

First Amendment to the Memorandum of Understanding between the City of Boulder and the Tribes dated August 17, 2002

WHEREAS, this First Amendment to the Memorandum of Understanding between the City of Boulder and the Tribes dated August 17, 2002 is intended to clarify the traditional use ceremonies on City of Boulder Open Space and Mountain Parks lands when structures are used; and

WHEREAS, the following provisions were recommended to the Open Space and Mountain Parks Department, City of Boulder (the "City") at the Consultation Meeting, February 18, 2004, with representatives of federally recognized Tribal governments (the "Tribes"); and

WHEREAS, the Tribes recommended that the policy for ceremonies requiring structures as set forth in the Memorandum of Understanding between the Tribes and the City, dated August 17, 2002, be amended as set forth below.

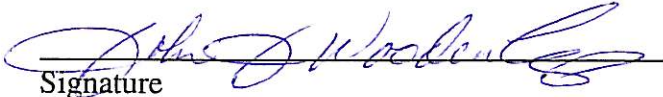
NOW, THEREFORE, Paragraph (5) of the Memorandum of Understanding is hereby rescinded in its entirety and amended to read as follows:

- (5) Open Space is closed to public vehicular traffic. The City agrees that the Tribes need no prior permission for pedestrian use of Open Space and Mountain Parks. Ceremonies requiring the building of a temporary structure (for example a sweat lodge or tipi) do require permission from the City. The permit procedure for ceremonies requiring a temporary structure is as follows:
 - (a) At least 15 days prior to the ceremony, a letter of request from a participating Tribe must be submitted to the Director of Open Space and Mountain Parks, PO Box 791, Boulder, CO 80806, outlining the activity, the number of people expected to attend, the duration of the activity and how the Tribal members have addressed and will address issues of safety, environmental hazards, restoration of the use area and parking;
 - (b) The Tribal contact list in effect as of the date of this agreement is attached as Exhibit A to the original agreement. Such list shall be revised from time to time upon the request of any Tribe;
 - (c) The City will notify the requesting Tribal contact of permit approval or denial in writing, with any restrictions or conditions included in the permit. The City will approve any *bona fide* Tribal request providing it involves no monetary gain whatsoever, does not interfere with previously scheduled activities and does not conflict with the City Charter and ordinances.
 - (d) The City agrees to provide reasonable fire protection services for any authorized Tribal cultural use on Open Space and Mountain Parks land.

- (e) Such fire protection may include fire extinguishers, wildfire suppression apparatus or other preventative measures.
- (f) No permanent structures will be permitted. Temporary structures must be removed within seven days after the ceremony is concluded. Tribal members using the site will be responsible for leaving the area in the same condition as they found it.
- (g) There will be no cutting of trees or any other destruction of vegetation allowed. Individuals must provide their own wood.
- (h) The lodge area must be kept clean.
- (i) The sweat lodge at Valmont Butte may remain up due to the difficulty in obtaining willows. Frequent users are requested to take down and rebuild the lodge with fresh willows periodically.
 - 1. The area must be fully restored after the activity. The requesting Tribe is responsible for any restoration.
 - 2. There will be no use of the area for any individual monetary gain or profit. Reasonable traditional gift giving is acceptable.
 - 3. The following persons may use the area for traditional use ceremonies requiring structures and/or a fire:
 - i. Enrolled members of federally recognized tribes.
 - ii. Sponsored individuals of federally recognized tribes who show an enrollment card.
 - iii. Individuals or groups sponsored by the tribal branch of the Native American Church as long as a letter of sponsorship is provided on appropriate tribal or church letterhead.
 - iv. And anyone else who meets one of these standards.
 - 4. The request for use must be made in writing, 15 days in advance. This request must include:
 - i. Identification of group leader including a tribal enrollment card or appropriate sponsorship.
 - ii. A short narrative about the type of activity planned and the number of people involved.
 - 5. Use of the various areas including Valmont Butte will be reviewed by the Tribes periodically.

6. Only ceremonies or traditional practices that require the building of a structure and/or a fire require permission from the City.

AGREED, as of the ____ day of _____, 2004.



Signature

The Northern Cheyenne Tribe

1-3-04
DATE

CITY OF BOULDER

By: _____
Frank Bruno
City Manager

ATTEST:

City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

City Attorney's Office