

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 reported that the Cherokee Nation did pass a forestry management plan which will go to the Bureau of Indian Affairs. This forestry management plan will basically pass the approval process from the BIA to the Tribe. The Tribe will be able to have firewood cut for elders or disabled folks without having to go through the bureau for approval. The Chief is working with the State of Oklahoma Department of Wildlife Conservation and it appears that an agreement may be near that the tribe will be issuing a statement regarding Native American hunting and fishing licenses in the 14 county area within the next couple of months. Natural Resources has been meeting with about 7 tribal elders and they have been documenting some traditional uses for plants. These are some of the most respected elders in the Tribe. We are going to be putting what information we can into a pamphlet for public use. The seed bank is looking good. There is going to be a huge seed give away. There are many culturally significant seeds in the seed bank and we will have a pretty good event to distribute those things out to interested Native Americans after the first of the year.

- B. Environmental Programs – Nancy John commented on the excellent job that the staff did putting together the Regional Tribal Environmental Summit held recently in Tulsa, OK.
 - C. Cherokee Nation Enterprises – Roger Fields reported that ODOT is reworking the intersection in front of the Casino in Catoosa. Recently while working on that they encountered hydrocarbon contaminated soil. They brought in a team to sample and sent them to a lab for analysis. The 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 continues with the utilities and the easement on both the west and east side of the road. If we excavate any of that we will be required to handle that contaminated soil appropriately for disposal. On November 13th 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 16th 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. Our facilities maintenance and safety department immediately responded to prevent anything from getting into the storm water drain. JB Hunt dispatched environmental remediation services out of Ft. Gibson. They cleaned the area and cleaned the truck on site.
 - D. NEPA projects for Realty, IHS, NAHASDA, Roads – Wayne Isaacs reported that we are able to offer 16 hours of CLEET training for Law Enforcement to meet their requirements. We also have the Cherokee Nation’s HAZWOPPER course accredited. By attending a Meth Lab Course students can obtain their 8 hour HAZWOPPER refresher as well.
 - E. Tribally funded construction projects – Pat Gwinn reported they have a new group leader. His name is Jack Farmer and he is still in the orientation process. He will probably have a report for you 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 they were in total compliance and have met all of their timelines. They asked for an extension until December on the receding of cell 2 and it was completed in October. They have met and delivered everything on schedule. We have reviewed everything and they have everything in place.
 - 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 and have a discussion with the engineers and the folks who have done the things that they are going to do over there but also 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 huge outcry from Native America was sent to the federal government and it all fell on deaf ears because the US Fish and Wildlife Service was basically under orders to delist some species and the Bald Eagle was one. 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. In the Tribe's game and fish code the EPC has some responsibilities for interaction along with the lead department which is Natural Resources. Prior to bringing a draft of anything to the EPC Mr. Gwin wanted to know what their input would be as to where they wanted to go. We could simply have a tribal resolution an 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 we could create an entire tribal endangered species act and a subsequent endangered species list. Both have their benefits and detriments. 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: We are an adjudicating body not a legislative body. The counsel 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.

Pat Gwinn: We have a framework but we do not have enabling legislation. There is going to have to be some cleanup in the way that is written. It is going to take more action on both EPC and the council to get this cleaned up the way it needs to be if we go for the full blown endangered species act.

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.