U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REGION 6
TRIBAL OPERATIONS COMMITTEE
CHARTER

Amended May 29, 2003, February 25, 2009, April 13, 2016, and December 1, 2022

The Region 6 Tribal Operations Committee (RTOC) is a partnership between 66 federally recognized tribes in U.S. EPA Region 6 and the Region 6 office. The RTOC serves as the regional counterpart to the National Tribal Operations Committee (NTOC). The RTOC does not replace direct tribal to U.S. EPA relationships, nor does it constitute a forum for consultation between the federal government and tribes. The RTOC acknowledges and respects the tribal jurisdiction, cultural, political, and social continuity of tribes.

Section 1.0 Mission

In a manner consistent with the 1984 Indian Policy and applicable environmental laws, regulations, policies, and guidance, the RTOC's mission is to:

- Assist the EPA in meeting its trust responsibility to tribes.
- Maintain open dialogue among NTOC members, RTOC members, and all tribes on relevant environmental issues.
- Enhance U.S. EPA Region 6's responsiveness to tribal needs.
- Strengthen tribal environmental and human health programs.
- Strengthen government-to-government relationships between the EPA and all tribes.

Individual tribes may put forth issues through a representative on the National Tribal Caucus (NTC), the RTOC, or through a government-to-government relationship with the EPA. The RTOC does not preclude a tribe from exercising its sovereignty and forming or continuing its own relationship with the EPA.

Section 2.0 Goals

The RTOC's goals are to:

- Enhance government-to-government relationships between the EPA and all tribes.
- Promote and strengthen the inherent ability and continuing efforts of tribes to manage programs to provide environmental and human health protection.
- Promote continued education and increased communication at every level of the EPA on tribal sovereignty issues, principles of Indian law, and tribes as co-regulators.
- Foster and encourage U.S. EPA-tribal partnerships, promote understanding, and bridge gaps between tribes and the EPA.

Section 3.0 Roles and Responsibilities

The RTOC is comprised of the Tribal Caucus and U.S. EPA Region 6 Senior Management, including the Office of Communities, Tribes, and Environmental Assessment (OCTEA).

To support the mission and goals of the RTOC, the U.S. EPA Region 6 members of the RTOC shall, as appropriate:

- Recognize and respect the unique trust relationship that tribes have with the federal government, as well as tribal governments' authority to regulate the environment in their respective jurisdictions.
- Ensure that tribal interests are addressed consistently and routinely in the course of the EPA's operations.
- Work for the betterment of all tribes, listening to all tribes and fully considering their perspective and views while recognizing that all tribes need to have equal opportunity to access environmental resources.
- Share data, information, and the EPA initiatives that may be of interest to tribes or that may have an impact on tribal environmental programs in a timely manner.
- Share relevant information on policies, procedures, and programs in a manner that allows tribes to provide meaningful input to the EPA decisions affecting Indian Country.
- Listen to, understand, and provide meaningful feedback to tribes on the environmental and human health issues and other requests that are put forth.
- Take action to address environmental and human health priorities provided by the tribes, reporting about progress being made.
- Contribute to the exchange of ideas and recommend approaches that tribes and the EPA may take to improve tribal and federal operations.
- Recognize that each tribal nation is unique in their culture, heritage, and governance.
- Work with other federal agencies to address programmatic inconsistencies and explore opportunities for collaboration to protect human health and the environment in Indian Country.
- Actively prepare for and participate in RTOC meetings, formulating solutions to issues raised during RTOC discussions.

To support the mission and goals of the RTOC, the Tribal Caucus members of the RTOC shall:

- Promote the unique trust relationship that tribes have with the Federal Government, as well as tribes' inherent and delegated authority to exercise jurisdiction over their environments.
- Serve as advocates for tribes and environmental issues, working for the benefit of all tribes and promoting strategies to ensure tribes are treated fairly and equitably.
- Identify and articulate relevant environmental and human health priorities and issues of a tribe or tribes that are national or regional in scope, cross-agency, or cross-media in nature, and/or emerging or urgent.
- Contribute to the exchange of ideas and recommend approaches that tribes and the EPA may take to improve tribal and federal operations.
- Provide information and feedback to the EPA on tribal goals and strategies for protecting human health and the environment.
- Provide information and feedback to the EPA on tribal environmental program development and implementation in Indian Country.
- Solicit input from tribes and advance that input to the RTOC in a timely, fair, and objective manner.
- Convey information about the work of the RTOC to tribes in a timely manner.

- Actively prepare for and participate in Tribal Caucus and RTOC meetings, formulating solutions to issues raised during meeting discussions.
- Actively participate in subcommittees and workgroups formed by the Tribal Caucus or the RTOC.

Section 4.0 Membership

4.1 U.S. EPA Region 6 Membership

U.S. EPA Region 6 membership will include the Regional Administrator, the Deputy Regional Administrator, the OCTEA Director, and the Division Directors or their designees.

4.2 Tribal Membership

4.2.1 Composition and Selection

Tribal Caucus membership is limited to elected tribal officials and designated tribal staff from Region 6 Tribes and is determined by geographical area. The Tribal Caucus members will total seventeen (17), recognizing that a majority of nine (9) Tribal Caucus members is needed at each meeting to constitute a quorum. There are no at large voting members.

- New Mexico with 21 federally recognized Tribes and Pueblos has six (6) voting members
- Oklahoma with 38 federally recognized Tribes has nine (9) voting members
- Louisiana and Texas with 7 federally recognized Tribes and Pueblos have two (2) voting members (one from Louisiana Tribes and one from Texas Tribes)

The tribes within each state are responsible for determining a method for selecting representatives from their respective geographical area. Yearly selection of Tribal Caucus members to fill positions with expiring terms shall be the responsibility of the tribes located within each particular state prior to the last RTOC Meeting of the calendar year.

4.2.2 Designated Representatives and Alternates

Tribal leaders may select a designated representative with notification in writing to the Tribal and EPA Co-Chairs. It is preferred that designated representatives have a minimum of three years of tribal environmental experience.

If Tribal Caucus members or their designated representative are unable to attend meetings, they are expected to send an alternate to participate in their absence with notification being sent to the Tribal Co-Chair prior to the meeting.

4.2.3 Term, Attendance, and Vacancy

The Tribal Caucus members will serve a two-year term, beginning January 1st and ending December 31st of the second year, with the opportunity for renewable consecutive terms.

If a Tribal Caucus member misses three meetings and/or conference calls within a two-year period (without sending a designated representative or an alternate), they will automatically step down.

If the tribal leader of a Tribal Caucus member tribe leaves office prior to the end of their term, the Tribe may serve out the remainder of the term of office. If at any time during their term a

Tribal Caucus member decides to step down, they may do so by submitting written notification to the Tribal and EPA Co-Chairs.

Replacement of Tribal Caucus members shall be the responsibility of the tribes located within the state losing representation.

4.3 RTOC Leadership

The U.S. EPA Region 6 Administrator serves as the Co-Chair of the RTOC representing the Agency. The Deputy Regional Administrator serves as the Co-Chair in the absence of the Regional Administrator. The Tribal Caucus Chair serves as the Co-Chair of the RTOC representing the Tribal Caucus. The Tribal Caucus Vice-Chair serves as the Co-Chair in the absence of the Tribal Caucus Chair.

Section 5.0 Tribal Caucus Officers

5.1 Officers

- Chair
- Vice-Chair
- Secretary

5.2 Selection of Tribal Caucus Officers

The Tribal Caucus selects the officers from within the Tribal Caucus membership. These officers serve a two-year term and are selected by majority vote at the last in-person Tribal Caucus meeting every other year, as a quorum of Tribal Caucus membership is in attendance. If any of the Tribal Caucus Officers' terms of service on the Tribal Caucus ends or they vacate their office for any reason, a Special Election will be held to select a new Tribal Caucus member to serve the remainder of the officer's term.

5.3 Duties of Tribal Caucus Officers

Region 6 may make funds available to the Tribal Caucus Executive Committee for support services in accomplishing duties outlined below.

5.3.1 Chair

- Presides at meetings of the Tribal Caucus and co-chairs the RTOC meetings.
- Tracks tribal action items and ensures that an agenda is prepared and distributed prior to meetings.
- Facilitates discussions, encourages full participation, and promotes consensus of the Tribal Caucus.
- May convene the Tribal Caucus as a separate group from the RTOC to accomplish goals and objectives.
- May convene subcommittees/workgroups to accomplish separate tasks or assignments that are essential to meet overall goals and objectives.
- Maintains close coordination and communication with the tribes and the NTC members
- Presents the views and opinions of the Tribal Caucus and RTOC at regional and national meetings and/or conference calls.
- Serves as the point of contact for coordinating with the EPA and the Tribal Caucus regarding any RTOC Support funding that may be provided.

5.3.2 Vice-Chair

- Presides at meetings of the Tribal Caucus in the absence of the Chair.
- Assumes and discharges all the duties of the Chair in the Chair's absence.
- Takes leadership on specific issues per the Chair's direction.
- Maintains close coordination and communication with the tribes and the NTC members.

5.3.3 Secretary

- Assists the Chair and Vice-Chair in the accomplishment of his/her duties.
- Assist Chair with the tracking of tribal action items and ensuring an agenda is prepared and distributed prior to meetings.
- Creates or reviews a written record of all meetings, teleconferences, and discussion of the Tribal Caucus, highlighting any action items.
- Ensures minutes are distributed to the Tribal Caucus members.
- Ensures Tribal Caucus comments are accurately reflected in written records.

Section 6.0 Meetings

6.1 Regular Meetings

Face-to-face, in-person interactions are much more meaningful and engaging than virtual meetings. However, there may be developments that prohibit these types of interactions. In lieu of in-person meetings or if participants are unable to travel to meetings, virtual opportunities for interaction (e.g., conference call, webinar, video conference, etc.) may be provided.

Meetings will be conducted three times a year. One meeting in the spring will be held near U.S. EPA Region 6 Headquarters and correspond with the Annual Tribal Environmental Summit. The second meeting, held in mid-summer, will rotate between locations within Indian Country and offer an opportunity for any tribe to host the meeting. The third meeting held in late fall, will also rotate between locations within Indian Country and offer an opportunity for any tribe to host the meeting. In addition, conference calls/virtual meetings are scheduled once a month to conduct Tribal Caucus and/or RTOC business.

Tribal Caucus and RTOC members should make every effort to attend meetings. If they are absent, they will abide by the decisions made in their absence. If they cannot attend, members have the responsibility of presenting their opinions through their designated representative or alternate. Recommendations and actions will reflect the spirit of consensus to the extent possible.

6.2 Special Meetings

Any Tribal Caucus or RTOC member can make a request for a Special Meeting to either Co-Chair. Only the Co-Chair(s) can convene a special meeting of the RTOC.

6.3 Other Meeting Attendees

The meetings may be open to all the EPA employees, all tribal officials, members, and staff. Persons other than the EPA staff or tribal members and staff may be invited to attend, solely at the discretion of the RTOC.

6.4 Conduct of Meetings

Tribal customs, practices, and manner are to govern the order of the meeting for all Tribal Caucus and RTOC meetings. Meetings will be conducted by the Co-Chairs, including facilitation and management of the agenda.

The order of business shall include: invocation, opening, roll call, declaration of a quorum, welcome and introductions, approval of agenda, approval of minutes, new business, old business, division reports, review of action items, other business including the location and date of the next meeting, announcements, closing, adjourn, benediction.

Section 7.0 Subcommittees and Workgroups

Either Co-Chair may establish subcommittees or workgroups when necessary to facilitate the purpose and goals of the RTOC. Tribal Caucus and RTOC members may be asked to participate in these subcommittees to lend their technical expertise. A lead person will be designated to oversee the subcommittee or workgroup. The lead person will be responsible for coordinating the assigned tasks and draft items for the next Tribal Caucus and/or RTOC meeting to enhance understanding, discussion, and resolution.

Section 8.0 Selection of National Tribal Caucus (NTC) Representation

Members of the Tribal Caucus shall by majority vote, select two tribal representatives of the Tribal Caucus meeting the criteria set forth in the NTOC Charter to serve as delegates to the NTC for a two-year term with an option for renewal. The vote shall take place at the last in-person Tribal Caucus meeting every other year with the representatives' terms beginning on January 1st of the following year. In the same manner, an NTC alternate shall be selected by the Tribal Caucus. NTC representatives must represent tribes from different states within Region 6 (i.e., two NTC representatives may not be chosen from New Mexico) unless the Tribes located within the other states decline to serve.

8.1 NTC Representative Responsibilities

- Gather input from tribes in Region 6 and advance that input to the NTC and NTOC in a fair and objective manner.
- Attend NTC and NTOC meetings and participate in NTC and NTOC conference calls
- Provide reports and/or updates at Tribal Caucus and RTOC meetings on NTC and NTOC topics/issues.
- Serve on ad hoc and/or standing committees and subgroups formed by the NTC and NTOC.
- If NTC representatives are unable to attend a meeting, they shall notify the alternate to attend in their place.
- No more than two consecutive meetings/conference calls can be missed. Failure to attend meetings or perform the duties of this position may lead to official retraction of the NTC representation. This decision can only be made by a majority vote of the Tribal Caucus members.

Section 9.0 Selection of Tribal Partnership Group Representation
National U.S. EPA/Tribal Partnership Groups may request tribal representation from Region 6. The Region 6 Tribal Caucus will request nominations from all federally recognized tribes in Region 6 and select representatives by majority vote.

Section 10.0 Voting Procedures
If determined to be necessary, voting can be conducted electronically provided a majority of Tribal Caucus members (as provided in Section 4.0) return votes.

Section 11.0 Signatures
In order to maintain the integrity and strength of the Tribal Caucus as an advisory body, any documents or letters developed for the Tribal Co-Chair's (or their designated representative) signature must be vetted and approved by a majority vote of the Tribal Caucus electronically or in-person before being sent.

Section 12.0 Amendments
As the RTOC's role and responsibilities evolve, it may amend this Charter as necessary. This Charter will be reviewed no less than every five years. Any proposed amendments shall be developed by the RTOC or a Charter Workgroup, reviewed by the EPA, disseminated for review and input by all the Tribes in Region 6, and voted upon at the next RTOC meeting. These amendments will be final upon the signature of both the Tribal and EPA Co-Chairs on the revised Charter.

CERTIFICATION
We hereby certify that the foregoing Regional Tribal Operations Committee Charter was revised at a duly called meeting of the Regional Tribal Operations Committee, held on the 1st day of December 2022, where a quorum was present.

_____ _____
Tribal Co-Chair Date

_____ _____
U.S. EPA Region 6 Co-Chair Date