

**JAMESTOWN S'KLALLAM TRIBE
TRIBAL CODE
TITLE 27 – TRIBAL ENVIRONMENTAL POLICY ACT (TEPA)**

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Section 27.01.01 Title

This Title shall be known and may be cited as the Jamestown S'Klallam Tribal Environmental Policy Act ("TEPA") and may be cited as the TEPA or the Tribal Environmental Code.

Section 27.01.02 Definitions

For the purposes of this Title, certain definitions may be included in referenced or incorporated documents, if they are not included in the following list:

- A. "Affected party" includes citizens or agents of the Jamestown S'Klallam Tribe that will or may be affected by proposed action subject to this Title;
- B. "Agency" means any Jamestown S'Klallam Tribal board, commission, department, or officer, authorized by law to propose rules for adoption by the Tribal Council or to adjudicate contested cases, except that the term "agency" shall not include either the Tribal Council or the Tribal Court;
- C. "Applicant" means any person, entity, tribe or agency seeking approval or a permit;
- D. "Categorical Exemption" means an exemption to the coverage of this Title, with each exemption specifically adopted by the Tribal Council. An exemption can be partial or whole, but must not be in conflict with existing federal, Tribal or state law or regulations, as applicable;
- E. "Chief Executive Officer" or "CEO" means the Tribe's senior executive officer or their designee;
- F. "Council" or "Tribal Council" means the Jamestown S'Klallam Tribal Council;
- G. "Critical habitat," "endangered species," "wildlife," "plant," "species" and "threatened species" have the same meanings as defined in Section 3 of the Federal Endangered Species Act, 16 USC § 1532, unless the context clearly requires a different meaning. As used herein, "Protected Species" means both "endangered" and "threatened species";
- H. "Cultural Resource" means:
 - 1. Any product of human activity or any object or place given significance by human action or belief, and in the case of this Title, actions and beliefs related to the Tribe, its ancestors and its citizens;
 - 2. Any archaeological materials or objects, including human remains, of cultural or historic significance obtained from cultural or historic sites; and
 - 3. Any protected archaeological, cultural, or historical site;

- I. "Culturally Sensitive Area" means an area known to contain, or suspected of containing, Cultural Resources or important archaeological and spiritual sites, including geologic features, historical buildings, monuments, cemeteries, and other significant sites contributing to the local Indian history and important to the continuance of the Tribe's identity and culture;
- J. "Determination of Mitigated Significant Impact" means the written decision by the Planning Director that a proposal which incorporates the defined mitigation measures is not likely to have a significant adverse impact. The defined mitigation measures become a requirement for the project to proceed;
- K. "Determination of No Significant Impact" means the written decision by the Planning Director that a proposal is not likely to have a significant adverse environmental impact;
- L. "Determination of Significance" (DS) means the written decision by the Planning Director that a proposal is likely to have a significant adverse environmental impact, and therefore an EIS is required;
- M. "Environmentally Sensitive Area" means an area that meets the criteria set out in Washington Administrative Code ("WAC") 173-360-520 (1) to (4);
- N. "Impact" means the effects or consequences of actions and shall include direct and indirect effects, as well as the cumulative effects of the action and other existing, proposed or probable actions;
- O. "Land Consolidation Plan" means the plan adopted by the Tribe and approved by the United States Bureau of Indian Affairs in 1986;
- P. "Mitigation" means:
1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
 5. Compensating for the impact by replacing or providing substitute resources or environments
- Q. "National Environmental Policy Act (NEPA)" means the federal act (42 U.S.C. 4321 et seq) that requires federal agencies to consider the environmental impacts of proposed federal projects which could significantly affect the environment;
- R. "Natural Resources Department" means the Jamestown S'Klallam Natural Resources Department;
- S. "NR Director" means the Director of the Natural Resources Department or their designee;
- T. "Non-project Actions" involve land use and other management plans that govern the development or management of land (generally describes a series of connected actions);
- U. "Person" means any individual; association of individuals; partnership; private, public, Tribal or municipal corporation or LLC, Tribal enterprise, company, business enterprise, any county, Tribal, federal, state or local government, or any governmental entity;
- V. "Planning Department" means the Jamestown S'Klallam Tribe Planning Department;

- W. "Planning Director" means the Director of the Planning Department for Jamestown S'Klallam Tribe;
- X. "Policy and Procedures" means any policies and procedures which have been promulgated by the Tribe to implement the provisions of this Title;
- Y. "Pollutant" means any substance or energy entering the environment as a direct or indirect result of human activity that alters or has the potential to alter the physical, chemical, biological, cultural, spiritual or aesthetic properties of the environment;
- Z. "Pollution" shall mean the presence in the environment of sufficient quantities of pollutants as may be injurious to public health, safety or welfare, or to domestic, commercial, agricultural, or recreational uses, or to livestock, wildlife, fish or other aquatic life;
- AA. "Proposed Action" and "Action" mean a development project, construction, or other activity for which an applicant is requesting tribal review, approval or a permit. Actions also include the adoption or amendment of tribal comprehensive land use plans, building and zoning codes or other tribal legislative proposals.;
- AB. "Ordinary High Water Mark (OHWM)" means the mark on all lakes, streams and tidal waters which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland: Provided, that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood;
- AC. "Protected lands" means:
1. All lands within the Reservation; and
 2. All lands outside the Reservation which are owned by the Tribe or held by the United States in trust for the Tribe or its citizens;
- AD. "Reservation community" means all persons who reside on or otherwise conduct business or other activities on any lands, whether trust or fee, within the exterior boundaries of the Jamestown S'Klallam Reservation;
- AE. "Reservation resources" or "Reservation environment" means land, surface and ground water, fish, biota, plants, animals, air, wildlife and capital improvements on the Jamestown S'Klallam Reservation;
- AF. "State Environmental Policy Act (SEPA)" means the Washington State Environmental Policy Act, Ch. 433.21C RCW as amended. Other states may have similar acts, with similar titles and will be referenced, when appropriate, by appending the state name to the state environmental policy act;
- AG. "Significant" means a reasonable likelihood of more than a moderate adverse impact on environmental quality. Significance involves context and intensity and does not lend itself to a formula or quantifiable test. Considerations in determining significance include:
1. Context, which may vary with the physical setting;
 2. Intensity, which depends on the magnitude and duration of an impact; and
 3. Severity of an impact, which should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred;

- AH. "Tribal Environmental Policy Act (TEPA)" means the environmental policy act of the Jamestown S'Klallam Tribe as codified in this Title 27 of the Tribal Code. Other tribes may have similar acts, with similar titles and will be referenced, when appropriate, by appending the name of the tribe to its tribal environmental policy act, ordinance or code;
- AI. "Tribal Non-Fee Land" means those lands, both trust and reservation, for which the United States Government, as trustee, holds legal title for the Tribe, as beneficiary. It includes uplands, tidelands and wetlands within the boundaries of trust and reservation lands;
- AJ. "Tribal Fee Land" means all land owned by the Tribe in fee simple;
- AK. "Tribal Treaty Rights Land" means land that the Tribe may have treaty rights on, or rights to cultural resources on, but in which the Tribe has no fee interest or trust or reservation interest; and
- AL. "Tribe" means the Jamestown S'Klallam Tribe.

Section 27.01.03 When this Title is Applicable

The requirements of this Title shall apply for the following Actions on Tribal Non-fee Land:

- A. Land development and project proposals subject to approval or permit by the Tribe; or
- B. Any other action that may have a significant adverse impact to the environment, including impacts to Treaty Rights, cultural or archeological resources of the Tribe.

The requirements of this Title shall also apply when the Tribe determines that it should be the lead agency for project environmental review on Tribal Fee Land and Tribal Treaty Rights Land.

Section 27.01.04 When this Title is Not Applicable

Then requirements of this Title shall not apply when:

- A. Members of the Tribal staff are acting in a non-lead agency, consultative capacity regarding environmental and related issues on Tribal Fee Land, Tribal Treaty Rights Land or other fee land, then the standards in this Title will not apply. In those cases, the Tribal staff shall formulate recommendations based upon best available science and the laws and regulations applicable to the land under NEPA, SEPA, or other environmental policy act of another jurisdiction, including those of other tribes, as appropriate; or
- B. Any traditional or religious activities are being conducted by a citizen or citizens of the Tribe, unless a permit is required by any other provision of the Tribal Code.

Section 27.01.05 Sovereign Immunity

The Tribe, and each its constituent parts, is immune from suit in any jurisdiction, except to the extent that such immunity has been expressly and unequivocally waived by the Tribal Council according to Title 22 of the Tribal Code. Nothing in this Title shall be construed as waiving the sovereign immunity of the Tribe or any of its constituent parts.

Section 27.01.06 Severability

If any provision of this Title or its application to any person or legal entity or circumstances is held invalid, the remainder of this Title or the application of its provisions to other persons, legal entities or circumstances shall not be affected.

Section 27.01.07 Policies and Procedures

The Planning Department is hereby authorized by the Tribal Council to develop policies and procedures for the implementation of this Title. The policies and procedures, shall include, but are not limited to:

- A. Provisions for interpreting and implementing this Title and for providing uniform guidelines to all Tribal agencies and departments and affected third parties;
- B. Procedures to be applied to the preparation, scope and coverage of an Environmental Checklist, including rules for timing of review, comment, data collection and other information;
- C. Procedures for public notification of actions taken and documents prepared; and
- D. All other reasonable actions as may be required to fulfill the intent of this Title.

Chapter 27.02 Procedures

Sections:

Section 27.02.01 General Procedures

Section 27.02.02 Notification to Planning Department

Section 27.02.03 Screening

Section 27.02.04 Time Limits

Section 27.02.05 Cost of Documentation

Section 27.02.06 Emergency Activities

Section 27.02.07 Consultation Requirements

Section 27.02.08 Actions Subject to Environmental Review

Section 27.02.09 Actions not Subject to Environmental Review

Section 27.02.10 Notification to Applicant

Section 27.02.01 General Procedures

The following procedures will be used to conduct the environmental review and to assess potential environmental impacts on Tribal non-fee lands and other lands when the Tribe determines that it should be the lead agency for project environmental review:

Section 27.02.02 Notification to Planning Department

Applicants seeking Tribal approval for a proposed project or land use action shall notify the Planning Department, in writing, concerning the proposed activity.

Section 27.02.03 Screening

Upon receipt of the applicant's notification, the Department will perform an initial screening of the proposed activity and will notify the applicant, in writing, whether the project:

- A. Is categorically exempt from the requirements of this Title; or
- B. Is categorically exempt, but requires completion of an Environmental Checklist due to the location or scale of the proposed activity; or
- C. Requires completion of an Environmental Checklist and demonstration that the action is in compliance with all applicable tribal, local, state and federal regulations; or
- D. May require a federal environmental review, per the National Environmental Policy Act, pursuant to the proposed action involving a federal decision, action or funding. This may require that a neutral third party be retained to perform an environmental review, assessment, evaluation or Environmental Impact Statement ("EIS").

Section 27.02.04 Time Limits

Time limits imposed in this Title are guidelines and shall be construed in a manner that accomplishes the goals of this Title.

Section 27.02.05 Cost of Documentation

The cost of collecting and preparing any documentation and data shall be borne by the applicant.

Section 27.02.06 Emergency Activities

In the event of an emergency (i.e., flood, earthquake, etc.) declared by the Tribe, or declared by State or Federal governments and concurred upon by the Tribe for lands within its jurisdiction, construction and other activities that are directly related to the emergency shall be exempted from this Title, except that, to be declared a permanent

structure after the emergency is over, they will be reviewed after the fact and be subject to conditions, removal and/or restoration as a result of an environmental review.

Section 27.02.07 Consultation Requirements

The Planning Department shall consult with other Tribal departments during the TEPA process commensurate with the type and scope of the environmental document. Consulted departments have a responsibility to respond in a timely and specific manner to requests for comments.

To the fullest extent possible, the Department will conduct the environmental review procedures in concurrence with any other environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other relevant environmental review laws and executive orders.

When the Tribe does not have a lead agency role, the Planning Department shall coordinate project review for Tribal capital projects and land-use management plans to assure consistency with Tribal goals and standards. When providing review as a non-lead agency, the Planning Department will consult with other Tribal departments.

Section 27.02.08 Actions Subject to Environmental Review

The following activities will normally be subject to environmental review and include, but are not limited to, the following:

- A. Site development, for any reason, if the constructed footprint will exceed 400 sq. ft. However, if development is planned within a culturally or environmentally sensitive area, or required buffer, the proposal will also be subject to environmental review if the planned footprint is less than 400 sq. ft.;
- B. Road construction or repair and right-of-way maintenance;
- C. Construction or repair of culverts, underground structures or surface drainage ditches;
- D. Construction of any water or flood related project if there will be any activity, wholly or partially, within the Ordinary High Water Mark, regardless of the nature or extent of the construction activity, including dredging, drilling, dumping, filling, removal of any sand, gravel, or minerals; or bulk heading, diking, riprapping or driving of piling;
- E. Timber harvesting;
- F. Proposed agricultural activities, including maintaining livestock, growing crops for commercial sale, or other farming activities;
- G. Proposed aquaculture activities;
- H. Spraying or other application of pesticides and herbicides except for use by single family residences or for normal landscaping activities on Tribal properties outside critical area buffers;
- I. Clearing and grading where the proposed activity exceeds 7,000 sq ft;
- J. Alteration of any building or structure of cultural or historical significance to the Tribe;
- K. Actions for which a permit or approval is required by any other provision of the Tribal Code;
- L. Any ground or surface water withdrawal;

- M. Non-project Actions such as land-use and other management plans that govern the development or management of land (usually of a series of connected actions);
- N. Activities that would normally be considered a categorical exclusion but due to their nature, scale or location, would result in a disturbance to:
 - 1. Environmentally sensitive areas;
 - 2. Culturally sensitive areas; or
 - 3. Any area greater than 7,000 sq. ft. of land.

Section 27.02.09 Actions not Subject to Environmental Review

The following activities shall be exempted from environmental review under this Title, except that the proposed activities may be regulated or permitted under other codes, ordinances, or agreements of the Tribe:

- A. Residential home improvements;
- B. Construction of garages, sheds, or carports that are attached or accessory to existing residential structures;
- C. Businesses conducted in the home except where construction is required or hazardous materials are used or stored; or
- D. Traditional, cultural or religious activities conducted by citizens of the Tribe, unless a permit is required by any other provision of the Tribal Code.

Section 27.02.10 Notification to Applicant

Upon completion of the screening process, the Planning Department shall inform the applicant, in writing, of the proposal status, as follows:

- A. If the Department determines that the proposal is Categorical Exempt from a TEPA review, the provisions of this Title shall be deemed satisfied. This does not exempt the applicant from meeting any other applicable Tribal, local, state or federal regulations;
- B. If the Department determines that the proposal is ordinarily considered "Categorical Exempt," but under the conditions of the proposed project will require environmental review, then the applicant shall follow the procedures for environmental review set out in this Title;
- C. If the Department determines that the proposal is subject to an environmental review under this Title, the applicant shall be notified in writing and shall be required to complete an Environmental Checklist. The applicant may request a meeting with the Department to obtain information about the process; or
- D. If the Department finds that the proposal may be subject to an environmental review under NEPA, the applicant shall be responsible for coordinating with the lead federal agency. If the applicant is required to prepare environmental documentation, either an Environmental Assessment or an Environmental Impact Statement, under NEPA Regulations 40 CFR Part 1500, the provisions of this Title shall be deemed satisfied.

Chapter 27.03 Environmental Review

Sections:

Section 27.03.01 Documentation

Section 27.03.02 Review of Impacts

Section 27.03.03 Determination

Section 27.03.04 Notification to Applicant

Section 27.03.05 Appeals

Section 27.03.01 Documentation

If the Department makes a determination that a proposed activity is subject to an environmental review under the requirements of this Title, the applicant shall be required to provide documentation, which may include, but is not limited to:

- A. Environmental Checklist. The Department will obtain information about the proposed activity through review of a completed Environmental Checklist. The Tribe shall make the Checklist available to the applicant, who shall be responsible for accurately and fully completing the document;
- B. Supplemental Documentation. To further assess the nature and scale of potential environmental impacts, the Department may require further exploration of the proposed action in the form of supplemental documentation; or
- C. Functionally Equivalent Documentation. The Department may use existing environmental or other documents if they adequately address the proposed activity. The proposal or action for which the document was prepared need not be identical to the proposed action, but must provide a reasonable basis for comparison and analyses. The Department shall review existing documents and determine whether the material is relevant and adequate.

Section 27.03.02 Review of Impacts

The Department shall review the applicant's completed Environmental Checklist, along with any additional documentation or information concerning the proposal, for the purpose of determining whether the proposed activity satisfies the policies and intent of the TEPA. The Department, in conducting its review of impacts, may include or consider the following:

- A. Environmental Checklist. The Department will obtain information about the proposed activity through review of a completed checklist;
- B. Consultation with Interested Parties and Agencies. Before issuing its determination, the Department or a consultant may 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 potential environmental impact;
- C. Site Visits/Meetings. To ensure completeness and accuracy of the checklist, the Department may request site visits and/or meetings with the applicant in order to obtain further information about the proposed activity;
- D. Analysis and consideration of supplemental studies. Cost of conducting additional studies, if any, shall be borne by the applicant;
- E. Opportunity for Tribal Citizen Comment. The Department shall provide opportunity for the Tribal citizens to review and comment on the environmental impacts of the proposed activity; and

- F. Consideration of alternatives. The Department may request the applicant to explore reasonable alternatives and to evaluate the comparative merits of alternative courses of action.

Section 27.03.03 Determination

The Department shall take no more than fourteen (14) days upon receipt of a completed application to conduct a project review and make a determination.

After reviewing the completed Environmental Checklist, and any supplemental documentation, the Department shall make one of the following determinations:

- A. "Determination of No Significant Impact" means that the Department, upon completing its review of the Environmental Checklist, will issue a determination of no adverse environmental impacts; or
- B. "Determination of Mitigated Significant Impact" means that the Department, upon completing its review of the Environmental Checklist, require mitigation measures to reduce the action below the threshold of significant adverse impacts; or
- C. "Determination of Significant Impact" means that the Department has identified one or more of the following conditions in the course of its review:
 - 1. Absent or insufficient information to perform a rigorous analysis of the potential environmental impacts;
 - 2. Inability to obtain required permit(s), where applicable, from local, state or federal agencies;
 - 3. Failure to comply with applicable federal consultation laws; or
 - 4. Potential for significant, adverse impacts that cannot be mitigated unless alternative proposal designs or activities are taken into consideration.

Applicants may work with the Department to address these conditions and may submit further analysis, alternatives and considerations in order that the activity may be reconsidered and satisfy this Title.

If the Department, upon completing its review of the Environmental Checklist, finds that the action will have significant, adverse environmental impacts and that those impacts require further evaluation and a substantive evaluation of alternatives, an Environmental Assessment or Environmental Impact Statement will be prepared by the applicant that meets the criteria for content and form established in 40 CFR Part 1502 of the US Council on Environmental Quality regulations.

Section 27.03.04 Notification to Applicant

- A. Written Notification to Applicant. Upon making its determination, the Director shall prepare a written notification, addressed to the project applicant, summarizing the determination. A copy of the Director's determination shall be provided to the CEO.
- B. Binding Agreement. The written notification shall constitute a binding agreement between the applicant and the Tribe. Violation of the terms, during any phase of the activity may be subject to enforcement procedures.
- C. Effectiveness and Expiration of a Determination of No Significant Impact. A Determination shall be valid for a period of three (3) years, or the expiration date of the associated permit, whichever is longer, subject to any conditions of approval related to the timing of regulated activities on all or a portion of the development proposal site. A Determination shall cease to be effective if the applicant fails to comply with any condition of approval.

- D. Changes. Any significant change to a development proposal shall be disclosed by the applicant whereby a new environmental review may be required.

Section 27.03.05 Appeals

An applicant may appeal the Department's decision by requesting in writing that the Tribal Council evaluate and reconsider the Department's determination.

Any notice of appeal or request for reconsideration of a decision by the Department must be filed no later than 15 calendar days from the date the Determination was issued.

The appeal or request for reconsideration shall be made in writing and shall be served by certified mail, return receipt requested, to the Secretary of the Tribal Council, the CEO and/or the Director. The appeal or request for a rehearing shall contain a brief description of the proposed activity, the specific reasons for the appeal, and for the desired outcome.

The Tribal Council may only reverse a decision of the Department if the appealing party can show by clear and convincing evidence that the Department abused its discretion in the decision making process, or acted arbitrarily or capriciously; or if the project action is demonstrated to be not in compliance with this Title.

Chapter 27.04 Standards

Sections:

Section 27.04.01 General Standards

Section 27.04.01 General Standards

The following general standards apply to proposed activities to be reviewed under this Title:

- A. Preservation of Coastal Zone Functions. All activities shall be consistent with the management plan, guidelines and practices established in the Jamestown S'Klallam Coastal Zone Management Plan;
- B. Preservation of Cultural and Archeological Resources. Activities shall be located, designed, constructed, and operated in a manner that minimizes adverse affects on the Tribe's cultural and archeological resources;
- C. No Interference with Fishing Rights. No activity shall occur in a manner that causes interference with the exercise of the Tribe's treaty fishing rights. No activity shall block or impede the free movement of fish;
- D. Water Quality/Fish and Wildlife Quality. Activities shall be located, designed, constructed, and operated in a manner which minimizes adverse affects on fish, shellfish, wildlife, water quality, and existing geohydraulic shore and stream processes;
- E. Fish Wastes. Discharge of wastes from fish and shellfish processing into water bodies shall, at a minimum, meet the federal standards for those activities. Alternative uses for fish and seafood wastes, such as fertilizer, are encouraged;
- F. Flood-Proofing. No activity shall be located in areas subject to flooding or tidal inundation unless complete flood-proofing measures have been provided and then only when the location of the structure will not aggravate flooding potentials of the nearby properties. Structures in the 100 year flood plain must comply with federal flood-proof standards necessary to obtain federal flood insurance, whether flood insurance is obtained or not;
- G. Erosion Control. An erosion control plan must be approved prior to issuance of a determination under TEPA for any activity which would pose a risk of erosion during construction or afterward. No earth or debris resulting from the activity shall be allowed to enter streams, lakes or marine waters. No activity shall contribute to foundation instability or mass soil movement;
- H. Use of Fill. Fill will not alter or prohibit the natural flow of surface water or groundwater, or present a geologic hazard. There shall be no excavation or filling of stream channels or lakes or alteration of stream courses unless required for a project that would enhance the biological productivity of the aquatic environment;
- I. Clearing and Grading. All clearing and grading activities must be conducted in such a manner as to minimize sediment erosion. Measures must be implemented to control for export of sediment to surface waters, or sensitive areas;
- J. Sewage Disposal; Well Drilling. Any activity which requires sewage disposal or water withdrawal shall not result in erosion, mass movement of soil, contamination of groundwater, saltwater intrusion, or any other adverse impacts to the environment. The Tribe may require the applicant to submit a report of a licensed engineer to prove the absence of a threat of all adverse environmental impacts; and
- K. Aquifer Recharge/Drinking Water Protection. All actions within a designated aquifer recharge area or drinking water protection area shall prevent degradation of the quality of potable groundwater. Application

of herbicides and pesticides in a drinking water protection area is prohibited except for conditional permits that may be given for agricultural (including tree farming) and residential application, when no reasonable alternative is available to control pests or plant growth.

Chapter 27.05
Codification and Amendments

Sections:

Section 27.05.01 Codification

Section 27.05.02 Amendments

Section 27.05.01 Codification

Title 27 Tribal Environmental Policy Act (TEPA) was approved on July 27, 2009, at a Tribal Council meeting with Resolution #19-09.

Section 27.05.02 Amendments

Reserved.