Cherokee Nation Environmental Protection Commission Cherokee Nation Environmental Protection Office 206 E. Allen Road, Tahlequah, OK May 18, 2006 at 9:00 am

MINUTES

Present for the Commission:

Ed Fite, Chairman

Marty Matlock, Commissioner

Mark Green, Commissioner

Staff and Guests:

Jeannine Hale, Acting Administrator

Michael Lynn, Cherokee Nation Roads Program

Randy Gee, Cherokee Nations Environmental Programs

Doug Bane, Cherokee Nation Landfill

Pat Gwin, Cherokee Nation Natural Resources

Harold Langdon, Cherokee Nation Enterprises

Dave Kendricks, Delaware County Commissioner District 3

Shaun West, Cherokee Nation Environmental Programs

Woody Wilson, Cherokee Nation Natural Resources

Cathy Monholland, Cherokee Nation Communications

Evelyn Ridenhour, Cherokee Nation Environmental Programs

Roger Graham, CN Communications

Chad Smith, Principal Chief, Cherokee Nation

Agenda Items:

- 1. Chairman Fite called the meeting to order at 9:00 am on May 18, 2006.
- 2. Chairman Fite acknowledged the meeting notice and distribution list and placed the Record of Public Notice into the official records.
- 3. Commissioner Matlock made a motion to approve the minutes of the previous meeting and Commissioner Green seconded the motion.

Roll Call: Chairman Fite: Yes

Commissioner Green: Yes Commissioner Matlock: Yes

4. Reports

A. Harold Langdon, CNE. Mr. Langdon reported as follows:

- A general contractor for the Roland Travel Plaza has been mobilized and they are making preparations for the opening on September 1, 2006.
- An inspection is required 10 years after UST tanks are lined. Three of four Outpost 1 tanks were lined in 1996 making them due for inspection by August. All three passed ultrasound tests but CNE determined that the liner was not in satisfactory condition and installed a new one. Mr. Langdon acknowledged CNEP for their assistance.
- CNE attended a LUST Seminar in Catoosa.
- Completion of the Tahlequah Casino is targeted for September, 2006.
- Sallisaw Casino is targeted to open June 10, 2006.

- Other on-going projects include the purchase of the Super 8 Motel in Catoosa and the Days Inn adjacent to the Roland Casino (both re named Cherokee Casino Inn).
- CNE reported on several expansion projects. Every project will have a storm water retention plan.
- <u>B. Environmental Services</u> –A written report submitted earlier was placed into the record. Randy Gee reported that Wayne Isaacs, Brad Asbill and the Housing Authority will be conducting a meth lab assessment training in Stroud, OK, next week. The ITEC Annual Conference will be in Oklahoma City, June 20-21. There will be an EPA RTOC meeting June 6-7 at the Citizens Potawatomi Tribal complex in Stroud.
- <u>C. Natural Resources:</u> Pat Gwin submitted a written report that was placed into the record. Mr. Gwin also reported:
 - o The volume in the landfill's leachate pond is getting high. The Engineering firm assured Pat that the two waters are not hydrologically connected.
 - o Environmental issues are being addressed in the Strategic Land Plan.
 - o The softball field borrow pit has its final grade and will be seeded this week.
 - He attended a DOI Self Governance Annual Conference. There is a chance we
 will only have to ask DOI for final project approval if new legislation is enacted.
 This would shorten projects by 6 months to one year.
- <u>D. Roads activities:</u> Michael Lynn reported there are 3 roads currently under construction: Maxwell Road in Adair county, Red Barn Road in Cherokee County, and the Bunch Henderson in Adair/Sequoyah County in the Marble City area. The status of other projects was updated:
 - ➤ Saline Creek Bridge project has a contractor identified but no contract yet.
 - Fairview Eucha Road will be the next project. It is in the utility relocation phase. After a waterline is moved, we will advertise for bids.
 - > Dry Creek Road in Delaware County is in the Right-of-Way Acquisition Phase.
 - ➤ Honey Hill Project in Adair County is in the condemnation phase.
 - ➤ Cedar Crest Bridge in Mayes County- environmental reviews have been received and it has been published in the Tahlequah Daily Press. Need archeological work and might need to re-route the road.
- 5. <u>Integrated Resource Management Plan</u> Pat Gwin provided a document outlining the proposed land classification system. There will be a comprehensive delineation and zoning of tribal property. For the first 3 years, the focus will be to get a GIS database developed. Candy Mink, Rocky Ford and Chilocco areas have already been zoned and Kenwood is underway. The EPC agreed this was an important project and requested that they be involved. Mr. Gwin agreed to keep the EPC informed. Jerrid Diffee will be assisting Pat in this project.
 - 6. Legislation: <u>Tribal Water Quality Standards(TWQS)</u>
 - Jeannine provided a document entitled "Preliminary List of Differences between model TWQS and Oklahoma WQS". About 28-29 tribes have been working together to develop model TWQS. For Appendix I Waters (streams with cultural, traditional, ceremonial, religious or other special uses), each tribe has to come up with a list of stream segments that tribe wants to protect. There is a provision in the model standards to require that tribal

- water quality standards be implemented to protect surface water that recharges groundwater and to protect groundwater that recharges surface water.
- There was a meeting with OIPA that included Cherokee Nation, Osage Nation, Creek Nation and Pawnee Nation.
- o There is a meeting with the State Secretary of Environment and others on June 26th to discuss water quality standards issues.
- B. <u>Updates:</u> Jeannine reported that one major code has not been submitted to the EPC for approval- the Tribal Environmental Policy Act (TEPA). It looks the existing CN Environmental Code's language can be revised slightly for the TEPA. John Parrish has a draft of the APA ready to submit to Council. Chairman Fite tabled discussion of the Wildlife code to the next meeting or whenever there are new developments to report.

7. Cherokee Nation Landfill:

A. Mr. Bane submitted a written report that was placed into the record. He has been working with CNEP on a problem with the leachate pond and they will need to work on a plan for alternate leachate management. He met with Jeannine and Shaun and went over the compliance schedule. Ms. Hale reported she has received lab results from the storm water and leachate samples. Shaun West has been working to make sure all documentation on the compliance schedule has been taken care of.

Mr. Jack Crittenden presented pictures and complaints. Ms. Hale said there needs to be samples taken of storm water runoff from the landfill to Mr. Crittenden's property and also some springs need to be sampled. Chairman Fite said the EPC is dedicated to take care of Landfill issues so the landfill can provide a safe and reasonable place for the Cherokee people to dispose of waste. Jeannine stated an application to modify ("update") the landfill permit has been submitted. She thinks it is appropriate to have a public meeting to get comments on the proposal, once it has been reviewed by the Engineers CNEP has hired. Commissioner Matlock preferred to have the public meeting before action by the EPC on the application, in order to develop understanding in the community. Chairman Fite agreed. After a 5 minute break at Doug Bane's request, Mr. Bane asked that item 7C (liner variance) be tabled. Chairman Fite tabled agenda item 7B.

- 8. Dry Creek Restoration: Delaware County Commissioner Kendrick reported that the county commissioners have used about one mile of Dry Creek in the past 3 years for gravel. They had wanted to obtain gravel again and met with CNEP staff to discuss. It was suggested that a streambed restoration project might yield excess gravel that could be used by the County Commissioners. Commissioner Kendrick reported that he met with NRCS and walked out the streambed. The engineers recommended to fence off the stream beds and plant trees and that no more gravel be taken from this area. Moving the stream bed we would require permits and a lengthy process. They decided to wait to see if the stream might recover with minimal intervention in about 5 years. Chairman Fite said the state and USDA will partner on a Conservation Reserve Enhancement Program in two areas, Eucha/Spavinaw and the Illinois River. The program is targeted for October 1, 2006, and USDA will provide some money for projects. This area may qualify. County Commissioner Kendrick stated they still need a place to get gravel for road construction. Suggestions included Flint creek and possible Housing Authority land. Pat Gwin reported he has applied for a 48K grant that could be used for tree replanting and fencing projects. If awarded, the funding will be available October 1.
- 9. Complaints/Inquiries Report: Randy reported a written report was submitted for the record.

- 10. Solid Waste Management Plan: Randy reported the Commission had approved the Solid Waste Management Plan in March and it has not been changed since. CNEP is waiting to receive a new national template from EPA to evaluate whether all required elements have been included in the SWMP. EPA is working on a central reporting system. Jeannine mentioned one of the Nation's strategic goals is to work more with Cherokee communities. The Principal Chief has also mentioned using preventive measures opposed to spending dollars trying to fix things. The Commission pointed out a need for the Nation to get information about good work the Nation is doing, such as work for the environment, out to the public. The Commission suggested that CNEP pursue working with the Marshall Service on environmental code requirements and violations.
- 11. New Business: There was no new business
- 12. Miscellaneous discussion: none
- 13. Meeting adjourned: The meeting was adjourned at 11:30 a.m.