

**CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**  
**Cherokee Nation Environmental Programs Office**  
**208 E. Allen Road, Tahlequah, Oklahoma**  
**April 1, 2014**

**PRESENT:**

Commissioner: Ed Fite  
Commissioner: J. Blake Fletcher  
Commissioner: Jack Spears  
Commissioner: Dr. Lynna Carson

**APPROVED**  
**DATE 5-22-14**

**ABSENT:**

Commissioner: Dr. Marty Matlock

**STAFF AND GUESTS:**

Harvey McCoy, Delaware County, District III  
Walker Cochran Jr., Delaware County, District III  
Jackie Woodward, CNEP  
Fan Robinson, CNWM  
Kathy Nelson, CN Natural Resources  
Wayne Isaacs, CNEP  
Andrea Taylor, CNEP  
Chris Sams, CN SFC  
Scott Neel, NH & Associates, P.C.  
Cason LeBlanc, CN SFC  
Billy Hix, CN OEH & E  
Nancy John, CNEP  
Billy Taylor, Kenwood School  
Shaun West, CNEP  
Ryan Callison, CNEP  
Dwayne Fain, CNRM  
Bob Short, CNEP  
Stephanie Reed, CNEP

1. Meeting called to order by Commissioner Fite at 9:38AM.
2. Chairman Fite acknowledged and placed into record the Record of Public Notice and Agenda.
3. Commissioner Carson made a Motion to approve the minutes from the March 4, 2014 meeting. Commissioner Spears seconded the Motion. Roll call vote, minutes unanimously approved.
4. Public Comment – No comments.
5. Reports
  - A. EPC & Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads – Nancy John stated that Mr. Elkins was unable to attend the meeting and that the directors were present to answer any questions from the Commissioners. No questions were noted.
  - B. Administration Support – Ryan Callison informed Commission that Mr. Gwin would be in attendance and requested that his report be postponed until the end of the reporting section of the agenda.
  - C. Cherokee Nation Businesses – Representative was not in attendance.
  - D. Emergency Management – Mr. Fain reported that EM held a Tornado Tabletop Exercise on March 12<sup>th</sup> at the Hard Rock. The Blackboard software is being purchased to enable

notifications to be sent out to all employees in the event of severe weather. Commissioner Fite inquired whether plans were in place during the month of May when typical outbreaks of tornadoes occur. Mr. Fain responded that staff does monitor weather reports on a regular basis.

- E. Natural Resources Department – Kathy Nelson reported for G.V. Gulager. Commissioner Fite inquired about the status of the bison and Ms. Nelson stated that Mr. Gulager was currently in a meeting regarding the bison.

6. Cherokee Nation Sanitary Landfill

- A. Jamie Clinton reported that electricity was installed and there is fulltime power to all of the sumps and generator. Commissioner Fite noted in the Landfill report that tonnage had declined in February compared to January's report. Mr. Clinton stated the rate was typical and they still had the same amount of customers.
- B. Compliance Issues – Jackie Woodward stated that there were no issues.
- C. Compliance Schedule – No discussion on this item since Administrator Elkins and Chairman Matlock were not able to attend the meeting.
- D. Expansion: Cell Development - Fan Robinson stated that the landfill had not received the loan to date. Tonnage has not increased due to the need for equipment funds. CNWM was hesitant to seek additional customers until funding was available for the new equipment. CNWM is waiting on the approval from the CN Council to receive a waiver of sovereign immunity to seek a loan for the new equipment. Ms. Robinson stated that the landfill has worked with the auditors and several discrepancies were revealed that were not previously reported. The final audit indicated that Cell 1 and Cell 2 were not out of compliance. Commissioner Fite inquired whether the audit covered the financial and integrity of the landfill. Ms. Robinson confirmed that it did cover both. Ms. Robinson requested copies of historical documentation from the EPC on all of the notice of violations issued to the landfill and fines. Commissioner Fite stated that he will discuss this request with Commission Matlock in coordination with Administrator Elkins to provide that information to CNWM. Ms. Robinson also requested a meeting with the EPC Commissioners at the landfill to provide more information to the Commissions with regards to the landfill. Commissioner Fite stated that the EPC would like to meet with CNWM during a time that can accommodate the attendance of all five commissioners as well as Administrator Elkins and staff. Commissioner Fletcher and Ms. Robinson discussed the components and deadlines for reports. Jamie Clinton described the two areas of cell development being considered and summarized the patchwork design of the leachate pond and the associated engineering design needed. Ms. Robinson stated that the leachate pond is part of the footprint for the landfill. Commissioner Fite would like to have the aerial photos available when the meeting with CNWM takes place. Ms. Robinson also addressed the need for a NPDES permit and triage work is still taking place at the landfill. Shaun West stated that the cell development would be considered a major modification to the permit and this process would have to be approved by the commission before construction takes place.

7. Attorney General Issues – Pat Gwin provided the report for Sara Hill

- A. Water Plan update – A third party contractor has completed a large portion of the CN water plan. The plan contains a historical and legal aspect, delineates water quantity and includes a water quality report. All the background data and research has been completed and strategy documents are currently being developed. Funds from the Cherokee Nation and the U.S. Dept. of Interior were utilized to develop the water plan and an additional funding request was submitted to DOI.
- B. Coordination between CN and CN Business Entities - Pat Gwin stated that CNB/CNE did collaborate with the CN workgroup on the water plan by assisting with the completion of the history and supply/demand issues.
- C. Discussion and opportunity for comments – Commissioner Fletcher asked the purpose of the water plan. Mr. Gwin described how the data sets and background information is important to managing the water resources in the existing regulatory environment. The engineering firm has experience with water rights litigation and the legal complexities of the tribes. They are able to provide a quicker process for quantifying water within the 14 county jurisdiction.

8. Kenwood School & Saline Creek
  - A. Description of proposed activities and rationale, Needed Permit(s)/Internal & External – Wayne Isaacs reported on the flooding event that occurred last April at Kenwood School. Billy Taylor from Kenwood school described [pictures] of water damage to the classrooms and damages amounted to approximately \$50K to date. [Mr. Neel and Mr. Isaacs described the flooding event and referenced flood plain maps and pictures shown during the meeting.] Mr. Taylor summarized the history of flooding occurrences encountered at the Kenwood School since 1986. Mr. Taylor stated that Delaware County had discussed lowering the road to allow water to move down the creek. Commissioner Fite inquired whether the staff was prepared to make a recommendation to the Commission. Mr. Isaacs stated that the plan was to review alternatives and discuss with administration to see if there were any actions that could be done. Commissioner Fite asked if Delaware County had programmed the bridge within any plans for replacement. Representative from Delaware County stated that the bridge is not being considered at this time.
  
9. Special Meeting
  - A. Date & Time – Commissioner Fite requested that the decision be postponed until Chairman Matlock and Administrator Elkins had an opportunity to coordinate and propose some potential dates. Commissioner Carson stated that she was available to meet on May 22nd and May 23<sup>rd</sup>.
  - B. Agenda Items – Commissioner Fite summarized the intent of the next meeting is to provide an opportunity to discuss the CNEP programs with directors available to address any questions concerning programs in addition to other issues.
  
10. New Business– No new business noted.
  
11. Announcement of upcoming meetings and events – The Cherokee Nation will be hosting the Environmental Festival on April 11 at the Talking Leaves Job Corp gymnasium. Earth Day is April 22nd.
  
12. Motion to adjourn by Commissioner Spears, seconded by Commissioner Carson. Roll call vote, meeting adjourned by unanimous approval.