Regional Tribal Operations Committee Meeting
Full RTOC – July 14, 2021 Virtual Meeting
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=m45de6b88fdf8681ae91bae3e3c3ba5fb

In advance of the RTOC meeting, Jay Harris, Project Officer/Tribal Liaison sent the following 10 documents to the RTOC recipient list:

1. July 12 & 13 2021 Virtual Tribal Caucus Meeting Agendas.pdf
2. Region 6 RTOC Report-July 2021 – Final.pdf (34 pgs)
3. July_14_2021 Virtual RTOC Meeting Agenda – Final.pdf
4. Action Items 4-14-21.pdf
5. Tribal Leaders 063021.pdf
6. SAFETEA Decision – Consultation and Coordination Plan.pdf
7. Tribal PWSS Funds Update Transmittal Letters – Sample.pdf
8. Prepared Tribal PWSS Signature Pagejp.pdf
9. TCEQ PWSS Funds Update Transmittal Letter.pdf
10. EPA R6 Tribal Drinking Water Compliance Sampling and Laboratory FAQ.pdf

MINUTES

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

II. Invocation – Curtis Hicks, Project Officer/Tribal Liaison

III. Roll Call and Declaration of Quorum – Polly Edwards, Acting RTOC Secretary, Caddo Nation

IV. Welcome and Introductions – Co-Chairs David Gray, Acting Regional Administrator & Blane Sanchez, 2nd Lt. Governor, Pueblo of Isleta
Opening remarks included appreciation to Cynthia Naha who is no longer serving as RTOC Secretary since resigning from the Pueblo of Santo Domingo/Kewa; she has always done an extraordinary job.
Acknowledgment of guests:
- Kathryn Becker, Assistant General Counsel & Tribal Liaison, New Mexico Environment Department
- Tim Watkins, Director, Center for Environmental Measurement and Modeling, Office of Research and Development
- Monica Rodia, Tribal Science Council
- JoAnn Chase, Director, American Indian Environmental Office, will join later

V. Approval of Agenda
Motion and second to approve the Agenda. Motion carries

VI. Approval of Minutes – April 14, 2021 RTOC Virtual Meeting
Motion and second to approve the Minutes. Motion carries

VII. New Business
a) New Mexico and Sceye Collaboration – Tim Watkins and Bryan Hubbell, National Program Director, Air, Climate, and Energy Research Program, Office of Research and Development
Emerging science using remote sensing for air monitoring. Features visual depictions of air quality
b) GAP Guidance Evaluation Phase II – Lisa Berrios, Senior Advisor, Tribal Capacity Development
c) SAFETEA Update – JoAnn Chase, Director, American Indian Environmental Office & Jonna Polk, Director, Office of Communities, Tribes, and Environmental Assessment. Jonna presented for the team.

VIII. BREAK (10 Minutes)

IX. EPA Division Report Update

- Water Division – Charles Maguire
  Information in written report.

- Land, Chemical, and Redevelopment Division – Ronnie Crossland
  Tribal Recycling Workshop in Spring 2022.
  No UST inspections will be done this year. Plans to resume inspections in FY22 with a 30-day advance notice given to the tribes.
  National Brownfields Conference will be in person December 8 – 11, 2021 in Oklahoma City.

- Air and Radiation Division
  Draft Title V permit for Pueblo of Laguna, minor NSR for a gaming facility at Choctaw. There is $50 million in the rescue plan for improving air monitoring, air monitoring participation in environmental justice. RFA: expect an informational webinar in late July to mid-August.

VII. New Business Continued

b) GAP Guidance Evaluation Phase II – Lisa Berrios, Senior Advisor, Tribal Capacity Development

Lisa Berrios addressed which David Gray described as an incredibly important opportunity. The effective date is Oct 1, 2022. Guidance will affect work plan negotiations. In response to Tabitha Langston's question about revisions to the national GAP allocation, Lisa explained EPA is working internally then with Regions. Next steps are in the Dec to Feb 2022 timeframe, envisioning the GAP Guidance and national allocation to complement each other. David Gray remarked that GAP is the tribal environmental backbone. National and a Region 6 RTOC work groups are in place. Pinu'u Stout commented on what the GAP Guidance should be: it must work and have flexibility. The GAP Guidance will continue to be on RTOC agendas.

IX. EPA Division Report Update Continued

- Superfund & Emergency Management. Update by Wren Stenger who noted the San Mateo Creek investigation, radiation contaminated material on Pueblo of Laguna and radon mitigation. Stand by for a risk communication webinar and EPA national site assessment symposium (Dec 2021). Any questions in the written update, contact Wren or Ladonna Turner, Superfund Coordinator.
  Bryant Smalley requested communication after the meeting to include Curry Jones.

VII. New Business Continued

c) SAFETEA Update – JoAnn Chase, Director, American Indian Environmental Office & Jonna Polk, Director, Office of Communities, Tribes, and Environmental Assessment.

JoAnn Chase, Andy Byrne, and Pawnee President Echo-Hawk discuss the White House Council on Native American Affairs, established under the Obama Administration, with new vigor and more robust charge, through 6 committees formed to carry out the Council's initiatives. Melissa Hocker in the Indian practice unit at OGC discussed maintaining the integrity of the process with greatest advocacy possible. July 15th consultation kick-off.
President Echo-Hawk said he was pleased to see Administrator Regan's letter of June 30 and consultation plan, "that in itself is a heavy lift (regarding meaningful consultation)." Pawnee Nation's own law on consultation is held to the highest bar; disappointed acknowledging there was not an immediate rescission. David Gray commented that in his 34 years at EPA, this is the priority issue. Shawn Howard and Tye Baker responded: want meaningful consultation and not simply another box check. David Gray added that the concern came to the attention of the

Biden Administration Day 1, appreciation to all tribal partners for patience. It is going to be a tough challenge for everyone on the team, do recognize the importance of EPA's own role in the process. JoAnn Chase discussed national implications, looking at a trend of State legislatures limiting voting rights and the complicated landscape of State-tribal issues.

LUNCH 12:30 p.m. – 1:30 p.m. CDT/11:30 a.m. – 12:30 p.m. MDT

X. EPA Division Report Update Continued

- Office of Communities, Tribes, and Environmental Assessment – Jonna Polk
  Region 6 FY 21 GAP applications are currently being processed. The Region 6 allocation is $7,501,000

- Mission Support – Mary Stanton
  Reviewed highlights from the Report

- Laboratory Services & Quality Assurance – Wes McQuiddy and Sala Senkayi provided updates.

XI. New Business Continued

d) Tribal Public Water System Supervision Program – Angela Hodges-Gott, Assistant Regional Counsel, Office of Regional Counsel, Alison Fontenot, Manager, Tribal Drinking Water & Angela Restivo, Section Chief, Drinking Water Section

Angela Hodges-Gott provided an update, that PWSS matter will be resolved outside the dispute process, wanting to treat tribes in an equitable manner. Funding can be used until the end of the fiscal year; then Oct 1, 2021 funding (not EPA funding) must be in place. The Drinking Water section understands the Region 6 tribal office will communicate with tribes. Raymond Concho, Jr of Acoma Pueblo expressed concern about what's next after the "temporary assistance period"? At a higher level, the law needs to be amended. Tribes need assistance; EPA should identify discretionary funds. David Gray responded that it does not look promising, they too were surprised. It is not just money, it's authority.

e) Proposed Revision to Navigable Waters Protection Rule – AKA WOTUS - Randy Rush, Agriculture and Urban Water Policy Advisor, referred to Justice Kennedy's interpretation. Administration is working on timelines, e.g., when to start tribal consultation and public meetings including regional-style meetings. There was a lot of input from tribal nations. Point of clarification in Division's written report raised by Nikki Woodward (Pueblo of Laguna) indicating the NWPR will be kept in place: does this mean going back to 1986? Randy Rush said the written Division report is outdated. Process is that WOTUS will revert back to the 2008 version and embark on taking what we have learned.

XII. BREAK (10 Minutes)

XIII. Old Business

a) Transition Document. Update provided by Tabitha Langston, Ottawa Tribe. David Gray said there is not usually a RA until fall. There are articles about RAs but in other EPA Regions. Tabitha said the Transition Document should be available before there is a nominee.

b) Update on LANL Activities. Jay Harris said the last call was about a week ago between George and staff. Don Ami reported being in a holding pattern regarding ventilation, awaiting new application from NMED to approve temporary authorization on venting. They are briefing local tribes and the All Pueblo Council of Governors. Mentioned facilities upgrades at Labs to support pit production going forward. They are in early stages of planning and are open to input from tribes and IGs regarding capacity upgrade. Kathryn Becker added there are 10

Pueblos they are regularly sharing information with. Many questions followed Don Ami's discussion: Joseph Abeyta (Pueblo of Tesuque) regarding plutonium pit production. Ami said the Labs has coverage to produce 80 pits under its increased mission. Pinu'u Stout (Pueblo of San Felipe) observed that it is hard to imagine that EPA did not know the issue would be of interest to tribes. To the question "is the Permit applicant required to conduct public outreach/consultation?" Kathryn Becker said she will check with NMED Air Quality Bureau.

c) Status of Regional Administrator. See Minutes at a), above.

d) Other

XIV. Other Business

a) Location and Date of next meeting.

Virtual. Pre-Caucus Nov 30, Tribal Caucus Dec 1, Full RTOC Dec 2.

b) Workshop, Training & General Announcements – RTOC

XV. Review of Action Items – Polly Edwards, Acting RTOC Secretary, Caddo Nation & Mark Allen, Project Officer/Tribal Liaison. GAP Allocation, establishing GAP Guidance work group. How many tribal PWSs in Region 6 (87 or 88), will send confirmation of fees/lab cost, letter of support concerning SAFETEA, sharing letter with utility departments, special call on PWSS, LANL, DOE question (which Agency is charged with consultation), update on revision to navigable waters protection rule. Jonna Polk to send follow up letter clarifying PWSS, Pinu'u Stout repeated the PWSS request for cost estimate.

XVI. Closing Remarks – Tribal Leaders; Acting Regional Administrator and Pueblo of Isleta, Co-Chairs. David Gray expressed thanks, for time on critical conversations, important challenges ahead of us, looking forward to tackling in a cooperative spirit. No tribal leaders requested the floor.

XVII. Benediction - Curtis Hicks, Project Officer/Tribal Liaison

XVIII. Adjournment - Blane Sanchez, 2nd Lt. Governor, Tribal Co-Chair, Pueblo of Isleta. Meeting adjourned at 2:11 p.m. MT

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