

**Coquille Tribal Regulation
Chapter 330A
Proposed Restatement October 25, 2024**

330A.010 General

1. Purpose: The purpose of this Ordinance is to implement provisions of the Business Site Leasing Ordinance, CITC Chapter 330.

2. Background and Intent: Pursuant to the Coquille Indian Tribal Constitution, Article VI, Section 1, the Tribal Council has legislative authority to establish Tribal codes. As an expression of its sovereign authority as a federally recognized Indian tribal government, the Tribe has adopted a Business Site Leasing Ordinance (the “Leasing Ordinance”). CITC 330A.150 authorizes the Tribal Government CEO to adopt regulations to implement provisions of the Leasing Ordinance. CITC 120.120(5) authorizes the Tribal Government CEO to adopt regulations to implement all laws of the Coquille Indian Tribal Council and to guide the conduct of tribal business as appropriate.

330A.050 Definitions

1. Unless provided otherwise, terms used in this Regulation shall have the same meaning as in CITC Chapter 330A.

330A.075 Lease Execution Official

Unless this authority is delegated to another Tribal employee or contractor by memorandum, the Tribal Government CEO shall serve as Lease Execution Official.

330A.085 Designation of Tribal Lease Recording Office

By memorandum the Tribal Government CEO may designate, re-designate and assign personnel to the Tribal Lease Recording Office.

330A.100 Designation of Lease Review Official

The Tribal Government CEO may designate a Lease Review Official in writing. The Tribal Government CEO will exercise this authority if no other official is designated.

330A.150 Optional Use of Lease Review Team

The Tribal Government CEO may, at their sole option, identify a team of individuals to assist the Tribal Government CEO to perform any aspect(s) of the lease review process under CITC Chapter 330A.

330A.200 Approval and Amendment of Environmental Checklist

The “Environmental Checklist” is a form that the Tribe prepares under CITC Chapter 330A. The purpose of the Checklist is to help the Tribe have relevant and accurate information to conduct an environmental review. The Tribal Government CEO approves of the initial Environmental Checklist attached to this regulation as Exhibit A. The Tribal Government CEO may approve amendments to the Environmental Checklist. The Environmental Checklist is not intended to replace the requirements of applicable law.

330A.300 Adoption of Categorical Exclusions

Categorical exclusions describe lease applications that do not require completion of a Tribal Environmental Impact Report because of their limited environmental impact.

The Tribe also adopts the following Categorical Exclusions:

1. The Tribe adopts these categorical exclusions, provided that relevant references to federal agencies and properties are replaced with corresponding references to their Tribal counterparts: The U.S. Department of Interior has adopted Categorical Exclusions at 43 CFR 46.210. The Bureau of Indian Affairs has adopted additional Categorical Exclusions, which generally can be found in BIA Departmental Manual Part 516 Chapter 10, “Managing the NEPA Process—Bureau of Indian Affairs”.
2. Projects unanimously determined by the Lease Review Team to have no Potential Impact, provided that this categorical exclusion only applies if the Lease Review Official is a member of the Lease Review Team and the Lease Review Team’s determination is made in writing and signed by all team members; and
3. Proposed Actions with anticipated uses and impacts that have been reviewed under the National Environmental Policy Act as of the date that any lease becomes effective.

As authorized by CITC 330.150, the Tribal Government CEO may adopt additional categorical exclusions by amendment to these regulations.

330A.325 Timeframe to Complete Initial Screening and TEIR; Reports

To initiate a review, an applicant must submit a complete application and Environmental Checklist. Once these items are received, the Lease Review Official will (1) send an acknowledgement letter or email to the applicant; and (2) initiate a review. During the review period, the Lease Review Official should provide updates to the applicant at least once every 30 days.

330A.350 Notification to Tribal Council of Categorical Exclusion(s) or Need for TEIR

The Tribal Government CEO shall notify the Tribal Council when it is determined that a proposed lease qualifies for a categorical exclusion(s) or for further analysis necessary to complete a Tribal Environmental Impact Report. The Tribal Government CEO may provide this notice by email or in writing by personal delivery.

330A.400 Preparation of a Tribal Environmental Impact Report

1. By policy, the Tribal Government CEO will adopt a template for the completion of a Tribal Environmental Impact Report (“TEIR”).
2. A TEIR should address the principal components listed in Exhibit C. While all of these components should be considered, only those which will be affected by the lease need be fully described. For the remaining components, a brief statement of why the components will not be affected is sufficient. Good analysis in this section is the key to a good TEIR. The purpose of preparing a TEIR is to assess and analyze the potential impact of a lease, discuss the consequences of alternatives (if any) on a component of the environment before moving on to the next component. The analysis will concentrate on those components of the affected environment that will have impacts. The effects analyzed include direct, indirect, and cumulative. For each type of effect, consider those that are short term, long term, irreversible and irretrievable. The significance of the effects is a critical analysis, because this determines the degree to which mitigation could be necessary or advisable.
3. The Lease Review Official may consult other governmental agencies, but shall include a reference to such consultation in any final TEIR report.
4. The TEIR shall include a list of the names and titles of persons who contributed to the TEIR.
5. Design elements are those specific means, measures or practices that make up the proposed lease. Standard operating procedures, stipulations, and best management practices are usually considered design elements.
6. A TEIR may, if appropriate, include required or recommended mitigation. Mitigation includes specific means, measures or practices that would reduce or eliminate impacts of the proposed lease. Mitigation measures can be applied to reduce or eliminate adverse effects to biological, physical, or socioeconomic resources. Mitigation may be used to reduce or avoid adverse impacts, whether or not they are significant in nature. Measures or practices will only be termed mitigation measures if they have not been incorporated into the proposed lease or any alternative lease. For an action analyzed in a TEIR, mitigation can be used to reduce the effects of an action below the threshold of significance. Enforceable mitigation measures will result in a “mitigated TEIR” and will be clearly described in the TEIR. Mitigation measures are important elements to determine that the lease should move forward. Any mitigation measure should be

enforceable and it is important for the Tribe to monitor mitigation to ensure that it is carried out.

7. Applicant is responsible for informing Lease Review Official of project design changes. Changes to the project design may trigger mitigation measures that were not previously required under the original approved design elements.

330A.500 Voluntary TEIR

The Tribal Government CEO may authorize a Voluntary TEIR. Preparation of a voluntary TEIR shall be for informational purposes only and shall create no right to appeal.

330A.800 Conflict with Tribal Ordinance or Resolution

If this regulation is inconsistent with any Tribal Ordinance or Resolution (“Tribal Legislation”), the text of the Tribal Legislation shall control.

330A.900. Severability.

If a court of competent jurisdiction finds any provision of this ordinance to be invalid or illegal under applicable tribal and or federal law, such provision shall be severed from this ordinance and the remainder of this ordinance shall remain in full force and effect.