TRIBAL ENVIRONMENTAL POLICY ORDINANCE

A. Title. This Ordinance shall be entitled "Tribal Environmental Policy Ordinance." All capitalized terms have the meanings set forth below under *Definitions.*

B. Purpose. The purpose of this Ordinance is to satisfy the Tribe's obligations under Section 10.8.1 if the tribal-state gaming Compact between the Tribe and the State of California. By enacting and complying with this Ordinance, the Tribe establishes a uniform policy for the preparation, circulation, and consideration by the Business Committee of a document which evaluates potential off-Reservation environmental effects of any and all Projects to be commenced or continued on or after the effective date of the Compact. The goal of the environmental review process established herein as to ensure that when the Business Committee makes a final decision as to whether, and under what conditions, to proceed with an on-Reservation Project, it is fully informed regarding the potential off-Reservation environmental effects of that Project in making that decision and in evaluating alternatives, as well as the costs and benefits of the Project and its alternatives.

C. Statement of Environmental Policy. The Business Committee finds, determines, and declares:

1. It is the policy of the Tribe to protect the natural environment, including the land, air, water, minerals, and all living things on the reservation and to take into account in the tribal decision-making process the potential off-Reservation effect of in-Reservation Projects undertaken by the Tribe.

2. While it is also an important policy of the Tribe to promote the economic development of the Reservation for the benefit of both the Tribe and its members, the Business Committee recognizes that development activities on the Reservation may have a direct impact on the health, welfare, and safety of the Tribe and its members, including environmental and cultural resources on the reservation, as well as, to a lesser extent, off the reservation.

D. Authority. The Ordinance is enacted under the inherent sovereign authority of the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California, and pursuant to authority previously granted to the Business Committee by the General Council to take all steps necessary to comply

with the requirements of the Compact and to maintain tribal government gaming as a source of income and other benefits for the Tribe and its members.

E. Definitions. For the purpose of this Ordinance, the following words or phrases shall have the following definitions:

1. *Compact*: The tribal-state compact for the conduct of class III tribal governmental gaming by the Tribe between the State of California and the Tribe executed by the Tribe on October 6, 1999, and any amendments thereto.

2. *Environmental Evaluation*: An informational document which (a) identifies all potential, significant off-Reservation environmental impacts of a proposed Project, (b) discusses the nature and seriousness of each such impact, (c) considers alternative means of mitigating each such impact, and (d) to the extent feasible, discusses the views and comments of interested parties and governmental agencies on such impacts and their mitigation.

3. *Gaming Facility:* Any building in which class III gaming activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming operation are maintained (but excluding off-site facilities primarily dedicated to storage of those records, and financial institutions,) and all rooms, buildings, and areas, including parking lots and walkways, a principal purpose of which is to serve the activities of the gaming operation.

4. *Ordinance*: This Tribal Environmental Policy Ordinance.

5. *Project*: Any expansion or any significant renovation or modification of an existing Gaming Facility, or any significant excavation, construction, or development associated with the Tribe's current Gaming Facility or any proposed tribal Gaming Facility.

6. *Record of Decision*: The record of the Business Committee's decision with respect to a proposed Project after review and consideration of an Environmental Evaluation and related information.

7. *Reservation*: All land within the exterior boundaries of the Rincon Reservation and all additions thereto, under the governmental jurisdiction of the Tribe.

8. *Business Committee*: The Rincon Tribal Business Committee created pursuant to the Tribe's Articles of Association.

9. *Tribe*: The Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California, acting through its duly constituted Business Committee.

F. Environmental Review Process.

1. *Lead Agency*. The Tribe shall be the lead agency for the purposes of preparing the Environmental Evaluations, consultation, and scooping, making determinations regarding the environmental Impacts of proposed tribal Projects, issuing findings of no significant impacts, certifying environmental evaluations, and selecting alternatives and mitigation measures deemed most effective to implement the policies set forth in this Ordinance, all in the manner set forth below.

2. *Determinations of Off-Reservation Environmental Impact of Projects: The* procedure for tribal Review of the potential off-reservation environmental impacts of Projects will be as follows, in the following order to the extent feasible:

a. Preparation of Draft Environmental Evaluation. For every proposed Project, a draft Environmental Evaluation shall be preformed and prepared either by the Tribe itself, using its own staff and resources, or by an outside consultant engaged under contract with the Tribe.

b. Notice of Project and of Preparation of Draft Environmental Evaluation. Before or at the time of distribution of copies of the draft Environmental Evaluation, the Tribe or the engaged consultant will cause to be published in at least one local newspaper of general circulation in the vicinity of the Reservation a notice, describing the nature of the Project and the times and places where copies of the draft Environmental Evaluation will be available for public inspection. Each such notice will also invite both interested parties and governmental agencies to submit comments on the draft Environmental Evaluation to a designated tribal official or consultant during a period specified in the notice. Known

interested parties and governmental agencies may also receive this notice by mail.

c. Consultation with Interested Parties and Agencies. Before finalizing the Environmental Evaluation, Tribal staff or the consultant shall consult with and solicit comments from any federal, state, or local governmental agency, which has jurisdiction by law or special expertise with respect to any potentially involved environmental impact. At a minimum the Tribe or consultant must submit copies of all environmental impact reports concerning the proposed project to the State Clearinghouse of the California Office of Planning and Research and the San Diego County Board of Supervisors for distribution to the public. Additionally, Tribal staff or the consultant will make such copies available for public inspection at the Tribe's Tribal Office on the Reservation and also at such other locations as may befit the nature of the Project. The Tribe will consult with the San Diego County Board if Supervisors and, if requested by the San Diego County Board Supervisors to discuss mitigation of significant adverse off-Reservation environmental impacts identified in the draft Environmental Evaluation or any preliminary draft thereof.

d. Public Hearing on Draft Environmental Evaluation. Either Tribal staff or the engaged consultant shall submit to the Business Committee the draft Environmental Evaluation along with any written comments received for the consultation described above. The Business Committee will select a timer and place on the Reservation for one public hearing on the Project and the draft Environmental Evaluation and will cause either its staff or the engaged consultant to have notice of the time, place, and nature of this hearing to be published in the manner described in section F.2.b. above.

e. Conduct of Public Hearing. At the above hearing the Business Committee will permit, subject to reasonable limitations, interested members of the public and affected agencies of the federal, state, or local government to present their views and comments on both the proposed Project itself and the draft environmental Evaluation, after the tribal staff or the engaged consultant makes a presentation as to the draft

Environmental Evaluation and as to a summary of all written comments previously received.

f. Conclusion of Public Hearing. At or after the conclusion of the hearing, if the Business Committee is satisfied that all relevant information is before it in the forms of the draft Environmental Evaluation, the previously received written comments, and the oral statements of those speaking at the public hearing, the Business Committee may act on the proposed project as described below in section F.2.g. However, in its discretion, of the Business Committee believes that further studies or information or hearings are desirable, it may direct the preparation of such additional studies, information or hearings.

g. Actions which Business Committee May Take on Draft Environmental Evaluation. When the Business Committee is satisfied that it is fully informed as to all relevant from the draft Environmental Evaluation, the written comments received on that draft Environmental Evaluation, or hearings which it may have elected to obtain or conduct, the Business Committee will conduct its own analysis of all relevant facts so as to balance the costs and benefits of the Project in one of the following ways:

1. Issue a finding of no significant impact and proceed with the Project;

2. Direct either Tribal staff or the engaged consultant to consolidate all comments and views of both affected governmental agencies and the public on the draft Environmental Evaluation, with appropriate responses to all new information and submit the consolidated final Environmental Evaluation to the business Committee after which the Business Committee will perform the analysis and balancing described above in Section F.2.f and take one of the actions described in that section;

3. Accept the draft Environmental Evaluation as the final Environmental Evaluation and proceed with the Project but subject to a good-faith effort to implement

whatever conditions or further mitigation measures that the Business Committee may deem desirable.

4. Accept the draft Environmental Evaluation but not proceed with the Project.

5. Reject the draft Environmental Evaluation and not proceed with the Project;

h. Form of Business Committee Action on Draft Environmental *Evaluation.* Whichever of the above four actions the Business Committee may take will be in the form of a written resolution which together with all supporting documentation and information, shall constitute the Tribe's Record of Decision for the Project in question. There will be no appeal from such action by the Business Committee whose action is final for the trine. To the extent that such actions are feasible and consistent with the Tribe's governmental interests, the Tribe will require good-faith effort to implement all mitigation measures recommended in the Environmental Evaluation in any action to proceed with a Project and deemed desirable by the Business Committee. Any such resolution by which the Business Committee proceeds with a Project will include findings that a good-faith effort shall be made to cause the stated mitigated measures to be implemented, even if some of those mitigation measures are within the responsibility and jurisdiction of another agency.

G. Continuing Obligation During Conduct of Project. During the Conduct of the Project, the Tribe shall 1) keep the Board of Supervisors and potentially affected members of the public apprised of the Project's progress; and 20 make good-faith efforts to mitigate any and all significant off-Reservation environmental impacts deemed appropriate by the Business Committee.