Executive Order 2000-20
(July 5, 2000)

WHEREAS, pursuant to the Federal Implementing Legislation and Section 27-16-90 of the South Carolina Code of Laws, after completion of a comprehensive development plan, the Catawba Indian Nation may seek to have the existing Catawba Indian Reservation expanded to include non-contiguous tracts; and

WHEREAS, I have received the recommendation of the York County Council to approve the expansion of the Catawba Indian Reservation through its adoption of an ordinance approving same; and

WHEREAS, giving due deference to the recommendation of the York County Council, I have reviewed the Catawba Indian Nation's Non-Contiguous Development Plan Application; and

WHEREAS, S.C. Code Ann. § 27-16-90 requires me to approve or disapprove the Application on the basis of the criteria set forth in the Settlement Agreement, which is the written "Agreement in Principle" reached between the State of South Carolina and the Tribe; and

WHEREAS, S.C. Code Ann. § 27-16-90 provides that the Governor's "final action must be accompanied by a written statement of reasons" and that approval may not be withheld unreasonably; and

WHEREAS, the Settlement Agreement between the State of South Carolina and the Catawba Indian Nation states that the Non-Contiguous Development Plan Application must include "a statement of the Tribe's needs, objectives, and priorities for its Reservation, including planning goals for (1) single and multifamily residential units; (2) recreational amenities; (3) historical sites to be preserved; (4) business and industrial parks; (5) common areas, parks, and open space; (6) roads, streets, utilities, and tribal government and community facilities[;]" and

WHEREAS, the Non-Contiguous Development Plan Application also includes an acquisition and land-use plan as is required by the Settlement Agreement; and

WHEREAS, the acquisition and land-use plan endeavors to: (1) cluster the noncontiguous parcels within the Primary Expansion Zone so that each is located as close as possible to the expanded reservation; (2) locate all noncontiguous parcels within the Primary Expansion Zone, and confine the number of outlying parcels; (3) assemble only noncontiguous parcels of significant size; (4) show that the outlying parcel will be used for purposes which are compatible with desired existing uses of the surrounding property; (5) follow generally accepted standards of good land-use planning, providing for the mitigation of environmental impacts and incompatible land uses, and providing traffic and utility planning, building set-backs and density; (6) avoid leaving fragments of unusable land or creating hardship for owners of adjoining parcels; and

WHEREAS, pursuant to the Settlement Agreement, criteria controlling the Tribe's selection of outlying tracts that the Tribe will seek to purchase, provided its Application is finally approved shall include (1) the minimum area of tracts to be acquired; (2) the location of outlying tracts in

relation to the expanded and the maximum distance between outlying tracts and the nearest boundary of the expanded reservation; (3) the number of outlying tracts the Tribe intends to acquire in each Zone; (4) an identification of outlying tracts already owned or under option or targeted for acquisition if the Application is finally approved; (5) provisions for assuring that proposed uses of tracts to be acquired are compatible with existing uses of surrounding property and will not interfere with essential public services; and (6) a means of assuring that noncontiguous tracts can be marked and readily identified as reservation property.

NOW, **THEREFORE**, by virtue of the power and discretion granted to me in the Federal Implementing Legislation and Section 27-16-90 of the South Carolina Code of Laws, I hereby approve the Catawba Tribe's Non-Contiguous Development Plan Application. I further hereby order that a copy of the Non-Contiguous Development Plan Application be filed with the Secretary of State along with this Executive Order.