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February 26, 2002

Mr. Rob Wood  
Native American Heritage Commission  
915 Capitol Mall  
Room # 364  
Sacramento, CA 95814

RE: CDF Native American Contact List (December 10, 2001)

Dear Mr. Wood:

The California Licensed Foresters Association represents over 800 forest resource professionals active in protecting the State's archaeological assets. In order to assist our role in that protection, we need some definition of standing, as it pertains to Native Americans noted on the CDF Contact List. There have been occasions where individuals purporting to represent a Native American entity, insist on dominating the review process. Some have even insisted upon being hired as paid contractors. As such, we have serious concerns about the substantial increase of the 2002 list.

While we remain unflinchingly dedicated to appropriate disclosure and mitigation, our central concern is what constitutes a contact for legitimate inclusion on this list. The Forest Practice Regulations define Native Americans as "...local *federally recognized tribal governments*, and those California Native American organizations and individuals, as listed on the Native American contact list provided to the Director by the Native American Heritage Commission (NAHC) for the area that contains the proposed timber operation. The Director shall ensure that the list provided by the Department for archaeological and historical work includes all "Native Americans" identified by January 1st of each year." [italics supplied] The explicit capitalization of 'Native American', in that definition, implies some type of non-generic criterion. Regardless, the implied purpose of the law is to qualify the listed participants, in much the same way foresters must be archaeologically qualified.

I suspect the statutory intent behind this definition is to establish a clearly defined standard for those qualified to be *consulted* during the review process. Any member of the general public may still participate in THP comment, via the plan review. As you know, Professional Foresters have strict standards for archaeology training, as well as regular refresher courses. We are interested in the legally mandated standards and procedures used to assemble this Contact List.

In particular, we have these specific questions:

1. Is the list supplied to CDF the same as provided for any CEQA project, or is it unique for CDF timber harvest plans?
2. If the list is unique for CDF, then *who* defines the standard and *what* is that standard?
3. If there are other Native American contact lists for general CEQA compliance, will you provide a copy?
4. What procedure does the NAHC use to identify individuals and organizations for inclusion on the CDF contact list?
5. How do individuals substantiate experience and tribal association?
6. Does the NAHC have any procedure for removal of individuals that inappropriately distribute confidential information or attempt to solicit work from plan proponents?

We hope to hear from you at your earliest convenience. Our annual membership meeting is March 8 & 9 and the outcome of this question will be of particular interest to our members.

Sincerely,

William E. Hultgren  
co-chair Forest Practices Committee