CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION Cherokee Nation Environmental Protection Office

208 E. Allen Road, Tahlequah, OK August 2, 2011

PRESENT:

Commissioner: Marty Matlock via conference call

Commissioner: Ed Fite

APPROVED
DATE 9-6-11

STAFF AND GUESTS:

Nancy John, CNEP
Jackie Woodward, CNEP
Tom Elkins, CNEP
Bob Short, CNEP
Shaun West, CNEP
Jerrid Diffee, CNEP
Sabrina Washington, CNEP
Doug Bane, CNWM
Pat Gwin, CNNR
Chris Sams, CN-E&SFC
Roger Fields, CNB
Dwayne Fain, CNEM
Sara Hill, CN Office of AG
Curtis Snell, CN Tribal Councilor
Greg Butcher, Kenwood Water District

- 1. Meeting called to order by Commissioner Fite at 9:30 AM.
- 2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice. Introductions by all meeting attendees.
- Commissioner Matlock made a Motion to approve the minutes from the July 5, 2011 meeting. Commissioner Fite seconded the Motion, roll call vote. Minutes approved.
- 4 Public Comment Mr. Sams provided an update on the Kenwood Water Treatment Plant.

5. Reports

- A. EPC & Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads Mr. Elkins reported on the status of the Cherokee Nation Water Plan. Cherokee Nation has been working with Dr. Matlock's students on gathering information and developing the framework for the plan. A presentation will be given next week on the progress of the work. An external entity will be contracted next fiscal year to work on the plan which will be similar to the state plan. The Consent Order for Kenwood Water District has been signed. On August 12th at 2:30 P.M. an energy company is providing a presentation if anyone wants to attend. Commissioner Fite asked if the water plan development is a public process. Mr. Elkins stated that currently the work has been information gathering but will be presented to the public in the future. Commissioner Fite asked if Cherokee Nation will broker a compact with Arkansas, Kansas, Missouri, etc., for the tributaries that flow into Cherokee Nation jurisdictional boundaries. Mr. Elkins stated that will be discussed at a later date. Commissioner Fite asked Chairman Matlock if he had contemplated this topic. Mr. Elkins stated that guidance on this topic will be sought from Cherokee Nation administration.
- B. <u>Natural Resources Department</u> Mr. Gwin reported that Cherokee Nation will be hosting the Keepseagle counsel next week, August 9-10-11, regarding the class action lawsuit against USDA

- for Native American Farmers. Trees are not surviving due to the drought, the blackberries are surviving.
- C. <u>Cherokee Nation Businesses</u> Mr. Fields reported only one minor incident in July reported as 10 gallons or less, probably less than ½ gallon actual spill. Commissioners inquired about recycling efforts, Mr. Fields stated that he will provide a report next month.
- D. <u>Emergency Management</u> Mr. Fain reported that they have been working with Delaware County Emergency Management on providing water to the Oaks community.

6. Cherokee Nation Sanitary Landfill

- A. Report & Compliance Issues— Mr. Bane was present, nothing additional to report. Mr. Woodward said there are no compliance issues. Discussion ensued regarding waste that is not allowable in the landfill.
- 7. Consider for EPC Approval Permit to relocate various fish species from several water bodies within the Nation to the pond near the tribal complex Commissioner Fite made a Motion to approve the Permit. Commissioner Matlock seconded the Motion. Mr. Short asked about installing an aerator at the pond. Mr. Callison stated that a system is being purchased for installation. Roll call vote, Permit approved.
- 8. New Business Councilor Snell was recognized. Commissioner Fite asked if anything was happening with Lafarge since the presentation was given by the company. Mr. Elkins stated that there have been issues with Claremore and Tulsa citizenry complaining about the overall issue. Mr. Callison stated that the mobile air unit may be moved to that area in the spring. No complaints have been received at this time. Councilor Snell asked about sirens that were purchased to be installed in the Oaks community. Mr. Fain said he would check on the sirens. For future discussion, Commissioner Matlock stated that in working with Tabbatha's data collection for mercury in fish, preliminary findings suggest that Cherokee Nation citizens are exposed four to five times EPA recommended exposure limits for mercury from fish consumption. A report will be available in two weeks. Our resources are being impacted from sources outside of Cherokee Nation.
- 9. Announcement of upcoming meetings and events The technical advisory group meeting for TMDL (phosphorus) is scheduled at the Cherokee Nation Tribal Council Chambers on August 11, 2011 from 1:00 PM to 5:00 PM. The next EPC meeting is September 6, 2011 at 9:30 AM. On September 28-29, West Siloam Spring Casino, a four state watershed meeting will be held hosted by the Illinois River Watershed partnership.
- Adjournment Commissioner Matlock made a Motion to adjourn, seconded by Commissioner Fite, meeting adjourned.