

**HOOPA INDIAN RESERVATION  
TITLE 71 ARSON  
CHAPTER ONE- GENERAL PROVISIONS**

**69.1.01 Legislative Intent**

The Hoopa Tribal Council acknowledges that arson fires and negligently set fires with the reservation boundaries are a threat to public health and safety and cause devastating damage to tribal and private resources, including but not limited to clean air, clean water, fish and wildlife habitat, timber resources, forest soils, economic and employment opportunities, range lands, structures, recreational areas and other improvements.

The purpose of this code is to:

- (1) Provide standards by which the court can determine whether a fire that caused damage within the reservation boundaries was either arson or negligently set; and
- (2) Establish a damage formula so that the Tribe or private individuals harmed by arson fires or negligently set fires may be made whole, and
- (3) Establish civil penalties and court ordered consequences to be imposed against individuals who are found by the court to have started an arson fire or negligently set a fire which has caused damage within the reservation boundaries.

**69.1.02 Annual Operating Plan**

The Tribal Council, Tribal Office of Emergency Services, Hoopa Fire Department, Hoopa Volunteer Fire Department, Tribal Environmental Protection Agency and the Tribal Police Department shall meet annually no later than April with federal and state law enforcement personnel to establish an operating plan for how to address and prosecute arson or negligently set or spread fires within the Hoopa Valley.

**Personal Jurisdiction**

Arson fires and negligently set fires are such a threat to the health and safety of tribal members, and tribal resources including trust land, that the Tribal court shall have jurisdiction over anyone who violates the provisions of this code while within the boundaries of the Hoopa Valley Reservation.

**69.1.03 Definitions**

As used in this Chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (a) "Allows" a land owner or assignee allows an individual to commit arson or negligently start or spread a fire on property if the land owner is present on the property and aware of the fire being started at the time the fire is started, and has taken no steps to prevent the starting of the fire.
- (b) "Arson" To willfully and maliciously set fire to, or to aid, encourage or request another set fire to, any structure, vehicle, forested land, or any other real or personal property.
- (c) "Burn Permit" means a formal authorization from, or approval by the Hoopa Fire Department and the Hoopa Valley Tribal Environmental Protection Agency, Air Quality Department to burn approved materials as defined under Title 49 section 49.3 (K); or formal authorization from, or approval by the Hoopa Fire Department for a cultural burn.