



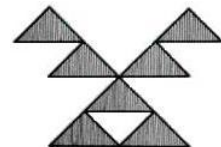
Land Stewardship Plan
for the PG&E - Stewardship
Council
Eel River Planning Unit
Mendocino County, California



Potter Valley Tribe
2251 S State Street
Ukiah, Ca 95482

September, 2011

Prepared by the Tribal Environmental Office
Adopted by the Tribal Council: September 28, 2011



Background Information

PART 1 - ORGANIZATIONAL INFORMATION

Contact Information:

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b. Secondary Contact:

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Executive Summary

2-1. Experience, Interests, and Objectives:

The preamble to the Constitution of the Potter Valley Tribe (2004), states that the members of the Tribal Council will: provide for the health, safety, and welfare of our people, promote our economy, preserve and protect and pass on our culture to future generations, maintain community harmony, achieve fairness and justice, honor our traditions, our ancestors, and our elders, assert and exercise our sovereignty, affirm and build our territorial base, acquire land and water for future generations, protect the cultural and natural resources of our aboriginal land or any other acquired territory, and carry on enterprises for the benefit of our community... As a Tribe with a small land base, the elected Tribal Council is duty bound to work with the United States government, County of Mendocino, City of Ukiah and others on a government-to-government basis to further the interests of the Tribe and the benefit of our community. The acquisition of parcel(s) within the Eel River Planning Unit by the Potter Valley Tribe (PVT) will further commit the Tribe to work with the local entities and partners, expanding its present service population and area of influence.

The Tribe's Comprehensive Economic Development Strategy (2002) was written when the Tribe had a very small land base, with a need for housing and economic development. The four goals at that time were 1) land acquisition, 2) promotion of home ownership for Tribal members, 3) establish a community center from which programs can operate, and 4) improve and expand community services. Goal 4) objectives include childcare programs, vocational training, and elder involvement with Tribal youth. Since that time, the Tribe has purchased land for housing in Redwood Valley (2003) and Potter Valley (2006), completed a Tribal Community Center in Ukiah (2005), and purchased land for recreational and development in Ft. Bragg (2009).

The Tribe sees the acquisition of land in the Eel River planning unit as presenting the following opportunities within these goals: land acquisition within our ancestral range, education and youth-elder involvement through development of cultural resource educational facilities on the known sites present within the unit; vocational training (rangers and maintenance personnel as camping facilities are expanded), summer environmental camps for all ages of youth; and restoration of the fisheries through cooperation with interested entities. Furthermore, the Tribe wishes to participate with other Tribes and communities' youth programs interested in coordinating efforts to educate the broader community of the unique history and culture of local Native American people. The Tribe is experienced in this; from 2010-11 they successfully implemented the Federally-funded, USDA Summer Food Service Program, administered by the California Department of Education. In the last two years the Tribe has partnered with the local Boys & Girls Club of Ukiah and adjacent Hispanic communities to provide 40-50 nutritious meals daily in lower-income areas during the summer months to serve disadvantaged children.

The PVT established its Tribal Environmental Office (TEO) in 2002 as part of the USEPA General Assistance Program (GAP) grant to establish the capacity and serve as the official institution to conduct environmental programs, establish environmental priorities, improve public health and awareness, and to document, conserve, promote, and manage the lands and properties in a manner that is environmentally sound, productive, and efficient. The TEO continues to operate and serve as the official institution to develop and coordinate environmental programs; with accomplishments including cleanup and closure of a dumpsite, environmental surveys and assessments of Tribal lands, monitoring projects with potential impacts to natural resources and an ongoing environmental education program. The TEO reports to the Tribal Council monthly, and assists with compliance and Best Management Practices for construction, development, and agricultural activities. The TEO interacts with Federal, Tribal, State, and local governments and agencies in all environmental matters. The TEO will house the programs associated with the Eel River Planning Unit and be the lead department to oversee funding acquisition, management, and planning aspects of the conservation and enhancement activities.

The Potter Valley Tribe (PVT), as a Federally-recognized Indian Tribe, has unique opportunities and resources available. The US Department of the Interior – Bureau of Indian Affairs (BIA) provides funding for resource planning and management, training to Tribal members in land, water, and resource management, and certification to technicians in many related programs. The US Environmental Protection Agency (USEPA) provides many programs for restoration of water and land resources, pollution prevention and cleanup, training of Federal resource inspectors and officers and assessment or planning activities. The US Department of Housing and Urban Development (HUD) provides funding for land purchase, economic development, restoration of historic buildings, and housing for low-income residents. Although no housing development would be planned for the Eel River Planning Unit, there will be a need for recreational facilities and cultural resource education, which would be eligible for HUD community facility construction and economic development programs. Finally, the US Government has a trust responsibility to respond to Indian Tribes' request for assistance, whether by developing MOUs with State, County or local entities or through direct assistance. The following excerpt from Federal law (PUBLIC LAW 104 – 330, OCT. 26, 1996 110 STAT. 4017) illustrates this:

SEC. 2. CONGRESSIONAL FINDINGS. The Congress finds that...

(2) there exists a unique relationship between the Government of the United States and the governments of Indian tribes and a unique Federal responsibility to Indian people;

(3) the Constitution of the United States invests the Congress with plenary power over the field of Indian affairs, and through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indian people;

(4) the Congress, through treaties, statutes, and the general course of dealing with Indian tribes, has assumed a trust responsibility for the protection and preservation of Indian tribes and for working with tribes and their members to improve their housing conditions and socioeconomic status so that they are able to take greater responsibility for their own economic condition...

These available resources will allow the tribe to increase management objectives and activities, above the baseline management currently provided by PG&E.

The following Tribal reports and documents are available upon request: Environmental Assessment of Tribal Lands (2010); Tribal Solid Waste Management Plan; USDA Land Conservation Plan 2008-09; Pomo Language program, the Tribal Strategic Energy Plan 2011.

The PVT is requesting a number of individual land parcels, which can be characterized by geographic location: riverside and upland. The PVT has a long history of seasonal settlements in the Eel River Planning Unit (EPU) area, dating back to the pre-contact era. The PVT has considerable assets and is uniquely qualified to contribute to the permanent protection of the watershed lands and the preservation and enhancement of the Beneficial Public Values associated with the watershed lands. The Tribe is committed to working with land conservation partners, local stakeholders, governmental groups, and the community to protect, manage, and enhance the key beneficial values of the watershed lands for future generations to share.

2-2 Financial and Organizational Capacity:

The Potter Valley Tribe has demonstrated financial management capacity. In the last 5 years the Tribe has successfully managed programs such as BIA 638, HUD IHBG, USDA Summer Lunch, USEPA GAP, DOE ARRA, private grants, and their non-gaming Tribal funds. The Tribe is a recipient of a BIA Integrated Resource Management Planning Grant for the fiscal Year 2011-12.

The Potter Valley Tribe has received and managed HUD ICDBG funds for several projects; these were completed on time and within the budget. These include the 2000 Redwood Valley housing purchase (Land Acquisition for Housing), the 2004 Michael Court purchase (Land Acquisition for Housing), and the 2003 Tribal Community Center purchase and rehabilitation (Public Facilities and Improvements). The Ft Bragg property was purchased by the PVT with Tribal funds; and will be applying for funding (HUD ICDBG Economic Development Project) for development of a 5-acre campground. Currently, (2011), the PVT is not implementing any ICDBG projects.

The Tribal Administrative Secretary (TAS) is responsible for bookkeeping, recording of financial transactions, maintaining proper fiscal controls and assuring that all disbursement of government funds are according to the law and regulations. The Chief Financial Officer checks

on the work of the TAS, manages payroll, and submits all required fiscal reports to the various agencies and funding sources. The Tribe is up to date on all fiscal and close out reports.

The management of SC-donated lands will be administered according to uniform administrative requirements of the Federal government, with specific requirements of cost principles for agreements with sub- recipients, programs income, use of real property, procurement, records to be maintained, reports, grant closeout procedures, force account construction, Indian preference requirements, citizen participation, environmental review, conflict of interest, lead-based paint, and debarment and suspension, etc. as contained in 24 CFR Part 1003 and Part 85.

The Potter Valley Tribe's financial system is a detailed, step-by-step process. The Tribal Council approves proposed budgets, the Tribal Administrative Secretary assures that all accounts payable and receivable are completed in a detailed manner and processes invoices and obtains necessary signatures from the Tribal Chairman for approval, and once the checks are processed, the Chief Financial Officer does the necessary data entries for each check and allocates the funding from the proper grant and/or program. The Potter Valley Tribe uses reputable computer accounting software called FUNDWARE. The FUNDWARE application is very efficient for grant and contract accounting and can produce detailed reports upon request.

The PVT was not required to have an audit in accordance with OMB Circular A-133 for 2006-10; however the Tribe chose to have audits. The 2009 and 2010 Audits are underway but not complete as of 9/2011; the 2007 and 2008 Audits do not contain any procurement or contract management related findings. The 2007 and 2008 Audits are attached; see Attachment 2.2PVT Financials 2007-2009.

Organizational Information:

3. The Potter Valley Rancheria of Pomo Indians of California is a Federally-recognized Tribe, listed in the Federal Register (FR, 2010) as the “Potter Valley Tribe, California”.

4. Documentation of tax exempt status. Under Section 7871 of the Internal Revenue Code (IRC), Congress determined that federally recognized Indian tribes and their subdivisions would be treated like states. There is no provision in the ICR that imposes an income tax on governmental entities or their political subdivisions. Revenue Ruling 67-284 amplifies this issue regarding federally recognized Indian tribes, by affirmatively indicating that they are not subject to federal income tax. Thus, Indian tribal governments do not qualify for exemption from federal income tax as described under Section 501(c)(3) of the Internal Revenue Code, since they are simply not subject to federal income tax. See Attachment: 4_IRS_Ltr-05-11-11

5. Legal name - Potter Valley Tribe, California

6. DBA – Potter Valley Tribe

7. Letter approving the submittal of the LSP and participation in the SC land conservation process – Attached is 7Resolution_7-27-11-001_Commit-PGE_Land

8. Rationale for Applying

The area of the Eel River planning unit is within the aboriginal territory of the Potter Valley Tribe. There are reported village sites of the Potter Valley Pomo within the unit, and the ancestors of the present-day Tribe shared this territory with other Pomo Tribes and the Huchnom and Yuki people. The Eel River planning unit contained trails, with trade routes, and fishing and hunting grounds visited often by the ancestors of the Potter Valley Tribe (DeGeorgy, 2005; Welch, 2000). As logging and farmland development increased, and utilization of water and harnessing of power grew, the original lands and resources of the Potter Valley Tribe were taken. By 1910 the only land bases remaining were 10 acres purchased by Potter Valley Indians in 1892 and the adjacent Potter Valley Rancheria purchased by the US government in 1909. The PV Rancheria was lost in the years following termination of the Tribal Governments. This Rancheria is still erroneously shown on topographic maps, although only one of the remaining parcels belongs to Native Americans. The present-day Potter Valley Tribe has been adding to the original 10-acre land base, and now owns small holdings in Potter and Redwood Valleys, Ukiah and Ft. Bragg.

The newly-organized Tribe adopted, and the Bureau of Indian Affairs approved, a Constitution on 7/29/2004. The governmental authority extends (but is not limited to) exercise of water, fishing, hunting, gathering, and environmental management rights within acquired or ancestral lands. The Tribe asserts its full governmental authority and any granted by Federal, State, or local governments.

The acquisition of land within the Eel River Planning Unit will provide the Tribe with a chance to manage a significant portion of its aboriginal territory. The goals of this acquisition include enhancement of existing resources, opening of areas for ceremonial and cultural activities, return of the fishery resources, expansion of environmental education programs, and participation in future recreational development opportunities (see attached 8Goals_PG+E_Land_10-07). The PVT is a small Tribe with large assets; emerging from disorganization and loss of members in the 1990's to a growing influence within local Pomo communities in 2011. This is an opportunity not only to increase the PVT's territory but to expand its capacity to form partnerships with other Tribes and communities. The PVT has contacted a diverse number of stakeholders; most of whom expressed an interest in becoming involved in the exciting future of the lower Eel River Planning Unit.

The land and resources of the Eel River Planning Unit will benefit, along with the public, now and in the future. The PVT is in a unique position to apply for Federal programs for the protection and promotion of Beneficial Public Values through its ability to access programs for law enforcement, resource assessment and enhancement. The PVT already has ongoing programs for environmental protection, construction, and resource planning from the USEPA, HUD, BIA, and USDA.

9. PVT Mission:

The Potter Valley Tribe's Preamble to the Constitution is its mission statement. Its scope embodies all 6 BPVs required by the Stewardship Council. The Potter Valley Tribe established its Constitution "to preserve, protect, and pass on our culture to future generations, to maintain community harmony, to achieve fairness and justice, to honor our traditions, our ancestors, and our elders, to assert and exercise our sovereignty, to affirm and build our territorial base, to acquire land and water for future generations, to protect the cultural and natural resources of our aboriginal land or any other acquired territory, to carry on enterprises for the benefit of our community..." This statement shows that the Potter Valley Tribe has the duty to protect its lands including people, fish, plants and wildlife habitat. It shows the Tribe's commitment to creating enterprises such as outdoor recreation, sustainable forestry and agriculture. The maintenance of community harmony stated in the mission statements refers not only to its own Tribal community but also the larger community as a whole. From discussions with several community groups and potential conservation partners, it is the desire of the Potter Valley community to maintain the Eel River Planning Unit as open space with compatible recreational opportunities, and vast improvements on the current level of management. It is the desire of the Potter Valley Tribe to work with the community of Potter Valley to ensure it incorporates the SC Land Conservation Plan recommendations and achieves the Planning Unit Objectives.

10. Geographic Focus:

The PVT's Jurisdiction is defined in Article I of its Constitution (PVT, 2004). "The governmental authority of the Potter Valley Tribe extends to all matters and conduct occurring within the exterior boundaries of acquired lands of the Potter Valley Tribe, to any interests in the ancestral or other tribal lands and resources of the Potter Valley Tribe, including but not limited to the exercise of water, fishing, hunting, gathering, and environmental management rights; and over the members of the Potter Valley Tribe wherever situated. The Potter Valley Tribe asserts its full governmental authority and any authority granted to it by the Federal, State, or local governments presently or in the future."

Potter Valley Tribe's aboriginal territory is the upper west fork Russian River Watershed, Potter Valley, the Upper Eel River (Main Stem) Watershed, and trails to the east and west to the coast. The Tribe owns two parcels of land in Potter Valley, 5 acres in the town and 10 acres near the old rancheria site. The Potter Valley Tribal Community Center is located in Ukiah, 22 miles from Potter Valley. Recently the PVT bought 69.8 acres in Fort Bragg on the coast, approximately 65 miles from Ukiah. The geographic focus of the Tribe extends from Lake Pillsbury in northern Lake County to the Pacific Ocean. It is well known that the Pomo people of Potter Valley traveling seasonally to the coast to gather shell fish and other marine life for sustenance. The Pomo of Potter Valley also traversed to the east, along the Eel River Watershed up to Lake Pillsbury to gather/collect salt, fish, hunt and trade. Given this large range of the Tribe's aboriginal gathering and harvesting area, the lower Eel River PG&E property lies directly within its ancestral territory and its present geographic focus area (Young, 2008) [Attached, see 10Native_History_Eel_River-Area].

The PVT runs programs such as the USDA Summer Lunch Program, environmental education and gardening classes, and other activities to which the local community is invited. The Tribe is active with local associations of Tribal environmental directors in Lake and Mendocino Counties. These groups meet 10 times per year to discuss environmental issues within the local areas. The PVT is experienced with providing social programs (housing, domestic violence, drug counseling) in their area. The PVT developed a relationship with the Potter Valley Irrigation District over the last 1½ years, to consider the co-management of the Eel River Unit and to bring in local stakeholders. Although the PVT has met with the Potter Valley Irrigation District (PVID) and contacted several local community groups in Potter Valley, there have been no formal relationships established. To date, only the InterTribal Sinkyone Wilderness Council has committed to being a conservation partner. Should the PVT be the recipient of donated land, there would be increased efforts to include as many local community groups as possible.

Organizational Experience and Capacity

11. Three Projects that illustrate relevant experience and capacity to own and manage lands, and to preserve and enhance resource values:

The Tribal Environmental Office (TEO) is responsible for most of the planning and technical implementation of natural resource-related programs on the lands of the Potter Valley Tribe. The Environmental Director (resume attached) is a biologist, agronomist, and environmental scientist with over 30 years experience in soil science, agriculture, and resource management and over 12 years in environmental planning for Tribes. The Environmental Technician (resume attached) is a biologist and Yurok Tribal Member with experience in microbiology, conservation corps crew supervision, and at-risk youth activities. The TEO reports monthly and as necessary to the PVT Tribal Council, which makes all financial and major management decisions. The Tribal Chief Financial Officer and Administrative Secretary provide the fiscal capacity to manage the various BIA, HUD and USEPA programs. (Resumes attached; see 11PV_Env_Dir_Resume and 11PVT_Env_Tech_Resume).

The PVT has had a successful environmental education program since 2004. Developed and implemented by the Tribal Environmental Office (TEO), the primary funding is from the USEPA – General Assistance Program (GAP). The PVT, contractors, and volunteers constructed four – 4 foot x 100 foot concrete brick raised garden beds; and also provide the technical assistance with ground preparation, planting and maintenance of the ¼ acre pumpkin patch, and ¼ acre vegetable garden annually. The gardens are raised using advanced soil building methods and organic-compliant methods, supervised by a Certified Professional Agronomist. There are several annual workshops, taught by the TEO, on native resource use, pest & disease management, least-toxic pesticide use, home canning and conservation, and the highly successful pumpkin picking workshop. The past 3 years, up to 75 local Tribal pre-school children attended the October workshop, with environmental education and experiential activities, including a pumpkin picking, native food talks with elders, and outdoor experiences.

The PVT is involved with the USDA-Environmental Quality Incentives Program (EQIP), which involves financial and technical assistance to farmers to install or implement conservation

practices to protect water, air and soil quality and enhance wildlife habitat. This required development of a conservation plan and acceptance by USDA-NRCS technicians. Using the services of the Tribe's Environmental Director, who is also a Certified Professional Agronomist (CPAg), the PVT tested the soils and mapped the 2 Potter Valley properties. Working with the USDA, the PVT developed plans at one property to improve the existing irrigation system, conserve water, reduce erosion, and improve the stream bank on the east fork Russian River. At the other property an upland pasture will be re-seeded and improved to reduce erosion, and an existing pond will be enhanced for wildlife. The planning also involved cultural resource surveys, conducted jointly with the USDA and Tribal personnel, prior to reforming the pastures and irrigation canals; the work is scheduled to be completed in fall of 2011.

The Tribe is involved with a newly-purchased property just across Hwy 1 near Ft. Bragg, Ca. This 70 acre property, a former dairy ranch with several historical buildings, is to be converted to recreational use. Long-term planning is under way for economic development to provide jobs and income for future Tribal members – a Pomo-themed, green campground facility and RV park. The goals are to restore the 100+ year old barn and an historical clubhouse as community buildings, construct primitive campgrounds and infrastructure, construct a small wind-energy farm, solar showers, and finally the RV park. The Tribe is committed to re-use of wood on site, preservation of existing wetlands, management of wildlife corridors, plantings of native plants, onsite energy production with grid backup, and onsite treatment and re-use of wastewater as much as feasible. The site has 3 pre-historic cultural resource sites. The PVT is considering having an on-going archeological excavation project as part of the educational opportunities on the facility. To date (9/2011) the Tribe has: delineated wetlands and imposed no vehicle areas; delineated cultural resource sites (this was part of the former Mendocino Reservation); trained Tribal crews on de-construction and materials re-use; installed and permitted new electrical panels on the house and the clubhouse; begun plan development and permits for rehabilitation of the existing house (rehab 70% complete) and conversion of former milking barns to solar shower and restroom facilities; installed pumps and water systems in 2 wells; trenched and installed 650 feet of water line with 2 faucet and fire hydrant stations; renovated a kitchen in a 1940's era clubhouse, and developed 2 primitive group camp sites. The PVT successfully hosted an environmental campout for over 140 children and adults (June 25-July 2, 2011). The Tribe has assistance from the Department of Energy – EECBG program to replace an existing water heater with a solar array. For the near future, the Tribe has applied to the HUD Indian Community Development Block program for funding of the planning and construction of the next phases.

12. Location, size, length of time held, uses, and current management practices for each property held or managed (all in fee simple status):

The Potter Valley Tribe's land holdings consist of four separate land bases (2011) and one community building, located in Mendocino County, California. All the governmental programs are run from offices in Ukiah, at 2251 S State Street. The 4 areas are in Ukiah, Redwood and Potter Valleys, (10-12 miles north of Ukiah) and Ft. Bragg (66 miles west of Ukiah).

The original Potter Valley land, owned by Potter Valley Indians since 1892, consists of about 10 acres located in western/central Potter Valley (elevation 975 ft), adjacent to the western foothills of the mountains dividing Redwood and Potter Valleys. Adjacent to the west and south are private lands; to the north and east is the former Potter Valley Rancheria, most of which has been sub-divided for rural residences. Farther to the east is farmland down to the east fork of the Russian River (0.6 mi). A pre-historic Pomo cemetery, still in use, is on the boundary with the southern neighbor's property, with the line dissecting the cemetery. There is one Tribal residence, with 9 occupants, the pumpkin garden, and 4 acres of grazing land. The TEO manages the garden and grazing land, working with Tribal crews and volunteers. The Housing Coordinator manages the residence with the Tribal crew. Tribal crews perform maintenance and protection of the cemetery, which dates to the early European contact era.

The Potter Valley Michael Court land, purchased in 2006, consists of 5.7 acres of flat, rural residential land near the center of Potter Valley and adjacent to the town. Located at an elevation of 940 ft. msl, the property is surrounded by the east fork of the Russian River on the west, and rural houses and pastures to the south, east and north. There is one recently-refurbished house with 4 residents and about 5 acres used for grazing (hogs and cattle), community gardens, and community events. The TEO assists with management of the garden and grazing land, working with Tribal crews and volunteers. The Housing Coordinator manages the residence with the Tribal crew. The PVT is working with the USDA-NRCS to improve the irrigation system of the pastures and protect the water quality of the nearby river.

The Redwood Valley property (acquired 2003) is located on East Road in Redwood Valley. This property consists of about 3 flat acres where 4 houses with 17 residents are located. These parcels are just on the east side of the valley, at an elevation of 766 ft. and about ¼ mile from the west fork of the Russian River. On the north and south are rural residences, vineyards and open space. This site is at the intersection of East Road and Held Rd, with the addresses: 9930, 9950 East Rd and 1950, 1970 Held Rd., Redwood Valley, CA 95470. The Housing Coordinator manages the residences with the Tribal crew. The TEO provides assistance with environmental issues.


The Tribal Community Center, located in at 2251 S. State St, Ukiah, CA 95482 (elevation 600 ft.), was purchased (2004) and rehabilitated (2005) with HUD Indian Community Development Block Grant (ICDBG) funds. This building houses the various Tribal programs (housing, environmental, education, language, USDA summer lunch) that serve Indians of several local tribes. The TEO provided oversight during demolition/rehabilitation, achieving 49% recycling of materials; then designed and installed a native plant walkway, working with Tribal crews and volunteers. The maintenance personnel manage the building and maintain the landscaping. The community center serves as a meeting place for most of the indoor cultural, environmental, and educational programs offered by the PVT.


The recently-purchased (2009) Ft Bragg property is a 70-acre former dairy with historic and pre-historic sites. This property is just north of the city limits, sloping towards the ocean, at an elevation of 45-85 feet. On the north is a county road; to the east and north are rural residences; to the south is a trailer park; to the west is Hwy 1 a narrow section of MacKerricher State Park,


and the ocean. The TEO is preparing development plans for the Pomo-themed, green campground. The site has magnificent ocean views and access, with great recreation potential. The Tribal crews do development of primitive campgrounds, fire protection, grass mowing and building deconstruction and renovation in conjunction with the Tribal Chairman, TEO, and contractors. The TEO provides oversight on solid and hazardous waste management, green planning and construction, and regulation of off-road vehicle use.


Organizational Finances


13. Attachment: Operating budget for the current year, copies of financial statements for the three most recent fiscal years: The following confidential documents are attached: Financial reports (2007 - 2009) and audits (2007, 2008); Combined Balance Sheets (1/2010 - 7/2011); Combined Revenue & Expenses (1/2010 - 7/2011); Revenue & Expense Statements (FY to 7/2010); GAP environmental budget (FY 2011, FY 2012) and BIA budget (FY 2011)


 2.2PVT Financials 2007-2009

 13PVT_Combo_Revenue+Expense2010-11

 4_IRS_Ltr-05-11-11

 13PVT_GAP+BIA_Budgets

 13PVT_Combo_Balance_Sheet_2010-11

 13PVT_Revenue+ExpenseFYto7-2011

The PVT does not have an overall operating budget; each program has its own annual budget. The two programs most aligned with the Stewardship Council and land management in general would be the USEPA General Assistance Program (GAP) and the BIA 638 budget. These budgets are attached to this proposal.

USEPA – GAP: The Indian Environmental General Assistance Program Act of 1992 (GAP) clearly states Congressional intent as to: (1) provide general assistance grants to Indian tribal governments and intertribal consortia to build capacity to administer environmental regulatory programs that may be delegated by the USEPA on Indian lands; and (2) provide technical assistance from the EPA to Indian tribal governments in the development of multimedia programs to address environmental issues on Indian lands. USEPA is responsible for administering federal environmental statutes on all U.S. lands, including Indian country. EPA recognizes tribal governments as the primary parties for making environmental policy decisions and implementing environmental programs that affect Indian communities. The primary purpose of GAP is to help federally-recognized tribes and tribal consortia build the basic components of a tribal environmental program, which may include planning, developing, and establishing the administrative, technical, legal, enforcement, communication, and outreach infrastructure. The TEO makes up the budget annually; it is reviewed and passed by the Tribal Council, then submitted to USEPA with the application.

BIA – 638: Within the government-to-government relationship, the Bureau of Indian Affairs (BIA) provides services directly or through contracts, grants, or compacts to Federally-recognized tribes. In accordance with the long-standing Federal policy of supporting Indian self-determination as expressed in the Indian Self-Determination and Education Assistance Act, as amended Public Law 93-638; Tribal Government Services promotes the sovereignty of federally

recognized Tribes. Tribal Government Services carries out this policy by supporting and assisting Indian Tribes in the development and maintenance of strong and stable tribal governments capable of administering quality programs and developing economies of their respective communities. The annual disbursement to Tribes is called the “638 contract”. Many of the BIA’s natural resource programs, such the Integrated Resource Management Plan, (funded for 2012), Fuels Reductions, Forest Management, Indian Reservation Roads, etc. are added to the basic 638 contract when funded.

The PVT has a Tribal Transportation Plan (2003) with a BIA Indian Roads Inventory (IRR). Once IRRs are added to the BIA Roads Inventory, there are funding sources available for tribal transportation projects through federal and state sources. This includes planning, engineering, construction, and improvements. In order to be eligible for IRR programs, roads or pedestrian trails do not need to be within Tribal lands; just provide access. One of the main issues in the Eel River Unit is the River Road, with erosion, slides and closures. Developing a management plan and priority list for the lower portion would be a priority, using all available resources. With the road management impacting so many environmental issues (endangered salmonids, critical habitat, water quality, unregulated access) there are many potential funding sources that would be pursued.

14. For non-governmental organizations only, please summarize your organization’s sources of funding, and how this funding is invested and managed. Not applicable

15. Grant funds, current or potential; strategy for securing additional sources of support:

Grant Name	Funding Entity	Period	Amount	Purpose
General Assistance Program (GAP)	US EPA	Annually 10/1 through 9/30	\$90,000/yr FY 2003 –10 \$80,000/yr FY 2010-2011 \$87,000/yr FY 2011-12	Capacity to conduct environmental programs; assess lands; solid waste management; ordinance development; environmental planning & education
Environmental Quality Incentive Program (EQIP)	USDA	Fiscal Year 2011-12	\$13,769	Develop land conservation plan; riparian restoration; water quality improvement; irrigation & livestock management
Indian Housing Program	HUD (IHP)	Fiscal Years 1998 – 2000 2002- 2010	\$128,782 FY 98; \$155,415 FY 99; \$125,016 FY '00; \$25,345 FY '02; \$25,969 FY '03; \$155,080 FY '04; \$140,778 FY 05; \$125,996 FY '06; \$25,000 FY 07; \$48,660 FY 08; \$49,715 FY 09; \$54,019 FY 2010	General administration of programs, including housing; maintenance of grounds & facilities; procurement & fiscal management
Indian Community Development Block Grant	HUD (ICDBG)	Fiscal Year 2000, 2003, 2004	\$511,195 FY 2000 \$605,000 FY 2003 \$605,000 FY 2004	Land acquisition; housing & community facility purchase & rehabilitation; economic development (campground, application pending)
Integrated Resource Management Plan (IRMP)	BIA	Fiscal Year 2012	\$25,841	Develop an IRMP for Tribal lands; add newly-acquired lands; ordinance and BMP development for cultural resources, riparian area, agricultural operations

Grant Name	Funding Entity	Period	Amount	Purpose
Transportation - Indian Reservation Roads	BIA	Fiscal Years 2010, 2011	\$81,000 FY 2010 \$70,000 FY 2011	Add roads to the IRR inventory; transportation planning; road and pedestrian improvements and construction
No. Calif. Indian Development Consortium	NCIDC	Fiscal Year 2010	\$4,400	2 temporary, part-time workers & supplies for Tribal community garden

The PVT has experienced grant writers and many opportunities for Federal and other funding programs. The US Government has a trust responsibility to provide funding for the many statutory and other requirements for protection and enhancement of resources in Indian Country.

16. Department that would acquire fee title to lands and restriction on use of timber revenue, lease revenue, or funding provided by the Stewardship Council to use on the donated lands:

Fee title would be held in the name of the Potter Valley Tribe for the benefit of present and future generations. Tribal Resolution 07-26-11-001 commits the PVT to stewardship of the donated parcels. This resolution also commits any and all income derived from the donated lands, or funds provided by the Stewardship Council or other sources for enhancement of Public Beneficial Values on donated lands, to be restricted to use for management or enhancement of the lands. See Attachment 7Resolution_7-27-11-001_Commit-PGE_Land

Key Personnel/Staff:

17. Current paid staff positions, key personnel and volunteers and their functions.

The Tribal Environmental Office (TEO) is responsible for most of the planning and technical implementation of natural resource-related programs on the lands of the Potter Valley Tribe. The Environmental Director (resume attached) is a biologist, agronomist, and environmental scientist with over 30 years experience in soil science, agriculture, and resource management and over 12 years in environmental planning for Tribes. The environmental technician (resume attached) is a biologist and Yurok Tribal Member with experience in microbiology, conservation corps crew supervision, and at-risk youth activities. He is a member of the Technical Peer Review Panel of the North Coast Integrated Regional Water Management Plan. The TEO reports monthly and as necessary to the PVT Tribal Council, which makes all financial and major management decisions. The Tribal Chief Financial Officer and Administrative Secretary provide the fiscal capacity to manage the various BIA, HUD and USEPA programs. The following table contains contact information for the staff that would have some involvement with the newly-acquired lands, and their roles in baseline activities and enhancement of BPVs:

POTTER VALLEY TRIBE Key Personnel			www.pottervalleytribe.com	
NAME	TITLE	PHONE 707 462 1213	EMAIL @pottervalleytribe.com	RESPONSIBILITIES
Salvador Rosales	Tribal Chairman	Ext 13	pvtchairman@pottervalleytribe.com	Presides over Tribal Council; acting Tribal Administrator. Signs all legal & financial documents. Construction oversight
Kathy Redhorse-Stallworth	Chief Financial Officer	Ext 12	pvtcfo @pottervalleytribe.com	Accounting, payroll, all fiscal reports & Federal reporting
Rosemary Rahmaoui	Administrative Secretary	Ext 18	pvtadminsecretary@pottervalleytribe.com	Purchasing, assists with accounting, housing & grants management
Gregg Young	Environmental Director	Ext 15	pvtepadirector@pottervalleytribe.com	Grant writing & management, environmental assessments & planning, construction oversight. Representation on boards & committees
Koiya Tuttle	Environmental Technician	Ext 14	pvtepatech@pottervalleytribe.com	Assists with EAs, planning, construction oversight. Representation on boards & committees
Maintenance and Grounds	2 employees	Ext 17		O & M of community building, Tribal housing, recreation and agricultural operations
Volunteers (community hours)	.25-.5 fte		pvtadminsecretary@pottervalleytribe.com	Maintenance work, hand labor (garden and environmental education projects)

Community Engagement and Collaboration

18. Collaborative efforts the PVT has been engaged in with organizations and stakeholders:

USEPA

The PVT has had a long relationship with the US EPA, Region 9 Indian Program Office. The PVT created the Tribal Environmental Office in 2002, which gives the Tribe representation with Federal, State, County and local governments. By working closely with the various EPA programs and personnel, PVT has assessed its lands and resources, created environmental and solid waste management plans, cleaned up dumpsites and conducted successful environmental education programs. The TEO represents the Tribe at meetings of the Regional Tribal Operations Committee, an elected Tribal governmental committee that meets with US EPA quarterly to assist all Region 9 tribes with implementation of programs for protection of air, water and land resources. The attached letter of support from the Indian Programs Office affirms the potential for increased environmental protection of the Eel River unit should the PVT receive donated land. See Attachment 18_Support_USEPA_R9.

Local Tribal Environmental Consortia

The last 5 years the PVT has been involved with two Tribal groups: the Hinthil Environmental Resource Consortium (HERC) and Mendocino-Sonoma Tribal Environmental Programs (MSTEP). HERC is composed of Tribal environmental staff from Lake County, with 4 Tribes that share territory with the upper portion of the Eel River Planning Unit. MSTEP is the organized group of Tribal environmental professionals from Mendocino and Sonoma Counties; there are 4 Tribes whose ancestors frequented the lower portion of the EPU. The issue of land donations has been on agendas of both groups for several years, as Tribes considered applications for land ownership for individual Tribes and consortia. The PVT is the only Tribe of the 8 to submit the Statement of Qualifications and LSP application. The groups support the PVT's proposed acquisition of land; the organizations are in the process of merging to form a Mendocino-Lake-Sonoma County Tribal Environmental Directors organization so is not able to provide a support letter at this time.

ITSWC

Founded in 1986, the InterTribal Sinkyone Wilderness Council (ITSWC) is a 501 I (3) non-profit consortium of ten sovereign, federally-recognized California Indian tribes engaged in cultural land conservation, Native stewardship, habitat restoration, and education within the aboriginal Sinkyone Indian tribal territory, which encompasses portions of southern Humboldt and northern Mendocino counties including the Garberville-Redway area. The Council's member tribes all retain historic and cultural ties to the Sinkyone tribal territory.

The ITSWC may be the best-known example of intertribal Indian land conservation in the U.S. It was formed in 1986 to protect threatened Sinkyone coastal redwoods from further clearcut logging, and to return traditional tribal stewardship to this land. In 1997 the Council purchased 3,845 acres for the first-ever InterTribal Wilderness area. This land is permanently protected through conservation easements. The Council conducts its work in collaboration with a wide variety of project partners, including local tribes, Sanctuary Forest, Pacific Forest Trust, the Trust for Public Land, Trees Foundation, California State Parks, the State Coastal Conservancy, and others. The Chairman of the PVT serves on the Board of Directors of the ITSWC.

The ITSWC considered application for SC- PG&E donated lands, but decided that it would be stretching its geographic and capacity range beyond its ability to perform its functions. The PVT has been in contact with the organization for over a year on the EPU land donations; the board is considering becoming a Conservation Partner as soon as an effective definition of roles and responsibilities is developed for the relationship. Of the 10 Tribal members of the ITSWC, 8 include the EPU within their ancestral territory. Their support for the PVT and willingness to become a partner is shown in the attached letter (see 18Sinkyone_Ltr_Support-PVT_9-02-11).

NCIRWMP

The Tribal Environmental Technician is on the Technical Peer Review Panel of the North Coast Integrated Regional Water Management Plan (NCIRWMP). NCIRWMP is an innovative, stakeholder-driven collaboration among local government, watershed groups, tribes and interested partners in the North Coast region of California. The North Coast comprises seven counties and multiple major watersheds, with a land mass of 19,390 square miles—which

represents 12% of the landscape of California. The NCIRWMP integrates long term planning and high quality project implementation in an adaptive management framework—fostering coordination and communication among the diverse stakeholders in the Region. Focus areas for the NCIRWMP include salmonid recovery, enhancement of the beneficial uses of water, and the synchronization of state and federal priorities with local priorities, knowledge, and leadership. This group funds specific projects to protect and restore water resources.

County of Mendocino

The PVT met with two members of the Mendocino County Board of Supervisors, and jointly with the Potter valley Irrigation District (PVID). Several options were discussed, including a joint application with the PVID, formation of a consortium (County, PVT & PVID) to request donation of lands, and individual applications. Among the three entities, the most feasible option was chosen (PVID and PVT submit separate applications; Mendocino County provide support letters for each). The PVT, PVID and Mendocino County have all considered serving as conservation partners, depending on the roles involved; however no formal arrangements have been made to date. Attached is a support letter from the Mendocino County Board of Supervisors (18Support_MC).

Others

The PVT met with representatives of other groups such as Redwood Valley Rancheria, Friends of the Eel River, California Department Fish & Game, and US EPA, Region 9 Indian Programs Office. The common goals and interests of each of the groups for the EPU were discussed, and the potential for one or more of these groups becoming a Conservation Partner is good. This effort is hampered by the fact that the definition, roles and responsibilities of a conservation partner are not clear at this time. The Redwood Valley Rancheria has provided a letter of support; see 18-Support_RWVR_9-21-11.

19. PVT's most relevant experience soliciting stakeholder input on projects comparable to the transfer and permanent protection of lands. The approach the PVT would use to solicit stakeholder input and disseminate information to the public on proposed future activities or measures for, and management of, the subject watershed lands:

The PVT reviewed, commented and re-reviewed the LCPs through the draft and final process, participating in all local meetings and site tours. The PVT met with many individual stakeholders and held informal and formal meetings with some stakeholder groups. The PVT is experienced in hosting meetings, training sessions, and workshops, and developing agendas and outreach materials. The PVT does not have a lot of experience with transfer and permanent protection of land pursuant to conservation easements. Although most Tribes have land in Trust with the U.S. Government, the PVT's land holdings are all fee status. The Tribe has no current or future plans for fee-to-trust conversion for any of its existing lands.

The Tribal Environmental Director has written over 20 environmental assessments, reviews, EIS, and planning documents. Several of these required community meetings, public input, and meetings with County planners, State and Federal officials. The PVT has several programs that involve community involvement; mostly with other Indian Tribes. The PVT will be committed to

include local stakeholders in the planning and approval process on all aspects in the planning unit. This is one of the main contributions of the Conservation Partner – to augment the expertise and capacity of the land owner in carrying out the objectives and beneficial public values. To date (9/2011), the InterTribal Sinkyone Wilderness Council has agreed to work with the PVT. Upon notification of land donation, the PVT would immediately begin an outreach program to coordinate with the conservation easement holder recruit conservation partners.

Legal Compliance and Best Practices:

20. Best practices, standards, or guiding principles to ensure all organizational operations are legally and ethically sound and in the public interest.

The Potter Valley Tribe (PVT) has demonstrated financial management capacity. The last 5 years the Tribe has successfully managed programs such as BIA 638, HUD IHBG, USDA Summer Lunch, USEPA GAP, private grants, and their non-gaming Tribal funds. The Tribal Administrative Secretary (TAS) is responsible for bookkeeping, recording of financial transactions, maintaining proper fiscal controls and assuring that all disbursement of government funds are according to the law and regulations. The Chief Financial Officer checks on the work of the TAS, manages payroll, and submits all required fiscal reports to the various agencies and funding sources. The Tribe is up to date on all fiscal and close out reports (9/2011).

The Potter Valley Tribe has received and managed HUD ICDBG for several projects; these were completed on time and within the budget. These include the 2000 Redwood Valley housing purchase (Land Acquisition for Housing), the 2004 Michael Court purchase (Land Acquisition for Housing), and the 2003 Tribal Community Center purchase and rehabilitation (Public Facilities and Improvements). The Ft Bragg property for this Economic Development Project was purchased by the PVT with Tribal funds. Currently, (2011), the PVT is not implementing any ICDBG projects.

This project will be administered according to uniform administrative requirements and cost principles for agreements with sub- recipients, programs income, use of real property, procurement, records to be maintained, reports, grant closeout procedures, force account construction, Indian preference requirements, citizen participation, environmental review, conflict of interest, lead-based paint, and debarment and suspension, etc. as contained in Part 1003 and 24 CFR Part 85. The PVT is required to have approved and adopted Code of Conduct and fiscal management policies. Attached are the following PVT written conflict of interest policies: 20Resolution_Code_Conduct and 20Resolution_Fiscal_Mgmt_Policies.

21. Provisions for another organization to assume ownership and management responsibilities for assets in the event that the PVT is unable to continue operations:

The Potter Valley Tribe is a Federally-recognized Tribal government with a Constitution, adopted by the Tribe and approved by the Bureau of Indian Affairs. Continuation of the operation is assured through regular elections, replacement of Tribal Council members through elections, and addition of new Tribal members as they become eligible. Financing for normal

governmental functions are assured through the trust responsibility of the following U.S. agencies and departments: Department of Interior – BIA, US Environmental Protection Agency, US Forest Service and others. In addition, the PVT receives revenue sharing funds from Tribes with gaming facilities in California. This fund for non-gaming Tribes was established by California Proposition 1A and subsequent acts of the legislature (Assembly Bills 673, 1750), and provides the PVT with substantial income for its many projects for the benefit of Tribal members and the community. There is no organization that could assume these functions.

22. Current or past violations of law associated with the PVT in the last five years.

None. Tribal programs and finances are tracked or audited by the following U.S. Government entities: Bureau of Indian Affairs (BIA), Department of Housing and Urban Development (HUD), Environmental Protection Agency (USEPA) and US Department of Agriculture.

23. Laws/policies that preclude the PVT from accepting a conservation easement on fee title lands:

There are no Federal or Tribal laws or policies that preclude the PVT from accepting a conservation easement on the watershed lands for which we are seeking fee title.

24. Conflict of Interest Disclosure

There are no personal or financial relationships between PVT members or Tribal Council members and members of the Stewardship Council’s board, his or her family members, or the board member’s constituent organization. The Tribe’s Code of Conduct specifies the policy regarding conflict of interest.

PART 2 – LAND STEWARDSHIP INFORMATION

Land Interests Sought

25. Specific parcels or portions of parcels for donation in fee title:

The PVT is requesting donation of some or all of the following parcels:

PG & E Parcel #	Acreage	Retained – FERC	Net Acres	Needs survey / subdivision?	
Upland Parcels	739	234	9	225	Yes
	744	349	0	349	No
	745	159	0	159	No
	746	77	0	77	No
	755	24	1	23	Yes
River parcels	748	1,215	234	981	Yes
	749	19	9	10	Yes
7 Parcels		2,077	253	1,824	

The PVT is requesting a number of individual land parcels, which can be characterized by habitat: riverside and upland. With the PVT's long history of seasonal settlements and resource gathering in the EPU area, there are strong connections. The ancestors of the PVT and other Tribes gathered acorns, grasses, mushrooms, and seeds and hunted or trapped for deer, small game and birds in the upland areas. In the riverside areas they gathered acorns, grasses, seeds, and basket materials. They also hunted and trapped fish, deer, elk, small game and birds in the riparian areas. There was a trade route to the northeast for salt, an important method of food preservation, through the Eel River corridor. The Pomo from Sherwood, Redwood and Coyote Valleys, Upper Lake, Robinson Creek and other areas co-existed, traded, and shared ceremonies. Since they spent most of their waking hours gathering food or maintaining shelter, natives were very aware of their direct connection to their environment. This was reflected in their religious, cultural and recreational practices (Welch, 2000; DeGeorgy, 2005; Young, 2008). PVT members currently spend time gathering acorns, mushrooms and seafood, reviving traditional practices and teaching Tribal youth (of many local tribes) hunting, fishing and gathering. The PVT is determined to have this small portion of the Eel River area returned to its remaining ancestors. This creates an unprecedented future; in which the PVT can re-develop past connections with nearby Tribes, visitors, and local communities, while partnering with current stakeholders to protect and develop the watershed lands for future generations to share.

26. Will transfer of the watershed lands identified require a lot line adjustment, boundary survey, or legal parcel split? Describe any proposed lot line adjustment, boundary survey, or parcel split and indicate why the proposed measure is necessary and how the proposed lot line adjustment or parcel split would contribute to the preservation and enhancement of the BPVs. Estimate these costs in the budget and funding plan and indicate if your organization would contribute funds for these costs.

The preceding table shows the parcels that would require subdivision/legal lot splits to delineate property that will be retained by PG&E within FERC project boundaries. The remaining portions of the parcels will be retained by the Tribe, which is committed to providing baseline management and the enhancements outlined in other sections of this proposal. Cadastral surveys can be requested through BIA program offices; however the application period and scheduling of surveys through the BIA may not be within the transfer period for SC-PG&E lands. The surveys are probably best accomplished ASAP following donation, using SC funding. Since there are no known enhancements to the parcels proposed by PG&E, acceptance of this proposal is the best available plan for enhancement of the BPVs for the lower portions of the Eel River Unit.

27. PVT internal process for approving the acquisition of, and completing the transaction associated with, real property.

The parcels would need to go through the fee title/transfer process. The Potter Valley Tribe, through its Tribal Council, which, as the Tribe's governing body, maintains the ultimate power and authority to acquire land (PVT Constitution, 2004). By consensus, the PVT Tribal Council will adopt a Tribal Resolution to accept the fee title donation of the Eel River Planning Unit lands to the Tribe. Thereafter, the PVT will report the acquisitions to the BIA, USEPA, HUD,

and other relevant agencies for coverage and inclusion in their programs and inventories of Tribal properties.

28. Baseline and Enhanced Land Management

Baseline Land Management

According to the Stewardship Council planning documents there is only a rough estimate of the baseline management activities for the Eel River Planning Unit (SC, 2011). The report estimates that costs are approximately \$105,500 per year; more than ¼ of that is for timber management activities. With 7,449 acres of land within the unit, that averages \$14.16 per acre per year. A formal request to obtain baseline management costs for the Eel River Unit was sent to PG & E offices and staff on July 8, 2011. The PG&E response (7/20/11) states that the company does not track its land management activities at the level of detail requested. Thus, the number of visits, frequency of patrols and costs of personnel and maintenance for non-power producing facilities and parcels are not available at this time. The estimated baseline costs for all of the donated parcels (1,824 acres) would be approximately \$26,000 per year. If fewer parcels than requested were donated; the costs would be proportionately less (see attached 28PGE_Reply_Ltr_7-20-11)

Recommended Baseline Land Management for the Eel River Planning Unit

- Patrol for poaching, illegal camping, Off Highway Vehicle (OHV) use – PVT will patrol the properties seasonally, at least twice weekly (March – October) and bi-weekly (November-February). From reports from residents and the Land Conservation Plan (SC, 2007), this is much more frequently than under current (2011) management. Written reports will be submitted to the TEO, who will report to the Tribal Council and authorities as necessary.
- Delineate and map areas that have access at present; prioritize controls of parking, roads, and OHV use – The TEO can use its mapping and GIS capability to assess priority locations and begin the process of closing, enhancing, or creating vehicle access and facilities to protect habitat quality while providing compatible recreational opportunities.
- Install & maintain gates & barriers – the PVT and Conservation Partners will jointly assess impact of OHV use and the need for gates and barriers. Together with local community groups, the partners will coordinate installation and maintenance of signs, gates, and barriers. The PVT regular patrols will report on the need for maintenance with written reports.
- Incorporate properties into BIA Roads Inventory, Tribal EA and IRMP – the TEO will incorporate information on the properties into the BIA Roads Inventory, PVT Environmental Assessment (2010) and Integrated Resource Management Plan (2012) within 1 year of property acquisition.
- Add to current insurance property policy – the Tribal Administrative Secretary will determine the cost of property insurance at the beginning of the escrow/transition period, and the PVT will acquire insurance prior to completion of transfer of title.
- Add properties to the PVT Solid Waste Management Plan – the PVT has an approved SWMP; new properties are added by the Tribal Environmental Office.

- Notify BIA and DEA of property acquisition and submit formal request for Federal enforcement assistance for illegal agricultural activities – several of the parcels have known illegal agricultural operations (marijuana cultivation) and past reports of drug labs. The PVT will immediately set up meetings with Mendocino County Sheriffs Department and U.S. Drug Enforcement Agency representatives to coordinate enforcement of such activities on Tribal land. The PVT is unique in that the newly-acquired lands will be under Federal jurisdiction, and eligible for immediate assistance from DEA, BIA and USEPA programs for controlled enforcement.
- Develop trail & recreation map & information of existing facilities – in conjunction with the Conservation Partners, local agencies, and the adjacent USFS, produce maps of the parcels that show existing access points, attractions, recreational facilities and instructions for temporary uses while long-term plans are being developed
- Monitor existing Timber Harvest Plans (THPs) – There are no THPs identified in the Stewardship Council background reports (SC, 2011, 2007), although there have been THPs filed in the past for some of the requested parcels. There should be an immediate request from the CDF for the status of these THPs. Any existing THPs should be reviewed within the goals of the conservation easement and renegotiated if needed.
- Develop specific Memorandum of Understanding (MOU) with BIA & USFS, CDF for fire protection – The BIA and USFS have existing MOUs with CDF, and cooperative agreements for protection of land in Indian Country, within National Forests and within the Wildland Urban Interface. PVT lands will be added to the inventory in the State Responsibility Areas. PVT will also immediately apply for BIA – Fuels Reduction Programs during the next funding cycle. This can assess the need and pay for small to large scale prescribed burns, vegetation removal, and fuels control.
- Obtain all Cultural Resource (CR) studies from PG &E, USFS, and North West Information Center (NWIC) at Sonoma State University – the PVT has Tribal personnel with permission to research records at NWIC. With consultation of other local Tribes, PG&E, and the USFS the records will be compiled and developed into a (confidential) map and report of CRs within the parcels. Development of a CR management plan will be an enhancement.
- To evaluate the status of sediment delivery to the river from forestry conditions and road conditions of the parcels, review the Best Management Practices (BMPs) and mitigation measures in the USFS Water Quality Management Handbook, following up with a written report. Begin contact with resources in the BIA, USEPA, USDA and State of California that assist with non-point source water quality issues.

Enhanced Land Management for Beneficial Public Values

BPV 1 – Protection of Natural Habitat of Fish, Wildlife & Plants

1. Develop ordinances for camping, parking, OHV use on Tribal lands – the PVT TEO is developing ordinances to regulate camping, parking, wood cutting, OHV use, etc. on Tribal lands. The new properties would be incorporated into these. Currently the parcels are subject to trespass, littering and other State and County laws and regulations, but most of these are not enforced. Signs that identify various permitted uses are needed.

2. Biological Survey/Environmental Assessment (EA) – the TEO will add new lands to the Tribal EA; more complete environmental surveys will be incorporated into the funding requests for other enhancements
3. Noxious weed management plan – PVT will be eligible for BIA’s noxious weed control program; assessments of needs can be developed using existing TEO funds, or applied for under various USDA and BIA programs
4. Wildlife & habitat management – along with other plans under development, contact Conservation Partners, local Tribes, Native American resource groups, PG&E, and others to identify sites for gathering of basket & other living cultural resources. Develop a cultural resource management plan for the parcels (see 6-3).
5. Endangered Species (ES) evaluation – PVT will meet regularly with the Conservation Partners and the US Fish & Wildlife Service and California Fish & Game branches that deal with endangered species, especially Federally-threatened fall run Chinook salmon and steelhead. Among the management strategies the PVT will encourage and attempt to develop are: annual population assessments, investigation and funding of a local hatchery, habitat enhancement, non-point source reduction programs, and water quality improvement grants.
6. Non-point source/silt impact of roads – PVT would be eligible for 2 very important funding opportunities, for which it is presently ineligible due to lack of water resources. These are: Section 106 (Water Pollution Control Grant) and Section 319 (Non-Point Source Water Quality Grant) of the Clean Water Act. This can support ongoing activities to protect the Eel River, such as development of water quality standards and total maximum daily loads, surveillance, ambient water quality monitoring, and enforcement (106), and to mitigate nonpoint source pollution such as sediment from roads, septic tanks, etc. (319). The River Road and others crossing, adjacent, or providing access to newly-acquired Tribal lands would be added to the Indian Reservation Roads program (BIA); repair projects can be funded from this program. After an initial assessment, the PVT would use USEPA and USDA – Natural Resource Conservation Service personnel do develop an erosion reduction plan.
7. Off Highway Vehicle regulation – there are several areas where OHV operation is causing erosion, potential fire, and other problems. In nearby Mendocino Forest there are areas for OHV use; a simple solution would be banning and enforcing OHV use in the PVT parcels. Delivery of sediment to the Eel River below Lake Pilsbury is a much more critical issue than above the dam. There is potential for OHV use in the upland parcels; this has recreation potential and can be used to manage and maintain firebreaks. The PVT will meet with stakeholders (OHV groups, local residents, CDF, etc.) to determine if OHV will be allowed, where, and how it will be controlled. There will need to be substantial effort put into this; it will need patrols, signage, barriers, and trail enhancement measures.
8. Train resource managers – the BIA and USEPA both have programs for training natural resource managers and enforcement officers. The PVT would be applying for these for Tribal members, in order to increase employment
9. Illegal agricultural operations – although monitoring and enforcement of this would be a baseline activity, it could be an ongoing problem, as evidenced by other counties within California, and neighboring countries (Mexico). Until cultivation of marijuana is

legalized and regulated, this situation will need ongoing attention. In either case, the Eel River Unit is not a good site for such activities, and the PVT will use all the available resources to eliminate and keep out marijuana and other drug operations with potential for environmental damage.

10. Pike minnow program (to reduce predator pressure in salmonids) – the TEO will meet with stakeholders; review the program, cooperate and expand the program within the resources of the PVT.

BPV 2 – Preservation of Open space

1. Permanent conservation easement – this will be the requirement of the PG&E settlement, arranged by the Stewardship Council. The PVT will share board and/or technical advisory positions with the conservation easement holder in order to meet the requirements of the CE.
2. Signage & boundary clarification – This will be integral parts of the various plans (EA, recreation, OHV, enforcement) and ordinances. The TEO, Tribal Maintenance Department and Conservation Partner(s) will be responsible for this.
3. Recreation management plan development – this allows for stakeholder and public participation into campground, facilities or other compatible development to insure open space, cohesion with the conservation easement, and public access, are always considered. The PVT will hold public meetings to organize stakeholder participation.

BPV 3 – Outdoor recreation by the General Public

1. Provide wildlife viewing facilities - Coordinate access to Van Arsdale Dam with Calif. Fish & Game (CFG) and PG&E – this facility can be a seasonal recreational draw. There are presently viewing facilities for the fish ladder and egg harvesting stations; visits and tours are available with no regular hours. With some improvements and coordination between the PVT, Conservation Partner(s) and CFG, it will be a unique educational facility with easy access to visitors.
2. Develop recreation management plan – this could be a subset of the PVT Integrated Resource Management Plan, which has been funded for FY 2011-12. The TEO will be coordinating this addition to its environmental program. Additional lands will be added as they are acquired and incorporated into the plan. Development of future campgrounds within the EPU will be a priority of the plan.
3. Incorporate inter-tribal youth campout – the PVT works with 7 other local Tribes to organize and plan an environmental campout on the PVT land in Ft Bragg (141 children and adults attended in 2011). Future campouts will be planned following the development of group camp site(s).
4. Improve/regulate access – roads within and connecting to the PVT lands are listed in the BIA Indian Reservation Road (IRR) inventory. Funding for improvements is available through the U.S. Department of Transportation and BIA. The County of Mendocino maintains the roads and coordinates improvements through specific agreements and projects. New properties will be added to the IRR inventory as soon as they are conveyed to the PVT. The PVT would meet with the County of Mendocino to coordinate efforts and discuss sharing of funds for specific project.
5. Signage & boundary clarification – see 1.1, 1.7 above

6. Assess/Coordinate OHV use – see 1.7 above
7. Assess recreational potential of boating, trails, hunting, birding, other – for inclusion in planning reports and processes.
8. Study roads & access to river & other recreation sites: There are 2 main roads within the unit: the Elk Mountain (county, north side of Eel River) and River Road (USFS & private, south side) – After incorporation into the BIA IRR system, the PVT could use its transportation planning and improvement funds within the Eel River Unit. There is a wide range of opinions by stakeholders on the fate of the River Rd; ranging from closure to limited access (present condition) to complete rehabilitation. The PVT would hold public meetings to discuss options for maintenance, closure or repair of roads.

BPV 4 – Sustainable Forestry

1. Evaluate timber inventory – compile records from CDF and PG&E. Incorporate into Integrated Resource Management plan. Apply for BIA funds under their forestry program for additional evaluations.
2. Develop holistic forest management plan (FMP) – There have been THPs filed in the past for some of the requested parcels; these should be evaluated for economic potential, community input, and sustainability. There are potential economic returns from forestry resources such as timber, biomass/firewood, and carbon credits. Parcels with economic potential for forest resources are: 739, 744, 745, 746. Parcel 748 has some potential; Parcel 749 has limited. Economic potential should be evaluated with tradeoffs (impact on recreation, wildlife, and community values). Develop fuels management plan – develop long term plan within the FMP for health of forest and protection of nearby neighborhoods and structures (see Baseline Land Management, pg. 18)
3. Develop traditional management demonstration areas, educational program – see 6-2, 6-3
4. Carbon credits – review and consider potential income and requirements for the program; apply if feasible and compatible with the conservation easement and Conservation Partner(s).

BPV 5 – Agricultural uses

1. Assess impacts of unauthorized cultivation, water uses or grazing; see 1.9
2. Develop management policies utilizing BMPs from BIA, USDA, USEPA regulations and guidance – distribute to local community, stakeholders and leaseholders

BPV 6 – Preservation of Historical Values

1. Cultural resource (CR) survey – refine and expand on baseline CR activities; for use in developing a CR plan
2. Coordinate with Native American entities whose ancestral territory is within the unit and with groups such as the California Indian Basket Association (CIBA) – Begin to identify traditional gathering areas, pursue funding and develop an ethnographic study.
3. Develop Cultural Resource Management Plan for preservation and enhancement of CRs – Apply for and receive funding to incorporate information from stakeholders, Tribes, NA groups into a long term plan for protection and enhancement of CRs, including traditional gathering areas and compatible public educational components.

4. Demonstration & educational opportunities – find funding and implement recommendations from CR plan into public opportunities and facilities; i.e. signs, kiosks, a demonstration village.
5. Youth tours, campouts, cultural events – incorporate CR into day or extended activities, using facilities developed under the CR plan

(a) How proposed activities would achieve baseline and enhanced management of the watershed lands (e.g., the frequency and nature of on-the ground site management activities, the anticipated duration or frequency of proposed site activities, and the staffing associated with such activities):

Much of this is explained above; generally the TEO would do planning, technical advisory and training, funding requests, public outreach, and reporting to the Tribal Council. The Tribal Council will be involved with general oversight, fiscal management, and meeting with the conservation partner(s). The existing Tribal staff and maintenance crews would be trained and used for routine patrols and reporting. The PVT will provide patrols with written reports at least twice weekly (March – October) and bi-weekly (November-February). The PVT TEO would provide the immediate training and reporting protocol, while applying for funds to BIA and USEPA programs for enforcement training programs for potential employees. Construction, from gate replacement to facility construction/maintenance will be accomplished by Tribal force account, volunteer partners or contract.

b) How the proposed enhanced management activities would contribute to the management objectives for the planning unit in the Land Conservation Plan and the Recommended Priority Measures:

See the preceding Enhanced Land Management for Beneficial Public Values section for specific examples. Tribal ownership would contribute to management objectives by adding Federal jurisdiction and potentially more funding options. Compliance with National Environmental Policy Act (NEPA), Water Quality Act (WPA), Clean Air Act (CAA) and other statutes follows with Federal funding. State funding agencies would have their own requirements for California Environmental Quality Act (CEQA) compliance. This insures that any changes to the land would consider the environment and public benefits before implementation.

c) How the proposed enhanced management differs from current management by PG&E:

As a company primarily involved in energy production, PG&E manages natural and living resources fairly well. However, they are restricted by the scope of their mission; and as the population has grown, the impact on our natural environment is now much greater. Managing unauthorized camping, vehicle use, road maintenance, endangered species, cultural resource protection, illegal agricultural production, etc. are now much more difficult than under original FERC requirements. The lands not directly involved in power production need a local steward, who can draw together Federal, State, county, and local resources for the protection of the environment and development of recreational facilities needed for future generations. As the original stewards of these lands, and, given the capacity, Indian Tribes are uniquely qualified to perform this role.

d) How the proposed baseline and enhanced land management activities would potentially impact public use of the watershed lands and any existing economic uses:

The baseline management activities proposed above would address many of the problems existing on the properties. Tribal ownership of the land would result in the addition of Federal resources to those of the existing (over-allocated) county and local resources. There would be closures of existing (unauthorized) trails, camping areas, and OHV use areas to protect water quality. There may be seasonal closures of some areas for fire or erosion prevention. No impact on existing (legal) economic activities is likely to occur.

e) Timeline for PVT incurring costs of proposed enhanced management activities:

Beneficial Public Value Identified in LCP	Timeline: years from transfer
BPV 1 – Protection of Natural Habitat of Fish, Wildlife & Plants	
1. Develop ordinances for camping,	1/ ongoing
2. Biological survey/Environmental Assessment (EA)	1
3. Noxious weed management plan	2
4. Wildlife & habitat management - identify & map gathering sites	2
5. Endangered Species (ES) evaluation - develop strategy; seek funding	3
6. Non point source/silt impact of roads – assess/begin implementation	3/5
7. Off Highway Vehicle regulation – hold meetings/management strategy	2/5
8. Train resource managers	2
9. Illegal agricultural operations – continue cooperation with enforcement	1/ongoing
10. Pike Minnow Program (reduce predator pressure)	1/ongoing
BPV 2 – Preservation of Open space	
1. Permanent conservation easement – join or form advisory boards	1
2. Signage & boundary clarification – install /maintain signs	2/ongoing
3. Recreation management plan – initial meetings, develop scope of work	3
BPV 3 – Outdoor recreation by the General Public	
1. Provide wildlife viewing facilities - apply for/secure funding & construct	3/8
2. Develop recreation management plan	5
3. Incorporate inter-tribal youth campout – first campout	2
4. Improve/regulate road access - request funds/complete construction	3/10
5. Signage & boundary clarification – see above	3
6. Assess/Coordinate OHV use – see above	2
7. Assess recreational potential of boating, trails, hunting, birding, other	1
8. Study roads & access to river & other recreation sites: prelim engineering	5
9. Develop campground(s) according to recreation plan findings	10

Beneficial Public Value Identified in LCP	Timeline: years from transfer
BPV 4 – Sustainable Forestry (check parcel descriptions for THPs)	
1. Evaluate timber inventory	2
2. Develop holistic forest management plan (FMP)	5
3. Develop fuels management plan	5
4. Develop traditional management demonstration areas & educational program – request funding/begin implementation	3/8
BPV 5 – Agricultural uses (check parcel descriptions for THPs)	
1. Assess impacts of unauthorized cultivation, water uses or grazing	1
2. Develop management utilizing BMPs from BIA, USDA, USEPA regulations and guidance – develop/distribute BMPs	2/ongoing
BPV 6 – Preservation of Historical Values	
1. Cultural resource survey	3
2. Coordinate with Native American entities whose ancestral territory is within the unit and with groups such as the California Indian Basket Association (CIBA)	2/ongoing
3. Develop Cultural Resource Management Plan for preservation and enhancement of CRs	5
4. Demonstration & educational opportunities – request funding/construct	5/10
5. Youth tours, campouts, cultural events – at new facilities	10+

f) How the proposed enhanced management activities would reflect applicable land management best practices.

The commitment of the PVT and qualifications of its staff would insure that enhanced management activities would reflect BMPs. See: 28 a, b. The PVT would form advisory boards with Conservation Partner(s), USEPA and local governmental offices, the conservation easement holder, and stakeholders to insure broad oversight of management of the lands.

Physical Enhancements/Capital Improvements

29. Proposed physical enhancements or capital improvements; with costs in the proposed project budget and funding plan (e.g., trail, restrooms, habitat restoration, fencing, youth facilities, etc.):

The only physical improvements proposed for the near future will be signage, barriers, and gates to regulate unauthorized access and protect water resources. Trails, restrooms, camping facilities, and buildings other improvements will follow the incorporation for the parcels into the PVT EA, IRMP, and development of a recreation management plan. These would all be developed within the guidelines of the SC-LCP and the stipulations of the conservation easement. Funding for

construction of facilities would be pursued from Federal, State or private groups in accordance with the Conservation Plan.

Land Conservation Partners and Youth Opportunities

30. Potential land conservation partners to be involved in proposed management, including youth-related activities:

The PVT met with the Potter Valley Irrigation District and Golden State Land Conservancy, and talked with environmental offices of several local Indian Tribes (Redwood Valley, Coyote Valley, Sherwood Valley and Robinson Rancheria) to discuss the possibility of shared applications for land donation. The PVT, at this time, has one commitment (InterTribal Sinkyone Wilderness Council) for a Conservation Partner. The PVT is committed to working with local Tribes, consortiums, and public organizations; and thus recommends that the conservation easement be held by the Golden State Land Conservancy, a local organization that manages 34,000 acres of conservation easements. Using a local group insures more diligent oversight, makes coordination more efficient, plus helps promote local jobs and income streams.

The PVT has been involved with the Mendocino-Sonoma Tribal Environmental Programs (MSTEP) consortium to plan and hold a youth/environmental campout at its Ft Bragg Property (June 26-July 2, 2011). As this group merges with the Lake County Tribal group (HERC), their stated willingness to become a Conservation Partner will be accomplished. This group will continue to plan this campout and more in the future. Since environmental education programs can be incorporation into GAP grant workplans, the donated lands will offer additional opportunities for youth recreation and education.

31. Previous experience working with the proposed land conservation partner organizations:

The PVT has worked with the Tribal environmental groups (HERC, MSTEP), most local Mendocino County Tribes, and one formal consortium (InterTribal Sinkyone Wilderness Council) on several projects over the last 5 years. The PVT Chairman is on the board of the InterTribal Sinkyone Wilderness Council, which provides oversight on lands in northern Mendocino/southern Humboldt counties. The PVT has only recently met with the Potter Valley Irrigation District and Golden State Land Conservancy.

32. Please provide a letter from the executive director or equivalent officer of each organization identified as a potential land conservation partner indicating the organization's committed interest in pursuing the activities and responsibilities identified.

See the attachment: 18Sinkyone_Ltr_Support-PVT_9-02-11.

Public Input

33. Consideration of public input provided to the Stewardship Council to date in the development of this proposal:

The TEO has been responsible for following the developments of the Stewardship Council via the website and meetings, and reporting to the Tribal Council monthly since 2007. The TEO reviewed all the public comments in the Land Conservation Plans, reported them to the Tribal Council, and considered them in preparation of this LSP. Representatives of the PVT have attended all the local public meetings, site tours, and some of the board meetings of the SC; talked with those in attendance, and met with several individuals and group representative over the last 4 years. The PVT has hosted several meetings at the Tribal Community Center to discuss issues of the SC-Eel River project.

Budget and Funding Plan

34. Preliminary budget and funding plan using the Excel template:

Transaction costs; One-time and ongoing baseline land ownership and management activities; and, one-time and ongoing costs related to enhancements of the BPVs.

Note: The budget and funding plan will be used by the Stewardship Council to evaluate the financial capacity of your organization and funding needs. Accordingly, please identify and include in your budget any additional financial resources and forms of financial support your organization believes it would be able to obtain and apply to the watershed lands under the appropriate section for project revenues.

In addition, the budget and funding plan should clearly identify all project expenses, as well as specify the amount of funding your organization is requesting from the Stewardship Council. Please refer to the budget and funding plan instructions for additional guidance.

PART 3- SUPPORTING DOCUMENTATION

As outlined in the submittal requirements and instructions, please attach the following information to your PDF proposal:

- 1.) Internal Revenue Service Determination Letters: See Attached: 4IRS_Ltr_05-11-11
- 2.) Letter from the executive director or equivalent officer of your organization approving the submission of the land stewardship proposal and the organization's participation in the Stewardship Council's land conservation process for the subject planning unit.

See attached Tribal Resolution: 7Resolution_7-27-11-001_Commit-PGE_Land

- 3.) Operating Budget (current year); and,
- 4.) Financial statements for the past three years (audited statements are preferred).

Financial statements are attached; they are considered confidential
(See 2.2PVT_Financials_CONFIDENTIAL):

REFERENCES

- DeGeorgy, A. (2005). Confidential Appendix A: A Summary of Cultural and Archaeological Properties Located within the Traditional Territory of the Potter Valley Tribe of Pomo Indians. Tribal Records, Ukiah, Ca.
- FR. (2010). Federal Register. Volume 75, No. 190 / Friday, October 1, 2010 / Notices. Pages 60810 – 6014
- PVT. (2004). Constitution of the Potter Valley Tribe. Approved by the U.S. Secretary of the Interior on September 8, 2004
- SC. (2007). Land Conservation Plan, Vol II. Pacific Forest and Watershed Lands Stewardship Council. [Online]. http://lcp.stewardshipcouncil.org/Vol_2/potter-valley/potter-valley.htm
- SC. (2011). Eel River Background Information Packet for Eligible Donees. Pacific Forest and Watershed Lands Stewardship Council. Tribal records, Ukiah, Ca.
- Welch, J. (2000). Sprouting Valley: An Historical Ethnobotany of the Potter Valley Pomo. MA Thesis, Sonoma State University. Tribal Records, Ukiah, Ca.
- Young, G. (2008). Native History and Management of the Main Stem Eel River Area. Position paper written by the Tribal Environmental Office. Tribal records, Ukiah, Ca. (Attachments)

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Office of Indian Tribal Governments
777 Sonoma Avenue Suite 112
Santa Rosa, CA 95404
Phone: (707) 535-3838
Fax: (707) 535-3899



TAX EXEMPT AND
GOVERNMENT ENTITIES DIVISION

May 11, 2011

Potter Valley Tribe
EIN 68-0210870
2251 South State Street
Ukiah, CA 95482

Dear Chairman:

This responds to your request for information concerning your tribe's federal tax status, and the issue that has been raised by certain grantors concerning a perceived need for Section 501(c)(3) status. While we have no control over their governing instruments, we can address the issue of Section 501(c)(3) and federally recognized Indian Tribal governments.

Under Section 7871 of the Internal Revenue Code, Congress determined that federally recognized Indian tribes and their subdivisions would be treated like states for certain specified purposes, because tribal governments, like state governments, serve the public within their jurisdictional boundaries, and accordingly should be permitted to devote their limited resources to that end.

There is no provision in the Internal Revenue Code that imposes an income tax on governmental entities or their political subdivisions. Revenue Ruling 67-284 amplifies this issue regarding federally recognized Indian tribes, by affirmatively indicating that they are not subject to federal income tax. Thus, Indian tribal governments do not qualify for exemption from federal income tax as described under Section 501(c)(3) of the Internal Revenue Code, since they are simply not subject to federal income tax.

The Potter Valley Tribe is a federally recognized tribe and is listed in Revenue Procedure [2008-55](#) as an organization that may be treated as a governmental entity in accordance with Section 7871. As such, the tribe's (or any enterprise or subdivision there of) income would not be subject to federal income tax. In addition, the tribe would also be eligible to receive charitable contributions that are deductible for federal income, estate, and gift tax purposes by the donor.

Sometimes governmental units are asked to provide proof of their status as part of a grant application. If your tribe is applying for a grant from a private foundation, the foundation may be requesting certain information from your tribe because of restrictions imposed by the Internal Revenue Code on such foundations under Sections 4945 and 4942 of the Code.

Private foundation grants to governmental units for public or charitable purposes are not subject to these restrictions. Grants to governmental units for public purposes are "qualifying distributions" under Section 53.4942(a)-3(a) of the regulations; and, if they are

for charitable purposes, will not be taxable expenditures under section 53.4945-6(a) of the regulations. Most grants to governmental units will qualify as being for charitable (as well as public) purposes.

Some private foundations require grant applicants to submit a letter from the Internal Revenue Service determining them to be exempt under section 501(c)(3) and classified as a non-private foundation. Such a letter, or an underlying requirement that a grantee be a public charity, is not legally required when the prospective grantee is a governmental unit and the grant is for qualifying (public or charitable) purposes.

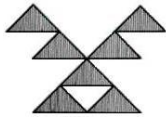
The following references may be useful to a grantor in verifying eligibility under Section 7871:

- Revenue Procedure [2008-55](#) lists Indian tribal governments that are treated similarly to states for federal tax purposes, including sections 7871 and 7701(a)(40) of the Code.
- Revenue Procedure 84-36 lists subdivisions of Indian tribal governments that are treated as political subdivisions of states for the same specified purposes under the Internal Revenue Code that are noted in Revenue Procedure [2008-55](#).
- IRS Publication 78, Cumulative List of Organizations, was recently revised for 2003 to include the following language – “Pursuant to section 7871 of the Internal Revenue Code, Indian Tribes and their subdivisions are treated similarly to states and their subdivisions for purposes of section 170(c)(1). See Part II, ‘Qualified Organizations’, for additional information on contributions to Indian tribal governments.” Part II of Publication 78 provides “Indian tribal governments are treated as states for purposes of deductibility of contributions under section 170(c)(1) of the Code, pursuant to section 7871(a)(1)(A) of the Code. Rev. Proc.2008-55, 2008-39 I.R.B. 768 contains a list of Indian tribal governments that are recognized by the Internal Revenue Service as tribal governments for purposes of section 7871 of the Code. A subdivision of an Indian tribal government may be treated as a political subdivision of a state for purposes of deductibility of contributions under section 170(c)(1) of the Code if the Service has determined that the entity qualifies as a political subdivision of an Indian tribal government under the requirements of section 7871(d) of the Code.”

I believe this general information will be of assistance to your tribe. You may wish to provide a copy to an organization that inquires regarding your federal tax status. This letter, however, is not a ruling and may not be relied on as such. If you have any questions, please feel free to contact me at (707) 535-3838.

Sincerely,

Dennis Duggan
Indian Tribal Government Specialist
Employee ID#: 0684943



POTTER VALLEY TRIBE
ENVIRONMENTAL OFFICE
2251 S. STATE STREET
UKIAH, CA 95482

Native History and Management of the Main Stem Eel River Area

The geographic area of the main stem (formerly called the south fork) Eel River area from Van Arsdale Dam to Lake Pillsbury is presently considered to be Huchom territory with areas shared with the Northern Pomo. The Huchom tribal area was characterized by villages along the banks of the Eel River; the Tribe is considered a distinct group probably derived from Yuki bands to the north (Round Valley-Covelo area) and strongly influenced by the northern Pomos (Redwood, Potter Valley to Upper Lake areas). The Potter Valley Tribe's ancestors shared territory and village sites around the present Van Arsdale Dam area. Huchom villages served as intermediary trade routes between the Yuki (mountain/inland tribes and the Pomo (coastal/inland tribes). After arrival of the Europeans, the villages in the Eel River area were destroyed and natives shipped to the Round Valley or Mendocino Reservations. With many Tribes thrown together and imprisoned, tracing the lineage of individuals is next to impossible.

Long-term villages along the Eel River consisted of 2-3 houses with 4-9 families, located along stream and river banks, above the flood zone. Summer village sites were often found along the edges of the water sources. Houses about 20 ft. in diameter were built over shallow 1 ft. pits, with a forked center post, covered with brush, reeds, and branches.

The Eel River area yielded acorns, grasses & seeds for the food gatherers. Hunting and trapping yielded fish, deer, elk, small game and birds. The Potter Valley Pomos were the local producers of the bead money that was used in trade for food, furs, and other goods. A trade route to the northeast for salt, an important method of food preservation, existed through the Eel River corridor. The Pomos supplied beads from either clam shells (from coastal visits) or magnesite (from several Potter Valley mines). Since they spent most of their waking hours gathering food or maintaining shelter, natives were very aware of their direct connection to their environment. This was reflected in their religious, cultural and recreational practices.

MANAGEMENT of RESOURCES in VILLAGE SITES

Prior to the dam construction, river banks flooded nearly every year, providing fine soil with essential nutrients for growth of high protein grasses and seeds. Since all rope, clothes and building materials came from plant sources, management of the resources was needed. Using burning as a tool for weed, pest and wildlife management, the native residents maintained their resources. Modern agronomy has shown that regular burning of vegetation releases nutrients (calcium, potash, phosphorus) that are essential for production of protein (plant & animal) from land naturally dominated by carbohydrate (woody plants) production. The regular leaching & flushing of these essential nutrients, to be deposited on stream banks or into the ocean, is one of the factors that could limit production of forest and fish resources. As the base of the food pyramid in high rainfall areas, this nutrient delivery is limited by dams and protection from fire. Many of the seeds (acorns, etc. were high in tannic acids & were leached before eating). Wood ashes (rich in calcium, potash, phosphorus), or red clay soil (rich in iron, potash and micronutrients), were usually mixed with acorn and seed meals during preparation.

Plant communities found along the main stem Eel River: Foothill Woodland (oaks, maple, buckeye, manzanita), Yellow pine forest (Ponderosa, digger & sugar pines, fir, oaks) Chaparral (chamise, toyon, coffeeberry, oak, manzanita) and freshwater riparian (willow, cottonwood, sedge, rush, cattail)

The Northern Pomos used over 270 species of plants, fungi, and algae¹. The top ten plants, in order of use were: oak, sagebrush/wormwood, bay, soap root, ash, dogbane, manzanita, dogwood, tule, and rush.

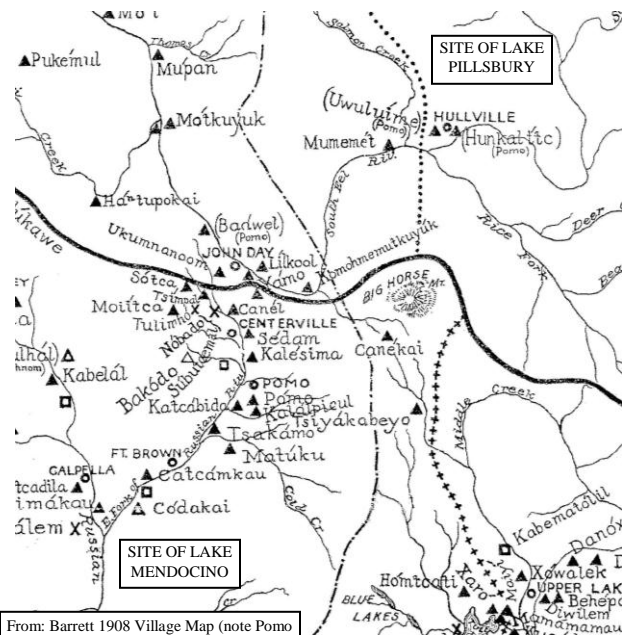
From: Welch, J. (2000). Sprouting Valley: An Historical Ethnobotany of the Potter Valley Pomo. MA Thesis, Sonoma State University and DeGeorgy, A. (2005). A Summary of Cultural and Archaeological Properties Located within the Traditional Territory of the PVT of Pomo Indians

Plants that were regularly harvested from the banks of the Eel River:		
Name	Genus	Uses
Willow	<i>Salix spp.</i>	Arrows, baskets
Oaks	<i>Quercus, spp.</i>	Food, shelter, fuel
Maple	<i>Acer spp.</i>	Baskets
Sedge	<i>Carex spp.</i>	Baskets
Pine	<i>Pinus spp.</i>	Baskets
Calif wild grape	<i>Vitis californica</i>	Baskets, food
Manzanita	<i>Manzanita spp.</i>	Food, shelter, fuel
Madrone	<i>Arbutus spp.</i>	Food, shelter, fuel
Grasses, herbs, forbs	Various	Food, basket materials, medicines

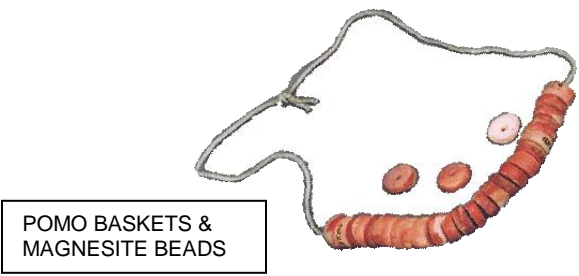
¹ From: Welch, J. (2000). Sprouting Valley: An Historical Ethnobotany of the Potter Valley Pomo. MA Thesis, Sonoma State University.



FISHING WEIR



From: Barrett 1908 Village Map (note Pomo villages at Van Arsdale & Pillsbury lake sites)



POMO BASKETS & MAGNESITE BEADS



Koiya Tuttle

koiya.tuttle@gmail.com
435 Washo Dr.
Ukiah, California 95482
(503) 890-3177

Education

Bachelor of Science – Emphasis in Microbiology June, 2008
The Evergreen State College
Olympia, WA

Relevant Academic Experience

The T4 Laboratory, The Evergreen State College. June 2007-July 2008, Student Researcher.

Performed Single-step growth curves, data analysis, amplified phage stocks, maintained bacterial stocks for -80° C storage, successfully completed and troubleshot problems with complex media, and determined M.O.I. values. Performed aerobic and anaerobic phage infections of bacteria at low and high M.O.I.s in MOPS media. Independently made general lab media and cleaned lab glassware. Worked within a team of lab partners on a project characterizing the reproduction kinetics of two bacteriophages on two strains of *E. coli* with specific host metabolisms.

Presented poster for the regional American Chemical Society meeting at The Evergreen State College in May 2008 (Effects of Anaerobic Respiration and Fermentation Conditions on Phage Infection of *E. coli* 0157:H7) and attended an international biotechnology bacteriophage conference in Edinbough, Scotland in July 2008. Also attended the international bacteriophage conferences at the Evergreen State College in 2007 and 2009.

Other Academic Experience**Technical skills and Instrumentation**

Polymerase Chain Reaction (PCR)
Restriction Digests

Grew and maintained *Drosophila melanogaster* stocks/mutant crosses through many generations. Selected for sex and traits (eye color, body type, hair) of *Drosophila melanogaster*. Directed the metabolic states of *E. coli* by manipulating carbon sources and nutrients.

GC-MS

F-TIR

Infrared (IR)

Compound Microscope

Zeiss Universal Compound Microscope (TESC licensed)

Con-focal Microscope

Scanning Electron Microscope (SEM)

Autoclave

Gel electrophoresis (Western, Southern Blots and Pulse Field)

Job Experience

The Potter Valley Tribe, Ukiah, CA. March 2010 – Present. Environmental Technician

Assist with organization of community garden/environmental education program; distribution of produce to food banks, donation centers and tribal members.

Assist with implementation of USEPA General Assistance Program grant and DOE energy grant.

Tribal representative on the North Coast Integrated Water Management Plan Technical Peer Review Panel; represents the Potter Valley Tribe at the State level regarding water issues.

Tribal representative for Marine Life Protection Act; assessing impacts of legislation on Tribal marine resources; attending meetings in northern California; reviewing policy; reporting to Tribal Council.

A and C Painting, Olympia, WA. June 2009 – October 2009. Laborer

Painting the exteriors of large three story apartment complexes.

Worked independently on weekends and holidays.

Comfortable working on large 32 to 40 ft. ladders, on very high roofs and within a large crew.

Kelly Earthworks, Olympia WA. June 2005-May 2006. Laborer.

Maintained larger commercial septic fields, installed septic systems for residences. Greased and washed heavy machinery, organized large work shops tool and equipment, dug ditches and maintained clean appearance at large residential development septic field.

Worked independently at work sites to prepare and assist with installs, repairs or overhauls of residential and commercial septic systems.

Washington Conservation Corps Americorps, Port Angeles WA. November 2003-September 2004. Assistant Crew Supervisor.

Maintained back country trails for USDA Forest Service and US National Parks on the Olympic Peninsula and built bridges/stairs with chain saws, logs and cable.

Assisted with restoring Forest Service and National Park forest and creek habitat through re-vegetation of native plants and trees, and the eradication of noxious plants.

Maintained tools (e.g. chain saws, mechanized wheel barrels, shovels). Completed weekly reports.

Drove crews to work sites (sometimes 3 hours away).

Spent one month in Florida with Operation Blue Tarp, a hurricane response team for FEMA.

Mendocino County Youth Project (MCYP), Ukiah CA. June 2002-January 2003. Community Health Outreach Worker.

Traveled throughout Mendocino County to provide social service information to homeless youth while also answering crisis calls from K-12 schools, agencies and parents with at risk youth in crisis. Distributed the materials for MCYP.

Contacted youth to fill out surveys for agency projects. Walked the streets and approached youth to become familiar with those at risk. Observed and recorded activities closely to determine future outreach.

Reported the abuse of youth to Child Protective Services. Reported suicidal youth to Mendocino County Mental Health.

Represented the MCYP on the Juvenile Justice Advisory Board and the Mendocino County Youth Board.

Community Activities

Yurok Tribal Member. Klamath, CA

Native Student Alliance. The Evergreen State College. September 2004 - June 2007

American Indian Science Engineering Society (AISES) Chapter President. Mendocino Community College, Ukiah CA. September 2002 – June 2003

PROFESSIONAL RESUME'

www.qfirst.net

GREGG A. YOUNG

Certified Professional Agronomist
Environmental Educator
Environmental Scientist

SS# upon request
700 W Clay St
Ukiah, Ca 95482
707 463 1899

Gregg Young, M.A., CPAg

P.O. Box 246
Talmage, Ca 95481
fax 707 463 1899

EDUCATION:

A.A. - BIO SCIENCE - Fullerton College - June 12, 1970

B.S. - BIOLOGICAL SCIENCES - Calif. Polytechnic State
University, San Luis Obispo - December 12, 1972

M.A. - EDUCATION - Environmental Curriculum, Sonoma State
University, August 6, 1999

EXPERTISE & EXPERIENCE:

Agricultural – Ca Pest Control Advisor 1973-Present, Certified Pesticide Safety Instructor, Qualified Pesticide Applicator, integrated pest management consultant 1973-Present, Certified Professional Agronomist 1987-Present, alternative pesticides & biological control of pests, advisor: soils, fertilization & plant nutrition, greenhouse production & plant propagation, agricultural education.

Tribal – Environmental Director, Redwood Valley Reservation 1998 – 2004. Environmental Director, Potter Valley Tribe, 2004 – Present. Consultant for Manchester-Point Arena, Sherwood Valley Rancheria, Indian Health Services, Redwood Valley Rancheria

Environmental planning & health – Environmental Assessments (NEPA, HUD, BIA), Calif. Healthy Schools Act & urban pest management, endangered species, building & construction: 12 years experience

Solid Waste – Agricultural & domestic waste management, aerobic decomposition/composting, recycling, community solid waste plans: 31 years experience

Wastewater – Training in WW System design, septage & land application, alternative treatment: 12 years experience

Other – Cultural resource protection, native plant use & propagation, riparian restoration, erosion prevention, FEMA claims, Tribal representation and advocacy: 12 years experience

PUBLICATIONS:

Young, G. (1988). Soil Fertility and Crop Pest/Disease Relations. In Global Perspectives on Agroecology & Sustainable Agricultural Systems, U.C. Santa Cruz.

Young, G. (1999). A Training Manual for Soils and Fertilization in the North Coast of California. M.A. thesis, Sonoma State University. Rohnert Park, Ca.

Young, G. (2001). Quality First in Vineyard & Orchard Production. A manual for the interpretation of soil analysis results for quality fruit production. Ukiah, Ca.

ENVIRONMENTAL ASSESSMENTS, REVIEWS & MANAGEMENT PLANS:

- 2000 Redwood Valley Reservation – Environmental Review: Hazardous Fuel Reduction Program (Bureau of Indian Affairs)
- 2000 Redwood Valley Reservation – Environmental Review: Childcare/Adult Education Building (HUD ICDBG)
- 2000 Community Solid Waste Management Plan - Redwood Valley Rancheria/ Reservation. Lois Lockart, Redwood Valley Reservation – 485 0361
- 2001 Environmental Assessment – Redwood Valley Reservation/Rancheria (EPA) Lois Lockart, Redwood Valley Reservation – 485 0361
- 2002 EA: Redwood Valley Reservation ICDBG 4 House Construction (HUD) Darlene Tooley, Northern Circle Indian Housing Authority - 707 468 1336
- 2003 Round Valley Indian Tribes – IHS Phase 2 Sewer Improvements (IHS) Anthony Kathol, Ukiah Field Office, IHS – 707 462 5314
- 2003 Sherwood Valley Rancheria – ICDBG USDA Food Commodities Warehouse - Trina Fitzgerral, Sherwood Valley Rancheria Tribal Administrator – 707 459 9690
- 2004 Potter Valley Tribe – HUD ICDBG Acquisition and minor rehabilitation of non-residential facilities – Category Exclusion per 24 CFR 58.35 Tribal Administrator - 707 462 1213
- 2004 Sherwood Valley Rancheria –ICDBG USDA Food Commodities Warehouse - Category Exclusion per 24 CFR 58.35 Trina Fitzgerral, Tribal Administrator– 707 459 9690
- 2004 Sherwood Valley Rancheria – 75 ac Fee-to-Trust Conversion, BIA Format. Trina Fitzgerral, Tribal Administrator– 707 459 9690
- 2005 Quartz Valley Indian Reservation – ICDBG Health & Wellness Center (HUD). Aaron Peters, Tribal Administrator – 530 468 5907
- 2005 Redwood Valley Reservation - HUD ICDBG Land Acquisition for Housing, Lois Lockart, Redwood Valley Reservation – 707 485 0361
- 2005 Frog Hollow Farm, Contra Costa County: Environmental Review: USDA On-Farm Farm Labor Housing Construction. Al Courchesne 925 634 2845
- 2006 Manchester-Point Arena Band of Pomo Indians – Community Solid Waste Management Plan 2006-2010 – (US EPA) Christine Dukatz 707 882 2788
- 2006 Potter Valley Tribe – Environmental Assessment of Tribal Lands 2006 – (US EPA) Salvador Rosales - 707 462 1213
- 2007 Redwood Valley Rancheria - Environmental Assessment: Community Wastewater System Improvement – (HUD, IHS) Zhao Qiu, Tribal Administrator - 707 485 0361
- 2007 Redwood Valley Rancheria – Integrated Resource Management Plan – (ANA) Zhao Qiu, Tribal Administrator - 707 485 0361
- 2008 Potter Valley Tribe – Community Solid Waste Management Plan – (US EPA) Salvador Rosales- 707 462 1213
- 2008 Cahto Tribe – Laytonville Rancheria – Category Exclusion: Community Water Storage Tank, Laytonville Rancheria – (IHS) Project CA-07-L86 - Charles Thompson, HIS 707 462 5314
- 2008 Sherwood Valley Rancheria – Draft Tribal Environmental Impact Statement: Casino Relocation and Expansion Project – Michael Fitzgerral, Tribal Chairman – 707 459 0386
- 2009 Tubalabals of Kern Valley – Categorical Exclusion: Water and Sewer projects (IHS) – Nancy Dewees, Indian Health Services – 760 317 8161
- 2009 Sherwood Band of Pomo Indians – Environmental Assessments for 4 Houses on separate parcels on Tribal lands (BIA-HIP) – Mike Fitzgerral, Chairman 707 459 0386



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

August 1, 2011

Pacific Forest and Watershed Lands Stewardship Council
San Mateo Office
15 North Ellsworth Avenue, Suite 100
San Mateo, California 94401

To whom it may concern:

The Potter Valley Tribe has been a recipient of General Assistance Program (GAP) funding continuously since 2002. This program authorizes the EPA to provide grants to tribal governments and intertribal consortia for planning, developing, and establishing environmental protection programs in Indian Country, and developing and implementing solid and hazardous waste programs on tribal lands. The goal of this program is to assist tribes in developing the capacity to manage their own environmental protection programs and to develop and implement solid and hazardous waste programs in accordance with their individual needs. The Potter Valley Tribe has conducted their program within all the requirements of the grant; with timely work plan and fiscal reporting, while adding several new properties to their land base.

The acquisition of donated properties in the Stewardship Council Eel River Planning Unit area would provide new opportunities for protection and enhancement of resources in the area above the present baseline level. The Potter Valley Tribe would be eligible for programs previously not available, such as Clean Water Act, Endangered Species Act, Clean Air Act, and others. There are many USEPA and other Federal funding resources that could assist with planning unit objectives of the Stewardship Council's Land Conservation Plan for the Eel River area; specifically protection of natural habitats of fish, wildlife and plants, outdoor recreation, and sustainable forestry. This opportunity has potential for expanding existing programs for water quality, non-point source pollution, endangered salmonids, invasive species, and carbon sequestration.

The USEPA Region 9 Indian Program Office supports the acquisition of donated lands by the Potter Valley Tribe in the upper main stem-Eel River area for the increased protection of the environment and public beneficial values.

Sincerely,

A handwritten signature in blue ink that reads "Veronica Swann".

Veronica Swann
Acting Manager
Tribal Program Office



InterTribal Sinkyone Wilderness Council

P.O. Box 1523 Ukiah, CA 95482 Phone (707) 468-9500

InterTribal Cultural Conservation for Sinkyone Indian Lands



September 2, 2011

BOARD OF DIRECTORS

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of Pomo Indians

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Salvador Rosales
Member
Potter Valley Tribe

Stoney Timmons
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Robinson Rancheria
of Pomo Indians

Mona Oandasan
Member
Round Valley
Indian Tribes

Crista Ray
Member
Scotts Valley Band
of Pomo Indians

STAFF

Hawk Rosales
Executive Director

Janene Ilar
Administrative Assistant

Allene Zanger
Executive Director
Pacific Forest and Watershed Lands Stewardship Council
15 North Ellsworth Avenue, Suite 100
San Mateo, CA 94401

Re: Acquisition by Potter Valley Tribe of Eel River Planning Unit property

Dear Ms. Zanger:

The InterTribal Sinkyone Wilderness Council is a consortium of ten federally recognized, sovereign California Indian Tribes from Mendocino and Lake Counties. The Council's member Tribes include: Cahto Tribe of Laytonville Rancheria, Coyote Valley Band of Pomo Indians, Hopland Band of Pomo Indians, Pinoleville Pomo Nation, Potter Valley Tribe, Redwood Valley Band of Pomo Indians, Robinson Rancheria of Pomo Indians, Round Valley Indian Tribes, Scotts Valley Band of Pomo Indians, and Sherwood Valley Rancheria of Pomo Indians. Several of these Tribes, as well as other Tribes of Mendocino and Lake Counties, traditionally traveled to and visited the area of the upper main stem Eel River to trade with the Tribal peoples of the upper Eel, to participate in ceremonies, and to gather traditional foods, medicines, and items for regalia. Tribal peoples of Mendocino and Lake Counties have retained important cultural, historic, and ancestral connections to the Eel River area since time immemorial.

As Euro-American settlements developed in the Eel River area, our Tribal members' ancestors were pushed away from their aboriginal territories and eventually dispersed to reservations throughout the region. The Tribes of this region have a common connection to the upper Eel River basin and many are now in the process of revitalizing their cultural ways, which require renewed access to these lands and their resources. The Tribes are particularly interested in opportunities for immersing our Indian youth in our cultural ways, continuing our traditions, and renewing our many connections to the ancestral Eel River area. The Tribes are engaged in many in educational efforts to teach our traditional ways and resource management methods.

InterTribal Sinkyone Wilderness Council is a Nonprofit Consortium of California Indian Tribes

● *Cultural Conservation* ● *Native Stewardship* ● *Watershed Rehabilitation* ● *Cultural Ecology Education*

The InterTribal Sinkyone Wilderness Council fully supports the Potter Valley Tribe's proposal to acquire lands within the Eel River Planning Unit. From our perspective, the Tribe is uniquely qualified and positioned to fulfill the responsibilities of both landowner and longterm steward for the parcels they wish to acquire for cultural conservation, recreational, and restoration purposes. The Potter Valley Tribe has had success in developing various land stewardship and cultural preservation projects, and its acquisition of land within the Eel River Planning Unit will allow the it to expand the scope of its work in ways that will be of great benefit to the other Tribes of this region.

The Sinkyone Council's board of directors would be interested in being a conservation partner with the Potter Valley Tribe on this project. We would be pleased to contribute our expertise, experience, and perspectives on land stewardship gained over the past 25 years in supporting the Potter Valley Tribe in its management of the Eel River watershed lands.

Sincerely,



Priscilla Hunter
Chairwoman



Hawk Rosales
Executive Director

cc: Potter Valley Tribe

CARMEL J. ANGELO
Chief Executive Officer
Clerk of the Board



**COUNTY OF MENDOCINO
BOARD OF SUPERVISORS**

CONTACT INFORMATION
501 Low Gap Road • Room 1010
Ukiah, California 95482
TELEPHONE: (707) 463-4221
FAX: (707) 463-7237
Email: bos@co.mendocino.ca.us
Web: www.co.mendocino.ca.us/bos

September 27, 2011

Pacific Forest and Watershed Lands Stewardship Council
Land Conservation Program
1107 9th Street, Suite 501
Sacramento, CA 95814

RE: Letter of Support for the Potter Valley Tribe Land Stewardship Plan in the Eel River Planning Unit

Dear Stewardship Council:

The County of Mendocino is supportive of local entities interested in gaining fee title of lands in the PG&E Eel River Planning Unit within Mendocino County. One such entity is the Potter Valley Tribe which has submitted a request for approximately 2,000 acres of riverside and upland properties as indicated in their Land Stewardship Plan.

The Mendocino County Board of Supervisors believes the Potter Valley Tribe will protect and develop the watershed lands for future generations to share. It is our understanding the Tribe would be eligible for programs previously not available to them for restoration and management of these parcels. There are many United States Environmental Protection Agency and other Federal funding resources that could assist the Tribe with planning unit objectives of the Stewardship Council's Land Conservation Plan for the Eel River area; specifically protection of natural habitats of fish, wildlife and plants, outdoor recreation, and sustainable forestry. This opportunity has the potential for expanding existing programs for water quality, non-point source pollution, endangered salmonids, invasive species, and carbon sequestration. The Tribe is also committed to partner with other local stakeholders and governmental groups to provide economic development opportunities.

We ask that the Potter Valley Tribe be given every consideration for a staff recommendation to the Stewardship Council's Board of Directors' Planning Committee in their pursuit to gain approval for acquisition of these lands.

Sincerely,

Kendall Smith, Chair
Mendocino County Board of Supervisors

THE BOARD OF SUPERVISORS

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Redwood Valley Little River Band of Pomo Indians

3250 ROAD I / REDWOOD VALLEY, CALIFORNIA 95470 (707) 485-0361

FAX (707) 485-5726

Date: August 21, 2011

Allene Zanger
Executive Director
Pacific Forest and Watershed Lands Stewardship Council (Stewardship Council)
15 North Ellsworth Avenue, Suite 100
San Mateo, CA 94401

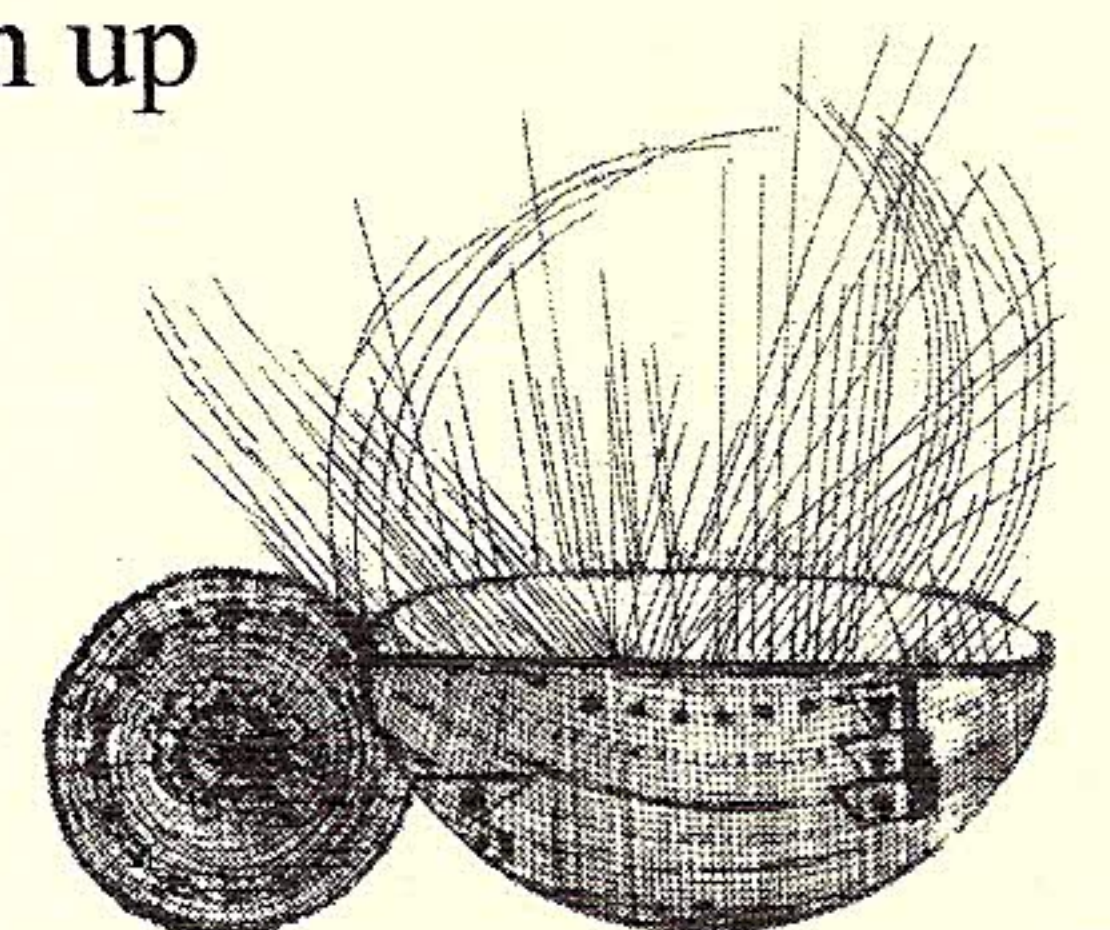
Re: Donation of Eel River property

Dear Mrs. Zanger:

The ancestors of the Potter Valley Tribe and Redwood Valley Band of Pomo Indians shared territory in the Russian River Valley and the upper main stem - Eel River area to trade with tribes further inland, participate in ceremonies, and to gather traditional foods, medicines, and materials for regalia. Tribal peoples of northern Mendocino and Lake Counties have important cultural, historic, and ancestral connections to the Eel River area.

As Europeans and others settled in the area, our tribal member's ancestors were pushed away from their aboriginal territories; eventually being forced to live on reservations to the north in Round Valley and west in Mendocino. The Redwood Valley and Potter Valley Tribes have common interests; both tribes have renewed interests in teaching and preserving traditional cultural ways for future generations. This requires access to inland lands and resources, which is often not available on private property. If the Potter Valley Tribe were the recipient of donated land in the Eel River area, we could participate with other tribes in the area in reviving our traditional cultural ways and cooperating in activities that enhance and conserve the resources of the area.

The Tribal Council of the Redwood Valley Band of Pomo Indians supports the Potter Valley Tribe in its acquisition of lands of the PG&E-Stewardship Council, Eel River Planning Unit. The donation of these lands would add to the resources available to local tribes, and open up



opportunities to other tribes in the area to participate in management. We know that the Potter Valley Tribe has also committed to becoming involved with nearby property owners, community groups, and other governmental agencies in developing recreational potential, enhancing fisheries habitat, and preserving the pristine nature of the Eel River area.

If you have other questions regarding our letter of support, please contact me at (707)272-1273.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Hanson".

Elizabeth Hanson
Tribal Chairperson.

Cc: Tribal Council
Tribal Administrator



POTTER VALLEY TRIBE



2251 S. State St. • Ukiah, California 95482 • (707) 462-1213 • Fax (707) 462-1240
• E-mail: pottervalleytribe@pottervalleytribe.com

Chairperson
Salvador Rosales

Secretary
Rosemary Rahmaoui

Treasurer
Losario Rosales

Member-At-Large Appointed Spokesperson
Norma Rosales

RESOLUTION 05-26-11-001

CODE OF CONDUCT: AMENDMENT TO THE POTTER VALLEY TRIBE'S PROPERTY AND PROCUREMENT POLICY

PURPOSE

The following Code of Conduct will be implemented as an amendment to the Potter Valley Tribe's Property and Procurement Policy, originally adopted by the Tribal Council on October 15, 2001. This Code of Conduct will be adopted by the Tribal Council and implemented on the date following for all required programs, grants, and loans.

The Potter Valley Tribe (the Tribe) shall adopt this Code of Conduct, consistent with applicable Federal, Tribal, state or local law, and in compliance with US Department of Housing and Urban Development - ICDBG/NAHASDA regulations, ensuring the efficient, fair and professional administration of all purchasing.

The purpose of this statement of Code of Conduct is:

- a. To provide for fair and equitable treatment of all persons or firms involved with the Tribe.
- b. To assure that supplies, services, and construction are procured efficiently and at the most favorable prices available to the Tribe.
- c. To promote competition in contracting.
- d. To provide safeguards for maintaining a procurement system of quality and integrity.
- e. And to assure that purchasing actions are in full compliance with applicable Federal standards and regulations, Tribal and local laws.

APPLICATION

This Code of Conduct applies to all employees, officers, or agents of the Tribe, for the award or administration of contracts and is hereafter included as an amendment to the Potter Valley Tribe's Property and Procurement Policy. The statement of Code of Conduct applies to all contracts for the procurement of supplies, services and construction entered into by the Tribe. It shall apply to all expenditures of funds by the Tribe for public purchasing, regardless of the source of funds, including contracts that do not involve an obligation of funds (such as concession contracts). However, nothing in this statement shall prevent the Tribe from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law.

CONFLICT OF INTEREST

No employee, officer, agent of the Tribe or SVHA Commissioner shall participate, directly or indirectly, in the selection, award, or administration of a contract supported by Federal and other grant funds if a real or apparent conflict of interest would be involved.

Such a conflict would arise when the employee, officer, agent of the Tribe, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.

An employee, officer, or agent of the Tribe shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to sub-agreements.

An employee, officer, or agent of the Tribe shall not knowingly use confidential information for actual personal gain.

Contractors shall not retain a person to solicit or secure a Tribal contract for a commission, percentage, brokerage, or contingent fee, except for bona fide employees.

It is the responsibility of all employees, officers, agents of the Tribe and SVHA Commissioners to observe all regulations of the Tribe. The following disciplinary actions shall be applied for violations of the conflict of interest standards by an employee, officer, or agent of the Tribe:


- a. Proper procedural sequence for reprimand of an employee, officer, or agent of the Tribe: (1) a documented verbal warning from the Tribal Administrator or Tribal Council; (2) a written warning which will constitute suspension or termination, depending on the severity of the violation.
- b. Proper procedural sequence for reprimand of a contractor: (1) a written warning from the Tribal Administrator or Tribal Council; (2) second written warning shall constitute a violation of contract and said contractor shall be terminated; (3) the contractor will be suspended, debarred or determined ineligible to do business with the Tribe.

METHOD OF AWARENESS

All employees, officers, or agents of the Tribe will be provided a copy of this Code of Conduct and will be required to sign a statement that they have read the Code of Conduct and understand its provisions. The Tribe will reiterate the provisions of the Code of Conduct to all employees, officers, agents of the Tribe and SVHA Commissioners on an annual basis.

***** CERTIFICATION *****

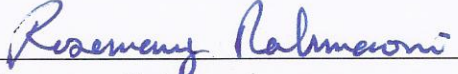
This is to certify that the Potter Valley Tribal Council has adopted this Code of Conduct at a meeting duly called, noticed and convened, with a legal quorum in attendance, on the 26TH day of May, 2011 by a vote of 3 ayes, 0 nays, and 0 abstentions.



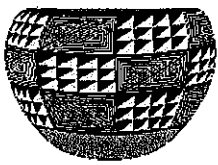
Salvador Rosales
Tribal Chairman

5-26-2011

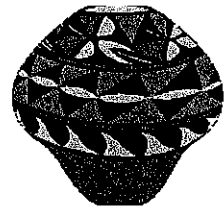
Date



Rosemary Rahmaoui
Secretary



POTTER VALLEY TRIBE



112 N. School St. · Ukiah, California 95482 · (707) 462-1213 Fax (707) 462-1240 E-mail: pottervalleytribe@sbcglobal.net

Chairperson
Salvador Rosales

Secretary
Rosemary Rosales

Treasurer
Losario Rosales

Member-At-Large & Appointed Spokes-person
Norma Rosales

RESOLUTION NUMBER 8-29-03-002

RESOLUTION BY THE POTTER VALLEY TRIBE TO ADOPT ITS POLICIES AND PROCEDURES MANUAL WHICH INCLUDES FISCAL MANAGEMENT AND PROCUREMENT POLICIES THAT MEET 24 CFR PART 85 AND 24 CFR PART 1003 REQUIREMENTS.

WHEREAS, The Potter Valley Rancheria is a federally-recognized Indian tribe located in Mendocino County, California; and

WHEREAS, The Tribal Council is the governing body of the Potter Valley Rancheria; and

WHEREAS, The Tribe has submitted an application for funding under the Community Development Block Grant program for Indian tribes; and

WHEREAS, The project within the application requires a resolution adopting the Tribe's Fiscal Management and Procurement Policies for the administration of the proposed project; and

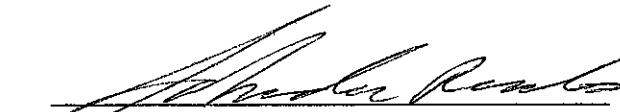
WHEREAS, The Tribe's Fiscal Management and Procurement Policies meet 24 CFR part 85 and 24 CFR Part 1003 requirements; and

NOW THEREFORE BE IT RESOLVED, that the Tribe approves and adopts its Tribal Policies and Procedures Manual that identifies the following: Personnel Management, Financial Management, Property Management, Procurement Management, Record Keeping Systems, and Travel Policies.

CERTIFICATION

This is to certify that the Potter Valley Tribal Council duly adopted Resolution No. 08-29-03-002 at a meeting duly called and, noticed and convened on the 29th day of August, 2003 by a vote of 3 ayes, 0 nays and 0 abstentions with a legal quorum in attendance.


Signed:



Salvador Rosales, Chairman

8/29/03
Date

Attest:



Rosemary Rosales, Secretary

8/29/03
Date



POTTER VALLEY TRIBE



2251 S. State St. • Ukiah, California 95482 • (707) 462-1213 • Fax (707) 462-1240

• E-mail: pottervalleytribe@pottervalleytribe.com

Chairperson
Salvador Rosales

Secretary
Rosemary Rahmaoui

Treasurer
Losario Rosales

Member-At-Large Appointed Spokesperson
Norma Rosales

RESOLUTION 07-27-11-001

Application for Acquisition of Donated PG&E Lands in the Stewardship Council - Eel River Planning Unit. Commitment to Providing Management at or above Current Baseline Levels and Sustainability of the Effort to Achieve Objectives in the Land Conservation Plan

WHEREAS: The Potter Valley Tribe (Tribe), pursuant to our inherent sovereignty as a nation, has goals of providing for the health, safety, and welfare of our people, to promote our economy, to preserve, protect, and pass on our culture to future generations, to maintain community harmony, to achieve fairness and justice, to honor our traditions, our ancestors, and our elders, to assert and exercise our sovereignty, to affirm and build our territorial base, to acquire land and water for future generations, to protect the cultural and natural resources of our aboriginal land or any other acquired territory, and to carry on enterprises for the benefit of our community; and

WHEREAS: The Tribe has been offered the opportunity by the Pacific Forest and Watershed Lands Stewardship Council (Stewardship Council) to apply for fee title of donated lands within its ancestral territory; specifically the western portions of the Stewardship Council – Pacific Gas & Electric Company (PG&E) Eel River Planning Unit; and

WHEREAS: PVT has been directing its efforts towards betterment and service of its own and other Indian communities; and

WHEREAS: The Tribe is not unlike other organizations (hunting, recreation, wildlife protection, off-road vehicle groups, resource conservation districts, counties) that have focused intents to provide benefits for their members and constituents but can strive to provide broader public benefits; and

WHEREAS: The Tribe is willing and able to broaden its service population, work with local community groups and the conservation easement holder, and to take on Conservation Partners in order to manage the donated lands for preservation and enhancement of the Beneficial Public Values identified in the Land Conservation Plan.

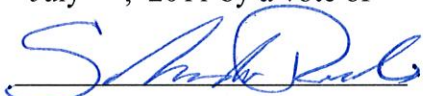
NOW, THEREFORE BE IT RESOLVED that the Tribal Council hereby makes the following commitments: 1) to submit a Land Stewardship Plan to the Stewardship Council requesting donation of any or all parcels of land to the Tribe (Parcels 739, 744, 745, 746, 748, 749); 2) to providing the existing level of baseline management equivalent to that provided by PG&E at this

time and improved future management for the beneficial public values of the land, using the resources of the local community and available to the Tribe ; 3) that all income from donated lands produced through timber sales, carbon credits, leases, or other sources, or funds provided by the Stewardship Council, be restricted to: the transition of ownership, management, or enhancement of beneficial public values for the lands; 4) expertise of the Tribal Environmental Office to seek funding for projects, provide oversight on management of the lands, and develop environmental education, training and youth programs.

BE IT FURTHER RESOLVED that the Tribal Council hereby authorizes the Tribal Chairperson to sign and execute the necessary transfer documents, fee title transfers, and other documents that are a part of the land donation process, and to sign and execute any construction and installation contracts, and any agreements and amendments with consultants, contractors, vendors, lessors, and suppliers in accordance with the Tribe's Property and Procurement Policy, for projects that enhance the Beneficial Public Values for the donated lands.

***** CERTIFICATION *****

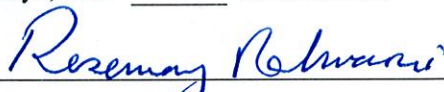
This is to certify that the Potter Valley Tribal Council has adopted this Resolution at a meeting duly called, noticed and convened, with a legal quorum in attendance, on the 27th day of July , 2011 by a vote of 3 ayes, 0 nays, and 0 abstentions.



Salvador Rosales
Tribal Chairman

7-27-2011

Date



Rosemary Rahmaoui
Secretary

GOALS OF THE POTTER VALLEY TRIBE re: PG&E EEL RIVER WATERSHED

GOALS: Create jobs & career opportunities for Tribal members and others
Participate in conservation planning
Provide services and participate in environmental reviews
Participate in administration and management
Pursue appropriate economic development activities

What the Tribe could potentially do with Eel river land:

Plan, develop, and/or manage facilities
Campgrounds
RV parks or cabins
River rafting & ecotour franchises
Visitors center – facilities for permits, maps, etc
Market /store facilities
Music & cultural events
Base for administration, operations & equipment
Environmental Education classroom/field station
Other economic development

Plan, develop and/or manage cultural resources related to the PVT
Native plant gathering and demonstration areas
Demonstration forest/botanical garden
Develop and/or manage educational facilities, in conjunction with other agencies & Tribes
Participate in cultural resource studies, in conjunction with local Tribes
Demonstration Pomo village site

Evaluate projects for environmental impacts
Possible development of a fish hatchery to enhance natural populations
Cultural resource studies funded by various agencies
Road and infrastructure projects
Wildlife, forest, and resource management plans
Participate in natural resource restoration & conservation projects

The PVT Tribe, as a sovereign government can offer:

Programs for planning & assessment –
Environmental, roads, resources, building construction, Cultural Resources
Funding of select projects
Conferences on important issues (i.e. habitat & fisheries restoration)

Oversight and management services –
Franchisees
Natural & cultural resource projects
Work & construction crews

Land base in the area – temporary or permanent offices, operation & equipment yard

Opportunities available to US Indian Tribes
Recognition as equivalent to State or Federal government
HUD, BIA, RCAC, etc – funds for planning, land acquisition, infrastructure
US EPA – funds for Haz & toxic waste cleanups & management

The PVT can work with other governmental and Tribal organizations to:

Develop Youth Investment Program in the area
Provide/access construction funds
Manage construction
Write grants, loans, seek other funds
Manage grants, loans, other funds
Plan and sponsor scientific conferences, educational events, etc.

Pacific Forest and Watershed Lands Stewardship Council
Land Stewardship Proposal Budget and Funding Plan
Eel River Planning Unit

PROJECT BUDGET - TRANSACTION COSTS

A. Document Preparation Costs

Task	Unit of Measure	Number of Units	Cost/Unit	Total Cost	Funding Request	Comments
Title Report	Transaction	7	1,500	10,500	-	(Estimated)
Input Activity				-		
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A. Total Document Preparation Costs				10,500	-	

B. Closing Costs

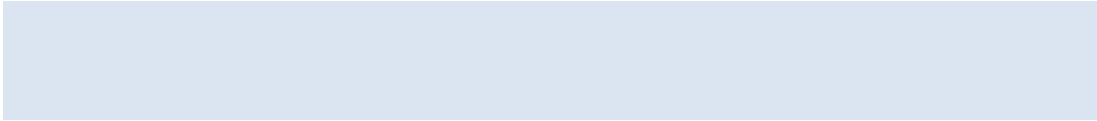
Task	Unit of Measure	Number of Units	Cost/Unit	Total Cost	Funding Request	Comments
Title Insurance	Transaction	7	750	5,250		(Estimated)
Escrow	Transaction	7	1,000	7,000		(Estimated)
Recordation	Transaction	7	500	3,500		(Estimated)
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B. Total Closing Costs				15,750	-	

C. Other

Task	Unit of Measure	Number of Units	Cost/Unit	Total Cost	Funding Request	Comments
Boundary survey	linear mile	3	2,000	5,000		2.5 miles (estimated)
Lot Line Adjustment	Transaction	4	5,000	20,000		(Estimated)
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C. Total Other				25,000	-	

TOTAL TRANSACTION COSTS				51,250	-	
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Additional Notes: According to the Land Conservation Plan Program Funding Policy (2009), the Stewardship Council may fund all or portions of the costs to implement recommended conservation transactions, based on the needs and capabilities of prospective donees to pay for such costs



Pacific Forest and Watershed Lands Stewardship Council
Land Stewardship Proposal Budget and Funding Plan
Eel River Planning Unit

PROJECT BUDGET - BASELINE LAND OWNERSHIP AND MANAGEMENT ACTIVITIES (SEE NOTE 1)

PROJECT REVENUES

Source	Description	Non- SC Sources of Funding		Comments
		One-Time Grants	Ongoing Funding	
Committed Funds (cash received or award made)				
Grant Awards	USEPA General Assistance Program (GAP)		8,000	Tribal Environmental Office recives \$80,000 annually from USEPA-GAP; 10% of time will be delegated to management oversight
	BIA Transportation grant		4,000	
Fundraising				BIA Indian Reservation Roads Program; 5% of funds will be delegated to adding roads to BIA inventory
Matching Funds				
Lease Revenues				
Timber Revenues				
General Fund/Reserves			9,840	PVT will commit \$24,000 to baseline management costs (Patrols, reports, gate maintenance, etc.)
Other - Administration & Bookkeeping			4,160	
Total Committed Funds		-	26,000	This is equal to the estimated baseline expenses currently being expended by PG&E
Pending Funds (no award made to date)				
Grant Awards		20,000		BIA grant applications: Environmental management, fish & wildlife, forest management planning, noxious weeds, woodlands,
Fundraising - river cleanups			5,000	
Matching Funds				In-kind donations of dumpsters, dump fees, volunteers
General Fund/Reserves				
Other (Describe)				
Total Pending or Potential Funds		20,000	5,000	
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TOTAL PROJECT REVENUES		20,000	31,000	

PROJECT EXPENSES

A. Baseline Management Activities

Task	Description	Unit of Measure	Number of Units	Cost/Unit	SC Funding Request				Comments
					One-Time Costs	Ongoing Annual Costs	One-Time Costs	Ongoing Annual Costs	
Management Oversight	Tribal Environmental Office (TEO)	0.1 fte	1	8,000		8,000	-	-	USEPA funds TEO @ \$80,000/year; 10% of time for management oversight, environmental assessments, funding applications
Security Patrol and Reporting	Tribal Resource Ranger	Hour	288/year	\$25/hr		7,200			Patrol for poaching, illegal camping, Off Highway Vehicle (OHV) use – seasonally, at least twice weekly (March – October) and bi-weekly (November-February).
River Cleanups	Litter, tire, debris removal			5,000		5,000			Cleanup of river areas in conjunction with volunteer groups (i.e. Eel River Watch)

Pacific Forest and Watershed Lands Stewardship Council
Land Stewardship Proposal Budget and Funding Plan
Eel River Planning Unit

Tribal Council oversight	Monthly review	Hour	24 per year	200		4,800			Monthly review of activities at Tribal Council meetings; reports by Tribal Administrator and TEO; action items & followup; meetings with partners, easement holders, etc.
<i>To add a row: right click on the row above -> select copy -> right click again ->select insert copied cells</i>									
A. Total Baseline Management Activities					-	25,000	-	-	

B. Baseline Land Ownership Costs

Task	Description	Unit of Measure	Number of Units	Cost/Unit	One-Time Costs	Ongoing Annual Costs	SC Funding Request		Comments
							One-Time Costs	Ongoing Annual Costs	
Property Taxes	Mendocino County Taxes			Estimated \$12,000/year			To be determined		The Stewardship Council will work with the affected counties, future landowners and other relevant parties to address property tax neutrality with an objective to recommend solutions that minimize cash outlays, when possible. To achieve tax neutrality with Mendocino County, the SC should negotiate amount and disburse funds
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B. Total Baseline Land Ownership Costs					-	-	-	-	

C. Other

Task	Description	Unit of Measure	Number of Units	Cost/Unit	One-Time Costs	Ongoing Annual Costs	SC Funding Request		Comments
							One-Time Costs	Ongoing Annual Costs	
<i>To add a row: right click on the row above -> select copy -> right click again ->select insert copied cells</i>									
C. Total Other					-	-	-	-	

TOTAL PROJECT EXPENSES					-	25,000	-	-	
NET REVENUE/(EXPENSE) - BASELINE LAND OWNERSHIP AND MANAGEMENT ACTIVITIES					20,000	6,000	-	-	

Additional Notes:

[Redacted area]

Note 1: According to the Stewardship Council's Land Conservation Program Funding Policy, the Stewardship Council will require future land owners to demonstrate that they have the funding and other capacity to maintain that property interest so as to preserve and/or enhance the beneficial values on the Watershed Lands. Exceptions to this guideline will be rare and considered only in circumstances where,

- 1) The funding of baseline land ownership and management activities will clearly lead to enhancement of the beneficial public values on the lands; and/or,
- 2) The funding of baseline land ownership and management activities is only temporary (≤5 years).

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PROJECT BUDGET - ENHANCEMENTS TO BENEFICIAL PUBLIC VALUES

PROJECT REVENUES

Source	Description	Non- SC Sources of Funding		Comments
		One-Time Grants	Ongoing Funding	
Committed Funds (cash received or award made)				
Grant Awards - BIA Indian Roads Program		500,000	5,000	BIA-IRR program commits planning funds (ongoing) and construction (project specific) for road improvements on routes to and within Indian lands
Fundraising				
Matching Funds				
Lease Revenues				
Timber Revenues				
TEO/USEPA GAP Funds	Grant writing, funding requests		2,000	Ongoing research, application for funding for implementation of recommendations from recreation plan, EA, etc.
Other (Describe)				
Total Committed Funds		500,000	7,000	
Pending Funds (no award made to date)				
Grant Awards		40,000		Clean Water Act 106 grant, first year; non-regulatory approach to non-point source protection
Fundraising				
Matching Funds		2,000		
General Fund/Reserves			10,000	CWA Grant Tribal match Tribal non-gaming funds, project specific Estimates fo carbon credits are based on median returns (\$10 mt/acre x 3 tons/acre) at 2010 prices on 600 ac upland parcels. http://www.forestcarbonportal.com/home
Other - Carbon Credits			18,000	
Total Pending or Potential Funds		42,000	28,000	
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TOTAL PROJECT REVENUES		542,000	35,000	

PROJECT EXPENSES

A. Enhanced Land Management Activities

Task	Description	Unit of Measure	Number of Units	Cost/Unit	SC Funding Request				Comments
					One-Time Costs	Ongoing Annual Costs	One-Time Costs	Ongoing Annual Costs	
Non-point source pollution assessment	Review existing studies & information	hr	40	50	2,000	2,000			Implementation of recommended mitigation/enhancement measures dependent on funding source(s)
Environmental Assessment	Add existing information to Tribal EA	hr	60	50	3,000				To be performed by TEO as part of GAP workplan duties

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Fuels management	Apply for BIA hazardous fuels reduction program	hr	40	50	2,000		To be performed by TEO as part of GAP workplan duties	
Noxious weed mgmt	Apply for BIA noxious weed funds	hr	30	35		1,050	To be performed by TEO as part of GAP workplan duties	
OHV regulation	Develop regulations, signage, barriers	\$	1,000		1,000			
Habitat restoration	Activities to restore habitat based on EA, Recreation Plan, other assessments	\$	10,000			10,000	Funding requests for trail or road closing and building; fisheries restoration and enhancement. Individual project implementation and construction dependent on budget, funding source, CE holder approval	
Ethnographic review	Review existing studies & information	\$	40	50	2,000		Initial review, request, and compilation of cultural resource records from NWIC, PG&E, CDF, others	
Ethnographic study	Formal Cultural Resource (CR) study of new lands	\$	200	100	20,000		Contract for C\R study; funding from National Park Service and/or BIA CR management programs	
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A. Total Enhanced Land Management Activities					30,000	13,050	-	-

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B. Capital Improvements

Task	Description	Unit of Measure	Number of Units	Cost/Unit	One-Time Costs	Ongoing Annual Costs	SC Funding Request		Comments
							One-Time Costs	Ongoing Annual Costs	
Capitol Improvements	Improvements based on recreation plan recommendations	\$			500,000				PVT would apply for HUD ICDBG funds for economic development of a campground and facilities or public facilities construction. Projected award & begin construction within 10 years of donation date, Operational costs to be offset by income from the campground through dedicated budget.
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B. Total Capital Improvements					500,000	-	-	-	

C. Other

Task	Description	Unit of Measure	Number of Units	Cost/Unit	One-Time Costs	Ongoing Annual Costs	SC Funding Request		Comments
							One-Time Costs	Ongoing Annual Costs	
Input Activity	Input Activity								
<i>To add a row: right click on the row above -> select copy -> right click again ->select insert copied cells</i>									
C. Total Other					-	-	-	-	

TOTAL PROJECT EXPENSES					530,000	13,050	-	-	
NET REVENUE/(EXPENSE) - ENHANCEMENT OF BENEFICIAL PUBLIC VALUES					12,000	21,950	-	-	

Additional Notes: