

Cherokee Nation Environmental Protection Commission

Minutes of Regular Meeting Held on October 27, 2005 206 E. Allen Road, Tahlequah OK 74464

Present for the Commission:

Ed Fite, Chairman
Mark Green, Commissioner
Marty Matlock, Commissioner

Staff and Guests Present:

Nancy John, CN Environmental Programs
Harold Langdon, CN Enterprises
Doug Bane, CN Landfill
Jeannine Hale, Administrator CN Environmental Programs
Laura Murray-Hofschulte, CN Environmental Programs
Flossie Girty, Cherokee Nation Tribal Resources
Joe Grayson, Deputy Chief
Jerrid Diffee, CN Environmental Programs
Leslie Matthews, CN Environmental Programs
Betty Wilson, CN Environmental Programs
Billy Hix, CN Community Services, Water and Sanitation
Lisa Grover, NTEC
Victoria Feledon, Student from Arkansas University

Agenda Items

1. Chairman Fite called the meeting to order at 10:30 am on October 27, 2005.
2. Chairman Fite acknowledged the meeting notice and distribution list and placed the Record of Public Notice into the official record.
3. Commissioner Green made a motion to accept the minutes of the previous meeting. Chairman Fite seconded the motion.
Roll call vote:
Chairman Fite- yes
Commissioner Green- yes
Commissioner Matlock- abstained
4. Reports
 - A. Harold Langdon, CNE, reported the following:
CNE is building a new casino behind the temporary building in Tahlequah this project should be finished by August 2006. CNE is purchasing the Roland Truck Plaza and the closing should be complete

within 30 days. Construction of the new facility should be complete by August 2006. The Roland Truck Plaza will be a Valero operation. The Cherokee Nation Historical Society is undergoing reorganization and Cherokee Nation will be supervising support functions such as benefits and education, Cherokee Nation Enterprises will be supervising marketing strategies and the gift shop, the Historical Society will continue doing the charitable funding raising and the Tribal Resources Department will be taking care of the maintenance of the grounds.

B. Natural Resource Department -- Flossie Girty provided a written report that was placed into the record. The Hothouse Conservation Easement has been completed - it is 40 acres and the term is 30 years. The easement is to protect the Ozark Big-ear Bats.

C. Roads activities- Michael Lynn provided a written report that was placed into the record.

D. Environmental Programs- Nancy John provided a written report that was placed into the record.

5. Legislation and Rules

A. Uniform Environmental Permit Procedures Code

1. Summary of proposed legislation - Jeannine Hale handed out a draft of the legislation. She stated that staff was not requesting a vote at this time, but was seeking input on issues such as which permit decision issues should go before the EPC- for example, if an application is incomplete should the Administrator just deny it.
2. Discussion by Commission and opportunity for comments: Commissioner Matlock had several comments, for example: the EPC should not have to review applications that are not complete, the code should be written to avoid routine reversal of Cherokee Nation staff decisions, revocation hearings should happen only when appropriate and there should be specific cause for revocations. In addition, the code should be consistent with federal regulations when appropriate.
3. Action by the Commission - none at this time

B. EPC Rules Chapter 1 - General Organization and Permit Fees

1. Summary of proposed rules -- Jeannine Hale provided a draft of Chapter 1 and stated that staff was not seeking a vote of approval at this time by the EPC.
2. Discussion by Commission and opportunity for comments
3. Action by the Commission -- none at this time.

C. Wildlife Code Update -- Jeannine Hale reported that the Tribal Council has taken a very active interest in the Wildlife Code. They are requesting that public hearings be held after the first of the year.

6. Cherokee Nation Landfill

A. Doug Bane provided written reports that have been placed into the record.

B. Reports by Cherokee Nation Staff

1. Natural Resources -- Pat Gwin provided a written report that was placed into the record.
2. Environmental Programs -- Leslie Matthews the new special projects officer is working closely with the landfill to make sure the compliance issues are resolved.

C. Compliance Issues

1. Status of Action Required by Compliance Schedule and Permit- Doug Bane reported that the landfill is 80% complete on compliance schedule tasks in the permit.
2. Compliance with federal regulations including but, not limited to leachate pond requirements- Mr. Bane filed a report that was placed into the record.
3. Action by the Commission -- none at this time.

7. Administrator's Report -- Jeannine Hale

A. Transportation Bill Rider: -- Ms. Hale told the EPC about the Resolution passed by the Five Civilized Tribes Intertribal Council and provided a written report that outlines what the Oklahoma tribes are doing.

B. Upcoming NCAI Meeting -- NCAI meeting will be held in Tulsa and the transportation rider will be discussed. Cherokee Nation is sponsoring a Resolution asking for repeal of the Rider and hearings to be held on these issues.

C. Legislative timeline from ANA grant -- Due to the time requirements for processing legislation through both the EPC and Tribal Council, staff will be requesting an extension of time to complete the codes listed in the ANA grant workplan.

8. New Business-- None

9. Miscellaneous discussion -- The next meeting of the Commission will be on December 1, 2005.

10. Adjournment