
Tribal Environmental Plan 2015

Oak Flat Tribe

October 1, 2015

EXAMPLE

I. Purpose and Goals

The purpose of this Tribal Environmental Plan is to create a single source for environment-related information about the Tribe and its Reservation. The goal of the environmental program is to ensure the health and safety of all people who live, work and/or visit the Oak Flat Reservation (OFR) by monitoring and enforcing of applicable Tribal and Federal laws and regulations.

II. Geography, History and Current Community Information

A. History

The Oak Flat Reservation (Reservation), established by Executive Order in 1886, is home to the Oak Flat Tribe (Tribe). As described on the Tribe's website:

["Here is a brief one-page history of the Tribe"]

B. Geography and Location

The Reservation is situated 2 hours east of Metropolis and 2 hours west of the Blue River in the Pine Valley of California. It consists of 2,000 acres of land.

The Reservation includes 3 creeks and a vast supply of groundwater. Roughly, the Reservation has two types of geography: desert floor and mountains/canyons.

Infrastructure and utilities of regional and national scale traverse the northeast area of the Reservation:

- Interstate 4A
- Union Pacific Railroad
- A natural gas transmission line
- An electrical transmission corridor

The Reservation lies within the Blue Pine Desert, a subdivision of the much larger Southwestern Desert. Weather is typical of a desert environment:

"On the floor of the Pine Valley, annual rainfall averages approximately four inches, with peaks occurring in both the winter and summer months. Winter temperatures are generally mild, with average temperatures reaching approximately 70 degrees Fahrenheit (°F) during the day and approximately 50°F at night. With summer daytime highs averaging 108°F, the month of July brings the hottest temperatures. Variation from these general climatic conditions occurs in the Blue Mountains, where temperatures are cooler and precipitation is greater. In the higher elevations...freezing temperatures and snow can be expected during winter."

C. Land Use

[here is a description of the types of land on the Reservation and who has jurisdiction over zoning, building, and transfers of each land type: Fee, tribal trust, trust allotment, assignment]. Also a map is provided of the land types.

D. Population and Economy

The Tribal membership is currently over 300 people; however, the 2010 Census counted 781 residents within the Reservation boundaries. The Reservation is also host to an established economy that includes hotels, restaurants, shops, gas stations, a golf course, a hotel, and many other land uses.

A recently completed market analysis provides information on the greater Pine Valley area which includes much of the Reservation valley floor:

- ✓ Current population growth is about 0.5% per year
- ✓ Projected population growth is about 1% per year until 2035
- ✓ Median age is 52 with an average household size of 1.93 people per home.

Generally, the Reservation is expected to see modest growth in the next 20 years. The Tribe expects it will be necessary to address environmental problems associated with urban development on the Reservation well into the future.

E. Tribal Holdings & Businesses

An estimated 1,100 people live on the Reservation, with an expanded population during the winter months. The Tribe owns and manages various properties on the Reservations. Businesses and Tribal holdings are shown on Exhibit A and described below:

GOVERNMENT & COMMUNITY FACILITIES

1. Tribal Administration Plaza
This 3-story office houses government offices of the Tribe and is located on a major street in the middle of the Reservation.
2. Tribal Building
This building is located just north of the Tribe's construction staging area and is a gathering place for Tribal Members only. This is not a public building; permission to use it must be approved by the Tribal Building Committee.
3. Tribal Warehouse
This warehouse is used by the Tribe as storage for its businesses.
4. Big Time Ranch
This historic ranch owned by the Tribe includes 2 water wells, 2 retention ponds and a flowmeter that measures surface water flows from the Blue River.

GOLF COURSE

5. Blue River Links
The Tribe operates this 18-hole golf course on allotted trust land via a Master Lease. It is open to the public and includes a pro shop, restaurant, and driving range. It has 1 well, now decommissioned, and uses reclaimed water for irrigation.

LEASABLE OFFICE SPACE

6. Pinetop Plaza Office Complex
The Tribe operates this office complex on allotted trust land via a Master Lease. It was built in 1985 and offers leasable office space to the public. The Tribal Headstart Office is also located in this facility.

III. Environmental Program

The Tribe is active in many environmentally related efforts in addition to those funded through the EPA-Performance Partnership Grant (PPG) program. The Tribe is a long-standing and well respected steward of its environmental resources including: water, air, habitat conservation, solid waste/illegal dumping, sustainability and emergency planning and management.

A. EPA-funded program description

In 1997 the Tribe began receiving federal funding from the Environmental Protection Agency (EPA) set-aside for tribes who want to monitor and manage their water resources. The Program has expanded to include funding under water pollution prevention programs: 106-Point Source Pollution and 319-Non-point Source Pollution as well as the General Assistance Program (GAP). Every year, Tribal Staff submit a work plan to EPA describing proposed tasks for the coming year, how much funding is requested, and how the funds will be spent. Tribal staff submits quarterly progress reports and an annual Water Quality Assessment Report (WQAR) to the EPA. The Tribe has been steadily collecting both surface and groundwater data since 1998 and is continuing to collect this data.

The program primarily utilizes four (4) Tribal staff:

- Bulleted list of positions
- Bulleted list of positions

The program also provides funding to allow other Tribal Government staff to be used on a project-by-project basis as needed:

- Tribal GIS Group
- Tribal Maintenance Crews
- Tribal Rangers

In addition to the Performance Partnership Grant, the Tribe also receives federal funding from:
Bureau of Indian Affairs: Environmental Management, Parks & Wildlife, Aid To Tribal Governments
Federal Highways Administration: Tribal Transportation Program
Federal Emergency Management Agency

B. Programs supported by EPA funding

WATER RESOURCES

Since 1998, the Tribe has managed an EPA-funded water quality monitoring program (106 & 319), collecting and analyzing data over the last 17 years. The Tribe collects samples from 18 surface water sites, 3 storm water sites, 10 spring sites, and 12 groundwater wells. The basic objectives of the Tribal water program are to:

- Identify baseline conditions
- Identify water quality problem areas
- Monitor for adverse impacts from contamination of and/or overuse of the groundwater
- Monitor for adverse impacts from groundwater recharge activities

SOLID WASTE AND ILLEGAL DUMPING

The Tribe conducts code enforcement action and property cleanups on the Reservation. Tribal trust

land is cleaned up by Tribal Maintenance Crews. Allotted trust land subject to a land use contract is addressed by qualified local agency staff in accordance with land use and property maintenance regulations of that agency. Any land on the Reservation that does not fall under a land use contract is subject to the Tribal Property Standards (Ord. No. 17) for code enforcement on the Reservation.

SUSTAINABILITY AND CLIMATE CHANGE

Because so much of the Reservation is urbanized and continues to be subject to development pressure, there is a need to encourage and promote low impact development including green building standards, use of low water landscaping and compact development. In collaboration with the Pine Valley Association of Governments, the Tribe has developed a Draft Climate Action Plan (Draft CAP) that provides a roadmap for greenhouse gas reduction on the Reservation. The Draft CAP provides a framework for reducing greenhouse gases on the Reservation to 1990 levels by the year 2020. This goal is inspired by the State of California Assembly Bill 32 that requires the State to reduce its emissions by the same amount.

C. Non-EPA Funded Tribal Environmental Programs

TRIBAL HABITAT CONSERVATION PLAN

In 2007, the Tribal adopted a multi-species habitat conservation plan (THCP) for the entire Reservation. This Plan guides all development on the Reservation, including land subject to land use contracts. The THCP establishes goals for habitat conservation for 21 species of flora and fauna that exist on the Reservation including several federally endangered species. It also sets restrictions on development in certain areas of the Reservation, requiring dedication of pristine habitat for permanent conservation. To fund land acquisition and management, it collects a Tribal HCP Fee from all new development on the Reservation. In consultation with the U.S. Fish & Wildlife Service, the Tribe will acquire habitat identified and prioritized in the THCP. Implementation of the THCP includes:

- Collection of the Tribal HCP Fee on new development projects that impact habitat
- Review of new development projects on the Reservation for compliance with the THCP and imposition of mitigation measures as warranted.
- Review and comment on Federal rules and regulations related to the Endangered Species Act
- Cooperating on biological field surveys to assess habitat of covered species.

D. Other Tribal Planning Documents

PRE-DISASTER MULTI-HAZARD MITIGATION PLAN

The Tribe adopted its PDMP in 2010 with funding from the Federal Emergency Management Administration (FEMA). This Plan includes an assessment of the likelihood of potential disasters and their effect on the Reservation; an inventory of existing Tribal facilities, and recommendations to minimize impacts. With the establishment of an Emergency Management Department, the Plan has served as the launch point for the Tribe's current status as a fully-NIMS-compliant government and ongoing expansion of its EM role in Indian Country and the Pine Valley.

FIRE MANAGEMENT & FOREST MANAGEMENT PLANS

As required by the Bureau of Indian Affairs, the Tribe completed a Fire Management Plan that guides the Tribe's actions in fire emergencies. It also completed a Forest Management Plan to address the small amount of timber available in the upper reaches of the Reservation.

IV. Prioritized Environmental Issues and Solutions

There are four (4) mandatory components to an ETEP that are listed below and will be discussed in detail in this section.

- Identification of tribal environmental program priorities, including capacity building and program implementation goals
- Identification of EPA program priorities and management requirements
- An inventory of regulated facilities/sites/activities
- Identification of mutual roles and responsibilities

A. *Water: (Pollution, Wastewater, Water Quality Standards)*

EPA Indicators:

D 3.2: Staff has completed training and acquired baseline knowledge and skills related to the CWA and SDWA

D 3.10: Tribe has developed a water quality monitoring strategy.

D 3.11: Tribe has developed quality assurance project plan (QAPP) associated with the water quality monitoring strategy.

D 3.13: Tribe has developed a water quality program.

Short description of the priority:

Native Americans are the original inhabitants of the Pine Valley, having resided in the Valley for millennia. The water in the Valley has sustained these Native American people agriculturally, economically, culturally and spiritually during the entirety of this long period, as it still does today. By virtue of their sustained and lengthy inhabitation of the Valley, the resident tribes currently possess water rights, and claims to water rights, under established federal law and doctrine.

The Oak Flat Tribe and its members possess reserved water rights in the Pine Valley. Federal law recognizes and protects the Tribe's aboriginal use right to water, as well as the rights to water associated with the creation of its Reservation in the Valley in 1876. The Tribe's reserved water rights are among the most senior rights in the Pine Valley. A small portion of the Tribe's reserved right to surface water from Red and Purple Creeks was asserted by the United States, as trustee for the Tribe, and adjudicated by the State of California in the 1938 Blue River Adjudication. The United States asserted additional groundwater rights in that adjudication, but no action was taken on those rights at that time as the court determined groundwater was beyond its jurisdiction. The Tribe possesses these other, as yet un-adjudicated, surface and groundwater rights in the Pine Valley.

The water supply for the Oak Flat Tribe is provided by the Pine Water Agency (PWA) and the Pine Valley Water District (PVWD). Both of these public water companies rely on groundwater pumped from wells to serve customers water for municipal, domestic and irrigation purposes. The groundwater aquifer has been in overdraft since the 1930's—a practice that is acknowledged and continues today despite protests from the Tribe.

The Tribe's long-term environmental program development goals that help to address or support the priority:

Per the final guidance document from EPA, the Program is at an intermediate level. Long-term, it is most important to develop staff capabilities sufficient to participate in active management of a

Tribally-managed water resource. It is envisioned that this will include: education in water rights, training in how to write water quality standards, and training in operating and managing a public drinking water system.

Intermediate program development milestones the tribal government would like to meet during the time period of the ETEP:

Develop staff capabilities to conduct all water monitoring and sampling activities, including database management, relying only on a contract hydrogeologist for technical expertise/recommendations. Provide Tribal staff continuing training related to water rights, water management and environmental issues related to water quality.

The Tribe's plans to manage authorized environmental programs:

The Tribe expects to apply for TAS for water quality standards and adopt a water code. The Tribe has conducted substantial research into water quality standards and how they would be applied on the Reservation.

Any type of assistance (training, technical assistance, EPA direct implementation actions, financial, etc.) that may be needed:

The Tribe will continue to need access and funding for training in all aspects of water resource management. Access to EPA staff with technical expertise is also valuable to the Tribe.

B. Solid Waste: Illegal Dumping, Solid Waste Management

EPA Indicators:

E 3.7: Tribe has a tribally-approved Integrated Waste Management Plan (IWMP)

Short description of the priority:

Vacant allotments across the Reservation are dumping grounds for a variety of waste including demolition and construction debris, yard and landscape clippings, and used tires. In addition to illegal dumping by unknown parties, during the winter often these same allotments are used as camping sites for homeless and other vagrants in the area without knowledge and permission of the landowners. A significant amount of time and money is spent annually to clean up dumping and remove vagrants (who also leave behind trash) from properties. Exhibit 3 shows the most recent properties subject to illegal dumping on the Reservation and the amount of money spent on clean up. The Tribe works collaboratively with local agency code enforcement staff and BIA staff to resolve these issues.

Areas subject to land use contracts are subject to State waste regulations and have access to solid waste pickup and disposal services as well as recycling services. Reservation areas not subject to land use contracts are not required to have solid waste disposal and pickup services or recycling but do have access to them if desired.

The California State Integrated Waste Management Act requires at least a 50% diversion rate of solid waste for recycling by 2000. A new law being considered now proposes to mandate a 75% diversion rate by 2020.

The Tribe's long-term environmental program development goals that help to address or support the priority:

The most important long-term goal is to reduce by 50% (or greater) the number of allotments on the Reservation subject to illegal dumping.

Intermediate program development milestones the tribal government would like to meet during the time period of the ETEP:

To provide training and education to Tribal Staff to allow them to develop new Tribal programs for solid waste reduction and increased recycling. Equally important is to improve Tribal staff capacity to conduct code enforcement actions.

The Tribe's plans to manage authorized environmental programs:

The Tribe adopted its own Solid Waste Management Plan in 2012 and is implementing that plan.

Any type of assistance (training, technical assistance, EPA direct implementation actions, financial, etc.) that may be needed:

Tribal staff will continue to need training in solid waste and recycling management.

C. *Climate Change and Sustainability*

EPA Indicators:

C 3.14: Tribe has developed a climate change vulnerability/risk assessment.

C 3.17: Tribe has established energy efficiency policies and programs.

Short description of the priority:

In response to changing climate conditions, the Tribe is considering ways to reduce the carbon footprint of its government and operations and to considering policies to support greenhouse gas reduction throughout the Reservation. Under a grant from the California Public Utilities Commission via Southern California Edison and the Pine Valley Association of Governments, the Tribe developed a reservation-wide and governmental Greenhouse Gas Inventory, Draft Climate Action Plan and Draft Energy Action Plan.

The Tribe's long-term environmental program development goals that help to address or support the priority:

The Tribe long-term goal will be to implement the Tribal Sustainability Policies adopted by the Tribal Council in October 2014 and to accurately track its progress in reducing greenhouse gas emissions in both Tribal government/operations and Reservation-wide.

Intermediate program development milestones the tribal government would like to meet during the time period of the ETEP:

Tribal Staff will:

- Prepare a modified/updated Climate Action Plan for Tribal Council consideration
- Establish and conduct a monitoring program to track improvements in energy efficiency and

greenhouse gas reduction attributable to the Tribe.

- Seek grant funding for implementation of the Tribal Sustainability Policies and future CAP.

The Tribe's plans to manage authorized environmental programs:

The Tribe has no plans to assume authorization of an environmental program for climate change.

Any type of assistance (training, technical assistance, EPA direct implementation actions, financial, etc.) that may be needed:

The Tribe would be interested in grants that would support future updates and expansion of the CAP and EAP and training related to implementing and monitoring a climate action plan.

D. Air Quality

Short description of the priority:

Air Quality on the Reservation is intertwined with the air quality in the entire Pine Valley. The OFT is within the Greater Blue River Valley Air Basin—a basin that does not meet State standards for air quality. Specifically, the Basin is a non-attainment area for Ozone and PM10 and has reached attainment for CO.

The Tribe is a member of the Pine Valley Association of Governments (PVAG) and the Southern California Association of Governments (SCAG). Both are agencies that lead efforts to improve air quality in the region. Areas of the Reservation subject to a land use contract follow State air quality requirements as part of land use regulations imposed by each agent agency. Those areas of the Reservation not subject to a land use contract follow Federal air quality requirements as well as additional mitigations the Tribe deems appropriate for each project/development. State air quality standards are voluntarily followed for consistency with local cities/County.

The Tribe's long-term environmental program development goals that help to address or support the priority:

Because of the complexity of land use regulation on the Reservation, Tribal Staff in the long-term will continue to be responsible for:

- a. Learning and understanding State and Federal air quality laws and regulations and monitoring changes to the regulations that affect Reservation land.
- b. Monitoring changes in air quality via review and monitoring of statewide data.
- c. Participating in meetings at CVAG regarding air quality issues that impact the Reservation including issues surrounding the Salton Sea.
- d. Continuing to understand the interrelationship between air quality, greenhouse gas emissions and climate change.

Intermediate program development milestones the tribal government would like to meet during the time period of the ETEP:

Tribal Staff will continue to attend training and informational meetings.

The Tribe's plans to manage authorized environmental programs:

There is no need to establish an independent air quality monitoring program because there are already

abundant resources for mitigation and data.

Any type of assistance (training, technical assistance, EPA direct implementation actions, financial, etc.) that may be needed:

None, although access to EPA staff with technical expertise is also valuable to the Tribe.

EXAMPLE