

**CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION**  
**Cherokee Nation Environmental Protection Office**  
**206 E. Allen Road, Tahlequah, OK**  
**November 25, 2008**

**PRESENT:**

Commissioner: Ed Fite

Commissioner: Marty Matlock

**STAFF AND GUESTS:**

Shaun West, CNEP

Jack Crittenden, Concerned Citizen of Adair County

Nathan Moton, Concerned Citizen of Adair County

Jonathan Stokes

Nancy John, CNEP

Wayne Isaacs, CNEP

Harold Langdon, CNE

Tom Elkins, CNWM

Ryan Callison, CNEP

Pat Gwin, CNNR

Roger Fields, CNE

Bobby Short, CNEP

Dwayne Fain, CNRM

Dena Geib, CNB

S. Joe Crittenden, Tribal Council Member, District #2

John Freise, CNEP

Amber Armstrong, CNEP

1. Commissioner Fite called the meeting to order at 9:35 a.m.
2. Commissioner Fite acknowledged and placed into the record the Record of Public Notice and meeting attendance.
3. Minutes – Minutes were not available to approve at this time. This item was tabled until the next meeting.
4. Reports
  - A. Natural Resources Department (Pat Gwin) – Cherokee Nation approved a Forestry Management Plan which will be submitted to the Bureau of Indian Affairs. The Tribe is working with the State of Oklahoma Department of Wildlife and Conservation on an agreement which will allow the Tribe to issue a statement regarding Native American hunting and fishing licenses in the 14 county area. Natural Resources met with tribal elders and they have been documenting traditional uses for plants. A pamphlet for public use will be developed and some of documented traditional uses will be incorporated into the pamphlet. There are many culturally significant seeds in the seed bank and will be distributed out to interested Native Americans after the first of the year.
  - B. Environmental Programs (Nancy John) – The Environmental Programs staff was commended on the excellent job performed by coordinating and hosting the EPA Region 6 Tribal Environmental Summit held recently in Tulsa, OK.
  - C. Cherokee Nation Enterprises (Roger Fields) – ODOT is reworking the intersection in front of the Casino in Catoosa and encountered hydrocarbon contaminated soil. Samples were taken and results were above normal action levels. The TPH levels were well below the threshold set by the OCC for close of that property in March of 2007 so work continued with the utilities and the

easement on both the west and east side of the road. On November 13<sup>th</sup> at Ft. Gibson, Tomahawk Transport delivered fuel to the Outpost II. In the process of unloading they released approximately 70 gallons of unleaded fuel into the containment area around the under ground storage tanks. In the process of responding to that their power take off somehow became disengaged and when it spun it ruptured a loading hose for diesel and they spilled approximately 30 gallons of diesel to the ground. Sooner Emergency Services out of Muskogee was immediately dispatched and secured that area. Ft. Gibson Fire Department responded and helped secure the area. Cherokee Nation Environmental Programs was present for that excavation. On November 16<sup>th</sup> at the Roland Travel Plaza, a J. B. Hunt Truck carrying barrels of different varieties of oil and transmission fluid had a leak inside their trailer. It was noticed that there was some oil dripping out of the back of the truck in the area of a storm water drain. Facilities maintenance and the Safety department immediately responded to prevent anything from getting into the storm water drain. JB Hunt dispatched environmental remediation services and the area and truck was cleaned on site.

- D. NEPA projects for Realty, IHS, NAHASDA, Roads (Wayne Isaacs) – The Meth Training course has been certified to offer 16 hours of CLEET training for Law Enforcement to meet their requirements in addition to the 8-Hour HAZWOPER course is accredited.
  - E. Tribally funded construction projects – Pat Gwin reported the new group leader is Jack Farmer and he will be providing the report at the next meeting.
  - F. EPC Administrator – Ryan Callison introduced himself and told of his qualifications and back ground. He welcomed the opportunity to work with the Commission.
5. Cherokee Nation Sanitary Landfill
- A. Report – Tom Elkins reported that construction has begun at the landfill. They are doing a lot of blasting and moving of earth. It will be mid March before a liner is in place. Mr. Carson has asked that an advisory board be put together for the landfill. There will be three people from Cherokee Nation Businesses and three people from the area who have an understanding of solid waste and the landfill. Weekly updates will be provided especially while in construction mode. Things are changing quickly out there. They are proceeding according to the permit
  - B. Compliance Issues
    - a. Brief summary by staff – John Freise reported that the landfill currently have met their timelines. They asked for an extension until December on the re-seeding of cell 2 and it was completed in October.
    - b. Discussion by the Commission  
Commissioner Matlock asked that Legal Council from the Attorney General’s Office be put in place by the next meeting. Commissioner Fite asked that before the landfill opens that there is an opportunity not only for the Commission and staff to walk through the landfill. He would also like to see that there is a component that allows the public to fully participate so that we can all be informed.
6. New Business – Pat Gwin reported that the federal government has recently delisted the Bald Eagle. A group of tribal citizens wanted to know about the possibilities of the Cherokee Nation coming up with its own endangered species list with the intent of having the Bald Eagle to be the first animal placed on this list. It is still illegal to take or harm birds of prey (Bald Eagles) on both the federal and state level. All of the state laws have been adopted by reference in the Tribe’s Game and Fish Act and under the code, the EPC has some responsibilities for interaction along with the lead department which is Natural Resources. Mr. Gwin requested input from the EPC fro recommendations for a tribal resolution or executive order that said that the Bald Eagle is in fact a bird that is important to the Tribe so its harm is strictly forbidden or an entire tribal endangered species act and a subsequent endangered species list. The delisting documents did not take into account any of the Native American concerns regarding spiritual and cultural reasons why they thought those birds should not be delisted.

Commissioner Matlock stated the Commission is an adjudicating body not a legislative body. The Council would have to pass legislation and our role would be to work with the commission to confer regulatory authority to enact the rules of which those laws would be administered.

7. The next meeting will be in December a date was not set.
8. Commissioner Matlock moved to adjourn the meeting. Commissioner Fite seconded. The meeting was adjourned at 10:35 a.m.