

**California Environmental Protection Agency
TRIBAL ADVISORY COMMITTEE**

**August 25th, 2011
Meeting Summary**

Attendees:

Tribal Advisory Committee: Ken Tipon (Federated Indians of Graton Rancheria); Hon. Nora McDowell-Antone (Fort Mojave Indian Tribe); Chris Howard (Elk Valley Rancheria); Dore Bietz (Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria);; Hon. Donna Miranda-Begay (Tubatulabals of Kern Valley); and Irenia Quitiquit (Scotts Valley Band of Pomo Indians)

CAL/EPA Staff: Matt Rodriguez (Secretary Cal EPA); Diane Trujillo (Cal/EPA); Malinda Dumisani (Cal/EPA); Pam Wofford (DPR); Marie Hoffman (Waterboards); Sylvia Oey (ARB); on the phone: Randy Jorgensen (DTSC) and Mona Arteaga-Bontty (DTSC). Other: Olin Jones (Department of Justice, Office of the Attorney General)

Welcome & Introductions: TAC Chairman Ken Tipon opened the meeting at 10:10 am and welcomed the Cal/EPA Tribal Advisory committee members. Chairman Tipon briefly stated that there have been some changes within Cal/EPA.

New Business:

1. **Alternate Energy Impact on Allotment Tribal Lands:** TAC Member Donna Miranda-Begay introduced an issue surrounding the development of North Sky River and Jawbone Wind Energy Project located in Kern County. Wanted to make the Committee and Cal/EPA aware of these types of issues impacting Tribes relating to Tribal allotment lands. Committee members discussed the definition of Indian lands and importance of staff understanding that public domain allotments trust lands and do not always show up on maps when agencies are looking at potential impacts.
2. **Review Of Minutes** –Committee has not approved the February 24th meeting minutes. There were also changes or corrections that needed to be made for the May 26, 2011 minutes. TAC Chairman Tipon requested that the Committee table both until the corrections were made and then presented again to the Committee to approve. All were in favor.
3. **BDO Updates**
 - a. **Waterboards** – Marie Hoffman (Waterboards) presented the Committee with copies of the “Citizen’s Guide to Working with the California Water Boards” document. This document has gone out to the Committee

members and the Waterboards will be sending it out to Tribes.

A draft survey will be circulated to the Tribes regarding issues to consider in the development of WaterBoards' Training on Water Quality. Committee members suggested that it be presented at the US EPA, Region 9 Tribal Conference scheduled for October 2011. It was also suggested that the survey be made electronically available, either through email or posted on the Cal/EPA website. The results of the survey will be a tool to guide future training for Tribes on Water Boards.

Also opened an annual federally funded nonpoint source pollution control program that is focused on controlling activities that impair beneficial uses and on limiting pollutant effects caused by those activities. States must establish priority rankings for waters on lists of impaired waters and develop action plans, known as Total Maximum Daily Loads (TMDLs), to improve water quality. Project proposals that address TMDL implementation and those that address problems in impaired waters are favored in the selection process. There is also a focus on implementing management activities that lead to reduction and/or prevention of pollutants that threaten or impair surface and ground waters.

Still on course to release the draft septic systems report in September 1, 2011. Public workshop will be mid October to early November. More information is on the SWRCB website.

- b. **DPR** – Pam Wolford (DPR) said still are waiting on a new director for DPR.
- c. **ARB** – No report.
- d. **OEHHA** – Amy Dunn (OEHHA) spoke of the bio-monitoring program and how they are looking at providing one page fishing advisories. OEHHA will work with the Office of the Secretary to get information to the Tribes. Amy stated that OEHHA would be working with the fish consumption survey and will share the slides with other staff.
- e. **DTSC** – Randy Jorgensen (DTSC) noted that DTSC has a new director, Debbie Raphael, who joined the last meeting briefly. The Director has been busy with the Mecca issue in southern California. There is a fact sheet that is now up on their website regarding the Mecca site.

DTSC Topock staff met with area Tribes to go through protocols and pilot project of what works and doesn't.

Public participation manual is moving very slowly and they developing a

draft outline.

DTSC will be setting up a list serve as grants come available. DTSC has plans to have DTSC staff at the Native American Day event. The Department has an external survey on their website that they would appreciate Tribal participation.

4. **Carbon Credit Update-** Jason Grey (Staff counsel, ARB) presented an update on the carbon credit discussion to the Committee. Recent notice closed on language that went out to all Tribes in July. Received 5 response letters that specifically address tribal language. Currently reviewing those letters and will share them with the Committee. They are working on incorporating changes or suggestions. There then will be a 15 day comment period then. Once done, will go to the board in October for approval and is set to become law January 1, 2012. Discussion on ramifications of not adhering to protocols. Protocol is more designed for public entities but they are including the Tribes. Limited sovereign immunity is a requirement if a Tribe wants to participate in the elective program. Excellent opportunity for Tribes to participate in the program but could raise concerns with sovereign immunity.

Follow Up and Other Items –

- TAC Member Miranda-Begay wanted to update about Department of Water Resources Tribal Advisory Committee.
- TAC Member Howard asked that for a follow up item for next meeting that staff give an update on creation of Resources Agency Advisory Committee.
- Check on marijuana eradication issue

Malinda Dumisani (Cal/EPA) will send to the Committee:

- US EPA, Region 9 Annual Tribal Conference information
- Yurok comment letter ARB to distribute

Meeting adjourned at 3:50 p.m.