

SHINNECOCK INDIAN NATION



Environmental Policy

Policy

Since time immemorial, we have been gifted by the Creator with specific values and responsibilities as Shinnecock people. It is the duty of the Shinnecock Indian Nation to protect the natural resources of both land and water, gifted by the Creator. The Council of Trustees declares that the character, quality, and environmental soundness of all present and future tribal lands must be maintained through protection, restoration, and preservation. The Council of Trustees adheres to the philosophy that Shinnecock quality of life is intertwined with that of the surrounding environment. It is hereby stated that all persons and entities- including agencies, departments, enterprises, and other instrumentalities of the Shinnecock Indian Nation itself and agencies of other governments- can and do affect the environment; and that it is the policy of Shinnecock Indian Nation to use all practicable means to conserve, manage, and utilize our tribal lands, natural and cultural resources in a sustainably appropriate manner while balancing our economic growth and community needs.

Authority

The Shinnecock Indian Nation, acting through the Shinnecock Environmental Department, shall exert to the fullest extent its authority to regulate, monitor, and enforce performance with appropriate environmental standards throughout all of the Shinnecock Indian Nation, including the exercise of its authority to limit or eliminate environmental contaminants emitted outside the Shinnecock Indian Nation, but which may migrate into or otherwise adversely affect the lands, waters or air of the Shinnecock Indian Nation. The Shinnecock Indian Nation will employ any and all authority it may have pursuant to its arrangements entered into between the Shinnecock Indian Nation and other governmental institutions where such arrangements are approved by the Shinnecock Council of Trustees or its duly authorized committee or committees.

Purposes

The Shinnecock Indian Nation shall employ its governmental authority pursuant to section 2 hereof, using all practicable means consistent with other essential governmental functions, for the following purposes:

- (a) To ensure healthful homelands for current and future generations;
- (b) To assure the Shinnecock Quality of Life values of safety, health, and well-being of the people;
- (c) To preserve and promote our sovereignty and freedom of self-determination in order to advance the common good of the Shinnecock people;

- (d) To ensure that the activities within the Shinnecock Indian Nation are planned, designed, and implemented in a manner that minimizes the environmental disturbances to the extent it is feasible and practicable; to ensure that any person or entity doing business on or otherwise carrying on activities within the Shinnecock Indian Nation is required to remediate any environmental damage caused in the course of business and to provide ample security for the costs of any such remedial actions in the event that such person or entity fails to satisfy such requirements;
- (e) To reduce or eliminate the waste of resources; to designate, conserve and protect unique ecosystems; to eliminate unnecessary destruction, depletion, degradation, and disturbance of natural resources, in the use of other resources; and to attain the sustainable and beneficial uses of the environment without degradation, risk to health or safety, or other undesirable consequences;
- (f) To ensure that damage to or contamination of the environment which occurred in the past is remedied, and that the appropriate person is held accountable for the costs of such remediation;
- (g) To preserve important cultural, spiritual, historical, and natural aspects of the Shinnecock Indian Nation; and,
- (h) To achieve and maintain, wherever possible, an environment which supports diversity; and to achieve a balance between population and resource use.
- (i) To reinforce that the land is communally owned and individual allotments are not exempt from environmental protection nor regulatory measures
- (j) To require an Environmental Impact Statement, cost covered by the project developer, funder, or builder, as deemed necessary by the Environmental Director.

Shinnecock Indian Nation Government

All agencies, departments, enterprises and other instrumentalities of the Shinnecock Indian Nation shall review their current plans of operation, charters, and policies and procedures to determine if they should be amended in order to better fulfill and promote the purposes set forth in section 3 hereof, and shall pursue such amendments pursuant to Shinnecock law. All such agencies, departments, enterprises and other instrumentalities shall consider carefully in decision-making, and prepare appropriate documentation of, any adverse environmental impacts which may occur as a result of any proposed action, the extent to which environmental impacts may be reduced or mitigated, and other alternatives, including no action, to the proposed action which may reduce or eliminate significant adverse environmental impacts.

Limitations

Nothing in this Shinnecock Environmental Policy is intended to, nor shall it be construed to:

- a) Alter, amend or diminish in any way the sovereign immunity of the Shinnecock Indian Nation or constitute a waiver of the sovereign immunity of the Shinnecock Indian Nation, as defined in the Shinnecock Constitution.
- b) Abrogate any authority conferred by the Shinnecock Council of Trustees upon any agency, enterprise or other instrumentality of the Shinnecock Indian Nation.
- c) Repeal in whole or in part any law or regulation duly promulgated by the Shinnecock Indian Nation or any of its agencies;
- d) Authorize or sanction the breach of any contractual duty or diminish any vested property rights;
or
- e) Provide the basis for a private cause of action by or against any person or entity, or confer jurisdiction upon any court for any cause of action predicated on this policy.

Severability

If any part of this Shinnecock Indian Nation Environmental Policy is declared by a court of competent jurisdiction to be invalid, the other provisions shall not be affected, but shall continue to remain in force to the extent possible.