

NORTHERN ARIZONA UNIVERSITY

American Indian Air Quality Training Program

Institute for Tribal Environmental Professionals



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Northern Cheyenne's Clean Air Act: Formalizing Environmental Protection

The Northern Cheyenne Tribe, home to one of the nation's longest-running tribal air programs, will soon take a big step forward in their efforts to manage air quality on tribal land when they formalize the Northern Cheyenne Clean Air Act. The NCCAA will have two primary functions: It will adopt the Northern Cheyenne Ambient Air Quality Standards, which will be identical to the NAAQS for the six criteria air pollutants, and create a system for regulating open burning on the reservation, including a requirement that most large burns be subject to permitting.

Located in southeastern Montana, the tribe has a total enrollment of about 10,800 members. Over the years the tribe has addressed its most significant air quality issues in an informal arrangement that has worked reasonably well for its 5000 residents. But Air Quality Administrator, Jay Littlewolf, says the tribe believes the time has come to establish enforceable air rules on the 445,000-acre reservation.

The recipients of three Section 103 grants and one Section 105 grant under the Clean Air Act, Northern Cheyenne's air-program staff manage efforts that include visibility monitoring under the IMPROVE program, monitoring for wet-deposition mercury, and addressing indoor air quality issues that impact the reservation's 5000 residents. The air program's Section 105 grant, which they've received for over 25 years, supports program administration, project plans, and maintenance of their Treatment as a State status, which they gained in 1998 primarily to facilitate program funding.

Through a 20-year-long contract with a nearby coal-fired power plant managed by Talen Energy, Northern Cheyenne's air quality division monitors for

Sulfur dioxide, Nitrogen oxides and meteorological parameters, performs weekly checks, generates monthly and quarterly reports and submits them to AQS. They've long remained in attainment for those pollutants under the National Ambient Air Quality Standards. Their particulate matter [PM₁₀] levels exceeded the federal standards in the past in Lame Deer, the reservation's largest community and seat of the tribal government. PM₁₀ exceedances are due largely to fugitive road dust and seasonal agricultural burning; those impacts have decreased over the years. The tribe monitored for PM_{2.5} between 2000 and 2005, but discontinued monitoring after determining that fine particulate pollution was not a significant issue for their communities.

The health of the tribe's air is aided by informal arrangements with local nontribal authorities. Rosebud County, for example, has shifted away from the use of clay-based road sanding treatments during winter, which has helped reduce PM. The Bureau of Indian Affairs Dept. of Forestry and Wildland Fire Management Division, which oversees forestry operations on the sprawling reservation, has adjusted the timing of its seasonal slash-burning in

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From the Executive Director Ann Marie Chischilly

Happy fall, everyone. As the days get cooler and the trees begin to turn, we mark another transition into autumn. I hope your summer has been rewarding and restful.

Here at ITEP, we recently completed the 2016 Tribal Lands and Environment Forum (TLEF) in Uncasville, CT. This year's event took place at the Mohegan Sun Casino and was a success by any measure, welcoming nearly 500 participants representing more than 130 tribes.



TLEF participants.

I deeply appreciate the opportunity to learn more about the Northeast region and the cultures of tribal participants. Our thanks go out to the Mohegan Tribe for their excellent hosting of this

year's TLEF. We thank Chief Dr. Marilyn Malerba, Melissa Zobel, Medicine Woman, and Jean McInnis, Administrator, for assisting us at the Forum. Thank you to all of you who attended and made the Forum such a special event.

Earlier in the summer ITEP was honored to assist the National Congress of American Indians (NCAI) in contributing to the "Indian Nations and the 2016 Presidential Transition," to be presented to the new U.S. President. The document contains Indian country's view

of the needs and expectations of the tribes in their ongoing relationship with the U.S. administration. NCAI will make the document available at the NCAI convention in October. For more information, please visit <http://www.ncai.org>.

I also spoke at a United Nations Educational, Scientific and Cultural Organization (UNESCO) conference that focused on protecting historic sites from future impacts of climate change. At that event, I emphasized the need for preservation experts to understand the importance of protecting tribal traditional knowledges when they become a part of preservation activities. I also asked the audience to collaborate with the many Tribal Historic Preservation Officers in Indian country.

On a final note, I wanted to encourage all of you to be engaged in the National Climate Assessment 4. NCA3 was published in 2014 (<http://nca2014.globalchange.gov>); NCA4 will be published in 2018. This is the official report that is completed every four years. It has a big influence on how federal agencies prioritize and fund climate change initiatives.

To request information, please email: nca4input@menominee.edu.

Thank you. ☺



Institute for Tribal Environmental Professionals Northern Arizona University



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Executive Director
Ann Marie Chischilly

Director
Mehrdad Khatibi

*Associate Professor &
Curriculum Coordinator*
Patricia Ellsworth

*TAMS Center
Co-Director (ITEP)*
Chris Lee

*TAMS Center
Co-Director (EPA)*
Farshid Farsi

EEOP Coordinator
Mansel Nelson

Climate Change Program Managers
Nikki Cooley & Karen Cozzetto

Solid Waste Prog. Sr. Program Manager
Todd Barnell

Solid Waste Program Coordinator
Roberta Tohannie

Sr. Program Coordinator
John Mead

Program Coordinator
Julie Jurkowski

Program Manager
Lydia Scheer

Natl. Tribal Air Association Project Manager
Andy Bessler

Accountant
Melinda Yaiva

Editor
Dennis Wall

“Just Say Yes”: Making an Internship Work for You

Over the years ITEP has facilitated scores of student internships at locations ranging from EPA's Washington DC headquarters to tribal, state and nonprofit environmental programs across the nation. In this issue we launch a series profiling some of ITEP's former interns to find out where they are now and how their internship experiences have impacted their personal and professional lives.

Althea Walker, Environmental Education and Outreach Specialist, Gila River Indian Community

Since her 2011 internship assisting with salmon and lamprey research, Gila River Indian Community Environmental Education and Outreach Specialist, Althea Walker, has recognized the value of internship opportunities. That placement, sponsored by the Center for Coastal Margin Observation and Prediction in Oregon, familiarized Althea with the impacts of dam operations, climate change, and water quality on the vitality of the tribally important fish.

For an Arizona State University undergrad in Environmental and Resource Management, studying Northwest fish stocks might not seem the most obvious internship choice. But Althea had grown up in the Pacific Northwest and knew little about issues that Northwest tribes faced regarding “first foods.” The internship allowed her to expand her knowledge and experience on that topic and on Northwest tribal cultures; it also marked the first in a series of placements that would benefit her in a variety of ways. “By saying ‘yes’ to a job or task,” she says of student internships, “it may take you somewhere you’ve never been, it may lead to something you’ve never done. You might not be sure that what you’re doing is meaningful, but keep saying ‘yes,’ and eventually it’ll get you to somewhere where you’re saying, ‘Wow, how did I end up here?’ And it’s because you said ‘yes.’”

After that first stint with CMOP, says Althea, who in 2016 went on to earn an M.S. in Environmental Technology Management from ASU, she was eager to pursue additional



Gila River Indian Community Environmental Outreach and Education Specialist, Althea Walker.

placement opportunities. It didn’t take her long to find them: for two weeks during each of her next two summers, she traveled to Southeast Alaska to the Village of Hydaburg to work on a project titled, “Incorporating Traditional Ecological Knowledge into Geoscience Education.” As soon

as she returned from Alaska in 2013, she was placed at GRIC through ITEP’s Summer Internship program (an opportunity she learned about one day before the application was due and scrambled to apply for).

Another, two-week winter internship through ITEP followed—also at Gila River—which led to an internship directly with the Community. That led to her permanent job there. She’s been with her tribe’s environmental office ever since.

“I was proactive [in reaching out for internship opportunities],” Althea says. That energetic approach has served her well, both in finding field-work opportunities and in the job she presently holds at GRIC. During her internships and in her present outreach and education position with the tribe, Althea has taken on a number of tasks. Her present duties include educating Gila River stakeholders on green-building language the department seeks to include in the tribe’s building codes, and coordinating with contractors on a zero-waste effort—both part of a larger effort encouraged through EPA’s “Making a Visible Difference in Communities” initiative. She is also raising community awareness of air-quality issues via

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Gila River youth display a green flag, one of a coded system of flags that informs Community members of the quality of their air on a given day. Althea Walker coordinates the Air Quality Flag Program for the tribe.

Upcoming IAQTP Courses

IAQ Level 1 Minicourse (Region 5)	Oct. 18-20	Mt. Pleasant, MI
IAQ Level 1 (lower 48 states)	Nov. 15-17	Fargo, ND
Clean Air Act and Permitting	Nov. 29-Dec. 2	TAMS, Las Vegas, NV
Air Quality and IAQ in Alaska	Dec. 6-9	Kotzebue, AK
Proj. Planning, QAPPs & Grants in AK	Dec. 13-16	Anchorage, AK

Dates and locations can change. For updates, visit: www4.nau.edu/itep/air/training_aq.asp

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EPA's Air Quality Flag Program, which involves raising color-coded flags each day that inform community members on the quality of the air. In addition, she leads the Community's climate change adaptation planning efforts.



GRIC Environmental Outreach and Education Tech and former ITEP intern, Althea Walker, conducts a breakout session on her tribe's EPA Air Quality Flag Program and other topics at the National Tribal Forum in May 2016.

Her climate-focused work, which Althea agreed to take on after the formal project's launch was delayed for various reasons, includes organizing two upcoming ITEP climate-change workshops for GRIC members—events designed to build climate literacy and capacity on

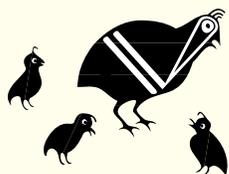
the impacts of climate change. "That will ultimately lead us to drafting a climate change adaptation plan for the Community."

Despite the demands of her busy duty roster, Althea also helps organize the tribe's yearly Christmas Bird Count, a

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community effort inspired by the National Audubon Society's long-running Christmas Bird Count. At each year's event, citizen-science volunteers, assisted by seasoned birders, fan out over tribal land to identify and count the birds they see. That information is added to a database that indicates trends in bird populations and migratory patterns.



To bring the Winter Bird Count to a wider audience, Althea is helping to produce a documentary of the counts. "We want to bring it all together, produce something that allows anyone to experience this tradition, which started in 1998. So we're producing a video that talks about the

scientific aspects, the cultural aspects, what [birds] mean to us as a community and as indigenous people, how our connection goes back to time immemorial and has helped to shape the way we live and who we are today."

Althea's proactive approach to her work reflects an attitude she's carried with her since her earliest days in academia. The multiple internships during her undergrad studies made for a demanding schedule, but each has been invaluable to her growth as a tribal environmental professional.

She encourages anyone considering an internship to stay open to diverse opportunities: "To make the experience as worthwhile as possible, say 'yes.' In the future, you'll be able to connect all those dots to see how it all makes sense. A broad range of experience is just so beneficial—and it looks great on your resume. The important thing is to say 'yes.'" ☉

National Tribal Air Association Update

By Andy Bessler, NTAA Program Manager

The National Tribal Air Association has been busy on several tribal air quality issues in 2016 as a strong voice for tribes. Here is a quick summary of recent policy support NTAA has provided to tribes:

VW Settlement

On June 28, 2016, the United States lodged with the court a settlement with automakers Volkswagen AG, Audi AG, Volkswagen Group of America, Inc., and Volkswagen Group of America Chattanooga Operations, LLC (collectively "Volkswagen"). The settlement partially resolves allegations that Volkswagen violated the Clean Air Act by the sale of approximately 500,000 model year 2009 to 2015 motor vehicles containing 2.0 liter diesel engines equipped with "defeat devices" ("CAA 2.0 liter partial settlement").

The settlement is a partial settlement because it only addresses what Volkswagen must do to address the 2.0 liter cars on the road and the pollution from these vehicles; it does not address other aspects of the federal complaint. The major excess pollutant at issue in this case is oxides of nitrogen (NOx), a serious health concern.

On June 7th, 2016 NTAA and the TAMS Center wrote a letter to U.S. EPA making recommendations

for the distribution of funds from this settlement to tribal air programs. NTAA and TAMS were pleased to hear that tribes will be eligible for over \$50 million as beneficiaries. In response, NTAA created a Policy Response Kit (PRK) to help tribes understand the settlement and respond to requests for comments and consultation from the U.S. Department of Justice (the comment period closed on August 27, 2016). Finally, NTAA is creating a VW Settlement Work Group moving forward to ensure tribes maintain a strong voice in

shaping the rollout of the VW settlement. The first meeting of NTAA's VW Settlement Work Group on took place on September 15th via conference call.

The Clean Energy Incentive Program

As part of President Obama's efforts to mitigate climate change by reducing carbon pollution, EPA has been active in moving forward in the Clean Energy Incentive Program (CEIP). The CEIP was developed

as part of the EPA's Clean Power Plan as a mechanism to encourage early investment in zero-emitting renewable energy generation to help achieve CPP goals. The court-ordered stay of the CPP allows states to continue planning efforts, and the



Program Manager, Andy Bessler, addresses member tribes at an NTAA luncheon meeting of the National Tribal Forum last May in Buffalo, NY.

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cooperation with the tribe. BIA Forestry also enforces burn rules over the workers it employs, responding to infractions for practices such as the burning of toxics like tires and batteries.

These and other arrangements have helped to keep the tribe's air in relatively good shape over the years, but Northern Cheyenne's desire for greater control over its natural resources has spurred them to develop the NCCAA, which will include tribal enforcement authority. That code is now in draft form and will soon be submitted to Council for approval.

The tribe has already developed similar authority via an approved tribal solid-waste code, for which Littlewolf says program staff are gradually upping their capacity. "It won't happen in just a year, but more like several years for staff to learn about enforcement, things like that. We're going to do those things when it comes to [the NCCAA]—more training, building capability. Give us a few years and we'll get trained."

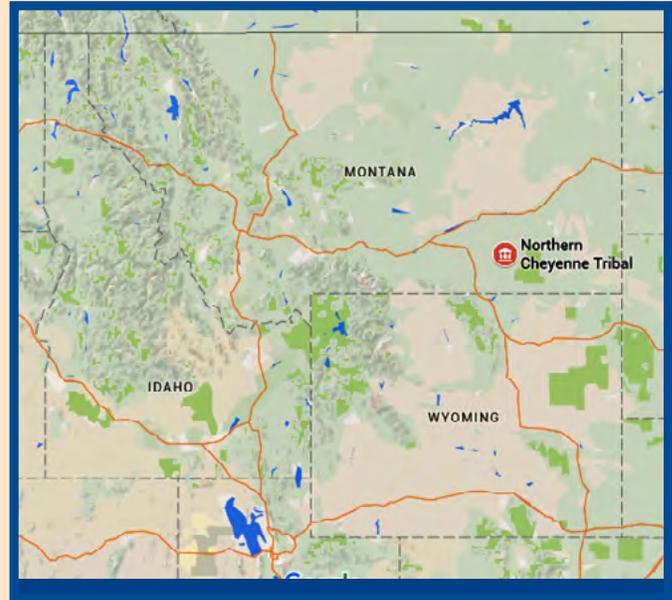
Littlewolf said in late July, "Right now we're working on the code with our attorneys. This will incorporate the NAAQS, and we're going to add the open-burning ordinance. We're not going to make our NAAQS standards more stringent than federal standards; we'll mimic those



27-year air program veteran Jay Littlewolf (left) and AQ Technician Scott Williams, who has been with the tribe's air program for 20 years.

standards. Right now, if something really bad happens we would get EPA here, but if we can do it locally we can deal with it more quickly—we can get it done. Until we get this approved by EPA, at least it will be approved by the tribe and will be enforceable."

As with the solid waste code, he says, the air staff will build NCCAA capacity over time, including enforcement capacity. "Right now I can't write someone a citation," he says. "For one thing, I could get assaulted. I'd rather leave that to law enforcement who are trained to do that."



*Location of the Northern Cheyenne Tribe.
Source: Google Maps.*

BIA conducts forestry burning enforcement for its own activities on the reservation. Littlewolf says he would like to see the agency take on enforcement responsibility for all burning on the reservation, at least until the tribe builds sufficient capacity to handle non-BIA burn enforcement on its own. The Northern Cheyenne Tribe is presently in discussion with BIA Forestry on that issue. Although the tribe maintains overall authority inside its exterior boundaries, one issue that will require further study is enforcement on the approximately 1% of nontribal fee land within tribal boundaries.

Littlewolf says he is aware that the Northern Cheyenne's development of a Clean Air Act has the potential to impact all tribes, and the tribe takes that responsibility seriously. "When a state does a law," he says, "it sets a precedent for that state. But if a tribe sets a precedent, it could apply to all tribes across the nation. Some tribes in the past haven't realized that. So we have to be careful about what we do."

He says the NCCAA language should be finalized and approved within six months to a year. "Then we'll have a tribal Clean Air Act. After that we'll work on it more and present it to EPA, maybe as part of a Tribal Implementation Plan."

You can reach Jay at jay.littlewolf@cheyennenation.com.

Visit The Northern Cheyenne Dept. of Environmental Protection and Natural Resources website at: www.cheyennenation-depnr.com/ 

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EPA is able to move forward with the CEIP because it is a voluntary program.

The CEIP will provide incentives, via Emission Reduction Credits (ERCs) or allowances, to eligible renewable energy and energy efficiency projects. ERCs and allowances can be purchased by CO₂-emitting power plants to comply with emissions standards under the CPP.

Tribes with affected sources (i.e., power plants affected by the CPP) may develop plans and elect to participate in the CEIP. Tribes without affected sources may also participate in the incentive program; however, this depends on their state first implementing a State Implementation Plan (SIP) and opting-in to the CEIP. NTAA has prepared a Policy Response Kit on the 2016 CEIP to support tribal comment submissions to EPA (due by November 1st, 2016). In 2015, NTAA's provided comments to EPA on the Clean Power Plan's Clean Energy Incentive Program (CEIP) in response to EPA seeking early comments as the CEIP is developed as an early incentive for states and tribes to reduce GHG emissions by developing renewable sources of energy. A webinar on the CEIP is available on NTAA's website for tribes.

Indoor Air Quality Needs Assessment

Indoor Air Quality is a growing concern for Native American tribal communities, especially during the cold months when people spend most of their time indoors. As

Native Americans are more likely to have compromised health due to asthma and other respiratory ailments, good IAQ practices are critical to protecting public health in tribal communities. NTAA has formed an IAQ Work Group (IAQWG) and has conducted the National IAQ Needs Assessment for Indian country to provide federal and tribal policy makers with a better understanding of the IAQ needs of tribal communities. In 2015, the IAQWG quickly concluded that a better understanding of IAQ in tribal communities was needed in order for the group to properly begin its work. A decision was reached to conduct a national needs assessment that was prepared and released to all federally recognized tribes on December 3rd, 2015.

NTAA learned that this was the first recorded national needs assessment for IAQ in tribal communities. A report was published in May 2016, based on responses from 83 tribes. The national needs assessment has been reopened, and NTAA's IAQ Work Group is working to provide tribes and the federal government with a national snapshot of tribal housing indoor air quality needs. The assessment will be sent to all federally-recognized tribes and is open for tribes to submit their information until January 31, 2017.

Moving forward, NTAA will continue to address air policy needs for tribes in 2017 with more Policy Response Kits, NTAA work group meetings, and publication of the Status of Tribal Air Report. For information on all of NTAA's work, please visit www.ntaatribalair.org.

Tribal Lands and Environment Forum

By Todd Barnell, ITEP Tribal Waste and Response Program Manager

The 2016 Tribal Lands and Environment Forum has come and gone, and we want to thank all of you who attended this year's forum. We had 490 attendees this year, representing 124 tribes, six tribal organizations, 13 government agencies, 20 companies, and nine universities and nonprofits. The attendees were offered five field trips, 15 trainings, two plenaries, 49 break-out sessions featuring 79 different presentations, and our first ever Multi Media Meetup activity.

A big thank you to the nearly 100 people who shared their knowledge and passion as presenters at this year's TLEF. You really are the reason this event was such a success, and we appreciate your dedication and willingness to share. We also want to thank Sissy Kotongan, chair of the TWRAP Steering Committee, and Kathie Brosemer of the National Tribal Water Council, for providing such heartfelt and moving comments during our closing plenary. It was the perfect way to wrap up a productive and educational week.

We want to extend a special thank you to our hosts, the Mohegan Tribe. They organized special field trips to their tribal museum and provided a wonderful Color Guard and drummers for our plenary sessions. We are particularly grateful to Mohegan Tribal Chief, Dr. Lynn Malerba, and Medicine Woman Melissa Zobel, for speaking at our plenaries.

We will soon have the TLEF presentations up on our website (http://www7.nau.edu/itep/main/Conferences/confr_tlef), so be sure to drop by that website soon. If you would like to see additional photos from this year's TLEF, please visit ITEP's Facebook page at: www.facebook.com/ITEPnau/.



Members of the TWRAP Steering Committee, who play a big role in making the TLEF such a success.