

COQUILLE INDIAN TRIBAL CODE
PART 4 -
CHAPTER 400 - Environmental Compliance for Ground Disturbing Activities
Ordinance

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400.000 Background and Purpose.

The Tribal Council adopts this Ordinance to set forth uniform procedures to satisfy environmental compliance with applicable laws and statutes for trust land ground disturbing activities authorized by the Coquille Indian Tribe and to ensure compliance with contractual agreements associated with those activities.

The Tribal Council wishes to require that, prior to ground disturbing activities on trust property, the Tribe or its agents will conduct pre-ground disturbance surveys necessary to comply with the applicable Federal laws.

The Tribal Council intends that, in order to confidently engage in contractual agreements related to ground disturbing activities, the results of those surveys will be determinative throughout the duration of the project period. In the event that a species protected under the federal Endangered Species Act (the “ESA”) is discovered in proximity of the action area during the active project period, reasonable mitigation will be applied as described in the project Biological Assessment and as specified in contractual documents.

400.050 Jurisdiction [Reserved]

400.100 Definitions.

1. ”Authorized Ground Disturbing Activities” include, but are not limited to, activities associated with timber sale operations authorized by the Tribe and/or the Bureau of Indian Affairs.

2. “Federal Laws” may include, but are not limited to the Clean Water Act, Clean Air Act, National Environmental Policy Act, and the Coquille Forest Act (P.L. 104-208); *provided*, that nothing in this Ordinance (a) acknowledges the application of any federal law to the Tribe or its lands, or (b) consents to the jurisdiction of any other governmental body for any purpose.

400.200 Requirements and Procedure

1. In order to ensure compliance with applicable Federal laws, the Tribe or its agents will complete on-the-ground surveys of areas in which Authorized Ground Disturbing Activities are planned.

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2. These pre-ground disturbance surveys will be completed prior to the signing of any contracts between the Tribe and outside entities, and will be performed using due diligence and good faith.
3. The results of the pre-ground disturbance surveys will be determinative throughout the duration of the project period.
4. In the event that a species protected under the authority of the ESA is discovered in proximity of the action area during the active project period, reasonable mitigation will be applied as described in the project Biological Assessment and as specified in contractual documents.

400.300 Disclaimer

1. This ordinance creates no liability on the part of the Tribe for violations of any Federal law.
2. Nothing in this Ordinance shall be construed to diminish the trust responsibility of the Federal government.

400.400 Designation of Lands and Applicability

1. This ordinance applies to lands held in trust by the Federal government for the benefit of the Tribe, and to the activities of the Tribe or its agents on those lands.
2. The Tribal Council authorizes the Tribal Administration to adopt and enforce any regulations necessary to give this ordinance full force and effect.

400.500 Retroactivity

This Ordinance shall apply to all existing and future plans and/or contracts between the Tribe and outside entities.

400.600 Severability

If any provision of this Ordinance is held invalid by a court of competent jurisdiction, the invalid portion will be severed and the remaining provisions shall continue in full force and effect.