Figure 1. TERC Permit Process – Low-Impact Permits

Applicant meets with Planning Dept.

Application filed with Planning Dept.

Planning Dept reviews application
- Is it on the list?
- Check for extraordinary circumstances

Consultation with Tribal agency staff (optional)

Is it Low-impact?

yes

Planning Dept prepares permit

TERC Chair Decides whether to sign

yes

Permit Issued

Notice & Opportunity to Object

No Objection - permit takes effect

Objection filed - Meeting with Staff

Review by TERC

Treat as General Permit
- Figure 2 -

Confirm Low-Impact permit

Opportunity for Judicial Review in Tribal Court

Section 402

Section 402 (d), (e)

Sections 402(e), 602

Section 402(f), 602

Section 709

Rules reference

Appendix A

Appendix B

Appendix A

Appendix B

Appendix A

Appendix B

Section 402

Section 402

Appendix A

Appendix B

Appendix A

Appendix B

Reference
Figure 2. TERC Permit Process – General Permits

Applicant meets with Planning Dept. (PD) and begins preparing application

Applicant prepares (or arranges for preparation of) Environmental Assessment (EA)

Application filed with Planning Dept.

PD convenes meeting of Tribal agencies with jurisdiction or special expertise (optional)

PD determines application complete

Determination of Significance – PD recommendation to TERC Board

Impacts significant?

yes

Revise proposal and EA to reduce intensity of impacts

If no federal action, proceed to SEIR, Figure 3;
If federal action, proceed to EIS, Figure 4

No

Finding of No Significant Impact (FONSI) - if federal action, federal signature required

TERC decides whether to issue permit

Opportunity for Judicial Review

Final decision by Tribal Council

Sections 401, 403

Sections 501, 502

Sections 403(g), 505

Sections 603, 604

Sections 603(h), 709

Section 603(e)
**Figure 3. TERC Permit Process – Significant Environmental Impact Report (SEIR)**

- **Decision to require an SEIR** – TERC Board, based on recommendations of Planning Department (PD) and views of Tribal agency staff

- **Written decision by TERC Board Chair** specifies scope of issues to be analyzed

- **Lead & cooperating agencies designated in memo from Tribal Chair (drafted by PD)**

- **Responsibilities of applicant set out in writing by lead agency**

- **Determination that SEIR is adequate** – Lead agency, with input from cooperating agencies

- **Public Review & Comment (minimum 30 days)**

- **Responses to Comments** – Lead and cooperating agencies

- **TERC decides whether to issue permit**

- **Opportunity for Judicial Review**

- **Final decision by Tribal Council**
Figure 4. TERC Permit Process – Environmental Impact Statement (EIS)

1. Decision to require an EIS – TERC Board, based on recommendations of Planning Department (PD) and views of Tribal agency staff

2. Lead Federal Agency oversees EIS process pursuant to regulations of Council on Environmental Quality, 40 CFR parts 1500-1508

3. Scoping process; designation of cooperating agencies

4. Draft EIS

5. Public Review & Comment (minimum 45 days)

6. Final EISs, with responses to comments

7. Record of Decision (ROD) issued by Lead federal agency (after 30 days)

8. TERC decides whether to issue permit

9. Opportunity for Judicial Review

10. Final decision by Tribal Council
Figure 5. TERC Permit Process – Administrative Enforcement

Rules reference

Sec. 701

Sec. 702

Sec. 703

Sec. 703, 704, 705

Sec. 709

Sec. 708

Sec. 706

Site investigation, letter of inquiry -- sent by Planning Department (PD)

Notice of Violation – signed by TERC Chair or Vice-Chair

Enforcement Hearing - before TERC Board or Hearing Officer

Enforcement Order, may - order corrective measures - assess administrative penalties - suspend or revoke permit

Opportunity for Judicial Review

Option for judicial enforcement

Violation by Tribal Agency - Investigation Staff Report - Intervention by Tribal Chair - Fact-finding Enforcement Hearing