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Curyung Tribal Council

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April 10, 2024

Michael Reagan, Administrator
USEPA William Jefferson Clinton Building
Mail code: 1101A
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Administrator Reagan:

On Wednesday April 3, the National Tribal Caucus (NTC) convened our monthly meeting with the American Indian Environmental Office (AIEO). At this meeting, which included the Assistant Administrator of the Office of International and Tribal Affairs (OITA), the agency announced its intention to reform the NTC into a *federal advisory committee* subject to the Federal Advisory Committee Act (FACA). After receiving this apparent vote of no confidence in the NTC from AIEO and OITA on your behalf, it is clear that the monumental efforts tribes have made to the NTC and the EPA over many years have not been well received. The NTC adamantly opposes the formation of the federal advisory committee.

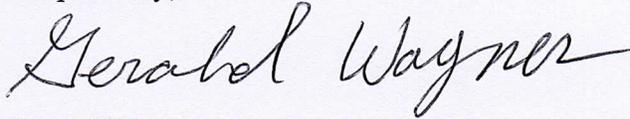
This announcement came after four and a half years of stonewalling by AIEO on a proposed revision to the National Tribal Operations Committee (NTOC) Charter with absolutely no feedback as to the cause of such a delay. The cause of such a delay in addressing our proposed charter changes is now evident. It was disappointing to learn of this change. It was especially disheartening to learn that a decision regarding the fate of the NTC was made in a manner that completely lacked transparency and did not follow EPA's *Indian Policy* or the newly adopted EPA *Tribal Consultation Policy*, with zero consultation and coordination with the NTC.

AIEO also announced that the EPA will be limiting NTC participation to elected tribal leaders. Consistent with FACA, EPA will be choosing who can participate, as well as the subject matter that will be addressed by this new organization. Currently, the NTC is chosen by the Regional Tribal Operations Committees (RTOCs) in a democratic manner, by vote. This is one of the values of the NTC—the democratic and grassroots representation of the tribes within the United States of America. That has now been destroyed. Presently, RTOCs utilize the NTC to bring forth regional issues affecting tribes to the national level. This process will cease to exist without the continuation of National Tribal Caucus in its current form.

At our meeting last Wednesday, we were told that we could provide comments and request consultation during an upcoming 60-day “consultation” period. It has been 40 years since EPA adopted its *Indian Policy*. It has been 30 years since the NTC was born from the intention to comply with that policy. Tribes will now have a mere 60 days to weigh in on the process by which this new organization will function, but without any input on the fate of the current Caucus.

The NTC will be deliberating on this matter extensively in the coming weeks and we will be corresponding with you further. It is challenging for us to fathom how this decision conveys President Biden's expressed commitment to tribes and their fair and valuable participation in the federal government's trust responsibilities to them.

Respectfully,

A handwritten signature in cursive script that reads "Gerald Wagner". The signature is written in black ink and is positioned below the word "Respectfully,".

Gerald Wagner
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NTC Chair

In conjunction with: Tabitha Langston
Region 6
NTC Vice Chair

Meyo Marrufo
Region 9
NTC Secretary