**DRM Site**

Site Eligibility Determination

TO: Jane Neumann, Program Manager

U.S. EPA Region 5

Mail Code MCG 10J

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FROM: Diane Thompson, Hazardous Waste Manager

Division of Resource Management (DRM)

Leech Lake Band of Ojibwe (LLBO)

6530 Hwy 2 NW

Cass Lake , MN 56633

Site Name:

Division of Resource Management (DRM)

15756 Hwy 371

Cass Lake , MN 56633

Operational History:

Dated March 9, 1954 Wheeler Lumber Bridge and Supply Company held title to land mentioned below. There use was for a lumber mill.

Minnesota Chippewa Tribe Construction Company held title in 1972 then sold to Leech Lake Band of Ojibwe, there were two building that the Minnesota Chippewa Construction Company used for office.

June 30, 1981 The Leech Lake Band of Ojibwe held title on this access NE1/4SE1/4, Section 16, Township 145N, Range 31 W, 5 th P.M., Cass County, MN contains 2.23 acres more or less. Second part contains West 396', South 891'if NE1/4SE1/4, Less highway right of way, Section 16, Township 145N, Range31W, 5 th P.M., Cass County, MN containing 7.45 acres more or less.

The Leech Lake Band of Ojibwe Division of Resource Management maintained the buildings when they took over ownership Leech Lake Band had extended the buildings. The Leech Lake Reservation Division of Resources Management consists of five departments which was formed in 1982, they were the Conservation Enforcement they enforcement is charged with enforcing conservation laws and regulations as adopted by the Leech Lake Reservation Conservation Commission. The department employs a chief Conservation Officer and six full time Conservation officers in the field. Department of Lands and Waters: This department of Lands and Waters under take a variety of projects and ongoing management duties related to the utilization of Reservation land, and other physical resources. The department land management responsibilities include maintaining an inventory of reservation lands and physical resources; acquisition and disposal of property; the leasing of tribal land for residential, commercial and recreational use; and administering Reservation land use control and cultural resource protection ordinances. The primary goal of department activities is to meet present and future development activities is to meet present and future development demands and needs in a manner which protects and preserves the Reservation's outstanding natural features. Department of Fisheries and Wildlife: A fisheries component was added to the Division in February 1984. The Leech Lake reservation fisheries program consists of a Fish Hatchery/Fish Culture Section, sport and commercial fishery management/research sections and an education section. Each of these sections interacts to supply the monitoring, production, management and education necessary to operate the program. License Bureau: The Division of Resources Management License Bureau is responsible for issuing Reservation hunting, fishing, trapping and wild rice harvesting permits, as required by the Reservations Conservation code. Licenses are sold on an annual basis to qualified Leech Lake Band members and other Indian people residing within the Reservation. Authorized Reservation License Agents are situated throughout the Reservation. The License Bureau also administers a boat, snowmobile and off-road recreational vehicle registration and licensing system for tribal members. Security Services: The Department of Security Services provides security personnel for Reservation pow-wows and other tribal functions. The Department is also responsible for providing security for Tribal buildings, facilities and equipment. Conservation Court: The conservation court is administered by the chief judge, who is appointed by the reservation business committee along with an associate judge and clerk of court. Tribal members cited for violations of the conservation code are prosecuted in tribal court. The Reservations conservation court hears approximately 100 cases each year. In future years the court's authority may be expanded to include the adjudication of child welfare cases involving tribal members.

With the past history of ownership they would be the ones that maintained the land and existing buildings.

LLBO DRM has 4 buildings on site and one additional one that was built in 2004 for storage, we have the fisheries building which is used for making nets, building bird houses, selling and storing fish and berries: year established is 1980.

We have the hatchery which is used for hatching fish eggs, in addition to that we have the meeting rooms and additional offices in the hatchery building and a garage used for maintenance for small engines such as boat motors, 4 wheelers, lawnmowers: year established is 1984.

Then we have the DRM building that is used for office space also known as the Division of Resource Management, that would consist of the administration which sells licenses to Band members for fishing, hunting, trapping, ATVs, boats and snowmobiles: year established 1981.

The Leech Lake Band desires to expand its Botany Program by planting and growing traditionally used plants for seed stock these seed stocks are to restore areas within the reservation where traditional plants have been impacted. The restoration of those areas known to tribal members only are crucial to cultural and religion practice of gathering of natural foods and medicine. No other sites on the reservation are available to cost effectively to achieve the goals of the tribe in the expansion of the culturally botanic garden. These plants and seeds will serve as a source for re-vegetating areas where a ground disturbing projects has occurred.

The best location for these gardens would be at the DRM complex; we already have the staff to look after this process and with the limited land space available. However, it is unknown to the Band whether any residual contamination remains on site from the operation of the St. Regis Paper Company.

This unknown factor is significant in that the proposed garden would consist of plants that are significant to the traditional, cultural and spiritual well being of the Leech Lake Band. To develop these gardens without confirmation the site is clean will raise the uncertainty as to any risk associated with the use of the plants and the safety of workers gardening in these areas.

Environmental

The Division of Resource Management is west of the containment vault, property of the St. Regis Paper Company.

We are unsure of the contamination we have concerns with PAH and PCP.

Current Owners: Leech Lake Band of Ojibwe

In 1984 was when they have placed the Domestic wells these are for sanitary purposes, drinking, water for the fish hatchery building.

The Fish Hatchery Well Monitoring: with the last groundwater sample collected in Fish 4 was April 27, 2004 and was analyzed for PCP and the PAH compounds. All monitoring parameters (including PCP) were not detected in the groundwater sample. (Annual Sampling)

Water quality data over time fish hatchery wells : Fish 1 tested in May 92, cPAH <0.003 nPAH 0.004 PCP <6, fish 1 tested again in June 95, cPAH <0.003 nPAH <0.003 <3: Fish 2 tested in May 92, cPAH <0.003 nPAH 0.005 PCP <6 fish 2 tested again in June 95 cPAH <0.003 nPAH <0.003 PCP<3: Fish 3 tested in May 92, cPAH <0.003 nPAH 0.004 PCP <6 fish 3 tested again in June 95 cPAH<0.003 nPAH 0.003 PCP <3

This data was received from the 2004 annual report St. Regis Paper Company, Barr Engineering Company.

Process of Ownership Environmental Responsibility:

The Leech Lake Band of Ojibwe would like to place this piece of property into trust land however; additional testing and monitoring for PCP and PAHs must first be conducted, this is our concern with the St. Regis vault adjacent to the property.

Leech Lake Band pays land taxes on all parcels they do not have separate tax ID numbers. (see attachment).

In accordance with the Leech Lake Band of Ojibwe's Land Acquisition Policy, reaffirmed in Band Resolution No. 5-16, the Band anticipates acquiring additional lands to be put into trust. Such land acquisition is necessary for the Leech Lake Band (Band) to adequately conserve and develop its resources, to promote the conservation and development of Indian trust property, to promote the general welfare of Band members, and to protect the health and welfare of the Reservation population.

The Band has acquired ownership of the DRM property. The Band intends to expand the use of this property by cultivating an area of indigenous plants of cultural and historical significance and by developing a seed bank for those indigenous plants. These expanded uses are consistent with CERCLA's definition that a "Brownfields site" be real property, the expansion of which may be complicated by contamination. 42 U.S.C. § 9601(39)(A).

The Band's Land Acquisition Policy provides that acquired lands will be presented to the Secretary of the Interior for placement in trust for the Band. Consistent with this Policy, the Band anticipates presenting the DRM property for placement in trust status. When on-reservation lands are presented for trust status, federal regulations require that the lands not exceed specified contamination levels. 25 C.F.R. § 151.10(h); 602 DM 2, Land Acquisitions: Hazardous Substances Determinations. The Band has adopted a Hazardous Substances Control Act (HSCA), which provides for the assessment and cleanup of contaminated properties within the exterior boundaries of the Band's Reservation. Compliance with HSCA cleanup levels allows a property to meet the federal requirements for placement in trust status.

The first steps under the Band's HSCA are the identification of potential impaired sites and selection for further assessment. EPA's recognition of an identified property as a "Brownfields site" triggers the funding enabling the Band to perform further assessment, commence any necessary remediation, and prepare the property for placement in trust status.

For all of these reasons, the Band requests that EPA determine that the DRM property meets the criteria for a CERCLA "Brownfields site."

• Conclusion

This site eligibility language provides a strong statement of Band sovereignty, policy, and planning. It accomplishes the purpose of presenting a compelling argument to EPA for the eligibility as "Brownfields sites" of certain impaired properties within the exterior boundaries of the Reservation.

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