

California Environmental Protection Agency

TRIBAL ADVISORY COMMITTEE

August 2, 2012

Meeting Summary

Tribal Advisory Committee (TAC) Members/Alternates In Attendance: TAC Chairman, Ken Tipon (Federated Indians of Graton Rancheria); TAC Vice-Chairwoman, Linda Otero (Fort Mojave Indian Tribe); TAC Secretary, Dore Bietz (Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria); Hon. Nora McDowell-Antone (Fort Mojave Indian Tribe); Hon. Donna Miranda-Begay (Tubatulabals of Kern Valley)

CAL/EPA: Assistant Secretary Arsenio Mataka; Special Assistant Malinda Dumisani; Cal/EPA Tribal Liaisons: Jim Shattuck (DPR); Marie Hoffman (Waterboards); Patrice Bowen (DTSC) and Amy Dunn (OEHHA).

Other Attendees: Andrea Carmen, Executive Director of International Indian Treaty Council (IITC) and Mark Antoue, Administrative Coordinator, IITC.

Welcome & Introductions: Tribal Advisory Committee (TAC or Committee) Chairman Ken Tipon opened the meeting at 9:15 am and welcomed the Cal/EPA Tribal Advisory Committee members, Cal/EPA staff and IITC presenters.

New Business:

- 1. International Indian Treaty Council Presentation** – Andrea Carmen, Executive Director and Mark Anquoe, Administrative Coordinator, of the International Indian Treaty Council (IITC) shared information on the establishment and history of the IITC organization. The IITC, an organization of Indigenous Peoples from North, Central, and South America, the Caribbean and Pacific, works towards the acknowledgement of sovereignty and self-determination of Indigenous Peoples and the recognition and protection of Indigenous' rights, treaties, and cultural resources.

The IITC was instrumental in the drafting and adoption of the 2007 United Nations Resolution, "Declaration on the Rights of Indigenous Peoples". The Declaration sets out the individual and collective rights of Indigenous Peoples, as well as their rights to culture, identity, language, employment, health, education and other issues. It emphasizes the rights of Indigenous Peoples to maintain and strengthen their own institutions, cultures and traditions, and to pursue their development in keeping with their own needs and aspirations. It prohibits discrimination against Indigenous Peoples, and promotes their full and effective participation in all matters that concern them and their right to remain distinct and to pursue their own visions of economic and social development.

- 2. Dore Bietz, TAC Secretary and Assistant Planner for the Tuolumne Band of Me-Wuk Indians Provides Tribal Training to DTSC Executive Staff** –DTSC Tribal Liaison and Manager for the Office of External Affairs Patrice Bowen thanked TAC Secretary Bietz for having a discussion with DTSC Executive staff. DTSC is focused on finding opportunities to educate DTSC staff in how to work with California Tribes. DTSC is now working with TAC Chairman Tipon to schedule regional workshops or discussions with Tribes and DTSC staff. TAC Secretary Bietz praised DTSC for initiating this training and outreach for their staff.
- 3. Cumulative Impacts and Tribes** – Assistant Secretary Mataka provided information on the draft California Communities Environmental Health Screening Tool (Cal-ENVIRONSCREEN) that was released on behalf of Cal/EPA by the Office of Environmental Health Hazard Assessment (OEHHA) in July 2012. The draft tool uses existing statewide environmental, health, and socio-economic data to create a cumulative impact score for communities across the state. The tool is used to compare areas of the state against other areas, creating a relative ranking. A relative ranking means that an area with a high score would be expected to experience greater cumulative impacts as compared to areas with low scores. The tool presents a broad picture of the burdens and vulnerabilities different areas face from environmental pollutants. Regional workshops are scheduled in August and September 2012 to gather public comment throughout the state. Tribal governments and the Tribal community at-large are encouraged to comment. The deadline for public comment is October 16, 2012.
- 4. TAC Member Hon. Donna Miranda-Begay and Renewable Hydrogen Facilities** – TAC Member Hon. Miranda-Begay shared information about the Renewable Electricity Futures Study (http://www.nrel.gov/analysis/re_futures/) done by The National Renewable Energy Laboratory (NREL). The NREL published its report on the study entitled the “Renewable Electricity Futures Study (RE Futures)”. This study was an initial investigation of the extent to which renewable energy supply can meet the electricity demands of the continental United States over the next several decades. This study explored the implications and challenges of very high renewable electricity generation levels—from 30% up to 90%, focusing on 80%, of all U.S. electricity generation from renewable technologies—in 2050. High levels of renewable electricity generation, the unique characteristics of some renewable resources, specifically geographical distribution and variability and uncertainty in output, pose challenges to the operability of the nation's electric system.
- 5. Old Business**
 - a. Revision of Cal/EPA Tribal Policy** - TAC Chairman Tipon asked TAC members to comment on the two edited versions of the policy, one handout dated DRAFT 7/25/12 and the other handout, a red-line DRAFT CONFIDENTIAL (dated 8/1/12). The TAC members discussed and made

changes to the policy. The changes will be incorporated and TAC members will be asked for their comment ahead of the US EPA Tribal Environmental Conference in late November 2012.

6. BDOs Updates

- a. **ARB** – No updates.
- b. **DTSC** – DTSC Liaison Patrice W. Bowen shared the about discussion in July with DTSC Executive staff and TAC Secretary Bietz.

DTSC Draft Communication Protocol Language –DTSC Tribal Liaison Bowen reported that the draft Tribal communication protocol language, previously shared with the TAC by DTSC's Mona Arteaga-Bontty, is language within the revision and update of the Department's Public Participation Manual (last updated in 2001) currently under development.

- c. **DPR** – On behalf of the Department Director Brian Leahy, DPR Tribal Liaison Jim Shattuck worked with US EPA and Cal/EPA to plan a Tribal training presentation for the County Agricultural Commissioners, their staff, and DPR staff. The training will highlight important information on the history and ways of working effectively with California Tribes. The training will be held on November 1, 2012 at the Cal/EPA Headquarters Building in Sacramento. The training will include Raquelle Myers, Staff Counsel at the National Indian Justice Center in Santa Rosa.

Regulations for pesticides urban environment service water runoff are now available online at <http://www.cdpr.ca.gov/docs/pressrls/2012/120718.htm>.

The California Department of Public Health is now doing a study of the top 15 counties with heavy pesticide use around schools. The timing of report is good because DPR, as the pesticide issuer, will want to ensure that use is not done while school is in session. If there is any concern regarding the application during this study, interested public members may talk to their respective local County Agricultural Commissioner's office or go to DPR's website at www.cdpr.ca.gov or dial DPR's PestLine (1-877-378-5463 (1-87-PestLine)). If the issue happens on the weekend the issue may not be addressed until Monday.

In February 2011, DPR established a study of an air monitoring network in Kern, Monterey, and the San Joaquin Counties. Results of the data were released in July 2012 that includes methyl bromide residues monitored by Air Resources Board stations in Oxnard in Ventura County and Santa Maria in Santa Barbara County at DPR's request. Thirty-four pesticides and five pesticide breakdown products were monitored, including six fumigants and 11 organophosphates. Twenty-nine of the chemicals were

detected in at least one sample and 10 were not detected. DPR selected these pesticides based on the amount of use and their potential health risks. Those interested in reading about the results, should DPR's site at: <http://www.cdpr.ca.gov/docs/pressrls/2012/120719.htm>.

- d. **Cal/Recycle** – Cal/Recycle Tribal Liaison Tracy Harper is new to the liaison position and is excited about participating with the TAC and other BDO liaisons. Cal/Recycle is now back as part of Cal/EPA as an organization to reduce/reuse materials to keep it away from solid waste landfills. Cal/Recycle has been a sponsor to loans and grants to Tribes to help the Tribes clean-up illegal dumping on tribal lands (e.g., oil, tires, and household hazardous waste). Cal/Recycle is collaborating with other agencies to promote recycling on Tribal lands.
- e. **OEHHA** – OEHHA Tribal Liaison Amy Dunn (OEHHA) updated the TAC on her follow up of the TAC's request that there be a Tribal representative on the Bioaccumulation Oversight Group (BOG) for Tribal fish consumption knowledge. TAC member Irenia Iquitiquit agreed to be the representative and will report back to TAC.

OEHHA Tribal Liaison Dunn met with OEHHA Executive staff to start development of a departmental consultation policy.

- f. **Waterboards** – SWRCB Liaison Marie Hoffman (Waterboards) shared that the Wastewater Operator Certification regulations are being considered by the Water Board at a public hearing August 7th. If all goes well, the regulations are expected to be adopted by the Office of Administrative Law in January 2013.

Statewide mercury fish consumption studies contract are now signed and Tribes should be getting notice of how they can participate. CEQA scoping meetings will occur in about a month regarding biological objectives specific to wade able streams.

Waterboards will be conducting training throughout the state for Tribal government audiences to share what the Waterboards' do, their authority and responsibilities. The Waterboards will be asking some TAC members to help in providing training to regional Waterboards' staff.

Water boards have been tasked with compiling a report to the state Legislature on nitrates which has been reviewed by a stakeholder group convened by the Governor.

Meeting adjourned at 3:30 p.m.