

**Redding Rancheria
Environmental Protection Ordinance**



ENVIRONMENTAL PROTECTION ORDINANCE

Findings and Policy

The Tribe finds that:

The Redding Rancheria (“Tribe”), a federally-recognized Indian tribe exercising inherent sovereignty and jurisdiction over all lands within the Redding Rancheria and those other lands currently held in trust by the United States for the benefit of the Tribe, as well as any lands so taken into trust by the United States for the Tribe in the future, finds that 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 certain requirements regarding environmental impacts. Specifically, 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, or other tribal development that the Tribe determines applicable. The Tribe finds that it is necessary to adopt standards and procedures by which to identify, assess and, if reasonably feasible, mitigate such off-reservation impacts in compliance with the requirements of the Compact.

NOW THEREFORE, the Tribal Council of the Redding Rancheria hereby ordains as follows:

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Chapter 1. Purpose.

It is intended that this Ordinance apply only to the areas of the Reservation and any other land outside the boundaries of the reservation that the Tribe may acquire by Federal Law for the purpose of gaming or a Project as the definition is set forth in the Tribal-State Gaming Compact and in this Ordinance. The Tribe intends to enact a separate Land Use Ordinance that will set forth the environmental standards for the entire Reservation.

The Tribe, as the government with jurisdiction over the lands of the Redding Rancheria, 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 Redding Rancheria and the surrounding non-Indian community;
- (2) Promote efforts to prevent, eliminate or mitigate damage to the environment from gaming-related activities on the Redding Rancheria;
- (3) Protect the health and safety of tribal members and all other persons within and outside the exterior boundaries of the Redding Rancheria;
- (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 outside the Reservation; and
- (8) Promote tribal environmental regulation under the principles of tribal sovereignty.

Chapter 2. General Provisions.

§2000. Short title. This ordinance shall be known and cited as the “Redding Rancheria Environmental Protection Ordinance.”

§2050. Sovereign immunity preserved. Nothing in this ordinance is intended or shall be construed as a waiver of the sovereign immunity of the Tribe. No officer or employee of Redding Rancheria is authorized nor shall he/she attempt to waive the immunity of the Tribe under the provisions of this ordinance unless such officer or employee has an expressed and explicitly written authorization from the Council.

§2100. Interpretation and findings. The Redding Rancheria Tribal Council may interpret any ambiguities contained in this ordinance.

§2150. Conflicting provisions. Whenever any conflict occurs between the provisions of this ordinance or the provisions of any other ordinance of the Tribe, the stricter of such provisions shall apply.

Chapter 3. Definitions.

In construing the provisions of this Ordinance, the following words or phrases shall have the meaning designated unless a different meaning is expressly provided or the context clearly indicates otherwise.

§3000. “*Tribe*” means the Redding Rancheria.

§3050. “*Tribal Council*” means the elected governing body of the Redding Rancheria under the Tribal Constitution of the Redding Rancheria.

§3100. “*Department*” means the Redding Rancheria Environmental Protection Department.

§3150. “*Reservation*” means all the lands within the exterior boundaries of the Redding Rancheria and any other land outside the boundaries of the reservation that the Tribe may acquire by Federal Law as presently defined or modified in the future.

§3200. “*Tribal Court*” means the Tribal Council or the Judicial Committee thereof sitting in its capacity as the judicial body of the Tribe, or any other Tribal Court subsequently established by the Tribe.

§3250. “*Water*” means any groundwater, surface water, aquifers and water used for irrigation, industrial, commercial or domestic consumption.

§3300. “*Public Water System*” means a system for the provision of piped water for other than agricultural use.

§3350. “*Win-River Casino Bingo*” means the Tribe’s gaming facility located on the Reservation.

§3400. “*Project*” means 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 Gaming Facility, proposed Gaming Facility or a non-gaming development, when the Redding Rancheria Environmental Protection Department determines that mitigation, related to the development, may be required.

§3500. “*Tribal Environmental Impact Statement*” means any environmental assessment, environmental impact report, or environmental impact statement.

Chapter 4. Establishment of the Environmental Protection Department.

§4000. Establishment of Department. This Ordinance hereby establishes the Redding Rancheria Environmental Protection Department. This Department will be under the Redding Rancheria Public Works Department. The Public Works Department will be responsible for ensuring that the Tribe is in compliance with the provisions of this Ordinance. The Department can enlist the support from any of the other Tribal Departments carrying out its functions.

§4100. Delegated Authority. The Department is hereby delegated authority to propose rules and regulations to carry out the purposes and terms of this Ordinance. All rules and regulations proposed by the Department shall be in writing and submitted to and approved by the Tribal Council. The Department is not authorized to consent to jurisdiction, liability or waiver of sovereign immunity.

§4200. Department Duties. The Department shall carry out the following duties and responsibilities:

- (a) Develop and enforce standards for water quality and public water systems on the Reservation that are no less stringent than federal water quality and safe drinking water standards under Federal Water Pollution Control Act, 33 U.S.C. §1251 to §1387, and the Safe Drinking Water Act, 42 U.S.C. §300f to §300j-26 as applicable in California;
- (b) Develop and enforce standards for the noise abatement on the Reservation;
- (c) Develop and enforce standards for sewage disposal on the Reservation consistent with the protection of the environment;
- (d) Advise the Tribal Council about whether the tribe should enter into cooperative agreements with local, state and federal agencies regarding environmental protection and conservation.

Chapter 6. Enforcement of Regulations.

§6000. Enforcement Procedures. The Department shall adopt procedures to enforce the regulations approved by the Tribe under this Ordinance. Enforcement procedures may include a written notification to the person or department in violation of this Ordinance. If the Department is unsuccessful in enforcing the regulations then a report to the Tribal Council shall be prepared in writing as to what steps were taken and a recommendation as to how to enforce the regulations. If the Tribal Council is the body who is not complying with the Ordinance and written notice and recommendation shall be submitted to the Council immediately.

Chapter 8. Off-Reservation Environmental Impacts of Gaming Facility.

§8000. Assessment of Off-Reservation Environmental Impacts of New Gaming Facilities. This section applies only to gaming projects on the Redding Rancheria. “Gaming projects” is defined to include the expansion, significant renovation or modification of the Win River Casino Bingo, and any significant excavation, construction or development associated with the Win River Casino Bingo or any new gaming facility proposed to be constructed on the Reservation.

§8100. Mitigation. Consistent with the purposes of the Tribe’s essential Governmental interests, the National Environmental Policy Act, and the California Environmental Quality Act, 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.

§8200. Tribal Environmental Impact Statement. 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:

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

§8300. TEIS Approval by Tribal Council. 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.

§8400. Submittal of TEIS. The Tribal Council shall submit the approved TEIS to the State of California Clearinghouse in the Office of Planning and Research and the Shasta County Board of Supervisors for distribution to the general public.

§8500. Consultation. 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 Shasta County, and if requested by the board, meet with them to discuss mitigation of significant adverse off-Reservation environmental impacts.

§8600. Meeting & Comment from Public residing Off-Reservation. 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.

§8700. Providing Progress Reports. During the conduct of a project under this section, the Tribal Council or the Department shall keep the Shasta 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.

Chapter 9. Non-Gaming Developments.

§9000. **Not Applicable to Private Development.** Nothing in this Ordinance shall serve to limit the use and development of parcels held in fee or in trust for one or more Redding Rancheria tribal members. The Tribe may develop land use regulations governing such use and development.

§9100. **Finding of No Significant Impact.** In a manner consistent with federal law, where the Department determines that a development may require efforts to mitigate environmental impacts on or off of the Reservation, as defined above in §3150, it shall, in consultation with the Tribal Council, cause an Environmental Assessment (EA) to be performed. Where the findings of the EA indicate minimal impact, all of which can be mitigated, the Department shall recommend to Tribal Council it issue a Finding of No Significant Impact (FONSI).

§9200. **TEIR for Non-Gaming.** Where the findings in the EA indicate that significant adverse environmental impacts which cannot be fully mitigated then the Department will recommend to the Tribal Council that the TEIR process in Chapter 8 be implemented.

Chapter 10. Litigation and Agency Action.

§10000. Litigation and Agency Action. Nothing in this Ordinance precludes the Tribal Council from initiating litigation in an appropriate state or federal court at any time, or from seeking the assistance of any federal or state agency. The initiation of such litigation or assistance does not preclude the remedies provided in this Ordinance.

Chapter 12. Amendments.

§12000. Amendments. This Ordinance may be amended as the Tribal Council deems appropriate to protect what the Tribal Council determines to be the best interests of the Tribe.

Chapter 14. Severability.

§14000. 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.

Chapter 16. Repeal.

§16000. Repeal. To the extent they are inconsistent with this Ordinance, any other ordinances or resolutions, or parts thereof previously enacted or amended by the General Council or Tribal Council pertaining to the subject matter of this Ordinance are superseded and repealed.

Chapter 18. Effective Date.


§18000. 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 Redding Rancheria.

Ordinance History

Leon Benner (First Approved by General Membership on June 13, 2000, original on file),
Redding Rancheria Tribal Chairperson
Hope Wilkes (First Approved by General Membership on June 13, 2000, original on file),
Redding Rancheria Tribal Secretary

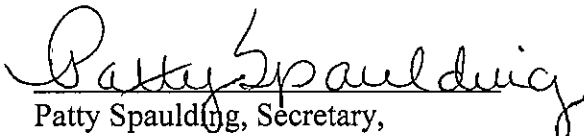
CERTIFICATION

The Redding Rancheria Environmental Protection Ordinance was amended by vote of 6 for, 0 against and 0 abstentions on February 9, 2021, at a duly called Tribal Council meeting.



Jack E. Potter, Jr., Chairperson,
Redding Rancheria Tribal Council

Dated: 3-30-21



Patty Spaulding, Secretary,
Redding Rancheria Tribal Council

Dated: 3-30-21