

RIVER INDIAN TRIBE

ENVIRONMENTAL MANAGEMENT PLAN

EXAMPLE

January 201X
River Indian Tribe
125 Ranch Road
City, NV 94105

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SECTION 1.0

INTRODUCTION

1.1 AUTHORITY

This policy is established by the River Indian Tribal Council, the elected governing body of the General Membership, in accordance with Article VIII, Section 3(a) of the Constitution of the River Indian Tribe of River Rancheria, California.

1.2 ENVIRONMENTAL MANAGEMENT PLAN

The Tribal Government of the River Indian Tribe (Tribe) has adopted the following **Goal** for this Environmental Management Plan:

Allow the Tribe to meet the needs of its members in an environmentally responsible manner and priorities listed below. (Guidebook for building Tribal Environmental Program Capacity)

1.3 APPLICABILITY

This Environmental Management Plan contains five sections: (1) Introduction, (2) Background, (3) Environmental Management Plan, (4) Protection of Federally Listed Species and Associated Habitats and (5) Administration and Funding.

The Introduction section of this plan is intended to provide the reader with the Environmental Management Goal as it relates the environmental protection on River Tribal lands. The Goal provides guidance in developing the environmental plan.

The Background section of this plan is intended to provide information about the Tribe, how the Rancheria was established, and a synopsis of existing environmental regulations, laws and/or agreements that apply to the Tribe. The Background section also contains a list of existing environmental studies or related documents that have been or are currently being developed for the Tribe.

The Environmental Management Plan (Section 3.0) addresses the following environmental issues, not in order of priority, identified by the Tribal EPA as being of importance:

- Wastewater Disposal (Appendix I Section D)
- Solid Waste Management (Appendix I Section E)
- Air Quality (Appendix I Section C)
- Traffic Effects on Environment (25 CFR Part 170)
- Resource Management (53 IAM)
- Water Quality (Appendix I Section D)
- Cultural Resources Management (36 CFR Part 800)
- Flood Plain Management (FEMA)

Each issue is assigned a “Level of Importance” as identified by the Tribal EPA. The Level of Importance rating ranges from low to high. This rating system is intended to provide guidance to the Tribal Council for allocation of Financial and staffing resources. Each environmental category also contains a brief discussion of the issues faced by the Tribe, and a focused statement as to the environmental concern raised. Lastly, Environmental Plan Objectives are identified to provide program guidance to the Tribe.

The Protection of Federally Listed Species and Associated Habitats section addresses the protection of important habitats that exist on the Tribe’s property south of River and the Tribe’s plan to manage these resources consistent with its status as a sovereign government.

The Administration and Funding section of this plan identifies existing Tribal resources available to implement the Environmental Management Plan and assigns responsibilities to program managers. This Section also provides a partial list of funding and technical assistance programs that can be used to develop necessary studies, ordinances, and monitoring programs as part of this Plan.

SECTION 2.0

BACKGROUND

2.1 According to Author and other ethnographers, the River (Northwestern People that occupied the valley) are a division of Klan, one of three major subgroups of the language family, which at the time of European contact could be further divided into regional dialects.

The River Historically used and occupied lands in the present day Nevada counties. During the Gold Rush nearly all of the Indians that occupied the Sacramento Valley were either relocated or eradicated. The River Tribe was spared by becoming laborers. Thus, for the latter half of the 19th century and first half of the 20th century, the River lived on lands set aside for their use by General Bidwell.

In 1909 and 1918, two parcels of land were deeded to the Board of Home Missions of Presbyterian Church in trust for the River Indians. On or about 1983, the County Superior Court appointed a trustee for both parcels. In 1939, both parcels were conveyed to the United States in trust for Indians of the River Indian Village. From this time until its termination, the River Rancheria was considered an Indian Reservation under the Indian Reorganization Act and “Indian Country” under Title 18 of the United States Code (U.S.C.) Section 1151. The River Rancheria was located inside the present day City of River. Pursuant to the Nevada Rancheria Act of 1958, the United States terminated the federally recognized status of the River Tribe and the status of the Rancheria as “Indian lands”. Subsequently, the majority of the River Rancheria lands were sold pursuant to a distribution plan that was never validly adopted by the tribal members. Other trust lands were sold to satisfy tax liens as a result of the termination.

In 1986, the Tribe, along with three other Indian Rancheria communities and several individuals, filed suit in federal court challenging the federal government’s termination of the River and the River Rancheria. In 1992, the River Tribe, the United States, and the City of River entered into a Stipulation for Entry of Judgment (Stipulated Judgement) settling the Tribe’s claims against the United States. Pursuant to the Stipulated Judgment, the River Tribe and the Indians of the River Tribe of the River Rancheria were reinstated to their status prior to termination. The Stipulated Judgment also contained provisions and relating to the restoration of the Tribe’s lands, all but 12 acres of which were sold to

River State University and made part of its campus during the termination period. Realizing the legal and practical difficulties that would be involved in attempting to recover these lands, the parties decided that the Tribe would re-establish the bulk of its Rancheria on lands located outside of the boundaries of the former River Rancheria. The Stipulated Judgment stated that the Secretary of Interior would acquire lands in trust on behalf of the Tribe, outside of its former boundaries, and that these newly acquired lands may be declared a Reservation by the Secretary.

Today, the River Tribe of the River Rancheria is a federally recognized Indian Tribe whose membership consists of a variety of tribal groups from the Valley and nearby regions.

In conjunction with settling the litigation, the River Tribe prepared and submitted to the Bureau of Indian Affairs (BIA) a "Five Year Plan of Objectives" which set forth an objective of acquiring lands and transferring lands to the United States to be held in trust as the Tribe's "new Rancheria". The Tribe is currently has 626+/- acres in Federal trust status for the benefit of the River Indian Tribe. The Site is located in County and was selected primarily for its historic and cultural significance to the Tribe. Currently the Tribe owns four properties in fee, three of which are located in the City of River, and one northwest of River. The three properties owned in River consist of an administration building, thirty single-family residences, and a cemetery. The property northwest of River consists of a 40+/- acre almond orchard. The Tribe intends for all current and future properties under its jurisdiction to be subject to the guidelines and procedures set forth in this Environmental Management Plan.

2.2 EXISTING ENVIRONMENTAL REGULATIONS

The Tribe has a functioning Environmental Protection Office (Environmental Department). It been funded under the United States Environmental Protection Agency's (EPA's) General Assistance Program (GAP), the purpose of which is to build capacity to operate an environmental protection program. The GAP grant has funded and continues to fund full-time staff positions within Environmental Department. The Tribe has approved environmental ordinances for Health and Sanitation, Water Quality, and Environmental Assessment, Solid Waste, and has adopted a Tribal Environmental Policy Act. Activities on Tribal lands are also subject to the provisions of several federal environmental laws, including the Endangered Species Act (ESA) and Clean Water Act (CWA).

2.3 Related Environmental Studies

Refer to Fee to Trust Application dated June 2006

Environmental Policy Act

This Tribal law is a declaration of policy to protect the quality of the environment and protect human life on tribal lands.

SECTION 103: FINDINGS AND DECLARATIONS

The Tribal Council, having carefully reviewed the needs of the Tribe with regard to the quality of the natural environment for tribal lands and the federal laws and policies relating to environmental regulation, finds and declares as follows:

- The federal government, through its various agencies and departments, cannot provide adequate protection for the land, air, and water resources of the Tribe.
- Current, past and proposed future uses of the natural resources of the Tribe have created or may create a threat to the environment and to the health and welfare of the residents of the Tribe.
- The Tribe, pursuant to its inherent sovereignty and federal law, possesses the authority to provide for the comprehensive regulation of environmental quality within the Tribe

ARTICLE VIII Section 3(a,b,e,j,n,o,p,q,and v): of the River Indian Tribe Constitution dated February 1998: DECLARATION OF POLICY

To promote the health and welfare of the members of the Tribe and in furtherance of the sovereign right of self-governance of the River Indian Tribe, the Tribal Council declares its commitment to the establishment and maintenance of the highest attainable standards of environmental quality within any and all land held in trust or under ownership of the Tribe for the benefit of the Tribe.

SECTION 200: ESTABLISHMENT

There is Hereby established the Tribal Environmental Policy Act (TEPA).

Water Quality Ordinance

This Ordinance is promulgated to protect the Water Quality within the jurisdiction of the Tribe as defined under the Environmental Policy Act of the River Indian Tribe of River Rancheria. This Ordinance is to provide a uniform set of standards, which are necessary so that water resources of the Tribe may be preserved and protected.

SECTION 1: FINDINGS AND DECLARATIONS

- The Tribe wishes to eliminate all unregulated discharges of pollutants into the waters of the River Rancheria and other territory over which the Tribe has or may acquire jurisdiction.
- Elimination of all unregulated discharges of pollutants into waters of the River Rancheria and other territory over which the Tribe has or may acquire jurisdiction is necessary at this time to maintain water quality for consumption and other purposes by the Tribe, Tribal members or individuals using or occupying the Rancheria or other territory over which the Tribe has or may acquire jurisdiction.

- Wetland conservation is a matter of concern to the Tribe, since loss or damage to a wetland may deprive the Tribe, tribal members and other residents of the River Rancheria or other territory over which the Tribe has or may acquire jurisdiction of the many benefits associated with wetlands, including flood and storm control, wildlife habitat, protection of groundwater resources, pollution treatment, erosion control, cultural and historic properties, and recreational enjoyment.

SECTION 3: JURISDICTION

The applicability of this Ordinance shall extend to all persons who discharge any pollutant into the waters of the Rancheria or other territory over which the Tribe has or may acquire jurisdiction or who engage in any activity whatsoever in and around a wetland within the Rancheria or other territory over which the Tribe has or may acquire jurisdiction.

SECTION 4: PROHIBITED ACTIVITIES

No person shall discharge any pollutant into the waters or wetlands of the Rancheria or other territory over which the Tribe has or may acquire jurisdiction.

- Except as otherwise provided by this Ordinance or a permit obtained from the U.S. Army Corps of Engineers, a person shall not:
 - (1) deposit or permit the placing of fill material in a wetland within the Rancheria or other territory over which the Tribe has or may acquire jurisdiction;
 - (2) dredge, remove, or permit the removal of soils or minerals from a wetland within the Rancheria or other territory over which the Tribe has or may acquire jurisdiction;
 - (3) drain surface water from a wetland;
 - (4) alter in any way the hydrology of, or drainage to, a wetland; or
 - (5) alter in any way the qualities of a wetland that create the conditions that allow the wetland to exist.
- If federal law, including the rules of the U.S. Army Corps of Engineers, would allow for the issuance of a permit for activities described above, the Environmental Department has the authority to prohibit such activity to protect the health and safety of the wetland, the wetland habitat, and/or any plant life or wildlife relying on the wetland for survival.

SECTION 5: ACTIVITIES ALLOWED WITHOUT PERMIT

The following uses shall be allowed in and around a wetland without a permit, subject to any other laws enacted by the Tribe or federal government.

- Fishing, trapping, or hunting
- Swimming or boating; and
- Hiking.

SECTION 6: CIVIL PENALTY

Any person discharging any pollutant into the waters of the Rancheria or other territory over which the Tribe has or may acquire jurisdiction or engaging in any other activity prohibited under this ordinance shall pay a civil fine in an amount not to exceed \$5,000.00 for each day in which the violation occurs. The civil fine required by this section shall be imposed by the Tribe or any court of competent jurisdiction in accordance with this ordinance.

SECTION 7: NOTICE TO ENVIRONMENTAL DEPARTMENT

- Any person that discharges any pollutant into the waters of the Rancheria or other territory over which the Tribe has or may acquire jurisdiction shall immediately, but in any case not less than twenty-four (24) hours from the time of the discharge, notify the Environmental Department of said discharge and shall fully disclose to the Environmental Department any and all information regarding the discharge, the location of the discharge, and any other information required by the Environmental Department.
- Any person who engages in any activity in and around a wetland of the Rancheria or other territory over which the Tribe has or may acquire jurisdiction which is prohibited under this Ordinance shall immediately, but in any case not less than twenty-four (24) hours from the time of the prohibited activity, notify the Environmental Department of the prohibited activity and shall fully disclose to the Environmental Department any and all information regarding the prohibited activity as may be required by the Environmental Department.
- The initial notice of discharge or other prohibited activity required may be delivered orally to the Environmental Department in person or over the phone. However, within three (3) days of provided oral notice of a discharge, written notice of the discharge must be provided to the Environmental Department. All other information required to be provided to the Environmental Department must be delivered to the Environmental Department in writing or orally, at the Environmental Department's discretion.

SECTION 8: CLEAN-UP AND ABATEMENT

- Any person who discharges any pollutant into the waters of the Rancheria or other territory over which the Tribe has or may acquire jurisdiction shall be liable for all costs associated with or necessary to clean up, abate, or remove the pollutants from the waters of the Rancheria or other territory over which the Tribe has or may acquire jurisdiction and restore the quality of the waters of the Rancheria or other territory over which the Tribe has or may acquire jurisdiction to their condition as they existed immediately prior to the discharge.
- Any person who engages in any activity in or around a wetland of the Rancheria or other territory over which the Tribe has or may acquire jurisdiction which is prohibited under this

Ordinance shall be liable for all costs associated with or necessary to clean up and restore the quality of the wetland to its condition as it existed immediately prior to the prohibited action.

SECTION 11: ENVIRONMENTAL PROTECTION FUND

- All monies collected or received by the Tribe as a result of violations of the Ordinance shall be deposited with the Tribe to be credited to the Environmental Protection Fund.
- The Environmental Protection Fund shall be used for expenses related to protecting human health and the environment within the Rancheria and other territory over which the Tribe has or may acquire jurisdiction, enforcing the provisions of the various environmental ordinances adopted by the Tribe, promoting environmental projects, and furthering environmental education for Tribal members and residents of the Rancheria and other territory over which the Tribe has or may acquire jurisdiction.

Other Sections within this Ordinance include provisions and guidelines for enforcement, including court action and injunctions, provisions for severability, sovereign immunity, and amendments.

Health and Sanitation Ordinance

This Ordinance is promulgated to protect the health and welfare of tribal members, residents and environment of the Reservation and other territory over which the Tribe has jurisdiction, as well as the economic stability, cultural integrity, and governmental structure of the Tribe. The Tribe is committed to ensuring public health and the need for sanitation as a means to protect and preserve the environment, lands, culture, religion, and natural resources of the River Rancheria.

SECTION 1: FINDINGS AND DECLARATIONS

- Public health and sanitation is intimately tied to the health and welfare of tribal members, residents and the environment of the Reservation and other territory over which the Tribe has jurisdiction, as well as the economic stability, cultural integrity, and governmental structure of the Tribe.
- The protection of public health and sanitation is one of the most important functions of a government.

Therefore, the Tribal Council adopts this Ordinance to protect and promote the political integrity, economic security, health, safety and welfare of the Tribe, its members, and all persons living on, or passing through, the River Rancheria and to protect and preserve the environment, lands, culture, religion, and natural resources of the River Rancheria.

SECTION 3: JURISDICTION

The applicability of this Ordinance shall extend to:

- All persons who commit a violation of this Ordinance on or within the Rancheria or other territory over which the Tribe has or may acquire jurisdiction.
- Any person who enters onto the Rancheria or other territory over which the Tribe has jurisdiction shall be subject to this Ordinance and shall be deemed to have consented to the jurisdiction of the Tribe, and shall be subject to civil jurisdiction before the Tribe for violations of this Ordinance.

SECTION 4: DEAD ANIMALS

- Owners of dead animals shall dispose of the carcasses by burial, burning, or any legal disposal in a waste facility designed to accept such material off the Rancheria within twenty-four (24) hours of the death of the animal.
- When the owner of the dead animal refuses to comply with this section, such disposal shall be made by the Tribal EPA or other person authorized by the Tribal Council. The cost of such disposal shall be borne by and assessed against the owner of the carcass.
- Animals or animal parts that have been properly preserved by tanning, taxidermy, or other similar technique are exempt from this section.

SECTION 5: DRINKING WATER

- The Tribe hereby adopts the federal government's drinking water standards set out in the Safe Drinking Water Act (42 U.S.C. section 300f, et. Seq.) and implementing regulations (40 C.F.R. parts 141 and 143), as they may be amended from time to time, as the drinking water standards governing public drinking water systems, as defined therein, located on or within the Rancheria or other territory over which the Tribe has jurisdiction. Any public drinking water system located on or within the Rancheria or other territory over which the Tribe has jurisdiction shall be controlled by the drinking water standards set out in the Safe Drinking Water Act (42 U.S.C. section 300f, et seq.) and implementing regulations (40 C.F.R parts 141 and 143), as they may be amended from time to time.
- It shall be unlawful for any person to pollute any drinking water source by disposing of garbage, dead animals or other polluting materials or items in or near the drinking water source.
- It shall be unlawful for any person to pollute any drinking water source by locating a privy, septic system, or other private sewage disposal system within (50) feet of said drinking water source.

SECTION 6: DISPOSAL OF SEWAGE WASTE

- All sewage waste generated on or within the Rancheria or other territory over which the Tribe has jurisdiction shall be disposed of in a safe and sanitary manner that does not imperil or endanger human health or the environment of the Rancheria or other territory over which the Tribe has jurisdiction.

- The Tribe hereby adopts the Environmental Protection Agency's standards for on-site sewage disposal systems, as they may be amended from time to time, as the minimum standards governing on-site sewage disposal systems located on or within the Rancheria or other territory over which the Tribe has jurisdiction. The Tribal EPA is authorized to supplement the standards for on-site sewage disposal systems established by the U.S. EPA with any other measures it deems necessary to protect human health and the environment of the Rancheria or other territory over which the Tribe has jurisdiction. Any on-site sewage disposal systems located on or within the Rancheria or other territory over which the Tribe has jurisdiction shall be controlled by the standards established by the U.S. EPA for on-site sewage disposal systems plus any other measures added by the Tribal EPA.

Other issues addressed within this Ordinance include legal provisions, penalties, the associated environmental protection fund, and food service establishments.

Environmental Assessment Ordinance

This Ordinance is promulgated to protect the quality of the environment as defined under the Environmental Policy Act of the River Indian Tribe of River Rancheria. This Ordinance is to provide a uniform set of procedures for conducting environmental review of projects located within the Rancheria or other territory which the Tribe has or will have jurisdiction.

SECTION 1: FINDINGS AND DECLARATIONS

The Tribe finds and declares that:

- It wishes to give proper and meaningful consideration to environmental, cultural, historical, and ecological factors when making decisions that may significantly affect the environment of the River Rancheria or other territory over which the Tribe has or may acquire jurisdiction.
- This Ordinance is necessary to protect and promote the political integrity, economic security, health, safety and welfare of the Tribe, its members, and all persons living on, or passing through, the River Rancheria and to protect and preserve the environment, lands, waters, culture, religion, and natural and cultural resources of the River Rancheria.

SECTION 4: ASSESSMENT OF ENVIRONMENTAL IMPACTS OF PROPOSED ACTIVITIES

- Whenever making a decision on a major tribal action that could significantly affect the quality of the environment of the Rancheria or other territory over which the Tribe has or may acquire jurisdiction, the Tribal Council shall consider the reasonably foreseeable environmental impacts that could result if the Tribal Council approves the proposed project or activity. To carry out this provision, the Tribal Council, through the Environmental Department, shall prepare, or cause to be prepared, an environmental assessment and, if necessary, a more detailed environmental impact report, as specified and in substantial compliance with the requirements set forth in the National Environmental Policy Act (42 U.S.C. §4321, et. seq.), the implementing regulations and guidance adopted by the Council on Environmental Quality, and the implementing regulations

and guidance adopted by the Bureau of Indian Affairs, as they may be amended from time to time. The only provisions of the federal law described above that shall apply to the Tribal Council when making decisions on proposed major federal actions are those provisions regarding the content of the detailed report on the environmental impacts of the proposed action. No other provisions of federal law, or any rulings of any courts, shall apply under the authority of this Ordinance. Every person requesting that the Tribal Council take a major tribal action shall be responsible for preparing the detailed report on the environmental impacts of the proposed action.

- The Tribal Council shall not approve any proposed major tribal action that could significantly affect the environment without first complying with the requirements of this ordinance.
- Where significant impacts are found, the Tribe through the Environmental Department will cause to be developed a mitigation plan. If the significant impacts cannot be mitigated the Tribal Council through the Environmental Department shall deny the application. The applicant can then apply for review to the Environmental Department Review Board.
- Where the requirements of the National Environmental Policy Act and implementing regulations and guidance adopted by the Council on Environmental Quality and the Bureau of Indian Affairs are triggered by their own provisions, this Ordinance shall have no effect.

This ordinance also contains provisions regarding amendments, sovereign immunity, definitions, and severability.

2.2.2 TRIBAL-STATE GAMING COMPACT

The Tribe transferred a fee simple conveyance of a 626+/-acre site from private ownership into federal trust status for the purposes of building and operating a gaming facility for the general welfare of Tribal members in 2014. After the land was brought into trust, the Tribe must enter into a Tribal-State Gaming enterprises undertaken by the Tribal Government will required to comply with environmental provisions noted in the agreement. Section 10.1 of the Gaming Compact will state that the “Tribe will not conduct Class III gaming in a manner that endangers the public health, safety, or welfare...”

Section 10.8.1 of the Gaming Compact will require: “on or before the effective date of this Compact, or not less than 90 days prior to commencement of a Project, as defined herein, the Tribe shall adopt an ordinance providing for the preparation, circulation, and consideration by the Tribe of environmental impact reports concerning potential off-Reservation environmental impacts of any and all Projects to be commenced on or after the effective date of this compact.” The provisions of Section 10.8 of the pending Gaming Compact are included within this Environmental Management Plan by reference. The required adoption of ordinances addressing on- and off-Rancheria environmental issues will have an effect on the staffing resources available within the Rancheria. Staffing from the Tribal EPA will be required to assist in developing and updating ordinances to implement the provisions of the Gaming Compact (as they relate to environmental standards), as well as assuring that the provisions of those ordinances are implemented (monitoring).

Pursuant to the pending Gaming Compact, future casino-related facilities would be constructed in compliance with the Uniform Building Codes, including all uniform fire, plumbing, electrical, mechanical, and related codes then in effect. In addition, future casino gaming facilities would comply

with the federal Americans with Disabilities Act (ADA), P.L. 101-336, as amended, 42 U.S.C. Section 12101 et seq. Future gaming-related development would also comply with the following provisions:

- Development will be issued a certificate of occupancy by a Tribal Gaming Agency prior to occupancy;
- Tribal Government will adopt and comply with standards no less stringent than state public health standards for food and beverage handling;
- Tribal Government will adopt and comply with standards no less stringent than federal water quality and safe drinking water standards applicable in California;
- Tribal Government will adopt and comply with standards no less stringent than federal workplace and occupational health and safety standards;
- Tribal Government will comply with Tribal codes and other applicable federal law regarding public health and safety; and,
- The Tribe shall make reasonable provisions for adequate emergency, fire, medical, and related relief and disaster services for patrons and employees of the gaming facility.

In fashioning the existing environmental protection ordinances and Policy Act, the Tribe made a good faith effort to incorporate the policies and purposes of the National Environmental Policy Act, the California Environmental Quality Act, and the environmental regulations contained in gaming compacts, consistent with the Tribe's interests. However, typically plans or other policy documents (complete with goals, policies, and implementation measures) precede ordinances, which are intended to implement the general policies contained in a given plan. The current environmental protection ordinances should be revisited to ensure consistency with this plan.

2.2.3 OTHER FEDERAL REGULATIONS

In addition to the Tribe's environmental protection ordinances, activities on Tribal lands are also subject to the following federal laws:

1. Federal Clean Air Act
2. Federal Clean Water Act
3. Federal Endangered Species Act
4. National Historic Preservation Act

Projects proposed on Tribal lands subject to federal funding or approval will also be subject to compliance with the National Environmental Policy Act (NEPA) and NEPA-related laws and authorities. Compliance with NEPA for tribal projects may result in mitigation measures to be implemented by the Tribal Government. Mitigation measures are designed to assure that potential environmental impacts from Tribal projects are avoided or minimized.

2.3 RELATED ENVIRONMENTAL STUDIES

The following is a list of environmental studies or related documents that have been developed or are being developed for the Tribe:

1. *River Rancheria: Environmental Assessment River Indian Tribe of the River Rancheria Land Acquisition Project.*

2. *River Indian Tribe: Lucky Seven Ranch Environmental Constraints Report.*
3. *River Indian Tribe: Archaeological Inventory of 640 Acres Located Near the Intersection of Highways, County, Nevada.*
4. *River Indian Tribe: River Casino Fee-to-Trust Acquisition Environmental Assessment.*
5. *River Tribe: Preliminary Study on Water and Wastewater Facilities.*
6. *River Tribe of River Rancheria: Phase I Environmental Site Assessment, Lucky Seven Ranch Property.*
7. *River Tribe: River Casino Traffic Impact Study.*
8. *Site Grading, Stormwater Drainage, and Erosion Control Plan: River Tribe Gaming Facility, River, CA.*
9. *Biological Resources Assessment, River Casino Fee-to-Trust Acquisition, Butte County, California.*

SECTION 3.0

ENVIRONMENTAL MANAGEMENT PLAN

3.1 INTRODUCTION

This section of the Plan addresses various environmental management issues, not necessarily in order of priority, that have been identified by the Tribal EPA as being important. The environmental issues addressed within this section include:

- Wastewater Disposal
- Solid Waste Management

- Air Quality
- Traffic Effects on Environment
- Resource Management
- Water Quality
- Cultural Resources
- Floodplain Management
- Emergency Response

A goal is provided for each environmental category to highlight the intent of the Tribal Government as it relates to the particular issue. Each and every goal stated within this section is consistent with the overall Goal identified in Section 1.0 of this Plan.

A “Level of Importance” rating is included within each category. The rating of low, medium or high is intended to convey the current and relative level of importance the Tribal EPA assigns to each issue. Obviously, the rating of the issues will change with time as they are explored by the Tribe or are dealt with through implementation of this Plan. As with any environmental plan, it is the intent that this Plan be updated at regular intervals. As necessary, but no less than every five years, is recommended. Each updated Plan will reassign a new Level of Importance rating to the issues.

Each environmental category contains a brief description of the existing conditions and associated issues. This information was developed for review of existing material, site visits, and interviews, of Tribal environmental staff. Following the background discussion, a concise statement (or two) outlining the environmental issue is provided to clearly identify the issue that the Tribal EPA will address within the plan. Existing tribal regulations are then identified to provide an overview of the existing ordinance provisions that would be applicable to this issue. This is important so that redundant rules and/or regulations are not prescribed by the Plan. In some instances, existing ordinance provisions are enough to address the environmental issue. However, in some instances they may not be enough and/or enforcement capability may not be adequate. Where this is the case, a recommendation is made in the Objectives section of the Plan to “step-up” enforcement of the existing ordinance. The final section contains objectives that will assist the Tribal Government in meeting the overall environmental goal identified in Section 1.0 of this Plan.

3.1.1 TRIBAL ENVIRONMENTAL POLICY AND ORDINANCES

It is the recommendation of this Environmental Management Plan to expand on the current Environmental Policy Act and draft environmental ordinances of the Tribe by establishing an “Environmental Protection Ordinance” for all Tribal lands, into which each of the recommended ordinance provisions of the following discussions could be placed. It is not the intent, nor is it in the interest of the Tribal Government, to have environmental regulations placed within several different tribal ordinances. Typically an environmental plan should precede the adopting of implementing environmental ordinances. However, it is recognized that, in this case, draft environmental ordinances already exist. As such, these ordinances should be updated to reflect current conditions and to be consistent with this management plan before being included within a master ordinance.

Alternatively, the Tribe could continue to maintain separate ordinances for each issue area, but codify these ordinances in a separate Chapter or Title of the River Tribal Code.

3.2 WASTEWATER DISPOSAL

WASTEWATER GOAL

Provide existing and future residences, businesses, and Tribal enterprises with adequate and safe wastewater disposal in an environmentally friendly manner.

LEVEL OF IMPORTANCE RATING: *High*

WASTEWATER BACKGROUND

The Tribe currently owns multiple properties within the City of River that contain structures for human habitation. One property is an administration building, one quad-plex, three townhomes and the others are individual single-family residences. All properties receive wastewater service from the City of River. The Tribe also owns an agricultural property northwest and southeast of River. There are no municipal wastewater services available to the parcel. Any future urban development of this property would be served by individual septic tanks and leachfield systems. The trust parcels (626 +/- acres) are also located in a relatively rural area and there are currently no community wastewater services available to serve the site. The Tribe intends to construct its own wastewater treatment plant (WWTP) and disposal facilities to serve future development on this property. Since the site is relatively large, it is not anticipated that there will be significant physical or practical site constraints for a new WWTP. Options include community leachfields, evaporation ponds, land disposal, and combination disposal. The Tribe commissioned a *Preliminary Study on Water and Wastewater Facilities* to help determine the appropriate method of wastewater disposal and to help site the facilities.

The draft report recommends a WWTP, sewage lift station, an approximately 4-acre sprayfield, and a seasonal storage reservoir of approximately 20 acre-feet. The recommended facilities would be located in the southeastern portion of the property in areas that have been previously leveled and farmed.

ENVIRONMENTAL ISSUES – WASTEWATER

Environmental issues associated with wastewater disposal include potential impacts to water resources, both surface and groundwater, and potential human health issues and nuisance odors. Potential impacts are associated with initial construction and with infrastructure extensions and the need for facility upgrades to maintain functionality. It is the responsibility of the Tribe to maintain wastewater lines on its property. The Tribe recognizes that deteriorated and faulty wastewater systems pose the risk of causing groundwater and soil contamination.

EXISTING TRIBAL REGULATIONS

Wastewater management ensuring water quality is addressed briefly by the Tribe's health and Sanitation Ordinance, as described in Section 2.0 of this Environmental Management Plan. The ordinance adopts federal standards for the installation of sewage disposal systems.

WASTEWATER OBJECTIVES

- A. Prior to building structures for human occupancy on Tribal land that is not connected to municipal wastewater systems, complete an engineering and feasibility study for the treatment and disposal of wastewater.
- B. Seek funding sources/options to implement the recommendations of the engineering and feasibility study.
- C. Assure that development and working wastewater disposal plans for future commercial development do not compromise the recommended alternative of the engineering and feasibility study.
- D. Ensure all land, current or future, over which the Tribe has jurisdiction does not contain inefficient or leaking wastewater lines.
- E. To the extent practicable, infrastructure extensions should be short to conserve land and reduce the area of disturbance. Significant natural areas should be avoided to the extent feasible.
- F. Wastewater should be disposed of in a manner that does not affect human health or create nuisances.

3.3 SOLID WASTE

SOLID WASTE GOAL

Assure that solid waste generated by Tribal residences and businesses on Tribal land is disposed in an environmentally sound manner that achieves a high rate of recycle/reuse.

LEVEL OF IMPORTANCE RATING: *Medium*

SOLID WASTE BACKGROUND

The Tribe's properties on River receive curbside solid waste disposal services. Recycling is also available. Solid waste collection services in the rural areas of Butte County are currently provided primarily by North Valley Disposal and Norcal Waste Systems of Butte County. Subsidiaries of Waste Management (a Nationwide company), Crowder Rubbish Service, and Country Roads Disposal also collect garbage in Butte County. The Butte County Department of Public Works, Solid Waste Division is responsible for overseeing the Neal Road Landfill (the only permitted landfill in Butte County), regulating the solid waste collectors, and implementing solid waste reduction programs in Butte County. Neal Road Landfill is a 165-acre Waste Discharge Requirement (WDR) Class II and III landfill located one mile east of Highway in River handling construction/demolition wastes. The Tribe's properties are located within the River/Northern Butte County Recycling market Development Zone (RMDZ), which includes target materials and local business incentives.

ENVIRONMENTAL ISSUES –SOLID WASTE

Open burning on Tribal property is not currently an issue. However, some open burning will occur on the Tribe's 40+/- acre orchard and agricultural/traditional burning on the trust parcels. Open burning affects air quality and human health. Human health issues are amplified when residents of, or visitors to, Tribal lands are burdened with respiratory conditions.

A lack of adequate recycling and reuse also contributes to the continued depletion of the earth's natural resources. Recycling is not currently addressed in the Tribe's environmental ordinances. Open dumping is not currently a problem, but can become a problem with larger rural properties.

EXISTING TRIBAL REGULATIONS

The Tribal Government currently regulates solid waste disposal within its Health and Sanitation ordinance as described in Section 2.0 of this Environmental Management Plan, but only for the disposal of dead animals.

SOLID WASTE OBJECTIVES

- A. Develop a River Recycling Program with assistance from local solid waste disposal providers, the U.S. Environmental Protection Agency, and other Tribes. This recycling program should focus not only on typical recycled material (i.e., aluminum cans, paper, glass), but also used motor oil, oil filters, used tires, and other materials.
- B. Evaluate the need to develop and implement a recycling component of a comprehensive Environmental Protection Ordinance. This component would establish a recycling program, outline roles, responsibilities, policies and procedures, and generally outline Tribal regulations related to proper solid waste handling.
- C. Develop a Tribal educational outreach program that educates Tribal residents about materials that can be recycled, placed into trash containers, and the health consequences of not following sound disposal principals. Utilize free materials available from the EPA where applicable.
- D. Offer composting workshops to residents, as well as chipper/grinders to reduce volume of yard waste.
- E. Examine the full range of solid waste disposal service alternatives, including funding mechanisms. Utilize EPA GAP funds to establish and implement a recycling program within the overall solid waste disposal program. (NOTE: Implementation of solid waste reduction programs recently became an eligible activity under EPA's GAP program).
- F. Prepare and adopt an integrated solid waste management plan, consistent with the Environmental Policy Act, existing ordinances, or new consolidated environmental protection ordinance.
- G. Examine opportunities that may be available to the Tribe through the local RMDZ.

3.4 AIR QUALITY

AIR QUALITY GOAL

Protect and improve air quality within the Rancheria to the maximum extent possible.

LEVEL OF IMPORTANCE RATING: *High*

ODORS

At this time, there is one facility in the vicinity of the Tribe's trust properties that generate detectable offensive odors. The existing odor near the trust parcels is the Rendering Plant approx one (1) mile southwest.

AIR QUALITY BACKGROUND

Local air quality is regulated by the Butte County Air Quality Management District (AQMD). The Butte County AQMD and California Air Resources Board (CARB) collect ambient air quality data through a network of air monitoring stations in and surrounding Butte County. The Tribe's current land holdings and the trust land lie within the northern Sacramento Valley Air Basin (SVAB). The climate of the SVAB is Mediterranean in character, with mild, rainy winter weather from November through March, and warm to hot, dry weather from May through September. The physiographic features giving shape to the SVAB are the Coast Range to the west, the Sierra Nevada to the east, and the Cascade Range to the north. These mountain ranges channel winds through the Sacramento Valley but also inhibit dispersion of pollutant emissions.

As required by the Federal Clean Air Act (FCAA), the EPA established National Ambient Air Quality Standards (NAAQS) for six "criteria" air pollutants, including ozone [O₃], carbon monoxide [CO], nitrogen dioxide [NO₂], sulfur dioxide [SO₂], suspended particulate matter [PM₁₀], and lead [Pb].

Ozone is an invisible pollutant formed by chemical reactions involving nitrogen oxides, reactive hydrocarbons and sunlight. It is a powerful respiratory irritant that can cause coughing, shortness of breath, headaches, fatigue and lung damage, especially among children, the elderly, the ill and people who exercise outdoors. Ozone also damages plants, including agricultural crops, and degrades manufactured materials such as rubber and paint. Particulate matter is the fine mineral, metal, soot, smoke and dust particles suspended in the air. For health reasons, we are most concerned with inhalant particulate matter less than 10 microns in diameter (PM₁₀), which can permanently lodge in the deepest, most sensitive areas of the lung and cause respiratory and other health problems.

The air within Butte County does not fully meet the federal or state health standards for clean air. The primary pollutant of greatest concern is ozone in which violates the national level for an 8 hour period .

TOXIC AIR CONTAMINANTS

Toxic air contaminants are pollutants that are associated with acute, chronic, or carcinogenic effects and for which an ambient air quality standard has been established or, in the case of carcinogens, is appropriate.

ENVIRONMENTAL ISSUES-AIR QUALITY

Future human health and nuisance conditions could result with the development of commercial enterprises and new homes on Tribal land. This will especially be a concern if residential occupation of Tribal land occurs together with commercial development. Short-term construction issues associated with dust emissions and long-term operational issues such as dust and carbon monoxide emissions may affect residents.

EXISTING TRIBAL REGULATIONS

The Tribal Government currently has no regulations for air quality on Tribal land.

AIR QUALITY OBJECTIVES

- A. Assure that the Tribal EPA staff has review and comment responsibility over development proposals to assure compliance with future Tribal regulations that relate to air quality.
- B. Develop an Air Quality component of a consolidated Environmental Protection Ordinance.
- C. Evaluate the need to include provisions within the Air Quality regulations that address reseeding or covering of soils exposed as a result of construction or tree removal projects.
- D. Evaluate the need to include specific enforcement provisions within the Air Quality regulations that address air pollution control measures during construction activities.
- E. Create and educational program that focuses on air quality issues associated with land use and transportation. This program should include attendance at appropriate educational workshops, meetings with AQMD planners, the EPA, as well as other tribal planners and environmental professionals. The goal of this program should be to educate Tribal EPA staff about the air quality effects of land use/transportation decisions on the Rancheria.
- F. Participate in regional educational efforts aimed at improving air quality, such as notifying residents and on-Rancheria businesses during “Spare the Air” days designated by the AQMD.
- G. Employ standards Best Management Practices to reduce impacts to air quality and implement a monitoring program for construction and operational emissions related to commercial development on Tribal land.
- H. Employ Best Available Control Technologies (BACT) to any new stationary sources of air pollution on Tribal lands.

3.5 TRAFFIC EFFECTS ON ENVIRONMENT

TRAFFIC GOAL

Provide a safe, efficient, open and environmentally sensitive transportation system for the movement of people and goods on lands or to/from lands which the Tribe has or may acquire jurisdiction.

LEVEL OF IMPORTANCE RATING: *High*

TRAFFIC BACKGROUND

The Tribe owns three properties in the City of River. The administration building is located on Mission Ranch Boulevard. Mission Ranch Boulevard is an east-west residential street that connects to Esplanade Avenue to the east and Holly Avenue to the west. The Tribal housing complex is located on Court. Court is a residential loop-controlled roadway that is served by East 20th Street to the north and Elm Street to the south. The Tribe also owns a cemetery in River. The trust parcels are served by Open Road, a two-lane county maintained road connecting to Road and Highway. These parcels are currently vacant, but proposed land uses could generate thousands of vehicle trips on a typical weekday.

ENVIRONMENTAL ISSUES-TRAFFIC

Both the administration building and housing complex are located near State Route and generate numerous daily vehicle trips. However, since these lands are currently under the jurisdiction of the City of River, local roadway improvements and public safety are the responsibility of the City. The environmental impacts of these facilities were identified and mitigated by the City during the environmental review process for each project. In the absence of specific measures to avoid or reduce potential impacts, the proposed land uses on the new trust parcels could result in serious public safety issues and air quality impacts. The potential environmental impacts of this project would be identified, reported, and mitigated during the environmental review process. Potential adverse environmental impacts include, but are not limited to potential soil and water contamination due to the increase in motor vehicle use on the site, air quality impacts, and safety issues, leaking fluids from improperly maintained or aging vehicles often pose threats to the local environment when dust and stormwater runoff collect hydrocarbons and transport them to local waterways. Idling vehicles from traffic congestion can cause localized carbon monoxide problems.

EXISTING TRIBAL REGULATIONS

The Tribal Government currently has no regulations with regard to traffic within the City of River. The Tribe is addressing traffic issues with the state, local and federal agencies for its trust lands located southeast of River, CA.

TRAFFIC OBJECTIVES

- A. Investigate the significance of the effects of motorized vehicle traffic on Tribal lands and the nearby affected environment (air quality, noise, litter, fluid leakage) for all Tribal actions which have the potential to result in impacts;
- B. Develop traffic regulations to manage present and future conditions. These regulations could include Level of Service designations for present and future Tribal roadways;

- C. Educate the Tribal community and employees of the Tribe on the maintenance of vehicles and develop a carpool program;
- D. Meet and coordinate with the Bureau of Indian Affairs and Caltrans to address the problem of roadway maintenance and emergency access on Tribal lands.
- E. Design and construct permanent pollutant filters, naturally vegetated or otherwise, near natural drainage/urban interfaces throughout the Tribe's land.
- F. To the extent possible, direct existing and future sources of urban runoff toward existing vegetation buffers or detention ponds prior to entering drainages courses.
- G. Explore funding opportunities to prepare a Transportation Plan.
- H. Plan for public transit service to and from the Tribe's land and/or explore options for establishing a Tribal transit service and include specific provisions in the Tribe's Transportation Plan.
- I. Provide incentives for Rancheria employees, residents, and casino patrons to utilize public transportation to and from the Rancheria.
- J. Mitigate the potentially significant effects of Tribal projects on local roadways and intersections.
- K. Work cooperatively with local, state and federal governmental agencies, as well as other tribes to accomplish these traffic objectives.
- L. Explore the need for traffic control personnel for any large special events on Tribal lands.

3.6 RESOURCES MANAGEMENT

RESOURCE MANAGEMENT GOAL

Preserve, protect and enhance natural habitat areas on lands over which the Tribe has or may acquire jurisdiction, including creek and riparian corridors, oak woodlands, wetlands and scenic vistas.

LEVEL OF IMPORTANCE RATING: *High*

RESOURCE MANAGEMENT BACKGROUND

The Tribe's agricultural property and trust parcels contain a considerable amount of natural resources, particularly the large parcel south of River. This parcel contains an extensive network of vernal pools and other wetlands, a relatively large segment of Clear Creek, and numerous trees within its riparian corridor. The smaller trust parcel contains some unique geologic features and could be considered a visual resource.

ENVIRONMENTAL ISSUES-RESOURCE MANAGEMENT

Wetlands are a vital element in the biosphere, but they are disappearing and being degraded rapidly. Until recently, they have been regarded by many as nuisances to be drained, cleared, filled, or inundated.

Now we have begun to realize that in their natural state wetlands produce numerous benefits, which are irreplaceable if lost or can only be replaced at great expense. Wetland functions include regulation of water flows for flood control, storing water and buffering the effects of storms, filtering and purifying water, and providing essential habitat for flora and fauna. Wetlands and native oak trees were a food source and of cultural significance to the River Indians indigenous to the area and are still utilized by some Native Americans. The Tribe believes that these wetlands and oak trees represent significant natural features that warrant protection.

As the Tribe's land base grows, so will the pressure for land development and resource extraction to meet the needs of Tribal members. As with all land managers, the Tribe will face the challenge of providing growth and opportunity to meet the needs of its members while maintaining environmental quality.

EXISTING TRIBAL REGULATIONS

Wetlands are currently protected by the Tribe's Water Quality Ordinance, as summarized in Section 2.0 of this Environmental Management Plan.

RESOURCE MANAGEMENT OBJECTIVES

- A. Determine windbreak and visual buffer needs of Rancheria residents and the Tribal Government.
- B. Develop a plan, to be adopted by the Tribal Council that addresses existing and future resource extraction demands and alternative methods to meet this demand. This plan should also include a public outreach program that provides Rancheria residents with: (1) clear guidelines to be followed for harvesting resources on the Rancheria, and (2) the environmental and monetary effects of not following the regulations.
- C. Based on objectives above, explore the need to clarify, tighten, and create enforcement mechanisms (via a consolidated Tribal Environmental Protection Ordinance) of resource extraction permit requirements.
- D. Develop and adopt policy regarding vegetation removal resulting from development projects and implement policy by incorporating specific regulations into the Environmental Protection Ordinance.
- E. Conduct comprehensive environmental inventory of Tribal lands not previously inventoried. Inventories should identify all natural resources present on Tribal land and identify opportunities and constraints with regards to future development or resource extraction. Recent, color aerial photographs and GIS layers should be utilized to the extent possible.

F. Consider surveying all significant riparian habitats, drainages, oak trees, wetlands, scenic vistas, and other natural areas within land over which the Tribe has or may acquire jurisdiction with the intent to establish permanent building exclusion areas.

3.7 WATER QUALITY

WATER QUALITY GOAL

Assure that the various existing and planned uses on lands over which the Tribe has jurisdiction or may acquire jurisdiction promote the maintenance of a high level of water quality within the Tribe's waterways and groundwater basins.

LEVEL OF IMPORTANCE RATING: High

WATER QUALITY BACKGROUND

Currently, the Tribe's properties in River receive safe drinking water from the City of River municipal system. The City is responsible for ensuring that water delivered complies with the Safe Drinking Water Act (SDWA). The SDWA, which celebrates its 25th anniversary in 1999, is the main federal law that ensures the quality of Americans' drinking water. Under SDWA, EPA sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards. In 1996, Congress amended the SDWA to emphasize sound science and risk-based standard setting, small water supply system flexibility and technical assistance, community-empowered source water assessment and protection, public right-to-know, and water system infrastructure assistance through a multi-billion-dollar state revolving loan fund. The City must also comply with California's safe drinking water regulations.

The trust parcels contain significant surface water and overly at least one and possibly two groundwater basins. They are located within the Feather River watershed and generally drain toward private agricultural lands and the Thermolito Afterbay below Lake Oroville to the south. Clear Creek flows through the southeastern portion of the property from northeast to southwest. According to the USGS topographic quadrangles, Clear Creek is a blue-line stream (which typically indicates a perennial stream), although it appears shallow and flashy and may in fact run dry during the summer months. Field verification by a specialist could determine the nature of this stream. There is also a small intermittent drainage in the northwest portion of the large parcel along with numerous natural swales, vernal pools, and other drainage features located east of Clear Creek. Dry Creek is located just south of the property and forms a floodplain together with Clear Creek. Most of the stream channels have been modified very little by previous agricultural development of the property, although land leveling, irrigation ditching, and erosion from cattle ranching have reduced the flow capacity and volume of flood storage naturally available along the stream channels. Domestic water in this area is from individual groundwater wells and pump systems.

The Tribe irrigates its agricultural parcel northwest of River via a ground water well. There are no major surface waters.

ENVIRONMENTAL ISSUES-WATER QUALITY

Water quality could be impacted by “daylighting” resulting from inadequate septic systems, failure of on-site wastewater treatment and disposal systems, as well as stream crossings, roadcuts, and construction activities. New development will bring urban runoff and the Tribe will be challenged to control pollutants at their sources. New construction within a recognized flood hazard area could pollute floodwaters. Pesticides, herbicides, insecticides, rodenticides, and other chemicals have the potential to pollute local ground and surface water on the Tribe’s agricultural property. Water quality monitoring is much needed.

EXISTING TRIBAL REGULATIONS

The Tribal Government currently has a Health and Safety Ordinance and Water Quality Ordinance, which address drinking water and surface water quality. These ordinances are summarized in Section 2.0 of this Environmental Management Plan.

WATER QUALITY OBJECTIVES

- A. Implement the Wastewater Objectives.
- B. Coordinate with Indian Health Services to develop a Water Monitoring Program for the Tribe’s water resources. This program should include: (1) an inventory of the Tribe’s water resources to determine baseline water quality, and (2) measures to be implemented during and after construction activities.
- C. Include specific Best Management Practices within a consolidated Environmental Protection Ordinance.
- D. Consider adopting a “no net loss” wetlands policy and include the specifics contained in the Water Quality Ordinance within a consolidated Environmental Protection Ordinance.
- E. Create development rules that encourage clustered development and minimize land coverage, especially near water resources.
- F. Conduct an information campaign to encourage members, future residents, or landscape employees to avoid over-watering of lawns and gardens.
- G. Fix and clean vehicles at commercial washes, which filter and recycle water, and keep paint and other construction materials out of storm drains.

H. Implement the strong enforcement provisions included in the Health and Safety and water Quality Ordinance and place within a comprehensive Environmental Protection Ordinance.

I. Consider creating a Code Enforcement Officer position within the Tribal Government and include the inspection for leaky trash bins in parking lots, erosion at construction sites, outdoor washing of commercial equipment and any other activity that puts polluted runoff in drainage ways to the inspection checklist.

J. Commission grading, drainage, and erosion control plans for all development within Tribal lands or lands acquired by the Tribe. Discourage large unsightly detention basins in favor of wider, unlined drainage channels that mimic serpentine creeks. Aquatic plants should absorb pollutants and streamside vegetation should attract wildlife and turn flood control projects into a productive natural areas.

K. Ensure that all fill material placed within floodplains is clean.

L. Consider increasing the maximum distance between wells and waste disposal systems to 100 feet or more.

M. Prepare a Water Quality Assurance Plan, which includes provisions for monitoring water quality on Tribal lands.

3.8 CULTURAL RESOURCES

CULTURAL RESOURCES GOAL

Assure that existing or discovered cultural resources on the Tribe's land are handled and maintained with of a high level of care and respect.

LEVEL OF IMPORTANCE RATING: *High*

CULTURAL RESOURCES BACKGROUND

Currently, all Tribal lands are within the aboriginal territory of the River. There are known cultural resources, prehistoric and historic, within the Tribe's River properties on its 40+/- acre almond orchard northwest of River. All of these parcels have been extensively disturbed. The Tribe commissioned an archaeological inventory of the 626 +/- acre site south of River. A total of one historic site and 11 isolated prehistoric finds were reported. Due to the site's general location, proximity to Clear Creek and Dry Creek, and unique geologic features, it is considered sensitive to the presence of subsurface cultural resources.

PRESERVATION ISSUES-CULTURAL RESOURCES

New ground disturbing activities on Tribal lands could affect subsurface cultural resources. The Annual grassland vegetation communities on the land make ground visibility low in many areas, which could hide previously unrecorded sites.

EXISTING TRIBAL REGULATIONS

The Tribal Government currently has no ordinances relating to cultural resource management.

CULTURAL RESOURCES OBJECTIVES

- a. Prepare and implement Cultural Resources regulations to be included within an overall Tribal Environmental Protection Ordinance.
- b. Develop a monitoring/inventory program for existing and discovered prehistoric, archaeological, and historic resources on Tribal land.
- c. Implement the recommendations contained in the inventory conducted by Far Western Anthropological Research Group.
- d. Work cooperatively with local, state and federal governmental agencies to ensure there is no loss or degradation of known or undiscovered prehistoric, archaeological, and historic resources.

3.9 FLOODPLAIN MANAGEMENT

FLOODPLAIN MANAGEMENT GOAL

Provide adequate flood protection to all persons and property on land over which the Tribe has or may acquire jurisdiction while avoiding impacts to water quality and maintaining the natural function of floodplains.

LEVEL OF IMPORTANCE RATING: *High*

FLOODPLAIN MANAGEMENT BACKGROUND

The Tribe's agricultural property at 7074 Cana Highway, northwest of River, is entirely within a large floodplain formed by the Sacramento River to the west. Portions of the trust parcels are also located within an identified flood hazard area, including the area slated for development.

ENVIRONMENTAL ISSUES-FLOODPLAIN MANAGEMENT

Issues related to floodplain management range from human safety and loss of life, to property or crop damage and water quality considerations.

EXISTING TRIBAL REGULATIONS

There are no current Tribal regulations with regard to floodplain development or management. The Tribe adheres to FEMA floodplain regulations as a reference.

FLOODPLAIN MANAGEMENT OBJECTIVES

- A. Work with FEMA and local agencies to develop a disaster preparedness plan.
- B. Consider participating in the National Flood Insurance Program (NFIP) by agreeing to adopt and enforce minimum flood loss reduction standards to regulate development in special flood hazard areas.
- C. Guide development away from flood hazard areas and require flood resistant design and construction practices where practicable.
- D. Where development must occur within identified floodplains, establish base flood elevations (DFEs), as necessary and elevate the base floor at least two feet above the BFE. Where establishing BFEs is not feasible, elevate the lowest floor of structures two feet above the highest adjacent grade or otherwise comply with local floodplain regulations.
- E. Evaluate alternative flood control projects.
- F. Avoid downstream impacts resulting from alterations to the floodplain. Prepare grading, drainage, and erosion control plans to ensure that off-site peak flows received from Tribal lands are not increased by Tribal development projects.
- G. Keep impermeable surfaces to a minimum necessary to serve primary land uses on Tribal lands.

Emergency Response

Emergency Response GOAL

Assure that manmade or natural disasters are treated with full safety considerations on the Tribe's land are handled and maintained with of a high level of response.

LEVEL OF IMPORTANCE RATING: *High*

Emergency Response BACKGROUND

The Tribe recognizes the possibility of all natural and manmade emergencies; these issues will be addressed with the Tribes internal procedures.

SECTION 4.0

PROTECTION OF FEDERALLY LISTED SPECIES AND ASSOCIATED HABITATS

4.1 INTRODUCTION

This section of the Plan addresses the protection of federally listed species and their habitats on the Tribe's 626 +/- acre property. Due to the presence of numerous vernal pools and other seasonal wetlands within the property, the Tribe believes this issue warrants special attention.

4.2 BACKGROUND

Potential habitat for federally listed species occurring within the Tribe's 626 +/- acre property (**Figure 5**) includes vernal pools, seasonal wetlands, and wetland swales. The protection and conservation of these habitat types is important to the Tribe and other governments. A discussion of these habitat types is provided below.

4.2.1 POTENTIAL HABITAT FOR FEDERALLY LISTED SPECIES

VERNAL POOL

Numerous vernal pools are present on the 626 +/- acre property as inclusions within annual grassland habitats. The pools form in shallow depressions within the low-lying grasslands, upland terraces, and "mima-mound" formations found on the property. The vernal pools are characterized as relatively shallow, seasonally inundated basins that support a typical vernal pool plant community. Characteristic vegetation included within the vernal pools includes coyote-thistle (*Eryngium yuccifolium*), common spikerush (*Eleocharis macrostachya*), popcorn flower (*Plagiobothrys stipitatus*), woolly marbles (*Psilocarphus brevissimus*), downingia (*Downingia* spp.), toad rush (*Juncus bufonius*), white vernal pool navarretia (*Navarretia leucocephala*), Fremont's goldfields (*Lasthenia fremontii*), and slender woollyheads (*Psilocarphus tenellus*). Vernal pools provide resources for wildlife and support a variety of sensitive plant and animal species, including federally listed species.

SEASONAL WETLAND

Seasonal wetlands are present on the 626 +/- acre property and occur primarily in association with the vernal pools. These features are characterized as shallow depressions that remain saturated for a sufficient period of time to seasonally support wetland vegetation, but do not support the vegetation community typically associated with vernal pools. Characteristic vegetation within the seasonal wetlands include English ryegrass, barley, common spikerush, coyote-thistle, popcorn flower, and other plants tolerant of seasonally saturated conditions. Wildlife values of the seasonal wetlands habitat are similar to those of vernal pools.

WETLAND SWALE

The wetland swales are characterized as linear, shallow topographic depressions that interconnect and drain the wetland habitats and collect surface runoff from other areas of the property. Vegetated portions of the wetland swales support a species composition similar to that of the vernal pools and seasonal wetlands, as well as species found in the adjacent grasslands.

4.2.2 FEDERALLY LISTED SPECIES

Based upon a review of regionally occurring special-status species, relevant literature and field assessments, the 626+/- acre property represents potential habitat for several federally listed species, including Hoover's spurge (*Chamaesyce hooveri*), Butte County meadowfoam (*limnanthes floccose* ssp. *californica*), hairy orcutt grass (*Orcuttia pilosa*), Greene's tuctoria (*Tuctoria greenei*), conservancy fairy shrimp (*Branchinecta conservatio*), vernal pool fairy shrimp (*Branchinecta lynchi*), and vernal pool tadpole shrimp (*Lepidurus packardi*).

4.2.3 PROPOSED CRITICAL HABITAT DESIGNATION

Vernal pools and other wetland habitats are the target of a proposed critical habitat designation by the U.S. Fish and Wildlife Service (USFWS) which would include approximately 70,000 acres in Butte County, including the Tribe's 626+/- acre property. Under the Endangered Species Act (ESA), critical habitat refers to specific geographic areas that are essential for the conservation of a threatened or endangered species and may require special management considerations. The USFWS is the federal agency charged with designating critical habitat.

4.2.4 SECRETARIAL ORDER No. 3206

Secretarial Order No. 3206, *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act*, governs the manner in which agencies within the Department of Interior and Department of Commerce work with federally recognized tribes to protect threatened or endangered species. Secretarial Order No. 3206 (Order) was issued by the Secretary of the Interior and the Secretary of Commerce pursuant to the Endangered Species Act of 1973, 16 U.S.C. 1531, as amended, the federal-tribal trust relationship, and other federal law.

Specifically, the Order clarifies the responsibilities of the component agencies, bureaus and offices of the Department of the Interior and the Department of Commerce, when actions taken under authority of the ESA and associated implementing regulations affect, or may affect, Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Order. The Order further acknowledges the trust responsibility and treaty obligations of the United States toward Indian tribes and tribal members and its government-to-government relationship in dealing with tribes. Accordingly, the Departments must carry out their responsibilities under the ESA in a manner that harmonizes the federal trust responsibility to tribes, tribal sovereignty, and statutory missions of the Departments, and that strives to ensure that Indian tribes do not bear a disproportionate burden for the conservation of federally listed species, so as to avoid or minimize the potential for conflict and confrontation.

The Order states that the unique and distinctive political relationship between the United States and Indian tribes is defined by treaties, statutes, executive orders, judicial decisions, and agreements, and differentiates tribes from other entities that deal with, or are affected by, the federal government. This relationship has given rise to a special federal trust responsibility, involving the legal responsibilities and obligations of the United States toward Indian tribes and the application of fiduciary standards of due care with respect to Indian lands, tribal trust resources, and the exercise of tribal rights.

Under the Order, federal agencies must recognize the importance of tribal self-governance and the protocols of a government-to-government relationship with Indian tribes. Long-standing congressional

and administrative policies promote tribal self-government, self-sufficiency, and self-determination, recognizing and endorsing the fundamental rights of tribes to set their own priorities and make decisions affecting their resources and distinctive ways of life. Each agency must recognize and respect, and must consider, the value that tribal traditional knowledge provides to tribal and federal land management decision-making and tribal resource management activities. The Order also states that each agency must recognize that Indian tribes are governmental sovereigns; inherent in this sovereign authority is the power to make and enforce laws, administer justice, manage and control Indian lands, exercise tribal rights and protect tribal trust resources. Each department must be sensitive to the fact that Indian cultures, religions, and spirituality often involve ceremonial and medicinal uses of plants, animals, and specific geographic places.

The Order states that Indian lands are not federal public lands or part of the public domain, and are not subject to federal public land laws. They were retained by tribes or were set aside for tribal use pursuant to treaties, statutes, judicial decisions, executive orders or agreements. These lands are managed by Indian tribes in accordance with tribal goals and objectives, within the framework of applicable laws. Because of the unique government-to-government relationship between Indian tribes and the United States, the agencies and affected Indian tribes need to establish and maintain effective working relationships and mutual partnerships to promote the conservation of sensitive species (including candidate, proposed and listed species) and the health of ecosystems upon which they depend. Such relationships should focus on cooperative assistance, consultation, the sharing of information, and the creation of government-to-government partnerships to promote healthy ecosystems. In facilitating a government-to-government relationship, the Departments may work with intertribal organizations, to the extent such organizations are authorized by their member tribes to carry out resource management responsibilities.

RESPONSIBILITIES

To achieve the objectives of Secretarial Order No. 3206, the heads of all agencies, bureaus and offices within the Department of the Interior, and the Administrator of the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce, are responsible for ensuring that the following principles are followed:

Principle 1. Work directly with Indian tribes on a government-to-government basis to promote healthy ecosystems.

Principle 2. Recognize that Indian lands are not subject to the same controls as federal public lands.

Principle 3. Assist Indian tribes in developing and expanding tribal programs so that healthy ecosystems are promoted and conservation restrictions are unnecessary.

- (A) Take Affirmative steps to assist Indian tribes in developing and expanding tribal programs that promote healthy ecosystems.
- (B) Recognize that Indian tribes are appropriate governmental entities to manage their lands and tribal trust resources.
- (C) Support tribal measures that preclude the need for conservation restrictions.

Principle 4. Be sensitive to Indian culture, religion and spirituality.

Principle 5. Make available to Indian tribes information related to tribal trust resources and Indian lands, and, facilitate the mutual exchange of information, and strive to protect sensitive tribal information from disclosure.

The Appendix to Secretarial Order No. 3206 states that it shall be the responsibility of each Service's regional and field offices to maintain a current list of tribal contact persons within each Region, and to ensure that meaningful government-to-government communication occurs regarding actions to be taken under the ESA. Although the River Indian Tribe was not consulted on a government-to-government basis of the proposed critical habitat designation, and is therefore in a disadvantaged position, it has learned of the proposed designation and has formally requested that the Tribe's land be excluded from the proposed critical habitat area. Instead, the River Tribe desires to exercise its sovereignty and manage its own natural resources consistent with Secretarial Order 3206. Management will occur pursuant to this Environmental Management Plan and other laws and authorities of the Tribe.

4.3 MANAGEMENT OBJECTIVES

4.3.1 FEDERALLY LISTED SPECIES PROTECTION GOAL

Provide a means whereby the habitats upon which endangered and threatened species depend may be conserved and provide a program for the conservation of such species and take actions that are appropriate to achieve this goal.

LEVEL OF IMPORTANCE RATING: *High*

4.3.2 EXISTING TRIBAL REGULATIONS

The Tribe's Water Quality Ordinance contains regulations regarding the protection of wetland habitats. However, no specific regulations exist with regard to federally listed species and associated habitats.

4.3.3 MANAGEMENT OBJECTIVES

- A. Avoid, reduce, or minimize the impacts of future projects on federally listed species and associated habitats.
- B. Work to restore and maintain healthy ecosystems and enhance Tribal management plans that may affect federally listed species.
- C. Provide notification to, use the expertise of, and solicit information from the USFWS and other federal agencies to protect federally listed species.
- D. Protect federally listed species on lands that the federal government holds in trust for the Tribe.
- E. Prevent the direct or indirect "take" of federally listed species to the extent feasible.
- F. Conduct environmental studies and prepare environmental documents for all Tribal projects, which have the potential to affect federally listed species.

G. Consider all environmental documents prior to approving Tribal projects that may adversely affect federally listed species.

H. Where potentially significant impacts are identified, incorporate specific mitigation measures into new Tribal projects prior to and during construction.

I. Comply with all applicable federal environmental laws, particularly the Endangered Species Act.

J. Seek funding sources/options to implement the recommendations of this management program.

4.4 MANAGEMENT PROGRAM

4.4.1 CONSULTATION WITH ENVIRONMENTAL DEPARTMENT

Any developer, Tribal or non-Tribal, that wishes to obtain a permit for new construction or any other land use requiring a permit must first consult with the Environmental Department to determine if there is a potential to adversely affect federally listed species or their habitats. The Environmental Department shall contact the USFWS for technical assistance in determining potential impacts and an appropriate course of action. If it is determined by the Environmental Department, after consulting the USFWS, that no potential exists, no further action is necessary with regard to federally listed species (all other conditions of permit issuance apply). If it is determined that the potential for an adverse affect does exist, the applicant of the Environmental Department shall contact a qualified biologist to survey the habitat and determine the presence/absence of federally listed species, or choose to assume that federally listed species occur within the subject habitat. Depending on the magnitude of potential impacts, programmatic and/or project specific mitigation measures shall be required by the Environmental Department. Programmatic mitigation measures are described below and summarized in **Table 1**.

4.4.2 PROGRAMMATIC MITIGATION MEASURES

A. For any action or project that may directly or indirectly affect vernal pools, protocol level surveys shall be conducted for vernal pool branchiopods in accordance with the USFWS's 1996 Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for Listed Vernal Pool Branchiopods. Indirect impacts are assumed for all projects within 250 feet. Project proponents may choose to forgo surveys and assume the presence of listed species, provided authorization to deviate from the protocol is given by the Environmental Department in consultation with the USFWS. If presence or occupation is assumed, programmatic mitigation measures D, E, F, and G (below), as applicable, shall be implemented. If a project may impact a pool containing suitable habitat conditions for Conservancy fairy shrimp, protocol level surveys must be conducted. If conservancy fairy shrimp (*Branchinecta conservation*) is found to occupy the site, then the USFWS shall be contacted to discuss conservation options. The Tribe shall not issue a permit until the Tribe and USFWS have reached an agreement regarding conservation measures for this species.

B. If protocol level surveys do not reveal the presence of federally listed vernal pool species, the programmatic mitigation measures D, E, F, and G (below) shall not apply. Instead, vernal pool creation shall be provided at a ration of 1:1 for jurisdictional pools and preservation at 1:1 for non-jurisdictional pools.

C. The Environmental Department shall talk with the USFWS on a regular basis (at least annually) to get an update on the status of listed species that may occur on or near the project site as well as policies that have been developed by the USFWS to ensure their conservation.

D. For projects that have minimal (up to one acre) impacts, directly or indirectly, to vernal pool, seasonal wetland, or wetland swale habitat subject to corps jurisdiction, vernal pool credits shall be permanently preserved on the 626+/- acre property or dedicated within an approved wetland mitigation bank at a ration of 2:1. The Environmental Department shall consult with the USFWS to identify approved wetland mitigation banks and the value of site-specific conservation areas.

E. For projects that have minimal (up to one acre) direct impacts to vernal pool, seasonal wetland, or wetland swale habitat subject to Corps jurisdiction, vernal pool creation or restoration credits shall be dedicated within an approved wetland mitigation bank at a ration of 1:1, or, based on site-specific evaluation of conservation values on site, vernal pool habitat shall be created and monitored on the 626+/- acre property at the same ratio. The Environmental Department shall consult with the USFWS to identify approved wetland mitigation banks and evaluate the value of on-site conservation areas. On site restoration of vernal pools shall only occur where there is a historic footprint/signature to use. Aerial photography shall be used to detect these footprints. Vernal pools shall not be created on site within a functioning vernal pool complex where pools formerly did not exist, even if soil conditions are suitable. The only areas that creation/restoration should occur on the 626+/- acre property is in the areas that do not contain natural habitat and in areas that are at least 250 feet away from any natural vernal pools or swales.

F. For projects that impact more than one acre of vernal pool, seasonal wetland, or wetland swale habitat subject to Corps jurisdiction, vernal pool credits shall be permanently preserved on the 626+/- acre property or dedicated within an approved wetland mitigation bank at a ration of 3:1. The Environmental Department shall consult with the USFWS to identify approved wetland mitigation banks and the value of site-specific conservation areas. Vernal pool creation or restoration credits shall be dedicated within an approved wetland mitigation bank at a ration of 1:1, or, based on site-specific evaluation of conservation values on site, vernal pool habitat shall be created and monitored on the 626+/- acre property at the same ratio. The Environmental Department shall consult with the USFWS to identify approved wetland mitigation banks and evaluate the value of on-site conservation areas. On site restoration shall only occur where there is a historic footprint/signature to use. Vernal pools shall not be created on site within a functioning vernal pool complex where pools formerly did not exist. The only areas that creation/restoration should occur on the 626+/- acre property is in the areas that do not contain natural habitat and in areas that are at least 250 feet away from any natural vernal pools or swales.

G. For those projects impacting vernal pools that are not jurisdictional "Waters of the U.S.", for which listed species are present or assumed to be present, vernal pool credits shall be permanently preserved on the 626+/- acre property or dedicated within an approved wetland mitigation bank at a ratio of 3:1 or at a ration otherwise agreed upon by the Tribe and the USFWS.

H. A minimum of one year of protocol level surveys conducted per the USFWS's plant survey guidelines (i.e. inventory surveys rather than targeted surveys) shall be conducted for all listed plants that have the potential to occur in the project area. If the Environmental Department in consultation with the USFWS determines that the timing of surveys or conditions for germination were not adequate, the project proponent may be asked to do additional surveys. For impacts to vernal pools containing listed plants, the USFWS shall be contacted to discuss avoidance measures. If populations of listed plants

cannot be avoided, Environmental Department will work with the USFWS to develop minimization measures and appropriate compensation ratios. If surveys reveal that impacted vernal pools are unoccupied, no additional measures with regard to listed plant species shall be required.

I. Vernal pool habitat and associated upland habitat utilized as on-site mitigation shall be protected from adverse impacts and managed in perpetuity. If a future proposal to exchange such areas for credits within an approved mitigation banking system is identified, the Tribe and the Environmental Department shall work with USFWS to identify an appropriate mitigation bank and a process to exchange such areas.

J. Projects that intend to avoid adverse impacts to potential habitat for federally listed species shall be inspected for compliance with avoidance measures to ensure that no necessary take listed species or destruction of their habitat occurs. Compliance monitors shall have the authority to stop work and shall be required to immediately report any unauthorized impacts to the Environmental Department, which shall take appropriate action.

K. Best Management Practices (BMPs) including protective fencing, posted signs, erosion control measures, or other appropriate measures shall be used to protect vernal pools and other wetland habitats located in the vicinity of project areas.

L. All on-site construction personnel shall receive instruction regarding the presence of federally listed species and the importance of avoiding impacts to these species and their habitats.

M. Activities that are deemed by the Tribe to be inconsistent with the maintenance of the suitability of remaining vernal pool habitat and associated watershed on-site are prohibited. This may include, but is not limited to, 1) alteration of existing topography or any other alternation or uses for any purposes, including the exploration for or development of mineral extraction; 2) placement of any new structures on these lands; 3) dumping, burning, and/or burying of rubbish, garbage, or any other wastes or fill materials; 4) building of any new roads or trails; 5) killing, removal, alteration, or replacement of any existing native vegetation; 6) placement of stormwater drains; 7) fire protection activities not required to protect existing structures at the project site; and 8) use of pesticides.

TABLE 1
SUMMARY OF PROGRAMMATIC MITIGATION MEASURES

Additional project-specific mitigation measures can be required by the Environmental Department and are encouraged as part of any given project.

SECTION 5.0

ADMINISTRATION AND FUNDING

5.1 ADMINISTRATION

The current structure of the Tribal Government includes the following positions that would be available to implement the provisions of this plan:

- Director, Environmental Department
- Tech I, Environmental Department
- Tech II, Environmental Department
- Tribal Administrative Officer

Environmental Department will be assigned the leadership role in the implementation of this Environmental Management Plan. The Director, Environmental Department will be responsible for the overall management and oversight of the Environmental Program, which includes coordination, tracking, managing data, and submitting program activity reports for each of the studies and programs enumerated within this Plan.

5.2 FUNDING

An existing resource that can be used for funding research is the *Tribal Environmental and Natural Resource Assistance Handbook* (March 1999). This handbook was developed by the Domestic Policy Council Working Group on American Indians and Alaska Natives. Some of the financial assistance programs that could be used by the Tribe in the implementation of this Environmental Management Plan are profiled below:

U.S. EPA, Office of Enforcement and Compliance Assurance (OECA): Tribal Municipal Solid Waste Programs. EPA headquarters provides funds to the nine EPA Regions where federally recognized Tribes exist. The EPA Regions may provide funds directly to Tribal governments or use the money to support EPA programs that support Tribal municipal solid waste activities. The purpose of the assistance is to aid Tribal governments in addressing existing solid waste programs and/or designing new ones. The funds provide the Tribal governments the opportunity to adopt or integrate existing solid waste management programs or try innovative approaches to establishing deterrents to pollution and greater compliance with the solid waste requirements of Resource Conservation and Recovery Act.

U.S. EPA, Office of Environmental Justice: Environmental Justice Small Grants. The purpose of the assistance is to assist Tribal governments that are working on local solutions to local environmental justice issues.

U.S.D.A. Forest Service: Stewardship Incentive Program. The purpose of the assistance is to provide cost-sharing to eligible non-industrial landowners for tree planting and improvement, establishing

windbreaks, protecting soil and water, improving fish and wildlife habitat, aesthetics, and forest recreation.

U.S.D.A. Forest Service: Forest Stewardship Program. The purpose of the program is to assist in the preparation of landowner forest stewardship plans to meet the landowner objectives, and to address actions needed to protect and enhance soil, water, range, aesthetics, recreation, timber, and fish and wildlife resources.

U.S.D.A. Rural Utility Service: Technical Assistance and Training Grants. The purpose of the assistance is to provide technical assistance and training to associations located in rural areas and to cities and towns with populations of 10,000 or less. Assistance may be provided to identify and evaluate solutions to water and waste disposal problems, to improve the operation and maintenance of existing water and waste disposal facilities, and to assist associations in preparing applications for water and waste disposal facilities.

- Develop and enhance the Tribal environmental regulatory infrastructure required to support a Tribal environmental program, and to regulate and enforce environmental activities on Indian lands pursuant to federal and Indian law,
- Develop regulations, ordinances and laws to protect the environment,
- Develop the technical and program capacity to carry out a comprehensive Tribal environmental program and perform essential environmental program functions,
- Promote environmental training and education of Tribal employees,
- Develop and technical and program capability to meet Tribal and federal regulatory requirements,
- Develop technical and program capability to monitor compliance and enforcement of Tribal environmental regulations, ordinances, and laws, and
- Ensure the Tribal court system enforcement requirements are developed in concert with and support the Tribe's comprehensive environmental program.

U.S.D.A Natural Resources Conservation Service: Watershed Projects. The purpose of the financial and technical assistance is to help cities, towns, Indian Tribes and rural areas stimulate economic growth through watershed projects to control flooding, erosion, and siltation. Projects may include reservoir construction, flood control dams, and diversion channels for irrigation.

U.S.D.A. Natural Resources Conservation Service: Plant Material Centers. The Plant Material Centers provide "seed" plants that are religiously and culturally significant to Indian people. Eligible recipients include anyone interested in reestablishing native plants.

U.S.D.A. Natural Resources Conservation Service: Wetland Reserve Program. The purpose of the financial and technical assistance is to help landowners restore wetlands in exchange for retiring marginal agricultural land. Landowners who choose to participate in WRP may sell conservation easements or enter into a cost-share restoration agreement with the USDA to restore and protect wetlands.

U.S. Health and Human Services, HHS, Office of Environmental Health and Engineering: Sanitation Facilities Construction Program (SFC): The purpose of the financial and technical

assistance is promote the cooperative development and continued operation of safe water, wastewater, and solid waste systems for Indian communities.

U.S. Department of Interior, Fish and Wildlife Service: Partners for Wildlife. The purpose of the financial assistance is to improve and protect fish and wildlife habitat on private lands through alliances.

U.S. Department of Interior, Fish and Wildlife Service: North American Wetlands Conservation Act. The purpose of the financial assistance is to support efforts to promote wetlands conservation and associated habitats for migratory birds and other wildlife species.

U.S. Department of Interior, Fish and Wildlife Service: Tribal Landowner Incentive Program. The purpose of the financial assistance is to supplement the existing landowner incentive programs that provide technical or financial assistance to private landowners to benefit species at risk.

U.S. Department of Interior, Fish and Wildlife Service: Tribal Wildlife Grants- for Federally Recognized Tribes. The purpose of the program is to support development of wildlife conservation plans and on-the-ground conservation projects.

U.S. Department of Interior, Fish and Wildlife Service: Cooperative Conservation Initiative. The purpose of the financial assistance is to support efforts to restore natural resources and establish or expand wildlife habitat.

Federal Highway Administration: Congestion Mitigation and Air Quality Improvement Program. The purpose of this financial assistance is to fund projects and programs for areas that do not meet the National Ambient Air Quality Standards. Eligible projects include those that will reduce transportation-related emissions, such as transit improvements, travel demand management strategies, traffic flow improvements, and public fleet conversions to cleaner fuels.

Federal Highway Administration: Bicycle Transportation and Pedestrian Walkways. The purpose of this financial assistance is to promote the increased use of bikes and walking as transportation modes. Bicycle and pedestrian projects may be on- or off-road facilities.

U.S. EPA, Office of Science and Technology: CWA Section 303-Water Quality Standards. The purpose of this financial assistance is to fund Tribes developing water quality standards that are composed of designated uses of bodies of water, narrative and numeric criteria, and anti-degradation procedures.

U.S. EPA, Office of Wastewater Management: CWA Section 106-Water Pollution Control Grants. The purpose of this financial assistance is to fund Tribes developing water quality standards that are composed of designated uses of bodies of water, narrative and numeric criteria, and anti-degradation procedures.

The use of the above-mentioned programs, as well as other resources, would assist the Tribe in developing the necessary studies, ordinances and implementation programs that will result in a successful environment program.

INDICATORS

Indicators of Core Administrative Capacities (AC)

- AC 1 Organizational system for the environmental program that defines staff roles and responsibilities, describes the relationship of the environmental program to tribal leadership and other departments, and includes supporting personnel management policies/procedures. (B.2.1)
- AC 2 Staff with appropriate skills, knowledge and experience to manage the environmental program. (B.2.2)
- AC 3 Training plan for staff that reflects the capacity-building priorities for the environmental program. (B.2.3)
- AC 4 Program evaluation system for use in determining whether program objectives are met, fiscal resources are appropriately managed, and assistance award requirements satisfied. (B.2.4)
- AC 5 Intergovernmental agreements (tribal, federal, state, local) necessary to implement the environmental program. (B.2.5)
- AC 6 Written procedures similar to the Administrative Procedure Act to ensure meaningful involvement and fair treatment in public participation. (B.2.6)
- AC 7 Organizational filing/records retention system and policies (paper and electronic). (B.2.7)
- AC 8 Policies and procedures to coordinate tribal environmental protection programs with other tribal government initiatives (e.g., transportation, housing, infrastructure, economic development, and natural resource management). (B.2.8)

Indicators of Air Quality Program Capacity (AQ)

- AQ 1 Tribe has established a staffing plan (position description and recruitment/retention/promotion plan) for who will serve as tribal air quality/indoor air quality program coordinator(s). (C.3.1)
- AQ 2 Staff has completed appropriate training and acquired baseline knowledge and skills related to the CAA (become familiar with the major goals, programs, and requirements of the CAA; the national structure for implementing the CAA; and the EPA regional personnel and organization). (C.3.2)
- AQ 3 Staff has completed appropriate indoor air quality training and acquired skills related to indoor air quality (e.g., Healthy Homes training). (C.3.3)
- AQ 4 Tribe has established a program to meaningfully participate in air quality management programs administered by other tribal, federal, state, or local governments (including reviewing and commenting on air quality standards and facility permit actions). (C.3.4)
- AQ 5 Tribe is receiving funding under the CAA or other related EPA media specific program. (C.3.5)
- AQ 6 Tribe has completed an emissions inventory and submitted to the National Emissions Inventory Database. (C.3.6)
- AQ 7 Tribe has developed an air monitoring strategy and associated quality assurance project plan. (C.3.7)
- AQ 8 Tribe has established a program to collect and upload quality assured ambient air monitoring data into the Air Quality System (AQS) database. (C.3.8)
- AQ 9 Tribe has completed a report analyzing air quality and radiation hazard issues impacting the tribe and evaluated air pollution control options (identifies air pollution sources and known levels of emissions, defines potential human health and environmental impacts of current air quality, and provides recommendations for action). (C.3.9)
- AQ 10 Tribe has completed an indoor air quality assessment and report. (C.3.10)
- AQ 11 Tribe has established a radon program that tests residential and other occupied structures for radon, identifies those above the EPA action level, and conducts outreach and education in the community. (C.3.11)
- AQ 12 Tribe has prepared a report recommending actions to improve indoor air quality and reduce levels for radon, mold, moisture, and environmental pollutants. (C.3.12)

- AQ 13 Tribe has incorporated indoor air quality improvements or features as part of building renovation programs(e.g., weatherization and rehabilitation) and new construction. (C.3.13)
- AQ 14 Tribe has developed a climate change vulnerability/risk assessment. (C.3.14)
- AQ 15 Tribe has developed a climate change preparedness/adaptation program (e.g., zoning rules and regulations; tax incentives; building codes/design standards; utility rates/fee setting; public safety rules and regulations; outreach and education; emergency management powers). (C.3.15)
- AQ 16 Tribe has established a Diesel Emissions Reduction Program (identified diesel engine use; evaluated short- and long-term priorities for reduction of emissions; selected implementation options such as installing diesel retrofit devices with verified technologies on school buses, maintaining/repairing/rebuilding engines, replacing older vehicles/equipment with more efficient engines or engines that run on cleaner fuel, improve operational strategies). (C.3.16)
- AQ 17 Tribe has established energy efficiency policies and program(s) (e.g., building design standards/codes, ENERGY STAR initiatives for government operations and tribal housing). (C.3.17)
- AQ 18 Tribe has established an air toxics program (capacity to: monitor for acid and mercury deposition; sample subsistence food sources to measure the accumulation of toxics; partner with other jurisdictions on assessment projects; communicate potential threats to community members; implement actions to reduce sources of air toxics pollution). (C.3.18)
- AQ 19 Tribe has established community outreach/education programs, including air quality advisory system (e.g., indoor air quality, radon, diesel emissions reduction, burn barrels, wood smoke, anti-idling, greenhouse gas and ozone depleting substance reduction, climate change, and radiation hazards). (C.3.19)
- AQ 20 Tribe has established intergovernmental partnerships with federal, state, local, and tribal governments to address air quality issues, including climate change, and radiation hazards (e.g., memoranda of understanding, interagency agreements). (C.3.20)
- AQ 21 Tribe has established a program to comply with Federal Air Rules for Indian Reservations (FARR) requirements, where applicable. (C.3.21)
- AQ 22 Tribe has developed and promulgated air quality standards. (C.3.22)
- AQ 23 Tribe has developed a Tribal Implementation Plan (TIP) under CAA Section 301 to identify sources of air pollution and to determine what reductions are necessary to meet air quality standards. (C.3.23)
- AQ 24 Tribe has developed/submitted request to redesignate a reservation as a CAA Class I area. (C.3.24)
- AQ 25 Tribe has developed/submitted recommendations on designations for new National Ambient Air Quality Standards. (C.3.25)
- AQ 26 Tribe has established program to assist EPA with implementing the federal CAA program (e.g., assisting the Agency to develop/update an inventory of regulated entities, compliance assistance activities for regulated entities, obtaining federal inspection credentials to inspect regulated entities, and assisting EPA to draft permits for regulated entities). (C.3.26)
- AQ 27 Tribe has submitted application under the Tribal Authority Rule (TAR) requesting approval of specific CAA programs. (C.3.27)
- AQ 28 Tribe has developed program to implement a Title V operating permit program for major sources of air pollution. (C.3.28)
- AQ 29 Tribe has developed program to implement new source review permitting program for minor sources of air pollution. (C.3.29)
- AQ 30 Tribe has enacted ambient air quality and/or radiation hazard laws, codes, and/or regulations with effective compliance assurance and enforcement provisions that are at least as stringent as the federal statutes. (C.3.30)

- AQ 31 Tribe has enacted green building codes, guidelines and/or protocols that promote healthier indoor air quality and apply these practices to new and retrofitted buildings. (C.3.31)
- AQ 32 Tribe has established a program to conduct indoor air quality outreach, education, and/or training for tribal government personnel and/or community members. (C.3.32)
- AQ 33 Tribe has enacted indoor air quality laws, codes, and/or regulations with effective compliance assurance and enforcement provisions. (C.3.33)
- AQ 34 Tribe has developed a program to provide compliance assurance (including inspections) and enforcement (e.g., work with regulated community system operators to determine if appropriate training and certification has been obtained, and, if not, assist with acquiring such training and/or certification). (C.3.34)

Indicators of Water Quality Program Capacity (WP)

General Tribal Water Program Indicators

- WP 1 Tribe has established a staffing plan (position description and recruitment/retention/promotion plan) for who will serve as tribal water quality program coordinator. (D.3.1)
- WP 2 Staff has completed training and acquired baseline knowledge and skills related to the CWA and SDWA (e.g., become familiar with the major goals, programs, and requirements of the CWA and SDWA; the national structure for implementing the CWA and SDWA; and the EPA regional personnel and organization). (D.3.2)
- WP 3 Tribe has established a program to meaningfully participate in water quality management programs administered by other tribal, federal, state, or local governments (including reviewing and commenting on technical water documents, water quality standards, and facility permit actions). (D.3.3)
- WP 4 Tribe is receiving funding under the CWA, SDWA, or other related EPA media specific program. (D.3.4)
- WP 5 Tribe has identified its water resources and associated environmental and human health issues (including: inventories of regulated entities; discharge points requiring NPDES permits; facilities requiring Spill Prevention, Control, and Countermeasure (SPCC) plans; sensitive ecosystems). (D.3.5)
- WP 6 Tribe has established community outreach/education programs related to water quality and/or protecting health through safe drinking water (e.g., fish consumption advisory system, water efficiency, nonpoint source pollution best management practices, infrastructure needs for water and wastewater utilities, and wetlands restoration activities). (D.3.6)
- WP 7 Tribe has established water efficiency policies and program(s) (e.g., building design standards/codes, WaterSense initiatives for government operations, water use restrictions). (D.3.7)
- WP 8 Tribe has established intergovernmental partnerships with federal, state, local, and tribal governments to address water quality or drinking water issues (e.g., memoranda of understanding, interagency agreements). (D.3.8)

Indicators Related to the Clean Water Act (WQ)

Water Quality Monitoring Program Indicators

- WQ 1 Tribe has completed a water quality assessment report that analyzes water quality issues impacting the tribe and evaluated water pollution control options (e.g., identifies dischargers and types/amounts of discharge, defines potential human health and environmental impacts of current

water quality, provides recommendations for action, identifies water program financial needs, and identifies water quality program goals, objectives, and milestones). (D.3.9)

WQ 2 Tribe has developed a water quality monitoring strategy. (D.3.10)

WQ 3 Tribe has developed quality assurance project plan (QAPP) associated with the water quality monitoring strategy. (D.3.11)

WQ 4 Tribe has established data management functions for its water quality monitoring data, including a program to collect and upload all required quality assured surface monitoring data into WQX/STORET database where applicable. (D.3.12)

WQ 5 Tribe has developed a water quality monitoring program. (D.3.13)

WQ 6 Tribe has submitted complete TAS package for 106 grant eligibility. (D.3.14)

Nonpoint Source (NPS) Program Indicators (NPS)

NPS 1 Tribe has worked with other stakeholders in the watershed to develop a watershed based plan that identifies nonpoint source pollution problems and options for best management practices. (D.3.15)

NPS 2 Tribe has submitted an eligibility package for CWA Section 319, including a TAS package and a Nonpoint Source Assessment Report and Management Plan. (D.3.16)

Wetlands Program Indicators (WPI)

WPI 1 Tribe has developed a Wetlands Program Plan. (D.3.17)

WPI 2 Tribe has developed a wetlands protection program pursuing one or more of the core wetland program elements (Monitoring & Assessment, Regulation, Voluntary Restoration & Protection, and Water Quality Standards for Wetlands). (D.3.18)

Water Quality Standards Indicators (WQI)

WQI 1 Tribe has developed and promulgated tribal water quality standards, including designated uses for tribal waters. (D.3.19)

Indicators for Impaired Waters Identification/Listing and Total Maximum Daily Loads (TMDLs) Programs (IW)

IW 1 Tribe has established a program to provide water quality-related data and information on geographically-relevant waters to EPA. (D.3.20)

IW 2 Tribe has established a program to review and comment on water quality reports, TMDLs, and other watershed-based planning efforts undertaken by other government agencies (federal, state, local, or tribal). (D.3.21)

IW 3 Tribe has established a program to assess water quality conditions, including comparing water quality monitoring information and data against applicable water quality standards. (D.3.22)

Water Quality Permitting, Compliance, and Enforcement Program Indicators (WQP)

WQP 1 Tribe has established a program to assist EPA with implementing the federal CWA programs (e.g., compliance assurance activities for regulated entities, obtaining federal inspection credentials to inspect regulated entities, and assisting EPA to draft permits for regulated entities). (D.3.23)

WQP 2 Tribe has developed the funding structure and legal framework (e.g., laws, codes, and/or regulations with effective enforcement provisions that are at least as stringent as the CWA) to implement a permit program. (D.3.24)

WQP 3 Tribe has established a program to permit facilities discharging to tribal waters. (D.3.25)

WQP 4 Tribe has established a program to provide compliance assurance (including inspections) and enforcement for a tribal permit program. (D.3.26)

Indicators to pursue only if seeking EPA-approved CWA TAS authority (TAS)

TAS 1 Tribe has developed and submitted a TAS package for EPA-approved WQS program. (D.3.27)

TAS 2 Tribe has developed and submitted a TAS package for EPA-approved NPDES program. (D.3.28)

TAS 3 Tribe has developed and submitted a TAS package for a CWA Section 401 certification program. (D.3.29)

TAS 4 Tribe has developed and submitted a TAS package for a CWA Section 404 dredge and fill permit program. (D.3.30)

TAS 5 Tribe has established a program (including modeling) to develop TMDLs and other water quality based planning efforts. (D.3.31)

TAS 6 EPA-approved Water Quality Standards are in place. (D.3.32)

TAS 7 Tribe has established program to monitor federally-approved surface and/or wetlands water quality standards and perform triennial review. (D.3.33)

Indicators Related to the Safe Drinking Water Act (GW)

Ground Water and Source Water Protection Program Indicators

GW 1 Tribe has delineated source water protection areas. (D.3.34)

GW 2 Tribe has developed source water assessment and protection plan/wellhead protection plans for community water supplies. (D.3.35)

Drinking Water Permitting, Compliance, and Enforcement Program Indicators

DW 1 Tribe has established a program to assist EPA with implementing the federal Public Water System Supervision (PWSS) program (e.g., compliance assurance activities, obtaining federal inspection credentials, and assisting EPA to draft permits). (D.3.36)

DW 2 Tribe has established a program to assist EPA with implementing the federal Underground Injection Control (UIC) program (e.g., compliance assurance activities, obtaining federal inspection credentials, and assisting EPA to draft permits). (D.3.37)

DW 3 Tribe reports quality assured Underground Injection Control (UIC) inventory information to EPA (especially Class V wells). (D.3.38)

Indicators to pursue only if seeking EPA-approved SDWA program delegation authority (SDW)

SDW 1 Tribe has developed the funding structure and legal framework (e.g., laws, codes, and/or regulations with effective enforcement provisions that are at least as stringent as the SDWA) to implement the primary drinking water enforcement program (primacy). (D.3.39)

SDW 2 Tribe has primacy for implementing the Public Water Supervision System (PWSS) program (SDWA Section 1451). (D.3.40)

SDW 3 Tribe has developed and submitted a draft authorization package to EPA for approval to enforce federal UIC requirements and manage injection wells on tribal lands. (D.3.41)

SDW 4 Tribe has primacy for implementing Underground Injection Control wells regulatory program. (D.3.42)

Indicators of Tribal Waste Management and UST Program Capacity (TW)

- TW 1 Tribe has established a staffing plan (position description and recruitment/retention/promotion plan) for who will serve as tribal waste management program coordinator(s). (E.3.1)
- TW 2 Staff has completed appropriate training and acquired baseline knowledge and skills related to the relevant areas of RCRA (become familiar with the major goals, programs, and requirements of the RCRA; the national structure for implementing the RCRA; and the EPA regional personnel and organization). (E.3.2)
- TW 3 Tribe has established a program to meaningfully participate in waste management programs administered by other tribal, federal, state, or local governments (including reviewing and commenting on waste disposal facility permits and applicable waste management regulations). (E.3.3)
- TW 4 Tribe is receiving funding under the RCRA or other related EPA media specific program. (E.3.4)
- TW 5 Tribe is conducting community education and outreach activities to assess community knowledge and interest in source reduction, alternatives for managing household hazardous waste, recycling, composting, and the use of green materials in tribal construction and to promote the use of such integrated solid waste management systems. (E.3.5)
- TW 6 Tribe has completed a waste assessment (e.g., a waste stream characterization study of the solid and hazardous waste management practices, facilities, and issues in the community; effectiveness of current waste management system(s); waste collection and disposal options; and associated costs). (E.3.6)
- TW 7 Tribe has a tribally-approved Integrated Waste Management Plan (IWMP). (E.3.7)
- TW 8 Tribe has established a program to provide waste minimization, recycling, household hazardous waste collection, used oil collection, junk vehicle removal, bulk waste/appliance/electronic waste collection, and/or composting. (E.3.8)
- TW 9 Tribe has established co-management roles through an intergovernmental agreement with a municipal government (e.g., Memorandum of Understanding or other mechanism) regarding landfill management where both governments have a stake. (E.3.9)
- TW 10 Tribe has completed a solid waste facility plan/feasibility study. (E.3.10)
- TW 11 Tribe has completed an open dump inventory and submitted to EPA and IHS for inclusion in the w/STARS database (including: GPS location; estimated size/volume; contents/type of waste; estimated distance to nearest homes, surface water and groundwater; estimated project costs; and site name). (E.3.11)
- TW 12 Sites included in the open dump inventory have a health hazard ranking score. (E.3.12)
- TW 13 Tribe has coordinated with EPA to ensure accuracy of EPA's regulated hazardous waste facility inventory and operating status. (E.3.13)
- TW 14 Tribe has coordinated with EPA to ensure accuracy of EPA's regulated UST & LUST facility inventory and operating status. (E.3.14)
- TW 15 Tribe has established capacity to provide information to EPA that may be used to conduct compliance monitoring inspections or in a RCRA § 3008, § 7003, § 4005(c)(2), or § 9006 enforcement action. (E.3.15)
- TW 16 Tribe has established a program to assist EPA with implementing the federal RCRA program(s)(e.g., assisting the Agency to conduct compliance assistance activities for regulated entities, obtaining federal inspection credentials to inspect regulated entities, and assisting EPA to draft permits for regulated entities). (E.3.16)

- TW 17 Tribe has enacted waste management and/or UST laws, codes, and/or regulations with effective compliance assurance and enforcement mechanisms (including anti-littering provisions and protocols to address small-scale dumping/burning activities; siting/operating requirements for USTs that are at least as stringent as the federal program). (E.3.17)
- TW 18 Tribe has established a compliance monitoring and enforcement strategy for the tribe's solid and hazardous waste management laws, codes, and/or regulations. (E.3.18)
- TW 19 Tribe has established mechanisms to assure a financially sustainable waste management program, including financing for trash collection services (e.g., fee for service, tribal government funding of trash collection services, or other cost recovery systems). (E.3.19)
- TW 20 Tribal staff is leading circuit rider, train the trainer, and peer-match programs. (E.3.20)

Indicators of Tribal Emergency Response and Remediation Program Capacity (ERR)

- EER 1 Tribe has established a staffing plan (position description and recruitment/retention/promotion plan) for who will serve as tribal program coordinator(s). (F.3.1)
- EER 2 Staff has completed appropriate training and acquired baseline knowledge and skills related to CERCLA, EPCRA, and Brownfields (e.g., become familiar with the major goals, programs, and requirements in CERCLA, EPCRA, and Brownfields Tribal Response Program; the national structure for implementing these programs; and the EPA regional personnel and organization). (F.3.2)
- EER 3 Tribal response staff has completed and developed proficiency in OSHA required HAZWOPER baseline and annual refresher training to qualify them to safely respond to spills and emergency incidents, and other appropriate training (e.g., acquire certification in an Incident Command System (ICS) course). (F.3.3)
- EER 4 Tribal staff has completed and developed proficiency in All Appropriate Inquiries (EPA 40 C.F.R. § 312), Phase 1 ESA (ASTM E 1527-05), and ECM 10-2 (Department of Interior). (F.3.4)
- EER 5 Tribe has established mechanisms to provide meaningful opportunities for public participation / community involvement to identify contamination concerns and/or solicit input on site cleanup decisions. (F.3.5)
- EER 6 Tribe is meaningfully participating in programs administered by other tribal, federal, state, or local governments (including reviewing and commenting on cleanup and response standards/plans). (F.3.6)
- EER 7 Tribe has completed a site inventory of properties of environmental concern and identified potential EPA program(s) associated with the sites. (F.3.7)
- EER 8 Tribe has established an EPCRA compliant tribal emergency planning organization (TERC, LEPC members, or SERC coordination). (F.3.8)
- EER 9 Tribe has established program to conduct emergency response training and exercises for community members (e.g., orientation seminars to review the contents of the emergency response plan; table tops drills to verify understanding of notification procedures and response actions; and field exercises to ensure that response personnel are familiar with equipment and responsibilities). (F.3.9)
- EER 10 Tribe has established a program to receive and manage material safety data sheets under EPCRA's Hazardous Chemical Storage Reporting Requirements. (F.3.10)
- EER 11 Tribal lands and resources covered by an EPCRA-compliant emergency response plan. (F.3.11)
- EER 12 Tribe has established program to coordinate with state and federal agencies on specific spill response trainings (hands on response to oil and chemical hazards). (F.3.12)
- EER 13 Tribe is conducting, alone or in collaboration with other governmental entities, annual hazmat or oil spill incident exercises (tabletop, functional or full-scale). (F.3.13)

- EER 14 Tribe is receiving funding under CERCLA, EPCRA, or Brownfields. (F.3.14)
- EER 15 Tribe has enacted laws, codes, and/or regulations establishing oversight and enforcement authority to address contaminated sites, including emergency response authority. (F.3.15)
- EER 16 Tribe has promulgated cleanup standards for soil, surface water, and groundwater to guide response and remediation decisions on contaminated sites (e.g., tribal “Applicable or Relevant and Appropriate Requirements” (ARARs)). (F.3.16)
- EER 17 Tribe has established capacity to conduct Phase I and Phase II site assessments. (F.3.17)
- EER 18 Tribe has established program to participate in Department of Defense and Department of Energy advisory boards (Federal Facilities Restoration and Reuse) that involve stakeholders in cleanup decisions. (F.3.18)
- EER 19 Tribe has established support agency cooperative agreements with EPA to provide for tribal input in cleanup decisions at CERCLA sites. (F.3.19)
- EER 20 Tribe has developed MOA/MOU with EPA on implementation of appropriate CERCLA programs. (F.3.20)

Indicators of Chemical Safety and Pollution Prevention Program Capacity (CS)

- CS 1 Staff has established a staffing plan (position description and recruitment/retention/promotion plan) for who will serve as tribal program coordinator(s). (G.3.1)
- CS 2 Staff has completed appropriate training and acquired baseline knowledge and skills related to TSCA (including AHERA and lead paint programs), FIFRA, and pollution prevention (e.g., become familiar with: the major goals, programs, and requirements related to TSCA and FIFRA; the national structure for implementing these programs; and the EPA regional personnel and organization). (G.3.2)
- CS 3 Tribe is receiving funding under FIFRA, TSCA, Pollution Prevention Act, or other similar program to support projects or programs related to managing chemical safety and pollution prevention. (G.3.3)
- CS 4 Tribe has completed an asbestos, pesticides, lead-based paint, and pesticides needs assessment that: collects and evaluates existing data on pesticide use and other relevant factors; assesses the need to develop related projects and/or programs; and evaluates short-term and long-term options to address those identified needs. (G.3.4)
- CS 5 Tribal staff has acquired necessary training/accreditation/certification to conduct lead-based paint hazard evaluations at pre-1978 tribal housing/pre-1978 child occupied facilities. (G.3.5)
- CS 6 Tribe has developed Quality Assurance Plan (QAP) to cover sampling and analysis activities and secured EPA approval for QAP before conducting physical sampling, blood testing, or other investigations. (G.3.6)
- CS 7 Tribe has established community outreach/education programs. (G.3.7)
- CS 8 Tribe has established mechanisms to provide meaningful opportunities for public participation / community involvement to identify concerns related to chemical safety and pollution prevention and/or solicit input on decisions. (G.3.8)
- CS 9 Tribe has completed inventory of all pre-1978 target housing and child occupied buildings and gathered information on the presence of lead-based paint and/or lead-based paint hazards in or around these buildings. (G.3.9)
- CS 10 Tribe has completed an inventory of asbestos (in accordance with the AHERA), pesticides, and toxics in K-12 schools. (G.3.10)
- CS 11 Tribe has adopted a pollution prevention strategy and/or policy (e.g., integrate pollution prevention practices through government services, policies, and initiatives; establish environmentally preferable purchasing standards, green building codes/standards, greenhouse gas emission reduction targets; reduction targets for the use of hazardous materials; establish an

integrated pest management program; and adopt natural resources protection policies/procedures). (G.3.11)

- CS 12 Tribe is meaningfully participating in programs administered by other tribal, federal, state, or local governments. (G.3.12)
- CS 13 Tribe has established an EPA-tribal MOA/MOU or interagency agreement concerning joint implementation of FIFRA, TSCA, or other authorities. (G.3.13)
- CS 14 Tribe has established a program to implement lead abatement and Renovation, Repair and Painting (RRP) program. (G.3.14)
- CS 15 Tribe has established certification and training plan for restricted use pesticide applicators (commercial and private) to educate applicators and control restricted use pesticides in Indian country. (G.3.15)
- CS 16 Tribe has established a training/accreditation/certification program similar to TSCA Section 402 for individuals and firms engaged in lead-paint activities and for asbestos related accredited training under AHERA requirements (i.e., a model accreditation plan). (G.3.16)
- CS 17 Tribe has established a Pesticides Field Program, including identification of possible pesticide inspection targets and pesticide-specific issues to determine the kind of approach needed to address concerns related to the use and sale of pesticides. (G.3.17)
- CS 18 Tribe has established a pesticides compliance assurance and enforcement program under which a tribal inspector completes all required training and, upon EPA approval, obtains federal credentials to conduct inspections of the regulated community (e.g., pesticide applicators, marketplaces that sell pesticides, etc.) to determine compliance with FIFRA or tribal pesticide regulations. (G.3.18)
- CS 19 Tribe has established a compliance assurance and enforcement program similar to TSCA Section 406(b) that requires distribution of information on lead-based paint hazards. (G.3.19)
- CS 20 Tribe has established a compliance assurance and enforcement program for tribal laws and regulations to manage asbestos, pesticides, toxics, or other chemical risks that are at least as stringent as the applicable federal statutes. (G.3.20)
- CS 21 Tribal staff has capacity to lead circuit rider, train the trainer, and peer-match programs. (G.3.21)
- CS 22 Tribe has enacted tribal laws, codes, and regulations with effective compliance assurance and enforcement provisions to manage asbestos, pesticides, toxics, or other chemical risks that are at least as stringent as the applicable federal statutes. (G.3.22)