

SHINGLE SPRINGS RANCHERIA

Shingle Springs, El Dorado County, California

TRESPASS ORDINANCE

ARTICLE I -- PURPOSE

- Section 1.** The purpose of this Ordinance is to protect the interest of the members of the Shingle Springs Rancheria, to ensure proper management of Rancheria resources, and to prevent unauthorized exploitation of Tribal natural resources within the boundaries of the Shingle Springs Rancheria.

ARTICLE II -- JURISDICTION

- Section 1.** The provisions of this Ordinance shall apply to the entire territory of the Shingle Springs Rancheria.

ARTICLE III -- ADMINISTRATION

- Section 1.** The Tribal Council shall administer the provisions of this Ordinance.

- Section 2.** The duties of the Tribal Council shall be as follows:
- a. To administer and enforce the provisions of this ordinance;
 - b. To set the terms and conditions of a use permit in writing, including the expiration date;
 - c. To issue permits as provided by this Ordinance;
 - d. To evaluate, approve, or deny the application for a permit, as soon as reasonably possible after application for a permit is made. Any denial of a permit shall be supported by a brief written statement of reasons for the denial. Any denial of a permit may be appealed to the Shingle Springs Tribal Council pursuant to Article XI of this Ordinance;
 - e. To keep such records as may be required;

- Section 3.** The Shingle Springs Tribal Council shall determine whether to issue a permit and the nature of any terms and conditions thereof by considering the following factors:
- a. Whether sufficient quantity of the resource in question is available and accessible on the Rancheria;
 - b. That there is neither a conservation or allocation problem;
 - c. Whether the applicant had been in compliance with the terms and conditions of a previous permit or has ever had a permit revoked;
 - d. Whether the resource in question may be available and accessible in other areas;
 - f. Whether the applicant intends to transport the resource in question outside the exterior boundaries of the Rancheria.

ARTICLE IV -- SHINGLE SPRINGS RANCHERIA CLOSED

Section 1. Except as provided in existing legal rights-of-way and Federal laws, all parts, territories, roads, and properties within the boundaries of the Shingle Springs Rancheria are hereby closed to use and access by any person who is not a member of the Shingle Springs Rancheria.

Section 2. A non-member may accompany a Tribal member into a closed area provided that the non-member has first obtained a permit as provided under this Ordinance and that the accompanying Tribal member(s) accepts full responsibility for the actions of the non-member. This allowance is not a recognition or granting of Rancheria or Tribal rights to any non-member and such allowance is intended solely for the convenience of the Tribal member, and this privilege does not exempt the non-member from prosecution under appropriate Tribal, Federal or State law.

Section 3. All areas within the boundaries of the Shingle Springs Rancheria is closed to hunting.

Section 4. All natural resources are to be for the exclusive benefit of members of the Shingle Springs Tribe.

ARTICLE V -- PERMIT REQUIREMENTS

- Section 1. Any person, including enrolled members, are required to obtain a permit prior to:
- a. Cutting wood on Tribal lands;
 - b. Removing wood, gravel or other material from Tribal lands;
 - c. Any construction or excavation on Tribal lands, whether assigned or unassigned. The permit shall contain a time limit within which the work shall be completed.

ARTICLE VI -- TRIBAL CONTRACTORS

- Section 1. Any contractor performing work under a contract with the Tribe shall comply with the terms and conditions of the contract and shall not be subject to the provisions of this Ordinance.

ARTICLE VII -- INVALIDATION OF PERMIT

- Section 1. Any permit issued under this Ordinance shall become immediately invalid for reasons including, but not limited to the following:
- a. If any person in his/her application for a permit knowingly gives false information;
 - b. If any changes are made to a permit after it has been issued;
 - c. If a person knowingly violates any terms or conditions of a permit;
 - d. If the expiration date on the permit has expired.

ARTICLE VIII -- SUSPENSION, REVISIONS AND TERMINATION OF PERMIT

- Section 1. Once a permit has been issued, it may be suspended, revised or terminated by the Tribal Chairperson based upon evidence which indicates that the continuation of such permit has been violated, or is a threat to the health and safety of any person or to the resources of the Rancheria, or has been used in connection with an illegal activity.

ARTICLE IX -- SEIZURE OF PROPERTY

Section 1. Any natural resources that are in the possession of or being transported by any person not having in their possession a permit issued under this Ordinance shall be presumed to have been taken illegally from unassigned Tribal lands of the Shingle Springs Rancheria and are subject to immediate seizure by an authorized officer of the Tribe.

ARTICLE X -- ENFORCEMENT

Section 1. Enforcement of this Ordinance and permits issued shall be by the Shingle Springs Tribal Council.

Section 2. Violations of this Ordinance shall be subject to the jurisdiction of the Shingle Springs Rancheria. The Tribal Council shall act on all reported violations of this Ordinance. Wherever possible, the Tribal Council shall grant the alleged violator an opportunity to correct the reported violation within a specified time.

Section 3. If the alleged violator fails to take corrective action upon being given the opportunity, the Tribal Council shall notify the alleged violator by certified mail, return-receipt requested, that their assignment may be canceled or they may be evicted from the Rancheria.

Section 4. The alleged violator has thirty (30) days to appear before the Tribal Council to present their case.

Section 5. After the Tribal Council has heard the alleged violators reasons for the alleged violation and has reached a decision, such decision shall be confirmed by letter and directed to the alleged violator by certified mail, return-receipt requested. The letter shall cover the following items:

- a. The nature of the decision;
- b. In the event of a finding of guilty, the exact remedy that is to be carried out;
- c. The period of time allowed for removing or otherwise disposing of personal property, which shall not be less than six (6) months from the date of the letter.

ARTICLE XI -- APPEALS

- Section 1.** Any person agrieved by an action of the Tribal Council may make an appeal by filing a notice of appeal with the Shingle Springs Tribal Council within ten (10) days of the action of the Tribal Council.
- Section 2.** The Tribal Council shall consider the appeal and the record upon which the action was taken, and may, at its own discretion, cause the matter to be set for a public hearing.
- Section 3.** If the Tribal Council causes the matter to be set for a public hearing, notice of hearing shall be given by publication in the general public notice manner.
- Section 4.** Within sixty (60) days of sthe filing of the notice of appeal, the Tribal Council shall render its decision. Failure of the Tribal Council to render its decision within sixty (60) days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the previous action.
- Section 5.** The decision of the Tribal Council upon an appeal is final and conclusive as to all things involved in the matter.

ARTICLE XII -- AMENDMENTS

- Section 1.** This Ordinance, or any section herein, may be amended by a majority vote of the Tribal Council at a duly called regular or special meeting.

ARTICLE XIII -- SEVERABILITY

- Section 1.** The parts of this Ordinance are declared separable. If any provision, clause, sentence or paragraph of this Ordindnce is held to be unconstitutional or otherwise illegal, the invalid provisions shall be severed and the remaining provisions shall remain in full force and effect.

C E R T I F I C A T I O N

We, the undersigned, as duly-elected officers of the Tribal Council of the Shingle Springs Band, do hereby certify that the foregoing Ordinance was enacted on _____, 1999 by a vote of ___ FOR, ___ AGAINST and ___ ABSTAINING, at a duly-called meeting at which time a quorum of ___ was present.

Chairperson

Date

Secretary

Date

SHINGLE SPRINGS RANCHERIA

Shingle Springs, El Dorado County, California

TRESPASS ORDINANCE

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Section 1. The Tribal Chairperson shall administer the provisions of this ordinance.

Section 2. The duties of the Tribal Chairperson shall be as follows:

- a. To administer and enforce the provisions of this ordinance;
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- d. To evaluate, approve, or deny the application for a permit, as soon as reasonably possible after application for a permit is made. Any denial of a permit shall be supported by a brief written statement of reasons. Any denial of a permit may be appealed to the Shingle Springs Tribal Council pursuant to Article XI of this Ordinance;

e. To keep such records as may be required;

Section 3.

The Shingle Springs Tribal Council shall determine whether to issue a permit and the nature of any terms and conditions thereof by considering the following factors:

- a. Whether sufficient quantity of the resource in question is available and accessible on the Rancheria;
- b. That there is neither a conservation or allocation problem;
- c. Whether the applicant had been in compliance with the terms and conditions of a previous permit or has ever had a permit revoked;
- d. Whether the resource in question may be available and accessible in other areas;
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Section 3.

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- Section 1.** Once a permit has been issued, it may be suspended, revised or terminated by the Tribal Chairperson based upon evidence which indicates that the continuation of such permit has been violated, or is a threat to the health and safety of any person or to the resources of the Rancheria, or has been used in

connection with an illegal activity.

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ARTICLE X -- ENFORCEMENT

Section 1. Enforcement of this Ordinance and permits issued shall be by the Shingle Springs Tribal Council.

Section 2. Violations of this Ordinance shall be subject to the jurisdiction of the Shingle Springs Rancheria. The Tribal Council shall act on all reported violations of this Ordinance. Wherever possible, the Tribal Council shall grant the alleged violator an opportunity to correct the reported violation within a specified time.

Section 3. If the alleged violator fails to take corrective action upon being given the opportunity, the Tribal Council shall notify the alleged violator by certified mail, return-receipt requested, that their assignment may be canceled or they may be evicted from the Rancheria.

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C E R T I F I C A T I O N

We, the undersigned, as duly-elected officers of the Tribal Council of the Shingle Springs Band, do hereby certify that the foregoing Ordinance was enacted on _____, 1999 by a vote of _____ FOR, _____ AGAINST and _____ ABSTAINING, at a duly-called meeting at which time a quorum of _____ was present.

Chairperson

Date

Secretary

Date

MAY 4, 1999

SHINGLE SPRINGS RANCHERIA
Shingle Springs, El Dorado County, California

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- a. Whether a sufficient quantity of the resource in question is available and accessible on the Rancheria;
- b. That there is neither a conservation nor allocation problem;
- c. Whether the applicant had been in compliance with the terms and conditions of a previous permit or has ever had a permit revoked;
- d. Whether the location of the applicant's residence and whether the resource in question may be available and accessible in a large quantity in other areas;
- e. Whether the resource allowed under the permit is intended to promote the personal economic or monetary gain of the applicant;
- f. Whether the applicant intends to transport the resource in question outside the exterior boundaries of the Rancheria.

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*add
clean up
Ordinance*

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- a. Cutting wood and removing gravel on Tribal lands;
- b. Excavation on Tribal lands, whether assigned or unassigned. The permit shall contain a time limit within which the work shall be completed. Any contractor performing work under a contract with the Tribe shall comply with the terms of his contract and specifications for that work, and shall not be subject to the provisions of this Ordinance;
- c. *out* Hunting on Tribal lands whether assigned or unassigned.

ARTICLE VI -- LIMITATIONS

Section 1. Activities of the Tribal government or its subordinate entities shall be exempt from the requirements of this Ordinance and shall be governed pursuant to management plans and applicable laws regulating such activities. Tribal employees whose duties require activities involving unassigned resources are exempt from obtaining a permit under this Ordinance while they are performing duties in their official capacity.

ARTICLE VII -- INVALIDATION OF PERMIT

- Section 1.** Any permit issued under this Ordinance shall become immediately invalid for reasons including, but not limited to, the following:
- a. If any person in his/her application for a permit knowingly gives false information;
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Section 2. The Tribal Council shall consider the appeal and the record upon which the action was taken, and may, at its own discretion, cause the matter to be set for a public hearing.

Section 3. If the Tribal Council causes the matter to be set for a public hearing, notice of hearing shall be given by publication in the general public notice manner.

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Section 5. The decision of the Tribal Council upon an appeal is final and conclusive as to all things involved in the matter.

ARTICLE XII -- AMENDMENTS

Section 1. This Ordinance, or any section herein, may be amended by a majority vote of the General Council at a duly called regular or special meeting.

ARTICLE XIII -- SEVERABILITY

Section 1. The parts of this Ordinance are declared separable. If any provision, clause, sentence or paragraph of this Ordinance is held to be unconstitutional or otherwise illegal, the invalid provision shall be severed and the remaining provisions shall remain in full force and effect.

C E R T I F I C A T I O N

We, the undersigned, as duly-elected officers of the Shingle Springs Tribal Council, do hereby certify that the foregoing Ordinance was enacted by the Tribal Council of the Shingle Springs Rancheria at a duly-called meeting on 3/28/91 at which a quorum was present by a vote of 4 FOR, 0 AGAINST, and 0 ABSTAINING.

Chairperson

Date

ATTEST:

Secretary

Date

SHINGLE SPRINGS RANCHERIA
Permit Application

According to the Tribe's Trespassing Ordinance, Article V--Permit Requirements, Section 1, a: Any person, including enrolled members, are required to obtain a permit prior to cutting wood, removing gravel or any excavation on Tribal lands, whether assigned or unassigned.

This permit entitles _____
to proceed with:

- Cutting Wood (debris must be cleared within 1 week of job completion)
- Removing Gravel (no gravel to be taken from roads)
- Excavation (debris must be cleared within 1 week of job completion)

Location: _____

Description: _____

Effective Date: _____ Expiration Date: _____

Elsie Shilin, Chairperson

SHINGLE SPRINGS RANCHERIA
Permit Application

According to the Tribe's Trespassing Ordinance, Article V--Permit Requirements, Section 1, a: Any person, including enrolled members, are required to obtain a permit prior to cutting wood, removing gravel or any excavation on Tribal lands, whether assigned or unassigned.

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Location: _____

Description: _____

Effective Date: _____ Expiration Date: _____

Elsie Shilin, Chairperson

SHINGLE SPRINGS RANCHERIA
Shingle Springs, El Dorado County, California

RESOLUTION 91-18

SUBJECT: ADOPT A TRESPASSING ORDINANCE TO PREVENT UNAUTHORIZED EXPLOITATION OF THE SHINGLE SPRINGS RANCHERIA

WHEREAS: the Shingle Springs Rancheria Tribal Council, on June 19, 1976, did adopt the Articles of Association for the management of all Tribal Affairs;

WHEREAS: Article VI, Section 1(d) of the Shingle Springs Rancheria Articles of Association authorizes the Tribal Council to regulate the use and development of all tribal lands, whether assigned or unassigned, and to manage, lease or otherwise operate all unassigned tribal property; and

WHEREAS: it is the desire of the Tribe to establish standards and procedures for the protection of tribal property, wildlife, and natural resources on the Shingle Springs Rancheria;

THEREFORE, LET IT BE RESOLVED: that the Tribal Council of the Shingle Springs Rancheria does approve and adopt its Trespassing Document;

FURTHERMORE, LET IT BE RESOLVED: that the purpose of the Shingle Springs Rancheria Trespassing Ordinance is to protect the interest of the members of the Shingle Springs Rancheria, to ensure proper management of the Rancheria resources, and to prevent unauthorized exploitation of tribal natural resources within the boundaries of the Shingle Springs Rancheria.

C E R T I F I C A T I O N

As duly elected Chairperson of the Shingle Springs Rancheria, I do hereby certify that, at a meeting duly called, noticed, and convened on the 28 day of MARCH, 1991, at which time a quorum of 4 was present, this resolution was duly adopted by a vote of 4 "for," 0 "abstain," and 0 "against," and said resolution has not been rescinded or amended in any form.

Chairperson

Date

ATTESTED:

Tribal Council Secretary

Date

5/22/91

Trespass Ordinance has been retyped and is in "TC MTG" file folder on Secretary's desk. It requires signatures, and someone said changing.

B. Miller

10-22-96

This ordinance was not approved by the TC.
llm

wpt a: Trespas ord

To: Ann Faught

July 23, 1999

From: Henry Fonseca

Please make sufficient copies of the attached Trespass Ordinance for review by the Council during the next meeting on Saturday. You may have a copy if you want one. Thank you.

This is one of nine pages. Good morning!

File:M1072399.MEM

July 23, 1999

Mr. James R. Adams, Chairperson
Shingle Springs Rancheria
P.O. Box 1340
Shingle Springs, CA 95682

Dear Council Members,

Enclosed is a copy of the Trespass Ordinance with some changes proposed by one of the Council members. Members of the Council, please review this Ordinance and be prepared to make comments or mark up this copy with your suggestions to that we can enact it. So far we do not have a trespass ordinance in place. Thank you for your cooperation.



Henry E Fonseca, Vice-Chair
Tribal Council
Shingle Springs Rancheria