

# Attachment IV

## Mitigation Monitoring and Enforcement Plan

## IMPLEMENTATION PLAN

The Pokagon Band is committed to ensuring the implementation of the mitigation measures identified in Section 4.0 of the Record of Decision (ROD). Phases of project implementation include planning and design, construction, and operation. The impacts and mitigation measures designate which phases would be impacted as well as which phases will receive mitigation. An adaptive management process will be taken to assess problems, design and implement solutions, monitor and evaluate if the proposed solution works for that scenario, and adjust as necessary. Monitoring will happen between the Band and the contractors throughout the duration of the project phases, with oversight provided by the BIA. Compliance monitoring and enforcement will take place by the federal, state, and local agencies discussed throughout the Final EIS for their respective resource area as appropriate.

The table below is provided in addition to the mitigation measures to designate specific permits and approvals at the tribal, state and federal level in order to track the applicant's status as of the signing of the ROD.

### Permits and Approvals

Agency	Permit or Approval	Permit/ Approval Applicant	Status
Secretary of the Interior	Transfer of the land into federal trust status	Pokagon Band	In progress
U.S. Environmental Protection Agency	Issuance of National Pollutant Discharge Elimination System, (NPDES) Phase II General Permit or NPDES Municipal Separate Storm Sewer System (MS4) Permit for Stormwater Discharges from construction activities as Required by the Clean Water Act (CWA).	Pokagon Band	Will be sought after completion of NEPA process.
U.S. Army Corps of Engineers	Approval of permit(s) under Section 404 of the CWA for the filling of jurisdictional wetlands/waters. Water Quality Certification under Section 401 of the CWA will also be obtained from IDEM or EPA before any development commences.	Pokagon Band	The Corps issued a Preliminary Jurisdictional Determination (PJD) for the South Bend site on April 14, 2015 resulting in all wetlands and waters on the site being treated as jurisdictional waters of the United States. Permits will be obtained before any development commences.
U.S. Fish and Wildlife Service	Section 7 Consultation under the Federal Endangered Species Act if endangered species or their habitat may be affected by the Project.	BIA	Concurrence with effect determinations received February 8, 2013. To address comments received from the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the listing of the Northern long-eared bat as threatened, effective May 4, 2015, an additional effect

<b>Agency</b>	<b>Permit or Approval</b>	<b>Permit/ Approval Applicant</b>	<b>Status</b>
			determination was submitted. Concurrence with the no effect determination for the Northern long-eared bat was received on February 19, 2016. No further consultation necessary.
Indiana State Historic Preservation Office (SHPO)	Consultation under Section 106 of the National Historic Preservation Act	BIA	Letter received May 10, 2013 indicating that the SHPO did not identify any historic buildings, structures, districts or objects listed in or eligible for inclusion in the National Register of Historical Places within the area of potential effects.
Tribal Historic Preservation Office (THPO)	Consultation under Section 106 of the National Historic Preservation Act	BIA	Letters were received July 9, 2013 and November 12, 2013 indicating concurrence with BIA's findings that the undertaking will have no adverse effect.
Indiana Department of Transportation	Right of Way/Driveway Permit	Pokagon Band	Permits will be obtained before any development commences.
U.S. Environmental Protection Agency	Registration or permit for all new facilities under the Tribal New Source Review of the Clean Air Act (CAA)	Pokagon Band	Will be sought after completion of NEPA process.