

MEMORANDUM OF UNDERSTANDING

among the



**California Department of Forestry and Fire Protection,
California State Board of Forestry and Fire Protection,
California State Office of Historic Preservation**

and the

**Information Centers of the
California Historical Resources Information System**

(Revised on August 29, 2006 to include new CHRIS Fee Rates)

*ARCHAEOLOGICAL RECORDS CHECK PROCEDURES FOR PROJECTS
ADMINISTERED OR PERMITTED BY THE CALIFORNIA DEPARTMENT OF
FORESTRY AND FIRE PROTECTION*

Note: A complete copy of this Memorandum of Understanding is available in PDF format on the California Department of Forestry and Fire Protection (CDF) Archaeology Program Web Site at: <http://www.indiana.edu/%7Ee472/cdf/checks/MOU.pdf> and an electronic version in Microsoft Word format is available by submitting an email request to CDF Archaeology Program Manager Dan Foster at dan.foster@fire.ca.gov

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This Memorandum of Understanding (MOU) is entered into among the California Department of Forestry and Fire Protection (CDF), California State Board of Forestry and Fire Protection (Board), California State Office of Historic Preservation (OHP), and Information Centers (ICs) of the California Historical Resources Information System (CHRIS). It clarifies the role of CDF, the Board, OHP, and CHRIS ICs when archaeological records checks are conducted for Timber Harvesting Plans (THPs) and other types of CDF projects. It describes CDF's methods of reviewing projects, the transmittal of completed archaeological survey reports and site records to the CHRIS ICs, and the use of CDF staff archaeologists to oversee the work products completed by archaeologically trained resource professionals. The Signatories to this MOU are: CDF, Board, and OHP. The Concurring Parties to this MOU are: the twelve CHRIS ICs.

WITNESSETH:

WHEREAS, CDF and the Board are lead agencies in the approval of timber operations on nonfederal lands in California pursuant to the Forest Practice Act (Public Resources Code (PRC) Section 4511 et seq.); and

WHEREAS, the Secretary of Resources certified the Board's rulemaking process and the CDF's enforcement as functionally equivalent to the environmental review process in the California Environmental Quality Act (CEQA) (PRC 21080.5); and

WHEREAS, this functionally equivalent process has a more structured review process and more abbreviated timeframes for review and approval than are found in CEQA; and

WHEREAS, the Board, ensures identification of significant archaeological or historical sites located within Timber Harvesting Plans (THPs) and other types of commercial timber operations on nonfederal lands through regulations adopted under the authority of PRC Section 4551. These regulations require *Registered Professional Foresters (RPFs)* or their *supervised designees* to conduct current archaeological records checks as part of the review program to protect and manage these important resources; and

WHEREAS, the California State Legislature has instituted a program of registration for foresters to ensure professional conduct and standards pursuant to PRC Section 750 et seq. and this program is administered by the Board; and

WHEREAS, CDF is the lead agency responsibility pursuant to CEQA (PRC Section 21000 *et seq.*) for review and approval of THPs and other CDF projects permitted, funded, or administered by CDF; and

WHEREAS, California's State Executive Order W-26-92 and PRC 5020.7 direct state agencies, in consultation with the California State Historic Preservation Officer, to institute procedures that ensure state plans and programs contribute to the preservation and enhancement of significant non-state owned heritage resources; and

WHEREAS, CDF implements policies and procedures for the identification and protection of historical resources when planning CDF projects including but not limited to prescribed fire, forest improvement and management, fuel reduction treatments, reforestation, engineering, and other land management activities; and

WHEREAS, CDF has a responsibility for the protection of historical resources during suppression of wildland fires throughout California if such protection can be done safely without delaying or hindering emergency response operations. To accomplish this, CDF requires immediate access to information about the specific location and descriptions of known historical resources in areas likely to be affected by wildfires and associated suppression activities; and

WHEREAS, the OHP is mandated under PRC Section 5024.6(n) to maintain the State Historic Resources Inventory for planning and to maintain comprehensive records of historical resources pursuant to federal and state law; and

WHEREAS, California Government Code Section 6254.10 establishes that the records in the State Historical Resources Inventory relating to archaeological resources are exempt from disclosure requirements of the California Public Records Act (California Government Code Sections 6250-6270); and

WHEREAS, the OHP accomplishes maintenance of the State Historic Resources Inventory through the California Historical Resources Information System (CHRIS), comprised of units of the OHP and twelve CHRIS Information Centers (ICs) throughout California; and

WHEREAS, the OHP provides guidance to the ICs through the CHRIS Information Center Procedural Manual (IC Procedural Manual), which was developed in cooperation with the ICs and the State Historical Resources Commission (Commission) and adopted by the Commission at a noticed public meeting; and

WHEREAS, the IC Procedural Manual may be modified or replaced, and modification to or replacement of the Manual is subject to adoption by the Commission at a noticed public hearing; and

WHEREAS, the IC Procedural Manual requires ICs to restrict access to information concerning certain cultural resources in accordance with the Record Management and Access Policy set forth in the manual, and this policy is necessary to safeguard this information against misuse including but not limited to, vandalism, looting, non-scientific excavation, or relic-hunting; and

WHEREAS, the OHP recognizes that clarifications of access policy may be necessary for successful

implementation of unique governmental agency programs indicated in the IC Procedural Manual. That clarification states that access to CHRIS information pertaining to historical resources may also be directed by a Memorandum of Agreement/Understanding prepared by the government agency and OHP in consultation with the ICs; and

WHEREAS, CDF, the Board, OHP, and the ICs determined that access policy and specific records check procedures described in the IC Procedural Manual do not permit RPFs or supervised designees direct access to confidential historical resource information; and

WHEREAS, CDF, the Board, OHP, and the ICs determined that access policy to historical resources information specific to projects permitted or administered by CDF and the Board shall be promulgated in a Memorandum of Understanding. It shall outline conditions and stipulations necessary to achieve compliance with the policies adopted by the OHP and the Commission, regulations adopted by the Board, and records check policies implemented by CDF; and

WHEREAS, CDF, the Board, OHP, and CHRIS ICs executed a Memorandum of Agreement dated June 17, 1996, regarding records check procedures for CDF projects (hereafter called the 1996 MOA). The signatories to the 1996 MOA were consulted and determined that it shall be terminated and superseded by this MOU in order to address procedures for a wider range of CDF projects such as records checks for wildfires and to clarify CDF's instructions to the ICs concerning the content of records check replies and unique invoicing procedures;

NOW, THEREFORE, CDF, the Board, OHP, and the CHRIS ICs agree that records check procedures supporting THPs and other CDF projects covered by this MOU shall be implemented in accordance with the following stipulations.

STIPULATIONS

CDF, the Board, OHP, and the twelve CHRIS ICs hereby understand and agree to the following:

I. Definition of Acronyms and Terms

The acronyms and key terms used in this MOU, especially those which may be relevant to interpreting or implementing this MOU, are defined in Appendix I.

II. Records Check Request for a CDF Project

CDF, in consultation with OHP, the Board, and the CHRIS ICs, developed a form entitled *Archaeological Records Check Request for a CDF Project* provided as Appendix II. This form, or an equivalent to it, is used to initiate all records checks pursuant to this MOU. CDF may modify this form in the future, and may do so without consulting the other parties to this MOU. Changes shall be relatively minor in scope and shall not reduce the usefulness of the form to transmit requests consistent with the stipulations of this MOU.

The form may only be used by an individual meeting the qualifications specified in this MOU (Requestor). This form may only be used for CDF projects. The Requestor must either be an RPF, professional archaeologist, or an archaeologically trained resource professional (these terms are defined in Appendix

I) who is working under the direction of an RPF or a professional archaeologist. If the Requestor is not an RPF or a professional archaeologist, the name, address and phone number of the RPF or professional archaeologist responsible for the CDF records check must be included on the form, and that RPF or professional archaeologist shall be responsible to ensure the stipulations contained in this MOU are carried out.

The completed request form must be typed, legibly printed in ink, or prepared on a word processor. For all types of records check requests except for *Wildfire Records Check* the Requestor shall include a project map or maps. At least one of these must be a portion of an original, photocopy, or digitally-replicated version of a USGS 7.5 minute topographic quadrangle map at a scale of 1:24,000 with the project area clearly indicated. Requests for *Wildfire Records Check* may be submitted prior to the availability of any maps and may be initiated by providing a description of the legal location including Township, Range, Sections, and name of the 7.5' USGS quad map(s) involved.

The Requestor shall provide direction to the IC through the completion of this request form by choosing the timeframe option and indicating any archaeological or historical site information already known to the Requestor. This will avoid unnecessary time spent on the records check providing material already available to the Requestor. The Requestor shall also indicate if the project is one of three special types (Ownership-wide or 5-Year Update, Emergency Notice Timber Operation, or Wildfire or other Emergency Incident) to inform the IC regarding unique records check procedures for these types of projects.

III. CDF Records Checks Fee Schedule and Invoicing Procedure

The fee schedule for CDF records checks shall be the same as described in the latest adopted version of the IC Procedural Manual. ICs shall invoice private parties (such as an RPF or supervised designee preparing a THP) in the same manner used in non-CDF records checks. When the Requestor is CDF, the ICs shall submit an invoice to the CDF Requestor using an invoice format equivalent to the example provided in Appendix VIII. The invoice submitted to CDF shall be a bill that describes the purchase of confidential government records and maps.

The Requestor may request an estimate from the IC if fees are likely to exceed \$250 in total cost by indicating this preference on the *Archaeological Records Check Request for a CDF Project*. The timeframes for completing records checks indicated in Stipulation #V do not include the time spent estimating fees and making contact with the Requestor to obtain authorization to begin if that procedure was selected by the Requestor on the records check request form.

Payment for a CDF records check is due within sixty (60) calendar days of receipt of billing. Requestors who fail to pay for records checks within this timeframe, unless granted a time extension by the IC for special circumstances, may lose direct access privileges at all ICs. In such instances, the IC shall notify the Requestor in writing that access has been discontinued, and a copy of the letter shall also be sent to the CDF Archaeology Program Manager, who may assist in resolving the problems with payment delay.

IV. Records Check Procedures for CDF Projects

The CHRIS ICs shall complete records checks for CDF projects in the following manner:

- (1) Identify all known historical resources, archaeological and historical sites, features, and objects depicted on base maps maintained at the IC which are located within the CDF project or within 1/16 mile of its boundaries. These resource locations and their identifier will be plotted on the map or maps provided by the Requestor. At least one of these maps must be a 1:1 scale copy of the appropriate USGS topographic quadrangle with the project boundaries depicted.
- (2) Provide copies of resource records for those resources within or within 1/16 mile of the project area, unless the Requestor has indicated these records are already in the Requestor's possession.
- (3) Depict pertinent study locations and their identifiers on the same or duplicate copy of the Requestor's project map. The response letter shall provide additional information linked to the identifier including the author, date, and IC file number.
- (4) Check the Office of Historic Preservation's Historic Property Directory and the California Inventory of Historical Resources.
- (5) Check all additional ethnographic and historic-period information housed at the IC. Maps and other locational information shall be provided, as appropriate.
- (6) Provide a response letter which summarizes all records search results, gives a list of references consulted, and provides a sensitivity assessment that identifies areas within the CDF project boundaries which are most likely to contain resources and the reason(s) why.

The CHRIS ICs shall not include:

- (1) Any recommendations or advice to the Requestor on how to comply with legal, regulatory, or policy mandates or what specific actions need to take place. This direction shall be provided by CDF.
- (2) Any tactical strategies or suggested survey methods. These tactics and strategies are provided by CDF.

Special Types of CDF Projects Requiring Special Procedures

The three types of CDF projects requiring special procedures are Ownership-Wide Records Checks, Emergency Notice Timber Operations, and Wildfires or other emergency incidents. The records check procedures for these types of projects are specified below.

Ownership-Wide Records Check or 5-Year Update

This type of records check is used by CDF and certain private timber companies which possess and maintain in-house databases of archaeological and historical site locations on their ownerships. The Forest Practice Rules and CDF policy require that records checks for all forms of CDF projects are current within the past five years. This requires CDF and certain timber companies to obtain updated cultural resource data from the IC (e.g., check the basemaps being used with the official sets of basemaps at the IC to confirm that all known archaeological and historical sites are identified). The CDF or the timber company may utilize one of the following three options to complete an initial ownership-wide records check or a five-year update:

- (1) CDF or the timber company may request that the IC complete the initial records check or 5-year update. Depending upon the scope of work involved, this may require the execution of a contract.
- (2) CDF or the timber company may hire a professional archaeologist or use a professional archaeologist on staff to complete the records check through an in-house series of visits to the IC in accordance with the fees and procedures identified in the IC Procedural Manual.
- (3) CDF or the timber company may schedule an in-house records check to be conducted by a qualified Requestor working under the close supervision of IC staff. This option is intended to include the participation of representatives of CDF or the timber company who possess expertise and familiarity with the base maps and lands being checked. Such participation and assistance given to IC staff may improve efficiency enabling the work to be done more quickly. Requestors working under this option are not entitled to the full range of access normally available only to professional archaeologists and therefore will be working on the in-house search under the IC's supervision. The hourly rate for this option would include the in-house hourly rate for the entire time, and the \$120/hour rate for the time the IC staff is training the Requestor or directly working on the records check. The IC Coordinator or designee shall review the ownership maps prior to check-out to ensure the 1/16 mile rule and other procedures have been followed.

The CHRIS ICs, professional archaeologists, or Requestors working on ownership-wide records checks or 5-year updates shall complete such records checks in the following manner:

- (1) Identify all known historical resources, archaeological and historical sites, features, and objects depicted on base maps maintained at the IC which are located within CDF or timber company ownership or within 1/16 mile of these boundaries. These resource locations and their identifier will be plotted on the sets of maps provided by the Requestor. These maps shall be in a 1:1 scale copy of the appropriate USGS topographic quadrangles with the ownership boundaries depicted.
- (2) Provide copies of resource records for those resources within or within 1/16 mile of the project area, unless the Requestor has indicated these records are already in the Requestor's possession.
- (3) Depict pertinent study locations and their identifiers on the same or duplicate copy of the Requestor's project map. The response letter shall provide additional information linked to the identifier including the author, date, and IC file number.
- (4) Check the Office of Historic Preservation's Historic Property Directory and the California Inventory of Historical Resources.
- (5) Check all additional ethnographic and historic-period information housed at the IC. Maps and other locational information shall be provided, as appropriate.
- (6) Provide a response letter which summarizes all records search results, gives a list of references consulted, and provides a sensitivity assessment that identifies areas within the CDF project boundaries which are most likely to contain resources and the reason(s) why.

The CHRIS ICs, professional archaeologists, or Requestors working on ownership-wide records checks or 5-year updates shall not include:

- (1) Any recommendations or advice to the Requestor on how to comply with legal, regulatory, or policy mandates or what specific actions need to take place. This direction shall be provided by CDF.
- (2) Any tactical strategies or suggested survey methods. These tactics and strategies are provided by CDF.

This type of records check shall be documented with a letter prepared by the IC or Professional Archaeologist that conducted the records check. This letter shall include the date the records check was completed and describe the legal location for the area checked including Township, Range, and Sections, name of quad maps, and a listing of identified sites. This letter will be used as an attachment to an archaeological survey report supporting a THP or other CDF project to verify that a current archaeological records check has been completed.

Emergency Notice Timber Operations

This type of records check applies only to specific timber operation known as an Emergency Notices. These fall under a different set of forest practice regulations reduced in scope from those applying to THPs. These special rules are intended to facilitate timber operations in response to emergency conditions. These include trees that are dead or dying as a result of insects, disease, parasites, or animal damage. It also includes trees that are fallen, damaged, dead, or dying as a result of wind, snow, fire, flood, landslide, earthquake, etc. The Board has adopted these unique regulations to require CDF's environmental review process to be completed more rapidly than for THPs. This procedure includes a reduced timeframe the Requestor must wait for a completed records check and the authority for the RPF to proceed without the records check information should the IC be unable to provide it within the allotted timeframe. 14CCR Section 929.1[949.1,969.1](e)(2) reads as follows:

Prior to submitting an Emergency Notice of three acres or more, the RPF or the RPF's supervised designee shall complete a current archaeological records check. This check may be conducted by telephone. If the Information Center is unable to provide the information within three business days following receipt of an RPF's request for an Emergency Notice Records Check, the records check requirement is waived.

The ICs shall attempt to conduct records checks for Emergency Notice timber operations using the procedures described for standard CDF projects listed above. If the IC is unable to meet the 3-business day deadline for a series of Emergency Notice requests, the ICs may reduce the scope of research to an identification of all known historical resources, archaeological and historical sites, features, and objects depicted on base maps maintained at the IC which are located within the Emergency Notice area or within 1/16 mile of its boundary. CDF would prefer to have the complete information provided, but completion of a limited check is preferable over one which could not be delivered within the 3-business-day timeframe. The Request Form contains a check-box to inform the ICs if the project is an Emergency Notice. The procedures for Emergency Notice timber operations are addressed in training to Requestors and clarification is provided in the Records Check Request Instructions.

Wildfires or Other Emergency Incidents

This records check is used by CDF in response to wildfires and other types of emergency incidents. It requires immediate access to archaeological and historic site locations within the area potentially affected

by wildfires and other emergency incidents. During the initial request for a wildfire records check, CDF may not have had time to develop a map depicting the limits of the area the IC is requested to search. In such instances CDF shall provide the IC with the name of the quad maps or maps involved and a legal location of the incident including Township, Range, and Sections. The Requestor is likely to be a CDF Archaeologist or a CDF employee who meets the definition listed in Appendix I for an *archaeologically trained resource professional*. The Requestor shall complete a signed request form but it might be only partially filled-out due to the emergency and reduced time to research and plan for the records check. For example, the request may come from the CDF Archaeology Program Manager in Sacramento via telephone call, on behalf of a CDF Archaeologist traveling to the incident. The form may also be completed by the CDF Archaeologist upon arrival at the IC or subsequently after arriving to the incident. The CDF Archaeologist may schedule an appointment to pick up records check information while traveling to the incident, or may wish to gather it in person. It is also possible that CDF will request the IC to gather the needed information and have someone other than the CDF Archaeologist collect the needed information. The name and address of the appropriate CDF office to receive the invoice may be unknown at this time, and that information may need to be added-in after the archaeologist reports to the incident. The procedures employed by CDF Archaeologists responding to wildfires, including the support role played by the ICs, are provided in Appendix VII.

The records check for a CDF Wildfire or other Emergency shall consist of the following:

- (1) Identification of all known historical resources, archaeological and historical sites, features, and objects depicted on base maps maintained at the IC which are located within or adjacent to the area affected by the emergency. CDF shall provide a map, legal location, or other guidance on the limits of the search area. These resource locations and their identifier shall be provided either by plotting them onto maps brought by CDF during an in-house visit, or by providing copies of site records.
- (2) Provide copies of resource records for those resources within or potentially affected by the emergency incident as advised by CDF.
- (3) Depict pertinent study locations and their identifiers on the same or duplicate copy of CDF's maps. Survey information may be useful to the CDF Archaeologist responding to an incident.

The CHRIS ICs shall not include:

- (1) Any recommendations or advice to the Requestor on how to comply with legal, regulatory, or policy mandates or what specific actions need to take place. This direction shall be provided by CDF.
- (2) Any tactical strategies or suggested survey methods. These tactics and strategies are provided by CDF.

V. Timeframes for Completing a CDF Records Check

Requestors initiating a mail-in records check request shall choose one of two options pertaining the response time: *Standard Response*, and *Rapid Response*. Although Rapid Response will probably always be requested for Wildfires and Emergency Notice timber operations due to the emergency nature of these

projects and CDF's need to respond immediately, the Requestor may select the Rapid Response option for any type of CDF project by indicating this preference on the request form. There will be an increased fee for this rapid response service. Information on the current fee schedule is provided in the most current IC Procedural Manual adopted by the State Historical Resources Commission. This is made available at the OHP website at: <http://www.ohp.parks.ca.gov>

Timeframe for Standard Response

Although the IC Procedural Manual specifies that the ICs shall complete a standard Records Search within thirty (30) business days, through this MOU, these timeframes are shortened for CDF projects for the reasons described in the Whereas Clauses of this MOU. CDF operates within a unique regulatory environment with reduced timeframes for project planning, and on occasion, responds to emergency incidents, which requires a more rapid process for gathering information during project development. The ICs shall attempt to complete a standard response records check pursuant to this MOU within the following timeframes:

Standard Response Records Check: 14 business days from receipt of completed Request Form and Map.

Ownership-Wide Check: When an ownership-wide records check or 5-year update is done by the IC, the timeframe for completion of this work shall be negotiated between the IC and CDF or the timber company. CDF and timber companies are encouraged to provide as much lead time as possible. Another possibility may include staggering portions of the total number of quad maps involved in the ownership to complete a series of checks one at a time. If the IC is requested to complete this check, it is likely that if the project budget exceeds a certain amount, a contract may be set up between the Requestor and the IC. Due to large size and scope of the ownership-wide record checks, a cost and time estimate should be requested from the IC.

Timeframe for Rapid Response

The ICs shall attempt to complete a rapid response records check pursuant to this MOU within three (3) business days from receipt of completed Request Form and Project Map which may be transmitted by FAX, email, or other means. Some ICs refuse to accept faxed maps to initiate rapid response requests because such maps occasionally are so darkened or distorted by the fax process that project boundaries are obscured. In those instances, the ICs may require the map to be transmitted as an attached file to an email message, preferably in PDF format, or delivered in person, or sent by overnight mail. If the Requestor sends the map as an email attachment, the IC shall be notified via telephone call that a Rapid Response request map is waiting. The completed request form must contain the Requestor's signature and this document can be faxed.

The ICs shall be aware of the expected timeframes associated with two unique types of CDF projects: wildfires, and Emergency Notice timber operations. The expected timeframe for a **Wildfire Records Check** is immediately upon notification by CDF, if at all possible. The regulatory timeframe for Emergency Notice Timber Operations is within three business days following receipt by the IC of a request, with the unique caveat that the records check requirement is waived if the IC is unable to provide the information within three business days.

Note: Although the rapid response service is an option for any CDF project, this service comes to CDF Requestors with an increased cost. The fee schedule for rapid response service is specified in the most current IC Procedural Manual adopted by the State Historical Resources Commission.

If the IC is unable to meet these timeframes for a CDF Project, the Requestor shall be notified via a telephone call and given an estimated time for completion. These timeframes may be extended if the Requestor fails to properly complete the request form or if the Requestor chooses to be given a cost estimate prior to beginning a records check.

VI. Site Record Copies

ICs shall directly provide the Requestor with copies of archaeological or historical site records for recorded sites within the project area for all CDF records checks unless the Requestor indicates that these records are in their possession.

VII. Confidentiality Agreement

Requestors must sign a Confidentiality Agreement on the request form which reads as follows:

"I understand that the IC is providing confidential archaeological information as a service to CDF, the Requestor, and the RPF or professional archaeologist responsible to oversee this CDF project. By requesting this information, the Requestor and the RPF or Archaeologist assume the professional responsibility to the State Office of Historic Preservation and the IC for the appropriate management of this information. This management shall ensure that: (1) that all information regarding specific site locations is kept confidential except for disclosures required by forest practice rules or necessary to carry-out protection of sites, (2) that specific site locations are not included in any document made available to the general public, (3) this information shall not be utilized by the Requestor to destroy, excavate, or vandalize historical resources, and (4) the information is not utilized for project planning outside the scope of this MOU. Furthermore, CDF, in its capacity as lead agency under CEQA for environmental review and approval of projects on privately owned and other nonfederal lands in California, shall determine which archaeological and historical resources identified during the project review process need to be recorded, re-recorded, or supplemented. This determination will be based on the legal authority to carry-out recording efforts on private property and other considerations. CDF shall be responsible to ensure that a complete copy of the final archaeological investigation report including site records which may have been completed, shall be sent to the appropriate IC within 30 days following project approval. Within 30 days of cancellation, the Requestor shall notify the IC if the project has been cancelled or indefinitely delayed so that an archaeological survey report will not be submitted to the IC. By signature on this form, the Requestor agrees to comply with the terms stated in this paragraph."

VIII. Transmitting Completed Survey Reports and Site Records to the Information Centers

CDF shall ensure that a complete copy of any archaeological and historical resource investigation report, including site records, prepared for a CDF project shall be provided to the appropriate IC within 30 days following project approval. This must be a final report containing any corrections required during the review by CDF. CDF shall submit copies of any new site records or updates for site records, completed to professional standards, as determined by CDF, prepared in reference to the project, if any such site records were prepared. The site records shall be submitted separated from the report as the IC stores site records

and survey reports in separate files.

If a project is cancelled or delayed for an extended period of time following a records check, the Requestor shall notify the IC about the cancellation or delay to clarify that there will not be an archaeological survey report transmitted to the IC.

IX. Professional Archaeologist Oversight

CDF shall implement procedures to utilize a *CDF Archaeologist* to review the Confidential Archaeological Addendum to all THPs to ensure professional adequacy and to concur (on behalf of the CDF Director) with the investigation's findings. CDF Archaeologists shall also be involved in the conduct of archaeological and historic sites surveys and impact assessment supporting other types of CDF Projects as outlined in *Archaeological Review Procedures for CDF Projects* which is provided in this MOU in Appendix VI.

X. Current Records Checks

CDF shall implement procedures and policies requiring current archaeological resource records checks for all THPs in accordance with stipulations in the Forest Practice Rules (Appendix IV). The use of current archaeological records checks for THPs is also discussed in CDF's instructions for the completion of a Confidential Archaeological Addendum (CAA) to a THP which is provided as Appendix V. CDF has implemented policies requiring the use of current archaeological records checks those CDF projects determined by CDF to have potential to adversely change historical resources as outlined in Appendix VI.

XI. Responsibility of CDF to Investigate Reported Misuse of Confidential Information

CDF shall investigate any reported incident of misuse of confidential archaeological resource information provided to a Requestor pursuant to this MOU and take appropriate action. This may include notification to the Board if the misuse of confidential archaeological resource information involves the conduct of an RPF.

XII. CDF to Provide the Information Centers with List of Archaeologically Trained Personnel

CDF shall provide the CHRIS ICs with access to the current listing of *archaeologically trained resource professionals*. This list is posted on the CDF Archaeology Program Web Site at: <http://www.indiana.edu/~e472/cdf/training/training.xls>

XIII. Information Centers to Provide CDF with Contact Numbers

The CHRIS ICs shall provide CDF with a list of emergency response telephone numbers which CDF can use to attempt to contact IC staff during off hours in response to a CDF wildland fire or other type of emergency. This list shall be periodically updated as necessary. CDF shall consider this confidential information and will not distribute it the public or other agencies. The information shall only be used to facilitate contact with the IC in response to a wildfire or other emergency incident, and such contact may occur over the weekend or during early morning or late evening hours.

XIV. Effective Date

This MOU shall become effective immediately upon signature of the three *Signatories*. All parties shall inform their respective constituencies of the clarifications herein. Immediately following signature of this MOU by the three Signatories, the 1996 MOA will be terminated and superseded by this MOU.

XV. Termination

The Signatories shall have the exclusive right to terminate this MOU in accordance with these provisions.

Any Signatory may propose to the other Signatories to this MOU that it be terminated. The Signatory proposing termination shall notify all parties to this MOU, explaining the reasons for termination and affording the other Signatories at least thirty (30) calendar days to consult and seek alternatives to termination.

Any party to this MOU may propose that the MOU be amended, whereupon the Signatories shall consult for a period not to exceed sixty (60) calendar days to consider such amendment. Amendments shall be adopted only upon unanimous consent of the Signatories.

AUTHORIZED SIGNATURES OF PARTIES

It is the understanding of the parties to the MOU that the wording in the IC Procedural Manual, in combination with this MOU, provides direction from OHP to CDF, the Board, the CHRIS ICs, and to RPFs and other archaeologically trained resource professionals regarding the CDF records check procedures to be carried out on privately owned and other nonfederal lands subject to, and consistent with, the California Environmental Quality Act, the Forest Practice Act, and the Board of Forestry's regulations for timber harvesting.

Representatives hereby understand and agree to the terms of this *Memorandum of Understanding*.

SIGNATORIES:

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION:

By: signed Date: April 20, 2005
Dale T. Geldert, Director

CALIFORNIA STATE BOARD OF FORESTRY AND FIRE PROTECTION:

By: signed Date: April 21, 2005
George D. Gentry, Executive Officer

CALIFORNIA STATE OFFICE OF HISTORIC PRESERVATION:

By: signed Date: April 21, 2005
Milford Wayne Donaldson, State Historic Preservation Officer

CONCURRING PARTIES:

NORTHWEST INFORMATION CENTER:

By: signed Date: April 25, 2005
Leigh Jordan, Coordinator

APPENDIX I

DEFINITIONS

The following list of acronyms and definitions of key words, phrases, and other terms used in this MOU, and used in the practice CDF's Cultural Resource Management program, are provided to improve clarity.

Acronyms used in this MOU

APE	Area of Potential Effect
ARMR	Archaeological Resource Management Report
CAA	Confidential Archaeological Addendum
CCR	California Code of Regulations
CDF	California Department of Forestry and Fire Protection
CEQA	California Environmental Quality Act
CFIP	California Forest Improvement Program
CHRIS	California Historical Resources Information System
CLFA	California Licensed Foresters Association
EIR	Environmental Impact Report
EM	Notice of Emergency Timber Operation
EX	Exemption Notice
FLEP	Forest Legacy Enhancement Program
HFEQ	Heavy Fire Equipment Operator
IC	Information Center
LTO	Licensed Timber Operator
MOU	Memorandum of Understanding
NAAC	Native American Advisory Council
NADP	National Archaeological Database Printout
NAHC	Native American Heritage Commission
NTMP	Non-Industrial Timber Management Plan
OHP	Office of Historic Preservation
PHI	Preharvest Inspection
PRC	Public Resources Code
PTHP	Programmatic Timber Harvesting Plan
RPF	Registered Professional Forester
SRA	State Responsibility Area
THP	Timber Harvesting Plan
USGS	United States Geological Survey
VMP	Vegetation Management Program

Definitions for terms used in this MOU

ADMINISTERED BY CDF: one of the elements to define a CDF Project for this MOU, *administered by CDF* refers to those projects that might be funded with state and/or federal funds, where CDF has lead agency responsibility pursuant to the California Environmental Quality Act (PRC Section 21000 et seq.) for environmental review and project approval.