

MINUTES OF THE CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION (EPC) MEETING HELD THURSDAY, 09/07/06 AT 9:00 AM IN THE CHEROKEE NATION ENVIRONMENTAL PROGRAMS (CNEP) CONFERENCE ROOM ON ALLEN ROAD

ATTENDANCE: Jan Butcher, Greg Butcher, Brad Cooper, Annette Stinnett, Administrator Jeannine Hale, Harold Langdon, Pat Gwin, Angela Drewes, John Freise, Tabatha Revas, Nancy John, Ryan Callison, Mark Dunham, Doug Bane, Shaun West, Commissioner Marty Matlock, Commissioner Mark Green, and Commissioner Ed Fite

Commissioner Fite welcomed meeting attendees and introduced EPC commissioners. Reading of the previous meeting minutes was omitted.

REPORTS:

Cherokee Nation Enterprises (CNE) / Harold Langdon – Mr. Langdon provided a report on CNE. Highlights of the report included:

- An update on the completion of the Roland Travel Plaza. Utilities need to be relocated at the plaza; however, the grand opening is expected to be in late December. Handouts were provided to the commissioners on the project.
- An update at the Cherokee Casino Resort in Catoosa. CNE purchased the Mayberry's Truck Stop and Speedy's Truck Stop in Catoosa; currently there are no plans to operate the facilities. The previous owners of the properties have assumed environmental liability with regards to the underground storage tanks at the properties. A five-story parking garage will be built on the West side of the Casino in Catoosa and will be operational in June 2007.
- Phase II of Cherokee Casino Tahlequah is operational
- CNE is planning for the future with expansion projects at the West Siloam Springs Casino
- Mr. Langdon commented on the excellent relationship between CNE and CNEP

Cherokee Nation Environmental Programs (CNEP) / Nancy John – Ms. John provided a report on CNEP. Highlights of the report included:

- CNEP has increased the size of its staff to 34 members
- The Environmental Protection Agency (EPA) Office of Inspector General came for a meeting to review Cherokee Nation major accomplishments involving the EPA and/or the Department of the Interior. Pat Gwin and Harley Buzzard were also at this meeting. Commissioner Matlock inquired about the motivation for this visit. Ms. John stated the EPA wanted to focus on success stories of tribes and this was a positive experience for us.
- CNEP is completing ongoing grants and apply for new funding
- The Environmental Complaints (EC) report was provided in the Commissioners' packet. Commissioner Green inquired about an Indian Child Welfare (ICW) issue in the EC report about open dumping near a home. Administrator Hale replied that they (Cherokee Nation Human Services)

withdrew their complaint. The open dumping occurred near the home, but the home was not located on trust or restricted land. The problem was resolved by Cherokee Nation Human Services. Jan Butcher of Kenwood Rural Water District (RWD) inquired about the complaint reported on Saline Creek. Administrator Hale replied the United Keetoowah Band of Cherokees (UKB) conducted sampling in Saline Creek and reported high bacteria levels. CNEP investigated the issue and didn't see any evidence of a spill and provided CNEP data to the UKB and have been working with them. The story did hit the news media; however, it was the opinion of Administrator Hale that the problem associated with Saline Creek is the same problem that affects all of our creeks/streams.

Kenwood Issues and Projects / Jeannine Hale - Administrator Hale gave a PowerPoint presentation on the Kenwood Watershed Control Program. Administrator Hale said one of the main problems with the drinking water at Kenwood is the flow of Saline Creek into the wells. The State of Oklahoma has tried to get Cherokee Nation to pay for permits for the use of the wells but since they are on about 25,000 acres of trust land, the state has no jurisdiction. Cherokee Nation has worked on economic development and smart growth but we need to take a stand on water rights. The upgrades necessary for the water treatment plant are approximately \$165K and the upgrades necessary for the wastewater treatment upgrades are approximately \$40K. There are financial issues like the rate structure of Kenwood RWD and the financial audit issue that still need to be addressed. Under the Cherokee Nation Environmental Code, there needs to be a permit to operate this water system.

Commissioner Matlock asked if this water system served tribal members. Michael Stephens from Cherokee Nation Water and Sanitation stated it serves approximately 150 families with approximately 90% of those family members being Native American. Administrator Hale stated that Cherokee Nation was not sure who is applying for funding for the water system but Cherokee Nation may have some money to contribute. Cherokee Nation needs to evaluate those lagoons because of the liners. Cherokee Nation needs to evaluate who has the authority and who is going to do what at the Kenwood water system. Mr. Stephens also mentioned the lift station has to be manually turned on for the lagoons.

Commissioner Matlock inquired about the consideration that the EPC would operate both the Kenwood drinking water and wastewater systems. Administrator Hale stated the Cherokee Nation will have to play a role and we need to consult with the Kenwood RWD as well. This situation gives us a reason to get out there and evaluate the problems and has the potential to assert our sovereignty concerning water rights. That is why we need this Watershed Control Program to stay in compliance. Commissioner Matlock asked if the septic systems had been inventoried. Administrator Hale replied that CNEP is in process of making a written request to all the state agencies to get all the copies of the permits that have been issued. CNEP will have the most problems with the off-site contamination sources. Greg Butcher of Kenwood RWD stated that the Kenwood

community as a whole, not just the water and waste water components, eventually could become a model for small, rural communities for not only the state but for the country.

Cherokee Nation Natural Resources Department / Pat Gwin – Mr. Gwin provided a report on Natural Resources. Highlights of the report included:

- Natural Resources and CNEP met with CNE and were assisting them with their wind farm environmental assessments
- Natural Resources conducted an Environmental Assessment including a beetle study for the Rocky Mt. School
- The Integrated Resources Management Plan is still a work in progress
- Current environmental policies may be affected by the self-governance legislation that may be passed
- The hog farm in Adair County needs the concrete buried on site. There are about 500 cubic yards of concrete that we would like to put top soil over the top of; the county does not need the concrete and it would be too hard to move. Commissioner Fite asked if a permit was needed; Administrator Hale replied no because it didn't sound like a pollution problem. Commissioner Fite recommended placing this item on the next agenda.

Cherokee Nation Community Services Dept.-Roads Program / Michael Lynn – Mr. Lynn provided a report on the Roads Program. Highlights of the report included:

- In Mayes County on the Cedar Crest Road and Bridge Project, the Engineer is re-designing the road to miss the wetlands. The environmental work on the bridge is 100% complete. There have been no beetles detected.
- On the Daytown-Dry Creek Road Project in Delaware County the utilities are in process of being relocated
- Also in Delaware County on the Twin Oaks-Bull Hollow Road Project, we are looking into some design issues
- On the Fairview-Eucha Road Project, it is being advertised and going out for bids
- On the NE Ft. Gibson Road in Cherokee County, the preliminary design work is being done

Landfill / Doug Bane – Mr. Bane stated that he was working to schedule a meeting with Aqua-Terra, the CNEP review engineering firm, to get some issues settled. Administrator Hale stated that Callie Catcher, the CEO of CN Business, has talked about moving the landfill under CNB because of it being a profit-making business.

Landfill / Shaun West: Mr. West said CNEP conducts landfill inspections every quarter and the landfill still has some permit issues. Cell B probably does need to be covered. The methane monitoring wells exceeded their limits in July. The landfill personnel notified us and a plan of action needs to be done. We have good communications so far and we're looking forward to meeting with Doug, Aqua-Terra, and others around September 19th to come to a consensus on these issues. Mr. Bane stated that landfill personnel were filling a low area with dirt but were concerned about trash floating in

water. Administrator Hale mentioned that Callie Catcher wants to come to the October meeting to discuss time frames and public participation regarding the landfill.

Commissioner Green inquired about the status on the limited access issue with the landfill neighbor. Angela Drewes from Cherokee Nation Natural Resources replied that the neighbor wants to sell this property and the involved parties were meeting next week to discuss the property price. The owner is asking approximately \$2,500 per acre. Mr. Bane encouraged the acquisition and noted the neighbor would lose landfill access to his property on October 6th. Commissioner Matlock stressed the need to settle this issue quickly and amicably. Commissioner Fite asked if an appraisal of the property had been done; Mr. Gwin replied no.

Commissioner Matlock asked about the hydrological capacity of the landfill leachate pond. Mr. West replied that there was very little free board space left in the leachate pond. Commissioner Matlock asked if the leachate pond was designed for a 10-year or 25-year event. Administrator Hale answered that the CNEP landfill review engineers had not renewed a contract yet. Commissioner Matlock requested to see the hydrological analysis of the landfill leachate pond by the next meeting. Commissioner Fite concluded by stating that CNEP provide information to Commissioner Matlock regardless of the status of the CNEP landfill review engineering contract.

CNEP Air Quality Monitoring / Ryan Callison – Mr. Callison gave a Power Point presentation concerning Cherokee Nation air monitoring sites. CNEP is involved locally, regionally, and nationally in air quality monitoring. EPA approached CNEP about eleven years ago and established a program for CNEP to take a look at sources of air pollution not only for Cherokee Nation but for participating tribes with ITEC. Some tribes have lost funding and have quit monitoring air quality. CNEP travels every eleven days to New Mexico for air sampling. CNEP has established sites at Tahlequah, Stilwell, Pryor, Newkirk, and Marble City. The Marble City site has been operational for six months and has an independent auditor that reviews our data for quality. CNEP also helps the Quapaw Nation monitor at Tar Creek at the Superfund site. Commissioner Matlock was very impressed with the presentation and stated this is how we should be conducting our water quality programs.

Commissioner Fite reminded meeting attendees that the Illinois River Clean-Up Day was the next day. Commissioner Matlock requested a meeting with the Cherokee Nation Administration later in September. Commissioner Fite concurred with the meeting request. Administrator Hale stated that the OK Water Conference 2006 is the same day as the EPC Meeting in October. Commissioner Matlock stated that he will be in New Mexico in November so this meeting date will need to be changed.

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