

**CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**  
**Cherokee Nation Environmental Protection Office**  
**208 E. Allen Road, Tahlequah, OK**  
**August 7, 2012**

**PRESENT:**

Commissioner: Marty Matlock  
Commissioner: Ed Fite  
Commissioner: Lynna Carson

**APPROVED**

**DATE** *10-2-2012*

**STAFF AND GUESTS:**

Pat Gwin, CN Natural Resources  
Wayne Isaacs, CNEP  
Romelle Kirk, URS Corp  
Doug Bane, CNWM  
Ryan Callison, CNEP  
Will Chavez, Cherokee Phoenix  
Dillon, Cherokee Phoenix  
Roger Cain, Tribal Citizen  
Tamara Copeland, CN Risk Mgmt/Emergency Mgmt  
Roger Fields, CNE  
Jackie Woodward, CNEP  
Bobby Short, CNEP  
Laura Adair, CNEP

1. Meeting called to order by Commissioner Matlock at 9:38 AM.
2. Commissioner Matlock acknowledged and placed into the record the Record of Public Notice.
3. Commissioner Fite made a Motion to approve the minutes from the June 26, 2012 meeting. Commissioner Carson seconded the Motion. Minutes approved unanimously.
- 4 Public Comment

Commissioner Matlock welcomed Dr. Lynna Carson as the new EPC Commissioner and extended an opportunity for Commissioner Carson to introduce herself to the attendees.

No public comments.

5. Reports

- A. EPC & Environmental Programs & NEPA projects for Realty, IHS, NAHASDA, Roads – Wayne Isaacs reported on a bridge project that the Eastern Oklahoma Circuit Engineering District is conducting. CNEP was contacted and requested to conduct the NEPA work to assist with expediting the project. Based on discussions with the Adair County Commissioner, Commissioner Fite inquired whether CNEP was involved remediation activities on the present structure. Mr. Isaacs stated that CNEP had not been contacted regarding this project. Mr. Isaacs will provide further updates to Commissioners on the project's progress.

Bobby Short reported that the glycol tank at Hastings Hospital has been sampled. There was a small amount of acetone in the tank that will be removed and taken to the Tahlequah Waste Treatment facility. There is also asbestos removal scheduled at the hospital and the other tank will be removed by a firm from Texas before a new tank is installed.

- B. Natural Resources Department – Pat Gwin reported that a citizens group has approached the Chief's office inquiring about the food safety of watercress. Mr. Gwin will be coordinating with Mr. Callison on obtaining data and conducting further testing next spring. Mr. Gwin will be providing a report later on this date as a response to a citizen wanting to add a species to the Tribe's Culturally Protected Species list. Mr. Gwin reported that the U.S. Department of Interior's Abandoned Mine Land Program is proceeding on the Muskogee County Porum One Strip Pit Reclamation project. This project will provide recreational development at no cost to the tribe. Mr. Gwin also stated that the CN and the USDA have entered into an agreement to develop a MOU on agriculture. CN is currently working with the National Bison Association on a bison production initiative. Discussions ensued regarding this initiative.
  - C. Cherokee Nation Businesses – no additional information to report.
  - D. Emergency Management – Tamara Copeland reported that on July 6-7, the tribe declared the first tribal disaster declaration for excessive temperatures. This action will allow CNEM to provide bottled water and Gatorade to all of the volunteer fire departments. This declaration will continue throughout the duration of the drought. CN received a Homeland Security grant that will fund 75% Emergency Management and 25% Law Enforcement activities for the next fiscal year.
6. Cherokee Nation Sanitary Landfill
- A. Report – Doug. Bane reported that 1.9 inches of rainfall was recorded during the reporting time frame that contributed to some cover issues with regards to erosion. Mr. Bane reported that one of haul trucks was caught fire and was destroyed. The landfill is in the process of filing an insurance claim and will be renting a truck as a replacement. The leachate disposal log was included in this month's report and worked to correct the manifest log issues. In the report, there is also a picture of the vent that was installed on the sump on cell 4 to address the methane issues. An industrial hygienist, requested by CN Administration, visited the landfill to take methane readings. The landfill is working on the cover issues trying to keep dust under control as well as working with the equipment issues.
  - B. Compliance Issues – Jackie Woodward stated that there are some issues with dust control and cover control. (pictures were shown as references for Mr. Woodward's report) Mr. Woodward referenced the leachate records for June and July which indicated the manifest records for loads that were transported to the Stilwell Treatment facility. Records of reflect 3 leachate loads that were re-circulated for June for dust control and 7 loads re-circulated for July at the landfill. Mr. Woodward stated that 22 loads of leachate were transported to the Stilwell facility and all of these loads should have been used on the landfill for dust control. Mr. Woodward stated that within the same time frame, 44 loads could have been placed on the landfill for dust control. Mr. Bane stated that leachate cannot be placed out of the tanks on the roadways and it can only be placed on lined areas. Mr. Woodward stated that the landfill's water truck is down but a tanker has been retrofitted to spread water and recommends that more leachate be used for dust control. Mr. Bane stated they are working on these issues, equipment is trying to be repaired and maintained. Chairman Matlock stated that he has meeting scheduled the next week with the Secretary of State and the role of the EPC is enforcement of the rules and regulations of the Cherokee Nation. Is there a violation of rules and regulations? Mr. Woodward stated that the dust conditions are unsatisfactory. Chairman Matlock stated that administrative action can be taken, is there an action requested from the Commission? Mr. Woodward stated not at this time but the problem does need to be alleviated. Mr. Bane agreed that the problem did need to be alleviated and they are doing all they can at this time but it does come down to funding. Additional discussions ensued regarding equipment issues.
  - C. Possible Action – none at this time.
  - D. Possible Order or other regulatory action for violation of regulations – none at this time.

7. Designation of River Cane as a culturally protected species – Mr. Gwin stated that a biologic evaluation was prepared at the request of Assistant Attorney General Hill. This is not akin to being added to an endangered species list based upon federal rules. The tribe does not have an endangered species list. River cane populations are significantly reduced from their historic levels in northeastern Oklahoma, Cherokee Nation. River cane is an important plant culturally for the Cherokee Nation. River cane populations on current Cherokee Nation tribal lands are exceedingly limited. Those populations cannot support any amount of routine take. It also fulfills a very important economical niche and designation it as a culturally protected species does have some benefits for future conservation, particularly public awareness. The Natural Resources Department does warrant and support listing river cane as a culturally protected species. A power point presentation was given by Cherokee Nation tribal citizen Roger Cain. At the conclusion of the presentation, Commissioner Fite made a motion to adopt a new proposed rule designating river cane a culturally protected species and directed the Cherokee Nation Environmental Protection Commission Administrator to publish a public notice pursuant to the Administrative Procedures Act and schedule a hearing. Commissioner Matlock seconded the motion. Mr. Gwin stated that there is a lot unknown regarding the current genetics of river cane, the Cherokee Nation has pseudo authority over a piece of property that is individual restricted property in Sequoyah County with a very large canebrake, and if access can be granted to the property for rudimentary research it may be beneficial to the tribe. Commissioner Fite made a friendly amendment to the motion on the floor to incorporate the recommendation into the motion, to draft a letter of support from the Commission for further research on river cane located on restricted land located in Sequoyah County. The amendment to the original motion was accepted. Roll call vote, motion unanimously approved.
8. New Business – None at this time. Commissioner Matlock requested an update on the water plan and the water resources survey of the Cherokee Nation at the next meeting. Mr. Elkins and Chairman Matlock discussed the Annual Report to the Cherokee Nation. Mr. Elkins stated that a narrative on each section with bullet points will be developed and provided to all parties for review to assist in the development of the report. Mr. Elkins stated that perhaps a water symposium can be held in the near future.
9. Announcement of upcoming meetings and events – The next EPC meeting will be held September 11, 2012 at 9:30 A.M.
10. Commissioner Fite made a motion to adjourn, motion passed and meeting adjourned.