2013.

18 **TITLE V—MISCELLANEOUS**

19 **SEC. 501. COMMUNITY-BASED ORGANIZATIONS AND TRIB-** 20 **ALLY DESIGNATED HOUSING ENTITIES.**

21 Title VII (Public Law 104–330; 110 Stat. 4048) is
22 amended by adding at the end the following:

1 **“SEC. 706. COMMUNITY-BASED DEVELOPMENT ORGANIZA-**
2 **TION.**

*Need alt.
lang. for
Housing
Depts*

3 “A tribally designated housing entity shall qualify as
4 a community-based development organization for purposes
5 of the Indian Community Development Block Grant pro-
6 gram authorized under section 106(a) of the Housing and
7 Community Development Act of 1974 (42 U.S.C.
8 5306(a)).”.

9 **SEC. 502. ELIMINATION OF LIMITATION ON USE FOR CHER-**
10 **OKEE NATION.**

11 Section 801 of the Native American Housing Assist-
12 ance and Self-Determination Reauthorization Act of 2008
13 (Public Law 110–411; 122 Stat. 4334) is repealed.

14 **SEC. 503. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-**
15 **OWNERSHIP ACT.**

16 Section 824 (25 U.S.C. 4243) is amended by striking
17 “2001, 2002, 2003, 2004, and 2005,” and inserting
18 “2014, 2015, 2016, 2017, and 2018”.

19 **SEC. 504. MATCHING OR COST-PARTICIPATION REQUIRE-**
20 **MENT.**

21 All funds provided under a grant made pursuant to
22 this Act or the amendments made by this Act may be used
23 for purposes of meeting matching or cost participation re-
24 quirements under any other Federal or non-Federal pro-
25 gram.

○