

**PROTECTING CALIFORNIA NATIVE AMERICAN
SITES
DURING DROUGHT, WILD LAND FIRE, AND
FLOOD EMERGENCIES**

**A GUIDE TO RELEVANT LAWS
AND
CULTURAL RESOURCES
MANAGEMENT PRACTICES
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Introduction

After four years of well below average precipitation, California is facing one of the worst droughts in its history. As a result, Governor Edmund G. Brown Jr. declared a drought state of emergency on January 17, 2014. As water levels recede in the state's rivers, lakes and reservoirs, long submerged Native American cultural sites and cultural items have emerged. Heightened risk of catastrophic wildfires during the drought means that Native American sacred places and sites of religious, ceremonial and cultural significance face greater threats of damage or destruction from fire. Previously hidden sites may be exposed, making them vulnerable to vandalism. With the winter of 2015 – 2016 may come a strong El Nino event with the possibility of major flooding in parts of California. Flooding, with the possibility of mudslides, levee breeches, and erosion will have devastating effects on Native American cultural sites.

To be prepared for these events, it is important that California's resources agencies be informed about the laws and best practices regarding the protection of Native American cultural sites and cultural resources. This guide provides information on the protection of Native American cultural resources in the face of natural disasters such as drought, wildfire, and flooding, as well as best Native American cultural resources management practices before, during and after these potentially catastrophic events.

This guide provides information on the federal and state statutes, regulations and executive orders that protect Native American human remains and associated grave goods, religious or ceremonial sites, sacred places, and archaeological sites so that agency staff will know what to do in the event these items are encountered in a natural disaster.

Protecting California Native American Cultural Resources: Laws, Definitions and Procedures

The following is a partial listing of federal and state statutes, regulations and executive orders that protect California Native American cultural resources, background information on what cultural resources are and why they are important, and a discussion of procedures and penalties under California law to protect Native American human remains and cultural resources.

➤ Federal Statutes

Antiquities Act of 1906 (Public Law 59–209, 34 Stat. 225, 16 U.S.C. § 431–433)

This law gives the President of the United States the authority to, by presidential proclamation, create national monuments from public lands to protect significant natural, cultural or scientific features. For any archaeological excavation on these lands, the Act requires that a permit (Antiquities Permit) be obtained from the Secretary of the department that has jurisdiction over those lands.

Archaeological Resources Protection Act of 1979 (ARPA) (Public Law 96–95 as amended, 93 Stat. 721, codified at 16 U.S.C. §§ 470aa–470mm)

ARPA was enacted to provide more effective law enforcement to protect public archeological sites. ARPA provides more detailed descriptions of the prohibited activities over the Antiquities Act and larger civil and criminal penalties for convicted violators. The Act describes the range of prohibited actions, including damage or defacement in addition to unpermitted excavation or removal. Selling, purchasing, and other trafficking activities whether within the United States or internationally are also prohibited. Another section of ARPA prohibits interstate or international sale, purchase, or transport of any archeological resource excavated or removed in violation of a State or local law, ordinance, or regulation.

National Historic Preservation Act of 1966 (Public Law 89-665; 16 U.S.C. 470 et seq.)

This legislation was enacted to preserve historical and archaeological sites. The Act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices. The law was amended in 1992 to allow federally recognized Indian tribes to take on formal responsibility for the preservation significant historic properties on tribal lands.

The Act also requires federal agencies to evaluate the impact of all federally funded or permitted projects on historic properties (buildings, archaeological sites, etc.) through a process known as *Section 106 Review*.

Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (Public Law 101- 601; 25 U.S.C. 3001-3013)

NGPRA requires federal agencies and institutions, including museums

that receive federal funding to repatriate "cultural items" to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organizations. Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony. The Secretary of the Interior may assess civil penalties on museums that fail to comply.

NAGPRA also establishes procedures for the inadvertent discovery or planned excavation of Native American cultural items on federal or tribal lands. NAGPRA makes it a criminal offense to traffic in Native American human remains without right of possession or in Native American cultural items obtained in violation of the Act. Penalties for a first offense may reach 12 months imprisonment and a \$100,000 fine.

➤ California Statutes, Regulations and Executive Orders

California Environmental Quality Act (CEQA) (Pub. Resources Code §§ 21000-21177)

CEQA was enacted by the state legislature shortly after the federal government passed the National Environmental Policy Act (NEPA for the purposes of instituting a statewide policy for environmental protection. CEQA requires state and local agencies to follow a protocol of analysis and public disclosure of environmental impacts, including impacts to historical, archaeological, and tribal cultural resource, for proposed projects and adopt all feasible measures to mitigate those impacts. CEQA makes environmental protection a mandatory part of every California state and local agency's land use decision-making process.

California Environmental Quality Act Guidelines (§§ 15000-15387 California Code of Regulations Title 14, Chapter 3)

CEQA Guidelines are regulations to be followed by all state and local agencies in California for the implementation of CEQA. The Governor's Office of Planning and Research develop the CEQA Guidelines for adoption by the Secretary for Natural Resources (Public Resources Code §15000).

Public Resources Code §§ 5097.9, 5097.94, 5097.97, 5097.99, 5097.991, 5097.993, and 5097.994

These laws address the protection of Native American historical, cultural and sacred sites including: the "Powers and Duties" of the

NAHC, the inadvertent discoveries Native American human remains and associated grave items, the inventory of sacred sites, the protection of Native American cultural sites and access to those sites for Native Americans on public land, the prohibition of the possession of Native American human remains or artifacts removed from a grave on or after January 1, 1984, the criminal and civil penalties for unlawful and malicious excavation, removal, destruction, or defacement of a Native American historic, cultural or scared site on private or public land.

California Native American Graves Protection and Repatriation Act of 2001 (Cal NAGPRA) (Health & Safety Code § 8010 et seq.)

Is intended to apply a state repatriation policy consistent with the provisions of the federal Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). It provides a mechanism for lineal descendants and culturally affiliated California Indian tribes that file repatriation claims for human remains and cultural items under federal NAGPRA or Cal NAGPRA to request assistance from the NAHC in ensuring that state that publicly funded agencies and museums are responding to those claims in a timely manner. It provides for facilitating the resolution of disputes regarding those repatriation claims. It the law also provides that California tribes that are not federally recognized may file claims with agencies and museums for repatriation of human remains and cultural items.

Health and Safety Code section § 7050.5

Health and Safety Code Section 7050.5 (b) and (c) establishes the authority of the county coroner regarding the inadvertent discovery of human remains outside of a dedicated cemetery and the roll of the NAHC if the coroner determines that the remains are that of a Native American.

Forest Practice Rules 2015 (Title 14 California Code of Regulations, Chapters 4, 4.5, and 10, §§ 929-929.7; 949-949.7; 969-969.7; 1052; 1092.14 and 1104.1(a)(3))

Under Forest Practice Rules the NAHC reviews, analyzes and prepares written comments to the California Division of Forestry (Cal Fire) on timber harvest plans, emergency notices, prescribed burn plans, and forestry management plans statewide relative to the preservation of cultural resources as defined by the rules. The NAHC assists Cal fire with the maintenance of their Native

American consultation list. The NAHC also aids Cal Fire archaeologists in the protection of Native American sacred sites during wildfire response.

Government Code sections §§ 65092, 65351, 65352.3, and 65562.5

These codes require that prior to the adoption or amendment of a city or county's general plan, the city or county must conduct consultations with California Native American tribes, with federally recognized or non-federally tribes on the contact list maintained by the NAHC, for the purpose of preserving specified places, features, and objects that are located within the city or county's jurisdiction.

Civil Code § 815.3(c)

Authorizes a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to hold a conservation easement to protect a California Native American prehistoric, archaeological, cultural, spiritual, or ceremonial place, if the conservation easement is voluntarily conveyed.

California Executive Order B-10-11

This Executive Order established the Position of Governor's Tribal Advisor to oversee and implement effective government-to-government consultation and communication between the Administration, including state agencies and agency tribal liaisons, on policies that affect California tribal communities.

It The Executive Order states that it is the policy of the Administration that every state agency and department subject to the Governor's executive control will encourage communication and consultation with California Indian Tribes and that they shall permit elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters affecting tribal communities.

Native American Cultural Resources Defined

- Native American cultural resources are evidence of past peoples and cultures that has been identified by a culturally affiliated tribal

representative. They can include villages, ceremonial sites, religious sites, burial sites, and associated cultural items.

- The culturally affiliated Native American tribe defines its cultural resources. A tribe sometimes may be the only source of information regarding a cultural site.
- Other sources of information may include archaeological sites recorded in the California Historical Resources Information System (CHRIS) and the NAHC Sacred Lands Inventory.
- Examples of cultural resources in the Sacred Lands Inventory include sites, landscapes, petroglyphs, pictographs, bedrock mortars, rock art, ceremonial places, burial places and historic structures.

Why Cultural Resources Matter?

- They are significant to local Native Americans and represent their tribal cultural values. A strong bond exists between present-day descendants and their sacred places and sites, no matter how old or small in nature.
- They reflect the indigenous human history of California reaching back more than 10,000 years before the arrival of Europeans.
- They provide factual explanation and illustration of human habitation and life prior to European contact.
- They may be places of religious and ceremonial significance still in use by Native American communities.

Protecting Native American Human Remains

For purposes of California law, human remains of a Native American may be in the form of an inhumation or a cremation and in any state of decomposition or skeletal completeness. Any items that are placed or buried with Native American human remains are to be treated in the same manner as the remains, but they do not by themselves constitute human remains (Public Resources Code §5097.98(d)(1)).

The following actions must be taken immediately upon the discovery of skeletal remains at any site other than a dedicated cemetery:

➤ Procedures under Health and Safety Code Section 7050.5 When Human Remains are Discovered

- Stop work immediately at the site of the discovery and/or any nearby area reasonably suspected to overlie adjacent remains. Contact the County Coroner.
- Protect the discovery site from any additional subsurface disturbance. The Coroner will have two working days to determine if the remains are subject to his or her authority as part of a crime.
- If the Coroner determines that the remains are that of a Native American, the Coroner must contact the NAHC within 24 hours.

➤ NAHC Procedures Under Public Resources Code Section 5097.98 When Native American Human Remains Are Discovered

- The NAHC will immediately notify the person or tribe it believes to be the Most Likely Descendant (MLD) of the deceased Native American.
- The MLD has 48 hours from being granted access to the site to inspect the site and make recommendations to the landowner or the landowner's representative for the treatment or disposition, with appropriate dignity, of the Native American human remains and any associated grave goods.
- The landowner shall ensure that the immediate vicinity where the Native American human remains are located is not damaged or disturbed by further development activity, according to generally accepted cultural or archaeological standards or practices, until the landowner has *discussed and conferred* with the MLD their recommendations, taking into account the possibility of multiple human remains, if applicable.

“Discuss and confer,” means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties’ cultural values, and, where feasible, seeking agreement. Each party shall recognize the other’s needs and concerns for confidentiality of information provided to the other. (Public Resources Code §5097.98(c))

- If the landowner does not accept the MLD's recommendations, either party may request mediation by the NAHC pursuant to Public Resources Code section 5097.94(k). If the mediation fails, the landowner shall reinter the human remains and any associated grave items with appropriate dignity on the property, protecting the site from any further and future subsurface disturbance as specified by the law.
- Only by mutual agreement between the landowner and the MLD can Native American human remains and any associated grave goods be reinterred in a location other than the property where they were discovered.
- Third parties, e.g., archaeologists, cannot authorize the destructive or non-destructive testing of Native American human remains or associated grave goods without the MLD's consent.
- If the NAHC is unable to identify a descendant, or the MLD does not make recommendations within 48 hours of being allowed access to the site, the landowner or his or her authorized representative shall reinter the remains and any associated grave items with appropriate dignity on the property in a location not subject to further and future subsurface disturbance as specified by law. The landowner shall protect the site by doing one or more of the following:
 - ✓ Record the site with the NAHC or other appropriate CHRIS Information Center.
 - ✓ Utilize an open space or conservation zoning designation or easement.
 - ✓ Record a document titled "Notice of Reinterment of Native American Remains" with the county in which the property is located. The document shall include a legal description of the property, the name of the owner of the property, and the owner's acknowledged signature, in addition to any other information required by law. The document shall be indexed as a notice under the name of the owner.

Protecting Archaeological Sites, Ceremonial Places, and Cultural Items

If Native American cultural resources, including archaeological sites, are inadvertently discovered, the first consideration must be protecting them in place undisturbed.

While the treatment and disposition of Native American human remains and associated grave items are addressed by California codes, as noted above, other Native American cultural items or artifacts that may be unearthed by drought or flood conditions are not. Culturally affiliated tribes should be consulted regarding recommendations for the treatment and disposition of any cultural items that may be discovered as a consequence of flooding, receding water levels, or wild land fires.

The following California statutes protect Native American cultural sites, provide access to sites by Native Americans for ceremonial purposes, mitigate impacts to cultural sites on public lands and provide penalties for the willful destruction of Native American cultural sites:

Public Resources Code Section 5097.99 (Possession of Native American Artifacts or Human Remains)

Anyone knowingly or willfully obtaining or possessing Native American artifacts or human remains taken from a grave or cairn on or after January 1, 1984, unless authorized under Public Resources Code sections 5097.94 or 5097.98, is guilty of a felony.

Public Resources Code Section 5097.94 (NAHC Power To Seek Injunctive Relief to Protect or Provide Access to Native American Sacred Sites on Public Property)

The NAHC has the power to bring an action to prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, pursuant to Public Resources Code section 5097.97. If the court finds that severe and irreparable damage will occur or that appropriate access will be denied, and appropriate mitigation measures are not available, it shall issue an injunction, unless it finds on clear and convincing evidence that the public interest and necessity require otherwise.

Public Resources Code Section 5097.97 (NAHC Investigation of Potential Damage to or Denial of Access to Native American Sacred Site on Public Property)

In the event that any Native American organization, tribe, group, or individual advises the NAHC that a proposed action by a public agency may cause severe or irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, or may bar appropriate access by Native Americans, the NAHC shall conduct an investigation as to the effect of the proposed action. If the NAHC finds, after a public hearing, that the proposed action would result in irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine on public property, the NAHC may ask the Attorney General to take appropriate legal action pursuant to subdivision (g) of Public Resources Code section 5097.94.

The Native American Historic Resources Protection Act (Public Resources Code Sections 5097.993 and 5097.994)

California law protects Native American cultural sites and cultural items from wanton destruction. A person who unlawfully and maliciously excavates or damages a Native American historic, cultural, or sacred site that is listed or eligible for listing on the California Register of Historic Places, pursuant to Public Resources Code Section is guilty of a misdemeanor if the act was committed with specific intent to vandalize, deface, destroy, steal, convert, possess, collect or sell a Native American historic, cultural or sacred artifact, art object, inscription, feature or site, and may be sentenced to up to one year in jail and a fine not to exceed \$10,000. Persons convicted of these charges may also face up to \$50,000 in civil penalties per violation.

Government Code Section 6254, Subdivision (r) (Exemption of Records of Native American Graves, Cemeteries and Sacred Places from Disclosure Under the Public Records Act)

The Public Records Act exempts from disclosure records of Native American graves, cemeteries, and sacred places and the records of Native American places, features and objects described in Public Resources Code section 5097.9 and 5097.993 maintained by, or in the possession of, the NAHC, another state agency, or a local agency.

Government Code Section 6254.10 (Exemption of Records Related to Archaeological Site Information Maintained by Various Resources Agencies from Disclosure under the Public Records Act)

The Public Records Act exempts disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the NAHC, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

The NAHC recommends that agencies create guidelines in consultation with Native American tribes to address the protection of these records.

**Cultural Resources Management Guidelines and Best Practices
In the Event of Drought, Wild Land Fires, and Flooding**

There is a threat of increased wild land fires due to California's drought emergency. Wild fires can severely threaten, damage or destroy Native American sacred places and sites of religious or ceremonial importance, as well as expose previously hidden sites, making them vulnerable to vandalism. Severe flooding also causes irreversible damage to Native American cultural sites. As the water recedes sites and cultural items are also exposed, making them vulnerable to vandalism.

This section is intended to provide agencies the tools needed to collaborate with California tribes in the protection of their fragile cultural resources in the event of flooding or wild land fire. For example, before and during a wild land fire, tribes and their tribal fire departments can provide California Department of Forestry and Fire Protection (CAL FIRE) and other fire suppression organizations with information and guidance to prevent and/or minimize damage to their cultural resources. The same is true for agencies involved in flood response and recovery.

In terms of wildfire suppression, California Native American tribes, especially those that have wild land fire suppression capability, have expressed concerns that they lack the authority during a wild land fire to protect their cultural resources. This is in part due to the limitations imposed on tribes by the National Fire Program, which provides funding from the U.S. Department of the Interior to CAL FIRE for fire suppression services on California reservations and rancherias (with the exceptions of the Hoopa and Tule River reservations), giving CAL FIRE authority for fire suppression activities on California reservations and rancherias.

Tribes should also be given the opportunity to be directly involved in protection their cultural places during flood events and during flood recovery activities.

The information provided here regarding wildfire suppression resulted from discussions among tribes, Native American fire fighters, and CAL FIRE archaeologists. It is intended to provide tribes more control over the protection of their cultural resources during wild land fire operations, allowing tribes to prioritize the most culturally sensitive areas of their cultural territories for protection and recommend to CAL FIRE, and other fire suppression organizations, protocols and methodologies during wild land fires for that purpose. This methodology also applies to response and recovery for flood events.

Effects of Fire on Native American Cultural Resources

- Fire destroys wooden structures and fixtures, discolors and causes severe cracking and disintegration of stone masonry and sandstone, breaks obsidian artifacts, carbonizes or oxidizes ceramic items, chars or destroys bone and other organic material, and scorches petroglyphs and pictographs.
- In addition to fire directly damaging or destroying cultural resources, other factors can also be very damaging, such as erosion and run-off caused by the fire, destruction of plant material in the soils, falling trees, harsh fire retardant chemicals, the movement of hoses during fire suppression activities, and especially the use of heavy equipment on the fire lines.
- Destruction of plant material that may be used for “gathering” purposes, including the removal of pollinating plant species, is also damaging to Native American cultural resources.
- Heat, intense flames and smoke cause damage to vulnerable cultural resources.
- Looting and theft of cultural items can also occur following a fire.

Effects of Flooding on Native American Cultural Resources

- Flooding destroys and severely damages wooden structures, which would include historic ceremonial roundhouses, and displaces cultural sites and their associated material items. Native American human remains may also be exposed. Flooding’s aftermath results in erosion and silting that may either expose sites or cover them with layers of silt. Flooding can erode away petroglyphs and pictographs.

- Flooding may destroy plant material that may be used for “gathering” purposes.
- Landforms that may have had special ceremonial significance may be altered or destroyed.
- Looting and theft of cultural items may also occur as sites are exposed following a flood event.

Cultural Resources Management Guidelines

- Pre-Event Educational Activities
 - The tribe may identify tribal representatives to consult in case of a fire or flood event, including contact information for agencies to use in advance of an event.
 - Affected tribes may determine how fires or floods will affect cultural resources and recommend tactics, methodologies, or operation methods to use that will best protect their cultural resources.
 - Tribal representatives may present information to agencies involved in fire suppression, flood response and recovery about their resources, including cultural significance, and which areas will require extra consideration during a flood or fire event.
 - Tribal fire departments may provide a Fire Map/Protection Plan that identifies and prioritizes Culturally Sensitive Areas/Zones (CSA/Zs), and identifies the confidential nature of the site locations. Within these areas, tribal fire departments may describe the appropriate fire management protocols to use in avoiding cultural resources during a fire, which may include color-coded “flagging.”
 - In the case of flooding, tribal representatives may also provide agencies involved in response and recovery with a Map/Protection Plan identifying and prioritizing Culturally Sensitive Areas/Zones (CSA/Zs) that identifies the confidential nature of site locations and the appropriate protocols to use regarding culturally sensitive areas.

➤ Pre-Event Prevention and Planning Guidelines

- Pre-event planning guidelines may be created by tribes to prioritize CSA/Zs and recommend operation protocols to agencies in order to minimize damage to cultural resources. Such protocols may include using minimally invasive methods, identifying zones of cultural sensitivity while maintaining the confidentiality of site locations, and recommending appropriate measures (such as the use of alternative methods to heavy equipment) in order to protect and preserve as many cultural resources as possible.
- As part of a pre-fire cultural resources management strategy, tribes may survey their tribal territory to identify the type of fuel surrounding the area and recommend steps to reduce damage to cultural resources in a wildfire, including fuel reduction projects to reduce the fuel load in areas surrounding cultural resources in order to create a buffer. Methods may include mechanical thinning to remove highly flammable trees and vegetation as well as prescribed burning.
- When ground-disturbing activities are being planned in a known Native American cultural area, a representative designated by the culturally affiliated tribe should participate in their review and approval.
- Vegetation that is a contributing element to an area's cultural importance should not be removed.
- Slash piles should be burned in an area away from cultural resource sites.

➤ During an Event: Operational Guidelines

- Presence of Tribal Representatives During Fire Suppression or Flood Recovery Activities

A tribal representative should always be present during all fire suppression and flood recovery activities to advise on the treatment and care of cultural resources. Ideally, the tribal representative or team leader should be a member of a local disaster response team and be knowledgeable about the Native American community's needs and concerns. Typically, the best policy lies with a minimalist strategy. The less activity in an area, the less likely it is that cultural resources will be damaged.

- The use of Minimum Impact Suppression Tactics (MIST) may be recommended by tribes for use by fire suppression organizations. This is a standard used by many federal fire suppression units.
- In the CSA/Zs, tribes may recommend the use of hand tools as opposed to the use of heavy equipment; the latter can cause considerable damage to cultural resources. Other methods recommended may include building a fire line by hand instead of using a bulldozer during a wildfire. In either a wildfire event or as part of flood recovery efforts heavy equipment, like bulldozers, can easily destroy the natural environment as well as any cultural resources present and can leave trails where they did not exist before, creating a new area of exposure and potential for erosion.
- Tribes may determine a standard color and marking strategy to identify sensitive areas during fire suppression and restoration phases. Standards for color-coding are already available to fire-fighting units. Depending on conditions, it may be appropriate to mark areas of cultural sensitivity prior to flood recovery activities.
- For wildfires the following guidelines for marking and flagging are recommended:
 - ✓ Yellow and black-striped flagging is a signal for wildlife hazards like hornets or bees.
 - ✓ Use a specific color to mark safety zones and escape routes.
 - ✓ It will be important to make flagging effective depending on conditions and geographic factors, for example, greater use of flags for night time or thicker forest; flag the areas that contain priority cultural resources so that fire lines created are an optimal position and minimally invasive methods will be employed.
 - ✓ Remove unnecessary flags to avoid confusion between multiple crews when and if a fire line is rerouted.
- Positioning fire trucks in close proximity to areas of high-risk cultural resources before a fire starts is another recommended tactic.
- Where feasible, building a pond as a source of water in a predetermined area to facilitate the use of aircraft water relief has been found helpful in suppressing many wild land fires; however,

crews must work with tribal representatives to ensure that cultural resources are not impacted.

- Use local rivers or lakes for water resources accessible by helicopter, with the approval of the tribe or landowner.
 - Use of fire retardants/foam agents
 - ✓ Can be used on/around cultural resources, subject to tribal advice, to determine if the fire retardant is harmful to the specific type of cultural resource.
 - ✓ Soil and water can be used in fire lines to cool down the fire and make items, like a tree stump, less likely to catch fire.
 - Fire Wraps
 - ✓ Vulnerable resources may be wrapped in or surrounded by fire resistant material to create barriers between them and the fire.
 - Fire Lines
 - ✓ Use fire lines to break fuel lines leading up to cultural resources.
 - ✓ Clear fire line to mineral soil to prevent the spread of fire through fuel, such as dead roots.
 - ✓ Use existing trails (like cattle trails or gravel roads) as fire lines, where possible.
 - Burial of Cultural Resources
 - ✓ By burying the cultural resources at least 10 cm below the surface, the severity of fire damage can be significantly reduced.
- Post-Event: Restoration and Cleanup Practices
- Conduct a post-site evaluation to determine:
 - ✓ The post-event effects on the surrounding area;

- ✓ If cultural resources were damaged;
 - ✓ How plant species were affected.
 - Create a future plan that will better protect cultural resources and prevent post-event impacts.
 - Disguise heritage sites to protect against looting and loss of heritage site value.
 - Consult the Burned Area Rehabilitation (BAR) Guidebook on how to stabilize the affected area immediately after the fire.
 - Assess the Pre-Event Plan's success, cooperation between parties, and appropriate use of material.
- Example of Cultural Resources Management Best Practices
- Identification of Native American Cultural Resources
 - ✓ After notification of a fire incident, CAL FIRE archaeologists have taken on the role of identifying Native American archaeological sites that may have been threatened during a wild land fire. These archaeologists have then operated in the field during the fire to flag sites and keep fire equipment and fire suppression activities from damaging archaeological sites. To identify threatened sites prior to a fire, CAL FIRE archaeologists have done the following:
 - Completed archaeological site records searches at the appropriate California Historical Resources Information System (CHRIS) regional archaeological records information center to identify threatened recorded archaeological sites;
 - Completed a Sacred Lands Inventory search through the NAHC, at which time an NAHC staff member has provided the CAL FIRE archaeologist with contact information for the tribe or the individual California Native American who submitted the site for listing;

- Contacted the tribes or individuals provided by the NAHC and collaborated with them to identify the locations of threatened sites.
 - Contacted the culturally affiliated tribes and individuals on the CAL FIRE Native American contacts list to see if they may be able to provide additional information.
- ✓ This approach is also recommended to agencies charged with preparing for the eventuality of a flood and post-flood recovery. Being forearmed with site location information prior to a flood offers the best chance to identify and preserve sites as the water recedes.

Conclusion

It will take the coordinated and concerted efforts of tribes, resources agencies, and agencies to protect California Native American human remains and cultural resources from the effects natural disasters such as drought, fire, and flood. It is our intention that this guide provides the tools to accomplish such protection.

Any questions or concerns about this guide should be directed to the Native American Heritage Commission, nahc@nahc.ca.gov, and (916) 373-3710.