Regional Tribal Operations Committee Meeting (RTOC) Meeting Minutes
November 20, 2019
Full Caucus

I. **Opening** – Tribal Co-Chair Pueblo of San Felipe
II. **Roll Call and Declaration of Quorum** – Pueblo of Santo Domingo, RTOC Secretary – QUORUM established
III. **Welcome and Introductions** – Co-Chairs Ken McQueen, EPA Region 6 Administrator, Pueblo of San Felipe
    a. Co-Chair Ken McQueen Comments – Recognized the work of the RTOC Tribal Caucus officers, leadership in attendance and mentioned the recognition and celebration of *"America's Recycle Day."*
    b. Co-Chair Michael T. Sandoval – Congratulated Mr. McQueen on his appointment and asked that he be open to what he hears to be an advocate for the Tribes and Pueblos of R6 – as the new Federal Trustee.
IV. **Approval of Agenda**
    a. 1st motion – Citizen Potawatomi Nation
    b. 2nd motion – Caddo Nation
V. **Approval of Minutes** – July 17, 2019 RTOC Meeting, Pojoaque Pueblo
    a. 1st motion with changes to the agenda – Caddo Nation
    b. 2nd motion – Fort Sill Apache
VI. **American Indian Environmental Office -** Director Scott Mason; Felicia Wright Deputy Director
    a. GAP Guidance Update
        1. GAP Guidance – A suite of tools that will be available along with the GAP Guidance, includes performance measures and there is a need to meet with tribes to provide information on the new guidance in Spring of 2020 – when it's anticipated to be issued; in the meantime the 2013 GAP Guidance remains in effect. Consultation and coordination activities regarding ETEPS – EPA Region 6 traveled to TLEF in California and provided 2 sessions and a 4-hour workshop. Fort Sill Apache Tribe represented R6 and helped in correlating the importance of ETEPs for capacity building, resource leveraging, and how strategic planning documents help with program implementation.
        2. Ongoing work of the flexibility for PPGs and their availability, including gathering input and feedback to help guide their development. Tribes shared best practices and increasing the number of eligible programs, tribal match, and the need in supporting positive experience with PPGs. Workgroup developed a detailed report of the work and a policy memo of their work and next steps.
        3. Treatment as a Sovereign (TAS), once tribes submitted their applications under the environmental statutes, the next step to build capacity is TAS, which enables environmental control for Tribes in their own areas. TAS is the highest priority of OITA and EPA, via regulatory TAS and supporting these efforts through Multipurpose Programs, in which

Tribes are co-regulatory partners, and these grant funds are used for high priorities and will be added to new or existing PPGs or new grant funding.

4. National Tribal Caucus – EPAs most valuable Advisory group, in which, they celebrated 25 years of this group and their assistance in protecting the human health and environment in Indian Country. Reduce exposure of lead, state regulated programs in Indian Country. Executive members returned in November to meet with Mr. Wheeler and other staff to outline the priorities of the Tribes, this meeting was held in Suquamish Island, Bainbridge, WA. Mr. Wheeler was impressed by the knowledge and understanding of the issues in Indian Country. The NTC Charter revision will take place over the next several months, working through specific language and any updates, including the FY2022 budget document.

VII. Tribal Leader Roundtable Discussion, Comments and Concerns

a. *Governor Medina – Zia Pueblo* – It's been and honor and privilege to be here and to learn and understand more about the EPA and to address the problems we have on Tribal lands, it's huge. The main issue is funding and how do we get more dollars to trickle down to the Tribes and bring to their attention that Tribes don't get enough from Congress for the things to be done at the Tribal level. As a tribal leader this year, he appreciates the notion of Mr. McQueen and Mr. Mason coming to the Tribal leadership and not the level lower staff to address the concerns Zia Pueblo has, especially with issues concerning water, air quality and people getting cancer. He also mentioned that the Pueblo does not having enough water to irrigate the farmlands, provide for wildlife and cattle. We are all farmers and cattle owners, it's sad to see the lands dry, expressed the need for help.

b. *2nd Lt. Governor Lewis – Acoma Pueblo* – Trust responsibility is defined in the Region 6 transition doc and it's defined as a moral and legal duty to protect Indian lands and resources. Here we sit again, addressing our concerns that seem to never be heard and how can we ensure the lands that we protect, and natural resources are there for future generations. Will they be able to taste the pristine water from the mountains, farm their own fruits and vegetables. Acoma Pueblo received a press release, Nov. 19, 2019 – San Mateo Creek Basin, NM, which acknowledge the work EPA has done to conduct the investigations on the water and the nearby communities due to the concerns of contamination of groundwater. EPA allocate funding for a 106 program to protect the water with water sampling and monitoring. What we don't due today, will impact future generation, as we all know mining has impacted our people with cancer.

c. *1st Lt. Governor Jiron – Isleta Pueblo* – Funding is not there, they say its available, but what we see in our Tribes for funding is not enough and it takes so long to go through. The funding should go directly to tribal villages as we know what we spend the funding on and we see a need for an increase in dollars, given the costs of some of our projects. How can we get better funding for what we are facing now and how do we get funding directly to our tribes rather than through IHS?

d. *Fort Sill Apache – Tribal Councilwoman* – mentioned yesterday about some challenges they are facing. Reservation in NM and lands in OK. Reservation proclamation – trust lands in AZ as well. Staff of 3, trying to manage all the Tribal properties. Difference they see in their land holding, lack of water in NM, issues in OK and AZ.

e. *Council Member Sandoval – San Felipe* – thanked all of EPA staff and others for taking their time to be here today. The Tribal leaders expressed what they face daily in our Pueblos. San Felipe also sees these changes to the air, the water, the land base, and our wildlife. You all heard the main issue – the funding. If we don't get the funding to address the issues, then we are not able to properly address the issues. Federal trust responsibility is imperative. Agriculture is imperative to our Pueblo way of life. MRGCD – we use to control our own delivery of water because we use to divert water off the Rio Grande, but that's changed, and we see and feel those changes. Climate Change is impacting us, we don't get enough water. We hope that you hear what our concerns are and what we are facing.

f. *Santo Domingo Pueblo – Cynthia Naha,* on behalf of Tribal Official Nieto and Governor Aguilar – Did not capture comments.

VIII. Oklahoma Secretary of Energy and Environment Ken Wagner and Oklahoma Department of Environmental Quality Executive Director Scott Thompson

a. Ken Wagner – Government to government relationships is important. Principal of federalism – We drink the same water, breath the same air, recreate in the same places. Recognized the working relationships with the ODEQ and the Tribes. While they have contentious moments, the environment is not a part of this, we should be able to talk about clean air, clean water together. Recognized the relationship with Cherokee Nation and every Tribe in Oklahoma and their own unique heritage and culture and recognized that they are citizens of the state. He went to TLEF in Tulsa, OK. NTC and TLEF – it was very important that the Cherokee Directive be re-signed by EPA. Chairman Barry to Confederated Colville Tribe – their potential to become and manage their superfund sites because they care about it more because it's their land. Wants to solidify the relationship so it doesn't look like a handout, but an opportunity for the tribes to management the cleanup of their Superfund sites. Looks forward to working with all of us, although he may not work with other tribes in Region 6, he will continue working with Ken McQueen and Arturo Blanco, and the relationship with Tribal partners. Understands that there are significant reservations issues because of borders and that Tribes and leaders cannot be in the same room because lack of trust.

b. Scott Thompson – Recognized that he has friends that are tribal members, and that everybody's apart of the system. Also knows several legislator and congressional representatives that are tribal members. Water issues, infrastructure funding to repair things is very much needed. Tar Creek, Quapaw Tribe, doing cleanup and the Tribe doing the cleanup themselves on their lands, as well as Interagency Agreements to do work in other tribal lands. Local landowners are much happier working with the Quapaw Tribe especially given the unique opportunity to be the first tribe to do clean up on their own lands. High quality work is being done by the Quapaw's..

c. Questions/Comments

    i. Citizen Potawatomi Nation – happy to see them at the table today, OK state partners. OK tribes not being able to gain Regulatory authority and TAS. Wants to find ways to work together.

        1. Ken – isn't aware of their inability to work together with tribes. The goals with the state and tribes, gaming doesn't affect this.
        2. Personal invitation extended by Shawn Howard to come to CPN.

3. Cherokee Nation rep – made comments and is happy to see state reps here at the table. He's seen the commitment they bring to work with the Tribes.

IX. National Tribal Operations Committee (NTOC); Budget Process - Shawn Howard

a. Gap Guidance –

i. *Mr. Mason* – wants to address a few issues and then address leadership in the room. Brought up funding issue from NM – he understands how important it is to them as well as the federal bureaucracy. Aside from funding, EPA created all these processes and with all the mandates coming out from EPA, tribes don't have the staff to address these issues. This is part of the GAP delay; he gets that we all need the funding and they want to make sure they get it right this time. Want something that is beneficial. Admits that this is not going to be a perfect document and recognized the number of federal recognized tribes on their concerns. They are listening and are working to make it right and doing their best. Before a date on the calendar, they want to get it right.

ii. *Felicia Wright* – addressed that there are state tribal assistance with additional funding available. FY2020 – budget process is well enough along that there is no ability to change anything there – FY 2021 and 2022 – is the area in which they can share the concerns of tribes and Tribes should be addressing them with Senior EPA Managers. Fiscally conservative, no budget increases. EPA doesn't anticipate any increases and how can EPA use the money to the best of their ability. Working NTC to have the most impactful way of laying out what tribes really need and have compiled information of the most important grants/medias to the tribes. How can EPA best use its authority to address the needs of the tribes. Letting EPA know what regional needs are and how to best represent it.

iii. Shawn Howard – NTC – CPN – committed to giving EPA the numbers and needs of what been reported in the budget process for FY 2021. Still finalizing the 2021 budget needs and will be sending over the EPA. NTC will be working with the Cherokee Nation on the new budget for the FY2022 for the NTC's timeline next year.

1. AIEO's office is always open to help facilitate and being advocates of the Tribal voice to share this information.
2. San Felipe – thanked EPA R6 RA for inviting the state of OK. GAP Guidance/Funding and reflecting on tribal leaders comments – one of the priorities for the current administration is providing certainty for regulatory while perceptions can be different for people at the table the certainty of the regulated community dismantle' s those laws that were put into place to undermine the authority. Perspectives from Tribal leaders of regulated community is of a concern for our Pueblo leaders.

X. Reports

a. New tribal infrastructure funding (WINN grant, lead testing, lead abatement) and overall tribal infrastructure funding – get a copy of the presentation.

i. In the process of rolling out 3 separate grants under the water infrastructure program, with two still in development. The basic elements behind SDC – lack drinking water or wastewater connections or a compliance issues for exceeding

contamination levels. Eligible entities. Serve less than 10,000 in population as a small community. Disadvantaged communities have the largest capacity under it. 2nd program being funded – Section 2105 reduce lead in drinking water – still in development and will be managed by HQ. There is a lot of resources in this grant and a section for FAQs will be included. Section 2107 – Lead Testing in Schools and childcare programs. Funding has already been released, tribal funds will be coming soon to address our vulnerable population, children. Expands and follows the 3Ts guidance. Information shared with parents and stakeholders in this grant process. Salvador Gandara is the point of contact.

b. Discussion regarding previously circulated EPA Division Reports
    i. CPN – Page 17 – Solid Waste Activities in Revised GAP Guidance – asked EPA to provide us an update on what these will be, especially for open dump approvals.
        1. EPA – recently went through a realignment. The person who oversees Solid Waste is not here. Funding for open dump cleanup was eliminated and she does not know the status of this and if it will be reinstated into the GAP Guidance.
        2. Felicia – still waiting for Sr. management to weigh in as there is a hierarchy of how GAP funds are used. Clean up of open dumps is allowable, however, there is a process and form that the tribes must go through to be allocated for funding under GAP for open dump clean ups. Will be going through full tribal consultation on this.
    ii. Allowed for EPA Divisions to report out
        a. Celebrated America's Recycle Week. ENIPC and EPA working to host and coordinate a recycling workshop in NM. Brownfields grant opportunities have been out
        b. Water Division – NPDES permitting and Water Quality – additional to those in the report – water development grant, open to tribes. LANL discharge permits – are working through these issues and decisions. Lead testing in schools was a regional effort.
            i. Drinking Water Survey – Action items: which tribes were a part of the 2011 survey to help them prepare for the new survey in which all Tribes should be a part of this.
            ii. Mr. Mason – It's all about the dialogue and the discussions of what the tribe's needs are. Expressed gratitude from HQ to the Region.
            iii. Iowa Tribe – Nov 28th deadline – don't have, she needs details so she can convey to the leadership.
                1. Felicia will send the info to Mark Allen

- Request from some Tribes to request a 60-day extension; any extension would be greatly appreciated – Drinking Water Needs Survey.
    - CPN makes Official Motion – to ask for an extension request on the current consultation that is out
    - 2nd by Muskogee (Creek) Nation

c. Transition Report –
   i. San Felipe presented the Transition Document from the Tribes to the Regional Administrator for his review.

- Recycling Videos were shown from those Oklahoma Tribes that were highlighted on National Recycling Day in Washington, DC.
  - The Modoc Tribe of Oklahoma: https://www.youtube.com/watch?v=DpIO0xKhTDM&feature=youtu.be
  - The Choctaw Nation of Oklahoma: https://www.youtube.com/watch?v=NOUseTfP7Is&feature=youtu.be
  - Muscogee (Creek) Nation: https://www.youtube.com/watch?v=qfQvPe6apig&feature=youtu.be

XI. Other Business

a. Reporting on voting an incoming and remaining RTOC Tribal Members
   i. NM RTOC Tribal Caucus: Isleta Pueblo, Laguna Pueblo, San Felipe Pueblo, Sant Clara Pueblo, Santo Domingo Pueblo, and Zia Pueblo
   ii. OK RTOC Tribal Caucus: Caddo Nation, Cherokee Nation, Chickasaw Nation, Citizen Potawatomi Nation, Ottawa Tribe, Seneca-Cayuga, Muskogee Creek Nation, Quapaw Tribe, Wyandotte Nation.
   iii. Officers
   iv. Tribal Partnership Groups

b. Schedule for Spring RTOC Meeting and Tribal Summit
   i. Dallas, Texas – March 30th to April 4th
   ii. NM – July 21st and 22nd.

c. Workshop, Training & General Announcements – RTOC
   i. Caddo Nation – Tribal NEPA 106 Training – January 7-9, 2020. Announcement will be coming out. 23 people. Chickasha, OK.

XII. Review of Action Items – RTOC Secretary, Mark Allen, Ombudsman & Randy Gee, Regional Indian Coordinator

a. Mark Allen reviewed these. Shawn Howard, CPN, will work with Mark Allen to ensure all action items are captured correctly.

XIII. Closing Remarks – Arturo Blanco, Director, Office of Communities, Tribes and Environmental Assessment, Tribal Leaders; EPA Regional Administrator and San Felipe Pueblo, Co-Chairs

a. Tribal Leaders
   i. Pueblo of Zia – Governor Medina – it's been a great 2 days, it's been tiring. A learning process for him. Didn't have an idea on EPA an environmental concern. Didn't know what to expect as an incoming tribal leader. Thankful for his environmental department and the briefing that was provided to him. Thought about, "Why or what am I doing here?" But was happy his staff informed him. Being a leader can be difficult and there is so much to learn. Been an honor and privilege to serve his tribe. Talked about the safety of our community and our people. "what are we going to do to preserve our life, our land, our air; our people and our kids?" "How are we going to educate them on clean up. It's not them, it's us. We are here learning how to preserve the future and if we don't

do our part for clean air, water and land; our kids have no future." Thanked EPA and R6 for inviting him to attend and learn.

ii. *2nd Lt. Governor Lewis* – Acoma Pueblo –Reiterated what R6 responsibility is in helping tribes to strengthen their ability to manage their programs. Thanked EPA for doing the best that they can. This year's administration does not believe in climate change, he doesn't know why. Farmlands are not the same anymore. It's scary. Funding is always an issue for Tribes/Pueblos. Once it goes from one hand to another, some tribes are left with pocket change. EPA to continue taking care of the Tribes. Mt. Taylor is a scared site to many Pueblos and with the mining industry, its impact this site. Fine dust and particles that are still present from mining.

iii. *Tribal Council woman* – Fort Sill Apache Tribe – Still adjusting to her new role on tribal council, only been a month. Looks forward to continuing working with EPA, Pueblos, Tribes, and other counterparts.

iv. *EPA R6 RA Ken McQueen* – Keep open the lines of communication. Keeping the conversation alive and well, communications strong and on-going. Thanks to EPA colleagues, and all the Divisions of EPA R6. To the Governor of Zia Pueblo, have not been to your Pueblo, they will be making a visit. AS well as Pueblo of Acoma. Hoping to make these visits to Acoma and Zia before the next RTOC meeting, including a site visit to Isleta. Commitment to visiting all 66 Pueblos before the current administration ends.

v. *San Felipe – Co-chair Michael T. Sandoval* – Mr. McQueen, you heard from Pueblo leadership of their concerns and what issues and challenges they face. He ate dirt like Governor Medina and drank water directly from the river. We still believe in our religion, the traditions and cultural practices of our communities and for our Pueblos. It's for everybody. We do have issues as they relate to the environment, the air, water, the land; but we cannon address these on our own. We need funding to assist us. Thanked Mr. McQueen for being here, as well as all the Division Directors and to hear us out and to uphold their federal trust responsibility. Thanked all the tribes that are here and know that they have an obligation to be here and that it's time consuming to travel. Let's keep knocking on their doors to ensure they hear the needs of Indian Country. Thanks again to Cherokee Nation for hosting us again.

XIV. Adjournment