

RESOLUTION NO. 2005- 17
OF THE MOHEGAN TRIBE OF INDIANS OF CONNECTICUT
APPROVING TRIBAL NO_x REGULATIONS

WHEREAS, The Mohegan Tribe of Indians of Connecticut (Mohegan Tribe) is a federally recognized American Indian Tribe recognized by the United States pursuant to 25 C.F.R. 83; and

WHEREAS, the Mohegan Tribe is governed by the Mohegan Tribal Council pursuant to the Constitution of the Mohegan Tribe; and

WHEREAS, the Mohegan Tribal Council has specified powers under the Tribal Constitution including the power to promote and protect the health, peace, morals, education and general welfare of the Mohegan Tribe and its members and to establish and enforce any ordinances necessary to that power; and

WHEREAS, the Mohegan Tribe has established a Mohegan Environmental Protection Department (MEPD) that is authorized to administer and enforce all tribal laws relating to air, water and land environmental protection; and

WHEREAS, the MEPD—with the assistance of the Tribal Legal Department—has drafted “The Mohegan Tribe Tribal Air Program Area Wide NO_x Emission Limitation Regulation” (NO_x Regulations) that will establish regulations and limitations applicable to all stationary sources of NO_x (nitrogen oxide) emissions located on the Mohegan Indian Reservation; and

WHEREAS, the MEPD has worked closely with the U.S. Environmental Protection Agency (EPA) in the preparation of the NO_x Regulations and has followed applicable EPA regulations including the holding of a Public Hearing on March 25, 2005 to solicit public comments; and

WHEREAS, the Tribal Council previously approved NO_x Regulations pursuant to Mohegan Tribal Ordinance 2002-14 and Resolution No. 2002-21; and

WHEREAS, EPA regulations have changed since the time these NO_x Regulations were enacted that set new limits on NO_x Emissions; and

WHEREAS, the Mohegan Tribe must adopt NO_x Regulations in order that it may obtain approval by EPA of its Request for Eligibility Determination under the Clean Air Act to be treated as a state to administer and enforce the NO_x regulations; and

WHEREAS, the Mohegan Tribe will be submitting its Request for Eligibility Determination under the Clean Air Act upon approval by the Tribal Council of the NOx Regulations; and

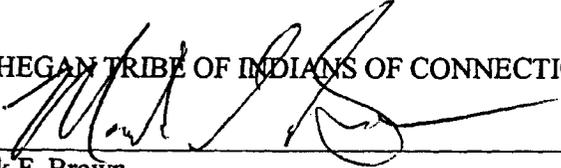
NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby approves and enacts the "The Mohegan Tribe Tribal Air Program Area Wide NOx Emission Limitation Regulation" (NOx Regulations) that will establish regulations and limitations applicable to all stationary sources of NOx (nitrogen oxide) emissions located on the Mohegan Indian Reservation; and

BE IT FUTHER RESOLVED that Tribal Council hereby repeals the NOx Regulations that the Tribal Council approved pursuant to Mohegan Tribal Ordinance 2002-14 and Resolution No. 2002-21; and

BE IT FINALLY RESOLVED that the Tribal Council authorizes the submission of the Request for Eligibility Determination under the Clean Air Act so that the Tribe may be treated as a state to administer its NOx Regulations.

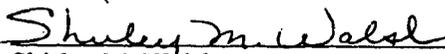
Dated this 28 day of April 2005 at Uncasville, Connecticut.

MOHEGAN TRIBE OF INDIANS OF CONNECTICUT



Mark F. Brown
Chairman

ATTEST:



Shirley M. Walsh
Recording Secretary

RESOLUTION NO. 2005-19
OF THE MOHEGAN TRIBE OF INDIANS OF CONNECTICUT
EFFECTIVE DATE OF TRIBAL NOx REGULATIONS

WHEREAS, The Mohegan Tribe of Indians of Connecticut (Mohegan Tribe) is a federally recognized American Indian Tribe recognized by the United States pursuant to 25 C.F.R. 83; and

WHEREAS, the Mohegan Tribe is governed by the Mohegan Tribal Council pursuant to the Constitution of the Mohegan Tribe; and

WHEREAS, the Mohegan Tribal Council has specified powers under the Tribal Constitution including the power to promote and protect the health, peace, morals, education and general welfare of the Mohegan Tribe and its members and to establish and enforce any ordinances necessary to that power; and

WHEREAS, the Tribal Council approved the NOx Regulations on April 28, 2005 pursuant to Resolution No. 2005-17 and Mohegan Tribal Ordinance 2005-01; and

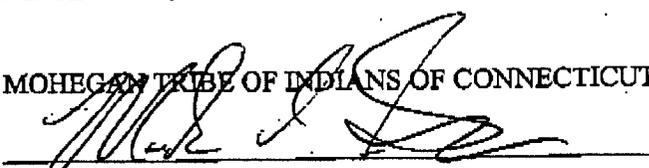
WHEREAS, the NOx Regulations include language in Section 14 of the Regulations stating that they will not be effective until approved by Tribal Council and the Mohegan Tribal Gaming Authority (MTGA); and

WHEREAS, it has been determined that the approval of or by adoption the MTGA is not required for the NOx Regulations to become effective.

NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby deletes the language in the NOx Regulations (Ordinance 2005-01) in Section 14 that the Regulations will be effective upon adoption by the MTGA which will make the Regulations effective based upon the approval by the Tribal Council on April 28, 2005.

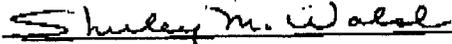
Dated this 23 day of May 2005 at Uncasville, Connecticut.

MOHEGAN TRIBE OF INDIANS OF CONNECTICUT



Mark F. Brown
Chairman

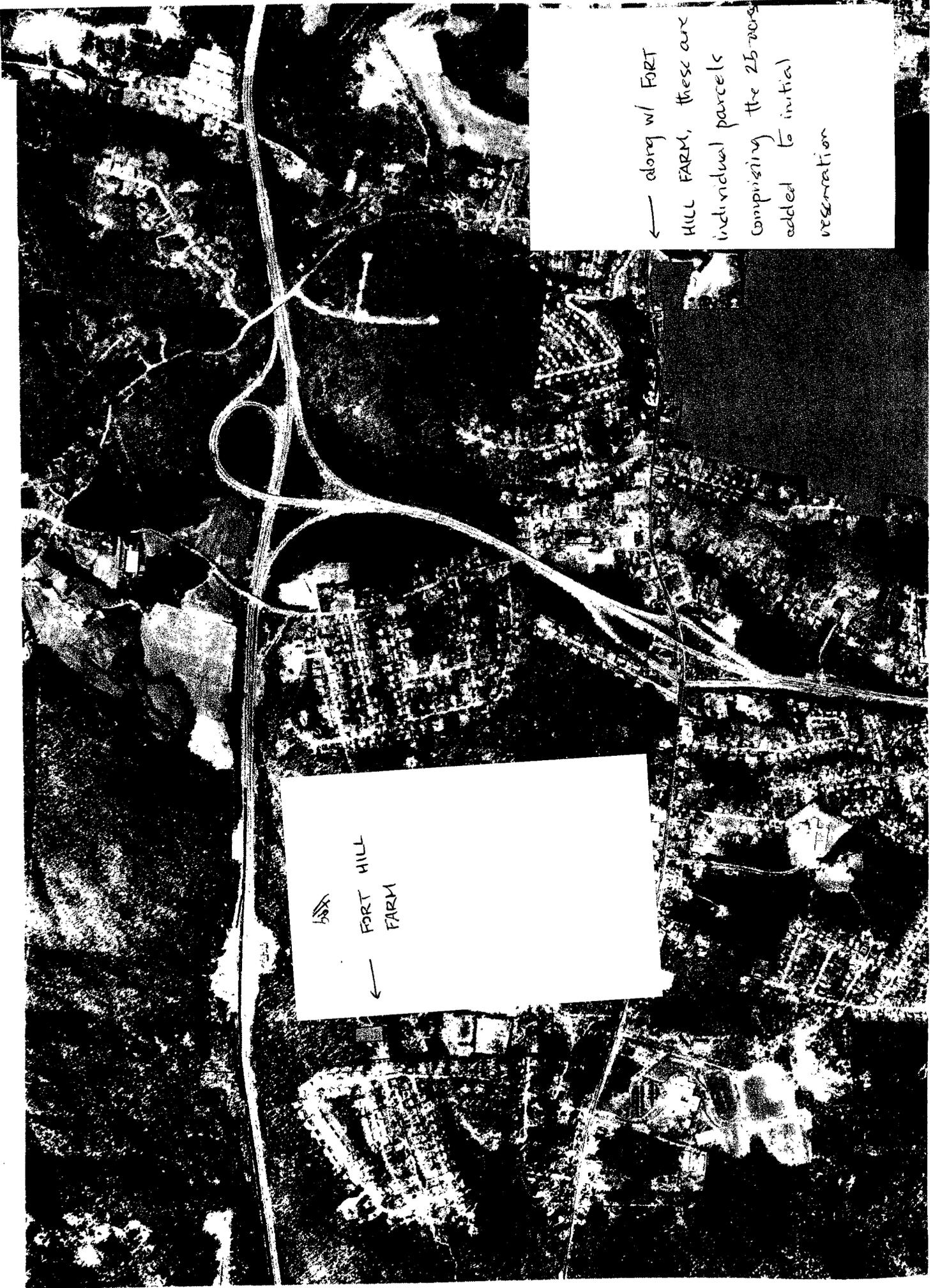
ATTEST:



Shirley M. Walsh
Recording Secretary



NOV 20 11 11 AM '02



BR
FORT HILL
FARM
←

← along w/ FORT
HILL FARM, these are
individual parcels
comprising the 25,000±
added to initial
reservation



n 240 acres of
initial reservation

FORT SHANTOK



Geographic Information Systems - Planning

MOHEGAN
ENVIRONMENTAL PROTECTION DEPARTMENT
Ordinance 2002- 12

Section 1. Statement of Findings. The Mohegan Tribal Council finds that:

- A. The Mohegan Tribe has a primary interest in the protection, control, conservation and utilization of natural resources within the Mohegan Indian Reservation. It is the purpose of this Ordinance to establish a Tribal Environmental Protection Department to ensure the health and well-being of all people residing on or visiting the Mohegan Indian Reservation.
- B. The Mohegan Tribe has jurisdiction to implement and enforce Tribal air, water and land use quality standards on the Mohegan Indian Reservation.

Section 2. Establishment of Department.

- A. There is hereby established, within the Office of the Chief of Staff, the Mohegan Environmental Protection Department, hereinafter referred to as the "Department" or "MEPD".
- B. There shall be at the head of the Department the Administrator of the Mohegan Environmental Protection Department, hereinafter referred to as the "Administrator." The Administrator shall be hired by the Mohegan Tribe as a tribal employee and shall be subject to all policies, rules and regulations that apply to other tribal departments.

Section 3. General; Responsibilities of the Department.

The Department is charged with the development, administration and enforcement of the Tribal Implementation Plan enacted pursuant to the Clean Air Act and any such other environmental program approved by the Tribal Council:

- A. The Administrator shall develop standards and guidance to protect the Tribe's air, land, water and other natural resources for proposal and approval by the Tribal Council.
- B. The Administrator shall promulgate rules and regulations for the review and approval of the Tribal Council for the purpose of compliance with the Tribal Implementation Plan.

- C. The Administrator shall monitor compliance and prepare appropriate documentation in furtherance of the administration and enforcement of the Tribal Implementation Plan, as provided for in tribal regulations enacted for such purposes.
- D. The Administrator shall consult with various agencies on the permitting process and seek resolution for issues of non-compliance, as provided for in tribal regulations enacted for such purposes.
- E. The Administrator shall be responsible for administering such other environmental programs as directed by the Tribal Council, including but not limited to Fuel Cell operations and Tribal recycling programs.

Section 4. Enforcement; Delegation of Authority.

The Administrator shall have the authority to:

- A. Enforce the Department's environmental and natural resource rules and regulations approved by the Tribal Council.
- B. Promulgate, for approval by the Tribal Council, reasonable and appropriate enforcement policies and procedures, and implement such policies and procedures as provided for in tribal regulations enacted for such purposes.
- C. Promulgate, for approval by the Tribal Council, a schedule of civil/criminal penalties to be assessed for violations of the Department's rules and regulations and follow any agreed upon procedures regarding alleged criminal violations in cases where the Tribe is precluded from asserting criminal enforcement authority.

Section 5. Reporting

The Administrator shall report to the Chief of Staff on a monthly basis regarding the departmental functions, budget, and activities of the MEPD. Further, the Administrator shall report in writing to the Tribal Council, on at least a quarterly basis, regarding the status of the Tribal Implementation Plan and other delegated programs.

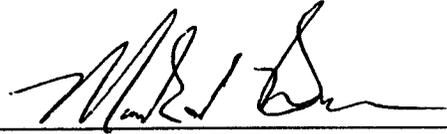
Section 6. Funding

The Tribe shall provide such funding to the Department that will ensure that the Department can, at a minimum, appropriately develop, implement, monitor, and enforce the Tribal Implementation Plan and any other environmental programs approved by the Tribal Council.

Section 7. Effective Date

This Ordinance shall be effective following the enactment by resolution of the Mohegan Tribal Council.

I hereby certify that the foregoing Ordinance was approved by the Mohegan Tribal Council at a duly called meeting of the Council on the 18th day of December, 2002.



Chairman, Mark F. Brown
Mohegan Tribal Council

Attest:



Recording Secretary, Shirley M. Walsh

RESOLUTION No. 2002- 49
OF THE MOHEGAN TRIBE OF INDIANS OF CONNECTICUT

WHEREAS, the Mohegan Tribe of Indians of Connecticut is an American Indian Tribe recognized by the United States pursuant to the provisions of 25 C.F.R. Part 83; and

WHEREAS, the Tribal Council is vested with the authority to promote and protect the health and general welfare of the Mohegan Tribe and its members pursuant to Article IX, Section 2(l), Constitution of the Mohegan Tribe of Indians of Connecticut; and

WHEREAS, the Tribal Council is vested with the authority to establish and enforce all ordinances delineating the civil and criminal laws of the Mohegan Tribe and to establish and enforce rules and regulations for the management of tribal lands pursuant to Article IX, Section 2(n) and (j), Constitution of the Mohegan Tribe of Indians of Connecticut; and

WHEREAS, the Tribal Council is vested with the authority to establish a basic departmental structure for the executive branch of the tribal government and to delegate appropriate powers to such departments pursuant to Article IX, Section (q), Constitution of the Mohegan Tribe of Indians of Connecticut; and

WHEREAS, the Tribal Council has a primary interest in the protection, control, conservation and utilization of all natural resources within the exterior boundaries of the Mohegan Indian Reservation; and

WHEREAS, the Tribe is in the process of developing and implementing environmental and natural resources programs through the enactment of tribal laws regarding regulation, compliance and enforcement of environmental standards and rules on Tribal lands; and

WHEREAS, the Tribal Council has reviewed the existing Mohegan Environmental Department Ordinance, Mohegan Tribal Ordinance No. 2001-03 and determined that modifications are necessary to make clarifications and changes that will further provide for the proper administration of the Mohegan Environmental Protection Department; and

WHEREAS, the Tribal Council has completed its review of such modifications and desires to amend the Mohegan Environmental Protection Department Ordinance.

THEREFORE, be it resolved that the Mohegan Tribal Council hereby approves, as amended, the Mohegan Environmental Protection Department Ordinance, Mohegan Tribal Ordinance, No. 2002- 12 and hereby repeals the previous version of the Mohegan Environmental Protection Department Ordinance, No. 2001-03.

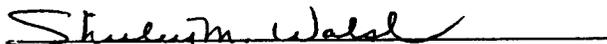
Dated this 18th day of December, 2002 at Uncasville, Connecticut

MOHEGAN TRIBE OF INDIANS OF CONNECTICUT



Mark F. Brown
Chairman

Attest:



Shirley M. Walsh
Recording Secretary