

Amendment to
ORDINANCE NO. 02-2000

**AN ORDINANCE OF THE BUSINESS COUNCIL OF THE BLUE
LAKE RANCHERIA OF CALIFORNIA ADOPTING AN
ORDINANCE AMENDING ORDINANCE NO. 02-2000,
ENVIRONMENTAL POLICY ORDINANCE.**

The Business Council ("Council") of the Blue Lake Rancheria of California ("Tribe") does hereby ordains as follows:

Section 1. Amendments to Ordinance No. 02-2000. A new Section 5 is added to Ordinance No. 02-2000, a true and correct copy of which is attached hereto, and the existing Sections 5 to 9 are renumbered 6 to 10.

The new Section 5 shall read as follows:

§5. Casino Projects

Casino Projects, as defined in this Section 5, shall comply with the following requirements in addition to the requirements contained in the other sections of this Ordinance.

A. **Definitions:**

“Affected Local Agencies” means Humboldt County and any city or special district in the County in which Off-Reservation Environmental Impacts may occur or which may provide services to a Casino Project.

“Casino Project” means any significant excavation, construction, or development directly related to the construction of a Gaming Facility, or any significant renovation or modification of an existing Gaming Facility.

“Commencement of a Casino Project” means commencing any construction or development activity for a Casino Project that will cause a direct change in the physical environment.

“Compact Gaming” means any gaming authorized by the Tribal-State Gaming Compact Between the State of California and the Blue Lake Rancheria of California, approved by the Assistant Secretary of Indian Affairs on May 5, 2000, and published in the Federal Register on May 16, 2000, or any amendments to said compact.

“Environment” means the physical conditions, which exist within the area, which will be affected by a Casino Project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.

“Gaming Facility” means any building in which Compact Gaming activities occur and all rooms, buildings, and areas, including parking lots and walkways, a principal purpose of which is to serve Compact Gaming.

“Off-Reservation Environmental Impacts” means any physical change in the Environment outside the boundaries of the Blue Lake Rancheria as defined in the 1983 Stipulation of Entry of Judgment in Hardwick v. United States (Fed. Dist. Ct., N.D.Cal.) 1710 SW, which will be caused by a Casino Project.

“Report” means the report required by Section 4 of this Ordinance.

B. Before Commencement of a Casino Project:

Before Commencement of a Casino Project, the Tribe will:

1. Inform the public and Affected Local Agencies of the proposed Casino Project by publicizing and conducting at least one public meeting in which the Tribe presents information describing the project, which may include schematic design drawings as well as verbal or written descriptions of the project. At the public meeting, make a written record of comments by members of the public or Affected Local Agencies concerning Off-Reservation Environmental Impacts.

2. In preparing the Report, include and evaluate Off-Reservation Environmental Impacts and including, to the extent deemed appropriate by the Business Council, any Off-Reservation Environmental Impacts identified by members of the public or Affected Local Agencies at the public meeting described in subsection B.1.

3. Provide copies of the Report to the Humboldt County Board of Supervisors and the California State Clearinghouse in the Office of Planning and Research at least 45 days before Commencement of the Casino Project evaluated in the Report. When furnishing a copy of the report, include a written notice inviting comments on the Report and offering to meet with the Board of Supervisors or its representatives to discuss mitigation of significant adverse Off-Reservation Environmental Impacts.

4. Respond in writing to all comments received within 20 days after the Reports were transmitted in accordance with Subsection B.3.

5. Meet with the Board of Supervisors or its representatives to discuss mitigation of significant adverse Off-Reservation Environmental Impacts, if a written request for a meeting from the Board is received by the Tribe within 20 days after the Report was transmitted to the Board of Supervisors.

6. Publish in a newspaper of general circulation serving the community of Blue Lake and the surrounding area a notice that the Report is available for inspection during times and at a location or locations set forth in the notice. The notice shall state how members of the public may obtain a copy of the Report. The Tribe may charge a reasonable fee for furnishing a copy of the Report to a member of the public. The notice shall invite comments on the Report and state that the Tribe will respond in writing to comments received within 20 days of the date the notice is published. The notice shall include the date, time, and location of a Business Council meeting at which members of the public may appear and comment on the Casino Project and the Report.

7. The Tribe shall make good faith efforts to mitigate any significant adverse Off-Reservation Impacts.

After Commencement of a Casino Project:

After Commencement of a Casino Project the Tribe will:

1. Send periodic reports to the Humboldt County Board of Supervisors on the progress of the Casino Project, the frequency of which shall be determined by the Business Council based on the expected duration of construction. The Tribe shall furnish no less than one progress report to the Board of Supervisors.

2. Publish in a newspaper of general circulation serving the Blue Lake area periodic notices of Business Council meetings at which progress reports on a Casino Project will be made. The notice shall include the time, date, and location of the meeting. The Business Council shall determine the frequency of the notices and meetings based on the expected duration of construction. The Tribe shall publish no less than one notice and conduct no less than one meeting at which a progress report will be made.

D. NEPA exemption. Casino Projects subject to the National Environmental Policy Act ("NEPA") are exempt from the provisions of Subsection B of this Ordinance, except to the extent, if any, that compliance with NEPA would not result in consultation or opportunities to comment, at least, equivalent to those provided in Subsection B of this Ordinance.

Section 2. Severability. If any part or provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and affect. To this end, the provisions of this ordinance are severable.

Section 3. Effective Date. This Ordinance shall become effective on the date it is adopted by the Business Council.

CERTIFICATION

The foregoing Ordinance was adopted on this 22 day of September 2000, at a regular meeting of the Blue Lake Business Council, with a quorum present, by the following vote:

AYES: 5
NOES: 0
ABSENT: 0
ABSTAIN: 0

Claudia Brundini
Chairperson

Date: 9/22/00

ATTESTED:

Melanie Shelansky
Tribal Secretary

Date: 9/22/00