

ROUND VALLEY INDIAN TRIBES
A Sovereign Nation of Confederated Tribes

TRIBAL COUNCIL OFFICE
POST OFFICE BOX 448
COVELO, CALIFORNIA 95428
PHONE: 707-983-6126
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LOCATION: ON STATE HWY 162
ONE MILE NORTH OF COVELO
IN ROUND VALLEY
TRIBAL TERRITORY SINCE TIME BEGAN

ROUND VALLEY RESERVATION ESTABLISHED 1856

RESOLUTION NO. RV-2008-05

**A RESOLUTION APPROVING THE BURN PERMIT SYSTEM AND
RESOURCE CODES FOR THE ROUND VALLEY INDIAN RESERVATION**

WHEREAS, the Round Valley Indian Tribes is the sovereign Tribal Nation of the Indian Tribes of the Round Valley Indian Reservation, and

WHEREAS, the Round Valley Tribal Council is recognized by the Federal Government of the United States of America as the governing body for the Indians of the Reservation, and

WHEREAS, Article V, Section 1 of the Constitution of the Round Valley Indian Tribes authorizes the Round Valley Tribal Council to administer all Tribal Business, and

WHEREAS, after due consideration the Round Valley Tribal Council has determined it would be in the best interest of the Round Valley Indian Tribe to adopt the Burn Permit form and Tribal Fire Resource Codes for the Round Valley Indian Reservation, and

WHEREAS, the Round Valley Tribal Council approves the Burn Permit Form and Tribal Fire Resource Codes as requirement element of the Round Valley Fire Prevention Plan for the Round Valley Indian Reservation, and

WHEREAS, the Round Valley Tribal Council approves the Burn Permit Form and Tribal Fire Resource Codes for the purpose of carrying out the duties of the tribal fire prevention technician.

NOW THEREFORE BE IT RESOLVED, that the Round Valley Tribal Council hereby approves and adopts the Burn Permit Form and Tribal Fire Resource Codes Dated January 22, 2008 between the Bureau of Indian Affairs Pacific Region Office and the Round Valley Indian Tribes.

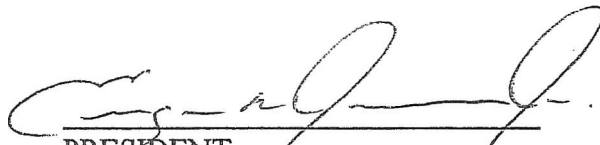
BE IT FURTHER RESOLVED, that the President of the Round Valley Tribal Council, and/or Vice-President in the absence of the President is hereby authorized to execute said resolution approving and adopting the Burn Permit Form and Tribal Fire Resource Code for the Round Valley Indian Reservation.

CERTIFICATION

I, the undersigned, as President of the Round Valley Indian Tribes do hereby certify that this resolution was adopted at a duly called and duly noticed Special Meeting of the Round Valley Tribal Council at which 5 members were present, constituting a quorum, held on the 22nd day of January, 2008; and that this resolution was adopted by a vote of:

For	<u>5</u>
Against	<u>0</u>
Abstaining	<u>0</u>

and that said resolution has not been rescinded or amended in any way.



PRESIDENT

ATTEST: Alberta J. Ogluef

DATE: Jan 30, 2008



Round Valley Indian Tribes
P.O. Box 448
Covelo, CA 95428
(707) 983-8341

Permit #

BURN PERMIT

THIS PERMIT IS VALID FROM ____ / ____ / ____ TO ____ / ____ / ____
ISSUED BY : _____ DATE: _____

PROPERTY OWNER'S FULL NAME: _____ PHONE: _____
ADDRESS (INCLUDING CITY, STATE, ZIP): _____
NAME OF PERSON DESIGNATED TO ATTEND FIRE (IF DIFFERENT FROM PERMITTEE): _____

Type of burn permit (circle one): campfire traditional debris agriculture
Township: _____ Range: _____ Section: _____ Lat: _____ Long: _____
Location _____
Means of suppression provided: _____

Signature of Permittee: _____ Date: _____

I accept this burn permit and agree to comply with the foregoing conditions

BURNING REGULATIONS

- (1) Fire breaks 10 feet wide shall be provided along adjoining property and around all exposures, i.e. fences, telephone poles, power poles, etc.
- (2) Adequate means for suppressing the fire shall be provided by the Permittee.
- (3) Burning shall be done only during the time specified in the burning permit. (Set times when fire should be completely extinguished discuss with TC)
- (4) Do not burn when weather conditions (particularly wind) are such that burning is not safe.
- (5) **Adequate adult supervision shall be provided at all times during the burning operation.**
- (6) Total extinguishment of fire shall be the responsibility of the Permittee. Burning must be terminated at 1500 hrs. (3pm) and any smoldering areas extinguished prior to 1700 hrs (5pm). (discussion with TC)
- (7) The Permittee shall be responsible for any damages caused by or which are the result of the burning operation.
- (8) Burn Permit shall be available at burn site during burning operation.
- (9) This permit is subject to CANCELLATION, at any time by Tribal Council or designated representative. (discussion with TC)



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Burn Permit Requirements

This permit allows you to conduct the following types of residential debris burns:

- Burn debris in dooryard incinerator.
- Burn debris in small heaps and piles (not to exceed 4 ft in diameter.)

Debris:

Means the burning of paper, cardboard, brush, tree trimmings, leaves or vegetation materials.

Prohibited materials include:

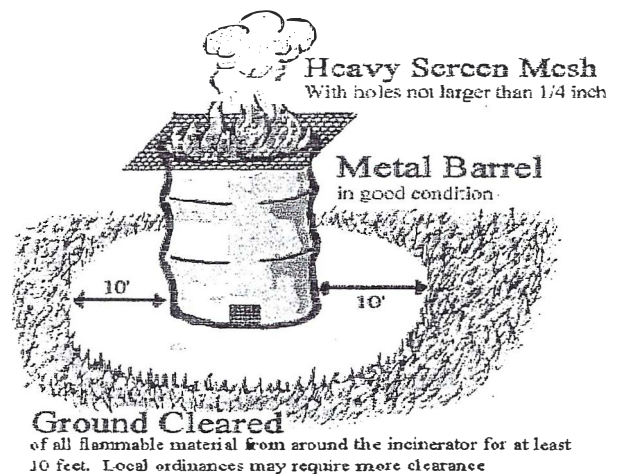
Tires, asphalt shingles, tar paper, cloth, upholstery, plastics, linoleum, diapers, carpeting, demolition debris, construction debris, business trash, or other smoke producing materials.

This permit is for the burning of:

Dooryard trash and vegetation from within or around a **RESIDENCE**. In addition, a water supply must be available for immediate use by the person conducting the debris burn. The water supply must be of **SUFFICIENT CAPACITY** and **VOLUME** to extinguish the fire **AT ANY TIME**. This usually means the use of a garden hose or backpack pump, **and a shovel**.

Shown is a barrel type incinerator, illustrating a minimum fire safe requirements. These minimum requirements apply to all types of incinerators.

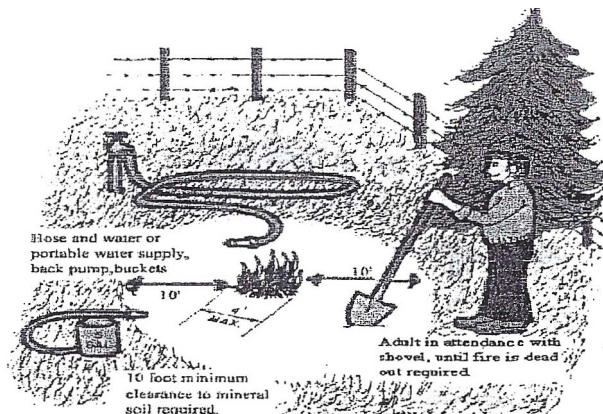
- Area within 10 feet of incinerator is maintained free and clear of all flammable material and vegetation.
- All openings shall be screened with nonflammable material with holes no larger than $\frac{1}{4}$ inch.
- Attended at all times by a responsible adult person until fire is dead out.
- Do not burn when weather conditions (particularly wind) are such that burning is not safe.
- Incinerator shall be constructed of metal and in good condition.



The department's authorized employees, or any warden, or ranger may refuse, revoke, or postpone the use of permits to burn when necessary for the safety of adjacent property or when necessary in their judgment, to prevent air pollution as provided in the rules set forth by the department.(discussion with TC utilize prevention or forestry personnel to refuse or revoke permits)

Shown is burning in a small pile, illustrating a minimum fire safe requirements. These minimum requirements apply to all piles you burn.

- Maximum pile size is 4 feet in diameter.
- Area within 10 feet of the outer edge of pile shall be maintained clear of all flammable material and vegetation.
- Adult in attendance with shovel until fire is dead out.
- Water supply at burning site.
- No burning shall be undertaken unless weather conditions (particularly wind) are such that burning can be considered safe.



Round Valley Indian Reservation

Standard Operating Procedures

I) Purpose

- A) The purpose of this Standard Operating Procedure is to define the roles and responsibilities, procedural protocol, communication procedures between the BIA Office of Law Enforcement (OLEs) (insert MOU contact Tribal Law Enforcement) and BIA Branch of Wildland Fire Management (Fire) when responding to wildland fire incidents suppression and/or investigation as required by the National Memorandum of Understanding between OLES and Fire.

II) General

- A) General Policies which apply to both parties

- 1) All persons operating under this document will follow all applicable Federal Laws, Code of Federal Regulations (CFR)'s, Department Manual (DM)'s, Indian Affairs Manual (IAM)'s, Directives, and other procedural Policies including handbooks and operational guides ("Blue Book") pertaining to wildland fire prevention and investigation.
- 2) All wildland fires will be treated as a crime scene until otherwise determined.
- 3) All wildland fires will be investigated to determine the origin and cause.
- 4) All first responders and Initial Attack Incident Commanders will complete FI-110 (formerly P-130), Wildland Fire Cause Determination for First Responders, as a minimum.
- 5) Appropriate Personal Protective Equipment will be worn at all times.
- 6) All persons responding to wildland fire incidents will meet the minimum physical fitness requirements for applicable position on incident.
- 7) A communication plan will be developed and maintained on an annual basis. A list of all active participants, by location, will be attached to this document.
- 8) This document will be reviewed by both parties annually and revised as appropriate.

B) General Program Management

1) FIRE

- (i) Ensures policy and procedures for wildland fire investigations established in the Agency wildland fire prevention plan (WFPP). If WFPP does not exist, industry standard will be used.
- (ii) Maintains WeTIP program in areas when arson caused fires persist.
- (iii) Provides copies of all information received from WE TIP program to BIA and/or Tribal Law Enforcement Special Agent in Charge.
- (iv) Provides BIA/Tribal Law Enforcement personnel, on designated contact list, with personal protective equipment relative to the individual's wildland fire qualifications.
- (v) Secures Severity funding for law enforcement activity and initiatives in project periods of extreme fire danger.
- (vi) Provide OLES with any necessary fire information that is normally prepared and maintained by the Agency and/or Tribe.

- (vii) Provide OLES District and Round Valley Indian Tribes personnel with monthly fire statistical updates.

2) OLES

- (i) Assists in the development, updating and maintenance of the Round Valley Tribes arson prevention and mobilization plans.
- (ii) Provides local Tribal fire trespass ordinance and codes for implementation.
- (iii) Provides feedback to the Tribe as to the usefulness of the WeTIP program.
- (iv) Develops Arson Task Force Strategic Plan, with assistance from the BIA and Round Valley Natural Resource Department.
- (v) Facilitates communication to Special Agent in Charge, Regional Director, Tribal Government or Legal Official and appropriate FIRE contact.

III) Wildland Fire Operations

A) BIA/Tribal Wildland Fire Management Offices

- 1) Establishes Incident Command System structure at incident.
- 2) Requests Tribal Law Enforcement assistance when necessary.
- 3) Incident Commander determines level of wildland fire investigation needed.
- 4) Takes appropriate suppression action on wildland fire and protects the point of origin for investigative purposes.
- 5) Requests qualified Wildland Fire Investigator (FINV) if not already on scene.
- 6) Prepares and maintains all wildland fire reports.
- 7) Conducts wildland fire investigation, collects and secures evidence, prepares report of findings, and submits to designated Tribal Law Enforcement contact.
- 8) Secure the specific origin of the fire and conduct the wildfire origin and cause investigation.
- 9) Report all suspected arson incidents to the appropriate BIA/Tribal Law Enforcement.
- 10) Provide Tribal Law Enforcement with any necessary fire information that is normally prepared and maintained by the BIA and Tribes.
- 11) Approve all time associated with suspected arson investigation and apprehension of suspect that is not covered under BIA Law Enforcement normal funding for such activities. All personnel time associated with the investigation and/or apprehension will be documented on SF- 261 (Crew Time Reports) and approved by BIA and Tribal Natural Resources Officer or his/her designated representative as listed in this document.
- 12) Provide funding codes for all time associated with the wildland fire investigation and apprehension of suspect that is not covered under BIA Law Enforcement normal funding for such activities.
- 13) Secure Severity funding for law enforcement activities in projected periods of extreme fire danger.
- 14) Provide BIA/Tribal Law Enforcement personnel with personal protective equipment relative to the fire situation.

Provide BIA/ Tribal Law Enforcement with arson investigation kits.

- 16) Provide personnel, if available and necessary, to assist in suspected arson investigation.
- 17) Provide appropriate training opportunities.
- 18) Track Law Enforcement wildland fire qualifications in Shared Applications Computer System- Incident Qualification and Certification System (IQCS).
- 19) Provide Law Enforcement personnel with Incident Qualifications Card (Red Card) if applicable.
- 20) Provide training opportunities for Law Enforcement personnel regarding wildland fire investigation, fire behavior and incident command system as funding allows. This includes any travel expenses that might be incurred. Travel will be approved ONLY when written request to participate in training is provided and approved by BIA Wildland Fire Management Representative. An appropriate Travel Authorization is required before travel expenses will be considered for reimbursement.
- 21) Follow the policy and procedures for wildland fire investigations established in the Round Valley Wildland Fire Prevention Plan.
- 22) Annually reviews the Standard Operational Procedures/Operational Guidelines at the Regional and Tribal level. These guidelines will include appropriate contact information for specific areas.
- 23) Provide media coordinator to Tribal Law Enforcement, if needed.

B) BIA/Tribal Law Enforcement

- 1) Identify personnel which will participate in suspected arson investigations.
- 2) Respond to suspected arson incidents as identified in the regional response requested by BIA/Tribal Wildland Fire Management Representatives.
- 3) Act as the case coordinator for all formal fire investigations.
- 4) Conduct suspected arson investigations in concert with appropriate Tribal or BIA wildland fire representative .
- 5) Provide BIA Fire Management with progress reports on active suspected arson.
- 6) Prepare prosecutive reports and maintain files.
- 7) Facilitate the storage of all evidence collected.
- 8) Coordinate suspected arson investigation task force.
- 9) Actively participate in fire Incident Command System (ICS).

IV) Training Standards

A) BIA/Tribal Wildland Fire Management Offices

- 1) Define required training
- 2) Encourage training opportunities – i.e. fire courses and create Individual Development Plan (IDP)

B) BIA/Tribal Law Enforcement

- 1) Define required training
- 2) Encourage training opportunities

V) Fitness Standards

A) BIA/Tribal Wildland Fire Management Offices

- 1) Reference policy and the pack test
- 2) List requirements for fire positions i.e. FINV, Fire Prevention Technician

B) BIA/Tribal Law Enforcement

- 1) Reference policy (follow BIA Wildland Fire Fitness Standards)
- 2) List applicable requirements (insert when needed)

VI) Communication Plan

- A) Define any policy requirements that would prohibit fire on Tribal Law Enforcement Frequencies.
- B) List of active participants by location with contact numbers. (insert)
- C) Incident Communication Plan
 - 1) List Frequencies which fire operations work with.
 - 2) List Frequencies which Tribal Law Enforcement works with
 - 3) May use ICS form 205 (Jim will provide a copy of this form)

Standard Operating Procedures (SOP) for Wildfire Investigation with Law Enforcement concerning Wildfires occurring within the boundaries of the Round Valley Indian Reservation

1. Initial Attack
 - a. Determine if the fire was ignited by natural means or is human caused. (accomplished by the Initial Attack Commander (IC))
 - b. Protect the fire origin (accomplished by the IC and all initial responding units)
 - c. If there is a suspicion that the fire is human caused order a Wildland Fire Investigator (FINV) (accomplished by the IC)
2. If human caused, determine if the fire is negligence or arson. (accomplished by the IC or Wildland FINV or local Fire Prevention Technician)
3. Negligence
 - a. If negligence determine the cause and consult with law enforcement (insert name of local law enforcement and Round Valley Tribal Law Enforcement) concerning future action.
 - b. Future actions will be at the discretion of the local agencies (insert local agencies, Round Valley Indian Tribes (RVIT), Bureau of Indian Affairs (BIA) California Department of Forestry (CDF), U.S. Forest Service (USFS) and Covelo Fire Protection District (CFPD). Past history and compliance with the agency burn policy will be used in determining legal actions if any.
4. Arson
 - a. If possible contact Wildland FINV and law enforcement personnel to determine fire origin and cause. (Accomplished by the Round Valley Fire Management Officer FMO, Round Valley Natural Resource Officer, Round Valley Fire Prevention Technician).
 - b. Gather names of initial attack personnel concerning witness and fire history. (accomplished by the IC, Wildland FINV, and law enforcement personnel)
 - c. Wildland FINV, and if possible, have law enforcement personnel interview witness jointly.
 - d. All evidence gathered will be stored at an approved evidence storage site. If law enforcement personnel are not available evidence will be gathered by the Wildland FINV and transported to a secure storage site as soon as feasible.
 - e. Wildland FINV and law enforcement will prepare the Wildfire Investigation Report (WFIR) jointly. If law enforcement personnel are not available then the report will be prepared by the Wildland FINV.

The report needs to prepare as soon as feasible after the investigation is conducted.

- f. The WFIR will be presented to the proper authorities as soon as possible for a determination on what future action needs to be undertaken. This can be the BIA-Law Enforcement (Criminal Investigator (CI), US Attorney, Agency Superintendent, etc.
- g. If possible and the case is feasible the proper authorities will make every effort to prosecute the case.
- h. If the case comes to trial the Wildland FINV will be available as a consultant or a expert witness.
- 1. All notes and photographs will be protected and treated as future evidence.