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 San 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 – Motion to Approve made Muscogee Creek Nation and 2nd by San Felipe. Motion passes.
VI. Approval of Minutes – April 13, 2021, Tribal Caucus Virtual Meeting
    a. Motion to approve made by Muscogee Creek Nation and 2nd by Ft. Sill Apache. Motion passes.
VII. New Business
    a. RTOC Secretary Election –
        i. Discussion regarding the absence of a RTOC Secretary. Volunteers were solicited to serve through the rest of the year. Caddo Nation and Wyandotte Nation have agreed to continue assisting the group since no volunteers were forthcoming.
        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 Muscogee Creek Nation and 2nd by Citizen Potawatomi Nation. Motion passes.
    b. GAP Guidance Evaluation Phase 2 (30 minutes)
        i. Tabitha Langston, Ottawa Tribe of Oklahoma, shared her screen showing the GAP Guidance Evaluation slides illustrating the different workgroups being established. Anyone interested in participating on a work group should email Lisa Barrios, Barrios.lisa@epa.gov.

ii. Pinu'u Stout, Pueblo of San Felipe, reported on the NTC call last week regarding the GAP Guidance. The description has evolved – concerned that ultimately there will be no real change.

iii. Changes in GAP funding allocations to tribes
Possible changes in how GAP funding is allocated to tribes has been an issue in the past. Potential changes to the allocation were discussed such as, land mass, number of members, need, etc. Discussion on the possibility of a portion becoming competitive like CWA Section 106 Variable Funding.
Pinu'u stated that EPA felt controlling on the call since they are putting the members on the workgroups. Discussion that the tribes need and want changes that will make a difference.
Discussion on the need for a working group at the regional level to help capture what is going on.
Shawn Howard, Citizen Potawatomi, reminded the group that the initial GAP Guidance was created under Joanna Chase as well.
Action Item: Talk to Lisa Barrios regarding possible allocation changes
Ramona Montoya, Pueblo of Isleta, requested a motion to establish a 2nd GAP Guidance Workgroup. Motion made by Caddo Nation and 2nd by Ottawa Tribe to create a Regional GAP Guidance Phase 2. Motion passes. The Workgroup's Kickoff meeting will be July 21st at 2:00 CT / 1:00 MT.

c. Tribal Public Water System Supervision Program (30 minutes)

i. Discussion on lab costs no longer being allowable and how the tribes feel as if the "rug" was pulled out from under them.
ii. Discussion on how money is spent and how it now comes back on the tribes.
iii. Pinu'u – it impacts the bottom line – has anyone covered the changes?
<u>Action Item – see if we can get a count and cost to Tribes with Tribal Public Drinking Systems</u>
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. <u>Nickie, Pueblo of Laguna</u> – issue came up because the State of New Mexico had EPA paying for their sampling. States have more revenue to covering 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: <u>Pinu'u</u> – have an idea of how many Tribal Drinking Water System are affected by this by SW Environmental – 3 wells.
<u>Glenn Tortalita, Pueblo of Zia</u> – asked if anyone has heard from SW Environmental Finance?
<u>Dino -</u> They heard from SW – Santa Clara contacted directly to see what the sampling cost would be for the next few years.
<u>Monty Scammahorn, Ft. Sill Apache Tribe</u> – Wanted to know if this is only for systems for Housing.
Ramona suggests it would be whether Monty's Fort Sill Apache system is at

complex. Non-Community drinking system – Enterprise operation? Environmental Finance can help to see if it is required. Initial sampling, Environmental Finance can walk you through.

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 for Tim. Lauren McKelvie 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.

   NTTA Forum 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 NT/ 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.
   vii. Cynthia Naha, Santo Domingo Pueblo, announced her resignation.

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 Balone – 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 standards EPA approved or promulgated water 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

Question: How would a tribal water body under baseline WQS be protected that is not a WOTUS under the navigable waters' protection rule?
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?

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 on 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
    c. Transition Document Workgroup Update- Updates on the work by Tabitha Langston
        i. Email Karmen@enipc.org to join the Transitional Document Workgroup
    d. RTOC Charter Working Group - This has stalled.
    e. Workshop, Training, and General Announcements –
        i. Stormwater Conference

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: Grant EMPG 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 Letterhead – Tribal Co-Chair

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

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