

BLUE LAKE RANCHERIA ENVIRONMENTAL POLICY ORDINANCE

02-2000

The Business Council of the Blue Lake Rancheria, empowered by the Tribal Constitution to enact ordinances, hereby ordains the following:

§1. Declaration of Purpose

- (a) The purpose of this Ordinance is to ensure that the Tribe gives proper and meaningful consideration of environmental, cultural, historical, and ecological factors when making decisions which may significantly affect the environment of the Blue Lake Rancheria or other territory over which the Tribe has jurisdiction.
- (b) The Business Council adopts this Ordinance to protect and promote the political integrity, economic security, health, safety and welfare of the Tribe, its members, and all person living on, or passing through, the Blue Lake Rancheria and to protect and preserve the environment, lands, culture, religion, and natural resources of the Blue Lake Rancheria.

§2. Definitions

For the purposes of this ordinance, the following words shall have the following meanings:

- (a) The term "Business Council" means the Business Council of the Blue Lake Rancheria.
- (b) The term "major tribal action" means the Tribal Council's approval of specific projects or activities, such as construction or management activities, located on or within the Rancheria or other territory over which the Tribe has jurisdiction, where the Tribal Council's approval is needed to carry out the project or activity and where the project or activity could have a significant effect on human health or the environment.
- (c) The term "person" means any individual, corporation, firm, partnership, joint venture, association, social club, estate, trust, federal, tribal, state, county, city, or district government, or other political subdivision thereof, or any other group or combination acting as a unit whether incorporated or not, including a person acting in fiduciary or representative capacity.
- (d) The term "Rancheria" means all land, air, and water located within the exterior boundaries of the Blue Lake Rancheria.
- (e) The term "Tribal EPA" means the Tribal Environmental Protection Agency of the Blue Lake Rancheria.
- (f) The term "Tribe" means the Blue Lake Rancheria, a federally recognized Indian tribe.

§3. Jurisdiction

- (a) The applicability of this Ordinance shall extend to all persons who propose an activity covered by this Ordinance on or within the Rancheria or other territory over which the Tribe has jurisdiction.
- (b) Any person who enters onto the Rancheria or other territory over which the Tribe has jurisdiction shall become subject to this Ordinance and shall be deemed to have consented to the jurisdiction of the Tribe and to be bound by the lawful enactments of the Tribe.

§4. Assessment of the Environmental Impacts of Proposed Activities

- (a) Whenever making a decision on a major tribal action that could significantly affect the quality human health or the environment of the Rancheria or other territory over which the Tribe has jurisdiction, the Tribal Council shall consider the reasonably foreseeable environmental impacts that could result if the Tribal Council approves the proposed project or activity.
 - (1) To carry out this provision, the Tribal Council shall prepare, or cause to be prepared, a detailed report on the environmental impacts of the proposed action which is in substantial compliance with the requirements set out in the National Environmental Policy Act (42 U.S.C. §4321, et seq.), the implementing regulations and guidance adopted by the Council on Environmental Quality, and the implementing regulations and guidance adopted by the Bureau of Indian Affairs, as they may be amended from time to time.
 - (A) The only provisions of federal law described above that shall apply to the Tribal Council when making decisions on proposed major federal actions are those provisions regarding the content of the detailed report on the environmental impacts of the proposed action. No other provisions of federal law, nor any rulings of any courts or administrative agency, shall apply under the authority of this Ordinance.
 - (2) Every person requesting that the Tribal Council take a major tribal action shall be responsible for preparing the detailed report on the environmental impact of the proposed action.
- (b) The Tribal Council shall take no action on any proposed major tribal action that could significantly affect the environment without first complying with the requirements of this Ordinance.
- (c) Where the requirements of the National Environmental Policy Act and implementing regulations and guidance adopted by the Council on Environmental Quality and the Bureau of Indian Affairs are triggered by their own provisions, this Ordinance shall have no effect.

§5. Effect of Ordinance on Other Tribal Ordinances

This Ordinance supercedes any conflicting or contrary superceding ordinances passed by the Tribe.

§6. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, its invalidity does not affect other provisions or applications of this Ordinance, and to this end the provisions of this Ordinance are severable.

§7. Sovereign Immunity

The sovereign immunity of the Tribe is in no manner waived by this Ordinance or by any action by the Business Council, the Tribal EPA, or other staff of the Tribe acting pursuant to this Ordinance.

§8. Amendments

This Ordinance may be amended at any time by the Business Council.

§9. Effective Date

This ordinance shall take effect immediately upon passage.

CERTIFICATION

As the Chairperson of the Business Council for the Blue Lake Rancheria, I hereby certify that the Business Council adopted this Ordinance at a duly called meeting at which a quorum was present by a vote of 5 for, with 0 against, with 0 abstaining, with 0 absent, on this 2nd day of January, 2000.

Claudia Brundin
Claudia Brundin, Chairperson

Melanie Shelanskey
Melanie Shelanskey, Tribal Secretary

Jan 2, 2000
Date

Jan. 2, 2000
Date