CONSTITUTION

OF THE

BLUE LAKE RANCHERIA

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northern California Agency
P.O. Box 494879
Redding, California 96049-4879

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
Tribal Operations

MAR 11 1994

Sylvia Daniels, Chairperson
Blue Lake Rancheria
P.O. Box 428
Blue Lake, California 95525

Dear Ms. Daniels:

Enclosed for your records is a copy of letter dated March 7, 1994 from the Acting Deputy Commissioner of Indian Affairs and the approved original Constitution and Bylaws of the Blue Lake Rancheria adopted on February 11, 1994. We have also enclosed at your request, copies of the Secretarial Election packet for your information.

If we can be of further assistance, please contact Barbara Norris in the Branch of Tribal Operations.

Sincerely,

Dr. Virgil Akins
Superintendent

Enclosures

RECEIVED MAR 14 1994

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

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IN REPLY REFER TO:
Tribal Government Services - TR
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SUPT. A3-10-94
ADMIN. cm
ROUTE 110 #229
RESPONSE REQUIRED
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MEMO ___ LTR ___
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THROUGH: SACRAMENTO AREA DIRECTOR

Dr. Virgil Akins
Superintendent, Northern California Agency
Bureau of Indian Affairs
P. O. Box 494879
Redding, California 96049-4879

Dear Dr. Akins:

We have received the results of the election held on February 11, 1994, by the qualified voters of the Blue Lake Rancheria of California (Rancheria). The election was called in accordance with an order issued on November 12, 1993, which permitted the qualified voters of the Rancheria to vote on the adoption or rejection of a proposed revised Constitution of the Blue Lake Rancheria.

As evidenced by the completed Certificate of Results of Election, the proposed Constitution and Bylaws of the Blue Lake Rancheria was duly adopted on February 11, 1994, by a vote of 13 for and 0 against in an election in which at least thirty percent (30%) of the 19 members registered and entitled to vote cast their ballots.

The Constitution and Bylaws of the Blue Lake Rancheria, as adopted on February 11, 1994, is hereby approved pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4. Please deliver the enclosed approved original document to the Rancheria.

Sincerely,

Acting Deputy Commissioner of Indian Affairs

Enclosure

C O N S T I T U T I O N

of the

B L U E L A K E R A N C H E R I A

PREAMBLE

We, the Indians of the Blue Lake Rancheria, located near the town of Blue Lake, Humboldt County, California, in order to form a recognized representative organization to manage all tribal affairs, and to preserve and make secure our rancheria homeland heritage and identity; to safeguard our interests and general welfare; to improve the economic conditions of ourselves and our rancheria; do hereby adopt this constitution.

This Constitution shall supersede the Constitution of the Blue Lake Rancheria adopted February 2, 1989, and approved by the Deputy to the Assistant Secretary - Indian Affairs on March 22, 1989, and shall govern the Blue Lake Rancheria from its effective date.

ARTICLE I - PURPOSE

The Indians of the Blue Lake Rancheria, hereinafter referred to as the "tribe" pursuant to the Act of June 18, 1934, and the judgment entered in Hardwick v. United States of America, U. S. District Court for the Northern District of California, No. C-79-1710-SW, adopt this constitution which shall henceforth constitute the governing document of the tribe, for the purpose of governing ourselves and to promote and protect the interest of the tribe and to enhance peaceful and cooperative relations with other tribal, Federal, state and local governments and entities.

ARTICLE II - TERRITORY AND JURISDICTION

Section 1. Territory and Jurisdiction. The jurisdiction of the tribe, its general council and business council, and its tribal courts shall extend to the following:

(a) All lands which are held in trust or restricted status, water and other resources within the exterior boundaries of the Blue Lake Rancheria as established in Hardwick v. United States of America, U.S. District Court, Northern District of California, No. C-79-1710-SW;

(b) All other lands, water and resources as may be hereafter acquired by the tribe, whether within or without said boundary lines, under any grant, transfer, purchase, adjudication, treaty, Executive Order, Act of Congress, or other acquisition, subject to Federal law;

(c) All persons within any territory under the jurisdiction of the tribe; and

(d) All tribal members, wherever located, to the fullest extent permitted by applicable Federal law.

ARTICLE III - MEMBERSHIP

Section 1. Membership. The following persons shall be members of the Blue Lake Rancheria:

(a) All Indian persons whose names are listed as distributees on the document entitled "Plan for the Distribution of the Assets of the Blue Lake Rancheria", according to the provisions of Public Law 85-671, approved August 18, 1958, together with Indian persons listed as dependent children of said distributees.

(b) All Indian persons living on the effective date of this constitution who are lineal descendants of any person designated in subsection (a).

(c) All Indian persons living on the effective date of this constitution who currently reside on the rancheria and who can establish to the satisfaction of the Secretary of the Interior their Indian descent.

(d) All children born after the effective date of this constitution to any member who is a resident of the rancheria at the time of the birth of said child.

(e) The business council may by an affirmative vote of two-thirds (2/3) adopt as members any person of Indian blood who is a permanent resident of the rancheria.

Section 2. Enrollment Restriction. Any person who falls within any of the following categories shall not be eligible for membership with the Blue Lake Rancheria.

1. Who was a member of any other tribe or band of Indians when its trust relationship with the Federal Government was terminated.

2. Who has been allotted on another reservation or on the public domain.

3. Who has relinquished in writing their right to membership on the Blue Lake Rancheria.

4. Who is officially enrolled with or is recognized as a member of any other federally recognized tribal entity or who is an Indian of another reservation.

Section 3. Enrollment Abandonment.

1. No person shall be a member of the Blue Lake Rancheria who accepts or has accepted benefits as a member of another tribe or as an Indian of another reservation or rancheria.

Section 4. "Residents" Defined. For purposes of this constitution, "resident" shall mean that place of domicile where a person physically resides on the Blue Lake Rancheria with the present intention of making a permanent home, Provided, That temporary absence from the rancheria due to such matters as school attendance, military service, and employment shall not deprive a person otherwise qualified from membership.

Section 5. Enrollment. The business council shall have the power to regulate the enrollment of tribal members through the adoption of an enrollment ordinance consistent with this constitution and subject to the approval of the Secretary of the Interior governing future membership, loss of membership, and the adoption of members.

ARTICLE IV - RIGHTS OF MEMBERS

Subject to the limitations imposed by this constitution, all members of the tribe shall enjoy equal political rights and opportunities to participate in the tribal government, tribal economic resources, tribal assets, and all the rights that are conferred upon a tribal citizen, and no member shall be denied freedom of speech, religion, the right to peaceful assembly, or other rights guaranteed by applicable Federal law, nor shall any member be denied the right to petition the business council, general council, or the tribal courts for redress of grievances against the tribe, or otherwise be deprived of life, liberty or property without notice and an opportunity to be heard. The Blue Lake Rancheria in exercising its powers of self-government shall guarantee to all persons the protections set forth in Title II of the Indian Civil Rights Act of April 11, 1968 (82 Stat. 77).

ARTICLE V - GOVERNING BODY

Section 1. Electorate. All duly enrolled tribal members eighteen (18) years of age or older and who are residents on the Blue Lake Rancheria shall be members of the general council of the Blue Lake Rancheria and shall be eligible to vote in all tribal elections, referendums, recalls, repeals and at all meetings of the general council. For general council meetings a quorum shall be thirty (30) percent of the eligible general membership.

Section 2. General Council Meetings. A regular meeting of the general council shall be held once every year on the second Saturday of October. The place and time shall be posted one (1) week prior to the date of the meeting.

Special meetings of the general council may be called by a vote of a majority of the business council or upon written request of a majority of eligible voting members of the rancheria submitted to the business council. The meeting shall be held within thirty (30) days of the request and notice in regard to any special meeting shall be mailed out at least seven (7) days prior to the meeting and shall specify the purpose of the meeting.

Section 3. General Council Reservation of Powers. The following powers shall be exclusively reserved to the general council. No exercise of these powers by the business council or by any other agency or office of the tribe shall be effective unless the general council has given its consent to such action by a two-thirds vote of eligible members.

a. The power to elect tribal officers;

b. The power of initiative, referendum and recall;

c. The power to veto business council approval or disapproval of adoptions of new members; Provided, That such veto power is exercised within three (3) months of the subject business council action;

d. The power to sell or relinquish land owned by the tribe or land held in trust for the tribe by the United States of America;

e. The power to terminate the Blue Lake Rancheria;

f. The power to sell or relinquish any tribal jurisdiction to any other government, agency, organization, association or person.

g. The power to sell or relinquish any tribal hunting or fishing rights;

h. The power to waive the tribe's immunity from suit.

Section 4. Business Council. The governing body of the Blue Lake Rancheria shall be a council known as the Blue Lake Rancheria Business Council. It shall be the duties of the business council to govern all people, resources, land and water reserved to the tribe in accordance with this constitution, such laws as may hereinafter be adopted by the business council and such limitations as may lawfully be imposed by the statutes or the Constitution of the United States.

Section 5. Laws. The business council shall have the power to enact laws for the welfare, health and safety of the members of the Blue Lake Rancheria, Provided, That such laws are not in conflict with this constitution, and Provided, Further, That such laws shall not adversely affect vested rights of any resident of the Blue Lake Rancheria, member or nonmember, absent notice, an opportunity to be heard and just compensation.

Section 6. Enumerated Powers. The business council shall have the following powers, to be exercised consistent with Federal law, this constitution, and the applicable laws of the Blue Lake Rancheria:

(a) On behalf of the tribe, to consult, negotiate, contract or conclude agreements with Federal, state, local and tribal governments and with private persons and organizations;

(b) To employ legal counsel the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law;

(c) To make recommendations to the Secretary of the Interior, or to his authorized representative, with regard to all appropriation estimates for all projects which are for the benefit of members of the tribe, prior to the submission of such estimates to the Office of Management and Budget and Congress.

(d) To borrow money from public and private sources and to pledge, mortgage or assign tribal assets other than real property and tribal assets from which income is derived and which is held in trust by the United States of America;

(e) To set aside and to spend tribal funds for tribal purposes;

(f) To levy and collect dues and fees consistent with Federal law upon any and all business activities located or conducted within tribal jurisdiction;

(g) To regulate by ordinance, the use and development of all tribal lands, whether assigned or unassigned, and to manage, lease or otherwise use all unassigned tribal lands in accordance with applicable law;

(h) To charter and regulate corporations, cooperatives, associations, special districts, housing authorities, educational and charitable institutions, political subdivisions and other entities;

(i) To license and regulate the conduct of all business activities within tribal jurisdiction;

(j) To establish enterprises as branches or agencies of the tribal government and otherwise to engage in business activities and projects which promote the economic well-being of the tribe and its members;

(k) To purchase and to acquire in other ways land and other property;

(l) To manage, develop, protect and regulate the use of water, minerals and all other natural resources within tribal jurisdiction;

(m) To enact laws and codes governing conduct of individuals and proscribing offenses against the tribe; to maintain order to protect the safety and welfare of all persons within tribal jurisdiction; and provide for the enforcement of the laws and codes of the tribe in accordance with applicable laws;

(n) To establish tribal courts and administrative tribunals from time to time as may be required, and provide for the court or courts jurisdiction, procedures and a method for the selection of judges;

(o) To prescribe conditions under which non-members other than agents of Federal, state or local governments may enter and remain on the reservation and to establish procedures for the exclusion of non-members from any land within the tribe's jurisdiction;

(p) To assert as a defense to lawsuits against the tribe the sovereign immunity of the tribe; except that no waiver of sovereign immunity can be made by the business council without prior approval of the general council;

(q) To regulate the domestic relations of members of the tribe; to provide for the guardianship of minors and incompetent persons within tribal jurisdiction; to provide services for the health, education and welfare of all persons within tribal jurisdiction; to reason jurisdiction and regulate child dependency proceedings as provided in the Indian Child Welfare Act of 1978 (P.L. 95-608);

(r) To appoint, direct and set the compensation of a tribal business administrator or manager and other tribal employees and to establish policies and procedures for the employment of tribal personnel;

(s) Subject to any limitations contained in this constitution to delegate any powers vested in the business council to subordinate tribal officers, tribal employees, or other appropriate persons.

Section 7. Reserved Powers. Any rights and powers heretofore vested in the Blue Lake Rancheria but not expressly referred to in this constitution shall not be lost by reason of their omission but may be exercised by the general council through the adoption of appropriate amendments to this constitution.

ARTICLE VI - BUSINESS COUNCIL OPERATIONS

Section 1. Composition. The business council shall consist of a chairperson, vice-chairperson, secretary/treasurer, and two (2) other council person elected by secret ballot by the general council. Except as provided in Article VII herein, each business council member shall serve for a term of two (2) years.

Section 2. Business Council Meetings. All meetings of the business council will be open to all tribal members, except in these cases where the matter under discussion would involve confidentiality; in these cases, business will be conducted in a closed session of the business council. Meetings shall be held in accordance with the following provisions:

(a) Regular Meetings. Regular meetings of the business council shall be held on the Blue Lake Rancheria quarterly within the first thirty (30) days of each quarter. The business council may set more frequent regular meetings as necessary, Provided, That it shall cause to be published the schedule of all such meetings;

(b) Quorum. A majority of the voting members of the business council shall constitute a quorum at all council meetings;

(c) Proxy Votes. A proxy vote may be approved by the business council for absences caused only by illness, military service, hospitalization or approved tribal business. Request to the business council to vote by proxy shall be in writing, stating the reason for absence and signed by the requesting council member;

(d) Absences. Absences from regular meetings must be excused by a majority vote of the business council members present. Three or more unexcused absences not approved by a majority vote of the business council shall be cause for removal of a business council member from office;

(e) Special Meetings. Special meetings of the business council may be called by the chairperson and shall be called when requested by a majority of the business council or upon written request of a majority of the eligible voting members of the rancheria. The notice in regard to any special meeting shall be given at least seven (7) days prior to the meeting and shall specify the purpose of the meeting. Emergency meetings may be provided for in a business council resolution;

(f) Voting. Each member of the business council shall have one (1) vote on all matters, and all matters to be acted on at a business council meeting shall be approved or disapproved by a majority vote of those present and voting, unless provided to the contrary in this constitution;

(g) Statutes, Codes and Resolutions. Copies of all statutes, codes, resolutions or ordinances adopted by the business council, its committees and subcommittees shall be maintained at the tribal office and shall be available for inspection upon reasonable notice, to all enrolled members of the tribe.

Section 3. Procedures. All meetings of the business council shall be conducted in accordance with Robert's Rules of Order.

ARTICLE VII - ELECTIONS

Section 1. Business Council Elections. All elections shall be by secret ballot. All council members shall hold office for a two (2) year term. Elections shall be in staggered terms, with three (3) council members terms being on even numbered years, with the other two (2) council members terms being on odd numbered years. Council members shall hold office for their term or until their successors are elected and installed.

Section 2. Qualifications. Any enrolled member eighteen (18) or more years of age who resides on Blue Lake Rancheria shall be eligible for election to the business council. Any officer moving his or her residence outside the boundaries of the rancheria during his or her term of office shall be considered to have resigned from the business council.

Section 3. Vacancies and Removal from office. If a council member or official shall die, resign, be removed or recalled from office, or move his or her residence, as set forth in Section 2, Article VII, or be found guilty of a felony or misdemeanor involving dishonesty, the business council shall by a majority vote declare the position vacant and shall appoint a member of the general council to fill the unexpired term.

The business council may by majority vote expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken, such member or official shall be given a written statement of the charges against him or her at least five (5) days before the meeting of the business council at which the matter of expulsion is to be decided, and shall be given an opportunity to answer any and all charges at the designated business council meeting.

Section 4. Election Date. Elections shall be held each year on the last Saturday of December. At the first regularly scheduled meeting following elections conducted pursuant to Section 1, above, the business council shall select from among its members a chairperson, vice-chairperson and a secretary/treasurer to serve until their successors are selected as set forth herein.

Section 5. Statement of Intent. Any qualified member of the tribe who desires that his or her name be placed on the ballot as a candidate for the business council shall file with the tribal secretary a statement of intent stating his or her name, address and desire to become a candidate. Such statement shall be filed not less than thirty (30) days prior to the next election Provided, However, That if only one or fewer qualified members files a statement of intent of candidacy a special meeting of the general council shall be convened for the purpose of taking nominations from the floor for a candidate.

Section 6. Form of Ballot, Rules of Election. The business council may enact an ordinance prescribing the form of ballot, rules for calling elections, absentee balloting procedures, selection of election officials, establishment of polling places and other similar matters, such as establishing procedures for resolving election disputes, intra-tribal disputes and establishment of a procedure for petitions and how petitions are to be determined valid.

Section 7. Referendum, Initiative and Recall.

(a) Referendum - The business council shall, upon receipt of a petition signed by thirty percent (30%) of the qualified voters, submit any enacted or proposed tribal legislation to a referendum of the eligible voters. The decision of a majority (51%) of the voters voting in the referendum shall be final, Provided, That thirty percent (30%) of the qualified voters voted. The business council shall call the referendum within thirty (30) days from the date of the receipt of a valid petition. The vote shall be by secret ballot.

(b) Initiative - The qualified voters of the tribe reserve the power to independently propose tribal legislation. Any proposed initiative measure shall be presented to the business council accompanied by a petition signed by not less than thirty percent (30%) of the eligible voters of the general council. Upon receipt of such a petition, the business council shall call a special election for the purpose of allowing the members of the tribe to vote on the initiative measure. The election shall be held within thirty (30) days from the date a valid petition is presented. The decision of a majority (51%) of the voters voting in the initiative shall be final, Provided, That thirty percent (30%) of the qualified voters voted.

(c) Recall - Upon receipt of a petition signed by at least thirty percent (30%) of the qualified voters of the tribe demanding a recall of any member of the business council, it shall be the duty of the business council to call a special election on the question of the recall of the valid petition. The election shall be held in a manner prescribed in a duly adopted election ordinance. The decision of a majority (51%) of the voters voting in the recall shall be final, Provided, That at least thirty percent (30%) of the qualified voters voted. Any vacancies created through recall shall be filled in accordance with Article VII, Section 3.

Section 8. Bonding. The business council may require all responsible tribal officials and employees to be bonded. The person responsible for the costs of such bonds shall be determined by the business council.

ARTICLE VIII - DUTIES OF OFFICERS

Section 1. Chairperson. The chairperson shall exercise the following powers as the chief executive officer of the tribe:

(a) To preside over and vote at all meetings of the business council;

(b) Subject to the approval of the business council, to appoint all non-elected officials and employees of the tribal government and direct them in their work, subject only to applicable restrictions embodied in this constitution or in enactments of the business council establishing personnel policies or government personnel management;

(c) Subject to the approval of the business council, to establish such boards, committees, or subcommittees as the business of the business council may require, and to serve as an ex-officio member of all such committees and boards;

(d) Subject to the approval of all contracts by the business council, to serve as a contracting officer or agent for the tribe, including authority to retain legal boards;

(e) The chairperson shall not hold other tribal office or engage in private remunerative employment which may pose a conflict of interest with the tribe's enterprises or business activities during his or her term of office.

Section 2. Vice-Chairperson. The vice-chairperson shall, in the absence of the chairperson, perform all duties and assume all the responsibilities vested in the chairperson. The vice-chairperson shall, upon the request of the chairperson, assist in carrying out the duties of the chairperson. The vice-chairperson shall perform such other duties as the chairperson may direct.

Section 3. Secretary/Treasurer. The secretary/treasurer shall have the following powers and duties:

(a) To call the roll, handle all official correspondence of the business council, keep the minutes of all regular and special meetings of the business council and general council, certify to the Superintendent of the Bureau of Indian Affairs the duly elected officers of the business council within fifteen (15) days from the date of any election.

(b) To accept, receipt for, keep and safeguard all funds under the exclusive control of the tribe by depositing them in the bank insured by the agency of the Federal Government, or in any appropriate account or tribal trust account within the Bureau of Indian Affairs, as directed by the business council and shall keep or cause to be kept an accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his or her custody to the business council at regular meetings and such other times as requested. The secretary/treasurer shall not pay or otherwise disburse any funds in the custody of the business council except when properly authorized to do so by the business council.

(c) The treasurer may be required to give a security bond satisfactory to the business council; and

(d) All checks drawn on tribal funds shall be signed and all vouchers shall be approved for payment by the secretary/-treasurer and at least one officer or designated check signer of the tribe in accordance with a written fiscal manual setting forth a procedure approved and adopted by the business council by resolution.

ARTICLE IX - AMENDMENTS

This constitution may be amended by a majority vote of the qualified voters of the tribe voting in an election called for that purpose by the Secretary of the Interior, Provided, That at least fifty-one (51%) of those entitled to vote shall vote but no amendment shall become effective until approved by the Secretary of the Interior so long as such approval is required by Federal law.

It shall be the duty of the Secretary of the Interior to authorize an election on any proposed amendment upon receipt of a resolution of the business council or a petition signed by at least thirty percent (30%) of the eligible voters of the tribe.

ARTICLE X - SEVERABILITY

If any provision of this constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XI - ADOPTION

This constitution, when adopted by a majority vote of the qualified voters of the Blue Lake Rancheria, voting at a special election called for that purpose by the Secretary of the Interior or his authorized representative, in which at least thirty percent (30%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be effective from the date of his approval.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Deputy Commissioner of Indian Affairs on November 12, 1993, the Constitution of the Blue Lake Rancheria of California was submitted to the qualified voters of the Blue Lake Rancheria and was on February 11, 1994, duly adopted/rejected by a vote of 13 for, and 0 against, and 1 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 19 members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chairman, Election Board

Election Board Member

Election Board Member

Date:

CERTIFICATE OF APPROVAL

I, Wyman D. Babby, ACTING Deputy Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4, do hereby approve the Constitution of the Blue Lake Rancheria of California. The Constitution is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Acting Deputy Commissioner of Indian Affairs

Washington, D. C.

Date: MAR 0 7 1994

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MAY 22 2001
BLUE LAKE RANCHERIA

PROPOSED AMENDMENT
CONSTITUTION OF THE
BLUE LAKE RANCHERIA

Proposed Amendment A

1. **Territory and Jurisdiction** - Change the Territory and Jurisdiction Article of the Blue Lake Rancheria's Constitution to read as follows:

ARTICLE II - TERRITORY AND JURISDICTION

Section 1. Territory and Jurisdiction. The jurisdiction of the tribe, its general council and business council, and its tribal courts shall extend to the following:

a) All lands, water and other resources within the exterior boundaries of the Blue Lake Rancheria, as established in Hardwick v. United States of America, U.S. District Court, Northern District of California, No. C-79-1710-SW.

b) All other lands, water and resources as may be hereafter acquired by the tribe, whether within or without said boundary lines, under any grant, transfer, purchase, adjudication, treaty, Executive Order, Act of Congress, or other acquisition, subject to Federal law, and any and all lands, water and other resources which are either now or in the future owned by the United States for the benefit of the Tribe's members;

c) Affiliated Indian country which is located contiguous to the Blue Lake Rancheria or other lands acquired by or for the tribe;

d) All persons within any territory under the jurisdiction of the tribe; and

e) All tribal members, wherever located, to the fullest extent permitted by applicable Federal Law.

Numerical Designation

Having been duly adopted and approved, Proposed Amendment A is hereby designated as Amendment No. **I** to the Constitution of the Blue Lake Rancheria.

CERTIFICATE OF APPROVAL

Amendment I to the Constitution of the Blue Lake Rancheria, which was adopted by the qualified voters of the Tribe on April 20, 2001, is hereby approved pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and delegated to the Deputy Commissioner of Indian Affairs by 230 D.M. 2.4 and redelegated to me by Memorandum of Agreement dated August 16, 1994.

Regional Director

MAY - 4 2001

Date

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

IN REPLY REFER TO:

SUPT. 4-29-01
ADMIN. 1/29/01 EBD
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RESPONSE REQUIRED
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JAN 29 2001
NORTHERN CAL. AGENCY

JAN 25 2001

RECEIVED
JAN 25 2001
TRIBAL OPERATIONS

Dr. Virgil Akins, Superintendent
Bureau of Indian Affairs
Northern California Agency
1900 Churn Creek, Suite 300
Redding, CA 96002-0292

Dear Dr. Akins:

By your memorandum dated June 5, 2000, you transmitted to us the Blue Lake Rancheria's Tribal Resolution No. 00-16, and the final version of their proposed amendments to **Article II-Territory and Jurisdiction** of the Tribe's Constitution. The correspondence requested authorization for a Secretarial election to permit the qualified voters of the Tribe to adopt or reject the three proposed amendments to their Constitution.

We have completed our review of the Tribe's proposed Amendments to their Constitution and will authorize an election on the enclosed versions. Exercising the discretionary authority of the Secretary to disapprove any proposal that conflicts with Federal Law may be necessary, however.

Pursuant to the authority of the Secretary redelegated to me by 10 BIAM 3.1, you are hereby authorized to call and conduct the requested election on the **enclosed** version (Attachment A) of the proposed Amendments to the Constitution of the Blue Lake Rancheria. Voting will be in accordance with Title 25 of the Code of Federal Regulations, Part 81.

We call your attention to C.F.R. Sections 81.11; 81.12; 81.13; and 81.14 regarding the need to develop a list of persons eligible and registered to vote and the deadlines entailed. The registration list must be posted at least 20 days prior to the election which does not include the dates of posting and election day. The date of the election will be set by you in cooperation with tribal officials and will not be less than 30 days or more than 60 days from the date for posting notices of the election.

Section 81. 8 provides for an Election Board comprising you, as Chairman, and representatives of the Tribe. The Election Board will furnish suitable ballots and supervise the conduct of the election.

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MAY 22 2001
BLUE LAKE RANCHERIA

Once an authorization has been granted by the Secretary, **no modification**, including typographical corrections, deletions or retyping of the authorized version of the proposed amendment to the Constitution, including the Certificate of Results of Election, will be made by the Northern California Agency office. Should any modifications be necessary, please contact this office.

In accordance with 25 CFR 81.5(f), this authorization, unless acted upon within 90 days from the date of issuance, will be null and void.

The election results will be sent to the office of the Regional Director, Pacific Region, as soon as they become known. If adopted, the original of the attached proposed amendment to the Constitution, the original complete Certificate of the Results of Election, the Eligible Voter's List, the Voters Packet, and copies of the Ballots should follow by return mail for approval action. The proposed amendment to the Constitution will not become effective until approved by the Secretary or his authorized representative, who in this case will be the Regional Director, Pacific Region. We remind you that you must act promptly to decide any protests and forward the results immediately to the Pacific Regional Office. The Secretary or his authorized representative has only 45 days from the date of the election to either approve or disapprove the Constitution. All protests must be decided within that time.

If you have any questions, please contact Dorson Zunie, Regional Tribal Operations Officer, at (916) 978-6063, or Fred Doka Jr., Regional Tribal Operations Specialist, at (916) 978-6067.

Sincerely,

Regional Director

Enclosures
Blue Lake Rancheria Resolution No. 00-16
Authorized Version (Attachment A)
Proposed Amendment A
Sample Ballot for Amendment
The Certificate of Results of Election for Amendments

cc: Chairperson, Blue Lake Rancheria
Assistant Regional Solicitor

PROPOSED AMENDMENT
CONSTITUTION OF THE
BLUE LAKE RANCHERIA

Proposed Amendment A

Article II - TERRITORY AND JURISDICTION shall be amended to read as follows:

Section 1. Territory and Jurisdiction. The jurisdiction of the Tribe, its General Council and Business Council, and its Tribal Courts shall extend to the following:

a) All lands, water and other resources within the exterior boundaries of the Blue Lake Rancheria, as established in Hardwick v. United States of America, U.S. District Court, Northern District of California, No. C-79-1710-SW.

b) All other lands, water and resources as may be hereafter acquired by the Tribe, whether within or without said boundary lines, under any grant, transfer, purchase, adjudication, treaty, Executive Order, Act of Congress, or other acquisition, subject to Federal law, and any and all lands, water and other resources which are either now or in the future owned by the United States for the benefit of the Tribe's members.

c) Affiliated Indian country which is located contiguous to the Blue Lake Rancheria or other lands acquired by or for the Tribe.

d) All persons within any territory under the jurisdiction of the Tribe; and

e) All Tribal members, wherever located, to the fullest extent permitted by applicable Federal law.

Numerical Designation

Having been duly adopted and approved, Proposed Amendment A is hereby designated as Amendment No. 1 to the Constitution of the Blue Lake Rancheria.

Proposed Amendment A

Constitution of the Blue Lake Rancheria

SAMPLE BALLOT

Shall Article II TERRITORY AND JURISDICTION be amended to read as follows:

Section 1. Territory and Jurisdiction. The jurisdiction of the Tribe, its General Council and Business Council, and its Tribal Courts shall extend to the following:

a) All lands, water and other resources within the exterior boundaries of the Blue Lake Rancheria, as established in Hardwick v. United States of America, U.S. District Court, Northern District of California, No. C-79-1710-SW.

b) All other lands, waters and resources as may be hereafter acquired by the Tribe, whether within or without said boundary lines, under any grant, transfer, purchase, adjudication, treaty, Executive Order, Act of Congress, or other acquisition, subject to Federal law, and any and all lands, water and other resources which are either now or in the future owned by the United States for the benefit of the Tribe's members.

c) Affiliated Indian country which is located contiguous to the Blue Lake Rancheria or other lands acquired by or for the Tribe.

d) All persons within any territory under the jurisdiction of the Tribe; and

e) All Tribal members, wherever located, to the fullest extent permitted by applicable Federal law.

SAMPLE BALLOT

YES	NO

Place an "X" on one of the boxes to indicate your choice.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northern California Agency
1900 Churn Creek Road, Suite 300
Redding, California 96002-0292

IN REPLY REFER TO:

Proposed Amendment

Certificate of Results of Election

Pursuant to an election authorized by the Regional Director, Pacific Region, Bureau of Indian Affairs on January 25, 2001, the attached Proposed Amendment to the Constitution of the Blue Lake Rancheria, was submitted to the qualified voters of the Tribe and was on April 20, 2001, duly **adopted** by a vote of 17 "for" and 2 "against," and 0 cast ballots found to be spoiled or mutilated, in an election in which at least thirty percent (30%) of the 26 entitled to vote cast their votes; in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat 378).

4.23.01
Date

Chairman, Election Board

Election Board Member

Election Board Member

Election Board Member

Election Board Member

FILE