Cherokee Nation Environmental Protection Commission

Minutes of March 17, 2006, Regular Meeting
206 E. Allen Road, Tahlequah, OK 74464

Present for the Commission:
Mark Green, Commissioner
Marty Matlock, Commissioner
Absent: Ed Fite, Chairman

Staff and Guests:
Jeannine Hale, Acting Administrator Cherokee Nation Environmental Programs
Harold Langdon, Cherokee Nation Enterprises
Jack Crittenden, CN concerned citizen
John Parris, Cherokee Nation General Counsel
Betty J. Wilson, Cherokee Nation Environmental Programs
Pat Gwin, Cherokee Nation Natural Resources
Nancy John, Cherokee Nation Environmental Programs
Randy Gee, Cherokee Nation Environmental Programs
John Freise, Cherokee Nation Environmental Programs
Doug Bane, Cherokee Nation Landfill

Agenda Items

1. Commissioner Green called the meeting to order at 9:20 am on March 17, 2006.

2. Commissioner Green acknowledged for the minutes that the agenda had been posted at the CN Headquarters and emailed to the distribution list.

3. Commissioner Green made a motion to accept the minutes of the previous meeting and Commissioner Matlock Seconded the motion.

   The vote to approve the minutes was unanimous.

4. Reports
   A. Harold Landon, CNE, reported:
      - Boydell of Tulsa has been selected as the fuel system contractor for the Roland Travel Plaza and he expressed appreciation for the assistance of the Cherokee Nation Environmental Program group. The decision was made to have a double wall fiberglass underground storage tank. AARK was selected as general contractor. Last part of August is expected completion date.
      - On January 25, 2006, CNE contracted with Safety Clean to perform an assessment and to develop a plan for the proper removal and disposal of fertilizers and chemicals that were

stored for a number of years just south of the Sequoyah ball fields. The cleanup was completed on February 8, 2006, and again Cherokee Nation Environmental staff provided onsite assistance.

- Outpost One. An EPA inspection is upcoming April 24. The Cherokee Nation Environmental Group will also be present for the inspection. Three out of four of the underground storage tanks there have a lining done in 1996. The lining in the tanks must be internally inspected within ten years. Tank Tech will be performing the inspection and it should take 2 ½ days to complete. A six foot chain link fence will be installed around the area so the store will be able to remain operational.
- Completion of the Tahlequah Casino is now scheduled for the middle of September. The Sallisaw Casino is scheduled for opening on May the 26th. The Roland Casino remodel is completed but the work is continuing for the expansion of the facility to add food, beverage and retail operations which will be on the south side of that existing facility. The completion for the expansion is not expected to be completed until the end of the year. Live racing began at Will Rogers Downs on February 24 and a lot of work is still continuing.

B. Environmental Programs: Nancy John submitted a written report that was placed into the record.

C. Pat Gwin, Natural Resources reported they met with the Oklahoma Conservation Commission regarding a stream assessment required as part of the landfill permit. The logging project in Choctaw County was completed and about 200% of the initial estimate was made on the proceeds of the sale. Due to the continuing weather pattern it does not appear at this time that replants are going to be feasible this year. Dahlonegah Lake is going to require work – this is an NRCS facility that has reached the end of its fifty year life span and it will be re-engineered and revamped for another fifty years. All appropriate environmental requirements and compliances are being done by the NRCS and Cherokee Nation staff is being used for all the heavy equipment work. Also due to the weather pattern the extended fire duty continues, but due to reorganization in the Natural Resources Program Pat is no longer associated with that. The tribal lands lease process is underway. The resources management plan has now been put on fast track and the immediate plans for that are delineation and an initial zoning effort. This is a very important plan that will have very long range effects toward all future land use of tribes. Due to economics and general business trends within the timber industry, focus in the new forest management plan may be on cultural and recreational uses. Natural Resources and Cherokee Nation Enterprises met regarding a new, or continuation, Department of Energy Grant Wind Energy Feasibility study and CNE was provided with fee and trust statistics of the Chiloco area.

D. Roads Programs: Michael Lynn submitted a written report that was placed into the record.

5. Legislation

A. Environmental Protection Commission Rules Chapter 1 and Chapter 3
Ms. Hale explained that a meeting was held with CN Government Resources and General Counsel, where it was decided to place the uniform permit procedures and similar requirements in rules instead of legislation. Chapters 1 and 3 were amended to reflect that decision. CN still needs to get an APA in place to guide rulemaking, but we need to move forward with our codes and rules.

Commissioner Matlock made a motion that the rules be approved as presented and Commissioner Green seconded the motion. The vote to approve Chapter 1 and 3 was unanimous.

B. The Hunting and Fishing Code will be put on the agenda for the next meeting or a later date for discussion.

C. Transportation Bill Rider update and discussion
Jeannine Hale reported that EPA set up three meetings in Oklahoma to hear the concerns of tribes. There was a good turn out at the first two meetings. On March 21 there will be a meeting at Shawnee with EPA General Counsel Ann Klee. The Tribes would like to slow down the issuance of an interpretation of the Rider by EPA so they can meet with industry. A meeting with OIPA has been scheduled.

6. Cherokee Nation Landfill

- Report by Landfill Management: Doug Bane reported that the maximum tonnage for this reporting period is just over 900 ton. The significant drop is due to loss of a customer and tonnage is running 400-450 tons a day at the present time. A methane plan has been submitted to Environmental programs staff. A water monitoring plan will be submitted next week. A report has not yet been received on the bio assessment or invertebrate collection, which was done by Brooks Trammel in January on Jenkins Creek and some sites Pat Gwin helped select. The permit update package will be ready to submit next week. The landfill was successful in a bid submitted to the city of. That should go to the Fayetteville City Council on April 4. If approved by the council the contract will begin September 26. Cherokee Nation was the only company to bid. The annual cleanup date in Adair and Cherokee Counties is scheduled for Saturday, April 8. Free dumping will be provided for both cities of Stilwell, Tahlequah and individuals. 400-500 tons were taken in last year during the free dump.

- Other Issues: Jack Crittenden, (PO Box 1511, Stilwell 74960) was present and the Commission allowed him to express some concerns. At one time

the leachate pond had a crevice dug in the bank and it ran into Jenkins Creek and his property is adjacent to that. He has been working thru Senator Coburn's office and with the EPA in Dallas, Texas. As of this date he hasn't received anything back from them but does want extensive testing done in the area. He would like to see action on any permit tabled until the testing is complete there.

- Jeannine noted she has spoken with Mr. Crittenden. Current issues are being logged in as complaints and will be investigated. It was recommended he submit his other issues/complaints in writing to Ms. Hale.

7. Gravel Mining by Delaware County Commissioners in Dry Creek streambed
This item will be placed on a later agenda. The County Commissioner has been very busy with the tornado cleanup and was unable to attend this meeting.

8. Schedule for EPC meetings
Jeannine presented proposed schedule for future EPC meetings. Commissioner Matlock made a motion to approve the schedule presented and Commissioner Green seconded the motion. The vote to approve the schedule was unanimous.

9. Complaint database and update on complaints received
Nancy John handed out copies of a complaint form and a sample of a report using the Complaint Database.

10. Solid Waste Management Plan
Jeannine Hale handed out copies of the proposed CN Solid Waste Management Plan Phase I. Commissioner Green made a motion to approve the SWMP Phase I due to time limitations on the condition it be kept open for comment and placed on the next month's agenda.

11. New Business
Announcement –Natural Resources Program will have its Arbor Day activities on the 31st.

12. Miscellaneous Discussion
John Parris with the General Counsel Office introduced himself to the Commission and noted that he is working with Jeannine on developing the Administrative Procedures Act. He gave a brief overview of the Act and June is anticipated as the completion date.

13. Meeting adjourned.