



**NATIVE NATIONS,
THE ENVIRONMENT,
AND
THE STATE OF CALIFORNIA:**

**Tribal-State Relationships
and
Environmental Quality**

**Edited by Stephanie Carroll Rainie,
Joan Timeche, Kylie Dickman,
and Robert Merideth**



Native Nations Institute/
Udall Center for Studies in Public Policy
The University of Arizona



THE MORRIS K. UDALL FOUNDATION
SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY



**U.S. Environmental Protection Agency/
Region 9**



California Environmental Protection Agency
Border Environmental Program



TABLE OF CONTENTS

INTRODUCTION	
BACKGROUND	3
CAL/EPA LETTER TO PARTICIPANTS	5
PROPOSED CAL/EPA POLICY FOR WORKING WITH TRIBES ALONG THE CALIFORNIA-BAJA CALIFORNIA BORDER	7
DISCUSSION AND COMMENTS	
CAL/EPA PRESENTATION OF POLICY	11
COMMENTS PROVIDED VIA A WRITTEN RESPONSE	11
COMMENTS PROVIDED DURING THE OPEN DISCUSSION	12
COMMENTS PROVIDED DURING THE FACILITATED BREAKOUT DISCUSSIONS	14
APPENDICES	
APPENDIX 1: AGENDA	19
APPENDIX 2: PRESENTERS	23
APPENDIX 3: PARTICIPANTS	29
APPENDIX 4: PRESENTATIONS	
1. Tribal Capacity	36
2. Border Tribe Environmental Programs	40
3. Working Collaboratively	42
4. Waste Management in the Border Region	45
5. Water in the Border Region	50
6. Tribes, Environmental Justice, and Legal Issues	56
APPENDIX 5: TRIBAL POLICY SURVEY	59
APPENDIX 6: ACRONYMS	68

I N T R O D U C T I O N

BACKGROUND

This report provides a summary of discussions at the workshop, “Native Nations, the Environment, and the State of California: Tribal-State Relationships and Environmental Quality,” which took place on April 14-15, 2003, in Temecula, California. The event was organized by the Native Nations Institute (NNI) at the University of Arizona’s Udall Center for Studies in Public Policy and was cosponsored by the Morris K. Udall Foundation and the U.S. Environmental Protection Agency (EPA) Region 9.

The intent of the workshop was to provide a venue for the California Environmental Protection Agency (Cal/EPA) through which to receive comments from tribes on the agency’s proposed “Policy for Working with Tribes along the California-Baja California Border,” issued to 26 southern California border tribes prior to the event.

This report contains a copy of the proposed policy, a summary of comments provided at the workshop, a series of presentations by tribal and agency representatives, and a list of presenters and participants.

The Udall Center/NNI would like to acknowledge the invaluable assistance of James Fletcher at EPA, Adrian Perez and Diane Trujillo at Cal/EPA, and the staff of the Pechanga Resort and Casino, where the event was held. The digest also owes much to the excellent editorial assistance of Kathleen Veslany and to the design skills of Emily Dellinger and Colleen Loomis, all at the Udall Center.



Winston H. Hickox
Agency Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Gray Davis
Governor

Dear Workshop Participants:

On behalf of the California Environmental Protection Agency, I would like to extend my sincere appreciation to all participating tribal members, government agencies, and other attendees who joined Cal/EPA and the Native Nations Institute for "*Native Nations, the Environment, and the State of California: A Workshop on Tribal-State Relations and Environmental Quality Issues.*"

This workshop, which took place on April 14-15, 2003, at the Pechanga Resort and Casino in Temecula, California, provided an opportunity for Cal/EPA as an Agency to dialogue with Southern California tribal members on environmental issues affecting the California - Baja California border region Native nations.

While we hope this workshop becomes one of many to meet and share information, we realize the next steps will be the most important in understanding how we will all work synergistically to resolve environmental issues of mutual concern. This must take place with input from tribes located in the border region and all of Cal/EPA's boards, departments, and office.

I will continue to encourage all Cal/EPA staff to formalize internal policy on tribal relationships and request them to help resolve future environmental issues we mutually encounter.

If you have any questions or need assistance, please do not hesitate to contact Mr. Adrian Perez, Tribal Relations Liaison in the Border Affairs Unit, at (916) 341-5881 or by e-mail at aperez@swrcb.ca.gov.

Again, thank you for joining us.

Winston Hickox
Agency Secretary, Cal/EPA

PROPOSED CAL/EPA POLICY FOR WORKING WITH TRIBES ALONG THE CALIFORNIA-BAJA CALIFORNIA BORDER

INTRODUCTION

In 1983, the Presidential Federal Indian Policy was published and stressed two related themes:

- That the federal government will pursue the principle of Indian “self-government”; and,
- That the federal government will work directly with Tribal governments on a “government-to-government” basis.

The United States Environmental Protection Agency (USEPA) has issued general policy statements recognizing the importance of Tribal Governments in regulatory activities that impact reservation environments. Through this policy, the California Environmental Protection Agency (Cal/EPA), Border Environmental Program, seeks to do the same by providing guidance for its Boards, Departments, and Office to recognize and work with California Border Tribes as sovereign governments. This Policy applies only to Cal/EPA and its Boards, Departments, and Office and does not extend to other California government agencies.

There are twenty-six Tribes located on the California side of the border with Baja California, Mexico, in an area that extends approximately 136 miles from west to east and 62 miles north and south of the international boundary. Some of these Border Tribes have land that extends beyond the California/Mexico border into Baja California. Many of the Tribal lands have existing and/or emerging environmental programs in southern California and within the defined border region. The focus of Cal/EPA's Border Environmental Program is to address pollution issues in a multi-media approach that includes the participation and communication of all impacted communities, including Tribes. As an outcome, the Border Environmental Program seeks to protect the environment, conserve natural resources, and benefit the public's health.

Tribal history is essential in bridging the decisions and considerations made in current time with the struggles faced by all Tribes within the State of California. It is recognized that these Tribes have experienced a hard and difficult struggle resulting in the loss of land, culture and life since their land was annexed by Spain, Mexico, and the United States. It is also recognized that the United States has made strides to remedy past atrocities and, over time, has resulted in many Tribes regaining their identity and reserved land. Today, there are 107 federally recognized Native Tribes in California and over 40 others petitioning for recognition. Many of these Tribes are now experiencing full economic development and population growth, requiring appropriate infrastructure and environmental programs. For these reasons, Cal/EPA seeks to establish this policy.

POLICY

Cal/EPA's Mission Statement is: To restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality. The Border Environmental Program's Strategic Vision seeks to improve coordination of the efforts in the Border Region by engaging all interested parties, including the California Border Tribal Communities and Governments. This ongoing coordination and cooperation between governments, Tribal Representatives, industry, other interested parties, and members of the public are necessary to accomplish environmental protection goals, the conservation of natural resources, and the resulting benefits to public health.

To ensure a successful effort with Tribal governments, the Boards, Departments and Office (BDOs) within Cal/EPA are encouraged to obtain Tribal consultation whenever a decision, policy

or activity is being considered that impacts a Tribe. Additionally, the BDOs are encouraged to adopt and pursue the following general principles as a business practice when working with Tribes:

1. Recognize and work directly with Tribal Governments on a government-to-government basis.
2. Assist interested Tribal Governments in developing regulatory programs on their lands in conjunction with federal programs and assistance.
3. Consider and consult with Tribal governments when actions and/or decisions may affect tribal land environments. This includes consultation with the California Native American Heritage Commission when necessary.
4. Encourage the cooperation of Tribal, federal and local governments, and affected BDOs to address cross-media issues affecting Tribal lands and adjacent lands.
5. Work with other State and Federal agencies that have related responsibilities on Tribal lands to enlist their interest and support in cooperative efforts to help Tribes assume environmental program responsibilities for reservations.
6. Share information with Tribal Environmental Programs including training, policies, statutes, decisions, etc., as deemed appropriate to promote uniformity in program development.
7. Establish mutual working agreements with Tribes to ensure successful approaches in resolving environmental issues.

The central purpose of this policy is to ensure that all Cal/EPA Boards, Departments, and Office adopt and incorporate these principles within the Border Environmental Program policies and activities. Coordination assistance can be obtained through Cal/EPA's Border Environmental Program.

**DISCUSSION
AND
COMMENTS**

RESPONSES TO CAL/EPAs PROPOSED POLICY FOR WORKING WITH TRIBES ALONG THE CALIFORNIA - BAJA CALIFORNIA BORDER

CAL/EPA PRESENTATION OF POLICY

Ricardo Martinez, Assistant Secretary for Border Affairs, Cal/EPA:

What you have in your packet is a policy that we have come up with on how we should establish a policy to work with tribes. What we're proposing is to copy what we've done with the Republic of Mexico. What I want to do over the next four years of this administration is replicate what we did in 1999 with Mexico. This is very much a draft form. We want to hear from you. This is a pilot; if it works in the border region, we will do it with the rest of the tribes in the state.

COMMENTS PROVIDED VIA A WRITTEN RESPONSE

The following is an excerpt from "Proposed Cal/EPA Policy for Working with Tribes along the California-Baja California Border" to which a discussant has offered feedback via handwritten emphasis and insertions to the text.

"There are twenty-six Tribes located on the California side of the border with Baja California, Mexico, in an area that extends approximately 136 miles from west to east and 62 miles north and south of the international boundary. Some of these Border Tribes have land that extends beyond the California/Mexico border into Baja California. Many of the Tribal lands have existing and/or **emerging environmental programs** [*discussant's emphasis*] in southern California and within the defined border region. The **focus** [*discussant's emphasis*] of Cal/EPA's Border Environmental Program is to address **pollution issues** [*discussant's emphasis*] in a **multi-media** [*discussant's emphasis*] approach that includes the participation and communication of all **impacted communities** [*discussant's emphasis*], including Tribes. As an outcome, the Border Environmental Program seeks to protect the environment, conserve natural resources, and benefit the **public's** [*discussant's emphasis*] and tribal and/or that of the tribe's [*discussant's inserted comment*] health."

"Tribal history is essential in bridging the decisions and considerations made in current time with the struggles faced by all Tribes within the State of California. It is recognized that these Tribes have experienced a hard and difficult struggle resulting in the loss of land, culture and life since their land was annexed by Spain, Mexico, and the United States. It is also recognized that the United States has made strides to remedy past atrocities and, over time, has resulted in many Tribes regaining their identity and reserved land. Today, there are 107 federally recognized Native Tribes in California **and over 40 others petitioning for recognition** [*discussant's emphasis*] [*discussant's written comment: ? do not understand why it is there*]. **Many of these Tribes are now experiencing full economic development and population growth, requiring appropriate infrastructure and environmental programs** [*discussant's emphasis*]. **For these reasons, Cal/EPA seeks** [*discussant's emphasis*] to establish this policy."

COMMENTS PROVIDED DURING THE OPEN DISCUSSION

Discussant:

- Who are the impacted communities besides tribes? When you consider tribes as municipalities (regarding page 1, paragraph 2) versus merely representatives of a group, you have a better idea of how tribes are structured.
- Who is “the public” when you talk about the public’s health? You are not using the generic term “public health.” You are talking about a group; you must reword this to recognize the sovereign nature of tribes.
- Wording does not recognize inherent sovereignty of the tribes and the state. Even though other sovereign nations come to tribes, the state does not always recognize sovereignty.
- I think the tribes can come together to help with the wording. I think we can do this together.
- The policy’s last part begins to concern me greatly: “Tribes are now experiencing full economic development and population growth, requiring appropriate infrastructure and environmental programs.” Define your terms at every step of the road. Is the economic development what drove Cal/EPA to write this policy?
- The mission statement comprises all good things. Please be inclusive of all groups in using the phrase “public’s health.”
- The phrase “interested parties” might be better as “affected parties.” You want a proactive response.
- “. . .including the California Border Tribal Communities and Governments”: What are you talking about when you refer to “tribal communities”?
- When you use the term “tribal representatives,” are you talking about creating a board or commission? Let us know your answer.
- What is the difference between interested parties and the public? NGOs? Say what they are. Tribes are not NGOs. . .we are sovereign governments.
- Define tribal consultation. Do the seven steps address this?
- Regarding the seven steps in White House Executive Order 13084 (5/14/98) on tribal consultation, Clinton to Bush, maybe borrow wording from the White House to promote continuity. Maybe you don’t want to be that accountable to tribes, but all of us in attendance might want to begin to look at that Executive Order.
- What is your intent on developing regulatory programs on lands under federal and tribal regulations as well? It is a great idea, but will take a lot of work, resources, funding, etc.
- Regarding the policy’s general principle #3 (“consider and consult with Tribal governments when actions and/or decisions may impact tribal land environments”), how will you know and how will you inform the tribes? What challenges will there be in implementing step three? Create a flow chart and see how this mechanism would work. How much power does the state heritage commission have?
- The policy’s general principle #4 (“encourage the cooperation of Tribal, federal and local governments, and affected BDOs to address cross-media issues affecting Tribal lands and adjacent lands”) is huge. Split this out into what these relationships are. This impacts

sovereignty issues. Will this include training to counterparts? We are born into the legal issues surrounding tribes, sovereignty and the laws that affect them. We do not have law degrees, but we eat and breathe law as we are raised on it. How will others know about these laws and sovereignty? Our calls to strengthen sovereignty are not heard.

- Regarding general principle #5 (“work with other State and Federal agencies that have related responsibilities on Tribal lands to enlist their interest and support in cooperative efforts to help Tribes assume environmental program responsibilities for reservations), in the Clean Air and Clean Water Acts, we have substantial authority over the policies if we implement them now. The feds do not have the manpower to help the tribes that do not have the capacity, so it is turned over to the state.

Cal/EPA Representative: Cal/EPA wants to offer all trainings and such that are provided to Mexico on tribal lands.

Cal/EPA Representative: We understand that this policy will not be perfected right away, but hopefully, it will be finalized by the fall, so there is time for input. This is just a *step* in developing working relationships.

Discussant: What is the justification for duplicating what was done in Mexico? Are you trying to obtain jurisdiction over Indian lands because the State is assisting them? There is no clear recognition that the jurisdiction is the tribal governments.

Discussant: Will the policy be in the format of an MOU and submitted to tribal councils? This will not be “official” until it goes to the tribal councils.

Cal/EPA Representative: No. This is just an internal document and is just a first step at creating a transparent approach and causes lots of discomfort at the tribal and state level. But we are looking at a final document for the fall. The tribal chairs will be receiving the document, like the rest of you, with enough time to offer feedback.

Discussant: This policy has overlooked recognizing tribal aboriginal territories, which is helpful in relation to the border since many are cross-border people. Expand role in economic development into Baja.

Discussant: I want to acknowledge that Adrian Perez and Cal/EPA have been making the effort and should be acknowledged for that.

Cal/EPA Representative: A question: Border 2012 is divided into regions, one being California/Baja-California, which has chairs and co-chairs. We are pushing to have tribal representation in the regional workgroup. How do we incorporate tribal nations as co-chairs if one tribe does not speak for another and tribes are independent from one another? We must come to some kind of agreement because we cannot have 30 co-chairs.

Discussant: There is a misinterpretation that state and federal representatives are completely autonomous, but they are responsible to whom they represent. We can replace those who don't do the right things as well.

COMMENTS PROVIDED DURING THE FACILITATED BREAKOUT DISCUSSIONS

Discussion Question: What issues need to be addressed to build a foundation for a successful relationship between tribes and Cal/EPA?

Discussant: Every effort must be made to ask what issues should be addressed. The government-to-government relationship is important. Collaborative technical assistance is critical.

Discussant: Define the roles and goals of Cal/EPA and the tribes.

Discussant: Keep things as simple as possible. Keep documents as short as possible.

Discussant:

- Learn from the U.S. EPA policy and experiences.
- A process of strategy is necessary: long period of development, organization, and structure or strategy; infrastructure within Indian offices; General Assistance Program assisting tribes to develop capacity, such as what U.S. EPA has done.
- Implement sensitivity training to understand tribal issues.
- Organize an annual joint conference with tribes and Cal/EPA to discuss issues and concerns.
- Find funding for education and outreach communication.
- Can tribes offer funding to programs (give in return)? Tribes should have a say in where the funding goes.

Discussant:

- Are you coming to help us or are you coming to regulate us?
- Do you know what type of regulations we already enforce as tribes? I think you don't. We follow the same process you do.
- Here's an example within the San Luis Rey watershed: There are 500-1,000 cattle not on reservation land, and campers who come into the area are getting sick because of the water. The contamination is coming from outside the tribe (the cattle).

Discussant:

- Advocate for Cal/EPA contacting tribes through inter-tribal agencies that can assist in disseminating information to the right people; but these agencies are not a shortcut in working directly with tribes. They do not represent tribes, and are not the proper way to work with tribes. Hope this meeting is not the last contact.
- Are you here to work with tribes or are you here to regulate tribes?

Discussant:

- Tribal government changes every two years, which necessitates bringing new leaders up to speed. Tribes look to the Bureau of Indian Affairs (BIA) to issue permits. Does not help because they do not keep a handle on issuing permits.
- Have BIA at the table to be accountable for its actions too.

Discussant: Decision/policymaking process varies from tribe to tribe.

Discussant:

- Have current contact list and give tribes enough time to respond.
- All tribes have different policies and you must allow enough time for tribes to give feedback—some of us have to go to tribal government before we respond.
- Each tribe should have a voice.

Discussant:

- Political relationship we have in terms of sovereignty is with the United States.
- What one government agrees to can't be seen as what all tribes would agree to.
- System/policy must consider tribal court systems.
- Will the system/policy look at our tribal court systems as having valid jurisdiction and will its rulings be honored at the county, state, and federal level?
- May need to create an appellate system that will allow for mediation and incorporating culture into the court system.
- Discuss Freedom of Information Act and its impact.
- The best practices for environmental protection must be considered.
- Sovereignty must be protected.

Discussant:

- Contact tribal and environmental offices and include general counsel; more than letters are needed—follow-up calls should be done.
- It will take time to build trust.
- Communicate; contact the tribal office and the environmental office.
- Tribes do everything through general counsel, which meets once a month.
- Regarding regulatory issues, the state has years and funding; the tribes are working with a little budget. EPA is extremely patient with them. Project officer Joel Jones developed a relationship with tribes.
- It will take a while to build a trusting relationship with the State.

Discussant: Tribal governments change administrations and need to be brought up to speed. You need to bring BIA into the permitting process and give them a seat at the table so they can be held accountable for their actions.

Discussant: Clarify whether Cal/EPA is helping or regulating tribes.

Discussant: Learn tribal codes and ordinances. Some are more stringent than state or federal.

Discussant: Organizations are not a shortcut to consulting with tribes.

Discussant: Have another meeting like this soon—not two-three years from now.

Discussant:

- There are existing MOUs/MOAs that can be used as models.
- Start with tribal council and programmatic contacts.

Discussant: Work also with tribal general counsel and tribal field staff.

Discussant: There is a need to have compacts with tribes.

Discussant:

- Tribes have to deal with history.
- Every tribe has its own issue with each department of the state government.
- It's hard to know all the tribes' needs and wants.
- This meeting to discuss the policy is a very small step.
- Deal with tribes as individuals. Every tribe has its own history, needs, and experiences with state agencies.

Discussant:

- Are you here to help tribes or are you here to regulate tribes?
- You need to have a contact with the tribes.
- Boards are not necessarily going to understand and be sensitive to tribal rights. A local agency can come in and not even understand that they don't have jurisdiction over the tribes.
- Compact mitigation of off reservation impacts. Difficult when you know that you are going to have an impact to implement ... permitting, etc.
- Need the protection of resources.
- It is essential that there be someone who can be contacted to serve the tribes and understand their rights.

Discussant: Consider a state point-of-contact to assist tribes in interpreting state regulations and in consulting with tribes regarding off-reservation activities that have on-reservation impacts.

Discussant: Focus on the future and make a commitment to work together.

Discussant: Tribes and the State must utilize/respect each others' protocols for consultation and participation.

Discussant: Tribes, as governments, need to have direct access to state sources of money rather than through counties.

Discussant: There is a need for formal policy on consultation at the county/state board levels.

Discussant: Utilize existing tribal organizations to disseminate information to tribes, build databases, etc.

Discussion Question: What aspects of Cal/EPA's proposed policy do you like, dislike, or want to change? (Policy statement had not been formally sent to the tribes at the time of the workshop. It was later sent to tribal chairs and the U.S. EPA, and posted on the Cal/EPA Web site.)

Discussant: Expand language to include those tribes that already have existing environmental programs.

Discussant:

- In relation to partnerships, you need someone from the tribes with experience to align themselves with Cal/EPA.
- There is also tension surrounding the need for tribal leadership to take on additional tasks.
- As a working group, tribes must identify some people to work with Cal/EPA. Other discussants have volunteered to be a part of this on an interim basis.
- Culture and tradition predate all of these relationships and must be acknowledged.
- It seems simple enough that tribes want to interact with Cal/EPA on this issue, but do you want to help tribes or regulate them? This will be a key question from the tribal leadership.
- We do not have fences on our borders, so they are not so well-defined.
- How do we get you to champion our inherent sovereignty, our traditional cultural values, etc.?
- How far back do we look (contact, years, etc.)?

Discussant: What is the process for us to elect a co-chair for the regional work group?

Cal/EPA Representative: This should be brought up at the next Border 2012 meeting and I encourage you all to go. The details should be finalized by next week.

Discussant: When the draft policy is sent out, would it be the version we have seen today?

Cal/EPA Representative: It will be the same document. We want to reach out to everybody. What do you advise?

Discussant: We have given you the opportunity to protect your back by using our feedback as the policy.

Cal/EPA Representative: Okay, we will send a new version.

Discussant: Are you going to amend the mission statement language to clarify it?

Cal/EPA Representative: Yes, this is going to change.

Discussant: Next steps?

Cal/EPA Representative: We will incorporate your comments, send it out, have you review it, and then hopefully meet again next fall to move forward once again. We also need an updated list of contacts. Another thing we need to cover in the fall is establishing protocol, especially for Cal/EPA. We want a written document.

Discussant: Thank you to Cal/EPA for inviting us to this event. I will take these issues and ideas back home and share what I have learned over the last two days.

Discussant: What will the tribes be doing? Gathering local input?

General Group Response: Yes. We have to bring it up to council to have them formally buy into it. We'll take comments back to tribal councils.

Discussant: A compendium of contacts should be created.

Discussant: There should be a protocol/manual developed for working with tribes.

Discussant: Other entities will share information with field staff.

APPENDIX 1

A G E N D A

AGENDA

**NATIVE NATIONS, THE ENVIRONMENT,
AND THE STATE OF CALIFORNIA:
A Workshop on Tribal-State Relationships and Environmental Quality Issues**
Pechanga Resort and Casino, Temecula, CA

APRIL 14, 2003

- 9:00 am – 10:00 am **Registration and Coffee** (*Ballroom West Foyer*)
- 10:00 am – 10:45 am **Welcome and Opening Session** (*Ballroom West*)
- Emcee: **Manley Begay**, Director, Native Nations Institute
Honorable Mark A. Macarro, Chairperson, Pechanga Band of Luiseno Indians [*Invited*]
Christopher Helms, Executive Director, Morris K. Udall Foundation
Ricardo Martinez, Assistant Secretary for Border Affairs, California Environmental Protection Agency (Cal/EPA)
Enrique Manzanilla, Director, Cross Media Division, U.S. Environmental Protection Agency Region 9
- 10:45 am – 11:00 am **Tribal Capacity: The Art of Nation-Building**
- Stephen Cornell**, Director, Udall Center for Studies in Public Policy
- 11:00 am – 11:45 am **Panel: Overview of Three Border Tribe Environmental Programs**
- Debi Livesay**, Border Coordinator/Tribal Environmental Planner, Environmental Department, Torres-Martinez Desert Cahuilla Indian Tribe
Jill Sherman, Pechanga Band Of Luiseno Indians
Melody Sees, Environmental Director, Environmental Protection Agency, Los Coyotes Band Of Cahuilla Indians
- 11:45 am – 12:00 pm **Discussion Session**
- Open discussion, including questions to and answers from the tribal panel.
- 12:00 pm – 1:30 pm **Lunch** (*Eagle's View Ballroom*)
- Working Collaboratively: Cal/EPA Legal Overview**
Lisa Brown, Assistant General Counsel, Office of the Secretary, Cal/EPA

	<p>California's Future: Working with Tribes Honorable Senator Denise Moreno Ducheny, California State Legislature</p>
1:30 pm – 2:00 pm	<p>Sharing Success: Waste Management in the Border Region <i>(Ball-room West)</i></p> <p>Mike Connolly, Manager, Campo EPA, Campo Band Of Kumeyaay Indians Jose Medina, Vice-Chairman, California Integrated Waste Management Board</p>
2:00 pm – 2:30 pm	<p>Discussion Session</p> <p>Open discussion, including questions to and answers from the waste management panel.</p>
2:30 pm – 3:00 pm	<p>Break</p>
3:00 pm – 3:30 pm	<p>Sharing Success: Water in the Border Region</p> <p>Desi Vela, Environmental Program Manager/Technician, Environmental Office, Ewiiapaayp Band of Kumeyaay Indians Jose Angel, Division Chief, Watershed Protection, California Regional Water Quality Control Board, Colorado River Basin Region</p>
3:30 pm – 4:00 pm	<p>Discussion Session</p> <p>Open discussion, including questions to and answers from the water panel.</p>
4:00 pm – 4:45 pm	<p>Cal/EPA's Strategic Vision: Working with Border Tribes on the Proposed Policy on Tribal Relations</p> <p>Ricardo Martinez, Assistant Secretary for Border Affairs, Cal/EPA</p>
4:45 pm – 5:00 pm	<p>Discussion Session</p> <p>Open discussion, including questions to and answers from Cal/EPA.</p>
5:00 pm – 5:30 pm	<p>Discussion or Break (on your own)</p> <p>An opportunity to discuss the day's stories and events.</p>

APRIL 15, 2003

- 7:00 am - 8:30 am **Continental Breakfast** (*Ballroom West Foyer*)
- 8:30 am - 8:45 am **Opening and Overview of Previous Day** (*Ballroom West*)
Adrian Perez, Special Assistant for Tribal Relations, Border Environmental Program, Cal/EPA
- 8:45 am - 9:15 am **Tribes, Environmental Justice, and Legal Issues**
Romel Pascual, Assistant Secretary for Environmental Justice, Cal/EPA
Dorothy M. Hallock, Planning Director, Fort Mojave Indian Tribe
- 9:15 am - 9:30 am **Discussion Session**
Open Discussion, including questions to and answers from the speakers.
- 9:30 am – 9:45 am **Break**
- 9:45 am – 11:00 am **Facilitated Breakout Discussions: Cal/EPA's Proposed Policy for Working with Tribes Along the California-Baja California Border**

Moderators:
Joan Timeche, Assistant Director, Native Nations Institute
Sarah Palmer, Program Manager, Native American and Alaskan Native
- 11:00 am – 11:30 am **Presentation of Breakout Sessions and Discussion**
Moderator: **Joan Timeche**, Assistant Director, Native Nations Institute Environmental Program, US Institute for Environmental Conflict Resolution, Morris K. Udall Foundation
Virgil Masayesva, Director, Institute for Tribal Environmental Professionals, Northern Arizona University
- 11:30 am – 11:45 am **Cal/EPA Response to Breakout Session Discussion**

Ricardo Martinez, Assistant Secretary for Border Affairs, Cal/EPA
Adrian Perez, Special Assistant for Tribal Relations, Border Environmental Program, Cal/EPA
- 11:45 am - 12:00 pm **Cal EPA's Message to Tribes**

Winston Hickox, Agency Secretary, Cal/EPA
- 12:00 pm – 1:00 pm **Lunch** (*Ballroom West*)

Next Steps and Closing Remarks
Stephen Cornell, Director, Udall Center for Studies in Public Policy
- 1:00 pm **Adjourn**

APPENDIX 2

P R E S E N T E R S

PRESENTERS

Jose Angel

Division Chief, Watershed Protection, California Regional Water Quality Control Board, Colorado River Basin Region

Jose Angel is the Regional Board's division chief for region-wide watershed management activities and development and implementation of pollution controls for the Salton Sea Transboundary Watershed. He is also the program manager for and a member of the Binational Technical Committee for the New River/Mexicali Sanitation Project—a binational project with Mexico. His primary interest is in protection and enhancement of California's waters. Along with holding a B.S. in civil engineering from California State University-Fresno, Angel is a California hazardous materials specialist and a California registered civil engineer.

Manley Begay

Director, Native Nations Institute for Leadership, Management, and Policy at the Udall Center for Studies in Public Policy; Senior Lecturer/Associate Social Scientist in the American Indian Studies (AIS) Program at The University of Arizona

Manley Begay has a doctorate from the Harvard Graduate School of Education. In addition to his work with the Udall Center and the AIS Program at The University of Arizona, Begay serves as co-director of the Harvard Project on American Indian Economic Development (HPAIED) at the John F. Kennedy School of Government of Harvard University. He serves on the Aboriginal Program Advisory Committee, Aboriginal Leadership and Self Government Program, The Banff Centre for Management, Banff, Alberta, Canada; National Advisory Board for the Alfonso Ortiz Center for Intercultural Studies, Department of Anthropology and the Maxwell Museum of Anthropology, University of New Mexico; and Governing Council, National Institute for Native Leadership in Higher Education, University of New Mexico. Begay is a citizen of the Navajo Nation.

Lisa Brown

Assistant General Counsel, Office of the Secretary, Cal/EPA

Lisa Brown is the assistant general counsel for enforcement at Cal/EPA. Prior to working for Cal/EPA, she was a staff counsel for the California Air Resources Board specializing in enforcement matters. In 1986, she created the Environmental Prosecutions Unit for the San Joaquin County District Attorney's Office. From 1980 to 1986 she worked for the legal office of the California Department of Food and Agriculture, Pesticide Enforcement Program. She currently co-chairs the Border Environmental Enforcement Task Force. Brown is a graduate of the University of Santa Clara and the University of the Pacific's McGeorge School of Law.

Mike Connolly

Manager, Campo EPA, Campo Band of Kumeyaay Indians

Mike Connolly is the former director of the Campo Environmental Protection Agency. His background includes 12 years in industry, including senior manufacturing and industrial engineer positions for aerospace, as well as 13 years of environmental program management and consulting. His education includes a bachelor's degree in manufacturing engineering. He assists tribes in developing environmental programs and completing deliverables under their programs. He currently works on a part-time basis for the Campo Band of Mission Indians and provides consulting services through Laguna Resource Services, Inc.

Stephen Cornell

Director, Udall Center for Studies in Public Policy; Professor of Sociology and of Public Administration and Policy, The University of Arizona

A specialist in political economy and cultural sociology, Cornell holds a Ph.D. degree from the University of Chicago and taught at Harvard University for nine years before moving to the University of California, San Diego, in 1989, and to The University of Arizona in 1998. He also is co-director of the Harvard Project on American Indian Economic Development, a research program headquartered at the Kennedy School of Government at Harvard University that he co-founded in the late 1980s with Professor Joseph P. Kalt. He has written widely on Indian affairs, economic development, collective identity, and ethnic and race relations. Cornell has spent much of the last 15 years working closely with Indian nations in the United States and Canada on self-governance, economic development, and tribal policy issues.

Dorothy M. Hallock

Planning Director, Fort Mojave Indian Tribe

As planning director for the Fort Mojave Indian Tribe, Dorothy M. Hallock advises the tribal council on land use and environmental planning. She has expertise in water resources planning and environmentally responsive design for arid regions. Hallock works with many state and federal agencies to assess opportunities and impacts of concern to the Tribe, including such areas as transportation, economic development, and cultural resources. She serves on the Cal/EPA Advisory Committee on Environmental Justice as representative of a federally recognized Indian tribe. Hallock has worked with tribes throughout the Southwest for the past 18 years, and is a frequent speaker on Indian issues at planning conferences. She holds a B.A. in history from Stanford University, and an M.L.A in landscape architecture from the University of Oregon.

Christopher Helms

Director, Morris K. Udall Foundation

Christopher Helms has been executive director of the Morris K. Udall Foundation from its inception eight years ago. A graduate of The University of Arizona, Helms served on Morris K. Udall's district staff. He is a former broadcast journalist, having worked as a reporter and then news director at Tucson's NBC affiliate, KVOA-TV. After leaving Congressman Udall's staff, Helms worked at the internationally renowned Arizona-Sonora Desert Museum as director of public affairs and director of development. Before joining the Udall Foundation, he was director of public affairs at Biosphere 2.

Winston Hickox

Agency Secretary, California Environmental Protection Agency

Winston Hickox' approach to environmental regulation and protection is based on the concept that economic prosperity and environmental protection are not only consistent with but dependent upon each other. Secretary Hickox believes it is his responsibility to be the State's leading spokesperson and advocate for the environment. His devotion to environmental stewardship dates back to the 1970s when he served as special assistant to the governor for environmental affairs during the administration of Governor Jerry Brown. More recently, he served on the board and as president of the California League of Conservation Voters.

Deborah Livesay

Border Coordinator/Tribal Environmental Planner, Environmental Department, Torres-Martinez Desert Cahuilla Indian Tribe

Debi Livesay is an environmental planner who coordinates and writes all grants for water resources for the Torres-Martinez Tribe. She works on various projects such as Constructed Wetlands in the Salton Sea, EPA CWA 106 Projects, State of California Grants, Bureau of Reclamation, and various other types of water projects. Additionally, her job includes participation as a tribal border coordinator.

Honorable Mark A. Macarro

Chairperson, Pechanga Band of Luiseno Indians

Enrique Manzanilla

Division Director, Cross Media, U.S. EPA Region 9

Enrique Manzanilla has been with the U.S. EPA since 1985 and is currently the director of the cross-media division of U.S. EPA's regional office in San Francisco. The division oversees several programs, including environmental justice, pesticides, toxics, tribal, and the environmental impact statement review. The division also provides leadership to the regional office on sustainable agriculture, environmental management systems, and other industry partnerships. Manzanilla has served in several capacities during his tenure at U.S. EPA, including the director of the regional office's office of communication and government relations, from 1996 to 1998, and as the agency's representative to the government of Mexico at the U.S. Embassy in Mexico City, from 1994 to 1996.

Ricardo Martinez

Assistant Secretary for Border Affairs, Cal/EPA

As assistant secretary for border affairs, Martinez serves as an advisor to the secretary for environmental protection and to the Governor. In 1996 Martinez served in the capacity of a senior policy advisor on California-Mexico issues to a State Water Resources Control Board member and currently serves as the executive director for the California Border Environmental Cooperation Committee (Cal/BECC), a tri-state committee created by the governors of California, Baja California, and Baja California Sur aimed at addressing environmental infrastructure concerns and implementing solutions of mutual benefit. Prior to Cal/BECC, Martinez held positions within the California Department of Food and Agriculture and several Cal/EPA boards and departments. Martinez holds a B.A. in animal biology from California State University, Sacramento.

Honorable Senator Denise Moreno Ducheny

California State Legislature

Senator Ducheny, a Democrat, was elected to the California State Senate on November 5, 2002, representing the 40th District (the counties of San Diego, Imperial, and Riverside). Senator Ducheny is the chair of the Senate Committee on Housing and Community Development and serves on the Senate Committees on Agriculture and Water Resources and Veterans Affairs, among others. Prior to her election, Senator Ducheny served in the California State Assembly from 1994-2000, where she served as chair of the Assembly Budget Committee between 1997 and 2000. Ms. Ducheny holds a B.A. in history from Pomona College and J.D. from Southwestern University School of Law.

Virgil Masayesva

Director, Institute for Tribal Environmental Professionals (ITEP), Northern Arizona University

Virgil Masayesva (Hopi Tribe) is cofounder of ITEP, which was established in 1992 primarily to enhance tribal capacity in environmental resource management through training and education. Masayesva is actively involved in the development of ITEP's tribal air-quality training programs, including the Tribal Air Monitoring Support (TAMS) Center located in Las Vegas, Nevada. Masayesva has devoted his professional career to working with Indian tribes on policy and management issues related to economic development, education, health, and the environment. He is a current member on the President's Native American Advisory Commission. Masayesva is a graduate of both The University of Arizona (B.S.) and Arizona State University (M.P.A. with an emphasis on regional planning).

Jose Medina

Vice-Chairman, California Integrated Waste Management Board

Jose Medina was elected board vice chair in August 2002. As a board member, Medina has demonstrated his interest in expanding and developing markets for the use of recycled content materials, cross-border issues, environmental justice, and assisting local governments to meet their AB 939 mandates. Medina's interest in Indian issues has also drawn him to work closely with several tribal governments. Prior to this appointment, Medina served as director of the California Department of Transportation. Medina attended the Harvard Graduate School of Business and earned a law degree from the University of California's Hastings College of Law and a bachelor's degree in urban studies from San Francisco State University. Mr. Medina's term on the board expires January 1, 2004.

Sarah Palmer

Program Manager, Native American and Alaskan Native Environmental Program, U.S. Institute for Environmental Conflict Resolution, Morris K. Udall Foundation

Sarah Palmer's primary responsibilities at the U.S. Institute for Environmental Conflict Resolution focus on alternative dispute resolution processes for natural resources and public lands management issues involving Native American and Alaskan Native tribes. Her current U.S. Institute projects include the design and implementation of a Native American and Alaskan Native mediator network (a project underwritten by the William and Flora Hewlett Foundation) and project management and oversight of the Navajo-Hopi Peacekeepers Program. Palmer has a B.S. in biochemistry from the University of Wyoming, an M.S. in biology from Virginia Tech, and an M.P.A. in public policy and natural resources from The University of Arizona.

Romel Pascual

Assistant Secretary for Environmental Justice, Cal/EPA

In his capacity as Cal/EPA's assistant secretary for environmental justice, Romel Pascual leads the agency in ensuring that environmental justice goals and objectives are achieved. Currently, he also sits on the Board of the Neighborhood Initiative on Chemicals and Hazards in the Environment and serves as an advisor to Urban Habitat Program's Leadership Project. Prior to coming to Cal/EPA, Pascual was the regional environmental justice coordinator for U.S. EPA Region 9, which serves California, Hawaii, Nevada, and the Pacific Territories. He has a B.A. in political science from UCLA and a master's degree in city and regional planning from UC-Berkeley.

Adrian Perez

Special Assistant for Tribal Relations, Border Environmental Program, Cal/EPA

As special assistant for tribal relations, Adrian Perez is charged with developing an effective tribal relations program that includes policies, procedures, guidelines, and ensuring protocol when working with tribes on behalf of Cal/EPA. The Native Nations Workshop and Cal/EPA's Proposed Policy On Working with Tribes are two components of a multi-pronged planned approach for ensuring the development of an effective two-way communication between tribal governments and Cal/EPA's boards, departments and office. In addition to this task, Perez is the environmental justice program coordinator and equal employment opportunity officer for the State Water Resources Control Board. Adrian received a B.A. in political science and ethnic studies from California State University, Stanislaus.

Melody Sees

Environmental Director, Los Coyotes Band of Cahuilla Indians

Environmental director for the Los Coyotes Band of Cahuilla Indians since 1997, Melody Sees is also a California Department of Health Services certified grade 2 water treatment operator and grade 2 water distribution operator. Sees grew up in Ramona, California, and subsequently, Sees has lived almost exclusively on the reservation.

Jill Sherman

Pechanga Band of Luiseno Indians

Joan Timeche

Assistant Director, Native Nations Institute for Leadership, Management, and Policy at the Udall Center for Studies in Public Policy, The University of Arizona

Joan Timeche, a member of the Hopi Tribe from the village of Old Oraibi, received a B.S. in social work and an M.B.A. from Northern Arizona University (NAU). For the eight years prior to her joining the Udall Center staff, she served as program director of NAU's Center for American Indian Economic Development. Timeche is currently interim president of the American Indian/Alaska Native Tourism Association, has served as executive director of the Arizona Native American Economic Coalition, and is a board member and secretary of the Arizona American Indian Tourism Association. She is a regular speaker at both regional and national conferences on topics related to Indian economic development and tourism, and is a recognized expert on doing business on Indian lands.

Desi Vela

Environmental Program Manager/Technician, Environmental Office, Ewiiapaayp Band of Kumeyaay Indians

Desi Vela has worked as Ewiiapaayp's environmental program manager/technician for three years under various federal grants and programs such as the General Assistance Program, Water Pollution Control Program, and the Non-Point Source program. He is a California grade-one certified water operator and has been certified in the 40-hour hazardous waste operator's course by Cal/EPA and Mexico, Baja California Office of Environmental Services. In the environmental field for almost 11 years, Vela spent eight years with Campo Band of Kumeyaay Indians prior to his work with Ewiiapaayp, where he was a water technician, a landfill enforcement officer certified by SWANA, and where he received the Army Corps of Engineers wetland delineation certification.

APPENDIX 3

PARTICIPANTS

PARTICIPANTS

Jose Angel, Division Chief, Water Protection Division, California Regional Water Quality Control Board, Colorado River Basin Region

Sheila Ault, Environmental Scientist, California Regional Water Quality Control Board, Colorado River Basin Region

Manley Begay, Director, Native Nations Institute, Udall Center for Studies in Public Policy, The University of Arizona

Mary Belardo, Tribal Administrator, Torres-Martinez Desert Cahuilla Indians

John D. Beresford, Clean Water Director, Environmental Resources and Water Department, La Jolla Band of Indians

Lorrie Bradley, Environmental Management Specialist, Department of Planning and Land Use, County of San Diego

Lisa Brown, Assistant General Counsel, Office of the Secretary, California Environmental Protection Agency

Bonnie Bruce, Advisor to the Chair, California Integrated Waste Management Board

Bennae Calac, Childcare Director/Tribal Representative, Pauma Band of Mission Indians

Mark Calac, Environmental Protection Agency, Pechanga Band of Luiseno Indians

Robert Campbell, Executive Assistant to the General Manager, San Diego County Water Authority

Angelia Carey, Environmental Specialist, Environmental Department, Soboba Band of Luiseno Indians

Ruth Cassell, Tribal Council, Los Coyotes Band of Cahuilla Indians

Marshall Cheung, Environmental Coordinator, Tribal Environmental Protection Agency, Twenty-Nine Palms Band of Mission Indians

George Collins, Environmental Resources Specialist, Environmental Compliance Section, Imperial Irrigation District

M. Anthony Collins, Environmental Manager, Tribal Community Development, Sycuan Band of the Kumeyaay Nation

Robert Conheim, Staff Counsel, Legal Division, California Integrated Waste Management Board

Mike Connolly, Manager, Environmental Protection Agency, Campo Band of Kumeyaay

Lance Conway, Coordinator, Air Department, Manzanita Band of the Kumeyaay Nation

Stephen Cornell, Director, Udall Center for Studies in Public Policy, The University of Arizona

Carol Coy, Deputy Executive Officer, Engineering and Compliance, South Coast Air Quality Management District

Jane Crue, Environmental Circuit Prosecutor, California District Attorney's Association

Dennis Delaney, Director, Air Quality Division, Advanced Geoenvironmental, Inc.

Kylie Dickman, Editorial Assistant, Udall Center for Studies in Public Policy, The University of Arizona

Hon. Denise Moreno Ducheny, Senator, California State Legislature

Summer J. Elliot, Environmental Technician, Environmental Protection Agency, Manzanita Band of the Kumeyaay Nation

R. Dillon Esquerra, Environmental Inspector, Environmental Protection Agency, Colorado River Indian Tribes

Amalia Fernandez, Technical Advisor, California Integrated Waste Management Board

James Fletcher, Tribal Issues, San Diego Border Office, U.S. Environmental Protection Agency Region 9

Dana Friehauf, Senior Water Resources Specialist, Water Resources, San Diego County Water Authority

Joseph Garcia, Environmental Programs Director, Environmental Department, Soboba Band of Luiseno Indians

Louie Guassac, Tribal Coordinator, Kumeyaay Border Task Force, Guassac and Associates

Dorothy M. Hallock, Director, Planning Department, Fort Mojave Indian Tribe

Lisa Haws, Community Development and Land-Into-Trust Program manager, Tribal Government, Viejas Group of Capitan Grande Mission Indians

Paul Helliker, Director, California Department of Pesticide Regulation

Christopher Helms, Director, Morris K. Udall Foundation

Johnny Hernandez, Chairman, Santa Ysabel Band of Diegueno Indians

Miguel Hernandez, Water Master, Water Department, Pauma Band of Mission Indians

J. Michelle Hickey, Environmental Land Use Attorney, Holland and Knight Law

Winston Hickox, Agency Secretary, California Environmental Protection Agency

Jonelle John, Environmental Coordinator, Cahuilla Band of Indians

Joel Jones, Supervisor, Water Division, U.S. Environmental Protection Agency Region 9

Karl Kolozik, Fire Chief, Fire Department, Morongo Band of Mission Indians

Mark Leary, Executive Director, California Integrated Waste Management Board

Bessie Lee, Environmental Engineer, Tribal Program Office, U.S. Environmental Protection Agency Region 9

Walter J. Linton, Pesticide Director, Environmental Department, Pauma Band of Mission Indians

Debi Livesay, Border Coordinator/Tribal Environmental Planner, Torres-Martinez Desert Cahuilla Indians

Anthony Madrigal, Environmental Counsel, Tribal Environmental Protection Agency, Twenty-Nine Palms Band of Mission Indians

- Bill C. Madrigal**, Cultural Resources, Tribal Environmental Program, Cahuilla Band of Indians
- Ushla Majel**, Research Analyst, Air Quality-Natural Resources, Pauma Band of Mission Indians
- Juana Majel-Dixon**, Director, Air Quality-Natural Resources, Pauma Band of Mission Indians
- Enrique Manzanilla**, Director, Cross Media Division, U.S. Environmental Protection Agency Region 9
- Michael Martinez**, Engineering Tech I, Tribal Community Development, Sycuan Band of the Kumeyaay Nation
- Ricardo Martinez**, Assistant Secretary for Border Affairs, California Environmental Protection Agency
- Virgil Masayesva**, Director, Institute for Tribal Environmental Professionals, Northern Arizona University
- Deborah J. Mathews**, Administrative Assistant, Public Works Department, Morongo Band of Mission Indians
- Patricia McCarty**, Program Manager/Mediator, Common Ground: Center for Cooperative Studies, UC Davis Extension
- Jose Medina**, Vice-Chair, California Integrated Waste Management Board
- Robert Merideth**, Assistant Director and Editor-in-Chief, Udall Center for Studies in Public Policy, The University of Arizona
- Linda Moulton-Patterson**, Chair, California Integrated Waste Management Board
- Mary Beth Najera**, Tribal Liaison, Natural Resources Conservation Service
- James Nusrala**, Engineer/Border Coordinator, Border Affairs Unit, California Environmental Protection Agency
- Mario Orso**, Native American Liaison, California Department of Transportation
- Pedro Orso-Delgado**, District Director, California Department of Transportation
- Sarah Palmer**, Program Manager, U.S. Institute for Environmental Conflict Resolution, Morris K. Udall Foundation
- Romel Pascual**, Assistant Secretary for Environmental Justice, California Environmental Protection Agency
- Chuck Patterson**, Environmental Director, Environmental Resources and Water Department, La Jolla Band of Indians
- Adrian Perez**, Special Assistant for Tribal Relations for California Environmental Protection Agency, State Water Resources Control Board
- Ramon Perez**, Senior Staff Counsel, Department of Toxic Substances Control, California Environmental Protection Agency
- Sam Powvall**, Water Resources Technician, Environmental Resources and Water Department, La Jolla Band of Indians

Stephanie Carroll Rainie, Senior Research Specialist, Udall Center for Studies in Public Policy, The University of Arizona

James Robertson, Tribal Councilman, Environmental Protection Agency, Ewiiapaayp Band of Kumeyaay

Chantal Saipe, Tribal Liaison, CAO/Land Use and Environment Group, County of San Diego

Melody Sees, Environmental Director, Los Coyotes EPA, Los Coyotes Band of Cahuilla Indians

Jill Sherman, Pechanga Band of Luiseno Indians

Peter Silva, Vice Chair, California State Water Resources Control Board

Roger Simpson, Director, Tribal Community Development, Sycuan Band of the Kumeyaay Nation

Sean Skaggs, Attorney, Ebbin Moser and Skaggs/Skaggs Consulting

Syndi Smallwood, Executive Director, Native American Environmental Protection Coalition

Robert L. Staples, Reservation Services Coordinator, Administration, Morongo Band of Mission Indians

Claudia L. Steiding, Environmental Program Manager, Dept. of Planning & Economic Development, Morongo Band of Mission Indians

Sandra Stoneburner, Assistant, Environmental Protection Agency, Los Coyotes Band of Cahuilla Indians

Jim Thorpe, Executive Director, Housing & Community Development, San Pascual Band of Mission Indians

Joan Timeche, Assistant Director, Native Nations Institute, Udall Center for Studies in Public Policy, The University of Arizona

Tomas Torres, Acting Director, San Diego Border Office, U.S. Environmental Protection Agency Region 9

Diane Trujillo, Associate Governmental Program Analyst, Office of the Secretary, California Environmental Protection Agency

Desi E. Vela, Environmental Program Manager/Technician, Environmental Office, Ewiiapaayp Band of Kumeyaay

Claudia Villacorta, Cal/BECC Coordinator, California State Water Resources Control Board

Lenore Volturmo, Environmental Director, Environmental Protection Agency, Pala Band of Mission Indians

Myra Wilensky, Regional Representative, National Wildlife Federation

APPENDIX 4

P R E S E N T A T I O N S

TRIBAL CAPACITY
Stephen Cornell, Director,
Udall Center for Studies in Public
Policy

It is a pleasure for us, at the Udall Center for Studies in Public Policy at The University of Arizona, to be able to organize this meeting between American Indian nations and the California Environmental Protection Agency (Cal/EPA), and I want to thank the Morris K. Udall Foundation and Cal/EPA for their financial and other support of this effort. I want in particular to thank Pechanga for hosting this workshop in this marvelous facility and in their homeland. It is a privilege to be here.

One reason the Udall Center was asked to organize this conference is that we have little direct stake in the outcome. Obviously we want this meeting to succeed, and our job is to do what we can to make it successful, but we are charged neither with producing a Cal/EPA policy for working with Indian nations along California's southern border—that's Cal/EPA's job, not ours—nor with responding to that policy on behalf of Indian nations—that, obviously, is the job of those nations. Our job instead is to try to bring together a set of resources—all of you—for a discussion of what that policy should be and how it should be implemented.

A few minutes ago, Enrique Manzanilla gave us a concise and very useful overview of some of the specific environmental, infrastructural, and related issues driving this workshop. But we thought it might be useful as well to step back for a few minutes from the immediate issues you—both the state and Indian nations—face and think for a minute about what we're doing here and about the context lying behind this workshop.

I want to spend the next few minutes looking at three trends that seem to me to lie behind much of what we're talking about today and tomorrow:

- changing tribal-state relations,
- American Indian nation building, and
- environmental innovation.

Trend number one: changing tribal-state relations. Two things are driving this trend. On the one hand, we've got devolution. Over the last decade in the United States—and to some degree elsewhere in the world—central government has been devolving power down to local levels. Call it the New Federalism, or welfare reform, or Supreme Court support for states' rights and diminishments of federal powers, or a host of other developments—what we're seeing is a significant transfer of decisionmaking power from the federal government to the states. As a result, in a number of policy areas, states today generally have more discretion, more flexibility, and more authority than they've had in a long time, and they are using this changed situation to rethink public policies and how they address some key problems.

On the other hand, we've also got a resurgence of tribal power. Over the last 25 years, to varying degrees, Indian nations across the United States have been taking greater control of their own affairs, implementing practical self-rule. The evidence is everywhere, from 638 contracting to 472 compacting, from the gaming industry to wildlife management and land use, from foster care to TANF programs. Tribal control is nowhere absolute, but as a practical matter, it has grown enormously since the 1960s as more and more Indian nations have moved aggressively to exercise substantive decisionmaking power across a wide range of issues critical to tribal futures.

Of course this resurgent tribal power is by no means secure. We have been watching the Supreme Court peel back some of the layers of tribal sovereignty in recent years; we also have seen states try to assert their own jurisdictional powers over Indian nations; we are now seeing states pressuring tribes to step in and assist them in their own, self-made budget crises. But we also have seen Indian nations asserting sovereignty in new, creative ways.

Taken together, these two developments—a shift in certain powers from the federal government to the states, and simultaneous efforts by Indian nations to assert and expand their sovereign powers—have produced a change in tribal-state relations. For many tribes, those relations have become far more important than they used to be. I remember a conversation with a tribal planner three years ago, a man who spent nearly a decade working for one of the largest and most politically vigorous Indian nations in the Southwest. He said, “We never used to pay any attention to the state. We dealt with the feds. For the most part, the state wasn’t even on our radar screen. Now we have to deal with them all the time.”

This has not always been an easy transition to make. Many states have long resented the Indian nations in their midst. Tribal-state relations, such as they were, were often tense relations in which states fought to gain control of Indian lands and resources and resisted all tribal jurisdiction, or in which states only grudgingly accepted tribal views, reluctantly sought in half-hearted “consultations.” In some cases, such as Alaska, these tensions are becoming more pronounced today, not less. States also have had difficulty understanding the diversity of Indian nations—the fact that one nation cannot and will not speak for all—and those nations, sometimes with very good reason, have been reluctant to trust the states.

The result of all this, in some cases, has been increased conflict. In others, the change in tribal-state relations has led to increased cooperation. And in nearly every case, it has led to new learning as states and tribes have had to better understand each other.

Trend number two: American Indian nation building. Not only have American Indian nations over the last 25 years been taking increasing control of their own affairs and of their relations with other governments, but they have been expanding their own capacities to govern—and to govern well. We see this indigenous nation building as involving five major steps:

- making assertions of sovereignty, of practical, decision-making power;
- backing up sovereignty with capable governing institutions that provide stability in governance, remove politics from dispute resolution and program and business management, and can deal effectively and efficiently with the problems at hand;
- thinking strategically about where the nation is going and what its priorities and concerns are;
- crafting thoughtful and effective policies that have some chance of realizing strategic objectives; and then
- taking action designed to advance tribal goals.

Nation building along these lines is happening across Indian Country. Case by case, we’re beginning to see Indian nations expanding control of their own affairs and exercising their sovereignty effectively in pursuit of long-term goals. Of course this isn’t happening everywhere. But the list is growing of nations that are building governments that fit their own cultures and that can do the job of governance well.

This is having critical results. Through nation building, tribes are exercising their sovereignty more effectively. They are building sustainable, self-determined reservation economies. As they do so, they are spinning off benefits to non-Indian communities as well, demonstrating that tribal sovereignty is in everybody's interest. And they are being innovative in a wide array of policy arenas, including environmental policy and management.

Which brings me to trend number three: environmental innovation in Indian Country. I think this is a predictable result of the first two trends—changing tribal-state relations and American Indian nation building. As Indian nations take more effective control of their own affairs, they're doing innovative things, and the environmental arena is no exception. Here we're seeing new intergovernmental relationships between tribes and states and between tribes and the federal government. We're seeing innovative tribal environmental policies and management practices. And finally, we're seeing improved regional environmental outcomes. I think it is fair to say that a number of Indian nations are on the leading edge of environmental practices in the United States, often in close partnership with state and the U.S. government.

Here are some quick examples—you'll know of others:

- The *Lac Courte Oreilles Band of Lake Superior Chippewa* in Wisconsin has taken a lead role in the development of a joint agency management plan for the Chippewa Flowage, a 15,000-acre reservoir that flooded a large piece of Lac Courte Oreilles land and is now being jointly managed for environmental, recreational, and commercial uses. The plan, which links the tribe with the Wisconsin Department of Natural Resources and the U.S. Forestry Service in a joint decisionmaking partnership, has dramatically improved management of this resource and is now a model for other jurisdictions where tribal, state, and federal governments have competing interests.
- The *Confederated Tribes of the Warm Springs Indian Reservation* in Oregon have finally escaped a situation in which they tended to be consulted, after the fact, by federal and state regulators making decisions about Warm Springs resources. Today the tribe has moved into the key decisionmaking role and has developed an integrated resource management plan that has produced measurable improvements in water quality; habitat for resident and anadromous fish, deer, and elk populations; and forest health, modeling best practices in environmental and resource management.
- The *Jicarilla Apache Tribe* in New Mexico has become a leading innovator in elk management. The State of New Mexico challenged the tribe's right to manage elk in court, only to discover that the tribe was using better scientific information than the state was in its own elk programs. The result has been a new partnership in which the state and the tribe share information and ideas and work together to improve the quality of elk populations statewide.
- In Oregon, the *Confederated Tribes of Umatilla* launched an innovative water-trading strategy to return higher water flows to certain streams that were no longer capable of supporting salmon populations. Working closely with non-Indian irrigators to find new ways of meeting both irrigation needs and the needs of the salmon, the tribe also undertook major restoration of riparian habitat. The result has been the restoration of salmon to waters from which they had been absent for 70 years.
- In Idaho, when the state refused to undertake restoration of the gray wolf to its traditional habitat, the *Nez Perce Tribe* stepped forward. Investing in building its own management capacities, including wildlife biology, the Tribe developed an innovative Gray Wolf Recovery and Management Plan for Idaho that would join the Tribe and U.S. Fish and Wildlife Service

(USFWS) in complementary activities to support wolf recovery. USFWS approved the plan, allowing the tribe to take the lead in monitoring wolf recovery across nearly 13-million acres of central Idaho, much of it wilderness.

- The *Pueblo of Sandia* just outside Albuquerque, New Mexico, has taken the lead in establishing new water quality standards for the Rio Grande River. Over the last few decades, industrial growth and lax enforcement of water quality standards had led to significant deterioration in Rio Grande water quality. Using the 1987 Clean Water Act amendments allowing tribes to apply for “treatment as state” status, the Pueblo put forward its own water quality standards and developed a first-class technical capacity to monitor water and improve riparian habitat. Today the Pueblo is a major player in discussions of local water issues, has forced some other players to come into compliance with higher standards, and has helped curb damaging industrial pollution.

And there are plenty of other stories like these, from the Southern Ute Tribe’s work on air quality in Colorado to the Mille Lacs Band of Ojibwe developing an innovative conservation code for their traditional lands in Minnesota, from the Yukaana Development Corporation, through which an Alaska Native tribe has made itself a leader in environmental remediation efforts in the state, to a creative approach to multiple-stakeholder land-use decisions pioneered by the Swinomish Tribe in Washington.

Today and tomorrow, you’ll be hearing about other developments such as these that are happening right here in California—certainly from some of the tribes that are here, and I hope from some of the state representatives as well, developments that address not only environmental challenges but challenges in creating new relationships and developing new capacities on the part of both tribes and the state.

What are the keys to success in these cases? Each is different, of course, but these appear to be common across them:

- respect for tribal sovereignty;
- openness to partnership;
- investments in tribal institutional capacity building—by tribes, states, and the federal government; and
- a learning network that shortens the time to find and adopt new ideas.

What the environmental challenge demands today is not business as usual. It demands innovation. Can the states, including California, reach out to Indian nations not simply in consultation but as partners, building a partnership that can address environmental issues? Can Indian nations put in place the kinds of capable institutions that the effective management of natural resources and environment demand? Will we see a new set of tribal-state relations emerging in which the state, Indian nations, and the environment all benefit? It seems to me that that’s the challenge, and I hope these two days will lead to some productive ways of meeting it.

BORDER TRIBE ENVIRONMENTAL PROGRAMS

Issues Impacting Torres Martinez Tribal Land

**Debi Livesay, Border Coordinator/
Tribal Environmental Planner,
The Torres Martinez Desert Cahuilla
Indian Tribe
Environmental Protection Offices**

Population Growth:

- over 1,200 new permits being issued around Torres Martinez tribal land
- lack of affordable housing in the Coachella Valley
- unregulated mobile home parks on tribal lands
- lack of infrastructure
- need for tribal land conservancy
- issues with threatened and endangered species on tribal land

Negative Impacts due to Water Transfer Projects and Colorado River Water:

- less water to the Salton Sea (11,000 acres of tribal land located under the Sea)
- possible dust emission problem due to the shrinkage of the Sea (PM10, DDT, Selenium)
- pristine drinking water source is not sufficient to supply all new valley residents
- recharge project in the Coachella Valley with Colorado River Water via the Coachella Valley Canal
- perchlorate in drinking water wells exceeds 4.0 ppm
- tribe now delivering bottled water to 33 homes

Coordination of Enforcement between Tribe/Counties (Riverside/Imperial):

- existing and new ordinances being written and put into place
- issues with tribal sovereignty and land-use planning
- tribe is updating land-use plan for fee/allottee/tribal properties
- tribe is developing a planning administrative process for procedural usage and is beginning to issue construction permits
- county enforcement on fee lands within reservation is being returned to Torres Martinez Tribal Administration
- tribal council, in coordination with BIA/EPA, is addressing non-environmental compliance issues

Agencies that Torres Martinez Tribal Environmental Programs Partner with:

- Bureau of Indian Affairs
- U.S. EPA
- Bureau of Reclamation
- The State of California
- U.S. Department of Agriculture
- Administration for Native Americans (ANA) Environmental Grants
- National Resources Conservation Service (NRCS)
- UCLA School Of Law

Current Environmental Projects at Torres Martinez Tribal Environmental Programs

- General Assistance Program (GAP)
- Air Program
- Lead Program

- Pesticide Program
- Water Quality Department
- Domestic Water Department
- Laboratory Development
- Cultural Preservation
- Solid Waste/Burning
- Geographic Information Systems/Global Positioning Systems
- Planning and Ordinance Regulations

Los Coyotes Band of Indians

**Melody Sees, Environmental Director,
Environmental Protection Agency,
Los Coyotes Band of Cahuilla Indians**

The Los Coyotes Reservation is situated approximately 80 miles northeast of San Diego. The Reservation encompasses about 25,049 acres. An executive order of May 5, 1889, set apart lands for the reservation, but it was not established until June 19, 1900, under the authority of the Act of January 12, 1891. An executive order of April 13, 1914, transferred lands from the Cleveland National Forest to the Los Coyotes Reservation.

Cahuilla and Cupeno people currently live on the reservation. Some of these people also have Luiseno blood. The ancestors of these groups originally occupied three village sites, one of which is in the vicinity of the Warner Hot Springs area that is no longer tribal land.

Today the Los Coyotes Band of Indians has approximately 300 enrolled members, a majority of whom live off the reservation. Until August 1999 there was no electrical service or phone line on the reservation. The only source of income the reservation has is a campground that is open to the public. The Band's business office and environmental department were established in 1998, when Catherine Saubel took offices as tribal chairwoman. Los Coyotes has a chairwoman, a vice-chairman, and five tribal committee members. The reservation is governed by a tribal council, consisting of all enrolled members over 21 years of age.

Some of the programs that have been developed by the Band include environmental assessment, solid waste recycling program, open dump cleanup, domestic water system, botanical survey of native plants, forest pest control, road maintenance, new housing, and environmental education and public outreach.

Los Coyotes is currently working to establish baseline water-quality data. Among the challenges Los Coyotes face are economic development, air-quality data, historical water data, and government-to-government consultation with state and federal agencies.

The Los Coyotes Reservation has accomplished many things in the last five years, but we still have a long ways to go. Tribal members are moving back to the reservation as improvements are made, but employment continues to be a problem. There are challenges to be met that we haven't thought of yet, but with hard work and cooperation we will get through them.

WORKING COLLABORATIVELY

The Environmental Regulatory Cycle

**Lisa Brown, Assistant General Counsel,
Office of the Secretary, Cal/EPA**

Ambient levels are determined at which adverse impacts occur. Activities that produce the pollutant are identified and permitted emission limits set. Inspections indicate level of compliance with the regulatory limit. If compliance is high and pollutant still occurs at dangerous levels, then the regulation is not addressing all the sources and/or is at incorrect level.

Typical compliance tools include:

- self audits,
- environmental management systems,
- third-party audits,
- third-party certifications (ISO 14000),
- regulatory inspections,
- compliance assistance and training, and
- enforcement (formal and informal).

How Regulatory Programs are (Traditionally) Implemented

Regulations set limits on types of activity and/or specific pollutant emission/discharge limits. Facilities are required to obtain permits for various regulated activity, and training and compliance assistance are made available. Inspections are conducted, and enforcement is taken when needed. Enforcement comes both informally (education, verbal warnings, notices to comply) and formally (administrative, civil, and/or criminal procedures taken).

California's Unique Challenges

California has an extremely decentralized state environmental regulatory program; California's state and local environmental requirements exceed the federal requirements (air, water, hazardous waste, solid waste, and pesticides). There are few federal resources and high levels of environmental impacts: U.S. EPA has 800 employees for California, Nevada, Arizona, Hawaii, and the Pacific Territories (Region 9). Cal/EPA has 4,000 state employees (+ 2,000 locals), and it carries primary authority to carry out federal environmental programs.

Differences between Federal and State Law—Water

Federal Clean Water Act focuses on surface-water and point-source discharges. California water law concerns surface-water, groundwater, and point-source and non-point-source water discharges.

California's Water Quality Program

The Regional Water Quality Control Board issues waste discharge permits (discharges to land, state requirement); there are 3,670 waste discharge permits in California. Additionally, the Board issues National Pollutant Discharge Elimination Systems (NPDES) permits for discharges to water (by federal "delegation"), of which there are 2,250 NPDES permits in the state.

California's Underground Storage Tank Program

As of December 31, 2002, all underground storage tanks (USTs) had to test their secondary containment. USTs are to be inspected every two years, and any tanks installed after April 1, 2003, must meet more stringent design, construction, and monitoring standards, and be "product tight" (impervious to both liquid and vapor).

California's Air Program

This is the first government program in the world to:

- regulate vehicle emissions (1961),
- eliminate leaded gasoline,
- restrict greenhouse gases (2002),
- eliminate methyl tertiary butyl ether (MTBE) in gasoline (by 2004), and
- require fuel cell cars (by 2008).

The Air Resources Board regulates mobile sources (vehicles and their fuel) and consumer products (paints, hairspray, deodorant, air fresheners). Local air districts regulate stationary sources and asbestos (in demolition and renovation work).

California Fuel Regulation

California is the only state authorized by the federal Clean Air Act to have its own fuel standards. MTBE is slated to be eliminated by the end of 2003. Additionally, California diesel requires lower aromatics.

California's Air

The state has had fewer high alert days this year than in past years. Despite an increase in the population and vehicle miles driven, levels of volatile organic compounds (VOCs), NOX ozone, and CO are diminishing. Nearly 5,000 Californians die every year due to air pollution.

Cal/EPA Training Resources

The Cal/EPA Basic Inspector Academy will be held in San Bernardino from September 29-October 3, and from November 3-7. The academy will address inspections, environmental law, chemistry, inspector tools, field safety, sampling, and report writing.

Cal/EPA Cross Media Enforcement Symposium

This symposium was held in San Diego from May 27-30, 2003. Topics included case studies, report writing, enforcement options, settlement strategies, lab fraud, and determining economic benefit of violations. More information is available at <www.calepa.ca.gov/Enforcement>.

Illegal Dumping On Indian Land

Training developed by the California Waste Board and UCLA was held in Fresno (April 16), Escondido (May 21), and Palm Springs (May 22). More information is available at <www.ciwmb.ca.gov/LEATraining/IllegalDump/Tribal>.

Other Resources

Border Environmental Enforcement Task Force, concentrating on a border area that extends 150 km, meets quarterly in El Centro/San Diego, and comprises representatives from federal, tribal, state, and local governments, and staff from environmental and wildlife resource agencies. Contact Lisa Brown (co-chair) for more information.

2003 U.S. EPA STAG Grants

The grants aim to support both enforcement/inspection training and improved linkages between EPA and state/tribal data systems, specifically permit compliance system modernization or establishing universal interface for an air facility system. Eligible applicants include states, tribes, and inter-tribal consortia. Pre-proposals to U.S. EPA Region 9 were due May 5, 2003.

Cal/EPA Enforcement Issues

Issues include illegal disposal of restaurant grease, fraudulent training or licenses, incorrect self-certification of underground storage tank upgrades, and situations in which “solid waste” turns out to be “hazardous waste.”

WASTE MANAGEMENT IN THE BORDER REGION

Sharing Success: Waste Management in the Border Region

**Mike Connolly, Manager,
Campo EPA, Campo Band of
Kumeyaay Indians**

The California Environmental Protection Act is not a standards law, it is a process law.

With regard to regulatory programs, the Sierra Club spent many years helping to establish regulations and only wanted one entity to deal with rather than a variety of tribes. Many nonprofit organizations opposed tribal regulations because they thought that such regulation would be weak and left unenforced.

Many people think that the California environmental quality regulations force the state to enforce such policies on tribal lands. The State of California checked out Campo EPA and found out that the laws were intact.

San Diego County supported Campo waste management until it heard that the tribe would be enforcing the regulations. Campo EPA (CEPA) waste met the concerns of the water quality control board; the waste quality management board did not admit that the tribe's policy was more strict. Cal/EPA endorsed the tribe, and later the waste board.

California's legislature was ignorant of tribes; it thought the legislature had to have a formal treaty to work with tribes.

Regarding Mexico issues, we originally wanted to go and have environmental impact statement hearings, but the state insisted that in order to talk to those right across the border, they had to go through Washington; at the same time Campo developed a relationship with folks across the border.

Our hazardous materials people went to the San Diego County environmental response team in 1990. Campo wanted to be prepared and had training for staff and those in the surrounding area; additionally, we established a relationship with the County's hazardous materials team so that although we weren't formally connected through the political mechanism, we had a relationship where the county folks would help us out if there was a hazardous materials issue. In 1998, Camp Pendleton joined HERT and we were ushered in under this extension.

Native Nations, the Environment, and the State of California

**José Medina, Vice Chairman,
California Integrated Waste
Management Board**

I am José Medina, vice-chair of the California Integrated Waste Management Board (CIWMB) and on behalf of our chair, Linda Moulton-Patterson, and of the board members, let me extend a warm welcome to all of you. Our board strongly supports this workshop on Native nations, the environment, and the State of California. It is my pleasure to share this podium with

Mike Connolly, who has applied his professional training on behalf of his people and taken a leadership role in addressing environmental issues that affect all residents along the border.

As we heard today, the U.S.–Mexico border region is one of the most dynamic regions in the world. Today, the border region is home to more than 11.8-million people, with approximately 6.3 million in the United States and 5.5 million in Mexico. Approximately 90% of the population resides in 14 paired sister cities, with the rest living in small towns or rural communities. There are 26 U.S. federally recognized Native American tribes in the border region.

If current trends continue, the border population is expected to increase by 7.6 million by 2020. As a result, natural resources are strained and the environment and public health are adversely affected on both sides of the border. This has resulted in significant environmental degradation. The waste board's concern as part of Cal/EPA's broader mission is with the increased waste generation.

The waste board has been involved with the cities of Tijuana, Tecate, and Mexicali in the siting of new landfills. CIWMB members have engaged in discussions regarding the development of a solid waste management infrastructure. Recognizing the importance of environmental education, the board has been implementing the "closing the loop" educational program for K-12. The board carried out a cleanup of the Tijuana River on the U.S. side and has dedicated monies towards the cleanup of the new river outside of Mexicali. Further, CIWMB provided money to the Bradley landfill, which is adjacent to the new river, to create slope stability in order to prevent leachate from escaping into the new river. Jointly with Cal/EPA, CIWMB has supported a proposal to NADBank that will fund a regional solid waste management plan for Imperial County.

In regard to tribal communities, CIWMB provided \$74,000 to the Pala Band of Mission Indians for the cleanup of 12,000 waste tires, and the board looks forward to working with other tribal governments in addressing solid waste issues.

Our board has taken positive steps both internally and externally to better our working relationships with tribal governments. We have included and recognized our intent to do so in our mission statement, in our strategic plan, and by rewriting our eligibility criteria to include tribal governments.

We offer a Farm and Ranch Solid Waste Cleanup and Abatement Program. Through this grant, CIWMB can assist with the cleanup of illegal solid waste sites on farm or ranch property, or property zoned for agriculture. These grants fund waste removal, disposal, slope stabilization, recycling, drainage control, and public education. The farm and ranch cleanup grants range from \$50,000 per project to \$200,000 dollars, per jurisdiction, per year. Tribes that have used the farm and ranch program include the Yurok tribe — for two cleanup projects; the Round Valley Reservation; and the Tablebluff Reservation — for tree recycling.

We also have a grant for energy recovery from tires. These grants fund facilities with coal-fired combustion systems that need help in using tires as a fuel supplement. We have up to a quarter of a million dollars available for each project. It is a competitive grant, but I'm encouraging you to at least give it a try. You can apply for waste tire cleanup grants. Applications are continually accepted from California Native American organizations with "legacy waste tire piles." Grants are awarded to remove, transport, dispose, and get rid of waste tire piles. CIWMB can fund up to \$200,000 dollars for each project. A \$75,000 grant was awarded to the Soboba Tribe to clean up about 150,000 tires. The Pala Indian Reservation was awarded a grant for \$74,000 to get rid of 12,000 tires. The Cahto Tribe was awarded \$7,600 to remediate its tire pile.

Additionally, waste tire amnesty day grants are available. These grants help to develop education programs on how to properly dispose of used tires. The funding is also good for promoting

ways to properly care for tires so they last longer. These grants frequently help support amnesty events that give the public a chance to get rid of small tire piles.

One of our popular grant programs involves making playground covers from waste tires. Funding in the amount of \$800,000 has been set aside for this program. Each project can receive up to \$25,000 dollars for public playground covers made out of crumb rubber that comes from recycled tires. All qualifying California Indian tribes can apply. A \$25,000 grant from this program was awarded to the Smith River Rancheria in Del Norte County for a playground using crumb rubber. The project replaced wood chips in the play area at the Howonquet Headstart public playground with matting made from recycled tires.

Additionally, CIWMB's waste tire track and recreational surfacing grants are available at up to \$100,000 for any jurisdiction. We also have tire product commercialization grants, which promote new and existing products that will consume significant quantities of California tire rubber — or develop new products from tire rubber recycling. We have up to \$250,000 available for each eligible project.

Tribes might benefit from our household hazardous waste (HHW) grants as well. CIWMB recognizes tribes as local jurisdictions, which are eligible to apply for household hazardous waste grants if they hold responsibility for solid waste management. CIWMB can award up to \$3 million each year in HHW grants to provide funding for collection programs, educational programs, load-checking programs, waste reduction and source reduction, and reuse or recycling of HHW. We have given HHW grants to the Hoopa Tribe for a household hazardous waste collection event in Humboldt County, in which 25 55-gallon drums of hazardous waste were collected. Sonoma County is in the planning stages of a project to collect and recycle used oil on tribal lands. Sonoma County is also working to provide used oil collection training and service to the Kashia Band of the Pomo Indians.

One of my favorites is the sustainable building grant program. CIWMB can provide grant money and expertise to assist tribes in the advancement and use of green building design and construction practices and techniques surrounding tribal projects. Through an agreement with the Board, the Humboldt State University Center for Indian Community Development works with Native tribes to provide guidance on how to plan and implement sustainable techniques and use environmentally preferable products in their construction and demolition projects.

I also spearheaded the Memorandum of Understanding (MOU) with the Morongo Band of Mission Indians. The primary purpose of the MOU is to protect the Morongo Band and California's environmental resources. CIWMB is using the memorandum as a model for future agreements between the board and other tribes that want to include recycling and waste reduction activities into their development plans.

One of the most exciting things we've initiated in the last few years is our annual Recycled Product Trade Show. We just concluded our fourth show last week, which was a huge success.

The show is a one-of-a-kind opportunity for vendors to showcase and sell their recycled-content products to State and local entities. The show's ultimate goal is to promote the purchase of recycled and environmentally preferable products within California and throughout the country.

More than 2,000 buyers, managers, and decisionmakers attend this show every April. I have been working with the tribes to increase their participation in the show, and I am proud to have had the Cabazon Band of Mission Indians as a recent exhibitor. My special thanks also go to the Morongo Band of Mission Indians, which has taken a proactive role as one of the show's sponsors.

In closing, I look forward to working in close collaboration as part of the Cal/EPA effort with tribal governments on both sides of the border. I am encouraged by the Border 2012 U.S.-Mexico Environmental Agreement, which was signed by representatives of the United States, Mexico, and tribal governments, and witnessed by the Secretary of Cal/EPA, Winston Hickox. I also had the good fortune to be a speaker at the first binational border conference on the management and disposal of waste tires, which included the participation of border tribal governments.

Open Discussion on Waste Management in the Border Region

Discussant: Can you update Campo's environmental review process for solid waste?

Connolly: So far it looks okay as design stuff is in excess of state. We have not reviewed the evaluation plan. Facility was overbuilt from the start and is still in excess.

Discussant: What are requirements for tribes to participate in CIWMB grants?

Medina: Contact their office for a complete packet.

Discussant: CIWMB requirements are simpler than EPA requirements.

Discussant: Does Campo still want to have a landfill?

Connolly: Yes.

Discussant: There are options. You don't have to have it on your sacred lands. How are we doing things? Campo is an aggressive and progressive tribe that has pursued and out-stepped Cal/EPA requirements. Why don't they allow us to talk to each other? We don't want the trash, but Campo would take it. We could work something out.

Connolly: They think they are saving us by not allowing us to take the trash, but they just want the money themselves. We were putting the facility on our land, we had to have concerns. We thought about it. Gregory Canyon is pure hypocrisy because it is on tribal land, but they are not getting the money. What are the County's thoughts?

County Representative: I have not been following this that closely. It is in the County, but it is not in our hands. It was a voter initiative, not a county land use decision... We have no power. It is a voter initiative matter (legislature cannot undo this, tribes offered to pay to put it to a vote again), it is a tribal matter.

Discussant: I don't want this to be just a Gregory Canyon issue. This is an issue of them not keeping us in the loop. If we knew what was going on, we could have stopped it. We had the impression on the Gregory Canyon issue from the County Board of Supervisors that it was a done deal and we had no influence. We can create our laws, write our codes, but will you listen? Will you help by being collaborative allies? We've been to the feds and got an attorney. They are prepared to step in, but are allowing the state to resolve this first. If this cannot happen, we must get an injunction against the state, even if this is not what we want. There is not enough time right now to discuss this... when can we talk about it?

County Representative: The more we talk, the more we learn, the more factors we can take into consideration before we make a decision. The County intended for this to happen by appointing a tribal liaison, but still we need more.

Discussant: I echo the Gregory Canyon concerns. We want to establish a rapport.

Discussant: Senator Denise Moreno Ducheny brought out the black hole issues. As the state population grows, it has impacts on so many issues (environment, transportation, etc.). We are municipalities. We do everything. We have worked great with the federal government for the last 15 years and it has even improved (collaboratively) in the last couple years. If we are going to codify things, how are we going to best get your support? I want to look at this policy, but I could have done it as reading prior to getting here. When I go back to my tribe and they ask if I got to talk with folks, I'll have to say no.

Connolly: Land-use plans do not have to be respected by those who build up to our borders. We are still black holes. We have a higher standard as far as looking at adjacent land-use plans.

County Representative: San Diego County is updating its plan (2020). Please talk with us about your issues and thoughts. We are in an interesting time now because some tribes want to work with us and others don't. Let's give it a try. There will be some conflicts and there will be some understanding.

Discussant: We are just barely getting started here. We are just starting to build houses for our people. We don't want people growing up to our borders. We want the County to consider us as a city. If they do that, we won't have a problem.

County Representative: I want to know about things, not only to comment on your stuff, but to be able to notify each other of what we're doing. The current notification process cuts us off because tribes go through the feds. Most of the staff in our department feel that same way. We have the political level, but we have our staff level where we want to work with tribes...and sometimes I cannot get anyone from a tribe to talk with us. We want to foster these relationships that trickle down from the political level. Sometimes it is beyond our ability because it is mandated by state or federal law. It is not just one jurisdiction that we work with – tribal, state, federal, county, etc. We do want to work with tribes.

WATER IN THE BORDER REGION

Tribal Water Issues in the Border Region: Sharing Success

**Desi Vela, Environmental Program
Manager/Technician,
Ewiiapaayp Band of Kumeyaay,
Environmental Office**

The Cuyapaibe Reservation was established on February 10, 1891, following the executive order of January 12, 1891. The Cuyapaibe Reservation is located 10 miles north of Interstate 8, and 68 miles east of San Diego in Pine Valley and the Laguna Mountains, in the southeastern part of San Diego County.

The pines and evergreens of the south slopes of Mt. Laguna spread their cover onto the remote lands of the Cuyapaibe, otherwise known as the Ewiiapaayp. As with much other reservation land, this place was at one time considered nearly valueless, but the real value, solitude and fastness, has been preserved for nearly a century.

Its 4,100 acres, as is true of several nearby reservations, is not “developed.” Access is disapproved of on paths that are known only to the two or three residents and a few locals of Mt. Laguna. The land is as it was from the beginning: It is beautiful.

The Ewiiapaap Band’s resources are limited to water. The largest obstacles to economic development at the Cuyapaibe Indian Reservation are the geographic remoteness of the reservation; the lack of adequate access roads with a single access road that is unpaved, narrow, and steeply graded; and the complete lack of utilities (no electricity, gas, telephone, or waste water systems).

In 1986 the Ewiiapaap Band accepted 8.6 acres into trust as the “Little Cuyapaibe” trust land that is located north of Interstate 8 off the West Willows Road exit. The Band has since leased the land to the Southern Indian Health Council (SIHC) for \$1 rent for 25 years to host the SIHC Clinic. The SIHC is a state-chartered nonprofit corporation that is a consortium of the Kumeyaay tribes of Barona, Viejas, Campo, Ewiiapaap, Jamul, La Posta, and Manzanita, providing health services to tribal members and to the general public. In 1998 an additional 1.42 acres were added to the trust land and the SIHC lease.

In 2000 the Ewiiapaap Band and the SIHC entered into agreements for the Band to build a new, expanded, and improved \$5-million facility on 2.6 acres of the “Little Cuyapaibe” trust land, as well as a \$1.5-million SIHC Clinic on the Campo Reservation. After relocating the existing SIHC clinic operations, the Band will build a tribal gaming facility on the remaining six acres of “Little Cuyapaibe” trust land. A percentage of this tribal gaming enterprise’s revenues, which is projected to exceed \$100 million over the first 15 years of the agreement, will be donated to the SIHC.

Tribal Water Issues in the Border 21 Area:

- rapid expansion of population and housing on both sides of the U.S.-Mexico Border
- blending of the Colorado River transfers to Southern California and Baja California
- possible injection of Colorado River into watersheds and sub-basins of the Kumeyaay and Luiseno Nations by the Metropolitan Water District

credentials to safely operate and maintain community drinking water supplies. Seed money is needed to build a comprehensive tribal water monitoring program for communities on both sides of the border and to possibly establish a network of tribal circuit riders that assist tribal communities lacking the infrastructure to operate and maintain their public water-supply system. More nonprofit and nongovernmental organization involvement is necessary from CUNA de Mexico, Rural Communities Assistance Corporation (RCAC), Aqua link, UABC, and Pronatura.

Tribal involvement

Several tribal organizations are already organized to address water and waste-water issues in the Border 21 area. Some tribes have accepted funding from federal agencies and the state's regional water quality board for water quality monitoring and non-point source issues. Other tribes in the Border 21 area have not accepted federal or state funding to address their water and wastewater issues and have dealt with the issues through economical development funding from tribal resources. Several U.S. and Mexican tribes have been involved in the testing of their surface water and groundwater. Several tribes in San Diego County participate in the surface-water testing through a volunteer group that works with the California regional water quality board, gathering biological data that indicates stream health or degradation. Several tribes have developed their own water-quality standards, while others are still in process.

U.S. Environmental Protection Agency, Region 9, Border Office has a request for proposals from tribes in the Border 21 area for water and wastewater development in tribal communities. The USDA NRCS is assisting tribes with technical assistance and funding from EQUIP and WHIPP in California will allow for aquaculture and water development. Though funding has been limited, the U.S. Forest Service is financing a restoration project in San Jose de la Zorra, Baja California, Mexico. The committee of San Jose de la Zorra, Baja California, Mexico, and the Campo Band of Kumeyaay have partnered with CUNA and the U.S. Forest Service to place a sediment retention holder in their degraded stream. Using the communities' labor pool and existing material to construct and fence off an area on their reservation for stream restoration.

**José Angel, Division Chief,
Watershed Protection,
California Regional Water Quality
Control Board,
Colorado River Basin Region**

“Water is the true wealth in a dry land; without it, land is worthless or nearly so. And if you control water, you control the land that depends on it.”

—Wallace Stegner, Author

Water Myths:

1. Not enough water to go around.
2. The “critters” are getting too much water.
3. Water does not flow naturally uphill.

Jurisdictional Issues:

- State Water Resources Control Board: statewide water-quality issues and water rights
- California Regional Water Quality Control Board, Colorado River Basin Region: regional water-quality issues, control discharges of waste
- Department of Water Resources: development, movement, accounting, special studies, as well as dam safety and solid waste permits

- California Department of Fish & Game: state lead on surface water; protection, enhancement of fish, game
- Bureau of Reclamation: reserve rights, development and movement, accounting and special studies, CVP and Colorado River

Water Rights Principles:

- public trust
- reasonable use
- first in time

Federal Projects:

- “Taming the Sacramento” Shasta Dam (UC-Berkley)
- “Taming the Mighty Colorado” Hoover Dam (U.S. Bureau of Reclamation)
- “Taming the San Joaquin” Friant Dam (U.S. Bureau of Reclamation)

State Projects:

- “Taming the Feather” Oroville Dam (U.S. Bureau of Reclamation)
- California Aqueduct
- Edmonston Pumping Plant
- Downtown Los Angeles

Hot Issues:

- quantity vs. quality
 - growth in metro areas (southern California vs. rest of State)
 - California 4.4 Plan (Salton Sea, third-party impacts)
 - border pollution
- water users
 - 80% ag-urban users in rest of California; 20% in northern California
- border area growth (current population vs. projected population in Imperial Country, San Diego County, Mexicali, Tijuana, Tecate, Rosarito, Ensenada)

California’s 4.4 Plan

- California must set down to 4.4
- The 4.4 Plan
 - series of projects, measures
 - 48 agreements
 - IID-SDCWA proposed water transfer

Implications:

- State
 - develop new sources, encourage transfers, improve system
- Cities
 - more water recycling and artificial growth controls
 - desalination
- Farmers
 - may have to share more
- Fish
 - learn to breathe air?
- Money is spent on treatment and conveyance systems

Cross-jurisdictional Issues:

The Watershed Management Approach in Region 7

- holistic approach to protect/restore aquatic ecosystems
- considers both point and non-point source pollution
- prioritize watersheds, problems, actions
- stakeholder participation/stewardship essential
 - cross-jurisdictional issues
 - consensus building critical
 - creative ways to handle/share sensitive data

Priority Watershed

involves Morongo, Aqua Caliente, Twenty-nine Palms, Augustine, and Torres-Martinez Nations/Governments in California and Baja California.

New River Pollution in Mexicali

includes pathogens, trash, VOCs, and nutrients

Binational Technical Committee

includes six U.S. agencies and four Mexican agencies.

Binational Projects:

- quick fixes
 - address emergency repairs (completed in 2000)
- Mexicali I Projects
 - Fix/install about 20 miles of sewage pipes (60% complete)
- Mexicali II Projects
 - new 20-mgd pumping plant
 - new 20-mgd sewer main
 - new 20-mgd treatment lagoon

State Funding Opportunities:

- “State CWA moneys”
 - CWA 319(h) grants (nonpoint source pollution reduction)
 - CWA 205(j) grants (planning/assessment)
- state moneys
 - State Revolving Fund loans
 - Proposition 13 grants (planning, nonpoint source implementation)
- what you also get
 - partner, technical, administrative oversight
 - leveraged resources
 - expertise in water-quality control

Open Discussion on Water in the Border Region

Discussant: Where are the tribal water apportionments on your side of Colorado River water?

Angel: It was my intention to show what the state needs to do. I did not omit the tribes as a slight, they were just not the object of discussion.

Discussant: What steps are you taking to help clean up the plant in Nevada?

Angel: Right now we do not work in Nevada. Chlorate comes from two sites in Henderson, former industrial sites. We continue to urge U.S. EPA to clean them up. They need more resources to tackle the site. Because of outside pressure, the companies on the site have doubled clean-up capacity.

Discussant: According to the leader on perchlorate, if they shut off production of it today, we'll still have effects 12 years from now.

Discussant: Perchlorate is a solid salt used in explosives. It impacts the intake of iodine in the thyroid. It has been detected down to the U.S.-Mexico border; it's in the Colorado River. Some people have been recharging and storing water in areas where perchlorate is, and now it's in the water. This is a politically charged issue that U.S. EPA and tribes are concerned about. The Department of Defense thinks that the effects do not take affect until the levels are higher. It can generally be detected down to 4mg/liter (getting to be about 2mg/l with newer technology). Perchlorate removal is not cheap, either through the ground or ion exchange. The difficulty is that two years ago people thought it was an exotic chemical and recharged near it. Now we know it affects the very young and those yet to be born (developmental growth issues).

TRIBES, ENVIRONMENTAL JUSTICE, AND LEGAL ISSUES
Setting the Context for Environmental Justice

Romel Pascual,
Assistant Secretary for Environmental Justice,
California Environmental Protection Agency

Environmental justice involves the social, built, and natural environment. It is a social movement rooted in struggles for civil rights of the poor and people of color, and it redefines how we think about the environment.

State Definition of Environmental Justice: (Gov. Code 65040.12)

“fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws and policies”

Implementation of Environmental Justice (EJ) at Cal/EPA:

- Cal/EPA strategic vision goal
- secretary commitment memo on EJ
- Air Resources Board EJ policy and actions
- Department of Toxic Substances Control draft EJ policy
- EJ mission statement
- Cal/EPA interagency working group on environmental justice
- Cal/EPA advisory committee on environmental justice
- EJ training program

Cal/EPA Environmental Justice Mission:

To accord the highest respect and value to every individual and community, the Cal/EPA and its BDOs shall conduct their public health and environmental protection programs, policies, and activities in a manner that is designed to promote equality and afford fair treatment, full access, and full protection to all Californians, including low income and minority populations.

Agency Secretary Commitment Memo on EJ:

Achievement of environmental justice through:

- enhanced public participation and meaningful public input
- capacity development of all stakeholders
- EJ opportunities in current statutes and regulations
- strengthened research and application of existing tools – e.g. cumulative impact assessments and pollution prevention

General Environmental Justice Obligations for Cal/EPA:

Pub. Res. Code section 71110 requires that Cal/EPA:

- promote equal enforcement of all health and environmental statutes,
- ensure greater public participation,
- improve research and data collection,
- coordinate with U.S. EPA,
- identify differential patterns of consumption of natural resources among people of different socioeconomic classifications for programs within the agency, and
- consult with and review any information received from the Working Group on Environmental Justice.

Opportunities and Challenges Ahead:

1. meaningful public participation, including access to the process and community capacity-building, resource development/technical assistance, proactive communication and relationship building with affected communities, and staff environmental awareness
2. programmatic integration of environmental justice, comprising environmental enforcement, permitting (existing and new permits), standard setting, site remediation and clean-up, risk reduction, and a state role in land-use
3. data collection and research, which will incorporate accessibility to data and consistency of data collection, as well as community-based research
4. coordination and accountability, including cross-media coordination of air, water, waste, and other activities/ ensuring accountability through ongoing communication with external stakeholders; and developing tangible measures of these elements

Environmental Justice and Public Participation Changing Demographics:

Overall Minority Population: 53.3%:

- Latinos: 32.4%
- Asian/Pacific Islanders: 11.1%
- African Americans: 6.4%
- Native American/Alaska Native: .5%
- Multiracial/Other: 2.9%

In 2000, at least 25.9% of the state's residents were born outside the United States (Asia: 34%, Mexico/Latin America: 54.8%). In 1990, 35% of all Bay Area households spoke a language other than English at home (9.3% spoke Spanish, 9.2% spoke an Asian language).

Common public participation approach involves three stages: 1) decide, 2) announce, and 3) defend.

The environmental justice approach to meaningful public participation includes: 1) fostering outreach and involving communities early and in an ongoing manner, 2) committing to and providing resources to communities, and 3) listening to those communities most impacted.

Environmental Justice in the Siting Context:

“Quality of Life” concerns regarding siting:

1. location – impact on community's use of space
2. nuisance – impact on the enjoyment and value of property
3. cultural and social aspects – impact on community's sense of belonging and security
4. economics – impact on economically-sound resource protection

Locational Impact Considerations:

- proximity to homes, schools, parks, etc.
- environmental exposure to hazardous substances – air, water, soil, food
- potential for accidental releases
- transportation impacts, including routes (proximity to sensitive areas, i.e. schools)
- increase in truck traffic (exhaust from idling trucks)

Nuisance-related Impact Considerations:

noise and odors affecting:

- outdoor activities
- development of neighboring properties
- land and property values
- air emissions
- overall look of neighborhood for the worse

Cultural and Social Impact Considerations:

- community use of land for social and cultural purposes
 - residents garden in the area or fish in nearby streams
 - practice of subsistence fishing
 - impacts on sacred sites or historical structures

Economic Impact Considerations:

- devaluation of resident's investment in their community
- local job creation vs. residents' job skills
- job displacement as a result of new facility
- destination of economic benefits – within or outside the community

What is Required from Here:

- engage community-based knowledge and expertise (build capacity)
- examine environmental justice from a holistic perspective (multi-media and multi-disciplinary)
- develop tools for decisionmaking
- assess cumulative impact, analyze disproportionate impact, etc.
- coordinate and collaborate with stakeholders on all levels

CONTACT INFORMATION

Cal/EPA – Environmental Justice Program

1001 I Street, Sacramento, CA 95812

Contact: Romel Pascual, Assistant Secretary (916) 324-8425

Email: envjust@calepa.ca.gov

www.calepa.ca.gov/envjustice

APPENDIX 5

TRIBAL POLICY SURVEY

TRIBAL POLICY SURVEY

To facilitate awareness of tribal policies, we compiled information on southern California tribal policies regarding consultation and inter-governmental agreements. A Udall Center staff person called each of the tribal environmental departments and requested the survey information. The survey was also sent to all tribal participants following the workshop. Below are the survey questions. On the following pages are the tribes' responses received as of July 2, 2003.

QUESTIONNAIRE

Tribe:

Mailing Address:

Phone/Fax:

Does your tribe have a formal consultation policy in place?

No.

Yes. *Please identify the topic area, entities involved, and major purpose of the policy.*

Does your tribe have any existing cooperative agreements with another governmental entity (state, county, municipal)?

No.

Yes. *Please identify the topic area, entities involved, and major purpose of the agreement.*

What are the key steps, guidelines, and/or protocol for consulting, obtaining formal approval, and communicating with your tribe?

Steps/Guidelines/Protocol:

Key Contact Person/Phone:

What is your preferred method of communication?

- . Letter
- . Fax
- . Email
- . Phone

Key contact persons for the tribe:

Nuisance-related Impact Considerations:

noise and odors affecting:

- outdoor activities
- development of neighboring properties
- land and property values
- air emissions
- overall look of neighborhood for the worse

Cultural and Social Impact Considerations:

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RESULTS

For full phrasing of questions please see survey questionnaire outline. In instances when a question has been left unanswered, it does not appear after the tribe entry.

Agua Caliente Band of Cahuilla Indians

600 E Tahquitz Canyon Way
Palm Springs, CA 92262

Formal consultation policy: NO

Cooperative agreements: YES - fire management with BLM, USFS, CDF; Santa Rosa San Jacinto National Monument with BLM, USFS; land use agreement with Palm Springs, Rancho Mirage, Cathedral City, and Riverside County

Tribal communication protocols: Contact department head (planning, cultural, etc.) or if tribal administration contact the tribal council secretary. Have item set out on tribal council agenda. The council will review item in a study session then bring it to a council meeting for a vote.

Preferred method(s) of communication: letter, fax, email, phone

Key contact person(s) for the tribe: phone: (760) 325-3400; Judi Simon, Executive Assistant, x1348; Tom Davis, planning, x1322; Joe Nixon, cultural, x1355; Mike Kellner, environmental, x1324; Margaret Park, all other issues, x1326

Augustine Band of Cahuilla Mission Indians

PO Box 846 Coachella, CA 92236 Phone: (760) 398-4722 Fax: (760) 398-4922

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Barona Group of Captain Grande Band of Mission Indians

1095 Barona Road Lakeside, CA 92040 Phone: (619) 443-6612 Fax: (619) 443-0681

Will not answer survey.

Big Pine Band of Owens Valley Paiute Shoshone Indians

PO Box 700 Big Pine, CA 93513 Phone: (760) 938-2003 Fax: (760) 938-2942

Formal consultation policy: YES-Bureau of Land Management, United States Forest Service, Department of Defense; purposes include cultural resource protection and access; Native American monitoring; planning; etc.

Cooperative agreements: NO

Tribal communication protocols: These processes are different for each protocol- the issues at stake determine the above mentioned procedures.

Preferred method(s) of communication: letter

Key contact person(s) for the tribe: Tribal Chairperson Ms. Jessica Bacoeh (760) 938-2003 and Tribal Administrator Ms. Tracy Bowers Stidham (760) 938-2003.

Cabazon Band of Cahuilla Mission Indians

84-245 Indian Springs Drive Indio, CA 92203-3499 Phone: (760) 342-2593 Fax: (760) 347-7880

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Campo Band of Diegueno Mission Indians

36190 Church Road, Suite 1 Campo, CA 91906 Phone: (619) 478-9046 Fax: (619) 478-5818

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Capitan Grande Band of Diegueno Mission Indians of California

1095 Barona Road Lakeside, CA 92040 Phone: (619) 443-6612

Will not answer survey.

Chemehuevi Indian Tribe

PO Box 1976, Havasu Lake, CA 92363, Phone: 760-858-4219, Fax: (760) 858-5400

Formal consultation policy: NO

Cooperative agreements: YES - fire protection contracted with San Bernadino County; police assistance contracted with San Bernadino County Sheriff's Department

Key contact person(s) for the tribe: Edward "Tito" Smith, Chairman, (760) 858-4301; Shirly Smith-Back, Vice Chair; Irene Anthony, Administrator,(760) 858-4219; Bill Cox, Planner; David Todd, Env. Dir, (760) 858-1140; David Romero, Water, (760) 858-5370

Colorado River Indian Tribes

Route 1 Box 23B Parker, AZ 85344 (520) 662-4336 Fax: (520) 662-4337

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Los Coyotes Band of Luiseno Indians

PO Box 189 Warner Springs, CA 92086 Phone: (760) 782-0711 Fax: (760) 782-2701

Formal consultation policy: NO

Cooperative agreements: NO

Tribal communication protocols: Letter and phone call followed by a presentation to the general council. All things are approved by a vote of the General Council at monthly tribal meetings.

Preferred method(s) of communication: Letter and phone

Key contact person(s) for the tribe: Melody Sees (760) 782-0712 and Evelyn Duro (760) 782-0712

Fort Mojave Indian Tribe

Ft. Mojave Tribal Headquarters, 500 Merriman, Needles, CA 92363

Formal consultation policy: NO

Cooperative agreements: YES - provide social services, fire protection to mitigate developmental impacts; by compact or MOU

Preferred method(s) of communication: email

Key contact person(s) for the tribe: Gary Goforth, Phone: (760) 629-4591

Inaja Band of Diegueno Mission Indians

PO Box 364 San Ysabel, CA 92070 Phone: (760) 788-2817 Fax: (760) 765-0320

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Jamul Indian Village of California

PO Boc 612 Jamul, CA 92035 Phone: (619) 669-4785 Fax: (619) 669-4817

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

La Jolla Band of Luiseno Mission Indians

22000 Highway 76 Pauma Valley, CA 92061 Phone: (760) 742-3771 Fax: (760) 742-1704

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Manzanita Tribe of Kumeyaay Indians

PO Box 1302, Boulevard, CA 91905, Phone: (619) 766-4930 Fax: (619) 766-4957

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Mesa Grande Band of Diegueno Mission Indians

PO Box 270 Santa Ysabel, CA 92070 Phone: (760) 782-3818 Fax: (760) 782-9029

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Morongo Band of Diegueno Mission Indians

11581 Potrero Road Banning, CA 92220 Phone: (909) 849-4697 Fax: (909) 849-4425

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Pala Band of Luiseno Mission Indians

PO Box 43 Pala, CA 92059 Phone: (760) 742-3784 Fax: (760) 742-1411

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Pauma Band of Luiseno Mission Indians

PO Box 369 Pauma Valley, CA 92061 Phone: (760) 742-1289 Fax: (760) 742-3422

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Pechanga Band of Luiseno Mission Indians

PO Box 1477 Temecula, CA 92593 Phone: (909) 676-2768 Fax: (909) 695-1778

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

La Posta Band of Diegueno Mission Indians

PO Box 1048 Boulevard, CA 91905 Phone: (619) 478-2113 Fax: (619) 478-2125

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Quechan Tribe

PO Box 1899 Yuma, AZ 85364 Phone: (760) 572-0213 Fax: (760) 572-2102

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Rincon Band of Luiseno Mission Indians

PO Box 68 Valley Center, CA 92082 Phone: (760) 749-1051 Fax: (760) 749-8901

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

San Manuel Band of Mission Indians

PO Box 266, Patton, CA 92369, Phone: (909) 864-8933 Fax: (909) 862-5152

Formal consultation policy: YES - Meet with the environmental director and then work up to governmental operations and finally go to the governing body of the tribe.

Cooperative agreements: YES - US Dept of Commerce; US Dept of Ag; US Dept of Treasury; San Bernadino City fire department; etc.

Tribal communication protocols: Contact the tribe.

Preferred method(s) of communication: letter

San Pascual Band of Diegueno Mission Indians

PO Box 365 Valley Center, CA 92082 Phone: (760) 749-3200 Fax: (760) 749-3876

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

San Ynez Band of Chumash Mission Indians

PO Box 517 Santa Ynez, CA 93460 Phone: (805) 688-7997 Fax: (805) 686-9578

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

San Ysabel Band of Diegueno Mission Indians

PO Box 130 Santa Ysabel, CA 92070 Phone: (760) 765-0845 Fax: (760) 765-0320

Formal consultation policy: NO

Cooperative agreements: NO

Tribal communication protocols: Agencies must meet with Tribal Council. Final approval of any agreements will be with General Council.

Preferred method(s) of communication: email

Key contact person(s) for the tribe: Bandie Taylor (Vice Spokewoman)
brandietaylor@yahoo.com

Soboba Band of Luiseño Indians

P.O. Box 487, San Jacinto, CA 92581 Phone: (909) 654-276 Fax: (909) 654-4198

Formal consultation policy: NO

Cooperative agreements: NO

Tribal communication protocols: Guidelines for communicating/ consulting on environmental issues vary depending on the issue. For issues needing formal consultation please send a letter to the Tribal Chairman, and CC the Environmental Department and the Tribal Administrator. The Environmental Department will then work with the contacting agency to gather information for the Tribe. After gathering information, the Environmental Program Director will present the information to the Soboba Tribal Council. After the information has been reviewed the Soboba Tribal Council will take the appropriate action.

Preferred method(s) of communication: email

Key contact person(s) for the tribe: Robert J. Salgado, Sr., Tribal Chairman; Andrew Masiel, Tribal Administrator; Joseph Garcia, Environmental Programs Director,
jgarcia@soboba-nsn.gov

Sycuan Band of Diegueno Mission Indians

5459 Dehesa Road El Cajon, CA 92019 Phone: (619) 445-2613 Fax: (619) 445-1927

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

Torres-Martinez Desert Cahuilla Mission Indian Tribe

PO Box 1160 Thermal, CA 92274 Phone: (760) 397-0300 Fax: (760) 397-8146

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

29 Palms Band of Mission Indians

47-250 Dillon Road Coachella, CA 92236 Phone: (760) 398-6767 Fax: (760) 398-0046

Formal consultation policy: NO

Cooperative agreements: YES - State government compact; federal EPA environmental grants; federal BIA allocation contracts

Tribal communication protocols: Submit written requests to: Tribal Administration 47-250 Dillon Road, Coachella, CA 92236

Preferred method(s) of communication: letter

Key contact person(s) for the tribe: Dean Mike, Chairman

U-tu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation

567 Yellow Jacket Road, Benton, CA 93512, Phone: (760) 933-2321, Fax: (760) 933-2412

Formal consultation policy: NO

Cooperative agreements: NO

Tribal communication protocols: Contact the tribe by telephone or email.

Preferred method(s) of communication: letter or phone

Key contact person(s) for the tribe: Joseph C. Saulque, Tribal Administrative Officer

Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians

PO Box 908 Alpine, CA 91903 Phone: (619) 445-3810 Fax: (619) 445-5337

NNI did not receive a response in time for printing. Please contact the tribe directly for answers to the questions.

ACRONYMS

ANA:	Administration for Native Americans
BDOs:	boards, departments, and office
BIA:	Bureau of Indian Affairs
Cal/EPA:	California Environmental Protection Agency
CIWMB:	California Integrated Waste Management Board
CUNA:	Native Cultures Institute of Baja California, A.C.
CWA:	Clean Water Act
EJ:	environmental justice
FOIA:	Freedom of Information Act
GAP:	General Assistance Program
HHW:	household hazardous waste
IID:	Imperial Irrigation District
MOA:	Memorandum of Agreement
MOU:	Memorandum of Understanding
MTBE:	methyl tertiary-butyl ether
NADBank:	North American Development Bank
NDPES:	National Pollutant Discharge Elimination Systems
NRCS:	Natural Resources Conservation Service
RCAC:	Rural Communities Assistance Corporation
SICH:	Southern Indian Health Council
SDCWA:	San Diego County Water Authority
SWRCB:	State Water Resources Control Board
USDA:	U.S. Department of Agriculture
U.S. EPA:	U.S. Environmental Protection Agency
USFWS.:	U.S. Fish and Wildlife Service
UST:	underground storage tanks