

CHRIS THPO Tribal Access Policy
FINAL approved at August 1, 2019 SHRC meeting

Introduction

The purpose of this policy is to facilitate access to California Historical Resources Information System (CHRIS) Inventory information by Native American Tribes with areas of interest in California that have an active agreement (THPO agreement) with the National Park Service (NPS) to assume certain State Historic Preservation Officer (SHPO) functions through the appointment of a Tribal Historic Preservation Officer (THPO), hereinafter referred to as THPO tribes. Authority for this policy is found in Public Resources Code Section 5024.6(n), which assigns responsibility for maintaining a statewide inventory to the Department of Parks and Recreation Office of Historic Preservation (OHP), and Section 5020.4(a)(2) which directs the State Historical Resources Commission (SHRC) to conduct a statewide inventory. Additionally, the National Historic Preservation Act directs the SHPO to maintain a statewide inventory of historic properties. The policy is intended to support THPOs in their role in consultation and coordination with federal, state, and local agencies and others, and to strengthen the partnership between the California SHPO and THPO tribes through consistent, reliable, and timely access to inventory information. This policy shall remain in effect unless amended by SHRC action.

The policy applies to all forms of CHRIS record searches conducted by or on behalf of THPO tribes. THPO tribes shall use the current version of the CHRIS Data Request Form to indicate the types of information desired for each request. THPO tribes may also enter into subscription agreements with ICs, where regular updates of requested information are provided under the terms of the subscription. Available data sets vary by IC and may include digital and hard copies of DPR 523 forms, cultural resources management reports, ethnographic studies and maps, regional cultural overviews, regional geoarchaeological studies, and other types of documents and information relating to cultural resources management. Information Centers (ICs) track and manage locations of cultural resources and study areas on hard copy USGS quadrangle maps, digital Geographic Information System files, or both, depending on the IC and area of interest. OHP and the ICs maintain a listing of CHRIS digital data availability by county and data type at http://www.ohp.parks.ca.gov/?page_id=27555.

Rationale or justification is not required for a CHRIS data or access request from a THPO tribe, unless the reason for the desired access is compliance with environmental laws for development/completion of a project being carried out by or on behalf of the tribe making the request, as the tribe determines. In those cases, unless an existing agreement between the tribe and/or THPO's office and an IC and/or the SHPO specifies otherwise, standard CHRIS access policies and fees apply.

Scope of Document

The terms and protocols of this policy shall apply to all THPO tribes' access to the CHRIS Inventory unless a separate agreement explicitly excludes or supersedes any of said terms, or an agreement that predates the implementation of this policy specifies fees, terms of use and access, or other protocols that differ from this policy. Although this policy does not supersede existing access agreements between CHRIS ICs and THPO tribes, those agreements may be

continued, terminated, or amended subsequent to implementation of this policy. This policy does not alter or negate the ability of any party in such an agreement to amend or terminate that agreement.

Under the terms of this policy, neither a CHRIS Access and Use Agreement nor any other type of CHRIS access agreement is needed for THPO tribes to gain access to the CHRIS Inventory. ICs and the SHPO retain the right to deny access to the CHRIS Inventory following Section III of the *Information Center Rules of Operation Manual (ICROM)*. THPO tribes may appeal the denial of access, following Section III (M) of the ICROM.

I. Access Authorization

THPOs shall be primary points of contact and liaison for specifying, discussing, and negotiating access to the CHRIS Inventory under this policy. THPO responsibilities and authority include providing the information and documents listed in this section to the appropriate IC or ICs.

a. Designating Individuals:

- i. THPO tribes desiring access shall provide, on tribal letterhead, a list of individuals (names and/or titles) authorized by the chair, council, or another individual who has been granted the authority to make such designation. The letter shall indicate the Tribe will comply with State Information Technology Security Requirements and be consistent with Section IV below.
- ii. The internal process of designating and authorizing these individuals is at the discretion of the tribe in question, and this policy does not supersede any such tribal process.
- iii. The tribe's THPO shall present the results to the appropriate IC or the SHPO, and is responsible for providing updated information to the CHRIS as changes in relevant tribal personnel, members and/or policy occur.

- b. **Alternates:** Individuals who are not on this list may gain access by providing a letter on tribal letterhead from the chair, council, or another individual who has been granted the authority to approve their accessing of data on the tribe's behalf. In such situations, the IC who receives the search request will follow up with the tribe's THPO to verify authorization.

II. Geographical Area of Interest

- a. All THPO tribes shall have independent authority to designate the counties for which they would like access to CHRIS Inventory data.
- b. The access area shall be defined by areas consisting of one or more complete counties.
- c. Access to information outside of those areas shall be provided via standard CHRIS policy as stated in the ICROM or its replacement.
- d. In order for a THPO tribe to designate a geographical area of interest, the THPO shall submit a list of counties to one or more of the ICs or the SHPO. This list will be transferred to an online tracking database, and may be viewed by any and all CHRIS ICs, as well as the SHPO, to verify accuracy when the THPO makes access requests.

The THPO shall also be responsible for providing information on any changes to that list of counties.

III. Fees

- a. If a THPO tribe indicates they are seeking access to CHRIS data in order to comply with environmental laws for development/completion of any project or activity carried out by or on behalf of the tribe, standard CHRIS fees apply. This includes Priority Response fees as described in Section VIII (D) of the ICROM.
- b. For all other access:
 - i. No CHRIS hourly fees shall be assessed to a THPO tribe conducting an In-Person records search.
 - ii. No CHRIS electronic fees shall be assessed for any digital data provided to a THPO tribe under this policy.
 - iii. Standardized cost recovery fees shall be assessed for Information Center staff time, equipment, and paper copying. These fees are as follows:
 - i. Staff time: \$40.00 per hour for the first hour, and \$20.00 for each ½ hour thereafter.
 - ii. Copying, printing, and use of consumables: 15 cents per page printed or photocopied, and otherwise the actual cost of the item/material.
 - iv. No Priority Response fees (as described in Section VIII (D) of the ICROM) shall be assessed for THPO tribe access granted under subsection b.
 - v. THPOs may negotiate specific fee alternatives (e.g., labor compensation) with individual ICs or with SHPO on an as-needed basis. If fee alternatives are to be used, they shall be specified in a written agreement between the THPO tribe and the appropriate IC or ICs, and the agreement shall cite this section of the policy.
- c. THPO tribes shall be granted access at no charge to the portion (s) of the CHRIS Inventory pertaining to the lands for which that tribe has assumed some or all of the SHPO functions that are specified in Section 101 of the National Historic Preservation Act (54 USC §302303). Tribes electing to remove all information pertaining to their tribal trust lands from the inventory shall consult with the SHPO and the appropriate IC to develop a specific appropriate mechanism. This policy adopts the definition of tribal lands in the NHPA found at 54 U.S.C. 300319.

IV. Data Security/Confidentiality

- a. CHRIS security policy and state IT policy compliant security measures and restrictions shall be applied to transfer or sharing of digital data; THPOs may enter into specific agreements with individual ICs provided they are consistent with those overarching policies.
- b. All CHRIS Confidential Data shall be stored and transmitted in such a manner that minimizes the likelihood of unauthorized access to that data.
- c. All CHRIS Data obtained by a THPO tribe under the terms of this policy shall be maintained in a safe and secure manner so as to preclude unauthorized access.
- d. All CHRIS Data in paper format shall be appropriately secured when not in use.

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- e. All CHRIS Data in digital format (“Digital CHRIS Data”) shall be stored and managed as follows:
 - i. Physical access to the Digital CHRIS Data shall be controlled, and Digital CHRIS Data shall be stored on media and/or equipment in a locked, secure location. Temporary storage of Digital CHRIS Data on portable media or systems is acceptable provided such storage complies with the stipulations of this section (IV)..
 - ii. Access to Digital CHRIS Data shall be limited by all of the following:
 - 1. Strong user passwords; Users shall not share passwords.
 - 2. Data and/or File Encryption.
 - 3. Limited system access.
 - iii. Security logging and auditing shall be enabled and periodically monitored for systems storing or accessing Digital CHRIS Data.
 - iv. Systems storing Digital CHRIS Data shall have current:
 - 1. Anti-virus and anti-spyware/malware.
 - 2. An appropriately configured firewall.
 - 3. Host-based intrusion detection software active at all times.
- f. If it is no longer feasible or possible for a THPO Tribe to store CHRIS Data in compliance with this policy, the THPO Tribe shall either remove all CHRIS Data from the device(s), equipment, or circumstances that are non-compliant, or modify the situation so that the CHRIS Data are being stored or managed in a compliant manner.
- g. Security policies and practices shall be reviewed by the CHRIS and THPO tribes, both independently and together, as necessary to maintain compliance with Statewide and Department of Parks and Recreation information security policy and practices. Annually, the SHPO shall circulate a reminder of applicable information security policies, and offer the opportunity for discussion and clarification of those policies.
- h. Upon the request of an IC or a THPO, OHP shall establish a security training program.
- i. The SHPO shall notify all California THPOs and ICs of any state or CHRIS information security policies or policy changes that affect the requirements for transfer and storage of CHRIS data, or any other policy change that may affect implementation of this Access Policy.