

Border 2012 Summary of Comments

MINUTES OF THE EPA MEETING HELD AT THE SINGING HILLS RESORT ON NOVEMBER 14, 2002.

The meeting began at 1:45 PM at the Singing Hills Resort in San Diego. A smaller number of attendees than expected were present due to the fact that the American Indian Congress was being held on the same day.

Those present were Roger Simpson from the Sycuan Band of Indians; representatives from the Torres-Martinez (Debbie), Pechanga (Jill), Cocopah, and Manzanita (Berenice) bands. Lorena Lopez-Powers from EPA; Tomas Torres from EPA; Angeles Herrera from EPA; Ricardo Martinez from CALEPA; Alex from CALEPA; Mike Wilkes; Jim; Craig Brad from the Metropolitan Water District

Jim led the meeting stating that two power point presentations would be made. The first regarding the purpose and objectives of the Border 2012 Program, which has been made in 15 cities along the border and the second presentation focusing more on issues affecting tribes on both sides of the border.

After the first presentation, Tomas Torres spoke of the public participation process at EPA.

The second presentation was the first time it was being made in California. Twenty-seven million have been invested in potable and waste water programs for 26 tribes. Indian House Services also provided assistance to these projects. Soon another RFP will go out for potable and waste water projects.

Problems with delta of the Colorado River, the New River and the Alamo River affect tribes on both sides of the border such as the Tohono O'odam, Cocopah, Cochran and Torres-Martinez.

Hazardous and solid waste as well as emergency response are issues that require work along the border and interfaces with local and state governments need to be established. At the Tohono O'odam tribe reservation this year 85 persons have died in their intent to illegally immigrate to the U.S. Also, this tribe has to deal with issues of drug trafficking due to the fact that its reservation has 70 miles of border.

Jeffrey Clifford, the deputy assistant administrator for the Office of International Affairs, has spoken on assurances to the tribes that the plan will include these interfaces.

Greg Cook, the regional administrator for region 6 and Laura Yoshi, the deputy regional administrator for region 9 have agreed with the tribes in that the tribes should participate at the same level as the border states. EPA will ensure that tribes can fully participate in the regional work groups and task force groups.

EPA will continue to provide support for tribal participation. The funds set aside for border infrastructure will continue and another 5 million are being requested for the coming year.

Two projects are being planned to do along with tribes in Mexico (Sonora and Baja California)

The 26 tribes which form the tribal caucus will meet twice a year with EPA to discuss issues that can be resolved.

Training will be provided to states in Mexico on how to work with tribes. A meeting for this purpose is planned for January 13 and 14, 2003.

This concluded the second presentation.

Ricardo Martinez from CALEPA stated that 4 years ago, Sycuan received a grant for the construction of a water treatment plant where nitrates were removed from the water to make it potable. The Border 2012 Program is similar but applications need to be submitted in a timely manner.

Rick from congressman Hunter's office asked whether the Border Plan addresses the adverse effects from the Salton Sea water transfer and the resulting particulate matter and contaminants that will be diminishing the air quality in the whole border region, not just in Imperial Valley.

Jim responded that of the 300 acres/feet taken from the Salton Sea, 200 will go to San Diego and 100 to IBWC. Sediments have been deposited for 70 years there due to agricultural drainage, in shrinking the Salton Sea, these contaminants will be exposed and might form part of the particulate matter. The constituents of this particulate matter have not yet been studied.

The California Air Resources Board has been working on this issue along with the Bureau of Reclamation. Mitigation funds are being planned. There will be a task force to deal with this issue.

Jim also informed as to the update on the status of including Mexican tribes in the program and the projects proposed for Mexico. There was a public hearing in Tijuana where the Attorney General for Civil Rights in Baja spoke about some of the tribes. The U.S. doesn't have a lot of influence as to how Mexico deals with its indigenous population, but it seems that the Mexican Government is starting to deal more with tribal issues. The U.S. can only encourage this behavior. A potable and waste water project is planned for Baja and Sonora to be done through a U.S. tribe. The funding mechanism for projects is to fund through a U.S. tribe. This has been done in the education program and in swerp projects. Issues need to be properly documented for there to be a project. The work can be done through the delegate from the "Instituto Nacional Indigenista."

Berenice from the Manzanita band asked whether there is a target date for the projects to begin with the border tribes. Jim responds that the dates are for the end of this year, after the Border Plan is signed with Mexico. The tribal caucus is going to be involved with specific projects. As far as the task force and work groups, those will be formed when the states of California and Baja California get together and talk about projects and common concerns for the states and the tribes. To use U.S. funds for projects in Mexico, approval from the Office of International Affairs and from the State Department needs to be obtained.

Craig Brad asked whether the citizen forums set up by the IBWC will be coordinated with the Border 2012 Program. The response to him is that IBWC has attended several EPA meetings but that this topic has not been formally discussed yet because it's still in the public comment stage. Once coordination is formalized then coordination needs to be worked out with the NADbank, IBCW and BECC for project funding and resolving disputes around water issues. The same is true for other water sheds such as the Colorado River, which are multi-state or multi-national.

The attendees were asked to comment on the plan or to make comments in a written fashion.

A tribe representative indicated that he had attended a meeting with the State Department to discuss international environmental issues. He obtained information which would be available at the table in the back of the room. The Organization of American States has a resolution on the rights of indigenous people as far as environmental topics. In this resolution each government is to consider establishing mechanisms for national consultation with representatives of indigenous people and incorporating that within the draft declaration, developing and strengthening their ties with indigenous people in decision making on matters that concern them, contributing to the special fund to support the elaboration of the American Declaration on the Rights of Indigenous People. There is also a mandate in article 8-J of the United Nations convention to respect, preserve and maintain knowledge, innovation and practices of indigenous and local communities. An example was given of a tribe in South Africa that was able to market an appetite suppressing plant which the tribe used.

A question was asked whether any changes were contemplated in the Border 2012 Program as to the role the BECC and the NADbank would play or how they would operate. The response by Jim was that their activities would be expanded to be able to consider other types of projects. But the B-funds, the grant money given to make the projects affordable to the communities, will not change.

Ricardo Martinez reminded the attendees of the government conference to be held on January 13 and 14 at the Pechanga Casino.

After the public comment period concludes the drafting committee comprised of the EPA, the 10 border states and the tribes will get together to look at the comments and

respond to them in a summary form. By late January or early February the final plan should be put together.

End of meeting.