Building Government to Government Relations: Benefits to Building Capacity for Emergency Response

Mille Lacs Band of Ojibwe Indians
Curt Kalk, Commissioner
Jammie Thomas-Rasset, Brownfield Coordinator
MLB DNR/E
Basis of Interagency Communication

• Two Orders determining communication
  – EPA National Guidance on the Enforcement Principles outlined in 1984 Indian Policy
  – MN Executive Order 03-05 (April 2003) “Affirming the Government to Government Relationship between the State of Minnesota and each of the (11) Tribal Governments”
Examples of State/Tribal/EPA Interaction

• Two petroleum spills affecting Tribal Trust resources
  – Koch crude oil spill within the 1837 Ceded Territory affecting potential hunting and gathering rights
  – Private owner fuel oil spill located within Mille Lacs Band reservation boundaries affecting potential fishing and gathering rights
Examples of State/Tribal/EPA Interaction

• Merit Enterprises, Inc. fire in Isle, MN
  – A metal plating facility burned Nov. 2008 with known caustic and harmful chemicals located on site

• UST Inspections conducted by Region 5 EPA in 2003
  – USEPA inspections conducted with MLB with invitation sent to MPCA
Examples of State/Tribal/EPA Interaction

- Treaty Resource Management
- Fisheries Harvest Plan
  - Written with MN DNR
- MOU with MPCA for notification and consultation on:
  - Air Permits (2006)
  - Water Permits (2009)
Examples of State/Tribal/EPA Interaction

• Tribal Emergency Response Plan
  – Regional MOUs with all Emergency Response personnel (police, fire, ambulance)
  – State duty officer has all Federal Agencies Emergency Operations personnel included on notification list (BIA, EPA, DOI, IHS)
Notifications

- Koch crude oil spill notification came from EPA
- Private homeowner fuel oil spill notification came from MPCA
- Merit Enterprises, Inc. fire notification came from MPCA
- UST Inspections notification and invitation goes to MPCA from MLB
Notifications

• Air and Water permits notification from MPCA
• Treaty Resource Management and Fisheries Harvest Plan notification between MLB and MNDNR
• Any emergency release notification between all parties (regional emergency response, MLB, MNDNR, EPA, BIA, DOI, IHS, MN State Duty Officer)
Koch: Response Actions
Koch: Response Actions

- Approximately 1,600 barrels of crude oil was released from a ruptured 300,000 barrels-a-day pipeline on June 26, 2006
- Spill located outside of Little Falls, MN, within the 1837 Ceded Territory
- Spill located in wetlands which drain into the Mississippi River
Koch: Response Actions
Koch: Response Actions

• As part of mitigation for this site, Koch was required to complete a wild rice restoration project within the 1837 Ceded Territory, based on recommendations from the Mille Lacs Band of Ojibwe.
Private Fuel Oil Spill: Response Actions
Private Fuel Oil Spill: Response Actions

• Approximately 250 gallons of fuel oil was reported released on March 13, 2008 from a ruptured tank on privately owned fee status property
• Spill was located within the Mille Lacs Band of Ojibwe reservation boundaries
• Spill was within 150’ of Lake Mille Lacs
Private Fuel Oil Spill: Response Actions
Private Fuel Oil Spill: Response Actions

- The Mille Lacs Band of Ojibwe will remain notified of all actions with this site until a No-Further Action letter is filed.
- The tribe’s Brownfield 128(a) program to provide input only during the clean-up.
- The tribe also asked for technical assistance for this site from the EPA.
Merit Enterprises, Inc.: Response Actions

- A metal plating facility and Large Quantity Generator (LQG) located in Isle, MN, burned on Nov. 28, 2008, the Thanksgiving holiday weekend.
- Due to a miscommunication with new fire chiefs in Isle, MLB was notified of the fire by MPCA on Dec. 4, 2008, 6 days after the fire.
- The MPCA invited the tribe for a site visit Dec. 11, 2008.
Merit Enterprises, Inc.: Response Actions

- With permission from the owner of Merit Enterprises, the Band’s Brownfield Response Program entered this site into its inventory
- The Band’s Brownfield Response Program has assisted Merit Enterprises by paying for some initial contaminant testing
- The Band continues communication with MPCA concerning this site
UST Inspections: Response Actions

• MPCA requested that when Region 5 EPA performs inspections within the MLB reservation boundaries:
  – Notification to MPCA where and when EPA will be conducting inspections
  – Invite MPCA to participate
  – Copy MPCA on all correspondence related to inspections
UST Inspections: Response Actions

• In 2004, MLB and MPCA developed a notification protocol for UST inspections within the MLB reservation
• Protocol implemented for inspections conducted by EPA Region 5 in 2007
Air and Water Permits: Response Actions

- MOU with MPCA for notification and consultation on both Air (2006) and Water (2009) permits
- Enhanced communication between tribes and MPCA
- Provides opportunities for tribes to review and comment prior to public notice
Fisheries Harvest Plan: Response Actions

• Agreement written every year between all tribes harvesting Mille Lacs Lake, MNDNR, GLFWC, and US Fish and Wildlife
  – Commissioner of MLB DNR/E attends quarterly meeting to discuss fisheries harvest plan drafting, implementation and any concerns raised from prior years
Questions?
MILLE LACS BAND OF OJIBWE INDIANS
Executive Branch of Tribal Government

Curt Kalk
Commissioner
Department of Natural Resources and Environment
43408 Oodena Drive
Onamia, MN 56359-2236

Phone: 320-532-7452 / 800-709-6445 ext. 7452
Cell: 320-630-2427
Fax: 320-532-7514
e-mail: curt.kalk@millelacsband.com