



Tribal Accomplishments & Issues Report 2007

*Prepared for the Border 2012 National Coordinators Meeting
~ May 22-24 2007 ~ San Antonio, TX ~*





TRIBAL ACCOMPLISHMENTS & ISSUES REPORT

BORDER 2012 NATIONAL COORDINATORS MEETING

May 22 – 24, 2007 - San Antonio, Texas

Border Tribes - Arizona

Cocopah Indian Tribe

Quechan Indian Tribe

Pascua Yaqui Tribe

Tohono O'odham Nation

Border Tribes - California

Barona Band of Mission Indians

Campo Band of the Kumeyaay Nation

Capitan Grande Reservation

Ewiaapaayp Band of Mission Indians

Inaja-Cosmit Band of Mission Indians

Jamul Indian Village

La Jolla Band of Luiseño Indians

La Posta Band of Mission Indians

Los Coyotes Band of Indians

Manzanita Band of Kumeyaay Indians

Mesa Grande Band of Indians

Pala Band of Mission Indians

Pauma-Yuima Band of Mission Indians

Pechanga Band of Luiseño Indians

Rincon Luiseño Band of Indians

San Pasqual Band of Indians

Santa Ysabel Band of Diegueño Indians

Sycuan Band of Kumeyaay Nation

Torres Martinez Desert Cahuilla Indians

Viejas Band of Kumeyaay Indians

Border Tribes - Texas

Kickapoo Traditional Tribe of Texas

Ysleta del Sur Pueblo of Texas

Indigenous Communities - Mexico

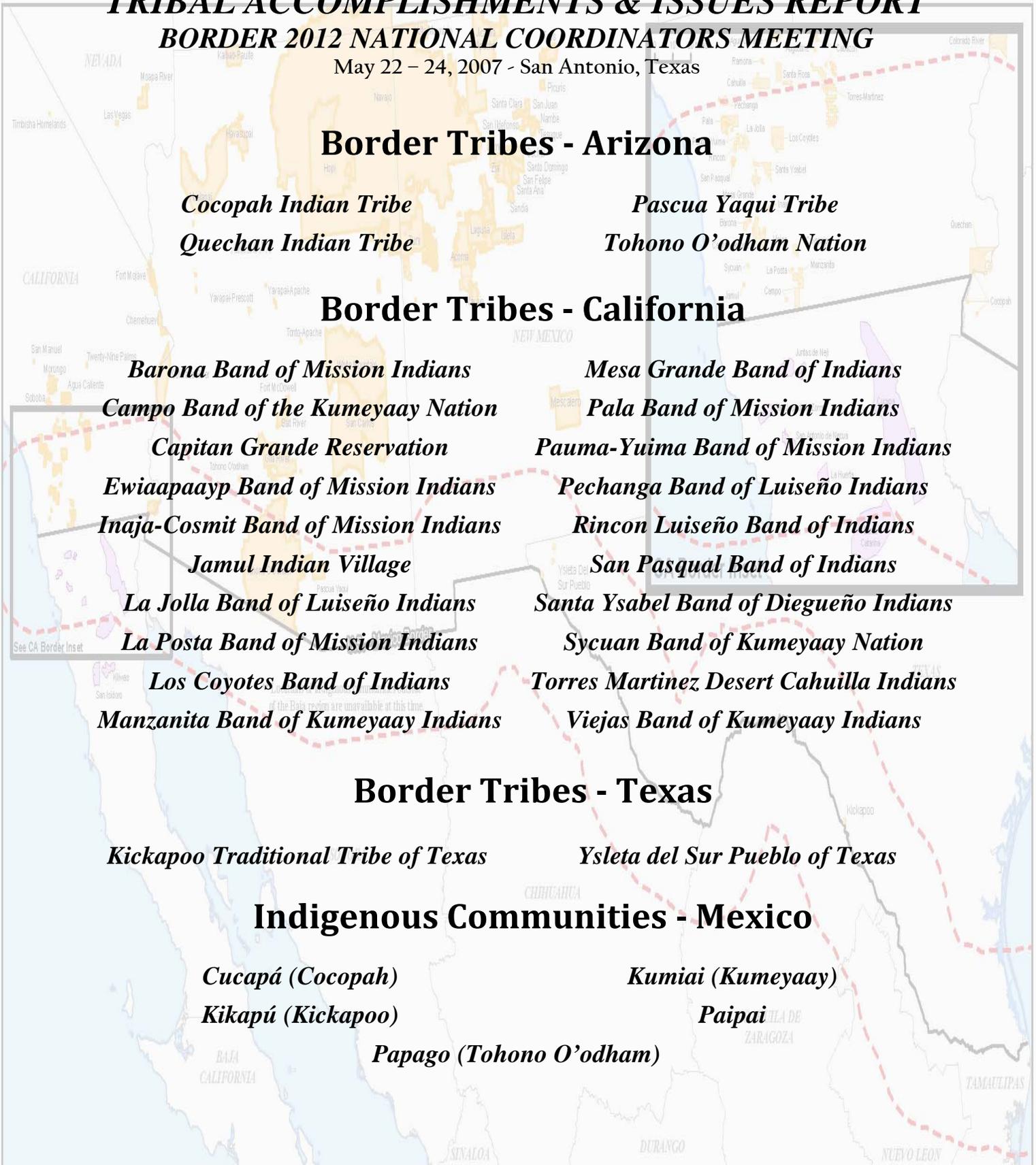
Cucapá (Cocopah)

Kikapú (Kickapoo)

Papago (Tohono O'odham)

Kumiai (Kumeyaay)

Paipai



Introduction

This is the third report put together by the Border Tribes for the National Coordinators' Meeting. The intent is to demonstrate the wonderful work the tribal and indigenous communities are doing in the Border Region. We have listed many accomplishments, but certainly not all of them and while Tribes in the Border Region have completed many great project accomplishments in the past year, funding for projects has been varied.

Out of all of the accomplishments shown within this document, in 2006/2007, three (3) were funded by Border 2012, four (4) by the Tribal Border Infrastructure program, and (3) by Border funds from Environmental Protection Agency's (EPA) Office of International Affairs. Tribes have had to use other grants (federal, state and private) and their own tribal funds to make their communities environmentally safe. This shows how dedicated Tribes are to their members and communities that they will do whatever is needed and to also raise the issue of the need for more funding for Tribes in the Border 2012 program. Tribes request that the Border 2012 program fund more tribal projects given the vast issues identified in this report and EPA's trust responsibility to the U.S. Tribes. Using other EPA program funds for tribal border needs reduces the overall availability of program funds for the non-Border Tribes and does not generate additional environmental improvements. For indigenous communities in Mexico, the Border 2012 Program is one of the few funding sources available to address tribal environmental needs.

Lastly, we have placed our issues at the end of this report, not because they are insignificant, but because we wanted to focus on the positive of what we do for our communities and our natural/cultural resources. The issues may not be as lengthy as the accomplishments, but they are by no means less important. Below is a list of key issues for the Border Tribes and Indigenous communities:

- ✓ Goal 1-Water:
 - Lack of access to safe drinking water and basic sanitation,
 - Groundwater contamination and water supply;
- ✓ Goal 2-Air:
 - Priority funding for Tribes in non-attainment areas,
 - Funding for indoor air,
 - Air pollution at Ysleta del Sur Pueblo from brick kilns and smelter in El Paso,
 - Air pollution from farm tilling and pesticide use
 - Expansion of the Arizona Border Task Force to include western Arizona Tribes;
- ✓ Goal 3-Waste:
 - Proliferation of illegal dumps,
 - Trash burning,
 - Undocumented migrant waste;
- ✓ Goal 4-Environmental Health:
 - Unknown worker exposure to pesticides,
 - Avian influenza preparedness,
 - High bacteria count in river waters;
- ✓ Goal 5-Chemical Exposure:
 - Tri-national response plans and emergency preparedness; and
- ✓ Goal 6-Environmental Stewardship:

- Global climate change,
- Sustainable development.

We still have a great deal to do and must be ever vigilant on the forces that affect our communities.

Coordination with Border 2012 Workgroups and Taskforces

In the Border Region, there are a total of twenty-six (26) Tribes in the U.S., seven (7) indigenous communities in Baja California, and eight (8) O’odham in Sonora, recognized by Mexico and the Tohono O’odham Nation. Arizona and California both have Tribal Border Liaisons that work with Tribes in the Border Region of Region 9 which covers 24 of the U.S. Tribes. They also work with the Indigenous communities in Sonora and Baja California, Mexico.

In the beginning, the relationship between the Tribes/Indigenous communities and the task forces was tenuous with neither knowing exactly where or how they were to work together. This past year, we have seen an increase in tribal participation in several of the task forces in California and appointed our first Tribal Co-chair of the San Diego/Tijuana Air Task Force. We also had a remarkable turnout at the 2006 National Coordinators’ Meeting in Ensenada, Baja California, Mexico.

Tribal Caucus Meetings

Every year Arizona and California Border Tribal Liaisons hold a Tribal Border Caucus Meeting to meet with Tribes and indigenous communities to gather information about issues that are affecting their communities. All Border Tribes and Indigenous communities are welcomed to attend the Caucus meetings. The information gathered is translated into a report that is distributed to participants at the annual National Coordinators’ Meeting.

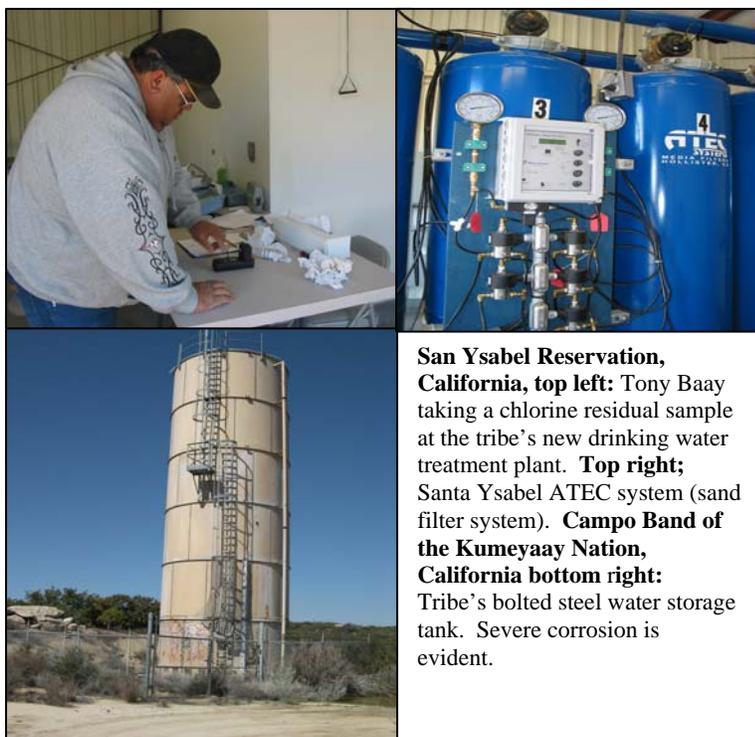
Border 2012 Tribal Accomplishments

Goal 1 – Reduce Water Contamination

Water Infrastructure

Since its inception in 1996, the program has funded 42 projects for 16 Tribes, providing safe drinking water and/or basic sanitation for 8,114 homes at a cost of \$3,623 per home. An additional \$1M was provided for tribal border infrastructure this year. On the U.S. side of the border, Tribes have been improving their water and sanitation to protect their communities and reservations. With funds from EPA's Tribal Border Infrastructure Program and supplemental tribal funding, U.S. Tribes completed several water and wastewater infrastructure projects. Two-thirds of the projects are complete or under construction.

The Santa Ysabel Band of Diegueño Indians has completed a new drinking water treatment plant. This plant removes high levels of iron and manganese. For the first time, residents are drinking water from the tap.



One of the new projects funded this year is the replacement of a water storage tank for the Campo Band of the Kumeyaay Nation (Campo). The existing 70,000-gallon old tank is at risk of catastrophic failure because some of the anchor bolts are corroded due to numerous leaks. The fence has also been breached allowing access for vandals.

The La Jolla Band of Luiseño Indians (La Jolla) is completing a new wastewater treatment facility. EPA's Tribal Border Infrastructure program funded construction of this

facility, the second only such facility in San Diego County, to treat septage from septic tanks on the Reservation. La Jolla is also addressing the challenge of properly operating and maintaining septic systems by implementing a Tribal Collaborative (Collaborative) for On-Site Wastewater Management. With support from EPA, the San Diego Foundation, Indian Health Service, Rural California Assistance Corporation, and Walking Shield, the Collaborative will implement an on-site wastewater management plans for La Jolla and other participating Tribes. This will ensure improved water quality for the San Luis Rey River watershed and reduce the overall cost of on-site wastewater management.

The Torres Martinez Desert Cahuilla Indians (Torres Martinez), in the last week of March 2007, hosted a 4-day training where 40 Tribes participated in learning how to properly collect and ship

samples, equipment usage, quality assurance project plan (QAPP) preparation and Macro-invertebrate training.



La Jolla Band of Luiseño Indians, California: La Jolla wastewater facility construction to replace old septage pond.

San Francisquito, an O'odham indigenous community in Sonora, Mexico, receives drinking water from an irrigation well contaminated with total and fecal coliforms and arsenic at 16ppb which exceeds US drinking water standards. Community members drink this contaminated water without treatment. With funds from EPA's Office of International Affairs, a new well will be drilled for the community to provide safe drinking water. Additional funds are needed to improve the water storage tank and distribution system. The Nation has invited Mexico's Commission for the Development of Indigenous Peoples to participate in the project, much like CDI participated in providing safe drinking water to the indigenous communities in Baja California.

Construction of the Tohono O'odham Nation's Baboquivari Intertie project will provide safe drinking water to several small communities that currently have high levels of arsenic and sanding poor water quality. Regionalizing water systems can reduce operation and maintenance costs by eliminating the need for multiple water sources and treatment plants.



Tohono O'odham Nation, Arizona: The Tribes Baboquivari Intertie Project, 15 miles long, connects four communities

Asset Management

An area that all Tribes are struggling to cover financially is operation and maintenance (O&M) of water and waste water facilities. The Rincon Luiseño Band of Indians (Rincon) has proven that innovative operation and maintenance solutions do not have to be high-tech. A common problem for drinking water operators is fixing broken water mains. These breaks require immediate action to shut off water supply to the broken pipe in order to reduce the threat of contamination. However, locating a shut-off valve can be a challenge, especially after-hours when system maps are locked in an office. When Indian Health Service (IHS) completed a new drinking water distribution system for Rincon, IHS engineer Sean Bush found a simple solution. The new water distribution system includes shut-off valve markers on the side of the road which show the location of the valve, the water main diameter and direction of flow.

The Pechanga Band of Luiseño Indians (Pechanga) received funds from EPA Source Water Assessment Program to conduct a source water assessment and complete a Septic Tank Survey for the continued understanding and protection of Pechanga's underground water sources. The septic tank and leach fields were identified and GPS'd. This information was then coordinated



Rincon Luiseno Band of Indians, California, top: shut-off valve markers on the side of the road. These markers show the location of the valve, the water main diameter and direction of flow; **Pechanga Band of Luiseno Indians, California, bottom left:** Holly well closure.

with existing well locations to show proximity of septic tanks and leach fields to wells and the creek. This information will be used to determine priority for well closures and education for future protective efforts. This information also works with the new software EPA promoted for source water protection WHAEM. Under EPA Source Water Protection Program (SWPP), Torres Martinez received a Source Water Assessment grant that looked at conditions of two (2) public drinking water wells.

Recommendations were made as to what needed to be done to protect these drinking water wells. The tribe also had a Water Contingency Planning Document prepared which identified what needs to be completed and implemented to prepare for an emergency plan for safe drinking water on the reservation.

Pechanga also closed five open wells this year. Two wells were closed with funds received from EPA and another three with tribal funds. These projects were completed in accordance with best management practices identified in a 2001 well head protection plan. The closures utilized state standards for proper abandonment. These wells had been identified for closure in the wellhead protection plan.

Pechanga also participated in a sanitary survey of the tribally operated drinking water system including an internal system used by the economic development projects. This is an example of the tribe's continuing desire to provide the safe drinking water for the reservation community as well as visitors to the reservation. EPA Sanitary Survey is part of on-going EPA compliance requirements for drinking water systems.

The indigenous communities, San Antonio Necua and San José de la Zorra, in Baja California now have safe drinking water, thanks to a bi-national collaborative project with strong support from Mexico's Commission for the Development of Indigenous Peoples (CDI), Baja California State Government and EPA. This project is the result of years of effort by Mexican and US Tribes, grassroots organizations, government agencies and volunteers working together to provide safe drinking water for native Baja Californians.

Key participants over the years include leaders and members of the indigenous communities, Pala, Campo, Native Cultures Institute of Baja California (CUNA), Aqualink Water Systems, JAN JAN Coalition, Southwest Center for Environmental Research and Policy and the Baja California Intertribal Council. The U.S. and Mexican delegation along, with several different U.S. and Mexican tribal representatives, participated in a tribal blessing of the newly drilled well following the 2006 National Coordinator's Meeting.



Top left: The traditional authority of San José de la Zorra Doña Gloria Castañeda blessing the first workshop. **Top right:** Water board members discussing plans. **Bottom left:** Engineer Quiñonez explaining the new system. **Bottom right:** Discussing the differences between U.S. and Mexican water systems.

Currently the communities who have received the new water systems are completing their household connections and finishing the installation of connections in areas that were too far to be reached on the regular distribution line. Each of the communities receiving new water systems in Baja California have formed 5-member water boards

who are currently in charge of ensuring appropriate upkeep and maintenance of the new water systems. In San José de la Zorra, the treasurer of the board has successfully collected \$3.00 per connection in order to subsidize the costs of the electricity to run the new pumps. This is a great beginning at a community effort to ensure that the water keeps flowing. Border 2012 funding was given to Pala and CUNA to assist in conducting a capacity building project for the Baja California communities. EPA, Pala, CUNA, CESPE (Ensenada's Public Water Works Commission) and volunteers from other U.S. California Border Tribes have helped to conduct training workshops and develop O&M manuals for the members of the water boards. These communities recognize the critical importance of proper operation and maintenance of their new systems, however just as in the U.S., the absence of funding creates a significant challenge for them and collaboration and innovation are the best alternatives for ensuring proper O&M.



San Antonio Necua, Baja California, Mexico, Left: New well; **Right:** Melody Sees and Don Augustine Dominguez blessing the newly drilled well following the 2006 National Coordinators' Meeting.

Water Resource Protection

Tribes are implementing many other water quality improvements projects, including the removal of invasive species to restore riparian areas. Invasive species, such as tamarisk, can drink as much as 10 times the amount of water as native plants, increase the salinity of the soil, and inhibit the growth of native species. The Los Coyotes Band of Indians (Los Coyotes), Pechanga, Pala, and La Jolla are all working on wetland restoration and invasive species removal in their wetlands and streams, restoring the natural habitats and improving their water sources. As part of its nonpoint source pollution control program, the La Jolla has started a wetlands restoration project which seeks to reduce sediment and nutrient loading in the San Luis Rey River, as well as provide habitat for amphibians and birds. Los Coyotes has also recently received funding to implement a wetlands identification project in order to assess, map and preserve wetlands on their reservation. Restored wetlands intercept runoff and transform and store excessive pollutant loads like nutrients, sediment, and heavy metals.



Pala Band of Mission Indians, Pala, California: Tamarisk Removal Project. **Left:** Before; **Right:** After. Dead biomass will be left in place for now.

Pala worked to implement a non-native species removal project to remove a five (5) mile stretch of Tamarisk from the San Luis Rey River which runs through the Reservation. Tamarisk (salt cedar) can drink as much as ten times the amount of water as native plants, increases the salinity of the soil, and inhibits native species from using the area

such as the arroyo toad. Pala removed all tamarisks along the river on the Reservation and will continue this project not only along the river, but also along the creeks and streams within the Reservation.

Pechanga, in coordination with the Bureau of Indian Affairs, under a 401/404 Clean Water Permit, approved for protective measures to be constructed for the Pico bridge—the only bridge on the Reservation, the tribe was required to begin an invasive species removal of the common name “Spanish tobacco” plant (*Nicotiana glauca*) and continue for a period of three years. This also met the best management practices outlined in the tribally funded woodlands study of 2004. This will protect native species and slow invasive intrusions to upstream areas of Pechanga creek. The second year will begin early this summer 2007. Pechanga’s Environmental Department, with a blend of EPA and Tribal funds, updated their Wellhead Protection Plan, the Quality Assurance Project Plan and a Source Water Assessment. This means the tribe has determined the best management practices needed to assure the community of environmental protection for water sources.

In the Lower Colorado River the Quechan Indian Tribe (Quechan) and the Cocopah Indian Tribe (Cocopah) are both working on restoration projects that will restore important river habitat. The Quechan Indian Tribe, the City of Yuma and the Yuma Crossing Heritage Area began a multi-phased project called the Quechan East Wetlands Project to restore 1,418 acres of the Colorado River riparian corridor. Nearly half of the restoration area is on Quechan's reservation. After restoring 200 acres, the abundance of birds has doubled, including return of the White Faced Ibis

and many North American migratory songbirds. The project's ultimate goal is to restore all 1,418 acres and create a Quechan Nature Park.

Since the beginning of time, the Colorado River sustained the Quechan, providing everything needed for their existence. But over the past century, dams altered the river's natural flow, demands for water diverted its flow, and invasive salt cedar pushed out native mesquite, cottonwood and willow. Trash dumps, homeless encampments and illegal activities further stressed the riverfront. This project brings hope for the next century. As [Quechan] President Jackson noted, "We have been wanting this for a long time and the elders are really enthusiastic about it."

For many centuries, the Cocopah, known as the River People, lived in harmony with the mighty Lower Colorado River Delta region, one of the largest tidal wetlands in the world. Today, the river is among North America's top ten most endangered rivers, and the Cocopah Indian



Quechan Indian Tribe, Arizona: Left; Quechan East Wetlands Project. Cocopah Indian Tribe, Arizona: Right; Lower Colorado River Limitrophe

Nation is leading efforts to restore the highest conservation priority area: The Lower Colorado River Limitrophe.

Twelve of the 23-mile Limitrophe is on Cocopah land, and 10 miles are on Bureau of Reclamation land managed by the Bureau of Land Management (BLM). With funds from the Bureau of Indian Affairs (BIA) and BLM, the Cocopah Tribe restored 200 acres of riparian habitat by removing salt cedar and restoring native cottonwood, willow and mesquite. The tribe is also restoring another 150 acres with funds from the Department of Homeland Security, the U.S. Fish and Wildlife Service and the National Fish and Wildlife Foundation. This year BLM issued a draft Environmental Impact Statement proposing to create a Limitrophe Coordinated Management Area (CMA) for BOR's 10 miles and 4,500 acres along the Limitrophe. This CMA would protect and maintain riparian habitat and marsh vegetation, as well as enhance the characteristics of the Limitrophe area identified by the Cocopah and other Tribes as important for traditional uses.



Torres Martinez Desert Cahuilla Indians, California: 85-acre wetland

The Torres Martinez Desert Cahuilla Indians' 85-acre Pilot Wetland Project is located at the North End of the Salton Sea. This project was funded with many different agencies contributing to its build out. U.S. EPA, the State of California and the U.S. Bureau of Reclamation were the major contributors to this project. Several different other agencies have helped during this time with technical assistance and peer review. This is a true watershed project. The majority of the tribe's 24,800 acre Reservation is situated in the White Water River watershed and includes over 11,000 acres under the Salton Sea, and

provides the Tribe with over 12 miles of shoreline along the north and west sides of the Sea. The Whitewater River and Salton Sea are listed on the Impaired Water Bodies List of the United

States for pathogens, selenium, metals, nutrients, salinity, total dissolved solids, and chlorides. The Sea is currently home to over 450 species of birds on the Pacific Migratory Flyway and has used this area as habitat for generations. The implementation of the State of California 4.4 Plan and the Quantification Settlement Agreement is the impetus for this project because the Sea will recede and expose pollutant laden land, creating new water quality and air quality problems. Most of the 85 acre pilot wetlands project has been constructed, is operated and maintained, including maintenance of a nursery to provide for replanting as necessary.

Torres Martinez is developing an aggressive water quality monitoring program so that wetland performance and pollutant removal can be accurately measured to record environmental results and for future planning purposes. Future actions planned are: continued water quality monitoring to measure water quality benefits, expansion of 15 acres of wetland habitat ponding in October 2007 and potential for expanded use and ongoing project maintenance to ensure wetlands viability. As the Salton Sea recedes the tribe will continue to build wetlands to keep the sediments stabilized to make sure no volatilization occurs into the air shed. A total build out on the north end of the Salton Sea will be approximately 2,000 acres of Torres Martinez Tribal property over the next 15 years.

Goal 2: Reduce Air Pollution

As populations increase in the border cities and urban sprawl continues, Tribes are experiencing increased air degradation in their communities as their communities are being encroached upon. Many air related studies and data collection is done only in urban areas where population density is greatest, but the effects from air pollution are also being studied by several Tribes in their communities. In the Border Region on the U.S. side, Tribes are conducting air monitoring activities under the Clean Air Act (CAA) and General Assistance Program Grant (GAP) funding. These activities include, but are not limited to: monitoring for basic meteorological data and pollutants such as particulate matter (PM), ozone, air toxics, sulfur dioxide and nitrogen oxides. The Tribes with air monitoring activities are: Pechanga Band of Luiseño Indians*, Pala Band of Mission Indians*, Campo Band of the Kumeyaay Nation*, La Posta Band of Mission Indians*, Manzanita Band of Mission Indians*, La Jolla Band of Luiseño Indians*, Torres Martinez Desert Cahuilla Indians, and Ysleta del Sur Pueblo (*EPA funded in 2007).

The Ysleta del Sur Pueblo (Pueblo) in Texas began sampling ambient air for volatile organic compounds (VOCs) in March 2005 with funding from a CAA, Section 103 grant. The Pueblo monitored for 31 target volatile organic compounds (VOCs) using organic vapor monitors (OVMS) and canister samplers. Sampling was completed in February 2006. The results of monitoring during ten sampling periods of the project indicated relatively low ambient concentrations of the target compounds. Analysis of the passive VOCs dataset suggests that 13 of the target VOCs may be associated with a common source, most likely automotive emissions, and that concentrations of these compounds in the Old Reservation (urban) are higher than in the New Reservation (rural), especially during cool weather. The passive VOCs dataset also suggested that overall VOC concentrations are higher in cool weather than the warm weather. This was confirmed with the results of the year-long canister sampling results. The project results were presented at the annual Air and Waste Management Association (AWMA) Symposium on Air Quality Measurement Methods and Technology in May 2007.

The Pueblo received funding toward the end of November 2005 from another CAA, Section 103 grant to conduct a bio-diesel demonstration project. The Biodiesel Demonstration Project has been very successful. Currently, YDSP is producing biodiesel (being used by two YDSP employees working on the biodiesel project) and is in the process of attaining ASTM standard



Ysleta del Sur Pueblo, Texas, top left: Will Seigler, Environmental Technician, and Jose Lopez, Environmental Assistant, working on the lab portion of biodiesel production. **Top right:** YDSP biodiesel-the finished product. **Bottom left:** FuelMeister set up-what is used for production of biodiesel **Bottom right:** Will's VW Rabbit that runs on biodiesel

certification for the biodiesel. The project is exhibited on the YDSP website

(www.ysletadelsurpueblo.org).

YDSP hopes to supply certified biodiesel for local community use in the near future. The YDSP Biodiesel team has also participated in community education/outreach events in the El Paso area.

Some Tribes in southern California have had monitoring stations since 1997, gathering data on PM-10, PM-2.5 and ozone. The Tribes provide daily information on air quality to their community and schools via biweekly air quality index newsletters, council

meetings. Tribes are also learning how to upload data to the federal air quality systems (AQS) database. The Pala and the Pechanga completed their reservation-wide update 2000 Emissions Inventory.

Pechanga's 2006 Emission Inventory was updated using funds received from CAA EPA. This enabled preparing a monitoring options report to determine best air monitoring equipment and pricing to fit the needs of the tribe and its location. Using tribal funds, a specific emissions inventory was completed for the economic development activities of the tribe. This report assisted the tribe in preparing a CAA Part 71 Title V application which is now awaiting final approval from EPA. Under the General Assistance Program (GAP), Los Coyotes is beginning their air emission inventory and the Tohono O'odham Nation is working on air issues.

The Torres Martinez's air monitoring program, under its CAA 103, includes administration on-site met-station measuring ozone, PM-10 and some weather parameters. The program has another met-station located at the end of Salton Sea Road where the salinity removal research site was located. This site is not easily accessible due to sand dunes and no keys to reach the instrumentation box. The tribe's air staff specialist is currently downloading data and running quality assurance/quality control on the data and submitting it to the AQS database. The Torres Martinez Environmental Department also has an ongoing collaboration with the South Coast Air Quality Management District (AQMD) and local fire stations in the fire burning permitting and air sampling canister program in which canisters are deployed to fire stations to take air samples at reservation burn locations. In the future, Torres Martinez will be working on an emissions inventory as possible changes with the Salton Sea restoration become proactive. The inventory will require accurate air sampling data and the use of the minivol samplers for the testing of PM-

2.5. This data, along with the other parameters tested, will be used in the air program's air pollution dispersion model. This model, once developed, will give the Environmental Department key clues to high risk areas for exposure and to remediation efforts of first priority if needed. Additionally, the model, along with the monitoring efforts of AQMD and the collaboration with local fire departments will better enable the tribe to assess and implement strategies for education and possible remediation of criteria pollutants on reservation lands.

The La Jolla and Pala Tribes are collaborating on an air quality study at the La Jolla Indian Reservation. This study, funded by the EPA GAP program and Pala's tribal EPA and CAA 103 programs, will monitor for PM-2.5 to assist in creating a baseline database of air quality on the Reservation. Upon approval of the Quality Assurance Project Plan (QAPP) expected in early 2007, Pala will be loaning portable air monitoring equipment and will provide training and technical assistance to La Jolla over a 6 – 12 month period.

Given the state of our air quality, Tribes in the U.S. are vigilant on rules that affect the monitoring activities they conduct to help provide good baseline data to enable them to protect their communities. This past year, the EPA proposed a new PM-10/2.5 rule that would be detrimental to Tribes and their current monitoring efforts for PM-10. This proposed rule planned to eliminate the necessity of monitoring for particulate matter in rural areas and exempted agriculture and mining activities from PM regulations. Had this rule passed, many Tribes would be at further risk from health problems associated with contaminated air, however many Tribes provided comment letters that affected the outcome of this rule and monitoring in rural areas will continue.

In the last few years, the air task forces have become more interested in monitoring activities and tribal representatives are attending and presenting information at the meetings. This past year, with the air task forces now being held in both the US and Mexico, there has been an increase in tribal participation through attendance, presentations and the nomination of the first tribal co-chair for the San Diego/Tijuana Air Task Force.

In Arizona, the Border Liaison Mechanism Subgroup / Ambos Nogales Air Quality Task Force only covers the urban Nogales area and gives little interest to the rural areas dealing with air pollution impacts from farming and Mexico. However, in August 2006 the Tohono O'odham Nation was invited to present its Air Quality issues. As a result of the presentation, the Nation was encouraged to submit a proposal through the Task Force on one of its air quality issues. The Arizona Department of Environmental Quality also indicated that they would provide technical support in conducting air sampling.

On May 8, 2007, the Campo Band of the Kumeyaay Nation announced its joining the Climate Registry with thirty (30) states and two (2) Canadian provinces. Campo will be assisting the Registry in measuring, tracking and verifying emissions of greenhouse gases (CHGs), the gases that cause climate change. The Registry will also provide the measurement and reporting infrastructure to support voluntary, mandatory, market-based and emission reduction programs that are consistent across borders and industry sectors. Reporting data will begin accepting data in January 2008. "Participating in *The Climate Registry* is a critical step forward in the Campo Band's efforts to address climate change," stated Chairman H. Paul Cuero, Jr. "We can only manage what we can effectively measure. Getting accurate data on CHG emissions is a vital

step towards addressing the impacts of climate change on our reservation. It also makes sense for states to share resources and synchronize our programs.”

Goal 3 – Reduce Land Contamination

Tribal people have always sought ways to keep their lands free from contamination. However, as products and practices have changed and tipping fees have increased at legal dump sites, Tribes are witnessing more illegal dumping events. Tribal people are having some successes, and as more information becomes available on recycling opportunities, tribal communities are also seeing an increase in recycling of material goods.

The Environmental Office at La Jolla is working on reducing land and possible water contamination through a Waste Tire Cleanup Project. This project has been funded by the California Integrated Waste Management Board and will remove and properly dispose of approximately 3,000 automobile tires from the Reservation.

La Jolla is also in the process of creating a California certified beverage redemption facility. The tribe has received funding through a grant from the EPA to create the certified CRV facility, which will accept aluminum, plastics, and paper. The tribe believes this will help reduce the number of beverage containers being discarded in trashcans or as litter found along the riverbanks and surrounding environment.

Both the Pala and the La Jolla have held successful electronic waste recycling events. La Jolla, recognizing the tribe needed to do something to help control and reduce the amount of electronic waste ending up in the environment created an electronic waste recycling center in the solid waste transfer station. Tribal residents are allowed to drop off their e-waste free of charge and a certified company collects and properly recycles the materials. The tribe has seen a decline in this type of waste littering our environment as more residents participate in this program.



Tohono O’odham Nation, Arizona, left: Removal of abandoned vehicles; **Torres Martinez Desert Cahuilla Indians, California, Right:** Cleanup of grape stakes.

The Tohono O’odham Nation (Nation) has identified hundreds of vehicles abandoned by people smugglers, drug smugglers and others associated with undocumented migrants (UDMs). With funds from Border 2012, the Tohono O’odham Nation has photographed and mapped the exact location of 220 abandoned vehicles and extraction plans are being developed with the aid of aerial photographs to minimize the damage to vegetation. Large scale removal is scheduled to occur this year.

The Nation will participate in a border-wide clean-up strategy led by the Arizona Department of Environmental Quality (ADEQ) with the participation of stakeholders including other Tribes, and public and private organizations. ADEQ held a preparatory meeting with Bureau of Land Management and the Nation in December, but the first official stakeholder meeting has not yet been scheduled due to ADEQ staff vacancies.

The Campo Environmental Staff, with funding from Indian Health Service and the California Integrated Waste Management Board, is removing several illegal dumpsites on the Reservation. Waste is being transported from several small sites to a central location for transport off Reservation to an approved landfill facility. Using GAP grant funds, Campo EPA staff are removing appliances and transporting them to a recycling facility in San Diego, California.

Torres Martinez, joined by federal, state and local agencies, and the U.S. Environmental Protection Agency announced on October 20, 2006 a multi-agency agreement to clean up dumps and clamp down on illegal dumping at the Torres Martinez Reservation. The EPA is providing \$265,000 to support the Tribe's work in developing an environmental program. The Torres

	<p><i>The mission of the collaborative is to clean up and prevent illegal dumping on the Torres Martinez Reservation. The purpose of this status report is to update all stake-holders and community members on the progress of the multi-agency effort. If you would like to be involved in the collaborative, contribute to the next status report or request additional copies of this one, please contact Willard Chin of the U.S. EPA's Pacific Southwest Regional Office at chin.willard@epa.gov; Tel: (415) 972-3797; Fax: (415) 947-3562.</i></p>	
<p>Torres Martinez Desert Cahuilla Indians, California; left: Lawson dump, estimated cost to close \$42M; center: Collaborative Mission; right: former dumpsite on the reservation.</p>		

Martinez Collaborative will be joined by 25 federal, tribal, state, and local agencies including Riverside County, California Integrated Waste Management, and the Bureau of Indian Affairs. Tribal Chairman Ray Torres thanked the Collaborative agencies for working as partners with the Tribe to combat an area-wide problem. "This partnership is absolutely necessary if we are to stop people from bringing construction debris, landscaping waste, and garbage onto our land," he said. The Torres Martinez Indian Reservation is located in the agriculturally rich Coachella Valley, outside of Los Angeles. It consists of approximately 24,800 acres of land, including over 11,000 acres under the north Salton Sea and 12 miles of Salton Sea shoreline.

	
<p>Pala Band of Mission Indians, Pala, California, Left: Before clean up of material contaminating the creek. Right: After cleanup</p>	

The Pala Band of Mission Indians has worked with the Upper San Luis Rey Resource Conservation District to obtain grant money from the Integrated Waste Management Board to clean up over 60 tons of debris as well as 56 tires and 6 car batteries near a creek adjacent to the Reservation. The creek empties into the reservation,

threatening groundwater resources which are the Tribe's sole source of drinking water. The debris removed included 7.2 tons of concrete, 3.8 tons of metal, 14 tons of appliances, and 30.05 tons of general debris. All metal and appliances were recycled.

The Pala Tribe removed 204 tons of metal and debris as part of their Reservation wide cleanup program. Citing of landfills is common near tribal lands. Pala has been able to litigate, with some success, against this proposed Gregory Canyon landfill project that would endanger their ground water and drinking water supply, protected sensitive habitats, as well as a Luiseño sacred site. Most recently the tribe has successfully capped their old community landfill and has been increasing their enforcement of illegal dumping that has been occurring on the tribal lands as well as funding the construction of a new transfer station utilizing an existing building which will be retrofitted to accommodate the transfer station. Construction is scheduled to begin in June 2007.



During August and September 2005, the Ysleta del Sur Pueblo performed a solid waste audit to characterize the solid waste flow for three classifications pertaining to the Pueblo's operations. These classifications are as follows: (1) government, (2) commercial, and (3) residential. Based on the results, paper contributes the most to the general solid waste stream, followed by plastic materials, food waste, glass, and metal. The Pueblo anticipates implementing a recycling program with general assistance program grant funds at the beginning of fiscal year 2007. The Ysleta Del Sur Pueblo recycling program will kick off in May 2007. The program is being funded through the GAP program. The amount of trash diverted from the waste stream will be weighed and recorded. The Environmental Management Office designed magnets depicting acceptable and unacceptable recycling materials for outreach purposes. The magnets were made from recycled cardboard. The Pueblo will construct an Integrated Solid Waste Management Plan with GAP funds in FY 2008.

The La Jolla Band of Luiseño Indians received funds from the U.S. Department of Agriculture to build a Solid Waste Transfer Station. This secure facility stores solid waste from the Reservation residents and enterprises. It also provides an area to separate recyclable and household hazardous waste material and is working on creating a self sustaining certified recycling center to receive bottles and cans from neighboring Tribes.

The Pechanga Band of Luiseño Indians funded and implemented a Junk Removal project aimed at removing the "rez roadies, i.e. junk cars" from the reservation. Over 22 cars along with scrap metal, tires and appliances were removed from the reservation. This effort required the

coordination with California Department of Motor Vehicles and private landowners. The tribe will continue this activity once a year.

Pechanga, in coordination with Riverside County also conducted an investigation of illegal dumping occurring in areas of the reservation boundaries not protected with adequate fencing. These areas have also been subjected to arson fires and spill clean-up. The dumping included landscaping debris and household trash from a local non-tribal resident. The tribe funded the clean-up of these areas.

In Baja California, the community of San Antonio Necua is working to find ways to clean up an illegal dump that sits outside their community. They have been communicating with the Municipality of Ensenada to have trash pickup once a week and also submitted a proposal to the Border 2012 program and Secretaria de Medio Ambiente y Recursos Naturales (SEMARNAT) to help fund a transfer station and recycling pilot project.

Goal 4 – Improve Environmental Health

Tribes understand that past and present practices on tribal lands along the U.S.-Mexico border pose risks to the health of people and to Mother Earth. Improving the health of the people and the environment is one of the first priorities of Tribes and indigenous communities. All aspects of what tribal people do in their tribal environmental programs or communities are done with the goal of protecting public health and the environment. This is being accomplished through actions such as environmental education and outreach, capacity building for both environmental and health programs, developing integrated pest management plans, analyzing water affected by non-point sources and other pollutants, monitoring air quality and air related illnesses, participating in outside programs and many other activities which enhance public health while protecting tribal lands.

In 2005, the Ysleta del Sur Pueblo received Border 2012 funding to develop a multi-media Education and Outreach Project. The resulting video (completed in 2006), titled *Pehla Funi* “Black River”, addressed the issue of residential hazardous waste and its disposal. The video was shown and distributed at the EPA Region 6 Tribal Summit, the U.S.—Mexico Border 2012 New Mexico-Texas-Chihuahua Solid Waste Task Force meeting and at the February 2007 Arizona and California Tribal Caucus Meetings. Additionally, the video was mailed to all U.S. border Tribes, as well as distributed to all Region 9 and Baja Tribes.

There are several U.S. Tribes in the border region that are concerned with pesticide use on and around tribal lands. The Pala Band of Mission Indians, who previously received federal funding, took over the funding of their pesticide program and has passed tribal codes and ordinances to protect its community members from the misuse of pesticides. All applicators are required to report to the tribal office before being allowed to apply any pesticides within the Reservation boundaries and must follow all tribal laws and regulations. Pala Tribal Pesticide Staff observe pesticide applications on the Reservation to ensure compliance with state standards. In 2006 at least 3 observations were made per month including some agricultural observations and worker protection standard observations. There were approximately 12 licenses checked and a total of 64 pesticide applications. Some of the facilities, such as the Tribal child care facility have implemented an integrated pest management program to monitor, manage and document pest

problems by the use of alternatives to pesticides, which minimizes risks of any children being exposed to toxic chemicals.

The Torres Martinez Desert Cahuilla Indians continue to outreach to reservation and local residents on air quality issues at hand, including the Salton Sea restoration, grape stake burning as well as burning at illegal dumpsites.

Some Tribes in the U.S., such as Pala have begun to sample for pesticides and other pollutants in their drinking water wells using protocols set up in their Sampling Analysis Plans (SAPs). Samples are taken to a certified lab for analysis to ensure that the drinking water quality is not impacted by upstream uses, such as agriculture. This monitoring ensures that the health of all community members is protected from potential exposure to harmful chemicals through their drinking water.

The Pechanga Band of Luiseño Indians decided to fund comprehensive biological survey of the reservation. This scope of this project is to provide a comprehensive analysis of the environment in scientific manner to determine the best management practices needed to implement environmental protection activities. This includes management for plants and animals. This project is anticipated for tribal funding every year.



San Jose de la Zorra, Baja California, Mexico: First time people have had water to their homes.

The Pan American Health Organization (PAHO) has approved the funding of a next step project to study the health benefits resulting from the newly installed water systems for the indigenous communities in Baja California. This project will look at the correlation between improved drinking water infrastructure systems and decreased rates of gastrointestinal illnesses in these two communities in order to demonstrate the applicability of gastrointestinal illness as an environmental health indicator for water quality. This investigation intends to validate and test the implementation of a specific indicator (gastrointestinal disease) that can establish a link between health and environment through a comparative assessment of the status of the environmental quality and public health before and after implementation of new water systems.

Health promoters in each community will be in charge of taking the surveys, which will in turn help provide them with jobs and training on environmental health issues in their communities. At least two members from each community are serving as coordinators to assist in the survey implementation and CUNA will be in charge of the project management.

In some native communities, plants and other natural materials play a critical role in cultural activities practiced on a regular basis (e.g. basket weaving, pot making, ceremonial burning, etc.) Due to these cultural practices, tribal members may be at a greater risk to contaminant exposure; therefore making it critical that not only are these practices preserved but that the environment in which they are performed is maintained in a pristine state. Several Tribes in California promote environmental stewardship by having native plant identification training for their environmental

programs while at the same time identifying areas which should be protected in order to prevent those plants and areas from becoming contaminated. Indigenous communities in Baja California have started eco-tourism ventures as a means for preserving their culture while generating economic resources for tribal members. This type of business not only educates visitors and community members on the importance of environmental protection, but also helps to preserve the environmental integrity of the community and surrounding area. A sustainable economy that incorporates these values may also lead to fewer environmental health problems in the long run.

In October 2006, the EPA Region 9 Pesticides Office sponsored two workshops to train healthcare providers in recognizing and managing pesticide-related illnesses. Based on these trainings, health care providers in these communities can better diagnose and properly treat agricultural workers who are exposed to pesticide. Both of these workshops were very well attended, and we plan to host another series of workshops in the coming year. Due to the success of the two workshops held in October 2006, EPA Region 9 is planning additional health care provider trainings in 2007 to include providers who serve indigenous communities in Mexico and U.S. tribal communities. Discussions have occurred with the State of Baja California health agency and planning is underway for these workshops. In Mexico, trainings will focus on rural health care providers who serve indigenous communities. Many residents of these indigenous communities work in the Guadalupe Valley vineyards of Baja California and may be exposed to pesticides in their jobs. Additional discussions have also been held with the Native American Environmental Protection Coalition regarding training health care providers that serve tribal communities in the U.S. This effort will involve working with various entities, including the Indian Health Services, Bureau of Indian Affairs and various tribal clinics. The Indian Health Council could also assist in ensuring we reach the right providers that serve tribal communities.

Goal 5 – Reduce Exposure to Chemicals as a Result of Accidental Chemical Releases or Acts of Terrorism

Tribes, as in other communities, plan for emergencies that include chemical spills, chemical releases, acts of terrorism and other unplanned events. There are many Tribes in California and Arizona that have fire stations to respond to emergencies. Several Tribes are a part of local Community Emergency Response Teams (CERT) and have their own Tribal Emergency Response Teams (TERT). In the Border Region of California, there are 4 Tribes that have approved Pre-disaster Mitigation Plans: La Jolla Band of Luiseño Indians, Pala Band of Mission Indians, Pechanga Band of Luiseno Indians, and San Pasqual Band of Mission Indians. In the Border Region of Texas, Ysleta del Sur Pueblo has an approved plan and the Emergency Management Coordinator and Environmental Management Director attended a tribal workshop held by the U.S. Department of Energy regarding the transportation routes of the spent nuclear fuel to Yucca Mountain. All Tribes along prospective routes are encouraged to participate in the work group.

Following a major disaster, first responders who provide fire and medical services will not be able to meet the demands for these services. People will have to rely on each other in order to meet their immediate life saving and life sustaining needs. Several Tribes in California have fire stations or are active participants with their volunteer fire stations and, like the Pala Band of Mission Indians, have approved pre-disaster mitigation plans that meet the requirements of the Disaster Mitigation Act 2000. These plans will help reduce future loss of fire, land and property

due to natural hazards that affect the Tribe. The La Jolla Indian Reservation has become involved in forming a Tribal Emergency Response Team (TERT) to be better prepared in an emergency disaster situation. In November 2004, after an 8 week course 14 community members graduated. Classes included: Emergency Preparedness, Fire Safety, Light Search and Rescue, Psychology, Disaster Medical Operations, and Terrorism.

The Tohono O’odham Nation (Nation), as part of the National Incident Management System (NIMS) compliance for FY2005, passed a resolution adopting NIMS as the incident management standard. That resolution created the Nation’s Office of Emergency Management. True compliance only comes with complete emersion into incident management of all hazards and, for the Tohono O’odham Nation; it meant almost a complete development of all aspects of emergency management. At the beginning of FY2006, the Nation created an Emergency Management Administrator position to coordinate the NIMS compliance as well as the other duties of preparedness, prevention, response and recovery for the Nation. This emergency manager position is one of only three for Arizona Tribes.

Since then, the Nation has moved forward with the creation of NIMS compliant comprehensive emergency response plans that model the National Response Plan as well as creating a response plan template for the Nation’s programs and communities to use for creating plans to use during emergencies and show how to work collaboratively during disasters. To date, the Nation has provided NIMS/ICS training to over 300 employees, district members and officials. Additionally, the Office of Emergency Management continues to apply for, receive and manages Department of Homeland Security funds passed through from the State. The Nation has a collaborated effort with the State of Arizona in which the Nation is receiving free contracted service to develop the Nation’s first Hazard Mitigation Plan – this plan will allow for additional federal funding after disasters and for planning before disasters to lessen the impact. During the summer of 2006, the Nation was affected by monsoon floods that were part of FEMA disaster DR-1660 and recovered funds for the emergency response.

The Nation has created their CERT program for community disaster preparedness and is working to increase the numbers of CERT members and teams.

None of these initiatives or projects are being conducted with Border 2012 or EPA funds. The Nation is working with the Border 2012 project to complete its goal of the creation of a Tri-National Response Plan between the Nation, Sonora Mexico and partners within the State of Arizona such as Pima and Pinal County.

The Pala Band of Mission Indians is currently building a state of the art fire station with Tribal funding which will provide a much needed benefit to Pala and surrounding communities within the San Luis Rey River valley. The Pala Fire department already boasts a full time staff of fire fighters, engineers, and paramedics, all of which work out of a dated facility comprised of metal storage buildings and mobile trailer sections. Concurrently with the fire station construction, the Tribe is building a standalone structure that will be used as a training facility and command center during emergency response



Pala Band of Mission Indians, Pala, California: Construction of the new Pala Fire Station.

situations. It is the hope of the Tribe to grow this training center into a Regional Command Post, available to all emergency response agencies in times of major disasters.

Pechanga co-hosted 40 HAZWOPER training with the Native American Environmental Protection Coalition. Five (5) employees received their 40 hour training certification. They learned to identify and understand hazardous materials and how to work safely with and around hazardous waste. Pechanga also has an official organized Tribal Emergency Response/Local Emergency Response (TERC/LEPC) commission. The commission creates information and training dialog between tribal departments and personnel for the safety of the reservation. The commission becomes activated during a declared emergency situation. This year a priority was for each TERC/LEPC member to receive the mandatory NIMS training. All members have completed this training. Members of the commission include the Fire Chief, Environmental Director, Ranger Chief, Public Safety Director, Risk Manager, Tribal Council member and Pechanga Development Corporation Member. All tribal departments participate in monthly meetings.

In November 2006, the Commission for Environmental Cooperation held its Pollutant Release and Transfer Register Consultative Meeting in San Diego, California with a focus on dialoging with Tribes, indigenous communities and first nations. This two in a half day meeting introduced the governments of Canada, United States and Mexico to the environmental issues affecting the native people in the border areas and introducing the native people to the workings of each country's toxic release inventories and how to use them.

To help ensure that Tribes are prepared for pandemics and emergencies, the Loma Linda University, School of Public Health, continues to work with the Native American Environmental Protection Coalition (NAEPC) to include Tribes in training and awareness dealing with emergency situations. NAEPC also assists the Tribes in obtaining the necessary trainings on preparedness in emergency situations, such as HAZWOPER and National Incident Management Systems training.

Goal 6 – Improve Environmental Performance through Compliance, Enforcement, Pollution Prevention and Promotion of Environmental Stewardship

Tribes in the U.S. and indigenous communities in Mexico are affected by the pollution produced by heavy industrial companies within the reservations and communities or located near the reservation and community boundaries. Tribal communities do not actively produce the pollutants, and where possible, have taken active measures to address them. Some Tribes are using other alternatives to produce energy without the polluting air emissions. The Campo Band of the Kumeyaay Nation has installed 25 wind turbines that have been running above energy projections and continue to produce approximately 50 megawatts of electricity. Campo had wildlife consultants complete a bird/ bat mortality study at the Kumeyaay Wind Farm site during the first year of operation and preliminary results indicate low mortality for both birds and bats.

In other venues, Tribes work through their communities to affect change. They do this by having regular events, such as earth days and clean up days. Tribes understand that this goal does not actually include the tribal and indigenous community areas. Although some of the U.S. Tribes

have economic development and must show emissions, they are minute compared to outside industry.



Pala Band of Mission Indians, Pala, California: Materials collected from a hazardous water cleanup event.

The Pala Band of Mission Indians held two household hazardous waste cleanup events sponsored by the Pala Environmental Protection Agency for Reservation residents. Flyers were handed out door to door before the events. Materials collected included tires, automotive batteries, paint, oil,

pesticides, and appliances. Between both events over 300 gallons of household hazardous waste and 614 other household hazardous items were collected and properly disposed of.

Many Tribes work continually to educate not only their communities on the surrounding environment and the importance of sustaining it, but outside its boundaries as well. This past year the Pala Band and the La Jolla Band participated in the first ever World Water Quality Monitoring Day. For La Jolla this was the chance to highlight and educate Tribal members, especially the children on the importance of water quality. The event was used to better educate the public about pollution prevention, watersheds, and simple water monitoring testing methods in coordination with the worldwide event.

For many Tribes, holding Earth Day events has been going on for many years. For the last seven years the Pechanga Band of Luiseno Indians has funded its annual Tribal Earth Day event. During the event, tribal members participate in a reservation wide clean up, environmental educational booths are provided by state, county, city and other local environmental resources and everyone participates in learning activities.



La Jolla Band of Luiseno Indians, California, left: La Jolla Earth Day; **center:** La Jolla/NAEPC booth at Balboa Earth Day; **right:** World Monitoring Day at La Jolla.

In April 2007, La Jolla organized two Earth Day events to foster environmental awareness, responsibility and stewardship. Although La Jolla’s event was diverse in its topics, it focused mainly on educating Tribal members on the importance of recycling and sources of water pollution. The second event focused on outreach to non-Tribal members and was set at San Diego’s Earth Fair. As many Tribes do, La Jolla also participates in several other such events, including the La Posta Indian Reservation multi-Tribal Earth Day event last year.

Also in April 2007, Torres Martinez youth participated in a Science Camp which features the Waterworks Curriculum that highlighted issues on storm water runoff, wetlands and general water issues. Guest speakers were brought in from the Coachella Valley Water District to help teach along with the Torres Martinez Desert Cahuilla Indian Environmental Water Team. The youth also did a field trip to the Dos Palmas Preserve, Varner Harbor Salton Sea, and the Torres Martinez Desert Cahuilla Indian Wetland.

Indigenous communities in Baja California have embarked upon their eco-tourism ventures for tourists in order to assist them in preserving the environmental integrity of the community and surrounding area while capitalizing on their cultural assets and preserving this knowledge. These eco-tours teach environmental stewardship and preserve environmental and cultural values while creating jobs for the community. A sustainable economy that incorporates these values can lead to fewer environmental and health problems for the entire community.



Baja California, Mexico: Workshops in the indigenous communities funded by SEMARNAT.

Through the Alliance for Sustainable Development in the native communities in Baja California (ADESU), communities have received assistance and training for addressing sustainable development programs from agencies such as the Mexican Comisión Nacional para el Desarrollo de los Pueblos Indígenas (CDI), SEMARNAT and grassroots organizations like Terra Peninsular and CUNA. In 2006, SEMARNAT, through its program for the indigenous people, supported a project to strengthen the traditional management of natural resources for medicinal use and handcrafts in San Antonio Necua. Learning from other skilled Kumeyaay artisans, the workshop promoted the smart use of willow, juncus and other native plants in order to avoid overexploitation. Students also learned from the elders how to build a traditional Kumiai house. These funds also allowed for the construction of a fence to protect the ecotourism center. ADESU is helping the community to develop Ecotourism Master Plans that will allow the community to identify the activities they want to offer their visitors, as well as train tour guides in issues related to interpretation, the “leave no trace” programs, how to conduct workshops and developing administrative skills.

Ysleta del Sur Pueblo has been working with U.S. Department of Agriculture Natural Resource Conservation Service (USDA/NRCS) to update the conservation plan for the Chilicote Ranch near Valentine, TX. A vegetation survey will be performed in May to begin the process. The Pueblo has also met with NRCS and Texas Parks and Wildlife to discuss the development of a conservation program that would address improvement of Pronghorn antelope habitat in the ranch areas.

Border 2012 Tribal Issues and Concerns

Goal 1 – Reduce Water Contamination

Last year Tribal needs for safe drinking water and basic sanitation were estimated to be \$60 million. This cost continues to rise due to factors such as increasing drinking water requirements, population growth, and inflation. Tribes request that funding for this highly successful program continue, despite the anticipated decrease in the Border Environment Infrastructure Fund. The current strategic plan of EPA does not increase safe water activities to Tribes and has stabilized the funding with no increases planned. Tribal communities disproportionately lack access to clean drinking water and nationwide, 12% of all tribal homes lack access, as compared with 1% of the entire U.S. population access to safe drinking water and basic sanitation.

Many Tribes, besides water infrastructure needs for their own tribal communities, are also threatened by poor sanitation conditions adjacent to their communities. The Indigenous communities in Baja California tend to be among the poorest and most isolated populations of this arid region, with little or no water or wastewater infrastructure. The usual source of drinking water for most tribal members is untreated surface water from springs, shallow wells or creeks. Many of these sources are contaminated by livestock and wildlife, dead animals or by poorly located out-houses and other wastewater disposal systems. Little information has been available on water resources, water quality and water infrastructure needs in these remote rural communities. Despite increased infrastructure and improved water systems in several of the communities, the need for assistance in source water protection, maintenance and wastewaters infrastructure is still great.

Indigenous communities in the Sonora area are also in need of water infrastructure assessments. Drinking water supplies in several O'odham indigenous communities are contaminated with coliform and E. coli. Although EPA funded new water systems for two of these communities, Quitovac and San Francisquito, an assessment of the cost to serve all other communities is needed including funds to construct the identified improvements.

There are some Tribes in the U.S. that are eliminated from funding avenues because their water systems are not listed as public water systems. The Los Coyotes Band of Indians uses springs to fill a stone water tank that holds the Tribes drinking water. The spring boxes, an unprotected source, and the stone water tank need to be replaced, but funding is unavailable to the tribe because the water system is not listed with EPA as a public water system.



Campo Band of the Kumeyaay Nation, California; Left: The ladder gate is hanging by the chain. It is not otherwise attached. **Right:** The liquid level indicator is broken here. A few feet above, the indicator has completely broken off, and was found lying in pieces on the ground.



Campo Band of the Kumeyaay Nation, California, left; Example of the corrosion evident in many places on the tank's exterior. **Right:** Example of a leak in the tank

Tribes that have public water systems and tanks for water storage are dealing with is damage from vandalism, aging tanks, poor construction, and high construction costs that undermines their infrastructure capacity. In California, the costs of labor to put in a water system are prohibitive and sometime's poor construction and materials are used. The Campo Band of the Kumeyaay Nation has had

numerous problems with their current water tank due to its age and proximity to the border and has received funding to replace it. There are other Tribes facing the same problems and waiting for funding.

Operation and maintenance (O&M) of water systems is crucial to providing safe drinking water. In both the U.S. and Mexico, many Tribes have significant funding needs to properly operate and maintain their drinking water and wastewater systems. These O&M needs have resulted in public health and safety hazards, regulatory compliance violations, and increased infrastructure costs as facilities age prematurely. Many of the tribal water systems have volunteer or part-time operators because there is not enough revenue to pay a full-staff person. Additionally, California does not give reciprocity for trained waste water operators who have gained experience working on tribal systems, therefore their knowledge and experience is not transferable to non-Tribal systems within California.

Groundwater contamination is an increasing concern for Tribes. Old trash burning pits need to be assessed for their potential to contaminate groundwater and be properly remediated. Often these pits are covered with soil and forgotten. Tribes in the U.S. are dealing with recharge projects that inject water containing perchlorate into drinking water aquifers. In Imperial County, California, there is concern about the amount of pollution and pesticides in the New River and the subsequent impacts of its discharge into the Salton Sea. At the same time, un-used irrigation water is being diverted from the Salton Sea to the city of San Diego. The concern by Tribes and other communities within the Salton Sea area is that the state plan is going to result in a vast reduction of covered area by water, and this will have not only affect on Torres Martinez but the whole basin down to Mexicali, Baja California, Mexico.



San Jose de la Zorra, left: a hand-dug drinking water well; **right:** Agricultural well, with make shift pump, occasionally used for drinking

The Cocopah Indian Tribe and Cucapá indigenous communities are negatively impacted by the decreased flows and water quality into the Lower Colorado River delta region. In San Antonio Necua, uncontrolled sand mining and water extraction for the growing city of Ensenada are depleting the quality and quantity of drinking water in this small community.

Goal 2 – Reduce Air Pollution

Of the 26 Border Tribes in the United States only 6 monitor or will be monitoring for particulate matter, ozone, air toxics, sulfur dioxide and nitrogen oxides under the Clean Air Act (CAA) 103 funding and supplemental funding from the General Assistance Program (GAP) grants. No Border Tribe received CAA 105 funding and an unknown number of Border Tribes are conducting basic air tasks under General Assistance Program funding to obtain baseline information to conduct air emission inventories for their communities. U.S. Tribes in the Border Region who are in non-attainment areas should be prioritized for clean air act funding.

In the past year, requests for comments were solicited regarding draft revisions of several air rules, all potentially affecting Tribes and their abilities to monitor in their communities. Tribes, nationwide in the U.S., struggle to provide comments and Tribes in the Border area must consider air impacts from Mexico and how the revised rules will address them. It is asked that EPA provide adequate notification, adequate time for training prior to the comment period, funding for travel to training or set-up meetings in Indian Country, and have specific information on how revisions and rules will affect Tribes on an individual basis.

The National Ambient Air Quality Standard (NAAQS) revisions and new air rules presented a challenge because of rushed comment periods (Tribes received notice well into the comment period or did not received notice at all), the lack of assistance from the EPA on how the revision will specifically affect a tribe (EPA workshops held great distances from tribal areas and usually geared towards states, and not in the Border Region), travel funds are usually not available, and the EPA is starting to do web based training, but some Tribes still do not have access or reliable access to the web.

In FY06, EPA moved to revise the PM_{2.5/10} standards. With the Region 9 Regional Tribal Operations Air Subcommittee’s lead Tribes specifically requested EPA’s assistance to hold several meetings in Indian Country, including the Border Area, to learn the possible effects of the changes. Tribes across the country commented on the revision and were able to make a positive effect on the outcome of the final rule.

In FY 06/07 Tribes were faced with a new rule, Tribal New Source Review. Again Tribes had to request EPA’s assistance in holding workshops in Indian Country to learn about the rule. Tribes requested two comment period extensions, which were granted. Many Tribes across the Nation,

including some in the Border Region, provided comments on a rule that takes a cookie cutter approach and no funding for implementation. At present Tribes are getting ready to go through EPA's 8-hour ozone revision process.

Without the opportunity to acquire air funding and build the capacity to efficiently deal with these revisions Tribes may be unable to provide comment. No comment is usually taken to mean not concerned or uninterested, which is untrue. The U.S. Border Tribes are encumbered by the additional issues of their location to Mexico and lack of border funds.



California: Salton Sea as seen from the space shuttle.

With the reduction of water to the Salton Sea (Sea) in the Riverside/Imperial County area in California, air quality will be an issue potentially affecting the Border Region down to Mexico and areas outside the region. The original solution would be to not have any transfers away from the Sea, but these concerns, made by Tribes and others, do not appear to be taken into account by the lead agencies. Tribes are still waiting for the final decision on alternatives that will be implemented regarding the Sea. Initially, EPA, while involved in the beginning, provided comments based on nutrient and pesticide loading that caused positive changes to be made to the plan is now removed from participation. There is concern that decisions made will adversely affect not only the Tribes in the Border Area, but all the way from Mexico to the Gulf of California. So, the question lies unanswered as to how much EPA is protecting environmental and air quality, proactively in this region. This affects economic development in the area and to "sustain" the Sea, the cheapest plan, if approved, could cost taxpayers \$6 billion.

Since the 1970's, air pollution has been a concern for Ysleta del Sur Pueblo. There are a significant number of brick kiln ovens across the border in Mexico, contributing to the air pollution around the Pueblo. The Texas Commission on Environmental Quality (TCEQ) is considering renewal of ASARCO's permit in El Paso. This company is a smelter that was shut down for infractions on air quality in the past.

Tilling practices and pesticide use are a heavy impact on rural farming areas. Urban areas are minimally impacted, but as Tribes and Indigenous communities are located in rural areas, they

often suffer the consequences. In the U.S., Tribes are pushing for more efficient methods of tilling for farmlands.



San Jose de la Zorra, Mexico, left: Burnt trash outside the community; **right,** brick kilns in Mexico.

In Arizona, the Border Liaison Mechanism Subgroup / Ambos Nogales Air Quality Task Force only covers the urban Nogales area. Little interest is given to the rural areas dealing with air

pollution impacts from farming and Mexico and there is no monitoring for air toxics in the area. There has been some outreach to the Tohono O'odham Nation, but Tribes would like to see this task force branch out to the western part of Arizona, incorporate the rural air impacts and push for air monitoring of air toxics.

Trash burning continues to be a problem in Tribal communities on both sides of the border due to a lack of funds and education to properly dispose of solid and hazardous waste. Dioxins and other persistent hazardous chemicals are often released from trash burning and can end up not only contaminating the air, but vital water and cultural resources as well.

Goal 3 – Reduce Land Contamination

Although some funding has been provided to begin removing illegal dumps, Tribes still struggle to halt the illegal and indiscriminate burning of trash, dumping of cars, and illegal drug lab waste on Tribal lands and in Indigenous communities. Proper training for forensic information collection to document illegal dumps and build enforceable cases, providing legal credence when pressing charges against illegal dumpers, is needed. Some inroads have been made into stopping illegal dumpers, such as the formation of the Torres Martinez Solid Waste Collaborative, a group of 25 Tribal, local, State and Federal entities working to prevent illegal dumping on the Reservation and Riverside County. The Collaborative mission is to clean up open dumps, enforce against illegal dumpers, conduct outreach and education to the surrounding community, and provide sustainable alternatives to illegal dumping. The cost of cleaning up *one* dump is estimated at **\$42,000 million** and in the last 3 years, the collaborative agencies have spent over \$3 million on dump closures at Torres Martinez alone; however, where illegal dumps may not be as prominent, U.S. Tribes are funding and coordinating most illegal clean ups on their lands.

Baja California Indigenous communities have no solid waste collection. All trash is burned or buried in shallow pits, including plastics, household hazardous waste and recyclable material. The communities have conducted large scale community clean ups, but there is no place to



Left: San Jose de la Zorra, Baja California, México: Illegal dump on the way to the community. Right: Cocopah Indian Tribe, Arizona: Army MRE trash.

properly dispose the waste. These communities need a solid waste management plan, a transfer station and a recycling center. The Indigenous communities in Mexico continue looking for viable avenues for recycling materials and managing solid waste. Though they are currently collecting material

for recycling, funding assistance is needed for equipment and developing solid waste and economic plans.

While the Tohono O'odham Nation (Nation) has completed several successful undocumented migrant (UDM) waste clean-up projects and will participate in developing a border-wide clean-up strategy, there is still as much as 6 tons of UDM waste dumped on the Reservation every day. The Nation requires on-going assistance to remove this waste. This problem still remains for the Cocopah Indian Tribe, the Quechan Indian Tribe, and the Campo Band of the Kumeyaay Indians. Campo estimates that approximately 50 UDM's per day cross their Reservation and the tribe is currently engaged in a cleanup of several open dumpsites, including debris left behind by UDM's. Besides UDM trash, Border Tribes are also dealing with trash left over from the Department of Defense and Border Patrol.

The solid waste left behind by UDM's not only plagues California and Arizona, but Texas too. The Ysleta del Sur Pueblo does a regular river clean up along the Rio Grande near the Zaragoza International Port of Entry and it is always heavy with debris from people crossing, both legally and illegally. Tribal members often have debris left in their yards by UDMs.

The Tohono O'odham Nation (Nation) continues to oppose the construction of the proposed CEGIR Hazardous Waste Landfill in Sonora, Mexico near the O'odham Village of Quitovac. The proposed project is being designed to accept hazardous waste materials. In November 2006, the US EPA prepared an Assessment Report with input from the Arizona Department of Environmental Quality and the Nation. The Nation, with support from U.S. EPA continues to request formal meetings with SEMARNAT and the Municipal of Sonoita to address the land use permit.

Communication and collaboration with Tribes and Indigenous communities is crucial when citing landfill sites in the border area. In Southern California, the proposed landfill in Gregory Canyon is still being considered by San Diego County. Tribes in the San Luis Rey watershed do not want the landfill because it is being placed near the river and has a high potential to impact the Tribes' underground drinking water sources.

In August 2000, the Los Angeles Sanitation Districts entered into a Purchase and Sale Agreement with Arid Operations, Inc., the original project proponent, for the Mesquite Regional Landfill project including permits. After resolution of Federal litigation regarding a land exchange, the purchase was closed in December 2002 and the landfill project is now fully owned by the Los Angeles Sanitation Districts. The Quechan Indian Tribe, on the border of Arizona/California, is potentially impacted by this "megadump." This Class III landfill is adjacent to the Mesquite Gold Mine near Glamis, Imperial County (approximately 35 miles east of the City of Brawley on Highway 78). Trash will come by train to this remote desert site, and over its lifespan, will build a pile as high as a 30-story building and over three miles long. As understood last year, rock from the nearby Mesquite Gold Mine would be used as overburden for the dump. The landfill is scheduled to open in 2009 and will be accepting 20,000 tons per day (tpd) with a capacity of 600 million tons. This gives the landfill an approximate lifespan of 100 years (LA County Countywide Integrated Solid Waste Management Plan, 2004 Annual Report). Concerns exist over potential environmental impacts from this proposed operation and the amount of consultation that has been done with Tribe.

Goal 4: Improve Environmental Health

Both in the U.S. and Mexico, Tribal and Indigenous communities have noticed an increase in asthma and bronchial ailments in their children and elders. Air quality data is lacking or completely absent in the Indigenous communities of Mexico, however it is known that the roads are dirt, wood burning stoves are commonly used, and trash is almost always burned close to the homes. All of these issues along with being near Maquiladoras and other urban areas and a lack of access to regular health care puts these communities at greater risk for respiratory problems. Very little knowledge or epidemiological information surrounding environmental health concerns such as asthma in these communities has been gathered in order to assist them in defining ways to reduce exposures. Funding is needed for outdoor and indoor funding to better assess these potential risks.

In the Indigenous community of San Antonio de Necua, in Baja California, there are storage tanks from the local vineyards that are on the boundaries of the community that discharge unknown contents directly into the ground. Community members are concerned that these tanks may contain pesticides and/or other chemicals that could contaminate their drinking water. There is a lack of data on pesticide use and storage amongst vineyards and farms located very close to these communities and this could possibly be a threat to the public health through various exposures (e.g. drinking water, plants used for cultural practices, food, etc.).

The community also routinely burns old grape vines for fuel sources inside and outside of their homes. Burning the retired vines could potentially release any pesticides, which were applied to the vines while growing, into the air and expose community members. It is known that in the U.S. wooden grape stakes are pressure-treated, containing arsenic and chromate copper arsenate (CCA). U.S. growers are not allowed to burn them, transport them to a domestic landfill or mulch them for biomass because they are considered hazardous waste. However, in Mexico, there are no strict regulations and many of these communities are aware of the contaminate danger but lack the resources to obtain other appropriate fuel material for domestic needs.

In both U.S. and Mexico, the worker exposure rates to pesticides and other chemicals in Tribal and Indigenous communities is unknown. Training is needed for physicians and clinics who work with Tribal populations to learn to recognize chemical/pesticide exposures and poisoning. Workshops are currently being held with clinics and physicians in the U.S. and Mexico, but not with the Tribal health services. It is important for health service providers to be aware of possible exposures and be able to assist in diagnosing pesticide poisonings. Pesticide usage data in Mexico is still unknown and many people from the Indigenous communities work as farmers and ranchers, exposing themselves to unknown chemicals. It is important for not only the workers but for communities surrounding the farms and ranches to be informed of the types of chemicals being used as well as the dangers and routes of exposure.

As more and more migrants are choosing to move across Tribal lands when entering into the U.S. they are often exposed to harsh environmental conditions and require medical assistance from over-exposure, dehydration and other illnesses. Both the Sycuan Band of Kumeyaay Indians and the Tohono O'odham Nation (who shares 75 miles of international boundary with Mexico) often must use their funding from Tribal health care programs to provide healthcare to undocumented migrants (UDMs). There needs to be more collaboration with outside agencies to cover these costs.

Due to the increased concern of pandemic diseases, such as avian influenza and the need to be prepared for such situations, some U.S. Tribes have been active in outreach and education to prepare their communities. Most information available include the Tribes or Tribal health clinics in preparedness and it is clear that Tribal specific information and resources is needed in order to assist in appropriate preparatory activities. At the end of April 2007, the California Department of Health Services (CDHS) sent out an invitation to all the entities working in the Border Region, except to Tribes. In the area of emergency preparedness, Tribes are generally not included. In the event of an emergency, Tribes will be the last to receive assistance. Communication on this front needs to be improved.

The quality of water in Tribal and Indigenous communities affects every aspect of daily life. The members of the Cucapá Indigenous community of El Mayor in Baja California, Mexico, bathe in the Rio Hardy and have very high rates of skin rashes. Last year, Border 2012 funded water quality monitoring data which revealed extremely high bacteria counts in the River (*E. coli* counts of 2,419 mpn/100ml). Immediate action is needed to protect the public health of the Cucapá. In Texas, the Ysleta del Sur Pueblo has been unable to hold certain religious ceremonies and traditions because of the state of the Rio Grande. Once the river reaches the Pueblo area, there is very little, if any water, and what is present is contaminated and not suitable for ceremonial use.



Cucapá, Baja California, Mexico: Community member bathing in the Rio Hardy.

Goal 5: Reduce Exposure to Chemicals as a Result of Accidental Chemical Releases or Act of Terrorism

Over all the Border Region, Tribes are not adequately prepared for chemical releases or acts of terrorism. Border 2012 did assist in the creation of 14 Sister City emergency response plans; however, none of these plans included Tribes, and in Arizona, the Tohono O’odham Nation (Nation) whose reservation shares 75 miles of the International boundary, should have been considered. The Nation seeks support for a **Tri**-national emergency response plan and agreement to address the needs of the Sonoita, Mexico, Tohono O’odham Nation, and Pima and Pinal County area, made critical by the proposed CEGIR hazardous facility southeast of the O’odham Quitovac community, Sonora, Mexico. Tohono O’odham community is concerned about response in an emergency situation. Local planning and coordination efforts in the affected municipality need to be worked out to address transportation and disposal activities associated with the proposed facility.

There needs to be **Tri**-national collaboration for emergency planning and response, information sharing and timely public notification and warning. Such efforts will require emergency response personnel from all jurisdictions to work together with legal counsel in order to draft a document that will address the legal issues concerning the sharing of information, cross-border response, and provide the “backbone” for a Tri-national commission that acts on items, to best extent of the respective laws. Such a plan is unique to the governments involved and may very well be the first in the country, thus providing a model for true incident management for disastrous events that knows no boundaries and is not limited by issues regarding the sovereignty of governments.

Goal 6: Improve Environmental Performance Through Compliance, Enforcement, Pollution Prevention and Promotion of Environmental Stewardship

Many Tribes and communities rely on their environment with its natural and cultural resources to teach their communities so that knowledge may be passed on to the future generations. Tribes and Indigenous communities are incorporating sustainable development ideas within their communities, teaching outside visitors about the need to preserve important resources. But more still needs to be done and environmental stewardship cannot happen without funds for

implementation of activities. EPA's General Assistance Program, which is used to fund many U.S. Tribal projects, does not provide funds for implementation of most activities and most Tribes lack resources to implement projects.

And not to forget, global climate change is an issue that all Tribes take very seriously. Tribes have seen how climate change is affecting the Earth; their ways of life and cultures are tightly integrated with the natural world.

Conclusion

The Tribal and indigenous people in the border region have a unique and special relationship with the rich and diverse natural and cultural resources with the area. The protection of these resources and prevention from further degradation will only be accomplished by all parties: Tribal, indigenous, U.S. and Mexico governments working together to achieve these goals. Tribal people in the border region have lived in the area for an untold number of generations and they intend to stay.

This report would not have been possible without the participation of the border Tribes and indigenous communities that reside within the border area and the Region 9 EPA Staff.



Ensenada, Baja California, Mexico:
Baja Indigenous Community Dancers,
Nativa Festival 2006.

Finally, this report, although more comprehensive than the previous, is by no means complete. There is always more to add, discuss and accomplish in our communities. If for no other reasons, our fight for cleaner environments and healthier communities lies in our future generations and the continuation of our culture.



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Native American Environmental Protection Coalition

Input Received From:

Campo Band of Kumeyaay Indians
Ewiaapaayp Band of Mission Indians
La Jolla Band of Luiseño Indians
Pala Band of Mission Indians
Pechanga Temecula Band of Luiseño Indians
Tohono O'odham Nation
Torres Martinez Desert Cahuilla Indians
Ysleta del Sur Pueblo of Texas
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