

MEMORANDUM OF AGREEMENT

Between the Mohegan Tribe of Indians of Connecticut and the U.S. Environmental Protection Agency Region I

WHEREAS the U.S. Environmental Protection Agency ("the EPA"), pursuant to 42 U.S.C. § 7601(d)(1), is authorized to delegate authority to Indian tribes to administer certain provisions of the Clean Air Act;

WHEREAS the Mohegan Tribe ("the Tribe") seeks a delegation of authority to administer a tribal Clean Air Act implementation plan within exterior boundaries of the Mohegan reservation;

WHEREAS the criminal enforcement authority of the Mohegan Tribe is limited by the Indian Civil Rights Act of 1968, 25 U.S.C. § 1302(7), and by other federal law;

WHEREAS federal regulations at 40 C.F.R. § 49.8 require that an Indian tribe seeking a delegation of authority under the Clean Air Act enter into a Memorandum of Agreement with the appropriate EPA Region, setting forth a procedure by which the tribe will provide potential investigative leads to the federal government in an appropriate and timely manner under circumstances in which the tribe is precluded from asserting criminal enforcement authority,

NOW THEREFORE the parties agree as follows:

ARTICLE I. Applicability.

- A. The Tribe shall provide investigative leads in accordance with Article II when the Tribe has reason to suspect that:
 - 1. A non-member has committed an act or omission potentially punishable by a criminal penalty, as provided by Section 113(c) of the Clean Air Act, 42 U.S.C. § 7413; or
 - 2. A tribal member has committed an act or omission potentially punishable by a fine greater than \$5,000, a term of imprisonment greater than one year, or both, as provided by Section 113(c) of the Clean Air Act, 42 U.S.C. § 7413.

- B. This Memorandum of Agreement shall not be construed to limit the enforcement jurisdiction of the EPA.

ARTICLE II. Procedure By Which the Tribe Shall Notify the Federal Government and Submit Investigative Leads.

Whenever the Tribe has reason to suspect the circumstances described in Article I, the Tribe shall notify immediately the EPA Criminal Investigation Division Boston Area Office and/or the appropriate U.S. Attorney's Office by telephone or telefax and provide initial investigative leads supporting such suspicion within 24 hours.

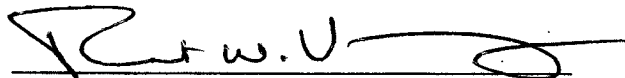
ARTICLE III. Liaisons and Communications.

A. The following individuals shall fulfill the roles and responsibilities of this Memorandum of Agreement:

1. For the Mohegan Tribe, the Administrator of the Mohegan Environmental Protection Department and the Chief of Police of the Mohegan Police Department; and
2. For the EPA Region I, the Criminal Investigation Division Boston Area Office Special-Agent-in-Charge.

B. The parties shall treat all communications made pursuant to this Memorandum of Agreement as confidential and sensitive enforcement information and shall not disclose any such communication except to the extent required by law.

Date: 12-26-06



Robert W. Varney
Regional Administrator
U.S. Environmental Protection Agency Region I

Date: FEBRUARY 16, 05



Mark F. Brown
Chairman, Tribal Council
Mohegan Tribe of Indians of Connecticut