

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CHER-AE HEIGHTS INDIAN COMMUNITY
OF THE TRINIDAD RANCHERIA
AND
BUREAU OF LAND MANAGEMENT
UNITED STATES DEPARTMENT OF THE INTERIOR
REGARDING
CALIFORNIA COASTAL NATIONAL MONUMENT
RESOURCE MANAGEMENT PLAN**

A. PARTIES AND PURPOSE

This Memorandum of Understanding (MOU) is entered into by and between the **Cher-Ae Heights Indian Community of the Trinidad Rancheria** (hereinafter referred to as the Trinidad Rancheria) and the United States Department of the Interior's **Bureau of Land Management** (hereinafter referred to as the BLM) to maximize coordination and achieve consistency where practical in the development of a Resource Management Plan (RMP) for the California Coastal National Monument that includes public lands located off the California coastline.

B. INTRODUCTION AND BACKGROUND

1. BLM & the California Coastal National Monument. By Presidential Proclamation on January 11, 2000, all unappropriated or unreserved lands and interest in lands owned or controlled by the United States in the form of islands, rocks, and pinnacles above mean high tide within 12 nautical miles of the shoreline of the State of California were designated as the California Coastal National Monument (CCNM). The CCNM was nationally recognized in the Presidential Proclamation as a biological and geological treasure, rich in biodiversity, and providing essential habitat for many species of scientific interest. The CCNM designation mandates the protection of historic and scientific objects, particularly wildlife species which normally inhabit the CCNM area, and the designation limits management discretion that the Federal managers otherwise have. The Secretary of the Interior manages the CCNM through the BLM and under the BLM's existing authorities, subject to the overriding purpose of protecting the objects described in the Presidential Proclamation. The BLM is directed by Congress to administer the public lands so that all various land and resource uses and values are managed in combinations that will best meet the needs of the American people.

2. Resource Management Plan. The BLM is preparing a Resource Management Plan (RMP) with an accompanying Environmental Impact Statement (EIS) for the

public lands and resources it manages in the California Coastal National Monument. The BLM must consider a wide range of alternatives in the development of the RMP and must comply with the provisions of the National Environmental Policy Act (NEPA) and the Federal Land Policy and Management Act of 1976 (FLPMA), and all amendatory acts and implementing regulations in the development of the RMP. BLM has contracted with the environmental consulting firm of Jones & Stokes in Sacramento to develop the RMP for the California Coastal National Monument, including the preparation and writing of the RMP and its related environmental document.

3. Trinidad Rancheria. As a Federally recognized tribe, the Trinidad Rancheria is interested in participating as a cooperating agency in the RMP/EIS process for the California Coastal National Monument.

C. AUTHORITIES

1. BLM Authority.

- a. Federal Land Policy and Management Act of 1976, Section 307(b) provides that the Secretary of the Interior may undertake programs of resource management through cooperative agreements.
- b. National Environmental Policy Act of 1969, Sections 1501.6, 1506.2, and 1508.5 encourages, authorizes, describes, and defines the use of “cooperating agencies” in the development of environmental documents under this act.

2. Trinidad Rancheria Authority.

- a. Trinidad Rancheria, a federally recognized tribe, has established a Tribal Council to conduct business on behalf of the Community Council.
- b. The Tribal Council on December 12, 2002, expressed its desire to serve as a Cooperating Agency for the development of RMP for the California Coastal National Monument and appointed a representative to serve on the interdisciplinary planning team.

D. PRINCIPLES OF AGREEMENT

1. BLM Agrees To:

- a. Serve as the Lead Agency for the plan.
- b. Assume responsibilities for public participation activities.

- c. Convene an interdisciplinary team (ID Team) as required under NEPA and provide primary members of the planning team to develop the RMP and analyze impacts.
- d. Provide opportunity for a Trinidad Rancheria representative to serve on the ID Team.
- e. Ensure the Trinidad Rancheria representative is informed of ID Team meetings, assignments, and deadlines related to preparation of the RMP.
- f. Make available to Trinidad Rancheria information to be used in preparation of the plan, subject to any non-disclosure provisions as required by statute.
- g. Discuss with the Trinidad Rancheria requirements of Federal and State statute that must be followed which may result in inconsistencies with any Trinidad Rancheria resource plans or other planning documents.
- h. Retain authority for approval and signature of the Record of Decision after conclusion of the RMP/EIS process. The BLM cannot delegate this decision authority to others.

2. Trinidad Rancheria Agrees To:

- a. Be a cooperating agency subject to NEPA Parts 1501.6, 1506.2, and 1508.5.
- b. Assign a representative approved by the Trinidad Rancheria Tribal Council and accepted by the BLM to serve as the liaison for the Trinidad Rancheria in the RMP effort. This representative shall:
 - (1) Participate as a full member of the ID Team consistent with the representative's other responsibilities to the Tribal Council.
 - (2) Attend scheduled ID Team meetings.
 - (3) Submit written assignments as required within specified deadlines and in proper format.
 - (4) Keep the Trinidad Rancheria Tribal Council apprised of RMP efforts and direction as plan is developed.
 - (5) Provide specific expertise and input on Trinidad Rancheria planning and resource management issues and concerns applicable to the California Coastal National Monument RMP/EIS development initiative.

- (6) Discuss with the ID Team during the development of plan alternatives any apparent inconsistencies between policies, plans, and/or programs of the Trinidad Rancheria with those of the BLM and inform the Trinidad Rancheria Tribal Council of required inconsistencies.
- c. Notify the BLM, in writing, of apparent inconsistencies during the Draft RMP comment period.
- d. Participate with the understanding that BLM will not be supplying funds to the Trinidad Rancheria for this activity.

E. COMPONENTS OF THE PROJECT

- 1. Scoping.** The public as well as Federal, State, Tribal, and local governments will be invited to identify issues and concerns and comment on planning criteria and other pertinent items as part of the scoping process to initiate the planning process.
- 2. The RMP.** A Draft RMP will be prepared and released for public comment and review. Development of the Draft RMP includes compiling information and data on the public lands, preparing an Analysis of the Management Situation (which includes information on the existing environment, conditions, trends, and management opportunities), and presenting alternatives for public review and comment.
- 3. The EIS.** An Environmental Impact Statement will be prepared concurrently with the Draft RMP and Proposed RMP to satisfy all requirements under NEPA and the implementing regulations. The EIS will analyze and disclose the impacts of the alternatives described in the Draft RMP and the subsequent management described in the Proposed RMP.
- 4. Decision Process.** Approval of the Proposed RMP will result in a Record of Decision (ROD) recommended by the California Coastal National Monument Manager and signed by the BLM California State Director. BLM retains the sole decision-making authority for the public lands and resources it administers.
- 5. Implementation and Monitoring.** Implementation of the plan will begin upon signature of the ROD. Some decisions require immediate action, others will be implemented during the life of the plan, and others only require action if a particular activity is initiated. An Implementation Plan will be prepared to serve as a link to BLM's budgeting process. The plan and associated decisions will be monitored on an on-going basis to determine the effectiveness of the RMP and the need for revision or amendment.

F. SCHEDULE

1. Trinidad Rancheria and BLM agree that the time for preparation of the RMP/EIS is limited. The proposed RMP schedule is attached in Appendix A.
2. Each party agrees that it will work within the attached schedule to the best of its ability and meet deadlines as identified throughout the planning process.

G. OTHER PROVISIONS

1. **Limits of Authority and Funding.** Nothing in this agreement will be construed as limiting or affecting in any way the authority or legal responsibility of the Trinidad Rancheria or BLM. Nothing in this agreement binds the Trinidad Rancheria or BLM to perform beyond the respective authority of each. Nothing in this agreement requires any party to assume or expend any sum in excess of appropriations available. BLM retains the sole decision-making authority for public lands and resources it administers.
2. **Amendment of Agreement.** Amendments or supplements to this MOU may be proposed by any of the parties and shall become effective upon written approval of all parties.
3. **Termination of Agreement.** The MOU may be terminated by any of the parties thirty (30) days after notice in writing to the others of the intention to do so.
4. **Effective Date of Agreement.** This MOU shall become effective as soon as signed by all of the parties. It shall continue in force until the Record of Decision for this RMP/EIS is signed by the BLM State Director.

H. APPROVALS

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Agreement on this 16th day of March, 2003.

/s/ Carol Ervin
Carol Ervin, Tribal Council Chair
Trinidad Rancheria

03-16-03
Date

/s/ Herrick E. Hanks
Herrick E. Hanks, CCONM Manager
Bureau of Land Management

2/3/03
Date

/s/ Lynda Roush
Lynda Roush, Arcata Field Office Manager
Bureau of Land Management

3-3-03
Date

APPENDIX A

CALIFORNIA COASTAL NATIONAL MONUMENT
RESOURCE MANAGEMENT PLAN (RMP)

PROPOSED RMP SCHEDULE

Planning Step	Target Completion Date
Publish Notice of Intent	April 2002
Conduct Scoping	September/October 2002
Finalize Issues and Planning Criteria, Provide Feedback to Public and Brief State Director	January 2003
Compile Data and Inventory Information	February 2003
Prepare the Management Situation Analysis	March 2003
Formulate Alternatives	April 2003
Estimate Effects of the Alternatives	May 2003

Release Draft RMP/Draft EIS	June 2003
Public Comment and Review	September 2003
Incorporate Comments and Release Proposed RMP/Final EIS	December 2003
Issue Final RMP and Record of Decision (ROD)	June 2004
Prepare Implementation Plan	July 2004