

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

Mille Lacs Band of Ojibwe Indians

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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

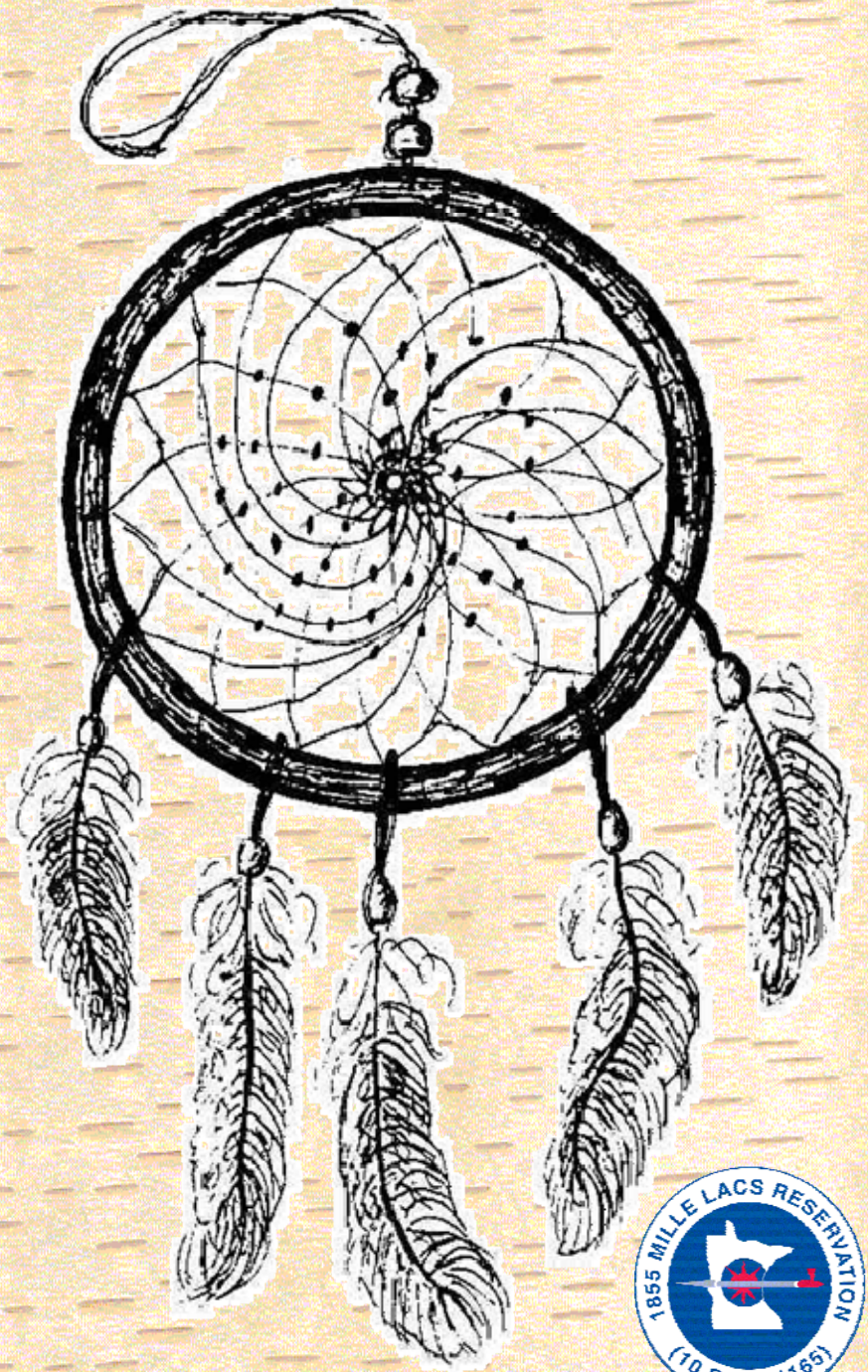


Fisheries Harvest Plan: Response Actions

- 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?





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