

**Regional Tribal Operations Committee**

**Full RTOC**

**December 2, 2021**

**9:30 a.m. – 4:30 p.m. CT**

**8:30 a.m. – 3:30 p.m. MT**

I. Opening – *Blane Sanchez, 2<sup>nd</sup> Lt Governor, Pueblo of Isleta, Tribal Co-Chair*

II. Invocation – *Virgil Lucero, 1<sup>st</sup> Lt Governor, Pueblo of Isleta, Tribal Co-Chair*

III. Roll Call and Declaration of Quorum – *Victoria Atencio, Pueblo of Santo Domingo, RTOC Secretary*

<b>Alabama-Coushatta Tribe of Texas</b>	<b>X</b>	<b>Fort Sill Apache Tribe of Oklahoma</b>	<b>X</b>
<b>Coushatta Tribe of Louisiana</b>		<b>Wyandotte Nation</b>	<b>X</b>
<b>Caddo Nation of Oklahoma</b>	<b>X</b>	<b>Pueblo of Isleta</b>	<b>X</b>
<b>Cherokee Nation</b>	<b>X</b>	<b>Pueblo of Laguna</b>	<b>X</b>
<b>Chickasaw Nation</b>	<b>X</b>	<b>Pueblo of Santa Clara</b>	<b>X</b>
<b>Citizen Potawatomi Nation</b>	<b>X</b>	<b>Pueblo of San Felipe</b>	<b>X</b>
<b>Muscogee (Creek) Nation</b>	<b>X</b>	<b>Pueblo of Santo Domingo</b>	<b>X</b>
<b>Ottawa Tribe of Oklahoma</b>	<b>X</b>	<b>Pueblo of Zia</b>	<b>X</b>
<b>Choctaw Nation of Oklahoma</b>	<b>X</b>		

IV. Welcome and Introductions

1) Co-Chair *David Gray, Acting Regional Administrator, EPA Region 6*

- a) Thanked everyone for their efforts in putting together the meeting.
- b) Thanked Randy Gee for his recent service as a Senior Advisor to the Regional Administrator.
- c) EPA Administrator Reagan reaffirmed EPA's Indian Policy at NTC's September meeting.
- d) Announced his retirement at the end of the December. Cecil Rodriguez from Region 3 has been appointed Interim Deputy Regional Administrator. The new Regional Administrator should be in place prior to his retirement.
- e) Congress has not passed budget for next year yet.
- f) Bipartisan Infrastructure Bill allocates \$60 billion to EPA compared to "normal" budget of \$9-\$10 billion.

2) *Blane Sanchez, 2<sup>nd</sup> Lt. Governor, Pueblo of Isleta*

- a) Welcomed everyone and congratulated David Gray on his retirement.
- b) Opened the floor for others to speak on David's retirement. Several tribes thanked David for his service to tribes over the years and wished him well.

V. Approval of Agenda

Victoria Atencio, Pueblo of Santo Domingo will be serving as Secretary

Ottawa Tribe moves to approve the agenda. Citizen Potawatomi Nation seconds.

MOTION CARRIES

VI. Approval of Minutes – July 14, 2021, Full RTOC Virtual Meeting

Confusion on preparation of the minutes.

**ACTION ITEM: Approval of July Meeting Minutes were tabled.**

VII. New Business

1) Results of Tribal Caucus Elections

- a) RTOC Officers for 2022

- i) Co-Chair – Ottawa Tribe
- ii) Vice-Chair – Pueblo of Isleta
- iii) Secretary – Citizen Potawatomi Nation
- b) NTC Representative for 2022
  - i) Ottawa Tribe and Pueblo of San Felipe

**ACTION ITEM: NTC Alternate selection at the January monthly call/meeting.**

- 2) Tribal Leaders' Comments
  - a) *Governor Chavarria*, Pueblo of Santa Clara
    - i) Thanked David Gray and wished him well. Extended an open invitation for David to visit the Pueblo.
    - ii) Spoke on the importance of continuity with the incoming new leadership at Region 6.
    - iii) Acknowledged *JoAnn Chase, Director*, American Indian Environmental Office. Spoke on the large number of tribal consultations over the past year.
- 3) AIEO Update – *JoAnn Chase, Director*, American Indian Environmental Office (AIEO)
  - a) Acknowledged Governor Chavarria and thanked him for his comments.
  - b) Acknowledged David Gray and his retirement. Wished him well and expressed that she will miss him.
  - c) Gave a brief overview of the recent White House Summit on strengthening tribal consultation efforts.
  - d) GAP Allocation – announced she is committed to ensuring “no harm” is suffered by any tribe due to any potential changes to the allocation.
- 4) SAFETEA Update – *JoAnn Chase, Director*, American Indian Environmental Office and Co-Chair *David Gray, Acting Regional Administrator*, EPA Region 6
  - a) David stated he understood the Tribal Caucus had good discussions yesterday and that TECO would be holding a special meeting with Michael Freeman, outside counsel for Pawnee Nation.
  - b) David stated that he has already been briefing Cecil Rodriguez on this issue. He expects to have the same diplomacy in the Region advocating for and supporting the tribes.
  - c) Governor Chavarria asked about WOTUS and Climate Adaptation.
    - i) Felicia Wright, EPA HQ, stated they are actively engaging tribes and working on rulemaking for WOTUS.
    - ii) Lisa Berrios, AIEO, stated that there will be an Office of International and Tribal Affairs (OITA) lead discussion on December 9<sup>th</sup> regarding the need for tribal input in the Climate Adaptation planning process.

**ACTION ITEM: Distribute information to the tribes on the December 9<sup>th</sup> call/meeting.**

- 5) GAP Guidance Workgroup – GAP National Allocation Consultation Updates – *Lisa Berrios*, American Indian Environmental Office
  - a) GAP Guidance
    - i) Acknowledged and thanked Region 6 EPA and tribal staff who were active participants on the various workgroups.
    - ii) Goal is to release draft GAP Guidance revisions in March with a 120-day consultation period and an effective date of October 1, 2022.
  - b) GAP Allocation
    - i) Currently pulling together all the comments received into a comprehensive document.
    - ii) Will review feedback with JoAnn Chase to determine if any changes or adjustments will be proposed and conduct an analysis of potential impacts to tribes.
    - iii) If changes are proposed, they will be released at the same time as the GAP Guidance revisions with a 120-day comment period.

IX. EPA Division Report Update (See written reports)

- 1) Office of Compliance and Enforcement – *Cheryl Seager, Division Director*
    - a) Announced two retirements within the division.
    - b) Announced Curry Jones as the Water Resources Section Chief
  - 2) Water Division – *Charles Maguire, Division Director*
    - a) Several key topics are on the agenda for this afternoon for more detailed discussions.
  - 3) Air and Radiation Division – *David Garcia, Division Director*
    - a) LANL Updates
      - i) Flanged Tritium Waste Container (FTWC) Operations
        - (1) Acting Regional Administrator sent letter to Department of Energy on October 18<sup>th</sup> identifying the need for an updated application and tribal consultation.
        - (2) Project is on hold for the winter. Vessels must be transported at temperatures over 40°F
      - ii) Radioactive Liquid Treatment Facility
        - (1) Project is to replace old equipment.
        - (2) Tribal meeting was held on November 17<sup>th</sup>. Deadline for government-to-government consultation is Monday, December 6<sup>th</sup>.
    - b) American Rescue Plan
      - i) Community Monitoring Grants – \$20 million competitive funds will be available. Announcement should be out at the end of December for 60 days. Awards should be in the summer of 2022.
    - c) Climate Change
      - i) Oil and Natural Gas Sector: Emissions Standards for New, Reconstructed and Modified Sources Proposed Rule
        - (1) The proposal would expand and strengthen emissions reduction requirements that are currently on the books for new, modified, and reconstructed oil and natural gas sources, and would require states to reduce methane emissions from hundreds of thousands of existing sources nationwide for the first time.
  - 4) Land, Chemical and Redevelopment Division – *Ronnie Crossland, Division Director*
    - a) Tribal Recycling Workshop – Spring 2022
    - b) Underground Storage Tanks
      - i) Inspections will continue in 2022.
      - ii) Question regarding compliance rate at tribal facilities. The 85% in report is a three-year rolling average. The current rate is 70%.
    - c) National Brownfields Conference scheduled for December 7 – 9, 2021 has been postponed until further notice. It will still be in Oklahoma City once a new date is selected.
    - d) Tribal Listening Session on Brownfields under the Bipartisan Infrastructure Law will be held on December 8<sup>th</sup>.
- ACTION ITEM: Distribute information to the tribes on the December 8<sup>th</sup> listening session.**
- 5) Superfund and Emergency Management Division – *Lisa Price, Acting Division Director*
    - a) Emergency Situations
      - i) Kickapoo Radium Dial Site – EPA removed four radium dials the Tribe discovered in recycling materials at their Collection Center.
      - ii) NEOLAMP Drums Site – three radioactive cylinders (Krypton-85) were removed and transported to the reuse facility in North Carolina.
    - b) National Site Assessment Symposium is being planned virtually for March 2022.
    - c) Office of Mountains, Deserts, and Plains - question regarding how this office supports Region 6 investigations and cleanups. Intent is for them to provide assistance ensuring “the wheel is not

reinvented” by providing information on the best clean up methods that have been used at other sites with similar circumstances.

- d) Oklahoma Superfund Cooperative Agreements – question asking for additional details of how the State and/or EPA will coordinate with tribes in accordance with the language being added in the agreements. EPA has already started conversations on how to meet these requirements and how the information gets passed on to the tribes.
- 6) Mission Support Division – *James McDonald, Division Director*
  - a) Congress still working on a Continuing Resolution to avoid government shutdown.
  - b) Small Business goals were met.
  - c) Cost shares have been eliminated for PPGs effective October 1, 2021. Cost share will be honored on any PPG awarded prior to this date. If PPG was awarded after this date and includes cost shares, it can be modified to remove the cost share.
- 7) Laboratory Services and Applied Sciences Division – *Wes McQuiddy, Division Director*
  - a) Sala Senkayi thanked everyone who participated in QA training and for submitting QA documents electronically.
- 8) Office of Communities, Tribes, and Environmental Assessment – *Olivia Balandra, Acting Division Director*
  - a) Environmental Justice – *Gerardo Acosta, Staff Director*
  - b) Tribal Affairs – *Randy Gee, Associate Staff Director*
    - i) Funding Announcements should be coming out very soon. Anticipate \$120,000 GAP next year. Requesting multi-year applications.
    - ii) RTOC Policy Advisor Discussion
      - (1) Need to know if tribes want this funded as soon as possible in order to determine GAP funding amounts.
      - (2) Ottawa Tribe will reach out to Regions 9 and 10’s RTOC staff to participate on January’s monthly RTOC call/meeting to discuss how RTOC support staff is handled in their regions.
      - (3) Randy will reach out to Region 9 EPA staff for additional information.
    - iii) Tribal Consultations
      - (1) LANL
      - (2) State of Oklahoma Informational Webinars – Acknowledged Ottawa Tribe for suggesting synopsis accompany consultations initiated due to State actions and informational webinars. Tribal Office will be coordinating those on future consultations.
    - iv) Tribal Office Opening for Tribal Liaison

**ACTION ITEMS:**

- **Region 9 and 10 participation on January’s monthly RTOC call/meeting for RTOC Policy Advisor discussion.**
- **EPA Region 6 Organizational Chart with divisional breakdown to be distributed to the tribes.**
- **Distribute Tribal Office job announcement to tribes once it is released.**
- **Distribute Tribal Grant funding announcement when compiled.**

**XI. Continue New Business**

- 1) CWA 106 Grant Allocation Process Overview – *Nelly Smith, Water Division*
  - a) Presentation by Kara Alexander (See PowerPoint Slides)
    - i) Application Merit Review – recent questions regarding how applications are evaluated
      - (1) Factors Considered:
        - (a) Proposed work plan and budget
        - (b) Work plan elements

- (c) Funding amount requested
- (d) Previous CWA 106 awards
- (e) Ability to meet grant requirements
- (f) Past performance with CWA 106 grants
- ii) "Review Worksheet" developed to start documenting reviews. It will be included in Funding Announcement to aid in proposal development.
- iii) Tabitha Langston, Ottawa Tribe, requested that completed worksheets be provided to tribes with their respective offer amounts. Nelly committed to providing those to tribes.

**ACTION ITEMS:**

- Distribute CWA 106 Presentation to tribes.
  - Distribute completed CWA 106 Review Worksheets with funding offer.
- 2) Update on EPA Region 6 Climate Change Adaptation Implementation Plan – *Claudia Hosch*, Water Division
    - a) Presentation by Claudia (See PowerPoint Slides)
      - i) Overview of EPA's Climate Adaptation Planning Process & Schedule.
      - ii) Discussion on Region 6's Initial Focus Areas & Next Steps
    - b) Discussion on setting up opportunities to hear from Region 6 tribes. Randy Gee requested feedback from the Tribal Caucus. Caucus requested participation from the South Central Climate Center and updates on monthly calls/meetings.

**ACTION ITEMS:**

- Distribute Climate Adaptation Presentation to tribes.
  - Place Climate Adaptation Implementation Plan on the next RTOC Meeting Agenda.
- 3) WOTUS Update – *Randy Rush*, Water Division
    - a) Randy provided history of EPA's activities over the past several months.
    - b) Public forums to be held in 2022.
  - 4) Tribal Water Action Plan Review – *Karen Gude*, EPA Office of Water
    - a) Karen provided an overview of Plan, stating that EPA was only in the early stages of planning its implementation.
    - b) Plan has additional funding for infrastructure, but EPA does not currently have a timeline for funding distribution, etc. Tribes will be notified once more details are available.
    - c) Website has been launched.
    - d) Tabitha Langston, Ottawa Tribe, asked about the status of the CWA 106 Guidance document. EPA has been working closely with the National Tribal Water Council (NTWC) on revisions.

**ACTION ITEM:**

- Place Tribal Water Action Plan funding on the next RTOC Meeting Agenda.

**VIII. Old Business**

- 1) Transition Document
 

Transition Document was approved by the Tribal Caucus yesterday. Tabitha Langston, Ottawa Tribe, forwarded the document to David Gray and Randy Gee. David will make sure to pass the document to Cecil Rodriguez and the new Regional Administrator.
- 2) Status of Regional Administrator
  - a) An announcement of the new Regional Administrator is anticipated before the end of the year.
  - b) Discussion on the Transition Document being an excellent way to give the new Regional Administrator an introduction to the tribes and provide insight into the great work being done.
- 3) Other – LANL
 

Status updates were provided earlier during Division Reports.

IX. Other Business

- 1) Location and Dates of next meeting
  - a) Tribal Caucus agreed next meeting will be virtual.
  - b) Preferred Dates (Pre-Caucus, Tribal Caucus and Full RTOC)
    - i) April 26, 27, and 28
    - ii) April 19, 20, and 21 as alternate dates
- 2) Workshop, Training & General Announcements
  - a) Tribal Summit Topics are being solicited. Provide feedback to Karen Dye, Cherokee Nation/ITEC.
  - b) Region 10 “Tribal Summit” postponed to March 2 – 4 and is open to anyone to attend.

X. Review of Action Items – *Victoria Atencio*, Pueblo of Santo Domingo, RTOC Secretary

- 1) July Meeting Minutes tabled
- 2) NTC Alternate Selection tabled
- 3) Distribute information on the OITA Tribal Listening Session on December 9<sup>th</sup> regarding the need for tribal input in the Climate Adaptation planning process.
- 4) Distribute information on the Tribal Listening Session regarding Brownfields under the Bipartisan Infrastructure Law that will be held on December 8<sup>th</sup>.
- 5) Distribute CWA 106 Presentation to tribes.
- 6) Distribute completed CWA 106 Review Worksheets with funding offer.
- 7) Distribute Climate Adaptation Presentation to tribes.
- 8) Place Climate Adaptation Implementation Plan on the next RTOC Meeting Agenda.
- 9) Place Tribal Water Action Plan funding on the next RTOC Meeting Agenda.
- 10) Region 9 and 10 participation on January’s monthly RTOC call/meeting for RTOC Policy Advisor discussion. Randy Gee will reach out to Region 9 EPA staff for additional information.
- 11) EPA Region 6 Organizational Chart with divisional breakdown to be distributed to the tribes.
- 12) Distribute Tribal Office job announcement to tribes once it is released.
- 13) Distribute Tribal Grant funding announcement when compiled.
- 14) FIFRA presentation at January monthly RTOC call/meetings.

- 3) XIII. Closing – *Blane Sanchez*, 2<sup>nd</sup> Lt Governor, Pueblo of Isleta, Tribal Co-Chair and *David Gray*, Acting Regional Administrator, EPA Region 6, EPA Co-Chair

XIV. Benediction – *Virgil Lucero*, 1<sup>st</sup> Lt Governor, Pueblo of Isleta, Tribal Co-Chair

XV. Adjournment – *Blane Sanchez*, 2<sup>nd</sup> Lt Governor, Pueblo of Isleta, Tribal Co-Chair