

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
Cherokee Nation Environmental Programs Office
208 E. Allen Road, Tahlequah, Oklahoma
July 1, 2014 – 9:00 AM

PRESENT:

Commissioner: Dr. Marty Matlock, Chairman
Commissioner: Ed Fite
Commissioner: Jack Spears
Commissioner: J. Blake Fletcher

APPROVED

DATE 08-05-14

ABSENT:

Commissioner: Dr. Lynna Carson

STAFF AND GUESTS:

Tom Elkins, CNEP
Jackie Woodward, CNEP
Nancy John, CNEP
Ryan Callison, CNEP
Wayne Isaacs, CNEP
Shaun West, CNEP
Sara Hill, CNAG
Intern, CNAG
Joseph Washum, CNB
James Thornton, CNB
Pat Gwin, Administrative Support
Fan Robinson, CNWM
Jamie Clinton, CNWM
Laura Adair, CNEP

1. Meeting called to order by Chairman Matlock.
2. Chairman Matlock acknowledged and placed into record the Record of Public Notice and Agenda.
3. Commissioner Spears made a Motion to approve the minutes from the May 22, 2014 and June 3, 2014 meetings, seconded by Commissioner Fletcher, roll call vote, minutes approved.
4. Public Comments – none.
5. Reports
 - A. EPC & Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads – Mr. Elkins provided the Commission with a flash drive containing the current statutes. Ms. Hill stated that the drive contained draft code and is not for public information and not for public release. It is not the final draft but it is getting closer to completion. Commissioner Fite noted various topics that are the EPC's responsibility and stated that they need to get in compliance. Also the Commission's relationship to staff is the EPC's responsibility for the supervision of staff and programs and oversight of the budget(s). The EPC is driven by grants and provides the direction of where the programs are going. There are things that the EPC should be doing and are not doing at this time. Chairman Matlock stated that if the EPC is responsible then resources are needed to comply and CNEP needs the resources to comply. The Commission requested information regarding budgets and programs at the August EPC meeting. Mr. Elkins stated that CN is working with the Delaware Nation on their Environmental Reviews. Mr. Elkins provided a brief historical summary and stated that they want to start their own housing program. In the past the CN has provided these services but will more than likely cease at the end of this fiscal

year. Ms. Hill provided additional information on this topic and additional discussions ensued. Ms. Hill will provide information on this topic at a future meeting in August or September. The Commission is concerned about future projects and environmental responsibilities in regards to those projects. Mr. Elkins that he will meet with the Kenwood representatives next month to discuss options and possible funding for the flood issue. Chairman Matlock asked about the status of the consent decree. Mr. Elkins stated that they had asked for an extension twice and had not heard anything in months. A letter was received from EPA that no extension would be given but they would not do anything if they did not comply. Commissioner Fite asked if there had been a change in management because the information obtained stated there was no communication and they have basically been defiant. Mr. Elkins stated that was not his understanding. Chairman Matlock stated that the concern is that this is in Cherokee Nation's jurisdiction and there are activities that are not compliant with federal criteria according to the federal agency. The EPA was waiting on Cherokee Nation to tell them to move in and provide enforcement. Mr. Elkins stated that he would check and inform the Commission prior to the next meeting. Chairman Matlock stated that he did not like hearing this from EPA.

A spill of paint at the Health Administration offices was not handled appropriately. Staff was sent to oversee remediation of the site and proper disposal. Discussions ensued regarding communication issues and lack of coordination between Cherokee Nation administrative programs and environmental programs. Chairman Matlock stated that he made a commitment to the Chief that the EPC would have an integrated five-year program by January 1st.

B. Administration Support – Mr. Gwin stated that the FMP did pass Committee and goes before the full Council for approval this month. It is a Category 2 FMP but does not specify a maximum allowable cut. The FMP can be made available to the Commissioners in electronic format. Discussions ensued regarding the contents of the plan. CN has an USDA MOU to work on local agriculture issues and are now working with the CN Elderly Nutrition Programs and will place a 3,000 pound order of local red meat products from Cherokee farmers that will go to a Cherokee processor which will go directly back into elderly nutrition. The strip pit reclamations at Sallisaw Creek Park has been reclaimed and re-vegetated.

C. Cherokee Nation Businesses –

- i. Will Rogers Downs DEQ Consent Order – First report has been submitted and included all information requested per ODEQ.
- ii. Outpost #1-Tahlequah – Concept design in the works for the new outpost. Recommendation from EPC for green facility design. Will provide follow-up and report at next meeting.
- iii. Other issues – Roland had a small leak out of a parked truck. Staff attended Tier 2 training.

D. Emergency Management – No representative to report.

E. Natural Resources Department – No representative to report.

6. Cherokee Nation Sanitary Landfill

A. Report/Compliance Issues/Compliance Schedule/Presentation – Mr. Clinton stated that they were able to acquire some wind fences for litter control which has helped tremendously. Working on obtaining new customers for cash flow. Ms. Robinson added that more dollars are needed to address the bigger compliance issues/schedules and reminded the Commission that the current administration has only been there a little over a year. Chairman Matlock responded to prioritize those issues that will have off sight impacts because the Commission has zero tolerance for those issues. For presentation purposes, Ms. Robinson disseminated an informational document (timeline) to the Commission. As a follow-up to the EPA meeting, the Secretary of State is coordinating a meeting on July 15th with the Office of the Attorney General, Pat Gwin and Tom Elkins to discuss the General Permit to EPA regarding storm water. The second meeting is with the Speaker of the Tribal Council, Tina Glory-Jordan, and other council members to discuss the landfill finances and tonnage. The engineer from EPA is coming to visit the landfill at the end of this month while they are attending the ITEC meeting. Mr. Clinton informed the Commission that a survey has been ordered. Ms. Robinson reiterated that a protocol and/or communication for communicating with EPA needs to be established and

initiated by the EPC Administrator. Chairman Matlock stated that for regulatory issues, the EPC Administrator must be contacted and for operations the landfill would be contacted.

7. Attorney General Issues

A. Water Plan Update/Discussion & Opportunity for Comment – Assistant AG Hill stated that there are no updates to report but work is ongoing. Discussions ensued and information provided by Chairman Matlock and Commissioner Fite regarding Arkansas/Oklahoma water issues, etc.

8. Presentation/Overview of Administration Support Activities – Pat Gwin provided a power point presentation and answered all questions and provided additional information regarding content of the presentation.

9. New Business – Ms. Robinson requested an update on the asbestos containing material at the Sallisaw horse race track. Mr. Elkins provided an update.

10. The next EPC meeting will be held August 5, 2014 at 9:00 A.M.

11. Meeting adjourned.