

**CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**  
**Cherokee Nation Environmental Protection Office**  
**208 E. Allen Road, Tahlequah, OK**  
**January 4, 2011**

**PRESENT:**

Commissioner: Marty Matlock  
Commissioner: Ed Fite

**APPROVED**  
**DATE** *March 1, 2011*

**STAFF AND GUESTS:**

Harold Langdon, CNE  
Roger Fields, CNB  
Doug Bane, CNWM  
Bill Lay, CNWM  
Dwayne Fain, CN Risk Mgmt  
Ryan Callison, CNEP  
Tom Elkins, CNEP  
Shaun West, CNEP  
Jackie Woodward, CNEP  
Nancy John, CNEP  
Laura Adair, CNEP  
John Freise, CNEP  
Bob Short, CNEP  
Tabbatha Revas, CNEP  
Kate Hercog, Univ of AR

1. Meeting called to order by Commissioner Matlock at 9:44 AM.
2. Commissioner Matlock acknowledged and placed into the record the Record of Public Notice.
3. Commissioner Fite made a Motion to approve the corrected minutes from the December 7, 2010 meeting. Commissioner Matlock seconded the Motion. Roll call vote. Minutes approved.
- 4 Public Comment – None
5. Reports
  - A. EPC & Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads – Tom Elkins – the NEPA project at the Landfill for a lease for the proposed gas project, a draft has been done by Pat Gwin and will be forwarded to CNEP in the next week. One topic of discussion is the National Historic Preservation Act which empowers federal agencies and Indian tribes to make the first level of decision making as far as impacts to historical issues. If anything becomes an issue the tribe consults with SHPO but the tribe makes the first level decision. We believe there are no historical or archaeological issues at the Landfill. This will be documented for the record which will finalize the NEPA document. A NEPA report for Mayes County Water District raised questions from Commissioner Fite. The service population is approximately 905 connections, covers about 87 square miles on the east side of Lake Hudson, and current water plan is .36 million gallons per day and the new plant size will be 1.5 million gallons per day when it is completed. The plant is located on the north side of Salina pump back and will utilize standard rapid sand filtration for their treatment. Engineering plans can be provided if requested. Grants and loans have been utilized for this facility. Commissioner Fite asked if the lines were nomadic or pressure driven. Mr. Elkins responded that he will obtain that information. Mr. Elkins stated in the future that Water Rights may be a topic of discussion with Chief Smith to form a water treatment plant and build a water system on tribal trust property and permit through the EPC. Permits have been requested for other water systems that are permitted through the

OWRB and have not been done at this time. Commissioner Matlock agreed with the suggestion and requested a meeting with Chief Smith to focus on the Water Act. Commissioner Fite stated that this topic has been discussed at the OWRB meetings. Commissioner Matlock stated that one charge of the EPC is to develop a permitting process for drinking and waste water. We are also charged with providing an annual report on the state of our water to the Executive branch which we have not done in 5-6 years. We are also charged with an annual water conference which we had last year which needs to be done again this year. Mr. Elkins stated that CNEP wants to work toward a Cherokee Nation Comprehensive Water Plan in the next 18-24 months. Schedule public meetings in the 14 counties to find out what the Cherokee people want to do with the water. Discussions ensued to discuss resources to carry out this plan. Mr. Elkins gave an overview of the status of the DOE funded projects. Mr. Callison stated that in response to Commissioner Fite's question regarding invertebrate collection, Tabatha Revas was present to talk about that process. Ms. Revas provided information regarding the collection and sampling process. Commissioner Matlock shared information on collection from the university's process. Discussions ensued on this topic. Commissioner Fite asked about the birds of prey. Mr. Gwin was not present to provide information on this topic. Commissioner Fite asked if the drainage problem was corrected at the Landfill. Mr. Elkins stated that there is not an issue at this time and Mr. Bane concurred that there are no issues with the neighbors.

- B. Natural Resources Department - Mr. Gwin was not present. Mr. West stated that he would forward the email responding to Commissioner Fite's question. Commissioner Matlock asked about seeds produced and harvested each year, what is happening to the seeds. Mr. Elkins responded that the seeds are given to Cherokee citizens and used in community gardens.
  - C. Cherokee Nation Enterprises – Mr. Fields reported that CNE has four (4) small spills caused by dispenser handles not being shut off; all were minor half gallon spills. All were cleaned. On December 8<sup>th</sup> a spill of 50 gallons of diesel that was contained with absorbent boom to keep it out of storm water system and on concrete. Environmental Remediation Services responded and provided cleanup. The Commissioners commended CNE on their response to all types of spills.
  - D. Emergency Management – Dwayne Fain – provided an overview of the report. – FEMA has received the CN's Hazard Mitigation Plan, documents requested are being provided. Discussion was held regarding Emergency Management's communication in rural areas due to the recent loss of lives in eastern Arkansas due to a recent tornado.
6. Cherokee Nation Sanitary Landfill
- A. Report – Doug Bane – regarding new cell development, CNWM is in negotiation with the contractor and has received preliminary pricing and could have onsite in 2-3 weeks. Tonnage is down contributed to seasonal falloff. Still negotiating and working on the landfill gas system. Last week a connection came apart in a leachate line, it has been repaired. Discussions ensued concerning alternative methods to repair pipes and connections.
  - B. Compliance Issue – Mr. Elkins stated that there are no major compliance issues at this time. A regulatory issue will be discussed at a later date.
7. New Business – Mr. Callison stated that, in the near future, rules within the pesticides program on how CN can better access pesticides usage on Cherokee properties will be developed. Discussion surrounding the process of the development of the rules ensued.

Ms. Revas provided the Commission with documentation pertaining to the recent mercury analysis project. Discussion was held concerning the high numbers of Rock Bass at Sallisaw 5 and the process used for tissue collection and testing and funding for additional testing is being sought to re-test and expand the project. Risks associated with these testing results were also discussed. Mr. Elkins stated that budgets would be reviewed to see if funding can be found to support this activity in response to Commissioner's Matlock request to expand this research. Commissioner Matlock stated that the EPC's statutory obligation is protect the welfare of the Cherokee people by protecting environmental resources. To summarize Ms. Revas' presentation, there is a significant concern for the consumption of many of critical fish species that are traditional consumed by Cherokee people in

Sallisaw Creek, the site recently tested. Commissioner Fite asked if ODEQ had a fish advisory out for the entire state regarding mercury. Ms. Revas stated that they did for all fish, mostly top predator species. Commissioner Matlock stated that the advisory is their way of getting off the hook. It does not give us one bit of management opportunity. As a commission, we have an impact, a resource of the Cherokee Nation has been impacted by resources outside of the Cherokee Nation. We do not have causal relationships or evidence yet, but at the next meeting I want to see a strategy of how we are going to move this investigation forward. What is needed, funding and resources, to find out if the Cherokee people are being exposed to mercury. EPA will not do to the Cherokee Nation, what it did to the Quapaw Nation.

Commissioner Fite requested that the EPC meeting become "more paperless". Commissioner Matlock made the suggestion for all reports to be emailed and laptops used for meetings. Meeting information and presentations can be projected on a screen.

9. Announcement of upcoming meetings and events. The next EPC meeting is scheduled on February 1, 2011 at 9:30 AM.
10. Commissioner Fite made a Motion to adjourn, Commissioner Matlock seconded the Motion, meeting adjourned.