

**APRIL 2005 CROW TRIBAL LEGISLATURE**

**BILL NO. CLB05-12**

**INTRODUCED BY CARL E. VENNE, CHAIRMAN  
CROW TRIBAL EXECUTIVE BRANCH**

**A BILL FOR AN ACT ENTITLED "CROW TRIBAL ENVIRONMENTAL POLICY  
ACT TO INITIATE PROTECTION OF THE ENVIRONMENT, AND TO ESTABLISH  
AN ENVIRONMENTAL QUALITY COUNCIL AND A BOARD OF  
ENVIRONMENTAL REVIEW"**

Pursuant to the authority vested in the Legislative Branch of the Crow Tribe by and through its organic document, the Constitution and Bylaws dated July 14, 2001, and particularly Article V Section 2 (a) and (c) and its authority to provide for the health, safety, morals and welfare of the Tribe, the Crow Tribal Legislative Branch of the Crow Tribe hereby establishes a public body to be known as the Crow Tribal Environmental Quality Council, and enacts this Ordinance which shall establish the purposes, powers and duties of the Crow Tribal Environmental Quality Council.

In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, the Crow Tribal Environmental Quality Council shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this Ordinance by the Legislative Branch of the Crow Tribe and approved by the Chairman of the Crow Tribe. A copy of this Ordinance duly certified by the Secretary of the Executive Branch shall be admissible in evidence in any suit, action or proceeding.

**ARTICLE I**

**DECLARATION OF NEED**


It is hereby declared:

1. That within the exterior boundaries of the Crow Indian Reservation there is inadequate protection of the natural environment from profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new expanding technological advances.
2. That it is critically important to restore and maintain environmental quality to the overall welfare and human development, and to preserve important historic, cultural, and natural aspects of our unique heritage and maintain wherever possible, an environment that supports diversity and variety of individual choice.

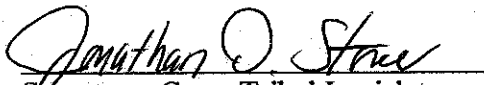
3. That efforts are needed to develop protective codes and procedures for all areas of environmental issues and prevention and restoration of many practices are overlooked causing impairment of ecological systems and natural resources important to all people within the boundaries of the Crow Reservation.
4. Any rules created to implement policy by the council shall be approved at the Legislative session or special session for approval including the signature of the Chairman prior to becoming enforceable.

### CERTIFICATION

I hereby certify that the adoption of this Bill was duly approved by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained and that quorum was presented on this 19th day of April 2005.

  
\_\_\_\_\_  
Speaker of the House  
Crow Tribal Legislature

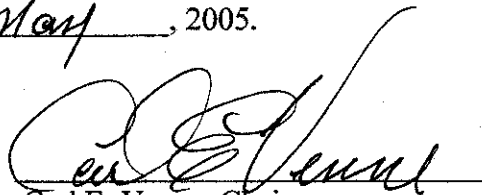
ATTEST:

  
\_\_\_\_\_  
Secretary, Crow Tribal Legislature

### EXECUTIVE ACTION

I hereby  
approve,  
 veto

this Bill, Crow Tribal Environmental Policy Act pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 2 day of May, 2005.

  
\_\_\_\_\_  
Carl E. Venne, Chairman  
Crow Tribal Executive Branch

Bill or Resolution Number CLBDS-12 Introduced by Executive Date of Vote 4-19-05  
 Representative

	Yes	No	Abstain
B. Cloud	<input checked="" type="checkbox"/>		
C. Goes Ahead	<input checked="" type="checkbox"/>		
O. Costa	<input checked="" type="checkbox"/>		
V. Crooked Arm			
R. Iron	<input checked="" type="checkbox"/>		
J. Stewart			
E. Fighter	<input checked="" type="checkbox"/>		
L. Costa	<input checked="" type="checkbox"/>		
L. Hogan	<input checked="" type="checkbox"/>		
D. Old Elk	<input checked="" type="checkbox"/>		
K. Real Bird	<input checked="" type="checkbox"/>		
E. Pease	<input checked="" type="checkbox"/>		
S. Medicine Horse	<input checked="" type="checkbox"/>		
L. Not Afraid	<input checked="" type="checkbox"/>		
P. Real Bird	<input checked="" type="checkbox"/>		
D. Wilson	<input checked="" type="checkbox"/>		
J. Stone	<input checked="" type="checkbox"/>		
<i>Secretary of the House</i>			
W. Plain Feather	<input checked="" type="checkbox"/>		
<i>Speaker of the House</i>			
Totals:	<u>11</u>	<u>0</u>	<u>0</u>

Results of Vote:

Passed      Not Passed      Tabled      Veto Override

Signature of Officer: Shirley & Dan Josther Date: 4-19-05

# **Crow Tribal Environmental Policy Act**

## **Part 1. General Provisions**

**1EA1** \_\_\_\_\_ **Short title.** Parts 1 through 3 may be cited and known as the "Crow Tribal Environmental Policy Act".

**1EA2** \_\_\_\_\_ **Purpose.** The purpose of parts 1 through 3 is to declare a Crow Tribal policy that will encourage productive and enjoyable harmony between humans and their environment, to protect the right to use and enjoy private property free of undue government regulation, to promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humans, to enrich the understanding of the ecological systems and natural resources important to the Crow Tribe, and to establish an environmental quality council.

**1EA3** \_\_\_\_\_ **Policy.** (1) The legislature, recognizing the profound impact of human activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances, recognizing the critical importance of restoring and maintaining environmental quality to the overall welfare and human development, and further recognizing that governmental regulation may unnecessarily restrict the use and enjoyment of private property, declares that it is the continuing policy of the Crow Tribe of Indians, in cooperation with the federal government, local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which humans and nature can coexist in productive harmony, to recognize the right to use and enjoy private property free of undue government regulation, and to fulfill the social, economic, and other requirements of present and future generations of people living within the exterior boundaries of the Crow Reservation.

(2) In order to carry out the policy set forth in parts 1 through 3, it is the continuing responsibility of the Crow Tribe of Indians to use all practicable means consistent with other essential considerations of tribal policy to improve and coordinate tribal plans, functions, programs, and resources so that the tribe may:

- (a) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (b) ensure for all people within the Crow Reservation boundaries safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (c) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (d) protect the right to use and enjoy private property free of undue government regulation;
- (e) preserve important historic, cultural, and natural aspects of our unique heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;

(f) achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and

(g) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The legislature recognizes that each person is entitled to a healthful environment, that each person is entitled to use and enjoy that person's private property free of undue government regulation, and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

**1EA4 \_\_\_\_\_ Specific statutory obligations unimpaired.** Nothing in 1EA3 or 2EA1 shall in any way affect the specific statutory obligations of any department of the Crow Tribe to:

- (1) comply with criteria or standards of environmental quality;
- (2) coordinate or consult with any other state or federal agency; or
- (3) act or refrain from acting contingent upon the recommendations or certification of any other state or federal agency.

**1EA5 \_\_\_\_\_ Policies and goals supplementary.** The policies and goals set forth in parts 1 through 3 are supplementary to those set forth in existing authorizations of all boards, commissions, and departments of the Crow Tribe.

**1EA6 \_\_\_\_\_ Private property protection -- ongoing programs of tribal government.** Nothing in 1EA2, 1EA3, or 2EA1 expands or diminishes private property protection afforded in the U.S. or Crow Tribal constitutions. Nothing in 1EA2, 1EA3, or 2EA1 may be construed to preclude ongoing programs of the Crow Tribal government pending the completion of any statements that may be required by 1EA2, 1EA3, or 2EA1.

**1EA7 \_\_\_\_\_ Reserved for Environmental Rehabilitations and Response Account.**

**1EA8 \_\_\_\_\_ Environmental Quality Council Appointment and Composition.** The environmental quality council consists of 9 members as follows:

(1) the Chairman or the Chairman's designated representative is an ex officio member of the council and shall participate in council meetings as a nonvoting member;

(2) 3 members of the Executive Branch appointed by the Chairman and 3 Members of the Legislative Branch appointed by the speaker of the house before the \_\_\_\_\_ the legislative day in the same manner as standing committees of the respective branches are appointed.

(3) Two members of the general public. One public member must be appointed by the Legislative Branch speaker of the house and one must be appointed by the Chairman of the Executive Branch.

(4) the term for each council member is four years.

**1EA9 \_\_\_\_\_ Reserved.**

## **Part 2. Environmental Impact Statements**

**2EA1 \_\_\_\_\_ General directions -- environmental impact statements.** (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the Crow Tribe must be interpreted and administered in accordance with the policies set forth in parts 1 through 3;

(b) under this part, all agencies of the Crow Tribe, except the legislature and except as provided in subsection (2), shall:

(I) use a systematic, interdisciplinary approach that will ensure:

(A) the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making that may have an impact on the human environment; and

(B) that in any environmental review that is not subject to subsection (1)(b)(iv), when an agency considers alternatives, the alternative analysis will be in compliance with the provisions of subsections (1)(b)(iv)(C)(I) through (1)(b)(iv)(C)(III) and, if requested by the project sponsor or if determined by the department to be necessary, subsection (1)(b)(iv)(C)(IV);

(ii) identify and develop methods and procedures that will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making, along with economic and technical considerations;

(iii) identify and develop methods and procedures that will ensure that the Crow Tribal government actions that may impact the human environment are evaluated for regulatory restrictions on private property, as provided in subsection (1)(b)(iv)(D);

(iv) include in each recommendation or report on proposals for projects, programs, and other major actions of tribal government significantly affecting the quality of the human environment a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse environmental effects that cannot be avoided if the proposal is implemented;

(C) alternatives to the proposed action. An analysis of any alternative included in the environmental review must comply with the following criteria:

(I) any alternative proposed must be reasonable, in that the alternative must be achievable under current technology and the alternative must be economically feasible as determined solely by the economic viability for similar projects having similar conditions and physical locations and determined without regard to the economic strength of the specific project sponsor;

(II) the department proposing the alternative shall consult with the project sponsor regarding any proposed alternative, and the department shall give due weight and consideration to the project sponsor's comments regarding the proposed alternative;

(III) if the project sponsor believes that an alternative is not reasonable as provided in subsection (1)(b)(iv)(C)(I), the project sponsor may request a review by the appropriate board, if any, of the department's determination regarding the reasonableness of the alternative. The appropriate board may, at its discretion, submit an advisory

recommendation to the department regarding the issue. The department may not charge the project sponsor for any of its activities associated with any review under this section. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 2EA8.

(IV) The department shall complete a meaningful no-action alternative analysis. The no-action alternative analysis must include the projected beneficial and adverse environmental, social, and economic impact of the project's no completion.

(D) Any regulatory impacts on private property rights, including whether alternatives that reduce, minimize, or eliminate the regulation of private property rights have been analyzed. The analysis in this subsection (1) (b) (IV) (D) need not be prepared if the proposed action does not involve the regulation of private property.

(E) the relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity;

(F) any irreversible and irretrievable commitments of resources that would be involved in the proposed action if it is implemented; and

(G) the details of the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal;

(v) in accordance with the criteria set forth in subsection (1)(b)(iv)(C), study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources;

(vi) recognize the national and long-range character of environmental problems and, when consistent with the policies of the Crow Tribe, lend appropriate support to initiatives, resolutions, and programs designed to maximize national cooperation in anticipating and preventing a decline in the quality of the world environment;

(vii) make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(viii) initiate and use ecological information in the planning and development of resource-oriented projects; and

(ix) assist the environmental quality council established by 1EA8.

(c) prior to making any detailed statement as provided in subsection (1)(b)(iv), the responsible Crow Tribal official shall consult with and obtain the comments of any Crow Tribal department that has jurisdiction by law or special expertise with respect to any environmental impact involved. The responsible Crow Tribal official shall also consult with and obtain comments from any Crow Tribal department with respect to any regulation of private property involved. Copies of the statement and the comments and views of the appropriate tribal, state, federal, and local agencies that are authorized to develop and enforce environmental standards must be made available to the Chairman, the environmental quality council, and the public and must accompany the proposal through the existing agency review processes.

(d) a transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by a department, either singly or in combination with other Crow Tribal departments, does not trigger review under subsection (1) (b) (iv) if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law.

(2) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of parts 1 through 3.

(3) (a) In any action challenging or seeking review of a department's decision that a statement pursuant to subsection (1)(b)(iv) is not required or that the statement is inadequate, the burden of proof is on the person challenging the decision. Except as provided in subsection (3)(b), in a challenge to the adequacy of a statement, the Crow Tribal Court may not consider any issue relating to the adequacy or content of the department's environmental review document or evidence that was not first presented to the department for the department's consideration prior to the department's decision. The court may not set aside the department's decision unless it finds that there is clear and convincing evidence that the decision was arbitrary or capricious or not in compliance with law.

(b) When new, material, and significant evidence or issues relating to the adequacy or content of the department's environmental review document are presented to the Crow Tribal Court that had not previously been presented to the agency for its consideration, the court shall remand the new evidence or issue relating to the adequacy or content of the department's environmental review document back to the department for the department's consideration and an opportunity to modify its findings of fact and administrative decision before the Crow Tribal court considers the evidence or issue relating to the adequacy or content of the department's environmental review document within the administrative record under review. Immaterial or insignificant evidence or issues relating to the adequacy or content of the department's environmental review document may not be remanded to the department. The Crow Tribal court shall review the department's findings and decision to determine whether they are supported by substantial, credible evidence within the administrative record under review.

(4) To the extent that the requirements of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(III) are inconsistent with federal requirements, the requirements of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(III) do not apply to an environmental review that is being prepared by a tribal department pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an environmental review that is being prepared by a tribal department to comply with the requirements of the National Environmental Policy Act.

(5) (A) the department may not withhold, deny, or impose conditions on any permit or other authority to act based on parts 1 through 3 of this chapter.

(b) Nothing in this subsection (5) prevents a project sponsor and a department from mutually developing measures that may, at the request of a project sponsor, be incorporated into a permit or other authority to act.

(c) Parts 1 through 3 of this chapter do not confer authority to a department that is a project sponsor to modify a proposed project or action.

(6) (A) A challenge to a department action under this part may only be brought against a final department action and may only be brought in Crow Tribal court. Any action or proceeding challenging a final department action alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge.

(b) Any action or proceeding under subsection (6) (a) must take precedence over other



cases or matters in the tribal court unless otherwise provided by law.

(7) The director of the department responsible for the determination or recommendation shall endorse in writing any determination of significance made under subsection (1)(b)(iv) or any recommendation that a determination of significance be made.

(8) A project sponsor may request a review of the significance determination or recommendation made under subsection (7) by the appropriate board, if any. The appropriate board may, at its discretion, submit an advisory recommendation to the department regarding the issue. The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in 2EA8.

**2EA2** \_\_\_\_\_ **Department rules to prescribe fees.** Each Department of the Crow Tribal government charged with the responsibility of issuing a lease, permit, contract, license, or certificate under any provision of Crow Tribal law may adopt rules prescribing fees which shall be paid by a person, corporation, partnership, firm, association, or other private entity when an application for a lease, permit, contract, license, or certificate will require a department to compile an environmental impact statement as prescribed by 2EA1. A department must determine within 30 days after a completed application is filed whether it will be necessary to compile an environmental impact statement and assess a fee as prescribed by this part. The fee assessed under this part shall be used only to gather data and information necessary to compile an environmental impact statement as defined in parts 1 through 3. No fee may be assessed if a department intends only to file a negative declaration stating that the proposed project will not have a significant impact on the human environment.

**2EA3** \_\_\_\_\_ **Fee schedule -- maximums.** (1) In prescribing fees to be assessed against applicants for a lease, permit, contract, license, or certificate as specified in 2EA2, a department may adopt a fee schedule that may be adjusted depending upon the size and complexity of the proposed project. A fee may not be assessed unless the application for a lease, permit, contract, license, or certificate will result in the department incurring expenses in excess of \$2,500 to compile an environmental impact statement.

(2) The maximum fee that may be imposed by a department may not exceed 2% of any estimated cost up to \$1 million, plus 1% of any estimated cost over \$1 million and up to \$20 million, plus 1/2 of 1% of any estimated cost over \$20 million and up to \$100 million, plus 1/4 of 1% of any estimated cost over \$100 million and up to \$300 million, plus 1/8 of 1% of any estimated cost in excess of \$300 million.

(3) If an application consists of two or more facilities, the filing fee must be based on the total estimated cost of the combined facilities. The estimated cost must be determined by the department and the applicant at the time the application is filed.

(4) Each department shall review and revise its rules imposing fees as authorized by this part at least every 2 years.

(5) In calculating fees under this section, the department may not include in the estimated project cost the project sponsor's property or other interests already owned by the project sponsor at the time the application is submitted. Any fee assessed may be

based only on the projected cost of acquiring all of the information and data needed for the environmental impact statement.

**2EA4** \_\_\_\_\_ **Application of administrative procedure act.** In adopting rules prescribing fees as authorized by this part, a department shall comply with the provisions of the Crow Tribal Administrative Procedure Act to be adopted.

**2EA5** \_\_\_\_\_ **Use of fees.** All fees collected under this part shall be deposited in the Crow Tribal Environmental Protection Programs Budget. All fees paid pursuant to this part shall be used as herein provided. Upon completion of the necessary work, each department will make an accounting to the applicant of the funds expended and refund all unexpended funds without interest.

**2EA6** \_\_\_\_\_ **Multiple applications or combined facility.** In cases where a combined facility proposed by an applicant requires action by more than one department or multiple applications for the same facility, the Chairman shall designate a lead department to collect one fee pursuant to this part, to coordinate the preparation of information required for all environmental impact statements which may be required, and to allocate and disburse the necessary funds to the other departments which require funds for the completion of the necessary work.

**2EA7** \_\_\_\_\_ **Reserved.**

**2EA8** \_\_\_\_\_ **Environmental review procedure.** (1) (A) except as provided in subsection (1) (b), a department shall comply with this section when completing any environmental review required under this part.

(b) To the extent that the requirements of this section are inconsistent with federal requirements, the requirements of this section do not apply to an environmental review that is being prepared jointly by a Crow tribal department pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an environmental review that must comply with the requirements of the National Environmental Policy Act.

(2) A project sponsor may, after providing a 30-day notice, appear before the environmental quality council at any regularly scheduled meeting to discuss issues regarding the department's environmental review of the project. The environmental quality council shall ensure that the appropriate department personnel are available to answer questions.

(3) If a project sponsor experiences problems in dealing with the department or any consultant hired by the department regarding an environmental review, the project sponsor may submit a written request to the department director requesting a meeting to discuss the issues. The written request must sufficiently state the issues to allow the department to prepare for the meeting. If the issues remain unresolved after the meeting with the department director, the project sponsor may submit a written request to appear before the appropriate board, if any, to discuss the remaining issues. A written request to the appropriate board must sufficiently state the issues to allow the department and the board to prepare for the meeting.

(4) (a) Subject to the requirements of subsection (5), to ensure a timely completion of the environmental review process, an agency is subject to the time limits listed in this subsection (4) unless other time limits are provided by law. All time limits are measured from the date the department receives a complete application. A department has:

(i) 60 days to complete a public scoping process, if any;

(ii) 90 days to complete an environmental review unless a detailed statement pursuant to 2EA1(1)(b)(iv) is required; and

(iii) 180 days to complete a detailed statement pursuant to 2EA1(1)(b)(iv).

(b) The period of time between the request for a review by a board and the completion of a review by a board under 2EA1 (1) (b) (iv) (C) (III) or (8) or subsection (10) of this section may not be included for the purposes of determining compliance with the time limits established for conducting an environmental review under this subsection or the time limits established for permitting of specific permits.

(5) An department may extend the time limits in subsection (4) by notifying the project sponsor in writing that an extension is necessary and stating the basis for the extension. The department may extend the time limit one time, and the extension may not exceed 50% of the original time period as listed in subsection (4). After one extension, the department may not extend the time limit unless the department and the project sponsor mutually agree to the extension.

(6) If the project sponsor disagrees with the need for the extension, the project sponsor may request that the appropriate board, if any, conduct a review of the department's decision to extend the time period. The appropriate board may, at its discretion, submit an advisory recommendation to the department regarding the issue.

(7) (a) Except as provided in subsection (7) (b), if a department has not completed the environmental review by the expiration of the original or extended time period, the agency may not withhold a permit or other authority to act unless the agency makes a written finding that there is a likelihood that permit issuance or other approval to act would result in the violation of a statutory or regulatory requirement.

(b) Reserved.

(8) Under this part, a department may only request that information from the project sponsor that is relevant to the environmental review required under this part.

(9) A department shall ensure that the notification for any public scoping process associated with an environmental review conducted by the agency is presented in an objective and neutral manner and that the notification does not speculate on the potential impacts of the project.

(10) A department may not require the project sponsor to provide engineering designs in greater detail than that necessary to fairly evaluate the proposed project. The project sponsor may request that the appropriate board, if any, review an department's request regarding the level of design detail information that the department believes is necessary to conduct the environmental review. The appropriate board may, at its discretion, submit an advisory recommendation to the department regarding the issue.

(11) A department shall, when appropriate, consider the cumulative impacts of a proposed project. However, related future actions may only be considered when these actions are under concurrent consideration by any department through preimpact statement studies, separate impact statement evaluations, or permit processing procedures.

**2EA9** \_\_\_\_\_ **Definitions.** For the purposes of this part, the following definitions apply:

- (1) "Appropriate board" means, for administrative actions taken under this part by the:
  - (a) department of environmental quality, the board of environmental review, as provided for in 1EA8 & 1EA9;
  - (b) department of fish, wildlife, and parks, the fish, wildlife, and parks commission.
  - (c) Department of transportation, the transportation commission.
  - (d) Department of natural resources and conservation for Crow Tribal trust land issues.
  - (e) Department of natural resources and conservation for oil and gas issues, the board of oil and gas committee.
  - (f) Department of agriculture, the board of livestock.
- (2) "Complete application" means, for the purpose of complying with this part, an application for a permit, license, or other authorization that contains all data, studies, plans, information, forms, fees, and signatures required to be included with the application sufficient for the department to approve the application under the applicable statutes and rules.
- (3) "Cumulative impacts" means the collective impacts on the human environment of the proposed action when considered in conjunction with other past, present, and future actions related to the proposed action by location or generic type.
- (4) "Environmental review" means any environmental assessment, environmental impact statement, or other written analysis required under this part by a Crow Tribal department of a proposed action to determine, examine, or document the effects and impacts of the proposed action on the quality of the human and physical environment as required under this part.
- (5) "Project sponsor" means any applicant, owner, operator, agency, or other entity that is proposing an action that requires an environmental review.
- (6) "Public scoping process" means any process to determine the scope of an environmental review.

### **Part 3. Environmental Quality Council**

**3EA1** \_\_\_\_\_ **Definition of council.** In this part "council" means the environmental quality council provided for in 1EA8.

**3EA2** \_\_\_\_\_ **Meetings.** The council may determine the time and place of its meetings but shall meet at least once each quarter. Each member of the council is entitled to receive compensation and expenses. Members who are full-time salaried officers or employees of the Crow Tribe may not be compensated for their service as members but shall be reimbursed for their expenses.

**3EA3** \_\_\_\_\_ **Examination of records of government departments.** The council shall have the authority to investigate, examine, and inspect all records, books, and files of any department, agency, commission, board, or institution of the Crow Tribe.

**3EA4** \_\_\_\_\_ **Hearings -- council subpoena power -- contempt proceedings.** In the discharge of its duties the council shall have authority to hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and to cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the Crow Tribal court. In case of disobedience on the part of any person to comply with any subpoena issued on behalf of the council or any committee thereof or of the refusal of any witness to testify on any matters regarding which he may be lawfully interrogated, it shall be the duty of the Crow Tribal court or the judge thereof, on application of the council, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court on a refusal to testify therein.

**3EA5** \_\_\_\_\_ **Consultation with other groups -- utilization of services.** In exercising its powers, functions, and duties under parts 1 through 3, the council shall:

(1) consult with such representatives of science, industry, agriculture, labor, conservation organizations, educational institutions, local governments, and other groups as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations and individuals in order that duplication of effort and expense may be avoided, thus assuring that the council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established departments.

**3EA6** \_\_\_\_\_ **Reporting requirements.** (1) The departments of environmental quality, agriculture, and natural resources and conservation shall biennially report to the council the following natural resource and environmental compliance and enforcement information:

(a) the activities and efforts taking place to promote compliance assistance and education;

(b) the size and description of the regulated community and the estimated proportion of that community that is in compliance;

(c) the number, description, method of discovery, and significance of noncompliance, including those noncompliance that are pending; and

(d) a description of how the department has addressed the noncompliance identified in subsection (1)(c) and a list of the noncompliance left unresolved.

(2) When practical, reporting required in subsection (1) should include quantitative trend information.

**3EA8** \_\_\_\_\_ **Duties of environmental quality council.** The environmental quality council shall:

(1) On the first quarterly meeting the council shall elect a chairman of the council and a secretary. The chairman will take the leadership role and act as a spokesman for the council. The secretary will take notes at meetings and help set up the agenda for every meeting. The set term for the elected positions is one year. At the beginning of the first quarter of every year, the council will vote and re-select a chairman.

(1) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, analyze and interpret the information for the purpose of determining whether the conditions and trends are interfering or are likely to interfere with the achievement of the policy set forth in 1EA3, and compile and submit to the Chairman and the legislature studies relating to the conditions and trends;

(2) review and appraise the various programs and activities of the tribal departments, in the light of the policy set forth in 1EA3, for the purpose of determining the extent to which the programs and activities are contributing to the achievement of the policy and make recommendations to the Chairman and the legislature with respect to the policy;

(3) develop and recommend to the Chairman and the legislature tribal policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Crow Tribe;

(4) conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(5) document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(6) make and furnish studies, reports on studies, and recommendations with respect to matters of policy and legislation as the legislature requests;

(7) analyze legislative proposals in clearly environmental areas and in other fields in which legislation might have environmental consequences and assist in preparation of reports for use by legislative committees, administrative departments, and the public;

(8) consult with and assist legislators who are preparing environmental legislation to clarify any deficiencies or potential conflicts with an overall ecologic plan;

(9) review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among the activities and with a general ecologic perspective, and suggest legislation to remedy the situations; and

(10) perform the administrative rule review, draft legislation review, program evaluation, and monitoring functions of an interim committee for the:

(a) department of environmental quality;

(b) department of fish, wildlife, and parks; and

(c) department of natural resources and conservation.