



## **ABANDONED VEHICLES ON TRIBAL LANDS:**

*APPROACHES AND CASE STUDIES IN ARIZONA,  
CALIFORNIA, AND NEVADA*

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# INTRODUCTIONS AND WELCOME



## Presenters

- Deirdre Nurre, EPA
- David Stitzhal, Full Circle Environmental
- Guests from Resighini Rancheria, Big Valley Rancheria



# ACKNOWLEDGEMENT

- Morongo Band of Mission Indians: Dana Morey
- Resighini Rancheria: Moonchay Dowd, Shaunna McCovey
- Yurok Tribe: Koiya Tuttle, Kori Ellien, Tonya Lindsay
- Hoopa Valley Tribe: Brian McCaughey, Ken Norton
- Tohono O'odham Nation: Sheila Chavez, Rayleen Ortega, Earl Bautista, Paul Andrew, Cornelius Antone
- Kashia Band of Pomo Indians of Stewart Point Rancheria: Nina Hapner
- Big Valley Band of Pomo Indians of Big Valley Rancheria: Sarah Ryan
- La Jolla Band of Luiseno Indians: Rob Roy
- Big Pine Paiute Tribe of the Owens Valley: Sally Manning
- Sault Ste. Marie Tribe of Chippewa Indians: Shannon Lovin
- Susanville Indian Rancheria: Tim Keeseey
- Washoe Tribe of Nevada and California: Susan Jamerson
- EPA Office of Regional Counsel: Mimi Newton



# CLASS FEEDBACK FROM WEBINAR SESSION ONE



- Health effects: more extensive than expected
  - Car donation programs: one solution?
  - More information needed on:
    - Tires
    - Lien sales
- <https://www.dmv.ca.gov/portal/handbook/dismantlers-handbook-of-registration-procedures/lien-sales-and-abandoned-vehicles/lien-sale-procedure-for-vehicles-valued-at-or-less-cc-3072/>

Photo: Rhododendrites commons.wikimedia.org

# ABANDONED VEHICLES: BROAD DEFINITION FOR TODAY'S WEBINAR

**OUR FOCUS:** Problematic accumulation and storage of automobiles and RVs

- *Too many*
- *Improper use*
- *Unknown ownership*
- *Left in the wrong place*
- *Presents risk to health and environment*



Photo: Sparklepyre commons.wikimedia.org



# TRAINING AGENDA

## Day I:

- Section I: *Abandoned Vehicle Concerns*
- Section II: *Vehicle Accumulation and Abandonment*
- Section III: *Removing Abandoned Vehicles*

## Day II:

- Section IV: *Abandoned Vehicle Codes & Ordinances*
- Section V: *Resources for tribes*
- Section VI: *Tribal Vehicle Abandonment Prevention & Enforcement Programs*



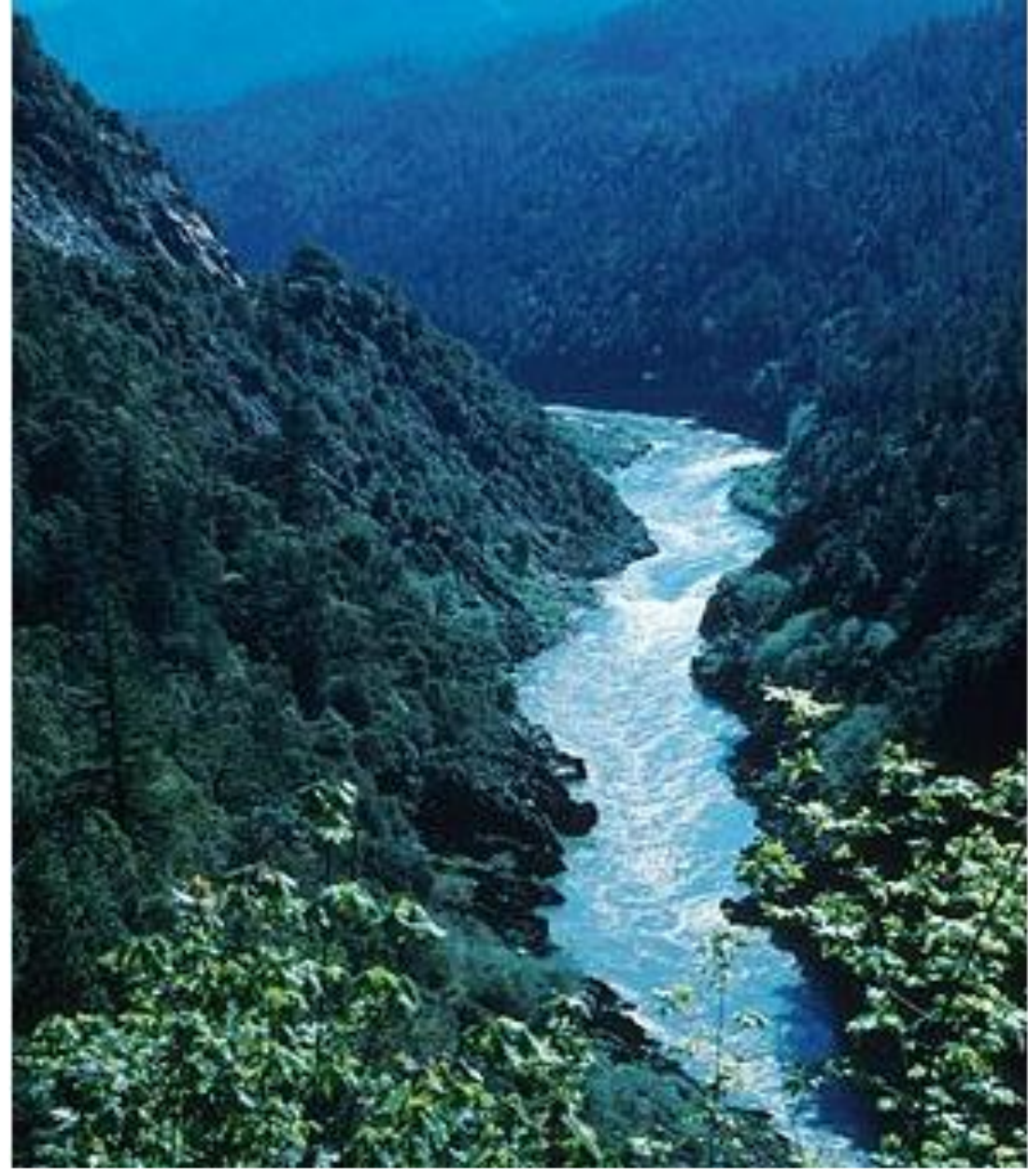
Photo: Alex Sergeev commons.wikimedia.org

## SECTION IV: ABANDONED VEHICLE CODES & ORDINANCES

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- *Yurok case study*
- *Codes and ordinances for abandoned vehicles*





## CASE STUDY: YUROK TRIBE

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- California's largest tribe: over 5000 enrolled members
- Reservation is 1 mile to each side of the lower 46 miles of the Klamath River: 56,000 acres



# CASE STUDY: VEHICLE REMOVALS AT YUROK

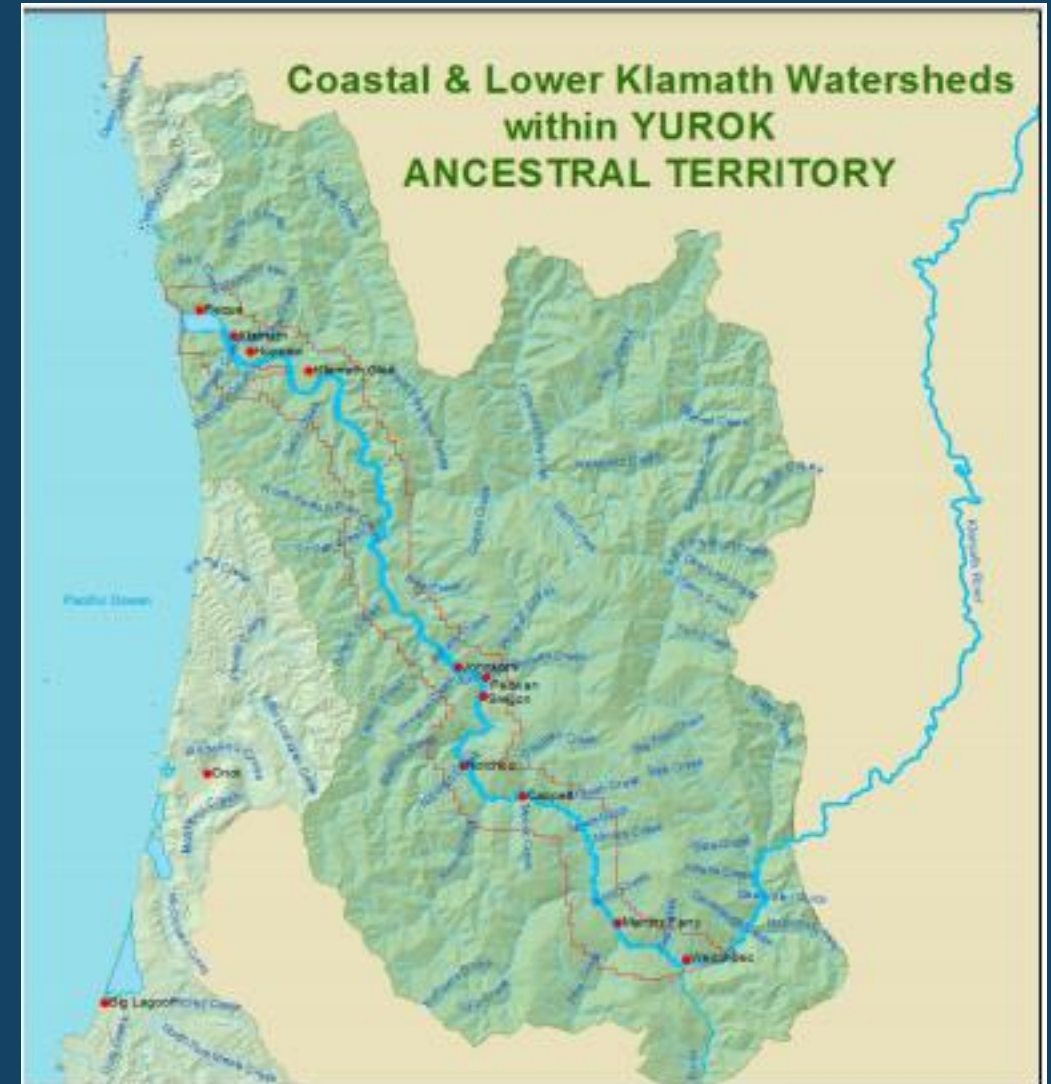
Frequent car abandonment challenges

Possible factors:

- Population size, distribution
- Natural setting and topography
- Residential accumulation, seasonal fluctuation

Challenges:

- Distance
- Program costs
- Compliance needs





## CASE STUDY: VEHICLE REMOVALS AT YUROK

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### Program Resources:

- Strong program team, including resources for compliance and enforcement
- Tribal court and tribal police

### Successes:

- 2021 Abandoned Vehicle Abatement Code
- New Motor Vehicle Surrender form

# YUROK VEHICLE SURRENDER FORM

Description					
	Make	Model	Year	License Plate	Vehicle Identification Number
1.					
2.					
3.					
4.					
5.					
Description Comments					
NOTICE: Authorization from Yurok Tribal Court is required prior to vehicle destruction.					
Vehicle Removal Fee					

I,  (Printed Name), hereby voluntarily surrender and release the vehicle(s) above to the Yurok Tribe, forfeiting further claim against the vehicle(s). I authorize the Yurok Tribe, or designee, to move the vehicle(s), for the fee listed, payable by me  (Printable), and to dispose of the vehicle(s) as the Yurok Tribe sees fit. I certify that all information stated above is true and correct and understand that my signature is binding. I hereby agree to indemnify and hold harmless the Yurok Tribe from and against any and all claims, demands, or causes of action of any kind or nature resulting from or in connection with the Yurok Tribe's removal of the vehicle(s) from the undersigned's property and from and against any resulting losses, costs, expenses, reasonable attorney's fees, liabilities, damages, orders, judgments, or decrees in connection herewith.

Signature (Property Owner)

Date

Signature (Acceptor)

Date

Printed Name (Acceptor)

Tribal Department



Abandoned automobile and trailer removal at Yurok in 2009

# CODES AND ORDINANCES FOR ABANDONED VEHICLES

- Tribes have the authority to regulate abandoned vehicles on tribal land
- Dumping ordinances can be created specific to vehicles

## *Check With Your Tribe*

- What tribal codes and ordinances may address abandoned vehicles
- What authority does the tribe have to remove them





# CODES AND ORDINANCES: BIG PICTURE

From ITEP Codes and Ordinances training:

- Does your tribe have a solid waste code?
- Are you starting from scratch or updating?
- Solid waste code, or separate vehicle abandonment code?

***Example: Hoopa Solid Waste Code (2019) regulates***

- Abandoned vehicles
- Inoperable motorized vehicles
- Junk vehicles





# CODES AND ORDINANCES: BIG PICTURE

From ITEP Codes and Ordinances training:

- What is the specific issue which needs to be addressed?
- Be proactive, not reactive. Do you have a clear picture of your end result?
- How will you involve the community?
- How will the law be enforced?
- What is the purpose and goal of the ordinance you want to set up?







## DEFINITIONS: ABANDONED – BIG PINE, SUSANVILLE

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- **Big Pine Paiute Tribe of the Owens Valley:** Vehicle ... left unattended on tribal lands **without valid license plate, registration or proof of ownership**. AND definition for **Junk vehicle:** any wrecked, dismantled, inoperative, or discarded vehicle or parts thereof ...
- **Susanville Indian Rancheria:** Any vehicle present on tribal street, highway, alley or other **non-assigned tribal lands** for longer than **72 consecutive hours** or **which lacks an engine**, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate said vehicle safely ...



## DEFINITIONS: ABANDONED – YUROK TRIBAL CODE

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“Abandoned vehicle” means any vehicle, automobile, or automobile hulk left within the exterior boundaries of the Yurok Indian Reservation, on Tribal land, any public roadway, or the property of another either without the consent of the owner of said land or in such a manner that it creates a public nuisance. A vehicle shall be deemed per se (*simply as such, without further explanation*) abandoned if there is no visible current registration on the license plate and/or no license plates. The fact that a motor vehicle has been so left without permission or notification is *prima facie* evidence of abandonment. (*meaning, accepted as given that it has been abandoned until proved otherwise*) [If owner is temporarily unable to remove vehicle, it's considered abandoned if they can't move it in 30 days.]

Ch.20.10 Abandoned Vehicle Abatement, approved 2021



# HOOPA SOLID WASTE CODE (2019): RESIDENTIAL VEHICLE STORAGE

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1. “Findings” and “Purpose”
2. “Inoperable Vehicle” and “Junk Vehicle” Definitions
3. “It is prohibited to store 2 or more inoperable vehicles ... It is prohibited for any person to store a junk vehicle.”
4. “Junkyards are prohibited ... Any existing junkyards must be ‘dismantled’ and the contents disposed of, including any vehicles being repaired and associated parts, according to a tribally-approved clean-up plan ...”



# SAULT STE. MARIE CODE (2003): RESIDENTIAL VEHICLE STORAGE

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1. Definitions: Abandoned vehicle, Junk vehicle, Disabled motor vehicle
2. Disabled motor vehicles shall not be permitted on rights-of-way of the streets, alleys or highways of the Tribe (except if being towed)
3. Disabled motor vehicles or any part of a motor vehicle shall not be permitted in the front, side or rear yards of all parcels of Tribal lands, except when stored in entirely enclosed structures. If vehicles are stored for repair they must be in permitted gas stations or auto body shops.



## PENALTIES FOR NON-COMPLIANCE – SUSANVILLE RANCHERIA

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- Council may assess administrative costs (fee), either fixed sum per removal or a percentage of actual costs
- When such fees have been fixed, towing company shall not release vehicle in storage until owner pays these administrative fees PLUS the towing company costs of removal and storage
- Towing company shall have lien on the vehicle for towing and storage charges

*(Susanville Indian Rancheria Abandoned Vehicle Ordinance, 2005)*



## PENALTIES FOR NON-COMPLIANCE – YUROK TRIBE

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- Costs are the responsibility of registered/legal owner
- Costs include the actual removal costs plus a 20% administrative fee
- If owner unable to pay and appeals to tribe, matter is referred to Tribal Court
- Tribal Court may allow for community service in lieu of payment due
- “No less than one hour of service shall be performed for every \$5.00 of fee waived.”
- Amount of community service due: determined partially on number of prior offenses and other citations issued under other ordinances
- Community service can include dump cleanup or other outdoor work, or indoor work for those physically unable to perform outdoor labor

# SAULT STE. MARIE TRIBE: EVOLUTION OF AUTO ORDINANCE

- Sault Ste. Marie Tribe of Chippewa Indians code adopted in 2003
- Response to abandoned vehicle fire which caused multiple injuries
- Implemented via tribal housing agency
- Code constantly monitored by Resident Service Specialists
- Prohibited: extra vehicles, auto repairs (beyond tire changes), parking in any part of yard, street parking
- Tribe works with residents to provide extra time to pay rent and utilities, loan forgiveness programs, family assistance etc. but continual follow-up
- Cooperation with residents on cars for annual Demo Derby





# ENFORCEMENT AND COMPLIANCE: WHO'S IN CHARGE?



- Members of council / elected officials?
- Compliance officers?
- Tribal environmental program?
- Tribal housing?

Photo: Ahsanriaz6157 commons.wikimedia.org





# CODES AND ORDINANCES: SUMMARY

- Think about the end result you want to see on tribal lands
- Work with your tribal attorney
- Public review and comment options for tribal members at all stages of the process
- Post ordinance on web
- Work with your council – ensure they support implementation



Photo: Mick Lobb commons.wikimedia.org

# LINKS TO SAMPLE ABANDONED VEHICLE CODES AND ORDINANCES

- Susanville Indian Rancheria Abandoned Vehicle Ordinance 2005-0001:  
[https://narf.org/nill/codes/susanville/Abandoned\\_Vehicle\\_Ordinance\\_2005\\_.pdf](https://narf.org/nill/codes/susanville/Abandoned_Vehicle_Ordinance_2005_.pdf)
- Yurok Tribal Code Chapter 20.10 “Abandoned Vehicle Abatement”:  
<https://yurok.tribal.codes/YTC/20.10>
- Sault Ste. Marie Tribe of Chippewa Indians Tribal Code Chapter 98: “Abandoned Vehicle and Junk Code” <https://www.saulttribe.com/government/tribal-code>
- Big Pine Paiute “Abandoned and Junk Vehicle Ordinance”  
[http://www.bigpinepaiute.org/img/environ-dept-bp/JunkVehicleOrd\\_Final\\_Jun8\\_2010.pdf](http://www.bigpinepaiute.org/img/environ-dept-bp/JunkVehicleOrd_Final_Jun8_2010.pdf)

*\*These documents are for your reference and do not imply endorsement.*



Photo: Ifcar commons.wikimedia.org

## SECTION V: RESOURCES FOR TRIBES

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- *Bureau of Indian Affairs*
- *EPA General Assistance Program (GAP)*
- *Indian Health Service*
- *State programs*



# BUREAU OF INDIAN AFFAIRS

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Bureau of Indian Affairs resources: Division of Environmental, Cultural Resource Management and Safety (“DECRMS” funding)

- BIA contacts tribal councils for their priorities
- Project Funding depends upon carryover from prior year
- Funded projects provide contractor resources to conduct the vehicle removals
- Tip: request that your funded project satisfy any vehicle ownership documentation needs
- Stay in contact with BIA re end of year funds remaining

# EPA GAP WORKPLAN ELEMENT FOR AUTO ABATEMENT (EXAMPLE)

Com  
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## Development of enforcement strategy for the Tribes environmental codes:

TEPA will be enacting multiple phases of the abandoned auto program in sequence with previous fiscal years. In this FY21 Phase 3 TEPA will propose the selected preferred auto storage/abatement option to the community and Tribal Council for comment and seek approval for permanent solution.

Phase 1 completed auto abatement research and capacity building; Phase 2 completed outreaching to other governmental agencies, community, and Tribal Council.

**Phase 3 (FY2021):** ED and EP1, EP2 will finalize cost/benefit analysis and conduct public outreach to inform community on preferred option of auto abatement program, location of facility, and process to remove automobiles. Seek public comment and input specific to opinion of the facility location. Finalize the cost benefit analysis for the preferred auto storage/abatement option.

*Public Outreach Example: Brochure on abandoned vehicles*

<http://www.hoopatepa.org/land.html>

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# INDIAN HEALTH SERVICE & STATE FUNDING

Indian Health Service:

“scattered abandoned automobiles”  
excluded from criteria for open  
dumps

State Funding (California examples)

CA Farm & Ranch Cleanup

Tribal Nations Grant Fund



Photo: FotoSleuth commons.wikimedia.org



## SECTION VI: TRIBAL VEHICLE ABANDONMENT PREVENTION & ENFORCEMENT PROGRAMS

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- *Case Study: Resighini Rancheria*
- *Case Study: Big Valley Band of Pomo Indians of Big Valley Rancheria*



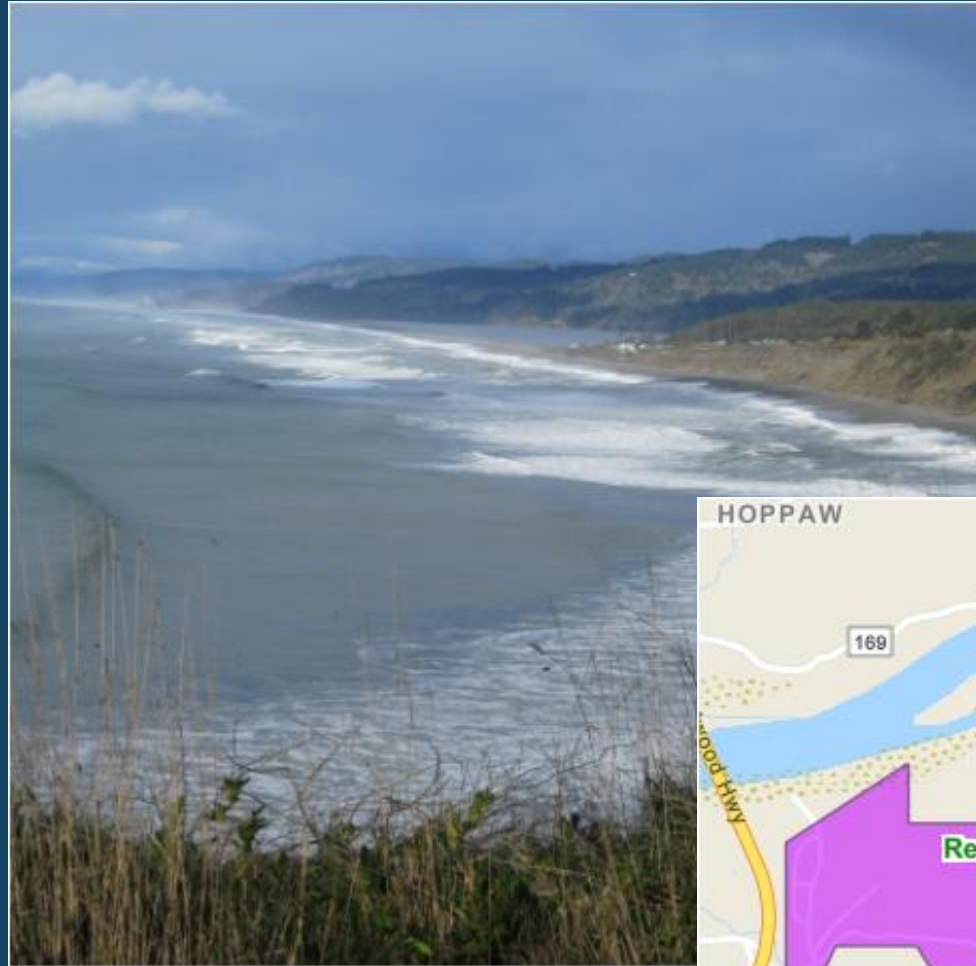
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# CASE STUDY: RESIGHINI RANCHERIA

- Very small tribe in mountainous, rural area on Klamath River
- Excessive auto accumulation near one residence
- Trespass issues from off the reservation lead to dumping
- Periodic influx of problematic long-term camping





## CASE STUDY: RESIGHINI RANCHERIA

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Renewed commitment by Council led to positive outcomes:

- Direct, frequent interaction with resident whose vehicle accumulation posed potential risk to drinking water source
- Relationship built over time with Del Norte County sheriff reduces dumping from off reservation
- Tribal staff patrol the reservation twice weekly to monitor problems and engage community
- Tribe conducted specific outreach services to homeless campers
- Farm and Ranch Cleanup Grant from state of California funded 2 large cleanups

# CASE STUDY: RESIGHINI RANCHERIA

- Tribal ordinance in effect
- Notice of violation requires prompt removal or fine is charged in addition to removal cost
- Vehicle owner also responsible for damages to tribal property and costs incurred in removing vehicle

RESIGHINI RANCHERIA  
A Federally Recognized Indian Tribe  
Natural Resources Department



Notice of Violation

DATE:

TO:

BY:

SUBJECT:

.....  
**BY ORDER OF THE TRIBAL COUNCIL, BE ADVISED:**

This vehicle has been determined to be in violation of the Resighini Rancheria Interference Ordinance (2003-01). This violation may be punishable by fine of up to \$500, including costs in removing the vehicle.

Please remove the vehicle to an authorized location within \_\_\_\_ Hours to avoid a penalty. You may request a hearing with Tribal Council to dispute the violation. hnt must do so within 48 days from the date on this notice.

Failure to comply with this notice will result in the removal of the vehicle at owner's expense.

DATE AND TIME POSTED:

THE REGISTERED OR LEGAL OWNER WILL BE ISSUED A CITATION. DAMAGES TO TRIBAL PROPERTY AND FOR ALL COSTS INCURRED IN REMOVING THE VEHICLE, TRAILER, CAMPER OR BOAT FROM THE RANCHERIA.



# CASE STUDY: RESIGHINI RANCHERIA

## *Resighini Rancheria to Receive Nearly \$50,000 for Floodplain Cleanup*

The California Department of Resources Recycling and Recovery has awarded the [Resighini Rancheria](#) a \$49,237 Farm and Ranch Solid Waste Cleanup and Abatement grant to clear an illegal dumpsite in the Klamath River estuary. The remote property on a Klamath River floodplain is currently home to illegally dumped vehicles, trailers, boats, appliances, propane tanks, tires, and other debris. In addition to the effects on wildlife, the stripped vehicles and appliances have increased contamination concerns on the property, which is zoned for agricultural use.

The Resighini Rancheria will use grant funds to remediate the property and take steps to prevent illegal dumping in the future.



*These items were part of the clutter at an illegal dumpsite on the Klamath River estuary within the Resighini Rancheria.*



# CASE STUDY: BIG VALLEY RANCHERIA

## PROBLEM

- Tribal Council business committee concerned about significant buildup of abandoned vehicles over several months
  - Metal value: in recent years, haulers paid cash for cars. Later, a revenue-neutral exchange. Now, tribe must pay hauler.
  - Changes in proof of ownership requirements Previously, tribe determined ownership. Now, haulers want title or proof of lien sale

## STRATEGY

- Develop an abatement and compliance program
  - Compare prices for haulers
  - Seek funding for an expanded abatement program
  - Notify residents
  - Begin removals



# CASE STUDY: BIG VALLEY RANCHERIA

## ACTIONS

- Tribal Nations Fund provided grant to remove cars and to purchase car dolly and winch

## NEW JUNKED CAR AMNESTY PROGRAM

- Tribe will take your unwanted vehicles by July 15
- Afterwards, unregistered cars will be removed, and owners fined for costs

## RESULT

- Out of the original 60 cars, 10+ remain
- Abandoned/junk car issue continues

### JUNKED CAR AMNESTY NOTICE - UPDATED



Do you have cars on Big Valley Rancheria you want to get rid of? We currently have funding to assist with removal of junked cars.

To get your car removed, please **SIGN UP BY JULY 15** and provide the following information:

- VIN
- LICENSE PLATE
- MAKE, MODEL, YEAR OF CAR
- WHERE IS CAR LOCATED?
- DO YOU HAVE THE PINK SLIP?

After July 15th, cars left on the Rancheria that do not have current registration or are junked will be scheduled to be removed and fines will be assessed. Please take advantage of this opportunity to get rid of cars that are not operable.

**CONTACT SARAH AT 707-349-4040 or [sryan@big-valley.net](mailto:sryan@big-valley.net)**



Please submit an evaluation!



Presentation will be emailed at end of today's session