Regional Tribal Operations Committee

Pre-Meeting Caucus

July 12, 2021

2:00 p.m. – 4:00 p.m. CDT
1:00 p.m. – 3:00 p.m. MDT

WebEx Link for the Meeting

https://cherokeenation.webex.com/cherokeenation/j.php?MTID=m1602b5e3236eae35b57bccd3af251625

AGENDA

I. Transition Document Working Group

DRAFT

Regional Tribal Operations Committee

Tribal Caucus July 13, 2021
9:30 a.m. – 4:30 p.m. CDT
8:30 a.m. – 3:30 p.m. MDT
WebEx Link for the Meeting
https://cherokeenation.webex.com/cherokeenation/j.php?MTID=ma9c32d93cab09a379c2b385197af181e

MINUTES

I. Opening – Blane Sanchez, 2nd Lt Governor, Pueblo of Isleta, Tribal Co-Chair
II. Invocation- 1st Lieutenant Governor, Virgil Lucero
III. Roll Call and Declaration of Quorum – Polly Edwards, Caddo Nation, Acting RTOC Secretary – Quorum was established.

Alabama-Coushatta (12/21)		**Fort Sill Apache Tribe of Oklahoma (12/22)**	**X**
Coushatta Tribe of Louisiana (12/21)		**Wyandotte Nation (12/21)**	**X**
OK Caddo Nation of Oklahoma (12/21)	**X**	**NM Pueblos of Isleta (12/21)**	**X**
Cherokee Nation (12/22)	**X**	**Pueblo of Laguna (12/21)**	**X**
Chickasaw Nation (12/22)	**X**	**Pueblo of Santa Clara (12/21)**	**X**
Citizen Potawatomi Nation (12/21)	**X**	**Pueblo of San Felipe (12/22)**	**X**
Muscogee (Creek) Nation (12/22)	**X**	**Pueblo of Santo Domingo (12/22)**	
Ottawa Tribe of Oklahoma (12/21)	**X**	**Pueblo of Zia (12/22)**	**X**
Choctaw Nation of Oklahoma (12/22)	**X**		

IV. Welcome and Introductions– Tribal Leaders, Tribal Caucus, and Meeting Participants
V. Approval of Agenda – Muscogee Creek Nation – 1st, 2nd by San Felipe. Motion passed.
VI. Approval of Minutes – April 13, 2021, Tribal Caucus Virtual Meeting
    a. Motion to approve- Muscogee Creek, Ft. Sill Apache – 2nd Motion passed.
VII. New Business
    a. RTOC Secretary Election –
        i. Discussion continued regarding the absence of an RTOC Secretary and asked for volunteers to continue through this year. Caddo Nation and Wyandotte Nation have agreed to continue since no volunteers were forthcoming. They will share the responsibility. Caddo Nation will cover the Caucus minutes and Wyandotte will cover the Full RTOC.
        ii. Motion was made to have Caddo Nation (Polly) and Wyandotte Nation (Kathy) continue to cover the position of Secretary through 2021. Motion made by James Williams, Muscogee Creek Nation and 2nd by Shawn Howard, Citizen Potawatomi Nation. Motion passed.
    b. GAP Guidance Evaluation Phase 2 (30 minutes)
        i. Pinu'u Stout, Pueblo of San Felipe, commented on NTC call last week on the GAP Guidance; description has evolved – worrisome that there will be no change – Lisa Berrios, AIEO
        ii. Please volunteer if you can.

DRAFT

Tabitha Langston, Ottawa Tribe of Oklahoma, shared her screen for tribal webinar of June 24, 2021, showing the GAP Guidance – important workgroups division and request is that anyone interested in participating to email Lisa Berrios, Berrios.lisa@epa.gov .

iii. Changes in GAP funding allocations to tribes
Changes in how GAP funding has been an issue before that keeps coming back around. We recalled when Luke Jones, AIEO, pushed to have it become competitive and it would not be an even amount- allocation will be sent out to comment to tribes. Some tribes want it by land mass, some by enrollment, but the amount will be competitive possibly.
Ramona Montoya, Pueblo of Isleta – consider that they are just tweaking the guidance to strengthen the amount of funding that is received.
Dino Chavarria, Pueblo of Santa Clara – it is their decision to be made – they will make the decision they want.
Pinu'u – EPA felt controlling on the call since they are putting the members on the workgroups. We need and want changes that will make a difference.
Do we need a working group at the regional level to help capture what is going on?
Action Item: Talk to Lisa Berrios regarding how allocation will change – criteria with regulatory programs – despite the land base – Larger land-based tribes were making a push toward more money – when you receive regulatory programming – multimedia grants are available, but nonregulatory tribes are left out.
Pueblo – generally according to Dino – a tribe can apply, but no EPA funds are automatically awarded with TAS; Consultation of allocation is needed, but not necessarily real consultation.
Once again that they will try to fast track the allocation but drag feet on guidance. Everyone will have to voice their opinion.
Shawn- remind that the initial GAP Guidance was developed under JoAnn Chase.
Wayne Isaacs, Cherokee Nation – Cherokee Nation talking about working on task force, but it has only 3 tribes out of 573 tribes in the United States on the NEPA Process. It is about changing regulation. TAS is founded – some TAS are regulatory some are not, it depended on the media.
Ramona – Will entertain motion to establish a 2nd GAP Guidance Workgroup – Caddo Nation will move, Ottawa Tribe 2nd to create a Regional GAP Guidance Phase 2 – motion passed by voice vote. Kickoff work group meeting on July 21st at 2:00 Central / 1:00 mountain

c. Tribal Public Water System Supervision Program (30 minutes)
   i. Hot topic – Having the cost no longer allowed for lab cost and for the tribes it as if the "rug" pulled out from under the Tribes without them able to use their EPA funding to pay for lab costs.
   ii. How money is spent, how it comes back on the tribes.
   iii. Pinu'u – it impacts the bottom line – has anyone covered the changes?
      - Action Item – see if we can Get a count and cost to Tribes with Tribal Public Drinking Systems
   iv. Briefing material about how funds will not be available for tribes to send to labs and the cost associated with those cost? Have the tribes reached out to

NCAI?

v. Mark Allen, EPA Region 6, OCTEA – will send invite and agenda out again.
vi. Regional Tribal Council Office will have some comment on the monies available.
vii. Nikki Woodward, Pueblo of Laguna – issue came up because the State of New Mexico had EPA paying for their sampling. States have more EPA revenue to cover the cost, so currently they are extending funding to tribes temporarily to cover until the dispute is being addressed (Dino)
They sent it out as a memo to Tribes.
Action Item: Pinu'u – have an idea of how many Tribal Drinking Water System are affected by this? Southwest Environmental Finance Center (SWEFC) – 3 wells.
Glenn Tortalita, Pueblo of Zia – asked if anyone has heard from SWEFC?
Dino - They heard from SWEFC – Santa Clara contacted directly to see what the sampling cost would be for the next few years.
Monte Scammahorn, Ft. Sill Apache Tribe – Wanted to know if this is only for systems for Housing.
Ramona suggests it would be whether Monte's Fort Sill Apache system is a community or non-Community drinking water system. Enterprise operations are not covered by EPA. SWEFC can assist tribe with requirements.

Break – back in 13 minutes back at 10:20 MT/11:20CT

VIII. Progress Reports – See Written Reports (45 minutes)

a. National Tribal Caucus (NTC) Pinu'u – Report
   i. NTC Workgroup – NTC Charter revision
   ii. Office of Mission Support was yesterday 7/12/2021
   iii. Michael T. Sandoval added to call – Pueblo of San Felipe
b. National Tribal Air Association (NTAA)
   i. Craig Kreman, Quapaw Nation – Report out for NTAA – Tim Kent is retiring at Quapaw Last day is Thursday – Craig is taking over as environmental director. Laura McKelvey is going to be Policy Advisory Committee member. New addressing of mobile emissions and Clean Air Advisory Committee which has Tribal representation. Transitional Document was completed. NTAA has a new App in the Google Store and Apple Store
   ii. Selection of Alternate – Maxine Paul, Santa Ana Pueblo
      - Motion to vote – Ramona, Pueblo of Isleta made motion, Polly, Caddo Nation 2nd – Motion. Motion passed.

   National Tribal Forum on Air Quality will be in person at Muscogee Creek Nation in 2022.
c. Tribal Environmental Coalition of Oklahoma (TECO) – Jason White, Cherokee Nation
   i. Sent report – May 18th Virtual meeting
d. Inter-Tribal Resource Advisory Committee (IRAC)-
   i. Karmen Badonie reported – work status updates – some tribes are slowly moving back into offices. Vaccines are a priority.
   ii. Update of the Transition Document – Air and Pesticide Meeting at 10AM MT/ 11AM CT 7/15/2021
   iii. San Felipe can have people added to the 106 Working Group.

iv. Tribal Resilience group – working on student.
v. They put out a survey regarding an in-person workshop 59% in favor 41% not sure – Recycling Workshop.
vi. Announcement – Continue seeking support to Pueblo of Isleta for a new hot asphalt plant near Pueblo's northern boundary.
vii. Cynthia Naha, designated RTOC representative for Santo Domingo Pueblo, resignation announced.

e. Texas and Louisiana Tribes – no report

LUNCH 11:00MT/12:00CT for an hour. Will table the reports after lunch to allow EPA to give presentation.

f. Tribal Governance Group (TGG) – Cynthia Naha representative - Need new rep/ find out the requirements – Frank Harjo, Muscogee Creek Nation is a representative. Polly, Caddo Nation, made motion to table 2nd by Jennifer, Ft Sill Apache, until we contact Frank Harjo.
g. E-Enterprise Leadership Council (EELC) – Cynthia Naha representative -
   i. Selection of Representative – Josh Worcester, Ft Sill Apache Tribe, is new EELC representative. Josh was confirmed as the new rep on the June 17th monthly RTOC call. Recent meeting. SWDIS, Smart Tools, Compliance Information systems. September 14th Meeting will agree upon priorities of the Biden-Harris Admin. Next meeting might be a hybrid meeting in person/virtual.
h. National Tribal Water Council (NTWC)- Stephen Wolfe, Seneca-Cayuga Nation
   i. Three NTWC calls – outlined the four actions including a repeal and replace, improve coordination and consultation with Tribes. Work on Tribal Action Plan – Comment was shared with Leadership. There is a call to see about an alternative position.
i. Tribal Waste and Response Steering Committee – Tracy Horst, Choctaw Nation
   i. They will announce the new representatives soon.
j. Tribal Science Council (TSC) – Craig Kreman and Tammy Belone – Will send report.
k. Other – Any other Tribal Partnership Groups that may not have been included.

IX. Continue New Business

d. Tribal Baseline Water Quality Standards – Mary Lou Soscia, EPA Region 10, Baseline WQS Tribal Consultation Lead and James Ray, EPA HQ, Baseline WQS Rule Manager (30 minutes)
   - Two presentations for Tribal Baseline Water Quality Standards- James Ray is the Rule Manager
   - Powerpoint – Sent out by Jay Harris, EPA Region 6, OCTEA
   - Meant to close the gap – Many tribal waters do not have tribal water quality standards EPA approved or promulgated water quality standards
   - This is a building block to help tribes on their way to create standards
   - James Ray:
     - Designated Uses- narrative goals for a waterbody, such as recreation and protection of aquatic life
       - Fish propagation and consumption
       - Protect Tribal cultural uses

- Potential Baseline Standard – free from adverse conditions, etc.
- Provide for limited location-specific tailoring to better protection tribal waters
- Antidegradation requirements
- Implementation

Opt-Out Provisions
If a Tribe has a plan or plans to seek treatment in a similar manner as a State

Question: How would a tribal water body under baseline WQS be protected that is not a WOTUS under the navigable waters' protection rule? Fred Leutner explained it is according to the definition of "reservation" that appears in the Clean Water Act, Section 518.

Tribes' comments by September 13, 2021, soscia.marylou@epa.gov

Question: Would tribes that currently do not apply for CWA Section 106 be able to apply 106 funding to assess whether waters meet the baseline?

Question: (Sophie Stauffer) Do anticipate more tribes applying for CWA Section 106 funds?

Question: (Blane Sanchez) What is the Outlook for funding tribal WQS programs under the current Administration, decreasing, same, increasing?

Question: (Ramona) Referring to Slide 20, please explain what is meant by "reservation waters."

Question: (Blane Sanchez) What will be the current Administration's effort to include chemicals related to personal care products, pharmaceuticals, radionuclides in updating WQS? Answer provided: if the science is there, numbers can be translated into a Permit. Standards can be narrative therefore able to tailor.

e. Potential Revisions to Federal Water Quality Standards to Protect Tribal Treaty Rights – Jennifer Brundage, EPA HQ, Staff Lead and Erica Fleisig, EPA HQ, Team Leader (30 minutes)
    - Jennifer Brundage PowerPoint- National Listening Session July 19, 2021, from 3:00 -5:00 PM ET
    - 2nd Webinar in August

Question: (Wayne Isaacs) Under Potential Regulatory Revisions, you stated that States and EPA must not impair tribal reserved rights when establishing, revising, and approving WQS. Who makes this Determination?

f. Emerging Issues

X. Old Business

a. SAFETEA Update (30 minutes) – Walter Echo-Hawk, President, Pawnee Nation
    i. Update on SAFETEA – June 30th – sent a letter to Tribal Nation Consultation will begin in June and conclude in August.
    ii. Walter Echo-Hawk
        - Update on SAFETEA – Was a backlash against all the Tribes due to the McGirt decision. EPA has decided to go forward with formal

government to government consultation to determine the impact or the adverse impact on each tribe and the discuss how to mitigate the impact on the tribes.

- EPA are not advising to withdraw the order.

b. COVID Update from Tribes –
   i. Increasing our output for COVID19 response for the Fall. We are increasing push to vaccinate tribal members and drive through clinics. We are tracking health concerns among our area including the delta variant.

c. Transition Document Workgroup Update- Updates on the work by Tabitha Langston
   i. Email Karmen@enipc.org to join the Transition Document Workgroup

d. RTOC Charter Work Group – Work group is suspended for the time being.

e. Workshop, Training, and General Announcements –
   i. Stormwater Conference, New Orleans or virtual, Aug 8-12
   ii. Tribal Lands & Environment Forum, virtual in 2021

XI. Location and Date of Next Meeting – In person or virtual in November
   a. Suggestion is to plan on another virtual meeting in November. Proposed date November 30-December 2nd for Virtual RTOC meeting in Fall.

XII. Review of Action Items – Polly Edwards, Caddo Nation, Acting RTOC Secretary
   a. Action Items:
   b. Action Items: MPG Grant extra monies –
   c. Action Items: Allocation Process
   d. Action Items: 87 Tribal Public Drinking Water cost
   e. Action Items: No return address on our Region 6 RTOC Letterhead – Tribal Co-Chair. Will use Tribal Co-Chair's mailing address

XIII. Closing – Blane Sanchez, 2nd Lt Governor, Pueblo of Isleta, Tribal Co-Chair

XIV. Benediction

XV. Adjournment – Blane Sanchez, 2nd Lt Governor, Pueblo of Isleta, Tribal Co-Chair

DRAFT