



SHINGLE SPRINGS BAND OF MIWOK INDIANS

Shingle Springs Rancheria, (Verona) Tract, California
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ENVIRONMENTAL CODE

ARTICLE I. PURPOSE.

The Tribal Council of the Shingle Springs Band of Miwok Indians ("Tribe") enacts the following Environmental Code in order to protect and preserve the Shingle Springs Rancheria and any other lands held in fee or in trust for the benefit of the Tribe (hereinafter collectively referred to as "Tribal Lands") This Environmental Code establishes minimum procedures necessary to provide a safe and habitable homeland for members of the Tribe, present and future generations, by monitoring environmental impacts.

ARTICLE II. DEFINITIONS AND ADMINISTRATION.

(A) DEFINITIONS.

Wherever used in this Code, the following terms shall have the following meaning:

1. "Code" shall mean this Environmental Code.
2. "Composting" refers to the process of converting vegetable matter and green waste into a mixture of organic matter used to improve soil structure and provide nutrients to plants through decomposition.
3. "Daylighting" refers to any water from septic system coming to the surface.
4. "Environmental Department" shall mean the Tribal Environmental Department.
5. "Environmental Review" means any environmental assessment, environmental impact report or similar environmental study prepared in connection with a project.
6. "EPA" shall mean the United States Environmental Protection Agency.
7. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.
8. "Hazardous Waste" is a liquid, solid, contained gas, or sludge that contains properties that are dangerous to human health or the environment.
9. "Household Hazardous Waste" includes, but is not limited to, paint, used motor oil, used antifreeze, household cleaners, etc.
10. "Resident" refers to any individual who resides on Tribal Land.
11. "Solid Waste" refers to waste including, but not limited to, household waste, non-compostable garden waste, lumber, debris, and abandoned items.
12. "Title 22 Water" refers to highly treated wastewater used for non-potable beneficial uses.
13. "Tribal Council" refers to the governing body of the Tribe.

(B) ADMINISTRATION.

The Tribal Council shall administer the provisions of this Code. The duties of the Shingle Springs Tribal Council with respect to this Code shall include all of the following:

1. To administer and enforce the provisions of this Code;
2. To delegate responsibilities contained within this Code to the appropriate Tribal Department, Program, Board or Committee:

3. Propose and approve future amendments to this Code, as it deems necessary;
4. To keep such records as may be required.

ARTICLE III. WATER.

(A) TITLE 22 RECLAIMED WATER.

1. Typical and appropriate uses for Title 22 Reclaimed Water include, but are not limited to, landscape irrigation, industrial processing (cooling towers), dust control on construction sites and toilet flushing. It is not appropriate to use Title 22 Reclaimed Water for human or animal consumption.
2. If a Resident wishes to utilize Title 22 Reclaimed Water on their parcel and they do not already have access, they may contact the Tribal Environmental Department to start the set up process.
3. Title 22 water sources must use identification markers and/or signs in order to prevent human or animal consumption.

(B) WASTE WATER.

1. The Tribe operates a Waste Water Treatment Plant which shall process all waste water except for that of those residents still using septic tanks.
2. Only existing septic tanks are allowed and all future homes and developments must utilize the Waste Water Treatment Plant.
3. If an event occurs that could impact water quality on Tribal Land, the Waste Water Treatment Plant must immediately notify the Tribal Administrator.

(C) WATER QUALITY.

1. The Environmental Department shall monitor waterways on Tribal Lands.
2. In the event of a spill of any substance that may affect water quality on Tribal Lands the Environmental Department is to be notified immediately so they can assist in the cleanup of the material.
3. Environmental Department staff shall ensure the repairs and maintenance of creek beds in order to control unchannelized flow.
4. No person may throw or dispose of any waste in any stream, channel or other body of water on Tribal Lands.

ARTICLE IV. WASTE.

(A) SEPTIC SYSTEMS.

1. The Environmental Department shall make available information to Residents regarding the proper and regular maintenance of their specific septic system.
2. Residents shall report any Daylighting or odor to the Environmental Department as soon as possible following discovery. The Environmental Department shall respond to these reports and evaluate the potential failure of the system. If the Environmental Department determines that corrective action is required, they shall assist the resident mitigating the situation.
3. There shall be no new septic tanks placed on Tribal Lands as all new developments should be utilizing the Waste Water Treatment Plant.

(B) SOLID WASTE.

1. Each Resident living on Tribal Lands will be responsible for keeping their parcel, in a neat and sanitary condition which includes, but is not limited to, keeping said parcel free from solid waste.
2. Solid waste must be disposed of appropriately. No person, employee, firm, or corporation or enterprise shall dispose of Solid Waste on Tribal Land.

(C) HAZARDOUS WASTE.

1. No person, employee, firm, or corporation or enterprise shall throw or dispose of Hazardous Waste on Tribal Lands.
2. The Tribal Environmental Department strongly encourages those living on Tribal Lands to try and find ways to reduce the amount of household hazardous waste used including, but not limited to, using safer organic alternatives when available, using all of the material before disposing of an empty container and/or contacting the Tribal Environmental Department to assist in disposing of hazardous materials.

(D) GREEN WASTE.

Composting is encouraged and the Tribal Environmental Department will make available for Residents information on composting. No Resident may scatter green waste on their premises unless it has undergone the composting process.

(E) RECYCLING.

The Tribal Environmental Department shall develop a recycling program with assistance from local disposal companies, the EPA and other tribes. This recycling program may include, but is not limited to having, a plan for recycling aluminum cans, paper (newspaper, typing, etc.), glass, motor oil, oil filters, tires, plastics, batteries and any other products as deemed necessary.

ARTICLE V. AIR.

(A) BURNING.

1. Residents may burn non-toxic waste in open pits provided all burning does not interfere with the health or peaceful enjoyment of other Residents.
2. The following is a list of safety precautions to employ which will reduce the chances that an uncontrolled fire will occur:
 - i. For maximum safety, pile size should be four (4) foot in diameter or less;
 - ii. Flammable materials and vegetation should be cleared away within a ten (10) foot radius of the pile;
 - iii. Only burn close to a water supply;
 - iv. Only burn when an adult is in attendance;
 - v. Ensure that the fire is completely extinguished before leaving the area.
3. At times larger fires may occur in traditional structures or areas such as a round houses, sweat lodges or dance arbors. The leader of the ceremony, dance, etc. is responsible for exercising good judgment as it pertains to fire safety.
4. In the performance of their regular duties, the Tribal Facilities Department may have larger fires or burn piles. The Tribal Facilities Department Director is responsible for exercising good judgment as it pertains to fire safety.

(B) AIR QUALITY EDUCATION.

The Tribal Environmental Department shall make available information for Tribal Members about the air quality effects of land use/transportation on Tribal Lands. The information may include flyers, community workshops, brochures and articles in the monthly newsletter.

(C) DUST.

All construction activities taking place on Tribal Lands shall perform all the following practices to reduce dust when applicable:

1. Water all active construction areas as needed;
2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two (2) feet of space below the top of the truck bed;

3. Pave, apply water, or apply (non-toxic) soil stabilizers on all unpaved areas and staging areas at construction sites;
4. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten (10) days or more);
5. Enclose, cover, water, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.);
6. Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
7. Replant vegetation in disturbed areas as quickly as possible.

ARTICLE VI. NATURAL RESOURCES.

(A) TIMBER.

Any harvesting of wood shall be done in accordance with the Shingle Springs Rancheria Fuel Wood Policy Statement, regulations set forth in 25 CFR Part 163 and the National Indian Forest Resources Management Act. In addition, the following provisions apply to all timber cutting:

1. Trees cleared from all development projects shall be used for fuel wood for Residents.
2. If a Resident has a dead or down tree on their property, they may contact the Facilities Director to ask for the grounds crew come out to remove it.

ARTICLE VII. ENVIRONMENTAL REVIEW PROCESS FOR NEW DEVELOPMENT.

(A) ENVIRONMENTAL DEPARTMENT.

Any time heavy equipment is going to be used to dig, the Tribal Department completing or contracting the construction must notify and communicate with the Tribal Environmental Department to ensure that the any possible negative effect of construction on Tribal Lands can be appropriately mitigated.

(B) FACILITIES DEPARTMENT.

Any time heavy equipment is going to be used to dig, the Tribal Department completing or contracting the construction must notify and communicate with the Tribal Facilities Department to ensure that no utility lines will be damaged while digging.

(C) CULTURAL RESOURCES DEPARTMENT.

Any time heavy equipment is going to be used to dig, the Tribal Department completing or contracting the construction must notify and communicate with the Tribes Cultural Resource Department to ensure that no culturally significant areas will be disturbed.

(D) ENVIRONMENTAL REVIEW.

Prior to the commencement of any project, the Environmental Department may prepare or, in certain circumstances, be required to review a project's environmental impacts.

1. If the Tribe does an environmental review, the document shall be prepared by person(s) qualified by training, education or experience to make the required analysis.
2. The environmental review shall include at a minimum: a description of the proposed project, a description of the proposed area(s) that may be affected by the proposed project, information regarding the significant adverse environmental impacts of the proposed project, if any, and proposed mitigation measures to lessen or avoid significant adverse on-reservation environmental impacts of the proposed project if any.
3. The environmental review may also include information required by certain granting agencies, including information which documents compliance with other rules and regulations.

ARTICLE VIII. VIOLATIONS.

(A) ENFORCEMENT.

Enforcement of this Code shall be by the Tribal Police.

(B) IMMINENT THREAT.

Upon determination of the occurrence of a condition which is an imminent threat to community safety, the Tribal Council or Tribal Police may take all practical steps to assure that the cause of the violation immediately ceases and corrective actions are implemented.

(C) JURISDICTION.

Violations of this Code shall be subject to the jurisdiction of the Tribal Court.

1. An alleged violator shall be given sixty (60) days to correct the reported violation unless the violation poses an imminent threat to community safety.
2. If the alleged violator fails to take corrective action he or she shall follow the established process of the Tribal Court to remedy the situation.
3. Any person aggrieved by an action of the Tribal Court may make an appeal to the Tribal Court within thirty (30) days of the decision.

ARTICLE IX. MISCELLANEOUS.

(A) SOVEREIGN IMMUNITY.

Nothing contained herein shall be deemed to limit, modify, waive or otherwise affect the sovereign immunity of the Tribe.

(B) AMENDMENTS.

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

(C) SEVERABILITY.

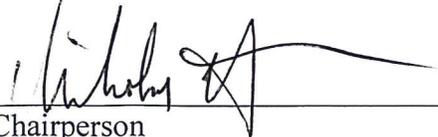
If any provision, clause, sentence or paragraph of this Code is held to be invalid, the invalid portion shall not affect the remaining provisions which shall remain in full force and effect.

(D) FORMS.

Forms or other documents needed to fully implement this Code may be created and revised at the direction of the Tribal Chairperson, or his or her designee, as necessary to fully implement this Code without need for amendment to this Code.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 27th day of September, 2012, at which time a quorum of 7 was present, the foregoing Code was duly enacted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED by the Shingle Springs Band of Miwok Indians Tribal Council.



Chairperson

 9-27-12

Date

ATTEST:



Secretary

 9-27-12

Date



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RESOLUTION 2012-67

SUBJECT: AMENDMENT TO THE SHINGLE SPRINGS BAND OF MIWOK INDIANS ENVIRONMENTAL CODE.

WHEREAS, the Shingle Springs Band of Miwok Indians (“Tribe”) is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

WHEREAS, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is a federally recognized Indian tribal government; and

WHEREAS, the Shingle Springs Band of Miwok Indians on June 19, 1976, did adopt the Articles of Association for the management of all Tribal affairs; and

WHEREAS, Article VI, Section 1(d) of the Shingle Springs Band of Miwok Indians Articles of Association authorizes the Tribal Council to regulate the use and development of all Tribal lands, whether assigned or unassigned; and

WHEREAS, the Tribe undertook an Environmental Management Program in May 1997 to ensure that a safe and habitable homeland is preserved for the benefit of tribal members, both present and future generations; and

WHEREAS, the Tribe established Environmental Codes which describe the minimum procedures necessary to monitor environmental impacts thus protecting the Shingle Springs Rancheria and any other lands held in fee or in trust; and

WHEREAS, the Tribal Council has deemed it necessary to amend said Environmental Codes to include information on the roles and responsibilities of the Environmental Department, Facilities Department, Cultural Resources Department, the Tribal Court, the Tribal Police Department and the Waste Water Treatment Plant as it applies to environmental management; and

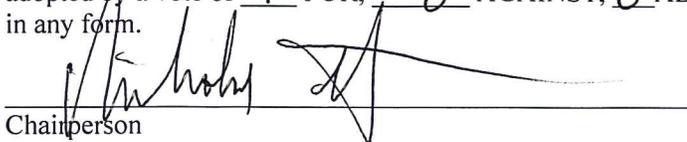
WHEREAS, the Tribal Council has reviewed the attached amended Shingle Springs Band of Miwok Indians Environmental Code and supports the amendments contained within.

NOW, THEREFORE, BE IT RESOLVED THAT, the Tribal Council has reviewed and approves the amended Shingle Springs Band of Miwok Indians Environmental Code as attached, and authorizes the Chairman, or his or her designee, to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations thereunder.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 27th day of September, 2012 at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.


 Chairperson

9-27-2012
 Date

ATTEST:

 Secretary

9-27-12
 Date