

NATURAL AND CULTURAL RESOURCES PROTECTION ORDINANCE

Section 1. Statement of Purpose and Authority.

- a. Purpose. The purpose of this ordinance is to provide for the long-term protection, conservation and management of natural and cultural resources located on lands owned by or held in trust for the Picayune Rancheria of Chukchansi Indians.
- b. Authority. The Tribal Council adopts this ordinance pursuant to Article V, clauses (c), (h), (t), (u), (v) and (x) of the Constitution of the Picayune Reservation.

Section 2. Definitions.

- a. Archeological Resources. The term "Archeological Resources" shall mean any material remains of human life or activities, other than a TCP, which are at least 100 years of age and that are capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation and explanation.
- b. Cultural Resources. The term "Cultural Resources" shall include all Traditional Cultural Properties, Archeological Resources, and Historic Properties.
- c. Historic Properties. The term "Historic Properties" shall mean any districts, sites, buildings, structures or objects, other than TCPs, that possess integrity of location, design, setting, materials, workmanship, feeling and association, and that
 - (1) are associated with events that have made a significant contribution to the history of the region state or country; or
 - (2) are associated with lives of persons who are significant to the past of the region, state or country; or
 - (3) embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entry whose components may lack individual distinction; or
 - (4) have yielded, or may be likely to yield, information important to the history or prehistory of the region, state or country.

- d. **Natural Resources.** The term "Natural Resources" shall mean all land; soil; air; ecosystems; and water, fish, wildlife, native plants, and other elements of the biota.
- e. **Resource Protection Area.** The term "Resource Protection Area" or "RPA" shall mean any Tribal Land set aside under this ordinance for the purpose of permanent protection, conservation and management of any Cultural Resource or Natural Resource.
- f. **Traditional Cultural Properties.** The term "Traditional Cultural Properties", or "TCPs", shall have the meaning given by National Register Bulletin No. 38, as it may be amended from time to time.
- g. **Tribal Land.** The term "Tribal Land" shall mean any land owned in fee by the Tribe or by the United States in trust for the Tribe.

* **Section 3. Creation and Purpose of Resource Protection Areas.** A system of Resource Protection Areas is hereby created. Each RPA shall be protected from development, disturbance, pollution and impairment. Each RPA shall be managed by the Tribe so as to preserve for posterity the resources contained therein and to fulfill the purpose for which it was created. No use of any RPA that is inconsistent with such preservation or purpose shall be permitted. An RPA may be created to preserve Cultural Resources, Natural Resources, or both. RPAs shall be established by official action of the Tribal Council and may not be disestablished except by referendum pursuant to Article XI of the Tribal Constitution.

Section 4. Establishment of Resource Protection Areas. The following RPAs are hereby established for the purposes indicated:

- a. [*Creek Resource Protection Area*]. The boundaries of the Creek Resource Protection Area shall be shown in Appendix A, which is incorporated herein. They shall extend 25 feet from the top-of-bank for each creek shown in Appendix B. The widths shown on the map in Appendix A are approximations. Prior to any work around the Creek RPA, the top-of-bank shall be determined by a qualified biologist, and the 25-foot top-of-bank buffer zone will be surveyed and staked. The Creek RPA shall be managed to protect the following Natural Resources: (1) perennial and intermittent creek channels, and associated wetlands, and (2) the plants and animals that live in this habitat. These areas provide water, food, and cover for a variety of amphibians, reptiles, birds, and mammals. Wetlands along these channels support a number of species traditionally used for food, medicine, and baskets. In order to preserve these Natural Resources, the following actions shall be undertaken: Signs describing the importance of these resources shall be placed at locations where Tribal Members or the general public are likely to encounter or enter into the RPA. If necessary, creek corridors shall be fenced.

The Tribe reserves the right to construct roads through the RPAs so that they may access the remainder of the Tribal Lands. These crossings are shown in Appendix A. Some crossings may never be built, but the Tribe maintains the right to do so.

- b. [*Ethnobotanical Resource Protection Area*]. The boundaries of the Ethnobotanical Resource Protection Area shall be shown in Appendix B, which is incorporated herein. They will be staked and marked in the field as shown in Appendix B. The Ethnobotanical RPA shall be managed to protect the following Natural Resources: (1) The valley or blue elderberry, (2) wetland and a created creek channel, and (3) plants used medicinally or in basketry. The valley or blue elderberry is the host plant for the federally threatened valley elderberry longhorn beetle. However, it was also used traditionally for food, medicine, and a variety of other purposes. Wetlands are protected for their function in the hydrological cycle and in providing useful plants. Besides the elderberry, other plants protected in this RPA include sourberry or skunkbush (baskets, food), willow (baskets), sedge (baskets), yerba santa (medicine), bulrush (mats), oaks (food), and tarweed (medicine, food). In order to preserve these Natural Resources, the following actions shall be undertaken: (1) signs will be placed around the Ethnobotanical RPA to inform the general public and other of the importance of these resources; (2) portions of this RPA shall be restored with native species used traditionally by the Chukchansi; (3) fences will be installed only if vandalism or other undesirable activities take place; (4) where possible, invasive, non-native species (specifically giant reed and tree-of-heaven) shall be removed.
- c. [*Ethnobotanical Resource Protection Area*]. The boundaries of the Mitigation Pond Resource Protection Area shall be shown in Appendix B, which is incorporated herein. This area will be staked and marked in the field. If necessary, a new map of this RPA shall be produced. The Mitigation Pond RPA shall be managed to protect the following the created mitigation pond and a portion of its watershed. In order to preserve these Natural Resources, the following actions shall be undertaken: (1) signs will be placed around the Mitigation Pond RPA to inform the general public and other of the importance of these resources; (2) fences will be installed only if vandalism or other undesirable activities take place; (3) where possible, invasive, non-native species (specifically thistles and other noxious species) shall be removed.

Section 5. Natural and Cultural Resources Commission. A Natural and Cultural Resources Commission is hereby created for the purpose of monitoring and overseeing the protection and management of the RPAs. The Commission shall report to the Tribal Council. The Commission shall consist of 3 members appointed by the Tribal Council. All appointees shall be tribal members. Commissioners shall serve for two-year terms, except for 1 of the initial members who shall serve one-year terms. Commissioners may not be removed from office except by the Tribal Council for misfeasance or malfeasance. The Commissioners shall choose a Chairman from among them and shall establish such rules governing their meetings, as they shall deem appropriate. Meetings shall be at the call of the Chair, provided that the Commission shall meet at least twice a year. The Commission shall have the power and duty to:

- ✓ a. Subject to the approval of the Tribal Council, prepare and update management plans for the RPAs;

- b. Subject to the approval of the Tribal Council, establish policies and regulations governing the management and use of the RPAs;
- c. Oversee the management of the RPAs and supervise such employees and contractors as may be retained by the Tribal Council to perform work on or related to the RPAs ;
- d. Monitor the status of the RPAs and identify threats to the protected resources and recommend appropriate management responses to the Tribal Council;
- e. Prepare and submit an annual report to the Tribal Council on the RPAs and the Commission's activities and accomplishments;
- f. Prepare and submit to the Tribal Council and annual work plan and budget for protection, management and enhancement of the RPAs; and
- g. Inform and educate the public about the RPAs and their values and purposes.

Section 6. Appropriation. There is hereby appropriated from General Funds the sum of \$25,240.00 for Fiscal Year 2001 for the purpose of accomplishing the actions specified in Section 4 of this ordinance. For Fiscal Years 2002, 2003, 2004, and 2005, the sum appropriated shall be \$20,920.00 and are specifically appropriated for the purpose of accomplishing the actions specified in Section 4 of this ordinance. Provided, however, that the budget may be modified on a yearly basis in the discretion of the Tribal Council and the Natural and Cultural Resources Commission.