Regional Tribal Operations Committee (RTOC) Meeting Minutes
November 19, 2019
Tribal Caucus

I. **Opening** – Pueblo of San Felipe – Tribal Co-chair

II. **Roll Call/Declaration of Quorum** – *QUORUM Established – 12 Tribal Caucus members*
Welcome/Introductions – Tribal Leaders, Tribal Caucus, and Meeting Participants
(leadership in attendance – Pueblo of Acoma, Zia, Isleta, & Fort Sill Apache)

III. **Approval of Agenda**
   a. 1st motion with changes to agenda – Wyandotte Nation
   b. 2nd motion – Caddo Nation

IV. **Approval of Minutes** – July 16, 2019 Tribal Caucus Meeting, Pojoaque Pueblo, NM
   a. 1st motion with correction – Caddo Nation
   b. 2nd motion – Wyandotte Nation

V. **Tribal Leader Comments, Concerns, Preparations for RTOC Roundtable**
   a. *San Felipe Pueblo* – how do we make these meetings more meaningful and what do we do to prepare leadership to being them up to speed for full caucus? Suggestion on if there is new leadership coming in, then reserve Monday's before Tribal caucus for briefing, Q & A session, etc.
      i. Motion made to: *Moving to have a short pre-meeting the Mondays prior to Tribal/Full Caucus for leadership, incoming RTOC members to have a quick briefing. Who's going to be there, what to expect, short prep meeting.*
         1. Wyandotte makes the motion
         2. Santo Domingo seconds it
            a. Motion carries
      ii. <u>CHALENGE</u>: the body to be more involved and to have conversations around the issues that are imperative to our efforts at RTOC. EPA presentations should be to the point and worth our time. If it's something that can be discussed during a conference call, let's discuss it. If it's an imperative issue, then we can put it on the agenda.
   b. *Pueblo of Acoma* - Must keep these tribal leaders updated on all issues and matters of the USEPA, need to keep them accountable of their Federal trust responsibility. Concerns with the consultation period – changing from 60 days to 30 days.
   c. *Pueblo of Zia* - As Tribal leaders, only in positions for 1-year, sometimes 2-years and its hard to get updated on all aspects of being a tribal leader. Been fighting for water and water quality going through the reservation and water in needed for growing foods – squash, corn, etc., including our Native foods. Mentioned the Aboussleman water rights settlement and that the Pueblo is last on the chain to use this water. By the time July comes, they run out of water, water their crops and feed their children, and as cattle ranchers and livestock – they are starving and need water to drink.
   d. *Fort Sill Apache* – Tribal Official – Located in Apache, OK, and have a NM reservation. Issues are different from OK to NM, including water issues on the NM side. Hoping that her new role can help in informing tribal council and the continued advocacy for their tribe and all tribes in R6.
   e. *Isleta Pueblo* –1st time here, this year, at RTOCs and would like to know how much support can we get from EPA? Air quality is an issue, especially being south of Albuquerque, as well as water quality, it's contaminated already. Is EPA really looking out for the best interests of the Pueblo.

f. *Santo Domingo Pueblo* – It's imperative that we are responsible for our attendance and participate here at RTOCs, just as much as EPA has a federal trust responsibility to uphold, we have Tribal Environmental/Natural Resources staff that just as responsible to our leadership and communities as representatives here at these meetings. We need to be more concerted in addressing our issues, concerns and challenges when at these meetings.

VI. New Business

a. Region 6 Caucus input to NTC FY 2022 budget development and any follow-up to AIEO/NTC meeting held the previous week:

i. Shawn Howard – Citizen Potawatomi Nation – She sees a common theme – gotten off track with NTC mission. The following are the two missions of NTC:

1. Help develop policy in Indian country
2. Developing the budget of tribal needs and priorities

Lack of continuity on NTC due to turnover in staff and a meeting between the NTC and AIEO was held with a focus to re-group and re-organize to get back on track, including tightening up their tribal governance document, development of new member guide to ensure that they are understanding the costs and responsibility of being a member, given grant dollars can't be used for travel. NTC reference guide – how the meetings are conducted and how issues are elevated and to operate off the NTC Charter, but do see loopholes in these documents, which don't address accountability. NTC positions on the executive committee vacant for quite some time and based off recent NTC elections – Gerald Wager (Chair), Scott Clove (V-Chair), Shawn Howard (Secretary). Went through their budget priorities, budget timeline for 2021. NTC will go ahead and submit their budgets and priorities for 2021. Will be working on FY2022 in development of the tribal budget and will work with the RTOCs and TPG. NTC is an advisory group, they can elevate the issues and challenges. RTOCs operate off grant funding, so because of this, it prevents these groups from operating on an advisory group. Not necessarily advising EPA, but rather NTC. Tribal dollars pay for NTC members, not grant dollars. NTC 3-issues papers that were developed.

1. Lack of effective and meaningful consultation
2. Lack of timely approval of TAS applications.
3. Lack of ability to use GAP dollars for emergency management

Issue #1: Gave an update of an issue affecting an Alaskan Native village and Pebble Mining Corporation. Tribe and mining company cannot co-exist. If they allow the mining, it could end up in as superfund issue. R10 Administrator came and gave an update. 404q process to resolve this issue. Also conducting and EIS. Requested formal consultation and they are still waiting for this to happen. Website: www.epa.gov/bristolbay.

Issue #2: IHS funding from EPA. Why can't this funding to directly to Tribes for planning and implementation. Why does it have to go to IHS?

**San Felipe* – Thanked Shawn for mentioning the IHS funding and addressing it to EPA tomorrow. Also told that the Set-Aside funding issues was a NM vs OK; Western OK vs Eastern OK. Raised concerns for

SF and if it's supposed to build our capacity to manage our programs, then what is the mechanism for the money and to allocate it to the Tribes.

Issue #3: Last Friday, November 15, 2019 was America's Recycle Day – Gerald Wager flew to Washington DC to highlight Tribal recycling success stories and three Tribes from R6 were highlighted and they were, Choctaw Nation, Modoc Nation, Muskogee Creek Nation. Shawn requested a few minutes from each Tribe to provide some info on the success stories for National Recycling Day.

**Request from TC:* are the documents mentioned available for Tribal caucus? NTC reference guide is available, the new member orientation and NTC charter revision are still in progress. Proposed changes to AIEO.

b. ORD Citizen Science effort- ORD for presentation via webinar – Jay Benforado – called in and shared presentation. Request presentation from Karen Dye.
   i. Citizen Science and Environmental Protection – important discussion for Tribes and EPA. Thinking about the power of citizen science, a lot of water monitoring is done and provides a lot of information and it is engaging all parts of our communities, including youth. Tribes are already engaged in Citizen Science, regarding environmental issues and TEK, and we need to align EPA and Tribal issues to build on the strengths of EPA and Tribal collaboration. Citizen toolbox for Tribal communities, including Tribe to Tribe peer sharing will help get more involvement in Citizen Science.
   ii. Ex., if you had 50 to 100 people to volunteer to help collect data, how or what would you want them to collect? How do we use volunteers to collect CS?
   iii. Current mechanisms in which CS is being used:
   Volunteer Water Monitoring – the most heavily type of CS used today. 1,720 groups across the country.
   Air Sensor – lower cost – assisted a Tribe in utilizing this technology for CS.
   CyanoScope – harmful algal blooms. Volunteers have been helpful in capturing this info and using their phone to take a photo of the algae to identify the type of species.
   HiveScience – amateur beekeepers – submit honey for analysis.
   Gardenroots – contaminated soils – not a regulated area, but it is CS helping people determine which plants were safe to eat
   Smokesense – wildfire CS project to help people understand their health effects from wildland smoke.
   Project LEO – Local Environmental Observer network. Tribal project for Tribal Environmental and Health professionals.
   iv. Strategic vision for CS – handbook developed and can be found at: http://www.epa.gov/citizen-science/handbook-quality-assurance.

NOTE: Wyandotte Nation – proposal – 2016 was the last time we've reviewed the RTOC Charter.
MOTION - To pick back up the RTOC Charter and address any changes or updates that need to be done, whether it be the agenda items, RTOC members for our next meeting. San Felipe asks, are we making this a motion? Yes.

Motion made – Wyandotte Nation
2nd – Caddo Nation.

c. Transition Document
    i. San Felipe – as Tribes it's our responsibility to update our Regional Administrator and to educate him to better understand the dynamics of his role and his trust responsibility to Tribes. Updated the Transition Document from when Anne Idsal was the R6. About 20 Tribal folks worked to update this document in preparation for Mr. McQueen.
d. RTOC Logo
    i. Six submissions were received for the RTOC logo and the committee had narrowed it down to the top three. 1 vote per Tribe. Everyone on Tribal caucus can vote
        1. (A) – 19 second vote (everybody) – 31 – A is the winning logo (Fort Sill Apache)
        2. (B) – 19 – second vote (everybody) – 29 – Logo was created by Santo Domingo
        3. (C) – 0 – Logo created by a student Intern of San Felipe
e. Discussion on EPA Tribal Set Aside Funding for Wastewater/Drinking Water IHS $4.95M total allocation
    i. EPA R6 Community Infrastructure Selection Presents

        1. Drinking Water Needs Survey (Dena Hurst, Community Infrastructure Division) – Request Presentation – EPA HQ, every 20 years for 4- years, conduct a projection for infrastructure needs. AI/AN will get surveys, which is being sent to the Tribes from EPA. R6 will take those surveys and input the results from these surveys, which the Tribal Set Aside is funded. Last survey was in 2011, 8-years since a survey has been done on Tribal lands. November 28th is when consultation ends. March 2020 – training to complete the survey. Data collection – starts after OMB approval and reported to Congress will be 2022.

        2. Tribal Set Asides Selection – DW has historically been around $1.2 million and we've seen a bit of increase. Sanitary Deficiency System list, how the ranking falls for project selection. Standardized the selection process of projects and to write this down in a document and have information on a yearly basis. EPA is trying to have more input over the projects they select. SDS for ranking and picking projects that were found and developed by IHS, trying to incorporate more branches, i.e. safe drinking water, enforcement, and permitting. Work with IHS to get documented projects into the SDS. Projects that are eligible to for the programs but can match up with some of EPAs priorities that come down from year-to-year. Ex., copper – trend that will be denoted within the drinking water branch.

3. IA Versus Direct Grant – Inter-Agency Agreement – federal agencies back and forth. Keep in mind with an IA, there is an MOU attached, it's between IHS and the Tribe. Funding is in the Tribes name. If working with IHS – for engineering and project management.
    a. CPN – 66 federally recognized – how many tribes have these systems that are eligible for this funding?
        i. EPA R6 – doesn't have this info.
    b. How do tribes become eligible for this funding?
        i. EPA R6 - SDS has been the method of choice. Use to have a solicitation for this process that faded away 6 years ago. Gave the list to EPA and followed up on the list with the SDS. Formalize this list, pre-engineering reports, work plans, etc., for project selection.
    c. CPN asked another question re: how is EPA making the money more available to Tribes?
        i. The budget is supposed to come out around November, realistically, budgets are coming out around April. Theoretically, have 6-months to award. Trying to create a process that doesn't depend on the budget, so when money is available, it's awarded.
    d. CPN – shovel ready projects? Statutorily required – what's necessary. If the grant is so burdensome, perhaps we should be doing a pilot project. DI for federal highway dollars. Cut the BIA out of the equation to the fact that BIA still maintains the federal road inventory, but the $$ go directly to the Tribe.
    e. EPA R6 – Tribes have difficulty in getting shovel ready projects together. Award in the year the money is allotted.
    f. San Felipe – what's the IHS overhead? All these items that are coming from the Tribal Set Aside funding only lessens the amount of dollars that go to the Tribes directly.
    g. Javier Franco - IHS rep, do you have the currently number form the SDS. Over $100,000 million for OK Tribes.
    h. 638 – Self Determination through Tribal Set-Asides. EPA interpreted the 638 understanding, with Self Governance with IHS' SDS then they are forgoing the option of an IA. Gearing up their program to receive direct grants that affect 638 Tribes.

VII. Progress Reports – please submit your reports to the RTOC Secretary

a. *National Tribal Air Association (NTAA)* – NTAA Representative – Cherylin Attcity – report submitted. Open membership for Tribes.
b. *Tribal Environmental Coalition of Oklahoma (TECO)* – TECO Representative – Jason White – get report – RTOC Elections and TECO Elections.
c. *Inter-Tribal Resource Advisory Committee (IRAC)* – IRAC Representative – Karmen Billie (New ENIPC OETA Director) – get report.
d. *Texas and Louisiana Tribes* – Ysleta del Sur, Kickapoo Tribe of Texas, Alabama-Coushatta Tribe of Texas, & Coushatta Tribe of Louisiana – Ysleta del Sur Representative presented the update. Get report.

e. *Tribal Governance Group (TGG)/E-Enterprise Leadership Council (EELC*) – EELC Representative – Cynthia Naha – generate report.
f. *National Tribal Water Council (NTWC)* – NTWC Representative Vacant – Find the process- will push this process out to the R6 Tribal Directors to get the position filled. Isleta Pueblo - recommended
g. *Tribal Waste and Response Steering Committee* – TWAR Steering Committee Representative – Tracy – get report
h. *Tribal Science Council* – TSC Representative – Tim Kent provided the update due to Craig Kreeman being unavailable due to his wife giving birth to their new baby.
i. Other (Ex. Tribal Pesticides, etc.) – Larry for the Tribal Pesticides Council? No. Muscogee Creek Nation is on the executive committee – pollinator protection standards. MCN will be hosting a Tribal Pesticide training – 28th -30th of April 2020.

VIII. Voting - RTOC Tribal Co-Chair, Vice-Chair, Secretary

a. Tribal Partnership Groups
    i. NTAA – Is Quapaw interested? Alternate is Taos Pueblo and Taos is still interested.
        1. Wyandotte Nation nominates Quapaw to retain their position on the NTAA and Taos as alternate; second by Caddo Nation.
    ii. EELC – Cynthia Naha will remain as the representative; alternate –
        1. Motion to support Santo Domingo for EELC made by San Felipe Pueblo and seconded by Caddo Nation.
    iii. NTWC – CPN and Caddo Nation was a recommendation, however, it was recognized that NM is heavily impacted by the WOTUS definition and we are hoping to have a NM Tribal Rep for this board. Application process.
    iv. TWAR – Tracy will stay on board
    v. TCS – Motion to retain by Caddo nation and seconded by Fort Sill Apache.
    vi. Pesticide Group – Cherokee Nation retain position –
        1. motion made by Caddo Nation, Fort Sill Apache.
b. NTC – motion by San Felipe to retain their position on NTC and CPN is currently the secretary. 2 for OK and 1 for NM/TX/LA; 1 alternate (need a nominee from NM, TX, and LA). Minimum requirements to hold a seat on this position. Minimum requirement of 3 years within a position in the environmental programs. RTOC members, 1 vote per Tribe:
        1. San Felipe – 12
        2. Acoma – 2
        3. Caddo Nation and CPN to retain their positions on NTC.
    ii. Tesuque Pueblo – nominates Pinu'u Stout for the NM rep.
    iii. Second Lt. Governor nominates Pueblo of Acoma, Donna Martinez.

c. RTOC Officers
    i. *Tribal Co-Chair* –
        1. Cherokee Nation nominated by CPN; seconded by Caddo Nation.
    ii. *Vice-Chair* – (responsible for fill-in in the event if the tribal co-chair is unable; work with EPA to develop agenda, conference calls, other duties as assigned)
        1. Pueblo of Isleta – motion made by SDT; Cherokee nation seconded
    iii. *Secretary* (responsible for the meeting minutes, assistance with agenda, retaining attendance, keeping up to date roster for the tribes)

1. Santo Domingo Pueblo – San Felipe nominated Santo Domingo to retain secretary position; Caddo Nation seconded it.

IX. Other Business

a. Workshop, Training, & General Announcements – Tribal Caucus

i. ENIPC – March 24-25, 2020 – Tribal Recycling Workshop @ Santa Ana Wellness Center

ii. Caddo Nation - NEPA Process for Tribal Nations – Chickasaw, OK – January 7-9, 2020 – Shipley Group

iii. EPA Ombudsman - December 4, 2019 – Public meeting on the Monarch Medical Waste Facility at Pojoaque Middle School. Time: TBD

iv. EPA Ombudsman - Grants application due dates via email and lists all the due dates

v. Wyandotte Nation - Downstream Training – February 4-5, 2020 at Quapaw

b. Final Questions, Concerns, Discussion to prepare for full RTOC Meeting tomorrow

X. Review of Action Items – RTOC Secretary & Ombudsman -

XI. Closing and Adjournment – Pueblo of San Felipe, Tribal Co-Chair