

§ 137.291

- (5) Coastal Barrier Improvement Act [42 U.S.C. 4028 and 16 U.S.C. Sec. 3501];
- (6) Coastal Barrier Resources Act [16 U.S.C. 3501];
- (7) Coastal Zone Management Act [16 U.S.C. 1451];
- (8) Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601];
- (9) Endangered Species Act [16 U.S.C. 1531 *et seq.*];
- (10) Farmland Protection Policy Act [7 U.S.C. 4201 *et seq.*];
- (11) Marine Protection, Research, and Sanctuaries Act [33 U.S.C. 1401–1445; 16 U.S.C. 1431–1447F; 33 U.S.C. 2801–2805];
- (12) National Historic Preservation Act [16 U.S.C. 470 *et seq.*];
- (13) National Trails System Act [16 U.S.C. 1241];
- (14) Native American Graves Protection and Repatriation Act [25 U.S.C. 3001];
- (15) Noise Control Act [42 U.S.C. 4901];
- (16) Resource Conservation and Recovery Act [42 U.S.C. 6901];
- (17) Safe Drinking Water Act [42 U.S.C. 300F];
- (18) Toxic Substance Control Act [15 U.S.C. 2601];
- (19) Wild and Scenic Rivers Act [16 U.S.C. 1271]; and
- (20) Wilderness Act [16 U.S.C. 1131].

(b) This section provides a list of environmental laws for informational purposes only and does not create any legal rights or remedies, or imply private rights of action.

§ 137.291 May Self-Governance Tribes carry out construction projects without assuming these Federal environmental responsibilities?

Yes, but not under section 509 of the Act [25 U.S.C. 458aaa–8]. Self-Governance Tribes may otherwise elect to perform construction projects, or phases of construction projects, under other legal authorities (see § 137.272).

§ 137.292 How do Self-Governance Tribes assume environmental responsibilities for construction projects under section 509 of the Act [25 U.S.C. 458aaa–8]?

Self-Governance Tribes assume environmental responsibilities by:

- (a) Adopting a resolution or taking an equivalent Tribal action which:

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- (1) Designates a certifying officer to represent the Self-Governance Tribe and to assume the status of a responsible Federal official under NEPA, NHPA, and related provisions of law; and

(2) Accepts the jurisdiction of the Federal court, as provided in § 137.310 and § 137.311 for purposes of enforcement of the Federal environmental responsibilities assumed by the Self-Governance Tribe; and

- (b) Entering into a construction project agreement under section 509 of the Act [25 U.S.C. 458aaa–8].

§ 137.293 Are Self-Governance Tribes required to adopt a separate resolution or take equivalent Tribal action to assume environmental responsibilities for each construction project agreement?

No, the Self-Governance Tribe may adopt a single resolution or take equivalent Tribal action to assume environmental responsibilities for a single project, multiple projects, a class of projects, or all projects performed under section 509 of the Act [25 U.S.C. 458aaa–8].

§ 137.294 What is the typical IHS environmental review process for construction projects?

(a) Most IHS construction projects normally do not have a significant impact on the environment, and therefore do not require environmental impact statements (EIS). Under current IHS procedures, an environmental review is performed on all construction projects. During the IHS environmental review process, the following activities may occur:

- (1) Consult with appropriate Tribal, Federal, state, and local officials and interested parties on potential environmental effects;

(2) Document assessment of potential environmental effects; (IHS has developed a form to facilitate this process.)

- (3) Perform necessary environmental surveys and inventories;

(4) Consult with the Advisory Council on Historic Preservation, acting through the SHPO or THPO, to ensure compliance with the NHPA;

- (5) Determine if extraordinary or exceptional circumstances exist that