

SUMMARY *of* PROCEEDINGS



SELECT COMMITTEE ON TRIBAL RELATIONS

COMMITTEE MEETING INFORMATION

October 14-15, 2019 | 8:30 AM
Wind River Inter-Tribal Council Complex, Inter-Tribal Chamber
15 North Fork
Fort Washakie, Wyoming

COMMITTEE MEMBERS PRESENT

Senator Affie Ellis, Co-chairman
Representative Lloyd Larsen, Co-chairman
Senator Liisa Anselmi-Dalton
Senator Cale Case
Representative Jim Blackburn
Representative Andrea Clifford (10/14/2019)
Representative Pat Sweeney

COMMITTEE MEMBERS NOT PRESENT

Representative Andrea Clifford (10/15/2019)

LEGISLATIVE SERVICE OFFICE STAFF

Heather Jarvis, Staff Attorney
Karla Smith, Senior Program Evaluator

OTHERS PRESENT AT MEETING

Please refer to **Appendix 1-02** to review the Committee Sign-in Sheet for a list of other individuals who attended the meeting.

The Committee Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative committee meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Committee. All meeting materials and handouts provided to the Committee by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at lso@wyoleg.gov. The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at www.wyoleg.gov.

EXECUTIVE SUMMARY

The Committee met for a day and a half in Fort Washakie and heard testimony relating to a variety of matters affecting the Eastern Shoshone and Northern Arapaho Tribes and the surrounding communities, including coordinated efforts regarding missing and murdered indigenous persons, statewide education programs, Tribal Employment Rights Ordinance information, irrigation issues and difficulties managing solid waste disposal. In addition, the Committee and Environmental Protection Agency (EPA) Region 8 officials participated in a Tribal sponsored tour of illegal solid waste dumping sites on the Reservation as well as one of the Tribal solid waste dumping transfer stations.

CALL TO ORDER

Representative Larsen called the meeting to order on October 14, 2019 at 8:30 a.m. The following sections summarize the Committee proceedings by topic. Please refer to **Appendix 1-01** to review the Committee Meeting Agenda.

STATEWIDE DEVELOPMENTS AND REPORTS

thinkWY, Wyoming Humanities Council updates and discussion

Shannon Smith, Executive Director and CEO, thinkWY, Wyoming Humanities Council, provided an overview, purpose, history and current works of the Council, as well as an update on implementation of the recently enacted Indian Education for All law and different educational approaches and resources, public outreach and education. Ms. Smith also spoke about the pop-up kiosk educational exhibits and expounded on several handouts: WY Treaties Matter (**Appendix 2-02**), Two Nations One Reservation Kids and Adult Guides (**Appendix 2-03** and **Appendix 2-04**) and thinkWY's 2018-2019 Report on Investments in Native American Cultural and Educational Projects (**Appendix 2-01**). She also shared the American Veteran: Service to America (**Appendix 2-05**) and The Wyoming Cowboy (**Appendix 2-06**). She described other endeavors such as four PBS videos and two films (*Art of Home, Home from School - Now on WYOHhistory.org*), and more than forty articles.

Andrea Abeyta, Curriculum Director, Fort Washakie School, Fremont County School District 21, described several projects including their school grant funding for coordination with high school students interviewing Tribal elders on ways the elk migration affected their people historically and the translation project of the Disney movie *Bambi*. She commented on legislative requirements for Tribal involvement and the Wyoming Department of Education (WDE) including the Inter-Tribal Council in development of the Indian Education for All curriculum, relating to historical accuracy of Indian culture and history.

Karen Snyder, Councilwoman, Eastern Shoshone Business Council, voiced her concerns regarding consultants from South Dakota as it relates to Tribal involvement and resources.

Wyoming Highway Patrol updates and discussion

Colonel Kebin Haller, Wyoming Department of Transportation- Highway Patrol, provided an update on the special law enforcement commission (SLEC), stating that all ten troopers in the area are now certified. He described the main obstacle as being that the background investigation takes more than a year. He explained the advancement to law enforcement collaboration and enforcement in tribal matters that the SLEC provides and reported on efforts undertaken by the new and first agent assigned to the Tribe, current fatality statistics and Amber Alert system operations. The Committee discussed the 2013 House Bill 27 authorizing reservation officers to arrest and detain for traffic citations along with related issues being an interim topic in 2020.

Co-chairman Larsen provided background to a specific law enforcement altercation and shooting involving a Tribal member, noting that the incident highlights problems in addressing substance abuse and addiction treatment. Representative Clifford voiced her frustration over the incident.

University of Wyoming updates and discussion

Chris Boswell, Interim Vice President For Community Affairs, University of Wyoming, spoke on behalf of Interim President Theobald and his support of the Tribes and the work the university is accomplishing for Native American students ([Appendix 2-07](#)). He reaffirmed the Interim UW President's support for the Community Colleges on the additional degree programs and the intent to maintain educational ties to local communities. Representative Sweeney, Mr. Boswell, Senator Ellis, Representative Larsen and Representative Clifford each spoke regarding a four-year teaching degree from a Community College.

Ivan Posey, Tribal Education Coordinator, Central Wyoming College, and Brad Tyndall, President, Central Wyoming College, thanked the Committee for supporting the Bachelor of Applied Science degree bill. He indicated that it will help keep people on the Reservation and in the area.

Federal Delegation

Scott Ratcliff of Senator Enzi's office described the Wind River Development Fund as a non-profit community development corporation, told of its lack of a director for some time and then introduced the new director Mr. Eric Swack. Mr. Ratcliff provided information pertaining to his discussion with the mayor of Riverton regarding public intoxication and thanked the Committee for discussing the issue of substance abuse. Mr. Ratcliff asked for an update regarding idle land and the previous discussion with the University of Wyoming to form co-ops with tribal land to put land back into use.

WATER AND IRRIGATION

Mitch Cottenoir, Tribal Water Engineer, provided an update on the Water Development Commission's water rehabilitation and spending toward major diversion structures and critical repair needs ([Appendix 4-02](#)). He described his work with the Bureau of Indian Affairs (BIA) for additional funding for the next construction season, the condition of the irrigation systems, deferred maintenance needs and the lack of equipment left upon system transfer to the Tribes. He spoke regarding the Agricultural Resource Plan ([Appendix 4-01](#)), which provides a blueprint as to how the Tribes want to operate agriculture in the future. He also requested that the University of Wyoming maintain the Big Horn adjudication website so that it is easily accessible to the public.

John Anevski, BIA Water Resources Rights, discussed federal funding availability and irrigation administrative fees.

Mr. Cottenoir and Mr. Anevski discussed project funding, additional possible funding avenues, invasive species management such as for Russian Olive trees, funding, Wind River storage facilities and sites, storage rights and stream flow, benefits to tribal members and non-tribal irrigators, and the Agricultural Resource Plan.

Public Comment

Michael Garvin, Shoshone Tribal member and irrigator, expressed concerns regarding administrative fees to the BIA.

Marisa Selby, Mayor, Pavilion Wyoming, John Martin, Chairman of the North Ocean Lake Water Association, Pavilion, Wyoming, and Representative Salazar, Wyoming House of Representatives,

provided an overview and history of water quality issues for Pavilion, including efforts of the Mead administration to find solutions and the success they achieved with Encana providing grants for cisterns free of charge to thirty households. They discussed impacts to Tribal entities as Encana pulls out as it relates to the egress fees disappearing.

MISSING PERSONS

Governor's task force update

Colonel Haller discussed the Missing and Murdered Indigenous Women Task Force work, the October Amber Alert training and differences between the Amber Alert and the Endangered Person Alert. He discussed program data, information quality and quantity, and abduction cases.

Updates on proposed legislation

Senator Ellis provided an update on the few changes proposed for the bill that had been approved at the previous meeting to coordinate law enforcement and tribal efforts and information sharing and discussed a draft letter to the Wyoming Congressional Delegation regarding proposed legislation on the missing and murdered indigenous people ([Appendix 5-01](#)).

Public Comment

Councilwoman Snyder indicated the scope of work for the “Family Project” is through the Attorney General’s Office via federal funds.

Stephanie Warner, Director of Victim Services of the Eastern Shoshone Tribe, commented on the condition of victims, the need for services and the need to understand the underlying causes.

OFF RESERVATION HUNTING

Vernon Hill, Chairman of the Eastern Shoshone Business Council, provided information on Tribes' historical right to hunt on unoccupied lands off of the reservation and the treaties that protect that right.

Ladd Edmo, Chairman of the Fort Hall Business Council for the Shoshone-Bannock Tribe in Idaho, described the impacts of the *Herrera v. Wyoming* case and the efforts among tribes to better understand the case and to protect their right to hunt and fish on unoccupied non-tribal lands. Chairman Edmo also described the circumstances in which Tribal members may hunt across state lines.

Michial Garvin, Shoshone Off-Reservation Hunting Committee, described current efforts of the newly formed committee, Tribal hunting regulation such as Tribal game wardens, hunting seasons, bag limits, types of hunting and prohibitions and enforcing hunting safety. He indicated that they welcomed cooperation between Tribal and non-tribal hunting regulation and enforcement, such as a MOU with the State.

Public Comment

Eastern Shoshone Business Councilman Western “Gus” Thayer commented that the reservation probably has the best hunting in the whole country. He also asked who regulates the Buffalo hunt and the Elk refuge.

Patrick Eagle, Shoshone Tribal member, asked if the off-reservation hunting would apply the Arapaho Tribe as well. Mr. Garvin responded that it applied only the Shoshone Tribe because of their 1868 treaty. Representative Clifford commented that the Northern Arapaho have hunted buffalo in Yellowstone.

TRIBAL EMPLOYMENT RIGHTS ORDINANCE (TERO)

Skylar Dixey, Compliance Officer, Eastern Shoshone Tribal Employment Rights Office, explained that she is new to the position and discussed the Blue Sky Highway and the dam project. She indicated the Platte River and the Riverton projects are finished.

Shelby Carlson, Chief Engineer, Wyoming Department of Transportation (WYDOT), presented a history of WYDOT work on the Wind River Indian Reservation ([Appendix 8-04](#)) and explained their work with the Tribes on issues of high crash rates and pedestrian fatalities, and resulting reduction, as they work to build relationships. She described a federal grant (TIGER) for which the match percentage includes provisions for putting Tribal members to work. She stated that Fremont County and WYDOT funding require competitive bidding, which can cause bidding to be complicated. Ms. Carlson discussed in-state preference and the federal definitions of "Indian Reservation Road" and "exterior boundaries of the Reservation" as they relate to TERO rules and qualified workers. She emphasized the importance of TERO for providing well-paying and life-long employment opportunities, and she explained that TERO is paid by the general contractor and rates range from one percent to four percent across the nation and are about two percent in Wyoming ([Appendix 8-03](#)).

Cody Beers, Public Relations Specialist, WYDOT, explained boundary lines, the BUILD discretionary grant, as well as the Title X Tribal Employment Rights Code ([Appendix 8-01](#)). He told of WYDOT projects resulting in the successful reduction in pedestrian fatalities.

Brandon Finney, Division Administrator, School Facilities, State Construction Department, explained the TERO requirements in the context of the State Construction Department as outlined in the State Construction Department School Capital Construction Expenditures Related to the TERO ([Appendix 8-02](#)). He spoke regarding major maintenance, special fees, effectiveness of TERO training and success.

SOLID WASTE AND ILLEGAL DUMPING

Luke Esch, Administrator, Solid and Hazardous Waste Division, Wyoming Department of Environmental Quality (DEQ), provided history of waste management, EPA regulations and fees, and recent groundwater issues. He explained the lack of DEQ jurisdiction on the Reservation and that the DEQ can only help advise. He discussed solid waste disposal options and the degree to and under what circumstances different entities might have enforcement authority. He explained that the Fremont County Solid Waste Disposal District facilities are within State jurisdiction.

Amy Swanson, Regulatory Enforcement Section Chief, EPA Region 8, Regulatory Enforcement Section, Office of Regional Counsel; Mary Goldade, Tribal Affairs Branch; Amelia Piggott, Office of Regional Counsel, Region 8; Janice Pearson, Branch Chief, RCRA Hazardous Waste and Solid Waste Enforcement Program; and Sai Appaji, Tribal Solid Waste Coordinator, discussed possible ways they may work cooperatively with the Reservation. Ms. Swanson described tribal solid waste programs and how multiple entities are involved ([Appendix 12-03](#), [Appendix 12-02](#), [Appendix 12-01](#)).

Andy Frey, Fremont County Solid Waste Disposal District, provided a description of disposal rates, history of the solid waste management in Fremont County and the Reservation, and responsibilities and requirements for the solid waste transfer stations and the costs associated with hauling waste to other locations. He also spoke about the mill levy apportionment.

Jason Snyder, Indian Health Services, BIA, Billings, Montana stated that he maintains a list of open dumps and he will provide it once updated.

Public Comment

Ryan Ortiz, Northern Arapaho Tribal member and Chief Technical Officer, commented on the sustainability of services based on funding and how to manage them.

Councilwoman Snyder discussed that the responsibility for administration and clean-up of the illegal dumping sites and provided cost estimates based on the average tipping fee per month and the volume in tons generated per day.

Councilwoman Snyder, Councilman Star Weed, Jr., Eastern Shoshone Business Council, Councilman Spoonhunter, Northern Arapaho Business Council and Mr. Ortiz, Inter-Tribal Solid Waste Committee members, discussed several difficulties with applying for EPA funding, the disposal assurance requirements for licensed TERO projects, initial plans to address after-hour dumping and the goal to reopen the Arapahoe Transfer Station, as well as the practicality of assessing fees to individuals in poverty. Mr. Ortiz also described the mobile incineration equipment costs and the uncertainty with some EPA regulations. Councilwoman St. Clair discussed dump fees and barriers to payment.

Ms. Swanson commended the work of the Tribes to date, suggested additional approaches to combat illegal dumping and offered assistance to the tribes for developing an integrated solid waste management plan including littering and open dumping codes. Ms. Swanson also discussed pros and cons of dumping fees, possible approaches to encourage legal disposal and system maintenance funding options, Mr. Appaji provided additional detail on ways the EPA can assist the tribes if requested and discussed challenges and costs of operating landfills. Whether statutory changes could resolve some of the current jurisdictional and associated issues was also discussed.

Senator Case presented 2019 Senate File 154, Tribal solid waste disposal district (**Appendix 12-04**) on the topic of enabling the Tribes to establish a separate solid waste disposal district.

Tara Berg, County Assessor for Fremont County, and Julie Freese, County Clerk Fremont County, discussed mill levies for local property valuation, valuation fluctuation based on mineral production, as well as the importance of Tribal input in determining boundary lines.

Mark Moxly, Fremont County Solid Waste Disposal District, commented on flow control procedures, the Tribes' contract with the Fremont County Solid Waste Disposal District and the possibility of assistance or contracting with Casper.

Allison Sage, Northern Arapaho Tribal member, offered his perspective on the tax and trash issues as it relates to the fastest growing population in Wyoming, the Northern Arapaho, but without the necessary resources. He suggested thinking outside the box such as a bartering system.

MEETING ADJOURNMENT

Co-chairman Larsen adjourned the meeting on October 15, 2019 at 4:40 p.m.

Respectfully submitted,

Representative Lloyd Larsen

Committee Meeting Materials Index

Index Number	Agenda Item	Document Description	Document Provider
1-01		Agenda	LSO
1-02		Sign-in Sheet	LSO
2-01	Statewide developments and reports	American Indian Cultural Awareness and Education Projects	thinkWY Wyoming Humanities Council
2-02	Statewide developments and reports	WY Treaties Matter: American Indians Tell Their Stories	thinkWY Wyoming Humanities Council
2-03	Statewide developments and reports	Two Nations One Reservation, Kids Guide	thinkWY
2-04	Statewide developments and reports	Two Nations One Reservation, Adult Guide	thinkWY
2-05	Statewide developments and reports	The American Veteran: Service to America	thinkWY
2-06	Statewide developments and reports	The Wyoming Cowboy	thinkWY
2-07	Statewide developments and reports	UW Native American & Indigenous Affairs Strategic Plan	UW
4-01	Water and irrigation	Agricultural Resource Management Plan, Wind River Indian Reservation: June 2018	Tribal Water Engineer
4-02	Water and irrigation	Office of the TWE Wind River Irrigation Rehab Project	Tribal Water Engineer
5-01	Missing persons	Draft letter to Wyoming Congressional Delegation Regarding Crime on the Wind River Reservation	LSO - Chairperson Ellis

8-01	Tribal Employment Rights Ordinance for school construction, capital maintenance, regular maintenance and highway projects off the Reservation	Shoshone and Arapaho Employment Rights Code	LSO
8-02	Tribal Employment Rights Ordinance for school construction, capital maintenance, regular maintenance and highway projects off the Reservation	School Capital Construction Expenditures Related to the Tribal Employment Rights Ordinance	State Construction Department
8-03	Tribal Employment Rights Ordinance for school construction, capital maintenance, regular maintenance and highway projects off the Reservation	Tribal Employment Rights Office (TERO) Fees and Employment Preference on WYDOT Projects	Wyoming Department of Transportation
8-04	Tribal Employment Rights Ordinance for school construction, capital maintenance, regular maintenance and highway projects off the Reservation	Tribal Employment Rights Office (TERO) Expenditures and Legislative Recommendations Report: September 25, 2019	Wyoming Department of Transportation
12-01	Solid waste and illegal dumping	Enforcing Federal Environmental Laws in Indian Country	U.S. EPA Region 8
12-02	Solid waste and illegal dumping	Solid Waste Management in Indian Country	Indian Health Service
12-03	Solid waste and illegal dumping	Tribal Solid Waste Program Resources	U.S. EPA Region 8
12-04	Solid waste and illegal dumping	2019 SF0154: Tribal solid waste disposal district	LSO