



RESIGHINI RANCHERIA

P.O. Box 529 • Klamath, CA 95548
Tel (707) 482-2431 • Fax (707) 482-3425

RESOLUTION NO: 2002-14
DATE APPROVED: October 15, 2002

RESOLUTION TO ADOPT THE RESIGHINI RANCHERIA TRIBAL ENVIRONMENTAL PLAN.

WHEREAS, The Resighini Rancheria is a federally recognized Indian Tribe and exercises tribal powers of self-government under the authority; of the Indian Reorganization Act of 1934 (48 Stat. 9670); and,

WHEREAS, The Resighini Rancheria is eligible for all rights and privileges afforded to federally recognized Indian Tribes; and,

WHEREAS, The members of the Resighini Rancheria have a primary interest in the protection, control and conservation of their natural and cultural resources which must be protected to insure the health, economic, aesthetic and cultural well-being of the people of the Rancheria; and,

WHEREAS, The Business Council has created the Resighini Environmental Protection Authority (REPA), a Tribal entity, to develop environmental programs designed to protect the Reservation environment utilizing traditional and contemporary methodologies; and,

WHEREAS, Under the direction of the Business Council the REPA has developed a Resighini Rancheria Tribal Environmental Plan (TEP) setting forth and prioritizing our environmental goals, to include general approaches to accomplishing each goal; and,

WHEREAS, The Business Council has review and approved the TEP; and,

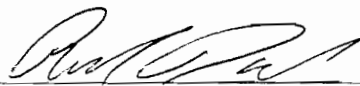
NOW THEREFORE BE IT RESOLVED THAT, the Business Council hereby adopts the Resighini Rancheria Tribal Environmental Plan and hereby decrees that the TEP shall be followed by the REPA and by all other Tribal departments and entities in developing and in implementing Tribal environmental programs, keeping in mind the fact



that conditions and circumstances may change so that the Business Council might find it necessary from time-to-time to modify the TEP.

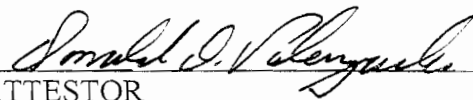
CERTIFICATION

This is to certify that Resolution 2002-14 was approved at a duly noticed meeting of the Resighini Rancheria Tribal Business Council on October 15, 2002, at which a quorum was present and that this Resolution was adopted by a vote of 4 FOR 0 AGAINST 0 ABSTAIN. This Resolution has not been rescinded or amended in any way.



RICK R. DOWD
Tribal Chairman

10-15-02
Date



ATTESTOR

10-15-02
Date

RESIGHINI RANCHERIA

TRIBAL ENVIRONMENTAL PLAN

INTRODUCTION

Other than your soul, everything on the earth that has not fallen from the heavens is from the earth; all that you see, all that you touch, all that you smell, all that you hear, all that you taste. Stop where you are and look around the room. Do you see anything that does not have its origin in the earth? Step outside and look. Other than the heavens, do you see anything that does not have its origin in the earth? The Creator made all of it and has entrusted all of it to our care. We are the caretakers of all creation. We are to be good husbands of our trust.¹

There was a time, not too long ago, when the Yurok People practiced good husbandry. We did that in a natural way. We lived in harmony with each other, with the land, the animals and the sky. Our laws governing our relationships with one another were just and swift, we never took too much from the land, we never took too much from the animals, and we never hurt the sky. All that came from the earth was returned to the earth. The earth was able to take care of everything we returned because we returned it as it was given, in a natural state. Our homeland was a paradise. It was a gift from the Creator, and we took care of it.

That was not too very long ago, our people had time for fun and they did a lot of their gathering work as families and as groups of friends, but still, meeting their responsibilities was very labor intensive. Those were also very challenging and difficult times, working from sun-up to sun-down to ensure that they and their families were clothed, housed and fed, and while we will always remember the ways of our ancestors and love them and respect them for how they lived and for the marvelous and wonderful things they gave us, we realize those days are gone and that we live in a changed world.

There is nothing new under the sun, and we also live in challenging and difficult times. We too must work from sun-up to sun-down (even nights) to ensure that we and our families are clothed, housed and fed. We continue to do a lot of that in the ways of our ancestors, but we also have to do a lot of it in the ways of the 21st Century. Our challenge is to see if we can once again live in harmony with the land, with the animals and with the sky.

¹ Unfortunately, there are exceptions today. There are man made synthetics that are not found in nature, and that actually have their origins in a test tube from some corporate laboratory. While they are made up of earthly substances, they are not natural and the earth does not do well with them when we return them to the earth. These unnatural substances create major pollution problems. The introduction of these unnatural substances makes good husbandry very difficult. Our ancestors did not have to deal with these challenges, but we do, and we must.

This is our task and our Tribal Environmental Plan is an attempt to meet that challenge. It is a work in progress in an effort to live in harmony in a natural way with our environment in the 21st Century.

OUR RESERVATION, OUR HOMELAND

An Overview

The Resighini Rancheria is a federally recognized Indian Tribe organized under the authority of the Indian Reorganization Act of 1934, and operating under its Constitution which was ratified by its members on February 20, 1975, and approved by the Secretary of The Interior on April 10, 1975. Our Reservation is located within the exterior boundaries of the Yurok Reservation (A Reservation within a Reservation.) and is located at U. S. Highway 101 and the Klamath River in Del Norte County, Northern California. The Resighini Rancheria was established as a federally recognized Tribe thirteen years before the establishment of the Yurok Reservation. Our Tribal governmental body is the Tribal Business Council and it has governed since 1975.

The Reservation population stands at 22 persons², made up of Tribal Members and their families. We have six homes on the Reservation. Tribal membership stands at 99 persons, most live in Del Norte County, close to the Reservation. The nearest town is Klamath, California. The largest town near the Reservation is Crescent City, located approximately 20 miles north. According to the State of California population estimates, the 1998 population estimate for Del Norte County is 27, 157 persons, 1,680 of whom are American Indian, 6.19% of the total estimated population. The Resighini Rancheria Tribal Membership makes up 5.24% of the estimated American Indian population of Del Norte County which is 5% of the total population of the County.

The Reservation consists of 238.78 acres and all are tribally owned, held as Tribal trust land. We own contiguous fee land located to the south of the Reservation. There are a few coastal hills with some timber, but the bulk of the land is adjacent to the Klamath River, and consists of wetlands, arable flood plain and an overflow channel which is mined annually of its sand and gravel. Members' homes are located above the flood plain along Klamath Beach Road which is the only road access to the Reservation off Highway 101. We operate a public campground and recreational vehicle park, and we lease land to a private company which mines the gravel and manufactures gravel products to include asphalt. We have plans to open a motor fuel service station-mini-mart combination and a casino.

Our Tribal administrative offices are located on the Reservation, and we employ ten people, seven of whom are Tribal Members. Tribal programs include, Tribal

² Our membership was larger before the enactment of the Hoopa Yurok Settlement Act of 1988. Many of our members chose to become members of the Yurok Tribe created under the Act. The Yurok Tribe controls the Yurok Reservation which was also created under the Act. The way the Hoopa Tribe wrote the law resulted in limiting many of our Creator's given rights to share in our natural resources. As a result, some of our brothers and sisters were not willing to stay.

administration, fiscal, social services, roads, environmental protection, housing and economic development. We also operate our own Public Water System.³

Our Reservation within our brother's and sister's Yurok Reservation, is but a small part of our aboriginal homeland, which is the area along the Pacific Ocean from Damnation Creek to the north, to the Little River basin to the south, and east along the Klamath River basin from its mouth at the Pacific Ocean to the Slate Creek and Bluff Creek basins, and along the Trinity River to the Canyon Creek or Tank Creek basin. Ours' is one of several small Yurok Reservations within the described ancestral territory.

These small Yurok Reservations exist today because those of us who are members of them believe they allow for a more traditional form of government. The Yurok people never believed in one large organized government. Our traditional belief in governing is more in line with what non-Indians might call the "village" concept of governing, local people governing themselves without the animus that can arise from the involvement of those who do not have the same local concerns and needs. That is how we have exercised our sovereignty since the Creator placed us here as caretakers. We see no need to change that which has always worked so well for our people, that which resulted in a true harmony with each other, with the earth, with the animals and with the sky. We continue to love and respect our sisters and brothers who have chosen a different way. We hope that one day they will agree that the "Big Reservation" should be several smaller Reservations, ran by those who live there, but sharing our sacred places and our natural resources with all Yurok people. The way the Creator intended when we were placed here, the way it always was until we were removed from our ancestral lands. We believe that will be a good thing which will return our people to a true harmony.

OUR ENVIRONMENTAL PROGRAM

Our environmental program was developed under the guidance of the U. S. Environmental Protection Agency, under an Indian Environmental General Assistance Program (GAP) grant awarded by the EPA, Region 9, for FY 2001. Using that grant we hired a Director and an Environmental Assistant. During the year we involved Tribal Members in identifying environmental issues, needs and goals. We completed an environmental inventory for the Reservation, and we addressed a few pressing issues to resolution.

Our Director brings many years of management and legal experience to the position, and he is developing our program policies and procedures along with all of the environmental laws we will need in place. The Director is a full-time employee. Our Environmental Assistant attended training addressing Clean Water Act issues and Clean Air Act issues. He is presently doing all the water sample gathering and routine monitoring of our Public Water System servicing the Reservation. The Environmental Assistant is a part-time employee.

³ The Business Council has plans to develop the Public Water System into a public utility supervised and managed by the Resighini Environmental Protection Authority. That process will be addressed in this TEP.

With the assistance of our EPA Liaison Officer, Tim Wilhite, we developed a good working relationship with EPA, Region 9, Air and Water staff. We have developed good working relationships with other tribal, federal, state and county agencies that have responsibilities in the environmental arena. We look forward to partnering with some local agencies, especially in the area of solid waste management.

Our environmental program has approved funding through FY 2003, and we will be working at making the program a self-sustaining program in the years to come. Commencing September 1, 2002, the entity we established to address our environmental needs is renamed the Resighini Environmental Protection Authority (REPA). We are locating the REPA in a building across from the Tribal Administrative Offices, and there is plenty of room for growth, to include room for our own laboratory and weather station.

OUR ENVIRONMENTAL GOALS

Our overall goal through implementation of this Tribal Environmental Plan is to once again, to the extent that it is possible in today's world, live in harmony with our environment. On the path to reaching our overall goal it has been necessary to identify the Tribe's separate environmental goals. We did that by involving Tribal Members in discussions and by way of an Environmental Questionnaire that allowed Tribal Members to further express their environmental concerns to the Business Council. We also completed an Environmental Inventory for the Reservation, and the Business Council used all the information gathered to develop the separate environmental goals you find listed here.

Goal 1

Insure a continuous flow of clean, potable water is provided by the Public Water System.

Goal 2

Address and resolve the problem of illegal solid waste dumping on the Reservation.

Goal 3

Insure that Reservation air quality standards are maintained at a high level.

Goal 4

Develop proper procedures for reacting to and managing hazardous waste spills.

Goal 5

Insure that our wetlands are protected and preserved.

Goal 6

Insure that all species of animal life are adequately protected.

Goal 7

Address and resolve the problem of the danger of wildfires from hazardous fuel load build up.

Goal 8

Insure that proper procedures are in place to protect cultural resources.

Goal 9

Develop emergency response (FEMA) procedures.

Goal 1, Drinking Water Issues

A. Source Water Assessment (SWA)

In November, 2000, under the EPA Source Water Assessment Program (SWAP), Water Solutions, Inc., of Fremont, California, under contract with California Rural Water Association, completed a Reservation Source Drinking Water Assessment. Two, ten and twenty-five year time of travel protection zones were delineated using the minimum values for the calculated fixed radius method. At present there is no source protection program in place on the Reservation and while those wellhead protection zones (WPZ), though delineated, they have not been established.⁴

The REPA developed a Tribal Water Quality Ordinance (TWQC) that addresses the implementation of a source protection program and antidegradation policies and laws. The Draft Ordinance is presently being reviewed and considered by the Business Council, and we hope to have the Ordinance finalized and adopted for implementation by the end of October, 2002. Once the TWQC is in place the WPZ will be established and the antidegradation policies and law will be in place and will be enforced.

Estimated Cost: Legal Review, \$1,000.00, Technical Assistance, \$1,500.00 and Staff time.

Target Date: October 31, 2002

B. Abandoned Well Closure

Inactive or abandoned water wells can be a direct conduit for the introduction of contaminants to the source. Left unused and unattended they can fail or be used to dispose of inappropriate materials that can contaminate groundwater. The SWA identified 5 wells no longer in use. These wells will have to be properly sealed to prevent pollution of the groundwater source, eliminate physical hazards, conserves aquifer yield, maintain confined head conditions, and prevent poor quality water of one aquifer entering the primary aquifer used by the Tribe's PWS.

⁴ See Exhibit "A" for a depiction of the WPZ reflecting 2, 10 and 25 year time of travel zones.

Estimated Cost: \$25,000.00 @ \$5,000.00 per well. We will look for grant funds to cover the costs of closing these wells.
Target Date: September 30, 2003.

C. Solid Waste Removal from WPZ

There are several wrecked motor vehicles and other solid waste within a two year time of travel near the active PWS wellhead and all of that waste will have to be removed as soon as practicable. Also, within the ten year time of travel there are more wrecked vehicles and solid waste that will have to be removed in order to insure against contamination of our drinking water source.

Estimated Cost: \$10,000.00. We will look for grant funds to cover the cost of removing this solid waste. Some discretionary funds might be found to assist in the removal and cleanup.

Target Date: September 30, 2003.

D. Establish Drinking Water Standards

The Resighini Rancheria is a recognized gaming Tribe and we have an approved gaming compact with the State of California. Under that compact we must have safe drinking water standards no less stringent than federal water quality and safe drinking water standards applicable in California. We have agreed to allow inspection and testing of water quality by the state or county health inspectors once we are operating a casino, unless such inspection and testing is performed by the Tribe under express authorization of federal law, to ensure compliance with federal water quality and safe drinking water standards. In meeting that contractual obligation and in order to assure that people residing on, working on, or visiting the Reservation are provided with safe drinking water, the Business Council has instructed the REPA to draft a Tribal Drinking Water Ordinance establishing drinking water standards, inspection and enforcement procedures, and primary and secondary drinking water regulations.

Such an ordinance will be drafted and submitted to the Business Council for review and adoption during the first quarter of FY 2002.

Estimated Cost: Legal Review, \$1,000.00, Technical Assistance, \$1,500.00 and Staff time.

Target Date: December 31, 2002.

E. Domestic Waste

A potential source of water pollution is Domestic wastes, sewage. The homes and other facilities on the Reservation use septic systems to dispose of sewage. Some of the homes are located within the WPZ, and there are some abandoned septic systems located in the 10 and 25 year zones. We fear that there is a serious potential that our PWS ground water source can be, maybe even will be, polluted by these septic systems. We need to further study this threat by locating all active and abandoned septic systems and leach fields, insuring that abandoned systems are safe or have them removed, and insuring that active systems are working properly and are not a threat to the ground water source. In conjunction with technical staff, we will develop an action plan based on our findings.

We may need to consider constructing an above-ground sewage treatment facility.

We will look to the EPA, BIA and IHS for technical assistance in addressing and in resolving this potential water pollution issue.

Estimated Cost: Technical Assistance \$3,500.00. Staff time and travel.

Target Date: Complete the study by December 31, 2003.

Goal 2, Solid Waste Issues

A. Illegal Solid Waste Dumping and Solid Waste Disposal/Cleanup

Not unlike other Indian Reservations, the Resighini Reservation has a serious solid waste problem that has to be resolved. Tribal members and non-members for years have dumped automobiles, travel trailers, refrigerators, freezers, washers and dryers and household trash at various locations throughout the Reservation. Though this can be cleaned up, it will take much more to remedy the problem. The Tribe intends to develop solid waste management laws, conduct education regarding solid waste and the dangers it poses, develop plans to assist Tribal members in learning to properly dispose of solid waste, and develop a solid waste ordinance enforcement mechanism.

EPA earmarked \$5,000 of our FY 2002 GAP grant for solid waste clean-up efforts and that money will be used to ready a housing site and to assist with cleaning up the WPZ.

We have met with the Del Norte County Solid Waste Management Authority in an effort to address issues in the Klamath Community which includes State, County, Resighini Reservation and Yurok Reservation lands. We are discussing sharing funding for the County's local solid waste transfer station. We would have to have grant assistance to do that, and we will be looking into the feasibility of going forward with this project.⁵

⁵ This project is not included in Estimated Costs since it is still in the discussion and feasibility stage.

We will look to other grant sources to assist us with these issues. We will be re-applying to The Administration for Native Americans for major funding under its Environmental Regulatory Enhancement Program.

Estimated Cost: Annual: Technical Assistance, \$2,500.00, Legal Review, \$3000.00 and Staff time and travel.
Target Date: September 30, 2003 and ongoing.

B. Solid Waste Removal/Disposal

In developing our Environmental Inventory for the Reservation we located several illegal solid waste dump sites, some of which are located adjacent to the homes of Tribal members. We have begun the process of removing the large items to one specific location on the Reservation where they can be readily accessed for removal from the Reservation and disposal. This will be an ongoing process and our success will be based largely on the availability of financial resources to pay for the removal and disposal of this waste.

Our solid waste ordinance will have to be enacted in order to effectively manage and control this issue.

We will have to look to grant sources from EPA and other federal and state agencies to assist in resolving this issue.

Estimated Cost: Contract services for Solid waste removal and disposal, \$50,000.00 - \$100,000.00.
Target Date: September 30, 2004.

C. Hazardous Waste

Other than some household wastes, and some wastes associated with the gravel mining project that are considered hazardous, we do not generate hazardous wastes on the Reservation, i.e., any hazardous materials found on the Reservation are imported onto the Reservation. Hazardous wastes are associated with dumped and abandoned motor vehicles, household detergents, solvents and paint, as well as fuels, oils and solvents that are from time to time maintained on the gravel mining site⁶. At present we do not have an approved EPA plan for proper handling, identification, and disposal and clean up of hazardous wastes. Our goal is to develop an EPA approved plan and incorporate it into our Solid Waste Ordinance in order to give it the force and effect of law.

Estimated Cost: Technical Assistance, \$2,500.00, Legal Review, \$1,000.00, Staff time.
Target Date: September 30, 2003.

⁶ We are assuming *ipso facto*, and correctly we believe, that some waste, no matter how slight, will be associated with the maintenance at the gravel mining site.

Goal 3, Air Quality Standards

The Reservation is located within California's North Coast Unified Air Quality Management District (NCUAQMD), which encompasses the counties of Humboldt, Del Norte and Trinity. The NCUAQMD works with most Indian tribes in the District, assisting them as requested in meeting their air quality goals. We are fortunate in that of the nine criteria pollutants the federal government has set standards for,⁷ the only standard currently listed by the NCUAQMD as "nonattainment" is the state standard for Particulate PM 10. The federal standard is three times the level of the state standard and air quality in the District is consistently in "attainment" with the federal standard. None the less, since particulate matter that is less than 10 microns in size is smaller than the human eye can see, and can get by the natural filtration system of the nose and throat and can cause serious health problems, we intend to do all we can to control and reduce such particulate matter on the Reservation.

With the assistance of the EPA, the Tribe will develop its own Clean Air Ordinance. Through the Environmental Questionnaire submitted to Tribal members we determined that Tribal members want to insure, to the extent that we can, that our air quality is maintained at a high, environmentally safe level. At present the only sources of air emission on the Reservation are from the gravel mining and asphalt concrete manufacturing site, residential wood stoves, open burning and the illegal solid waste dump sites, all of which are potential sources of air pollution.

Equipment purchases will be based on EPA recommendations and available financial resources.

Estimated Cost: Technical Assistance, \$1,500.00, Air Testing and Monitoring Equipment, \$10,000.00 Legal Review, \$1,000.00, Staff time.

Target Date: September 30, 2004.

Goal 4, Hazardous Waste Spills

We intend to train staff to respond to hazardous waste spills on the Reservation. We realize that anytime asphalt concrete manufacturing, gravel mining, concrete production and logging take place, and wherever diesel and other fuels are transported, there is a potential for a spill. All of those activities are engaged in from time to time on the Reservation.

Hazardous materials will be addressed in our Solid Waste Ordinance. At a minimum, we will address inventory control and reporting, materials transport, management and storage, spill or discharge reporting, response, cleanup and financial responsibility.

⁷ These criteria pollutants are: Ozone, Sulfur Dioxide, Nitrogen Dioxide, Particulate PM 10, Carbon Monoxide, Sulfates, Lead, Hydrogen Sulfide and Vinyl Chloride.

We will rely on experts in this field from EPA to adequately train staff and to obtain the equipment and materials we will need for responding to hazardous waste spills.

We anticipate that training will be provided at little cost other than Staff time and travel expenses. Equipment purchases will be based on EPA recommendations and available financial resources.

Estimated Cost: Technical Assistance, \$1,500.00, Travel and Training \$2,000.00, HAZMAT Spill Response Equipment purchases \$10,000.00, Staff time.

Target Date: September 30, 2003.

Goal 5, Wetlands Protection and Preservation

Located on the Reservation are several acres of distinct wetlands, marshes and ponds, with various fish, reptile, mammal, and bird species. Some of the birds and mammals are indigenous and others are migratory. Our goals are to survey and map these wetland areas, identify all of the animal life using the wetlands throughout the year, and identify all of the native plant life and all of the non-native plant life within the wetlands.

We will utilize the experts available to us within the EPA, BIA, the National Marine Fisheries Service, and natural resource contractors we have worked with in the past, such as the NRM Corporation of Eureka, California.

We will use the results of this effort to develop a wetlands protection program that will include a separate ordinance regulating the use of our wetlands.

Estimated Costs: Technical Assistance, \$10,000.00, Legal Review, \$1,000.00, Staff time and travel.

Target Date: June 30, 2004.

Goal 6, Protecting Animal Life

Living in harmony with native animal life comes naturally to our people. It is something we have always done and it is something we will continue to do. The animals that share our Reservation with us have always been important to us because we long ago recognized that the Creator put them here to establish and to maintain a balance in the world. Each creature fills a major role in the Creator's grand design and none are here by a fluke or by a whim. We can ill afford to lose any of them.

Everything we do impacts the environment, so everything we do impacts our wildlife. Each environmental protection law that we develop, where appropriate, will address wildlife protection and preservation issues.

During the wetland studies we will include a Reservation-wide animal life study designed to identify each animal that inhabits the Reservation, whether indigenous or migratory, so that we stand a better chance of protecting each.

Estimated Cost: We anticipate little additional dollar cost by adding this task into the wetlands study.
Target Date: June 30, 2004.

Goal 7, Hazardous Fuels Reduction and Management

Fire! Is it friend or foe? We have always known that fire could be either friend or foe. It can be both a life protector and a life destroyer. It is one of those gifts that must be managed and handled properly. We have seen much evidence of late of the hazards of wildfire that moves so rapidly and burns so hotly that it destroys everything, virtually everything, even the dirt that is in its path. Even a cursory look around the Reservation will alert one to the wildfire fuel load that has grown up, threatening our homes and our lands. A wildfire on the Reservation could have catastrophic results.

We intend to develop a Reservation-wide hazardous fuels reduction and management plan with the assistance of the EPA and the BIA, under the Wildland Urban Interface Project and Wildland Hazardous Fuels Reduction Project. We will also liaison with BIA, and CDF fuels management specialists in developing our plan. We will look for funding under both BIA Projects.

Estimated Cost: Technical Assistance, \$4,000.00. Staff time.
Target Date: March 31, 2003.

Goal 8, Protection of Cultural Resources

The archeological surveys conducted to date have not revealed any significant cultural resources on the Reservation, nevertheless, we intend to address the protection of cultural resources, where appropriate, in every environmental law we enact.

Cultural resources include Tribal traditions and customs, and where appropriate we will address those as we develop our environmental programs.

As needed we will look to the National Historic Preservation Act (NHPA) and other sources for funding to assist us in protecting and preserving significant cultural and historic resources and traditions.

Estimated Cost: Staff time.
Target Date: Ongoing.

Goal 9, Emergency Response Procedures EPCRA and FEMA

The Business Council is aware of its responsibilities under the Emergency Planning and Community Right-To-Know Act (EPCRA) a.k.a. Superfund Amendments and Reauthorization Act Title III (SARA), and at present the Tribal Chairperson is selected to act as the Tribal Emergency Response Commission (TERC).

We find this situation unacceptable and in need of being remedied as soon as practicable. We intend to use the experts available in EPA to assist us in establishing a TERC and the appropriate Chemical Emergency Notification Plan and Chemical Emergency Response Plan. This responsibility will fall under the jurisdiction of the Resighini Environmental Protection Authority.

It is our intent to use Resighini's TERC to respond to other disasters such as floods, fires, and local and national emergencies in cooperation with the FEMA, other federal, local tribal and state disaster response agencies.

Estimated Cost: Technical Assistance, \$2,500.00, Legal Review, \$1,500.00, Staff time and travel.
Target Date: September 30, 2003.

EXHIBIT A

