

**California Environmental Protection Agency
TRIBAL ADVISORY COMMITTEE**

**December 1, 2011
Meeting Summary**

Tribal Advisory Committee Members In Attendance: 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); Ursula Simon (Middletown Rancheria)

CAL/EPA Staff In Attendance: Diane Trujillo (Cal/EPA); Malinda Dumisani (Cal/EPA); Pam Wofford (DPR); Marie Hoffman (Waterboards); Sylvia Oey (ARB); Randy Jorgensen (DTSC) and Amy Dunn (OEHHA).

Other Attendees: Barbara Cross (retired-Dept of Water Resources)

Welcome & Introductions: TAC Chairman Ken Tipon opened the meeting at 9:00 am and welcomed the Cal/EPA Tribal Advisory Committee members.

New Business:

1. **Review Of Minutes** –Committee has not approved the May and August 2011 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. The Committee also requested that Cal/EPA executive staff at least at Assistant Secretary level participate in Tribal Advisory Committee meetings.
2. **US EPA, Region 9 Annual Tribal Conference:** The Committee discussed the conference. Cal/EPA Staff Diane Trujillo-Carrillo and Malinda Dumisani shared some of the updates to questions posed at the last US EPA Tribal Conference to Agency Secretary Rodriguez regarding experimental pesticide use projects at Clear Lake, the status of the SWRCB/UC Davis fish consumption study, protection of ground water in relation to not only quality but quantity, and outreach regarding pesticide related illnesses.
3. **DWR Water Plan Activities and Western States Water Council** – Retired DWR Tribal and EJ Liaison Barbara Cross shared information about DWR's Water Plan update activities and the state's involvement into the Western States Water Council. The Western States Water Council is an organization consisting of representatives appointed by the governors of 18 western states that strives accomplish effective cooperation among western states in the conservation, development and management of water resources; (2) to maintain vital state prerogatives, while identifying ways to accommodate legitimate federal interests;

(3) to provide a forum for the exchange of views, perspectives, and experiences among member states; and (4) to provide analysis of federal and state developments in order to assist member states in evaluating impacts of federal laws and programs and the effectiveness of state laws and policies. The DWR Director is a representative on the Council (members on the council can be found here: <http://www.westgov.org/wswc/memlist1.html#CA>) and Cal/EPA sends a representative to track the councils activities.

4. OEHHA Staff Presentation RE: Development of Fish Consumption

Advisories- OEHHA Staff Amy Dunn asked her colleagues OEHHA Senior Toxicologist Bob Brodberg and Toxicologist Margy Gassel from OEHHA's Pesticide and Environmental Toxicology Branch, Fish and Water Quality Evaluation Section to share with the Committee what information and data is considered in the development for OEHHA's fish advisories. After the presentation, the Committee had some suggestions about ways to include Tribal traditional diets data into consideration (which is currently not included), and some information not considered but collected by the Department of Water Resources. Member Donna Miranda-Begay offered to connect DWR staff who work with that data to OEHHA staff for consideration.

5. Old Business

a. Draft Communication Protocol Document Development – TAC

Member Donna Miranda-Begay shared the progress in the development of the communication protocol.

b. Kern County Energy Project Update –Committee member Donna Miranda-Begay shared an update on the Kern County Energy project she had brought to the Committee and Cal/EPA's attention in relation to energy projects and their impacts on tribal lands, specifically tribal allotments.

6. BDO Updates

a. Waterboards – Marie Hoffman (Waterboards) shared that the SWRCB is still soliciting input on their survey monkey to the Tribes regarding issues to consider in the development of WaterBoards' Training on Water Quality. The survey is electronically available, either through email or posted on the SWRCB website. The results of the survey will be a tool to guide future training for Tribes on Water Boards.

Committee member Chris Howard asked about the Clean Water Act Section 303(D) List Of Water Quality Limited Segments http://www.swrcb.ca.gov/water_issues/programs/tmdl/ and how could the Tribes be more engaged? SWRCB Staff Marie Hoffman will look into the

issue and get back to the Committee on suggestions.

- b. **DPR** – Pam Wofford (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.

Follow Up and Other Items –

- Who represents California on the Western States Water Council? Forward links to this organization to the Committee
- OEHHA Fish Advisory presentation to the Committee

Meeting adjourned at 3:30 p.m.