

Tribal Brownfields and Response Programs



**RESPECTING OUR LAND,
REVITALIZING OUR COMMUNITIES**



Foreword

“EPA is continuing to recognize that the United States has a unique legal relationship with tribal governments based on the Constitution, treaties, statutes, Executive Orders, and court decisions. This relationship includes recognition of the right of Tribes—as sovereign governments—to act with self-determination, as well as an acknowledgement of the federal government’s trust responsibility to Tribes.

We want to ensure that American Indians are securing the green jobs of the green energy future. We want to ensure that they’re being heard when they call for cleaner land, air, and water, and environmental protections to safeguard the health of their children. And we want a long-standing, productive partnership to address these challenges—to build a long and effective relationship with our tribal partners and helping move us all towards our shared goals.”

– Excerpt from Lisa Jackson, EPA Administrator’s remarks at the National Tribal Operations Committee, July 22, 2009



U.S. Environmental Protection Agency
Office of Solid Waste and Emergency Response
Office of Brownfields and Land Revitalization
Washington, DC 20460

Purpose

This report highlights how tribes are using U.S. Environmental Protection Agency (EPA) Brownfields funding to address contaminated land in Indian country¹ and other tribal lands. It also highlights the challenges they face. It provides an historic overview of EPA's Brownfields Program, as it relates to tribes, and demonstrates EPA's commitment to the development of tribal capacity to deal effectively with contaminated lands in Indian country. The report includes examples of tribal successes to both highlight accomplishments and serve as a resource for ideas, information and reference.

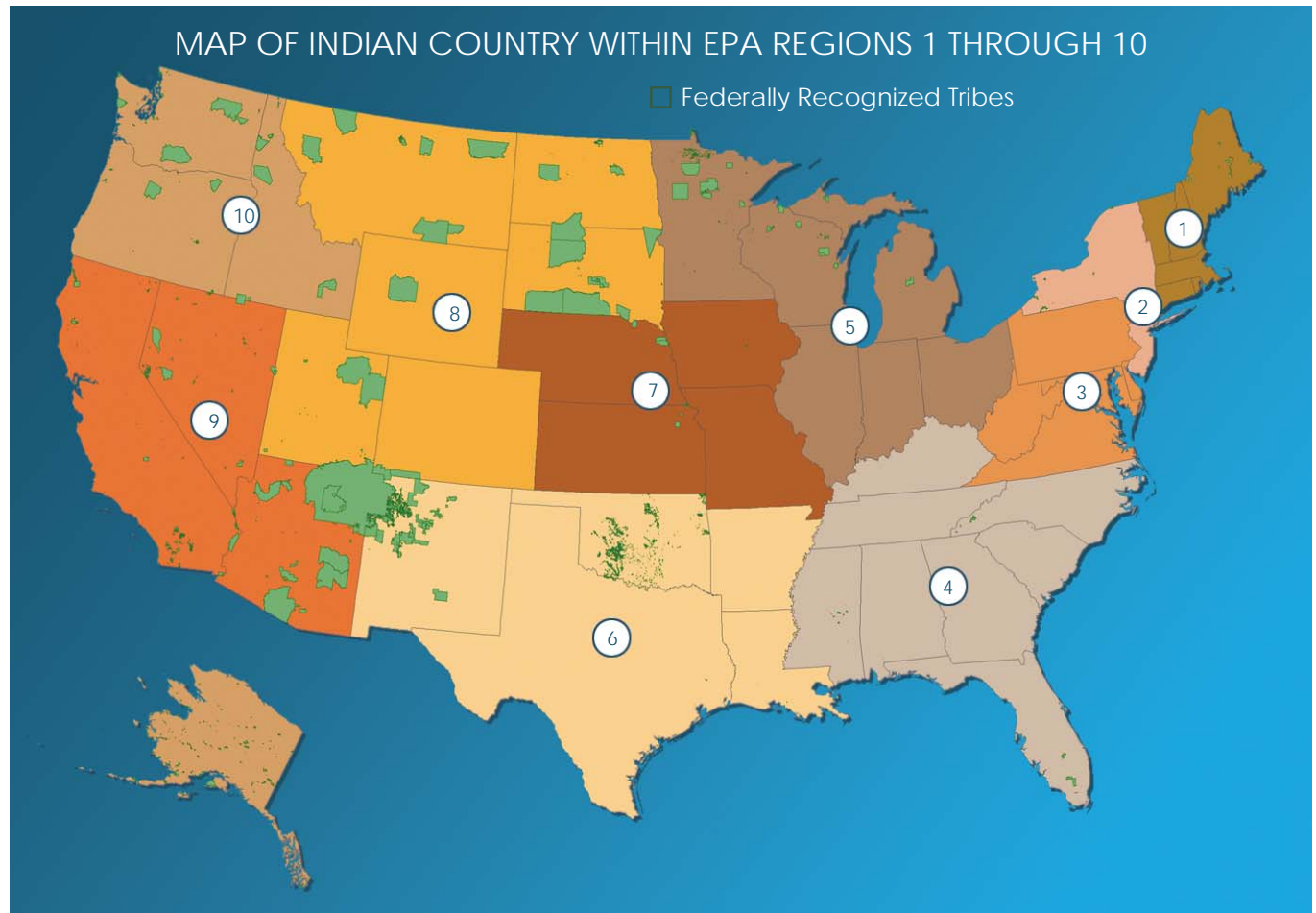


¹ Use of the terms "Indian country," "tribal lands," and "tribal areas" within this document is not intended to provide legal guidance on the scope of any program being described, nor is their use intended to expand or restrict the scope of any such programs, or have any legal effect.

Overview and History of Brownfields Tribal Funding

Overview

There are 561 federally recognized tribes within the United States. Each tribe is an independent, sovereign nation, responsible for setting standards, making environmental policy, and managing environmental programs for its people. While each tribe faces unique challenges, many share similar environmental legacies.



Environmental issues in Indian country run the gamut from developing basic administrative infrastructure to passing sweeping new laws; from controlling illegal open dumping to developing wastewater and drinking water infrastructure; from controlling and removing leaking underground storage tanks to asbestos and lead abatement and removal; and from air pollution to the cleanup and reuse of contaminated land.

Given each tribe's unique history and culture and the complex jurisdictional issues, the ability to deal effectively with environmental issues in Indian country calls for non-traditional approaches and new ways of thinking. The EPA Brownfields Program provides these approaches, and progress and results are occurring in many parts of Indian country.

Brownfields and Contaminated Land in Indian Country

Brownfields and other contaminated lands are found throughout the United States. Often legacies of an industrial past or bygone business, they dot the landscape of large and small communities. Brownfields

are defined as “real property the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.”² They come in many forms and sizes. Brownfields can be the abandoned warehouse or corner gas station, the local mill site or abandoned mine. In Indian country they are as diverse as the communities in which they are found.

To address the myriad environmental issues in Indian country, many tribes establish their own environmental protection and natural resource management offices. To clean up and reuse contaminated lands, many create brownfields programs or “Tribal Response Programs.” However, despite best efforts, tribal communities often lack funding to sustain environmental program capacity building and continue to need technical assistance and expertise.

Additionally, many tribes seeking to address brownfields in their communities face problems that are found in many small or rural areas in the United States. Rural locations typically do not have the technical resources that many larger communities have, nor the economic drivers associated with more dense populations that might spur cleanup and reuse. While the benefits of reusing existing buildings and infrastructure may be apparent, the funding to make the cleanup and reuse possible is often not present. Tribes may seek to return contaminated land to a non-economic reuse (e.g., returning land to a culturally beneficial reuse), which often must be funded by the public sector or tribal government and which may not attract the interest of those with private cleanup dollars.

Despite the challenges, revitalization of contaminated lands is an environmental issue being addressed successfully in parts of Indian country. With the assistance of grants and other resources available through EPA’s Brownfields Program, tribes are making great strides in cleaning up and returning contaminated land back to productive use. By using the grants and tools available, tribes address their fundamental environmental and revitalization goals and enrich the health and welfare of their communities. This in turn fosters greater environmental awareness, and allows for the sustainable reuse of tribal land in a manner determined by the tribes themselves.

U.S. EPA Brownfields Resources for Revitalization of Contaminated Land in Indian Country

Since the inception of EPA’s Brownfields program in 1995, the program’s goal has been “to empower states, tribes, communities, and other stakeholders in economic development to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.” The program provides financial and technical assistance for brownfields revitalization, including annual competitive grants for environmental assessment, revolving loan funds (RLF), cleanup, and job training, and non-competitive funding for state and tribal response programs.

In 2002, the passage of the Small Business Liability Relief and Brownfields Revitalization Act—referred to as the Brownfields Amendments—codified many of the policies EPA developed. The Brownfields Amendments authorized, among other things, two main sources of funding that may assist tribes in revitalizing contaminated land in Indian country:

- (1) Section 128(a) State and Tribal Response Program funding**
- (2) Section 104(k) Competitive Grant Program funding**

² Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, § 101(39).

Since the passage of the Brownfields Amendments, EPA has distributed over \$50.7 million in Section 128(a) Tribal Response Program funding to tribes nationwide. Examples of activities that tribes are conducting with their Section 128(a) Tribal Response Program funding include:

- The **Nottawaseppi Huron Band of Potawatomi's** 120-acre Reservation in rural southwest Michigan is located downwind from two nuclear power plants. Recognizing the need for training in preparation for a potential environmental release, the Tribe used a portion of its 128(a) Tribal Response Program funding to develop a Tribal Emergency Response Committee (TERC). Since TERC was formed, the committee developed a Pre-Disaster Mitigation Plan, an asset inventory, and identified critical environmental threats to the Reservation and its people.
- The **Native Village of Port Heiden** in southwest Alaska used Section 128(a) Tribal Response Program funding to initiate the development of a Tribal Response Program. The Tribe focused its funding on developing an inventory of properties and a public record, obtaining technical training for staff members, and conducting outreach and education to engage the community in environmental issues, including brownfields.
- The **Fort Belknap Indian Community** hosted a first of its kind environmental enforcement workshop for Tribal Response Program staff. The Tribe coordinated the workshop in partnership with Rocky Mountain College and EPA Region 8. The workshop was broadcast over "Vision Net," an interactive video link to tribes across the country that were unable to attend in-person. Topics included developing tribal codes, civil compliance and enforcement processes, as well as the history of tribal environmental law. Over 64 individuals participated, including representatives from 12 tribes from Washington, Wyoming, North Dakota, South Dakota and Montana.
- The **Keweenaw Bay Indian Community** used Section 128(a) Tribal Response Program funding to complete a Community Background Soil Survey of the 57,000-acre Reservation in Baraga County, Michigan. The information obtained from the survey will guide future Tribal decisions on whether a cleanup or corrective action taken at a brownfield property for metals complies with the goal of removal of contaminants to achieve risk-based cleanup standards or reduce levels to background or lower. The survey focused on 30 locations within the Reservation that were selected due to there being no history of disturbance or nearby sources of air deposition or runoff. The information obtained provides a general picture of naturally occurring metal concentrations.

Tribal Response Program Grants

Tribal Response Program funding—referred to as "Section 128(a)" funding after the section of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) that it falls under—can be used to create new or to enhance existing environmental response programs. Authorized at \$50 million per year and shared among states, tribes and territories, the funding is awarded on an annual basis. The primary goal of the funding is to ensure that response programs include, or are taking reasonable steps to include, the following four elements in their programs:

1. *Timely survey and inventory of brownfields sites.*
2. *Oversight and enforcement authorities or other mechanisms and resources to ensure that a response action will protect human health and the environment.*
3. *Mechanisms and resources to provide meaningful opportunities for public participation.*
4. *Mechanisms for approval of a cleanup plan and verification and certification that cleanup is complete.*

The funding can also be used for limited site assessments or cleanups at brownfields sites; for other activities that increase the number of response actions conducted or overseen by a state or tribal response program; to capitalize revolving loan funds for cleanup; to purchase environmental insurance; or to develop other insurance mechanisms for brownfields cleanup activities.

To leverage success, tribes use combined funding sources to build upon the success of established programs. Below are a few examples:

- The **Sisseton, Wahpeton, Oyate Sioux Tribe** located in northwest South Dakota is moving forward with its first cleanup on the Tekakwitha Old Orphanage/Boarding School property using a Cleanup grant through the American Recovery and Reinvestment Act. In developing the grant application, environmental staff increased their capacity and will continue to build expertise through the actual cleanup process.
- The **Gila River Indian Community** in central Arizona used Section 128(a) Tribal Response Program funding to assess a 160-acre property found to have soil and ground water contamination. With assistance from an EPA Brownfields Cleanup grant, contamination was removed and the property is home to a Diabetes Education and Research Center.
- The **Standing Rock Sioux Tribe** successfully completed the environmental cleanup at the Old Smee School in Wakapala, South Dakota. Prior to cleanup, the abandoned and partially collapsed building contained friable asbestos, and posed a significant threat to public health and the environment. Standing Rock received a competitive Cleanup grant from EPA's Brownfields Program for \$200,000, and used its Brownfields Section 128(a) Tribal Response Program to manage the project. Hans Bradley, Acting Brownfields Coordinator of the Standing Rock Sioux Tribe, stated, "We are very grateful for the grant money. Without these funds it would have been very difficult to address the asbestos in the building." The former Smee School will be transformed into a community park.

Assessment, Revolving Loan Fund, and Cleanup Grants (ARC Grants)

The 104(k) competitive grants are awarded through an annual competition. Most federally recognized tribes are eligible to apply for this funding.³ ARC grants may be used to address sites contaminated by petroleum and hazardous substances, pollutants or contaminants (including hazardous substances commingled with petroleum). Opportunities for funding are as follows: Brownfields Assessment Grants (each funded up to \$200,000 over three years); Brownfields Revolving Loan Fund (RLF) Grants (each funded up to \$1,000,000 over five years); and Brownfields Cleanup Grants (each funded up to \$200,000 over three years).

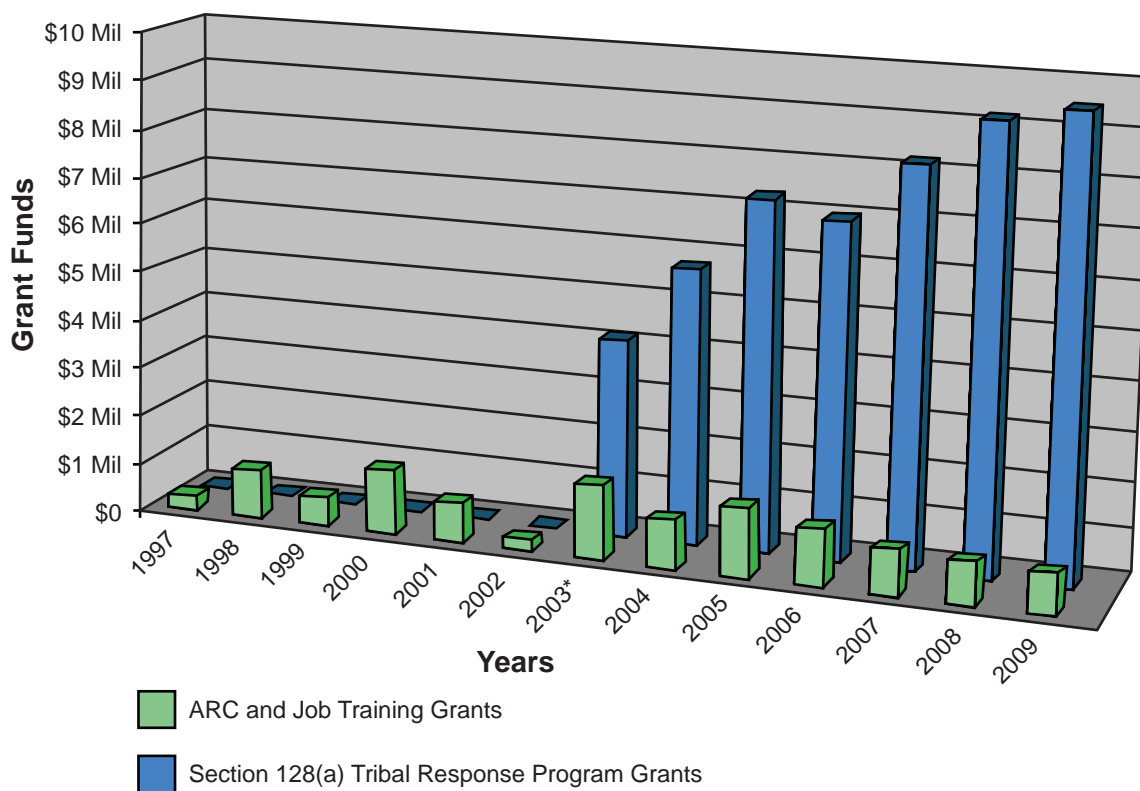
Job Training Grants

Job Training grants—competitively awarded on an annual basis—are also available to most federally recognized tribes.³ To help residents located in areas affected by brownfields take advantage of jobs created by the assessment and cleanup of these properties, EPA initiated the Brownfields Job Training grants. Among other things, the grant funds may be used for:

³ In Alaska, only an Alaska Native Regional Corporation and an Alaska Native Village Corporation, as those terms are defined in the Alaska Native Claims Settlement Act, and the Metlakatla Indian Community are eligible. CERCLA § 104(k)(1).

- Training residents in the handling and removal of hazardous substances, including training for jobs in sampling, analysis and site remediation;
- Training in the management of facilities at which hazardous substances, pollutants, contaminants or petroleum contamination are located;
- Training for response activities often associated with cleanups such as landscaping, demolition and ground water extraction;
- Development or refinement of existing training curriculum; and
- Training participants in the techniques and methods for cleanup of leaking underground storage tanks and other sites contaminated by petroleum products, asbestos abatement, or lead abatement where these topics are a component of a more comprehensive hazardous waste management training course or environmental technology training course.

BROWNFIELDS FUNDING AWARDS TO TRIBES



* Passage of Brownfields Amendments to CERCLA



Brownfields Tribal Highlights and Results

Developing and Enhancing Programs for Tribal Needs

Tribes use Section 128(a) Tribal Response Program funding for a variety of activities. Tribal response programs conduct assessments and provide oversight at properties, create codes and ordinances, develop inventories of properties, and educate their communities about the value of protecting and restoring tribal natural resources and community health.

This section highlights how Section 128(a) and other funding has been applied in tribal environments, as well as the obstacles encountered and lessons learned. These highlights serve as a reference for tribes to learn from what other tribes have accomplished with brownfields funding.

EPA Region 1 Brownfields Grantees (Through FY2009)

PASSAMAQUODDY TRIBE

Location: Eastern Maine

Land Area: 200,000 acres

Population: Approximately 3,400 enrolled members

Web site: www.passamaquoddy.com

EPA Grants: Assessment Grant and Section 128(a) Tribal Response Grant

Diane Kelley

EPA Region 1 Brownfields Coordinator

(617) 918-1424

kelly.diane@epa.gov

PASSAMAQUODDY TRIBE



Inventory of Sites for Future Cleanups

Location: Eastern Maine
Land Area: 200,000 acres
Population: Approximately 3,400 enrolled members
Web site: www.passamaquoddy.com
EPA Grants: Assessment Grant and Section 128(a) Tribal Response Grant



Tank removal activities at the Sipiyak Corner Store property.

Near the Canadian border in eastern Maine, the Passamaquoddy Tribe is using Brownfields Section 128(a) Tribal Response Program funding to inventory contaminated properties on its lands. The Passamaquoddy have inhabited this area of Maine for over 600 generations and occupy two separate locations, Perry and Princeton; they are commonly referred to as the Pleasant Point and Indian Township Reservations, respectively.

In 2005, the Passamaquoddy Tribe at Pleasant Point received assistance from the Maine Department of Environmental Protection's (MEDEP) Brownfields Program to conduct Phase I and Phase II environmental site assessments at the Sipiyak Corner Store property, which included a vacant gas station. The investigations found contaminated soil associated with the former tanks and pump island. An immediate removal of four underground storage tanks was conducted with funding through the State's Groundwater Fund. The cleanup is complete and the property is ready for redevelopment. Dale Mitchell of the Passamaquoddy Tribe stated, "The tanks were originally installed in the 1980s and had reached the end of their shelf life. We approached the State and they conducted the assessment of the property and removal of the tanks."

The Tribe received its Section 128(a) Tribal Response Program grant in 2007, and subsequently used the funding to inventory properties on the Pleasant Point Reservation. Through its inventory efforts, the Tribe identified—and is currently working to complete an assessment on—the former Gates building. This former upholstery manufacturing building has suspected soil contamination resulting from previous manufacturing activities. The Tribe also is targeting a privately owned junk yard on Tribal land. The property is littered with old refrigerators, air conditioning units, cars, and other miscellaneous scrap material. The Tribe plans to conduct an assessment on the property and create an ordinance that prevents private landowners from operating dumps on the Reservation in the future.

For more information on the Passamaquoddy Tribe's Brownfields Program, please contact Dale Mitchell at 207-853-2600 x245 or dalem@wabanaki.com.

The Passamaquoddy Tribe is using its Section 128(a) Tribal Response Program funding to inventory properties on its land and identify properties for cleanup.

EPA Region 2 Brownfields Grantees (Through FY2009)

SENECA NATION

Location: Northern New York

Land Area: 20,000 acres

Population: Approximately 7,200 enrolled members

Web site: www.sni.org

EPA Grants: Assessment Pilot, Cleanup Grant, and Section 128(a) Tribal Response Grant

John Struble

EPA Region 2 Brownfields Coordinator

(212) 637-4291

struble.john@epa.gov

SENECA NATION



Identifying Properties to Address Environmental Concerns on Tribal Land

Location: Northern New York
Land Area: 20,000 acres
Population: Approximately 7,200 enrolled members
Web site: www.sni.org
EPA Grants: Assessment Pilot, Cleanup Grant, and Section 128(a) Tribal Response Grant

Seneca Nation is using Section 128(a) Tribal Response Program funding to actively locate and identify brownfield properties, and build an inventory of properties to determine areas of concern within its Reservation boundaries. Most of the property information has come from the community's historical knowledge of the Tribal lands. The Tribe

uses public meetings and announcements in its bi-monthly tribal newsletter to inform and educate Tribal members about brownfields efforts, and to ask for assistance in identifying former uses of abandoned or underutilized properties on the Reservation. The community helped identify several properties with past oil spills and provided valuable information regarding an historic rail yard property. The Tribe's Environmental Protection Department worked extensively with the community to determine the past use and potential risk of contamination associated with the former rail yard property.

The Tribal environmental staff also used Section 128(a) Tribal Response Program funding to attend brownfields training sessions to broaden its knowledge regarding brownfield issues and tribal response programs. The Tribe plans to prioritize the properties in its inventory and use Section 128(a) Tribal Response Program funding to assess properties and get them ready for cleanup.

For more information on the Seneca Nation's Environmental Protection Department, please contact Adrian Stevens at (716) 532-2546 or adrian.stevens@sni.org.



"Brownfields funding enabled us to create and define our program, identify brownfields properties, create an inventory, and start the process of getting properties assessed and cleaned up."

– Adrian Stevens, Director, Seneca Nation
Environmental Protection Department

EPA Region 4 Brownfields Grantees (Through FY2009)

SEMINOLE TRIBE OF FLORIDA

Location: Central and South Florida

Land Area: Six Reservations in Southern Florida/Approximately 90,000 acres

Population: Approximately 3,500 enrolled members

Web site: www.seminoletribe.com/culture/brownfields/home.htm

EPA Grants: Assessment Pilot, Assessment Grant, and Section 128(a) Tribal Response Grant

Mike Norman

EPA Region 4 Brownfields Coordinator

(404) 562-8792

norman.michael@epa.gov

SEMINOLE TRIBE OF FLORIDA



Online Inventory Gives Tribe a Solid Foundation for Brownfields Revitalization

Location: Central and South Florida
Land Area: Six Reservations in Southern Florida/
Approximately 90,000 acres
Population: Approximately 3,500 enrolled members
Web site: www.seminoletribe.com/culture/brownfields/home.htm
EPA Grants: Assessment Pilot, Assessment Grant, and
Section 128(a) Tribal Response Grant

The Seminole Tribe established its Tribal Response Program in 2003 with the help of Section 128(a) Tribal Response Program funding. Managed under the Tribe's Environmental Resource Management Department, the Seminole Tribal Response Program has assessed many properties; these assessments help pave the way for redevelopment that improves the lives of Tribal members.



"Because of the GIS-based brownfields inventory, properties are identified and no longer slip through the cracks."

- Charlotte Bramble, Seminole Tribe
Remediation Coordinator

The Seminole Tribe developed a brownfields inventory using geographic information system (GIS) technology to successfully identify and characterize brownfields and help define the extent of contamination on the Tribe's land.

Using its inventory to

prioritize sites, the Seminole Tribe assessed 22 properties throughout its six Reservations. Many of these brownfields are located in agricultural areas, and most of the properties will be reclaimed for agricultural use or redeveloped for recreation or housing. At one of these properties, Brighton Cattle Dip Vat, the Tribe used contractors to clean up the property and remove contaminated soil. While remediation is not yet complete, the Tribe envisions redeveloping this former contaminated property into much needed housing for Tribal members.

The Tribe is in the process of developing a comprehensive Tribal development plan to ensure that once properties are assessed and cleaned up, they are put back into productive reuse. A key component in this process is community participation and input. Response program staff use the Seminole Water Commission meetings as a way to provide information to the public about brownfield properties and to gather feedback regarding community needs and priorities.

The Tribe also developed an ordinance that provides a code of law focusing on storage tanks, permitting processes, treatment and transport of substances, and cleanup targets. This comprehensive set of guidelines, when formally adopted, will allow the program to be more proactive and provide the authority to address brownfields challenges.

For more information regarding the Seminole Tribe Response Program, please contact Cherise Maples at cmaples@semtribe.com or (954) 965-4380, x10233.

EPA Region 5 Brownfields Grantees (Through FY2009)

FOND DU LAC BAND LAKE SUPERIOR CHIPPEWA

Location: Northeastern Minnesota

Land Area: 22,973 acres

Population: Approximately 3,700 (4,000 enrolled members)

Web site: www.fdlrez.com/newnr/environ/brownfields.htm

EPA Grants: Section 128(a) Tribal Response Grant

KEWEENAW BAY INDIAN COMMUNITY

Location: Upper Peninsula of Michigan

Land Area: 56,700 acres

Population: Approximately 3,200

Web site: www.kbic-nsn.gov/html/NR/natural_resources.htm

EPA Grants: Assessment Pilot, Assessment Grant, Cleanup Grant, and Section 128(a) Tribal Response Grant

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA

Location: Northern Wisconsin

Land Area: 87,000 acres

Population: Approximately 2,000

Web site: www.lacduflambeaunation.com/depts/NRDenv.html

EPA Grants: Section 128(a) Tribal Response Grant

LEECH LAKE BAND OF OJIBWE

Location: North Central Minnesota

Land Area: 680,000 acres

Population: Approximately 9,000

Web site: www.lldrm.org/brownsfield.html

EPA Grants: Section 128(a) Tribal Response Grant

LITTLE RIVER BAND OF OTTAWA INDIANS

Location: Western Coast of Michigan

Land Area: 1,100 acres

Population: Approximately 3,318

Web site: www.lrboi.com

EPA Grants: Assessment Pilot, Cleanup Grant, and Section 128(a) Tribal Response Grant

LOWER SIOUX INDIAN COMMUNITY

Location: South Central Minnesota

Land Area: 1,700 acres

Population: Approximately 930

Web site: www.lowersioux.com/d-environment.html

EPA Grants: Section 128(a) Tribal Response Grant

MENOMINEE INDIAN TRIBE OF WISCONSIN

Location: Central and Mid-eastern Wisconsin

Land Area: 236,000 acres

Population: Approximately 4,000

Web site: www.menominee-nsn.gov/enforcementResource/environResources/environHome.php

EPA Grants: Section 128(a) Tribal Response Grant

MILLE LACS BAND OF OJIBWE

Location: East Central Minnesota

Land Area: 61,000 acres

Population: Approximately 4,000

Web site: www.millelacsojibwe.org/Page_NaturalResources.aspx

EPA Grants: Section 128(a) Tribal Response Grant

NOTTAWASEPPI HURON BAND POTAWATOMI

Location: South Central Michigan

Land Area: 129 acres

Population: Approximately 900

Web site: www.nhbpi.com/Departments/Environmental.html

EPA Grants: Section 128(a) Tribal Response Grant

ONEIDA NATION WISCONSIN

Location: Eastern Wisconsin

Land Area: 103 square miles

Population: Approximately 21,300 (12,000 enrolled tribal members, 2,500 reside on the Reservation)

Web site: www.oneidanation.org/environment

EPA Grants: Section 128(a) Tribal Response Grant

RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA

Location: Northern Coast of Wisconsin
Land Area: 14 square miles
Population: Approximately 900
Web site: www.redcliff-nsn.gov/Departments/natural_resources.htm
EPA Grants: Section 128(a) Tribal Response Grant

RED LAKE BAND OF CHIPPEWA

Location: Northwestern Minnesota
Land Area: 805,516 acres
Population: Approximately 5,162
Web site: www.redlakenation.org
EPA Grants: Assessment Pilot and Section 128(a) Tribal Response Grant

SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN

Location: Central Michigan
Land Area: 1,800 acres
Population: Approximately 3,300
Web site: www.sagchip.org
EPA Grants: Section 128(a) Tribal Response Grant

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

Location: Northwestern Wisconsin
Land Area: 4,700 acres
Population: Approximately 2,900
Web site: www.stcciw.com/Content/EnvironmentalDept.aspx
EPA Grants: Assessment Grant, Cleanup Grant, and Section 128(a) Tribal Response Grant

Deborah Orr
EPA Region 5 Brownfields Coordinator
(312) 886-7576
orr.deborah@epa.gov

ONEIDA TRIBE OF INDIANS OF WISCONSIN



Collecting Environmental Information, Analyzing Risk and Ranking Properties

Location: Eastern Wisconsin, west side of Green Bay
Land Area: Approximately 103 square miles
Population: Approximately 21,300 (12,000 enrolled members, 2,500 reside on the Reservation)
Web site: www.oneidanation.org
EPA Grants: Section 128(a) Tribal Response Grant

The Oneida Tribe of Indians of Wisconsin is developing a Tribal Environmental Response Program (TERP) with its Section 128(a) Tribal Response Program funding. The funding is being used to establish the infrastructure for the TERP and address releases of hazardous and regulated materials to the environment.



Oneida is addressing environmental concerns that affect its multi-jurisdictional Reservation through the development of an internal Web-based database application. The database was developed as a cross-program effort to help track potential exposure mechanisms and analyze risks to human health and the environment on the Reservation. The project and database evolved over 2.5 years. The database is a collaborative effort that includes six Tribal program areas with an inventory of waterways, a catalogue and inventory of known environmental risks that include lead and asbestos, vapor pathways data, and state and federal environmental and underground storage tank (UST) information. In addition, the database includes surface water sampling information including fish, invertebrates and chemistry information from samples taken along Reservation waterways. There are over 1,500 records in the database linked to land parcel information. The system can be used to identify and rank properties with environmental concerns based on exposure risks, aid in community area development plans, and compare them to culturally sensitive areas. Oneida is continuing to work cross-programmatically with Tribal programs and the Wisconsin Department of Natural Resources (DNR) to add additional information to the database.

The database also enables Oneida to generate a public record of properties where activities have been overseen by the TERP from the information collected in the database. This record includes the general location information, date of TERP notification, type of TERP response, material released, environmental impact and TERP actions. The public record also provides a listing of “historical release or action sites” that draw frequent attention from the community. The database and TERP provide meaningful opportunities for Tribal members to participate in the selection of properties to be addressed, assist in identifying previously unknown concerns, and identify appropriate reuses of properties that have been cleaned up.

For more information regarding Oneida’s Tribal Environmental Response Program and database development, please contact Victoria Flowers at vflowers@oneidanation.org or (920) 496-5328.

“The database application development was a labor of love. The process presented challenges; however, through hard work and dedication, it is now a powerful tool to assist us in addressing environmental concerns that affect the Reservation.”

– **Victoria Flowers**, Environmental Specialist, Brownfield Oneida Environmental, Health & Safety Division

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS



Restoring Valuable Natural Lands

Location: Northern Wisconsin
Land Area: 86,630 acres
Population: Approximately 2,000
Web site: www.lacduflambeaunation.com
EPA Grants: Section 128(a) Tribal Response Grant

The Lac du Flambeau Tribe is utilizing EPA Section 128(a) Tribal Response Program funding to identify, inventory, assess and clean up properties with contamination concerns within its Reservation.

The Lac du Flambeau Tribal Environmental Response Program developed an inventory that identified 254 “properties with environmental concerns” and mapped the properties to inform the community of potential contamination on the Reservation. The inventory allows the Tribe to develop knowledge about the risks on its lands, address contamination, and plan new development or reuse. In addition, it allows the community to get involved and share its concerns about potential risks on the Reservation, and provides reassurance to the public that contamination is being addressed.

In 2008, the community played a role in identifying and cleaning up several tire burn sites. During a time of high metal prices, scrapers collected tires and burned them off their rims in three separate wilderness areas under the cover of darkness. Community members alerted the Tribal Natural Resource Department about these piles because they were concerned that the burned tires would contaminate air, land, surface water and ground water. The Tribe conducted an investigation and public awareness campaign to halt the illegal activities. The Tribal Conservation Law Department, Wildlife Management Department, Solid Waste Department, Tribal Roads Department and Environmental Protection Department played a role in the identification, investigation and cleanup of the tire burn piles.



Tire burn site before cleanup.

EPA’s quick review of brownfield eligibility information and the subsequent eligibility determinations allowed the Tribal Response Program to expend Section 128 (a) dollars to excavate and properly dispose the burned debris and contaminated soil in an emergency timeframe. Soil confirmation samples were collected from the excavation area to confirm that the contaminated material was removed. The soil lab analysis was funded with Bureau of Indian Affairs (BIA) grant dollars. In addition, the Tribal Response Program developed a standard operating procedure (SOP) for tire burn cleanups detailing cleanup and documentation procedures.

The Tribe is also in the process of passing a Tribal Cleanup Code to protect its natural resources from contamination. The code will require spillers to report releases and clean up contamination to Tribal Standards. After Tribal Council approval, the code adoption process requires public information meetings, a public hearing, and a Tribal Referendum vote.

For more information regarding Lac du Flambeau's Tribal Environmental Response Program, please contact Kristen Hanson at ldfbrownfields@verizon.net or (715) 588-4290.



Tire burn site after cleanup.

“Section 128(a) Tribal Response Program funding has enabled us to create and define our program, identify brownfields properties, develop an inventory, and respond to and protect against contamination on our Reservation.”

– Kristen Hanson, Lac du Flambeau Brownfields Program

EPA Region 6 Brownfields Grantees (Through FY2009)

ABSENTEE SHAWNEE TRIBE OF INDIANS

Location: Central Oklahoma

Land Area: 12,000 acres

Population: Approximately 3,050 enrolled members

Web site: www.astribe.com/enviromental.html

EPA Grants: Assessment Grant, Cleanup Grant, Job Training Grant, and Section 128(a) Tribal Response Grant

CHEROKEE NATION/ INTER-TRIBAL ENVIRONMENTAL COUNCIL (ITEC)

Location: Northeastern Oklahoma

Land Area: 14 County Tribal Jurisdictional Service Area

Population: 40 ITEC member Tribes in Oklahoma, New Mexico and Texas

Web site: www.itecmembers.org/Programs/WhatisSuperfund/tabid/704/Default.aspx

EPA Grants: Assessment Pilot, Cleanup Grant, and Section 128(a) Tribal Response Grant

CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA

Location: Central Oklahoma

Population: Approximately 12,000 enrolled members, 8,600 live within the State of Oklahoma

Web site: www.c-a-tribes.org

EPA Grants: Assessment Pilot

COMANCHE NATION

Location: Southwest Oklahoma

Land Area: Tribal jurisdictional area is within Caddo, Comanche, Cotton, Grady, Jefferson, Kiowa, Stephens, and Tillman Counties

Population: Approximately 14,700 members

Web site: www.comanchenation.com

EPA Grants: Assessment Pilot

PICURIS PUEBLO INDIAN RESERVATION

Location: North-central New Mexico

Land Area: 0.5 square miles

Population: Approximately 90 (330 enrolled members)

Web site: www.indianpueblo.org/19pueblos/picuris.html

EPA Grants: Cleanup Grant

PUEBLO OF ACOMA

Location: Northwest New Mexico

Land Area: 431,664 acres

Population: Approximately 50 (2,800 enrolled members)

Web site: www.sccc.acomaskycity.org/history

EPA Grants: Assessment Pilot

YSLETA DEL SUR PUEBLO

Location: Western Texas

Land Area: 3,213 acres

Population: Approximately 1,640 enrolled members

Web site: www.ysletadelsurpueblo.org

EPA Grants: Assessment Grant

Monica Chapa Smith

EPA Region 6 Brownfields Coordinator

(214) 665-6780

smith.monica@epa.gov



ABSENTEE-SHAWNEE TRIBE OF INDIANS

Providing Environmental Training by Coordinating EPA Brownfields Resources

Location: Central Oklahoma

Land Area: More than 12,000 acres in portions of Pottawatomie, Oklahoma and Cleveland Counties

Population: Approximately 3,050 enrolled members

Web site: www.astribe.com/OEP.htm

EPA Grants: Assessment Grant, Cleanup Grant, Job Training Grant, and Section 128(a) Tribal Response Grant

The Absentee-Shawnee Tribe of Indians has provided job training to more than 124 students to date. EPA Brownfields Job Training grants awarded in 2006 and 2008 provided the main funding source to initiate and continue this program. The Absentee-Shawnee job training program, in partnership with the Gordon Cooper Technology Center

and East Central University of Oklahoma, is one of only three accredited asbestos training programs in Oklahoma and the only program that provides free training.



Before graduating, students are trained in asbestos remediation; HAZWOPER; confined space and rescue training; first aid and CPR; the National Incident Management System (NIMS); and inspector contractor supervision. Students have the opportunity to develop skills on actual environmental assessment and cleanup projects. This coordinated effort gives students real-life experience and supports Tribal site specific efforts funded by EPA's Section 128(a) Tribal Response Program.

"Many companies have been impressed with our graduates and their knowledge. Their training is extensive, covering asbestos remediation, confined space and rescue training, as well as first aid and CPR."

– Renee Hood, Absentee-Shawnee Environmental Director

The Tribe's brownfields office and job training classroom are located on a 21-acre former brownfields property. Students use nearby brownfields with illegal dumping, asbestos and mold issues to apply their skills, including how to: conduct site screenings; conduct mold assessment and inspections; use a global positioning system (GPS) to mark properties; and use equipment such as underground survey instruments.

The Tribe's Office of Environmental Protection hired graduates from the program to work within its brownfields office. For example, one former student is employed as the asbestos trainer and another graduate has his own company, which has been awarded contracts from the Absentee-Shawnee Tribe of Indians and other tribes for cleanup projects. Other graduates have obtained employment in the asbestos and solid waste fields, tribal environmental programs, and some work for the United States Geological Survey (USGS) and the Federal Emergency Management Agency (FEMA).

For more information regarding the Absentee-Shawnee Tribe of Indian's environmental job training and brownfields efforts, please contact Renee Hood at reneeh@astribe.com or (405) 273-9966.

CHEROKEE NATION/INTER-TRIBAL ENVIRONMENTAL COUNCIL (ITEC)



Spurring Tourism through Historical Preservation and Community Enhancement

Location: Northeastern Oklahoma
Land Area: 14-County Tribal Jurisdictional Service Area
Population: 40 ITEC member tribes in Oklahoma, New Mexico and Texas
Web site: www.itecmembers.org
EPA Grants: Assessment Pilot, Cleanup Grant, and Section 128(a) Tribal Response Grant

The Cherokee Nation Environmental Programs/Inter-Tribal Environmental Council (ITEC) provides environmental compliance and capacity building services to the Cherokee Nation, as well as to 40 additional member tribes in Oklahoma, Texas, and New Mexico for EPA-related programs, including brownfields.

With a staff of 30 full-time employees in its environmental program, the Cherokee Nation conducts site visits and Phase I and Phase II environmental site assessments. It focuses on redeveloping several key properties to increase tourism in the area.

A recent project involved the Saline Courthouse. The courthouse was built in 1888 as one of nine original courthouses for the Cherokee Nation and it served as a hub of commerce and public gathering space. The Tribe estimates that the restoration of the 14-acre Saline Courthouse National Park (in which the courthouse is located) will cost approximately \$4.4 million. This involves restoring the courthouse and nearby springhouse, creating a visitor center and improving the caretaker's quarters. Remediation of lead-based paint from the exterior siding of the courthouse is complete. This task was complex and time consuming as the paint was holding the structure together, thereby requiring a craftsman to restore a portion of the siding. Funding from an EPA Brownfields Cleanup grant was used, and 12 Cherokee citizens were trained using an EPA Job Training grant to remediate the lead-based paint. Employees worked alongside a contractor on the project, and will continue to work with the same firm in the future. Cherokee Nation is interested in restoring other historical properties such as the Supreme Court building, Territorial Prison and Cherokee Courthouse.



The Springhouse on the Saline Courthouse National Park property before cleanup and redevelopment.

Cherokee Nation also redeveloped the Old Markoma Bible Academy—a 19-acre property with five buildings—using Section 128(a) Tribal Response Program funding for site cleanup. Two buildings were redeveloped to house a 25,000-square-foot state-of-the-art gymnasium that currently has 6,000 members and offices for 90 health program employees. In addition, Oklahoma's first Program of All-inclusive Care for the Elderly (PACE) facility was constructed on the property making it the only PACE facility in the country to be located in a rural community.

“I’m happy to be involved with this [Saline Courthouse National Park] project. It’s long overdue. It needs to be done to preserve part of our Cherokee heritage.”

– **Bobby Short**, Cherokee Nation Environmental Specialist

Cherokee Nation continues to provide a leadership role in offering Meth Lab Hazard Assessment Training. Since October 2008, more than 100 people have been trained in Arizona, Florida, Oklahoma, Minnesota, New Mexico, North Dakota and Wisconsin. The training covers three parts: 1) how to identify illegal manufacturing processes; 2) how to assess former meth lab sites; and 3) how to remediate these properties. Cherokee Nation is currently working on a “Train the Trainer” course funded by an EPA Brownfields Technical Assistance Grant.

For more information regarding the ITEC technical assistance program or the Cherokee Nation Environmental Department and Meth Lab Assessment Training, please contact Bobby Short at bshort@cherokee.org or (918) 453-5089.



The Springhouse on the Saline Courthouse National Park property during redevelopment.

EPA Region 7 Brownfields Grantees (Through FY2009)

SAC AND FOX NATION OF MISSOURI IN KANSAS AND NEBRASKA

Location: Kansas and Nebraska

Land Area: 147,200 acres

Population: Approximately 250

Web site: www.sacfoxfire.org/index.html

EPA Grants: Section 128(a) Tribal Response Grant

SANTEE SIOUX NATION

Location: Northeast Nebraska

Land Area: 141,440 acres

Population: Approximately 900 (575 enrolled members)

Web site: www.santeedakota.org

EPA Grants: Section 128(a) Tribal Response Grant

WINNEBAGO TRIBE OF NEBRASKA

Location: Northeastern Nebraska

Land Area: 120,000 acres

Population: Approximately 2,600

Web site: www.winnebagoTribe.com

EPA Grants: Section 128(a) Tribal Response Grant

Susan Klein

EPA Region 7 Brownfields Coordinator

(913) 551-7786

klein.susan@epa.gov



SAC AND FOX NATION OF MISSOURI IN KANSAS AND NEBRASKA

Making Brownfields Information Available to the Public through Direct Outreach

Location: Southeastern Nebraska and Northwestern Kansas

Land Area: Approximately 24 square miles

Population: Approximately 400

Web site: www.sacfoxfire.org/index.html

EPA Grants: Section 128(a) Tribal Response Grant

The Sac and Fox Tribe used Section 128(a) Tribal Response Program funding to help inventory brownfields on its Reservation and conduct public outreach. When first receiving Section 128(a) Tribal Response Program funding in 2006, the Tribe drew upon

experience from the Turtle Mountain Band of Chippewa in nearby EPA Region 8, and relied on technical expertise from EPA's Region 7 office and Pennsylvania's Land Recycling Program. These partnerships allowed Sac and Fox to develop its own successful program.



Brownfields outreach material at the Tribe's Health Fair.

Sac and Fox also worked with Kansas State University—which provides technical assistance to brownfields communities through an EPA Technical Assistance to Brownfields Communities (TAB) grant—to develop a one-page outreach fact sheet. The document describes basic brownfields information and explains what the Tribe is

doing to address brownfields. The Tribe uses the fact sheet for direct outreach to community members who have played an important role in identifying brownfields. The majority of brownfields on tribal land are undeveloped properties that have become illegal dumping areas. Building partnerships within the community has encouraged people to share information about potential properties with the Tribe's Environmental Department. These efforts led to the identification of six brownfield sites. The brownfields inventory lists property characteristics, geographic information system (GIS) information, known or suspected contamination, and the status of the investigation.

Of the six properties currently on the Tribe's inventory, five of them are in the process of a Phase I assessment. Sac and Fox plans to use its Section 128(a) Tribal Response Program funding to conduct Phase II assessments and any necessary remediation on these properties. Once the properties are cleaned up, the Tribe is considering returning them to natural open space. In addition, a few properties that border Tribal housing areas have the potential to be developed into much needed Tribal housing. Whatever the end use, the assessment and cleanup process will continue to help the Tribe address brownfields and build a healthier community.

“Without help from EPA and other partners, I don't imagine that the Tribal Response Program would have ever gotten off the ground.”

– Mike Kelley, Sac and Fox Brownfields Technician

For more information regarding Sac and Fox's Tribal Response Program, please contact Mike Kelley at mike.kelley@sacfoxenviro.org or (785) 742-4706.

EPA Region 8 Brownfields Grantees (Through FY2009)

BLACKFEET TRIBE

Location: Northwestern Montana

Land Area: 1.5 million acres

Population: 15,560 enrolled members, approximately 7,000 living on or near the Reservation

Web site: www.blackfeetnation.com

EPA Grants: Assessment Grant, Job Training Grant, and Section 128(a) Tribal Response Grant

CHEYENNE RIVER SIOUX TRIBE

Location: Central South Dakota

Land Area: 3 million acres

Population: Approximately 8,500

Web site: www.siox.org/English/BrownsfieldProgram.php

EPA Grants: Section 128(a) Tribal Response Grant

CHIPPEWA CREE TRIBE

Location: North-Central Montana

Land Area: 107,613 Acres

Population: Residents: 1,557; Non-Residents: Approximately 1,241

Web site: www.rockyboy.org

EPA Grants: Section 128(a) Tribal Response Grant

CONFEDERATED SALISH & KOOTENAI TRIBES

Location: Northwestern Montana

Land Area: 1.3 million acres

Population: Approximately 4,000 (6,800 enrolled members)

Web site: www.cskt.org/tr/epa_brownfield.htm

EPA Grants: Cleanup Grant and Section 128(a) Tribal Response Grant

CROW CREEK SIOUX TRIBE

Location: Central South Dakota

Land Area: 225,000 acres

Population: Approximately 2,800

Web site: www.state.sd.us/oia/crow.asp

EPA Grants: Section 128(a) Tribal Response Grant

CROW NATION

Location: South-central Montana

Land Area: 9,307 acres

Population: Approximately 6,900 (12,000 enrolled members)

Web site: www.crowtribe.com

EPA Grants: Assessment Pilot

EASTERN SHOSHONE & NORTHERN ARAPAHO

Location: Central Wyoming

Land Area: 2.2 million acres

Population: Approximately 4,200 Eastern Shoshone and 7,400 Northern Arapaho enrolled members

Web site: www.easternshoshone.net and www.northernarapaho.com

EPA Grants: Section 128(a) Tribal Response Grant

FLANDREAU SANTEE SIOUX TRIBE

Location: Eastern South Dakota

Land Area: 5,000 acres

Population: Approximately 800

Web site: www.fsst.org/epa/brownsfield_program.htm

EPA Grants: Section 128(a) Tribal Response Grant

FORT BELKNAP INDIAN COMMUNITY

Location: North-Central Montana

Land Area: 675,147 acres

Population: Approximately 5,000 (5,426 enrolled members)

Web site: www.ftbelknap-nsn.gov/brownfields

EPA Grants: Assessment Pilot, Job Training Grant, and Section 128(a) Tribal Response Grant

FORT PECK ASSINIBOINE & SIOUX TRIBES

Location: North-Eastern Montana

Land Area: More than 2 million acres

Population: 11,786 enrolled members, approximately 6,000 reside on or near the Reservation

Web site: www.fortpeckoep.org/brownfields.html

EPA Grants: Section 128(a) Tribal Response Grant

LOWER BRULE SIOUX

Location: Central South Dakota

Land Area: 207 square miles

Population: Approximately 1,300

Web site: www.lbst.org

EPA Grants: Assessment Grant and Section 128(a) Tribal Response Grant

MANDAN, HIDATSA, ARIKARA NATION (THREE AFFILIATED TRIBES)

Location: North Dakota

Land Area: 988,000 acres

Population: Approximately 5,900

Web site: www.mhanation.com

EPA Grants: Section 128(a) Tribal Response Grant

EPA Region 8 Brownfields Grantees (Through FY2009) continued

NORTHERN CHEYENNE TRIBE

Location: Southeastern Montana
Land Area: 444,000 acres
Population: Approximately 9,496 enrolled tribal members with about 4,100 residing on the Reservation
Web site: www.cheyennenation.com
EPA Grants: Section 128(a) Tribal Response Grant

OGLALA SIOUX

Location: Southwest South Dakota
Land Area: 2,219,520 acres
Population: Approximately 29,000
Web site: www.home.comcast.net/~zebrec/index.html
EPA Grants: Section 128(a) Tribal Response Grant

ROSEBUD SIOUX

Location: South-central South Dakota
Land Area: 922,759 acres
Population: Approximately 20,800
Web site: www.sicangu.com/Brownfields/Brownfields.htm
EPA Grants: Section 128(a) Tribal Response Grant

SISSETON-WAHPETON SIOUX TRIBE

Location: Northeast South Dakota
Land Area: 106,000
Population: Approximately 9,894
Web site: www.swo-oep.com
EPA Grants: Cleanup Grant and Section 128(a) Tribal Response Grant

SOUTHERN UTE

Location: Southwestern Colorado
Land Area: 681,000 acres
Population: Approximately 11,160 on the Reservation with 1,150 tribal residents
Web site: www.southern-ute.nsn.us
EPA Grants: Section 128(a) Tribal Response Grant

SPIRIT LAKE NATION

Location: East-Central South Dakota
Land Area: 90,000 acres
Population: Approximately 6,000
Web site: www.spiritlakenation.com/EPA_brownfields.htm
EPA Grants: Assessment Pilot, Cleanup Grant, Job Training Pilot, and Section 128(a) Tribal Response Grant

STANDING ROCK SIOUX TRIBE

Location: North Dakota and South Dakota
Land Area: 2,285,440 acres
Population: Approximately 8,508
Web site: www.srepabrownfields.standingrock.org/brown.html
EPA Grants: Assessment Grant, Cleanup Grant, and Section 128(a) Tribal Response Grant

TURTLE MOUNTAIN

Location: Northern North Dakota
Land Area: 140,107 acres
Population: Approximately 10,800
Web site: www.tmbci.net
EPA Grants: Assessment Pilot and Grant, Job Training Pilot Section 128(a) Tribal Response Grant

UTE INDIAN TRIBE

Location: Northeastern Utah
Land Area: 4.5 million acres
Population: Approximately 1,600
Web site: www.utetribe.com
EPA Grants: Section 128(a) Tribal Response Grant

UTE MOUNTAIN UTE TRIBE

Location: Southwestern Colorado
Land Area: 597,000 acres
Population: Approximately 2,000
Web site: www.utmountainute.com
EPA Grants: Section 128(a) Tribal Response Grant

YANKTON SIOUX

Location: Southeastern South Dakota
Land Area: 40,000 acres
Population: Approximately 3,500
Web site: www.state.sd.us/oia/yankton.asp
EPA Grants: Assessment Pilot and Section 128(a) Tribal Response Grant

Dan Heffernan

EPA Region 8 Brownfields Coordinator
(303) 312-7074
heffernan.daniel@epa.gov

SOUTHERN UTE INDIAN TRIBE OF SOUTHERN UTE RESERVATION



Completing First Cleanup Builds Expertise for Future Projects

Location: Southwestern Colorado
Land Area: Approximately 681,000 acres
Population: Approximately 11,160 on the Reservation with 1,150 tribal residents
Web site: www.southern-ute.nsn.us
EPA Grants: Section 128(a) Tribal Response Grant

The Southern Ute Indian Tribe is using its Section 128(a) Tribal Response Program funding to clean up brownfield properties on its Reservation. From experience on the Ute Park cleanup project, the Tribal Brownfields Program learned lessons that will help make the cleanup process more effective in the future. For example, a key challenge during the Ute Park cleanup

was identifying and understanding Tribal processes for obtaining Tribal approval of the contract with the cleanup contractor. The Tribal Brownfields Program now has a better understanding of the approval process and can apply language similar to the Ute Park contract for future brownfields cleanup activities.



The Ute Park cleanup project included three buildings—Tribal chambers, recreation hall and restroom buildings—all of which contained asbestos and lead-based paint contamination. Section 128(a) Tribal Response Program funding was used to assess the property, conduct asbestos abatement, and demolish and properly dispose of the building debris. Cleanup was completed in December 2008, and construction of a chapel and multi-facility building has begun on the site.

The Tribe is currently working on the Cabezon Ranch property, which includes several buildings. Phase I and Phase II environmental site assessments were completed in summer 2009 using contractual support from an EPA Region 8 Targeted Brownfields Assessment (TBA). The ranch house and bunk house contain lead and asbestos contamination and have structural instability issues, while some of the other buildings have old oil and pesticide containers. Initial reuse options for the property include a grazing area for livestock, hay production, and a recreation area for hunting or snowmobiling.

The Tribe has identified other potential cleanup projects on the Reservation, such as the Old Casino site and several open dumps. Southern Ute Environmental Program staff are also partnering with the EPA Region 8 Solid Waste Program on a casino recycling project.

From experience working on its first cleanup project, the Southern Ute Tribal Brownfields Program is applying lessons learned to increase the effectiveness of its cleanup process for future projects.

For more information regarding the Southern Ute Indian Tribe's brownfields activities, please contact Bob Kilian at bkilian@southern-ute.nsn.us or (970) 563-0135.



SPIRIT LAKE NATION

Utilizing a Variety of EPA Program Funding Sources to Address Brownfields

Location: East Central North Dakota
Land Area: 90,000 acres
Population: Approximately 6,000
Web site: www.spiritlakenation.com
EPA Grants: Assessment Pilot, Cleanup Grant, Job Training Pilot, and Section 128(a) Tribal Response Grant

Spirit Lake Nation received its first EPA Brownfields Assessment grant in 1999, and since that time it has completed numerous assessments and cleanups utilizing a variety of EPA funding sources. In addition to the original Assessment grant, Spirit Lake Nation received additional EPA Brownfields funding, including:

a Brownfields Job Training grant in 2002; contractual support for four Targeted Brownfields Assessments (TBA) in 2003; Section 128(a) Tribal Response Program funding beginning in 2003; four Brownfields Cleanup grants in 2005; and funding from EPA's Superfund Program.



The Old Fort Totten Hospital is an example of a Tribal project that effectively leveraged numerous resources. An initial environmental assessment was conducted under the Tribe's Section 128(a) Tribal Response Program funding, while a structural engineering assessment was provided through a TBA. The EPA Superfund Emergency Response Program conducted an asbestos abatement while the Brownfields Cleanup grant funding was used to remediate lead-based paint and mold. Today, the Tribe is pursuing additional funding options to rehabilitate the building into apartments.

Spirit Lake Nation is using a variety of EPA funding sources to assess and clean up brownfields properties on its Reservation.

Spirit Lake Nation conducted more than 18 assessments and several cleanups for sites such as the Old Fort Totten Community Center, St. Michael's Indian Mission School, and 32 homes at Rolling Hills and Ross Acres. Graduates from the Brownfields Job Training program were employed on all brownfields cleanup projects; they remediated lead-based paint, asbestos and mold. The Job Training grant provided training for more than 50 students in a variety of certified cleanup and responder courses, and six students completed comprehensive certified environmental training.

Spirit Lake Environmental Program Administration staff also used Section 128(a) Tribal Response Program funding to develop a draft Solid Waste Ordinance that includes requirements for solid and hazardous waste management; the Tribal Response Program; and a civil compliance and enforcement program to address illegal activities such as littering and illegal dumping. The Solid Waste Ordinance will help Spirit Lake Nation continue to assess and clean up the more than 80 properties in its inventory, while requiring that releases of hazardous substances are properly addressed and remediated to prevent future brownfields.

For more information regarding Spirit Lake Nation's Environmental Department, please contact Sean Gourd at sgourd@spiritlakenation.com or (701) 766-1259.

EPA Region 9 Brownfields Grantees (Through FY2009)

CHER-AE HEIGHTS INDIAN COMMUNITY OF THE TRINIDAD RANCHERIA

Location: Northern Coast of California

Population: 250 enrolled members

Web site: www.trinidad-rancheria.org/index_files/Page376.html

EPA Grants: Cleanup Grant

ELY SHOSHONE TRIBE

Location: Eastern Nevada

Land Area: 111 acres

Population: Approximately 150 (500 enrolled members)

Web site: N/A

EPA Grants: Assessment Pilot

GILA RIVER INDIAN COMMUNITY

Location: Central Arizona

Land Area: 372,000 acres

Population: Approximately 16,000

Web site: www.gilariver.org/index.php/departments/24-public-safety/78-department-of-environmental-quality.html

EPA Grants: Assessment Pilot and Grant, Cleanup Grant, and Section 128(a) Tribal Response Grant

HOOPA VALLEY TRIBE

Location: Northwestern California

Land Area: 89,600 acres

Population: Approximately 2,600

Web site: www.hoopa-nsn.gov/departments/tepa/tepa.htm

EPA Grants: Assessment Pilot and Section 128(a) Tribal Response Grant

HOPLAND BAND OF POMO INDIANS

Location: Northern California

Land Area: 40 acres

Population: Approximately 45 (300 enrolled members)

Web site: www.hoplandrancheria.com

EPA Grants: Assessment Grant and Cleanup Grant

NAVAJO NATION

Location: Utah, New Mexico, Arizona

Land Area: 27,000 square miles

Population: Approximately 250,000

Web site: www.epa.navajo.org

EPA Grants: Assessment Pilot and Section 128(a) Tribal Response Grant

RINCON BAND OF LUISENO INDIANS

Location: Southern California

Land Area: 4,000 acres

Population: Approximately 1,500

Web site: www.rincontriibe.org

EPA Grants: Section 128(a) Tribal Response Grant

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

Location: Central Arizona

Land Area: 52,600 acres

Population: Approximately 8,700

Web site: www.srpmic-nsn.gov/government/epnr

EPA Grants: Assessment Pilot and Grant, Cleanup Grant, and Section 128(a) Tribal Response Grant

TOHONO O'ODHAM NATION

Location: South Central Arizona

Land Area: 2.8 million acres

Population: Approximately 28,000

Web site: www.tonation-nsn.gov/directory.aspx

EPA Grants: Assessment Pilot and Section 128(a) Tribal Response Grant

WHITE MOUNTAIN APACHE TRIBE

Location: East-Central Arizona

Land Area: 1.67 million acres

Population: Approximately 15,000 enrolled members

Web site: www.wmat.nsn.us

EPA Grants: Assessment Pilot

WIYOT TRIBE

Location: Northern Coast of California

Land Area: 88 acres

Population: Approximately 350

Web site: www.wiyot.com/environmental

EPA Grants: Cleanup Grant

YUROK TRIBE

Location: Northwestern California

Land Area: 63,035 acres

Population: Approximately 5,000

Web site: www.yuroktribe.org/departments/ytep/ytep.htm

EPA Grants: Section 128(a) Tribal Response Grant

Noemi Emeric-Ford

EPA Region 9 Brownfields Coordinator

(213) 244-1821

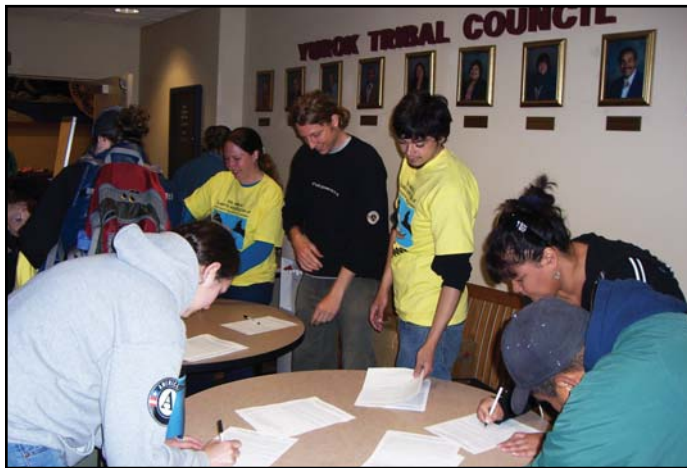
emerik-ford.noemi@epa.gov



YUOK TRIBE OF YUOK RESERVATION

Developing an Inventory and Updating Environmental Codes to Prevent New Brownfields

Location: Northwestern California
Land Area: 63,000 acres
Population: Approximately 5,000
Web site: www.yuroktribe.org
EPA Grants: Section 128(a) Tribal Response Grant



Residents completing brownfield property survey forms at a community meeting.

Although the Yurok Tribe has only received Section 128(a) Tribal Response Program funding for two years, it has made significant progress in developing an inventory of brownfield properties and updating environmental codes. In order to develop the inventory, Yurok Environmental Program staff organized several scoping meetings with Tribal elders and other residents to obtain historical knowledge on the past use of properties. Staff also encouraged residents to complete brownfield property survey forms at community meetings, which resulted in a collection of information on more than 200 properties to verify that all the properties meet the definition of brownfields and to remove any duplicates. After site visits are conducted, the properties will be added to the Yurok Tribe's online database. Environmental assessments are currently underway for four of the properties in the inventory using Section 128(a) Tribal Response Program

funds. Additional properties will be prioritized for environmental assessment in the future. Priority will be based on proximity to sensitive receptors such as schools, residences and the Klamath River, which runs alongside the Reservation for 48 miles.

The Yurok Tribe is focused on preventing additional brownfields. During a review of Tribal environmental codes, Environmental Program staff realized that some ordinances could be more effective. They worked with a Tribal attorney, judge and police to redraft the abandoned vehicle and illegal dumping ordinances. Staff are also in the process of redrafting the blight ordinance. As an additional preventative measure, the Tribe agreed to sign a Joint Powers Agreement with the Humboldt Dunbar Hazardous Response Authority, which will be responsible for containing hazardous spills within the Reservation for a small annual fee. Responsible and complete response is important for the Reservation and for the frequent tourists that travel through this area.

The Yurok Tribe is preventing additional brownfields on its land by using Section 128(a) Tribal Response Funding to revise and develop new Tribal environmental codes and ordinances.

For more information regarding Yurok's Environmental Program, please contact Ken Henderson at khenderson@yuroktribe.nsn.us or (707) 482-1822 x203.

NAVAJO NATION



Enacting the First Tribal CERCLA Law

Location: Extends into the states of Utah, Arizona and New Mexico
Size: More than 27,000 square miles
Population: More than 200,000
Web site: www.navajo.org
EPA Grants: Assessment Pilot and Section 128(a) Tribal Response Grant

In March 2008, after ten years of development, the Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act (NNCERCLA Law) was passed by the Navajo Nation; it is the first tribal law of its kind. The law resembles the federal Superfund law with similarities such as a Hazardous Substance Fund for projects where funding is not available. It also has key differences, such as covering petroleum and natural gas as “hazardous” substances. The

Navajo Nation used a portion of its Section 128(a) Tribal Response Program funding to enhance its program through development of the NNCERCLA Law.



The Navajo Nation EPA (NNEPA) worked with a variety of Navajo Nation offices to determine the best approach for a revenue generating source to establish the Hazardous Substance Fund. The final decision was to include, in the law, a tariff for non-petroleum activities, such as transporting hazardous substances across the Reservation. There were other challenges the Tribe faced in developing the law, including whether petroleum and natural gas should be considered “hazardous substances” and determining specific terminology to ensure established long-term voluntary agreements were not affected.

The implementation phase of the law presented challenges for the Navajo Nation. NNEPA signed a Tolling Agreement with representatives from oil and gas companies, which allows the parties to meet every two to three months until 2010 to negotiate the policy terms of the NNCERCLA Law. As a result of these ongoing negotiations, NNEPA met with key stakeholders to develop two release reporting requirements (one for hazardous substances and one for petroleum substances), using New Mexico’s reporting form and tailoring it for the Navajo Nation.

The NNCERCLA Law was used successfully to enforce a potentially responsible party (PRP) to characterize its contaminated site. NNEPA provided oversight of characterization activities and is currently awaiting receipt of the PRP’s data. Meanwhile, the implementation process is expected to take at least another two years as the program documents are finalized, and NNEPA continues its dialogue with non-tribal stakeholders. NNEPA is also outlining specific rates for the tariff, which will require a public comment process.

In addition to enhancing its program with the NNCERCLA Law, NNEPA remains focused on identifying and assessing potential brownfields. NNEPA identified approximately ten potential brownfield sites by holding public outreach meetings at Navajo Nation Chapters. After NNEPA staff provide an overview of the Brownfields Program, Chapter staff give a tour of potential brownfields based on their knowledge of previous site use. Before these sites are prioritized for environmental assessments, additional research is

“This program [the NNCERCLA Law] will be something awesome for the Tribe because it will build the capacity that we’ve always been looking for. It will allow us to work on sites that didn’t meet the federal U.S. EPA criteria and sites that we wanted to address but couldn’t because they couldn’t be funded.”

– **Freida White**, Manager, Navajo Nation Superfund Program

conducted to determine if the sites are likely to have contamination, and to ensure another Navajo Nation department is not already working on them. Two sites, the Pinion McGee former trading post and the Sawmill, will soon be assessed through a Region 9 Targeted Brownfields Assessment.

For more information regarding the NNCERCLA Law or Brownfields Program, please contact Freida White at freidasw@juno.com or (928) 871-6859.

EPA Region 10 Brownfields Grantees (Through FY2009)

ANVIK TRIBAL COUNCIL

Location: Western Alaska

Land Area: 11.9 square miles

Population: Approximately 100

Web site: www.anviktribalcouncil.com/brownfields.html

EPA Grants: Section 128(a) Tribal Response Grant

BRISTOL BAY NATIVE ASSOCIATION

Location: Southwest Alaska

Population: Tribal Consortium, made up of 31 Tribes

Web site: www.bbna.com/Web site/Natural%20Brownsfield.html

EPA Grants: Section 128(a) Tribal Response Grant

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

Location: North Central Washington

Land Area: 1.4 million acres

Population: Approximately 5,000

Web site: www.tgenviro.com/colville

EPA Grants: Assessment Pilot and Grant, Job Training Grant and Section 128(a) Tribal Response Grant

CONFEDERATED TRIBES OF COOS, LOWER UMPQUA AND SIUSLAW INDIANS

Location: Western Washington

Land Area: 130 acres

Population: Approximately 700

Web site: www.ctclusi.org/CTCLUSINEW

EPA Grants: Section 128(a) Tribal Response Grant

CONFEDERATED TRIBES OF YAKAMA NATION

Location: Oregon

Land Area: 1.2 million acres

Population: Approximately 8,400

Web site: www.critfc.org/text/yakama.html

EPA Grants: Section 128(a) Tribal Response Grant

JAMESTOWN S'KLALLAM TRIBE

Location: Northwest Washington

Land Area: 35 acres

Population: Approximately 600

Web site: www.jamestowntribe.org/jstweb_2007/programs/nrs/nrs_browns.htm

EPA Grants: Cleanup Grant and Section 128(a) Tribal Response Grant

KUSKOKWIM RIVER WATERSHED COUNCIL

Location: Western Alaska

Land Area: N/A

Population: N/A

Web site: www.kuskokwimcouncil.org/brownfields.html

EPA Grants: Section 128(a) Tribal Response Grant

LESNOI VILLAGE (WOODY ISLAND) INDIAN TRIBE

Location: Southwest Alaska

Land Area: 5 square miles

Web site: www.woodyisland.com

EPA Grants: Section 128(a) Tribal Response Grant

LOWER ELWHA KLALLAM TRIBE

Location: Northwest Washington

Land Area: 1,000 acres

Web site: www.elwhainfo.org/resource-management/brownfields-cleanup

EPA Grants: Section 128(a) Tribal Response Grant

MAKAH INDIAN NATION

Location: Northwest Washington

Land Area: 47 square miles

Population: Approximately 1,400

Web site: www.makah.com

EPA Grants: Section 128(a) Tribal Response Grant

MANILAQ ASSOCIATION

Location: Northwest Alaska

Land Area: N/A

Population: N/A

Web site: www.manilaq.org

EPA Grants: Section 128(a) Tribal Response Grant

METLAKATLA INDIAN COMMUNITY

Location: Southern Alaska

Land Area: 1,472 acres

Population: Approximately 1,200

Web site: www.metlakatla.com

EPA Grants: Section 128(a) Tribal Response Grant

MIDDLE KUSKOKWIM CONSORTIUM

Location: Western Alaska

Land Area: N/A

Population: N/A

Web site: www.middlekuskokwimconsortium.org

EPA Grants: Section 128(a) Tribal Response Grant

NATIVE VILLAGE OF SAINT MICHAEL

Location: Western Alaska

Land Area: 13,952 acres

Population: Approximately 400

Web site: www.kawerak.org/tribalHomePages/stMichael/index.html

EPA Grants: Section 128(a) Tribal Response Grant

NATIVE COUNCIL OF PORT HEIDEN

Location: Western Alaska

Land Area: 32,448 acres

Population: Approximately 90

Web site: N/A

EPA Grants: Section 128(a) Tribal Response Grant

EPA Region 10 Brownfields Grantees (Through FY2009) continued

NATIVE VILLAGE OF POINT HOPE

Location: Northwest Alaska
Land Area: 6.4 square miles
Population: Approximately 600
Web site: N/A
EPA Grants: Section 128(a) Tribal Response Grant

NELSON ISLAND CONSORTIUM NATIVE VILLAGE OF TUNUNAK

Location: Western Alaska
Land Area: 60 square miles
Population: Approximately 325
Web site: www.nelsonislandconsortium.org/brown.html
EPA Grants: Section 128(a) Tribal Response Grant

NEZ PERCE TRIBE OF IDAHO

Location: Western Idaho
Land Area: 17 million acres
Population: Approximately 2,700
Web site: www.nezperce.org/Official/landservicesprogram.htm
EPA Grants: Section 128(a) Tribal Response Grant

ORGANIZED VILLAGE OF KASAAN

Location: Southern Alaska
Land Area: 3,968 acres
Population: Approximately 40
Web site: www.blueskiessolutions.net/OVK_KML/GM_API.html
EPA Grants: Section 128(a) Tribal Response Grant

PORT GAMBLE S'KLALLAM TRIBE

Location: Northwest Washington
Land Area: 1,301 acres
Population: Approximately 600
Web site: www.pgst.nsn.us
EPA Grants: Assessment Grant and Section 128(a) Tribal Response Grant

PUYALLUP TRIBE OF TACOMA

Location: Western Washington
Land Area: 28.5 square miles
Population: Approximately 3,800
Web site: www.puyallup-tribe.com/index.php?nav=programs&id=35
EPA Grants: Assessment Pilot and Section 128(a) Tribal Response Grant

SELAWIK IRA (NATIVE VILLAGE OF SELAWIK)

Location: Northwest Alaska
Land Area: 1,600 acres
Population: Approximately 850
Web site: N/A
EPA Grants: Section 128(a) Tribal Response Grant

SHOSHONE-BANNOK TRIBES

Location: Southeast Idaho
Land Area: 520,960 acres
Population: Approximately 5,762
Web site: www.sbtribes-ewmp.com
EPA Grants: Section 128(a) Tribal Response Grant

SKOKOMISH INDIAN TRIBE

Location: Western Washington
Land Area: 8.2 square miles
Population: Approximately 730
Web site: www.skokomish.org
EPA Grants: Assessment Grant

SWINOMISH INDIAN TRIBAL COMMUNITY

Location: Northwest Washington
Land Area: 2,900 acres
Population: Approximately 2,700
Web site: www.swinomish.org/departments/planning/environmental_compliance/enviro_compliance_main.html
EPA Grants: Assessment Grant and Section 128(a) Tribal Response Grant

TETLIN VILLAGE COUNCIL

Location: Eastern Alaska
Land Area: 743,000 acres
Population: Approximately 140
Web site: N/A
EPA Grants: Section 128(a) Tribal Response Grant

YAKUTAT TLINGIT TRIBE

Location: Southern Alaska
Population: Approximately 450
Web site: www.ytttribe.org
EPA Grants: Section 128(a) Tribal Response Grant

YUKON RIVER INTER-TRIBAL WATERSHED COUNCIL

Location: Central Alaska and Northwestern Canada
Land Area: 1.1 million acres
Population: Consists of 66 First Nations and Tribes
Web site: www.yritwc.org/Departments/SustainableLands/tabid/61/Default.aspx
EPA Grants: Section 128(a) Tribal Response Grant

Susan Morales

EPA Region 10 Brownfields Coordinator
(206) 553-7299
morales.susan@epa.gov

THE ORGANIZED VILLAGE OF KASAAN



Partnering to Inventory, Assess and Clean Up Former Mining Sites

Location: Southeast Alaska – Prince of Wales
Population: 50
Web site: www.kasaan.org
EPA Grants: Section 128(a) Tribal Response Grant

Located on the third largest island in North America, Prince of Wales (POW) Island, the Organized Village of Kasaan is using Brownfields Section 128(a) Tribal Response Program funding to inventory sites within its traditional territory. This land is of mixed ownership, including the U.S. Forest Service, Alaska Mental Health Trust Authority, Sealaska

Corporation, Kasilco Incorporated and several different private land owners. For years, hard rock mineral mining was an important activity on the island. Though still present, mining on the island has slowed considerably. Past mining activity left the natural lands the Haida people use for subsistence littered with contaminated mining sites that pollute the natural ecosystem. To date, the Tribe used its Section 128(a) Tribal Response Program funding to inventory 33 sites, and is leveraging partnerships to clean up and restore former mine sites to their natural environment and allow the Tribe to maintain its way of life.

The Salt Chuck Mine site, a former palladium mine, was inventoried by the Tribe as part of the Tribal Response funding and identified for further evaluation. In 2000, the Tribe approached the U.S. Forest Service about the site, and findings from a joint site visit determined that there was a need for cleanup. Neli Nelson, Tribal Brownfields Coordinator, explained “When the Tribal Administrator visited the site with the U.S. Forest Service to evaluate the site for recreational purposes, old batteries were lying around the site.” As the need for cleanup became clear, the Tribe entered the site in its brownfields public record in 2008.



Dilapidated structures at the Salt Chuck Mine site as seen from across Ellen Creek.

Visual surveys revealed the presence of mine tailings in the water; this was causing contamination to nearby clam populations. In 2009, the U.S. Forest Service received \$1.4 million in federal stimulus funding to begin cleanup activity on the upland areas of the Salt Chuck mine site. The cleanup will include removing contaminated soil and dilapidated structures on the U.S. Forest Service-owned portion of the site.

The Organized Village of Kasaan partnered with the U.S. Forest Service and is using Section 128(a) Tribal Response Program funding to assess and clean up former mining sites on its land.

The Tribe is building support and capacity within the village by educating Tribal members about the Brownfields Program. In March 2009, the Tribe held its first brownfields meeting where it was decided that the Kasaan Bay Watershed Council will serve as the advisory board to the Kasaan Brownfields Program. In September 2009, the Tribe held a follow-up meeting where additional questions regarding the program were answered. Additionally, in May 2009, the Tribe helped sponsor a mining symposium where the Tribe, federal agencies, conservation groups, mining companies and residents of POW met to discuss past and present mining issues on the island. The mining symposium allowed for discussion of several different mining topics that affect all residents of POW.

For more information on the Organized Village of Kasaan's Brownfields Program, please contact Neli Nelson at neli@kasaan.org or (907)209-5389.

MAKAH INDIAN NATION



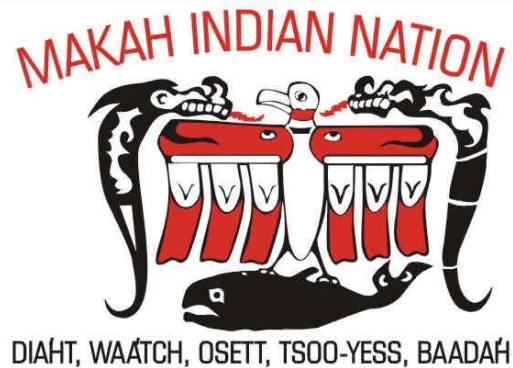
Working with State and Federal Partners to Heighten Oil Spill Response Capability in Tribal Waters

Location: Northwest Olympic Peninsula, Washington
Land Area: Approximately 47 square miles
Population: Approximately 1,400
Web site: www.makah.com
EPA Grants: Section 128(a) Tribal Response Grant

Located in the northwestern most point of the continental United States, the Makah Tribe is using Section 128(a) Tribal Response Program funding to help craft policies and provide response capacity for oil spills in Tribal treaty waters. On the Strait of Juan de Fuca, a 95-mile stretch of water linking Puget

Sound to the Pacific Ocean, the Makah Tribal waters accommodate busy commercial shipping traffic, threatening the environmental and ecological health of Makah's rich sea and land culture.

The need for improved oil spill response capability was highlighted on July 22, 1991, when TENYO MARU, a fish processing vessel, and a freighter collided 20 miles offshore of Tribal lands. TENYO MARU sank and spilled fuel and diesel oil that washed ashore on the Olympic Peninsula, affecting Makah Tribal land and marine resources. Following this disaster, the Tribe became more interested in both federal and state oil spill response policies and wanted to become part of the rulemaking process for policies as well as develop Tribal spill response capacity.



A large part of these efforts involves engaging federal and state organizations to gain a better understanding of and improve the policies and safety regulations in place. As a result of these engagement efforts, the Tribe successfully partnered with the U.S. Coast Guard (USCG) 13th District, the U.S. Navy, EPA, Washington State Department of Ecology, Marine Spill Response Corporation, and the National Response Corporation to become an active voice in the policy decisions regarding spill response and incident management. The Northwest Area Contingency Plan outlines the need for Makah Tribal Council consultation during an oil spill response affecting treaty-protected waters, land or other resources. Additionally, Makah is the first Tribe to be appointed members of the Regional Response Team—the entity co-chaired by EPA Region 10 and USCG 13th District—which ensures coordinated, efficient and effective support of the federal, state, tribal, local and international responses to significant oil and hazardous substance incidents within the Pacific Northwest Region.

Since 1991, the Tribe helped shape response policy when the Washington State Legislature called for the creation of an Emergency Response System for the entrance to the Strait of Juan de Fuca. In 1999, the Tribe worked with the U.S. Navy, the TENYO MARU Natural Resource Trustee Committee and Congressman Dicks to station a rescue tug in Neah Bay—the largest community in the Makah

Reservation. For the past 10 years, the Washington State Legislature has funded the rescue tug that has responded to 42 shipping incidents in the area, assisting disabled vessels in an effort to avoid spills. In March 2009, Governor Gregorie signed a bill that requires shippers, tankers and large vessels to pay for a year-round rescue tug instead of the taxpayers.

The Marine Spill Response Corporation (MSRC) is an independent, non-profit Oil Spill Response Organization (OSRO) dedicated to national response created by the Marine Preservation Association (MPA), a consortium of oil companies. The MSRC has stationed response vessels and equipment in Neah Bay, and maintains two vessels, ARCTIC TERN (73' skimming vessel) and LOON (38' workboat) as a result of Washington State designating Neah Bay as the primary staging area for oil response in the Outer Strait of Juan de Fuca and Washington Outer Coastal waters. MSRC employs three full-time Tribal members and maintains a cache of boom and other response gear in Neah Bay.

The Tribe is striving to build additional response capacity within its fishing fleet and throughout the community. In 2007, the USCG 13th District, MSRC, ExxonMobil and other members of the response community began conducting a coordinated annual HAZWOPER training to boost response preparedness on the Outer Washington Coast. Support and coordination provided by Makah Tribe has made this training program very successful in the Neah Bay community.

The Tribe also used its Section 128(a) Tribal Response Program funding to develop a contaminated site inventory to identify contaminated properties for cleanup. Because of the Tribe's cultural connection to the sea and land, the Tribe is making efforts to clean up contamination and preserve the natural resources from which Tribal members have subsisted for centuries.

For more information on the Makah Tribe's Tribal Response Program, please contact Chad Bowechop at bowechop.chad@centurytel.net or (360) 645-2130.

"We want our community to be ready to respond to spills. If we have Tribal members trained to step into response roles in the command center, on the water, and on the beach, we can more effectively fulfill our traditional role as stewards of the environment."

– Chad Bowechop, Manager for the Tribes Office of Marine Affairs

Building for the Future

As described in this report, tribes use many different approaches to protect and restore natural resources and community health. A number of tribes developed ordinances or passed codes to increase their authority and better define their tribal environmental programs. Many tribes developed outreach programs to educate the community about brownfields issues. This led to increased awareness that engages the community, enriches its health, and preserves its cultural history. Additionally, other tribes use multiple grants and funding sources to build on their tribal brownfields and response programs.



Looking out into Kendrick Bay from an abandoned former mine site on Prince of Wales Island.

As tribes develop their programs to meet the environmental needs of their communities, several challenges remain. For example, tribes may:

- Lack dedicated funding for tribal environmental program capacity building, making it difficult to develop expertise and technical skills.
- Be challenged by the environmental damage from illegal activity (random dumping or meth labs) by non-tribal persons or entities.
- Face jurisdictional issues that can make managing and resolving environmental issues difficult.
- Experience a lack of development opportunity because of complex property ownership issues in Indian country.

The approaches highlighted in this report demonstrate how tribal response programs continue to evolve and address these challenges. Tribes are using Section 128(a) Tribal Response Program funds to build their programs and develop expertise and technical skills. Tribes are dealing directly with the effect of meth labs in Indian country and reaching out to their state environmental counterparts to work collaboratively on environmental issues.

Tribes indicate that they will focus resources on the following activities in the coming years:

- *Leveraging additional funding and resources to meet gaps in funding and technical assistance* – Many tribes are considering applying for additional EPA Brownfields grants and leveraging other resources to build on their existing programs.
- *Developing the capacity to conduct Phase I and oversee Phase II assessments* – More tribes are attending training with the long-term plans of enabling staff to become “Qualified Environmental

Professionals” to conduct Phase I assessments and to gain the expertise to better oversee consultants as they conduct Phase II site assessments. The goal is to streamline the assessment process and reduce the costs associated with characterizing a property.

- *Increasing community education and ensuring cultural sensitivity in outreach efforts* – Tribes will continue to work closely with their tribal and surrounding communities to increase awareness of brownfields issues, environmental stewardship and cultural history.
- *Increasing meth lab assessment and cleanup ordinance development and training* – With the growing number of illegal meth lab production sites and meth use sites across the country, tribes are creating ordinances to clean up meth lab sites and attending trainings to determine how to identify illegal manufacturing processes, assess former meth lab sites and remediate these properties.

What works for us is who we are.
It is empowering.
We know our blood, we know our heritage.

Carol J. Jorgensen, Tlingit



Carol J. Jorgensen (Shuk de Hait)
1945 - 2009



**United States
Environmental Protection
Agency**

**Office of Solid Waste
and Emergency Response**

EPA-560-F-09-521
November 2009
www.epa.gov/brownfields