

2002
Off-Reservation
Environmental Impact Ordinance

The Shingle Springs Band of Miwok Indians
of the
Shingle Springs Rancheria
of
El Dorado County, California

Authority:

WHEREAS, the Shingle Springs Band 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 Rancheria Articles of Association authorizes the Tribal Council to regulate, by preexisting land use ordinances, 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 Band to implement § 10.8 of the Gaming Compact, dealing with off-reservation environmental impacts;

NOW THEREFORE, be it known that the Tribal Council of the Shingle Springs Rancheria does ordain as follows:

Section 1: Definitions

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

- A. "Band" refers to the Members of the Shingle Springs Band of Miwok Indians of the Shingle Springs Rancheria.
- B. "Gaming Facility" means any building in which Class III gaming activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming operation are maintained (but excluding offsite facilities primarily dedicated to storage of those records, and financial institutions), and all rooms, buildings, and areas, including parking lots and walkways, a principal purpose of which is to serve the activities of the gaming operation.

- C. "Tribe" refers to all certified Members of the Shingle Springs Band of Miwok Indians.
- D. "Tribal Council" refers to the governing body of the Shingle Springs Band of Miwok Indians.
- E. "Tribal Office" refers to the administrative office located on the parcel designated as Tribal Activity Area.

Section 2: Jurisdiction

The provisions of this ordinance shall apply to the entire territory of the Shingle Springs Rancheria as it currently exists, and to such future annexations of property as are approved by the Tribal Council.

Section 3: Administration

- A. The Shingle Springs Tribal Council shall administer the provisions of this ordinance, and shall propose future amendments to this ordinance, as it deems necessary and prudent.

Section 4: Off – Reservation Environmental Impacts

This section implements Section 10.8 of the Gaming Compact and is to be construed so as to fulfill the purposes of that Section in a manner which shall represent a good faith effort to incorporate the policies and purposes of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) consistent with the Band's governmental interests. This section is enacted under the inherent sovereign authority of the Shingle Springs Band of Miwok Indians, and pursuant to Article VI, Section 1 (d) of the Shingle Springs Rancheria Articles of Association, which 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.

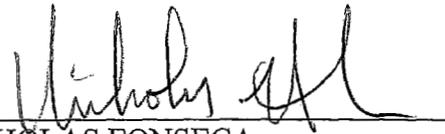
- A. These procedures apply to all major actions undertaken by the Band involving any Gaming Facility owned by the Band significantly affecting the human environment including any expansion or significant renovation or modification of such a facility, or any significant excavation, construction, or development associated with such facility.
- B. The Tribal Council shall represent the Band and be the lead agency for purposes of complying with this section in the manner set forth below.

- C. Unless otherwise specified herein, guidance in construing the terms used in this section may be found in NEPA and the Council on Environmental Quality NEPA Regulations (40 CFR Parts 1500-1508).
- D. In all cases where explicit direction is not given by this Ordinance the Band is to be guided by the policies and purposes of NEPA and CEQA or either of them (when they differ), consistent with the Band's governmental interests.
- E. The Band's environmental documentation is set out below:
- (1) The Band may by Tribal Resolution adopt a list of categorical exclusions covering those actions which do not significantly affect the off-reservation quality of the human environment individually or cumulatively and which shall be exempt from further analysis under this ordinance.
 - (2) For those actions not covered by categorical exclusions, the Band is to prepare a brief environmental assessment (10 to 15 pages) to determine whether there may be significant off-reservation environmental impacts.
 - (3) If the Band determines there will be no such significant environmental impacts, it will prepare a finding of no significant impact.
 - (4) If the Band determines there may be such significant environmental impacts, it will prepare an environmental impact statement.
 - (5) The environmental documents required by this subsection shall be prepared by or with the assistance of persons qualified by training, education, or experience to undertake the analyses required by this Section.
 - (6) The Band shall act through the Tribal Council, whose actions shall be in the form of a written resolution.
- F. The Band shall inform the public as follows:
- (1) Prior to commencement of any action which may significantly affect the off-reservation human environment the Band shall inform the public in the manner required by 40 CFR § 1506.6.
 - (2) Such notifications shall additionally include:
 - a. Consultation with the El Dorado County Board of Supervisors, meeting with the Board to discuss mitigation of significant off-reservation environmental impacts.

- b. Meeting with those members of the public residing off-reservation within the vicinity of the Gaming Facility, such as might be adversely affected by the proposed action.
 - c. Keeping those described in subparagraphs (a) and (b) above apprised of the action's progress.
 - d. When an environmental assessment or environmental impact statement has been prepared, providing notice to the State Clearinghouse in the Office of Planning and Research and receiving and responding to comments in the environmental documents from the public and affected agencies of government.
- G. In preparing the environmental documents in subparagraph d above the Board may employ procedures including tiering and incorporation by reference with respect to any prior environmental document prepared by the Band or any NEPA or CEQA document prepared by any Federal, State, or local agency or agencies so as to reduce duplication and avoid undue delay.
- H. The Band shall make good faith efforts to mitigate any and all significant adverse off-reservation environmental impacts.
- I. The Tribal Council's resolution shall represent the final action for the Band, and there shall be no right of appeal.
- J. The Band shall cooperate with the State in good faith in the manner set out in Section 10.8.3 of the Compact.
- K. Nothing in this Section shall be deemed to limit, modify, waive, or otherwise affect the sovereign immunity of the Band from unconsented suit. This Section is solely for the purpose of establishing internal procedures for the Band to consider the significant effects of its actions on the environment outside the Reservation, and nothing in this Section shall be construed to create a cause of action.

CERTIFICATION

As a duly-elected official of the Shingle Springs Rancheria, I do hereby certify that, at a meeting duly called, noticed, and convened on the 20th day of April, 2002, at which time a quorum of 7 was present, the foregoing Environmental Impact Ordinance was duly enacted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED by the Shingle Springs Band of Miwok Indians Tribal Council.



NICHOLAS FONSECA
Chairperson
Shingle Springs Rancheria


4-20-2002

DATE

ATTEST:



SUSAN MURRAY
Secretary
Shingle Springs Rancheria

4-20-02

DATE