

Soboba Band of Luiseño Mission Indians

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ENVIRONMENTAL PROTECTION ORDINANCE

ORDINANCE NO. GC00-8

1. FINDINGS.

The Soboba Band of Luiseño Mission Indians of the Soboba Reservation, California, ("Tribe"), a federally-recognized Indian tribe exercising inherent sovereignty and jurisdiction over the Soboba Indian Reservation, finds the Tribal-State Class III Gaming Compact ("Compact") between the Tribe and the State of California requires that the Tribe enact 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 for the expansion or significant renovation or modification of an existing Gaming Facility, or any significant excavation, construction or development associated with the Tribe's Gaming Facility or proposed Gaming Facility to be commenced on or after the effective date of the Compact. The Tribe finds that it is necessary to adopt standards and procedures to identify, assess and, if reasonably feasible, mitigate such off-Reservation impacts in compliance with the requirements of the Compact.

2. PURPOSES.

The Tribe, as beneficial owner of the Soboba Indian Reservation and acting pursuant to its Constitution, hereby exercises its sovereignty to carry out the following purposes: (1) declare a tribal policy to encourage productive and enjoyable harmony between gaming-related activities on the Soboba Indian Reservation and the surrounding non-Indian community; (2) promote efforts to prevent, eliminate or mitigate damage to the environment from gaming-related activities on the Soboba Indian Reservation; (3) protect the health and safety of tribal members and all other persons within and without the exterior boundaries of the Soboba Indian Reservation; (4) protect the stability and integrity of lands within the Reservation; (5) protect the air, water, and land from pollution and degradation, including contamination of groundwater, surface waters, and drinking water supplies; (6) protect the historic and cultural values and traditions of the Tribe and the Reservation as a permanent tribal homeland; (7) prevent the deterioration of the standard of living, quality of life and well-being of the tribal members and other persons within and without the Reservation; and (8) promote tribal environmental regulation under the principles of tribal sovereignty.

3. DEFINITIONS.

1. "Tribe" means the Soboba Band of Luiseño Mission Indians of the Soboba Reservation, California.

2. "Tribal Council" means the elected governing body of the Soboba Indian Reservation as established and defined by the Constitution of the Tribe.
3. "Department" means the Tribal Environmental Programs Office.
4. "Reservation" means all the lands within the exterior boundaries of the Soboba Indian Reservation as presently defined or modified in the future.
5. "Tribal Court" means the Tribe Council sitting in its capacity as the judicial body of the tribe, or any other Tribal Court subsequently established by the Tribe.
6. "Water" means any groundwater, surface water, aquifers and water used for irrigation, industrial, commercial or domestic consumption.
7. "Public Water System" means a system for the provision of piped water for other than agricultural use.
8. "Wetlands" means swamps, marshes, bogs, and similar areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
9. "Soboba Casino" means the Tribe's gaming facility located on the Reservation.

IV. ASSESSMENT OF OFF-RESERVATION ENVIRONMENTAL IMPACTS OF NEW GAMING FACILITIES.

A. This section applies only to gaming projects on the Soboba Indian Reservation. "Gaming projects" is defined to include the expansion, significant renovation or modification of Soboba Casino, and any significant excavation, construction or development associated with Soboba Casino or any new gaming facility proposed to be constructed on the Reservation.

B. Consistent with the purposes of the National Environment Policy Act, the California Environmental Quality Act and the Tribe's essential governmental interests, the Tribe intends that any significant adverse impacts to the off-Reservation environment resulting from new gaming projects undertaken by the Tribe should be avoided or mitigated to the extent feasible and practicable.

C. Before undertaking any gaming project under this section which has the potential to affect the off-Reservation environment, the Department shall prepare a Tribal Environmental Impact Statement (TEIS) to determine whether the project will have any significant adverse impacts on the off-Reservation environment. The TEIS shall contain in detail the following information and analysis:

1. the off-Reservation environmental impact of the proposed action;
2. any adverse off-Reservation environmental effects which cannot be avoided should the proposed project be implemented;
3. an analysis of the relationship between the local short-term uses of the environment and the maintenance and enhancement of long-term productivity;
4. any irreversible and irretrievable commitments of off-Reservation resources which would be involved in the proposed project should it be implemented.

D. In preparing the TEIS, the Department shall consult with and seek the views of the Tribal Council. The TEIS shall not be final until approved by the Tribal Council. The final TEIS shall be made available to tribal members and the general public. No gaming project shall be undertaken until the Tribal Council has approved the TEIS.

E. The Tribal Council shall submit the approved TEIS to the State of California Clearinghouse in the Office of Planning and Research and the Riverside County Board of Supervisors for distribution to the general public.

F. Before approving any project under this section, the Tribal Council or the Department shall inform the public of the planned project and shall consult with the Board of Supervisors of Riverside County, and if requested by the board, meet with them to discuss mitigation of significant adverse off-Reservation environmental impacts.

G. Before approving any project under this section, the Tribal Council or the Department shall meet with and provide an opportunity for comment by those members of the public residing off-Reservation within the vicinity of the project that might be adversely affected by the proposed project.

H. During the conduct of a project under this section, the Tribal Council or the Department shall keep the Riverside County Board of Supervisors, and potentially affected members of the public, informed of the progress of the project. The Tribal Council or the Department shall make good faith efforts to mitigate any significant adverse off-Reservation environmental impacts identified in the TEIS or by the off-Reservation community and local governments.

2. AMENDMENTS.

This Ordinance may be amended from time to time as the Tribal Council deems appropriate to protect what the Tribal Council determines to be the best interests of the Soboba Band of Luiseño Mission Indians of the Soboba Reservation, California.

3. SEVERABILITY.

The provisions of this Ordinance are severable. If any part or provision hereof is ruled to be void by any court of competent jurisdiction or any federal agency, the decisions of the court or agency so ruling shall not affect or impair any remaining provisions of the Ordinance.

4. REPEAL.

To the extent that any other previously enacted ordinances or resolutions, or portions thereof, may be inconsistent with this Ordinance, to that extent such prior ordinances or resolutions hereby are superseded and repealed.

5. EFFECTIVE DATE.

This Ordinance shall become effective on the effective date of the compact with the State of California authorizing Class III gaming on the Soboba Indian Reservation.

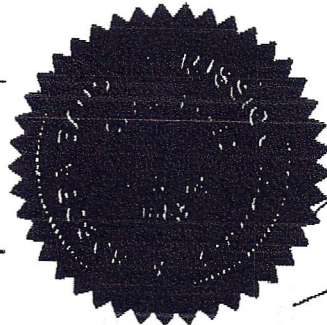
CERTIFICATION

We the elected members of the Tribal Council of the Soboba Band of Luiseño Indians do hereby certify that the foregoing Ordinance was adopted by the Soboba General Council at a duly held meeting convened on the Soboba Indian Reservation on September 9, 2000, by a vote of 24 "FOR", 9 "AGAINST", and 3 "ABSTAINED" and such Ordinance has not been rescinded or amended in any way.

Robert J. Salgado Sr.

Robert J. Salgado Sr., Chairman

Isaiah Vivanco
Isaiah Vivanco, Vice-Chairman



Rosemary Salgado
Rosemary Salgado, Secretary

Michael Castillo
Michael Castillo, Treasurer

Freda Miranda
Freda Miranda, Member