Message

From: Matsumoto, Kimi [Matsumoto.Kimi@epa.gov]
Sent: 6/14/2018 7:12:21 PM
To: Sutin, Elyana [Sutin.Elyana@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]
CC: Chin, Lucita [Chin.Lucita@epa.gov]; Barroso, Parks [barroso.parks@epa.gov]
Subject: RE: Draft Briefing Paper - DB EJ analysis

Thanks Elyana –
It will be great to have your input from the hearings. I think this is a really interesting post-DAPL law review article on EJ and tribes:
Environmental Justice: A Necessary Lens to Effectively View Environmental Threats to Indigenous Survival
https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/tlcp26&id=364

Excerpt:
Indigenous communities' claims differ from many other environmental claims because many indigenous cultures and traditions are tied to the environment in a manner that traditionally differs from that of the dominant society.42 As Frank Pommersheim points out, land "is important to Indian people in a multitude of ways: beyond subsistence, land is the source of spiritual origins and sustaining myth which in turn provides a landscape of cultural and emotional meaning. The land often determines the values of [their] human landscape."43 Analogous connections to the environment and the land among indigenous communities stem from the fact that many indigenous cultures are "land-based,"44 meaning that they are connected to a certain location or area. Many individual indigenous people and communities also possess a spiritual connection with land and the environment.45 These communities continue to have a deep relationship with ancestral homelands for sustenance, religious communion and comfort, and to maintain the strength of personal and interfamiliar identities. Through language, songs, and ceremonies, tribal people continue to honor sacred springs, ancestral burial places, and other places where ancestral communities remain alive.46 The spiritual connection between many Native nations and their surrounding environment is crucial to the self-determination of these communities.47 Therefore, many communities facing environmental challenges may also encounter devastating impacts to their culture, spirituality, and traditions. Such spiritual, cultural, and historical connections to the affected land play an important role in any environmental justice claim arising in indigenous territory because land, identity, and sovereignty/self-determination are uniquely connected within indigenous communities. Failure to consider these interconnections will negatively impact the quality of the indigenous community's participation in the legal process.

Also:
https://www.yalelawjournal.org/forum/environmental-justice-and-tribal-sovereignty

OWP will be scheduling a briefing for Darcy and Suzanne sometime towards the beginning of July. We will revise and shorten the briefing paper for that meeting.
Thanks, Kimi

From: Sutin, Elyana
Sent: Thursday, June 14, 2018 12:39 PM
To: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>
Cc: Chin, Lucita <Chin.Lucita@epa.gov>
Subject: RE: Draft Briefing Paper - DB EJ analysis

Kimi-

Ex. 5 AC/AWP/DP

I look forward to this discussion.

E.

Elyana R. Sutin
Deputy Regional Counsel
US EPA, Region 8
303.312.6899

From: Matsumoto, Kimi
Sent: Thursday, June 14, 2018 10:32 AM
To: Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>
Cc: Chin, Lucita <Chin.Lucita@epa.gov>
Subject: FW: Draft Briefing Paper - DB EJ analysis

Deliberative/attorney work product/attorney-client privileged

Hi KC and Elyana –

Ex. 5 AC/AWP/DP

Thanks, Kimi

From: Matsumoto, Kimi
Sent: Thursday, June 14, 2018 10:12 AM
To: Shea, Valois <Shea.Valois@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>; Belille, Jean <Belille.Jean@epa.gov>; Darling, Corbin <Darling.Corbin@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Barroso, Parks <barroso.parks@epa.gov>
Subject: Draft Briefing Paper - DB EJ analysis

Hi –
Attached is a draft briefing paper for our 11:00 – sorry for the late transmittal, we've been working on it this morning.
Talk with you all soon!
Kimi

Kimi Matsumoto
Senior Assistant Regional Counsel
Office of Regional Counsel
EPA Region 8
303-312-6875