

Regional Tribal Operations Committee

Tribal Caucus

July 13, 2022 (held virtually)

9:30 a.m. – 4:30 p.m. CT

8:30 a.m. – 3:30 p.m. MT

MEETING MINUTES

- I. **Opening – *Tabitha Langston*, Ottawa Tribe of Oklahoma, Tribal Co-Chair called meeting to order at 9:40 a.m. CT**
- II. **Invocation – 1st Lt. Governor *Virgil Lucero* and 2nd Lt. Governor, *Blane Sanchez*, Pueblo of Isleta**
- III. **Roll Call and Declaration of Quorum – *Shawn Howard*, Citizen Potawatomi Nation, RTOC Secretary**
- 15 participants, quorum declared
 - Participant count at 11:00 a.m. was 67

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

- IV. **Welcome and Introductions – Tribal Leaders, Tribal Caucus, and Meeting Participants**
- V. **Approval of Agenda**
- Motion to approve Agenda as written by Muscogee (Creek) Nation, seconded by Cherokee Nation
 - All in favor, none opposed, motion carries
- VI. **Approval of Minutes – April 27, 2022 Tribal Caucus Virtual Meeting**
- Motion to approve Minutes as written by Wyandotte Nation, seconded by Caddo Nation
 - All in favor, none opposed, motion carries
- VII. **Review of Action Items – April 27, 2022 Tribal Caucus Virtual Meeting**
- EPA R6 RTOC Support Funds
 - \$100,000 GAP funding over two (2) years allocated to support EPA R6 RTOC
 - ITEC/Cherokee Nation developed the Work Plan
 - Work Plan submitted and approved during June 7, 2022, monthly EPA R6 RTOC call
 - Begins October 1, 2023
 - Support provided through development of agenda, minutes, information management, and member coordination
 - EPA R6 GAP Guidance Workgroup – update under Old Business
 - EPA R6 GAP Allocation PowerPoint - completed
 - EPA R6 GAP allocation discussion to be used as talking points by Tribal Co-Chairs at May Inter-RTOC meeting – update under Old Business
 - EPA R6 Charter Revision Workgroup – update under Old Business
 - EPA R6 to provide information on nearly \$2M IHS set aside funding with an account on current and past funds – completed
 - Southwest Environmental Finance Center funding – completed

VIII. New Business

a. CWA Section 106 Tribal Grant Guidance

- Currently posted at <https://tcots.epa.gov/ords/tcotspub/f?p=106:5::1168>
- Pueblo of Santa Clara, Pueblo of San Felipe, and Choctaw Nation participated in the EPA CWA Section 106 Tribal Guidance Revision Work Group
- Discussed broad overview of content and development
 - Very lengthy, written more from project officer perspective, more of a region-specific approach
 - Need more time to review and provide meaningful comments due to length of document and comprehensive content
- EPA R6 NTWC Representative **Jaclyn McCasland, Delaware Nation**, solicited comments and suggestions to present to NTWC
- There was a previous request to EPA for comment period extension. EPA denied request – stated final consultation date firm
- EPA R6 Tribal Caucus to draft and submit letter to EPA R6 requesting 60-day extension to comment on EPA's CWA 106 Tribal Grant Guidance [ACTION ITEM]

b. Distribution Formulas for State & Tribal Grants

- Discussed FY21 EPA R6 grant amounts to tribes/pueblos in comparison to states
- Disparities in funding; not equitable for EPA R6 Tribes and Pueblos
- EPA R6 was not able to provide justification on how they allocate funding to states like they do tribes/pueblos, e.g., \$120,000 for GAP, etc.
- EPA R6 Tribes and Pueblos (as a whole) reportedly received less funds than any one individual state in EPA R6
 - Per EPA R6, states funded based on population and need

c. CWA 401 Proposed Rule

- Currently posted at <https://www.epa.gov/cwa-401/proposed-clean-water-act-section-401-water-quality-certification-improvement-rule>
- Published June 9, 2022, in *Federal Register*. Public comment period open until August 8, 2022
- Multiple tribal and public listening sessions
- Pueblo of Laguna reported it will submit comments
- Discussed certifying authority and neighboring jurisdiction eligibility and instances in which tribal requests for certifying authority were rejected with no recourse
- Recommended incorporating language into proposed rule to avoid EPA denial of tribal certification requests without proper justification in a rush to approve permits
- EPA R6 Tribal Caucus to prepare and submit letter to EPA R6 requesting 60-day extension to comment on EPA's CWA 401 Proposed Rule [ACTION ITEM]

d. List of FY22 Tribal Consultations and/or Request for Comments

- Discussed open tribal consultation and participation opportunities
- Burdensome and difficult for tribes/pueblos to manage the vast number of consultations along with other job-related responsibilities
- Discussed the efficacy of TCOTS
- How can tribes/pueblos be involved in meaningful and relative consultations?

e. Transition Document

- Discussed EPA R6 Regional Administrator's (RA) lack of substantive comments on the Transition Document during the April 2022 Full RTOC meeting
- Goal of Transition Document is to create/establish a relationship with the RA by sharing tribal/pueblo histories, diversity, values, and concerns

- ***Pinu'u Stout, Pueblo of San Felipe*** to provide a short presentation about EPA R6 Tribes/Pueblos to engage RA and promote discussion in tomorrow's Full RTOC meeting

Break: 11:15 a.m. CT to 11:25 a.m. CT

IX. Old Business

a. GAP Workgroup Update

i. 2022 GAP Guidance Tribal Caucus Comments

- Provided overview of EPA R6 Tribal Caucus GAP Guidance workgroup comments
 - Comments due by August 2, 2022
 - Motion to adopt workgroup comments and submit with cover letter to AIEO made by Wyandotte Nation, seconded by Fort Sill Apache [ACTION ITEM]
 - All in favor, none opposed, motion carries

ii. GAP Allocation Tribal Caucus Comments

- Discussed current and proposed future GAP funding allocation methods for tribes/pueblos and consortia proposed by EPA
- As proposed, some regions to receive increased funding while others, i.e., EPA R9 and 10, a decrease
- Discussed EPA R10 Tribal Caucus letter sent to EPA upon JoAnn Chase's resignation requesting GAP allocation proposal be postponed until new AIEO director named. EPA OITA Director Jane Nishida responded, moving forward with Felicia Wright as Acting AIEO Director on EPA proposed funding allocation methodologies
- NTC and EPA R9 and 10 Tribal Caucuses requested an analysis of impacts which was provided by EPA
- EPA R6 Tribal Caucus discussed potential comments on EPA's proposed GAP allocation methodology document
- Motion to adopt EPA Region 6 Tribal Caucus comments and submit to AIEO [ACTION ITEM]
 - Motion by Muscogee (Creek) Nation, seconded by Wyandotte Nation
 - All in favor, none opposed, motion carries

LUNCH: 12:30 p.m. – 1:30 p.m. CT/11:30 a.m. – 12:30 p.m. MT

b. RTOC Charter Workgroup Update

- Reviewed EPA R6 Charter revisions proposed by EPA R6 Tribal Caucus Charter Revision workgroup
- Motion to adopt revisions and submit to EPA R6 for review and consideration for approval during December 2022 RTOC meeting [ACTION ITEM]
 - Motion by Muscogee (Creek) Nation, seconded by Coushatta Tribe of Louisiana
 - All in favor, none opposed, motion carries

c. Inter-RTOC Meetings

- It was reported that a majority of discussions have centered around revised GAP allocation methodologies proposed by EPA

d. SAFETEA Update

- EPA still has not issued a decision

e. LANL

- DOE proposing Electrical Power Capacity Upgrade (EPCU)
- Traverses through culturally sensitive lands in addition to Forest Service and BLM lands

- All Pueblo Council of Governors is working on this issue, encouraging DOE to follow the proper NEPA processes
 - EPA R6 to provide update on LANL Electrical Power Capacity Upgrade (EPCU) proposed new powerline upgrade [ACTION ITEM]
- Sitewide Environmental Impact Statement (SWEIS) process is ongoing
 - Has not been updated since 2008. Anticipate completion in two years
 - EPA R6 to provide update on SWEIS [ACTION ITEM]
- Tritium venting – initially scheduled in 2020; currently ongoing
 - Supposedly delayed by EPA R6 due to fires in New Mexico
 - Consultation with Pueblos in “holding” pattern
 - EPA R6 to provide update on tritium venting [ACTION ITEM]
- EPA R6 to describe permitting process of transuranic waste facility (Pueblo of San Felipe) [ACTION ITEM]
- EPA R6 to provide information on radiation management program (Pueblo of Isleta) [ACTION ITEM]

X. Progress Reports – See Written Reports

- a. **National Tribal Caucus (NTC) – report by NTC Representatives *Pinu’u Stout*, Pueblo of San Felipe, and *Tabitha Langston*, Ottawa Tribe of Oklahoma**
 - NTC Executive meeting on July 20, 2022, with EPA senior staff in Washington, D.C. to present tribal budget priorities in Budget Addendum; will share with EPA R6 Tribal Caucus when available
 - In person NTC meeting tentatively scheduled September 13-14, 2022, in Washington, D.C.
 - NTC requested EPA analyze recent U.S. Supreme Court decisions. It is unknown how long analysis will take. Will share with EPA R6 RTOC Tribal Caucus when it is available
- b. **National Tribal Air Association (NTAA) – report by NTAA Representative *Craig Kreman*, Quapaw Tribe of Oklahoma**
 - Searching for an EPA Region 6 NTAA Alternate
 - Commitment includes monthly air policy calls and workgroup meetings, contact ckreman@quapawnation.com if interested
 - ITEP celebrating 30th anniversary
- c. **Tribal Environmental Coalition of Oklahoma (TECO) – *Josh Worcester*, Caddo Nation of Oklahoma**
 - Last meeting held virtually on May 17, 2022
 - USDA representatives provided updates on upcoming Nation to Nation conference and First Responders training to be held in August, hosted by Chickasaw Nation at the Artesian Hotel in Sulphur, Oklahoma
 - Next meeting on held July 19, 2022. Agenda forthcoming
 - Contact jworchester@mycaddonation.com for questions or more information
- d. **Inter-Tribal Resource Advisory Committee (IRAC) – *Tammy Belone*, ENIPC Director of Environmental Technical Assistance**
 - Tammy Belone named the new ENIPC Director of the Office of Environmental Technical Assistance within Eight Northern Indian Pueblos Council Inc.
 - IRAC meeting held on May 19, 2022
 - National Wildlife Federation presentation “Ribbon of Life”, a needs and opportunities assessment of upper Rio Grande Watershed to restore riparian corridor
 - Affects nine (9) pueblos and one (1) tribe.
 - Some pueblos working from home due to COVID-19. Some still have travel restrictions and require masks
 - Involved in EPA R6 GAP Allocation and GAP Guidance workgroups

- Solicited recommendations on how to dispose of expired hand sanitizers and disinfectants to which group discussed
- EPA R6 to provide information on disposal methods for expired hand sanitizer and disinfectants from domestic households, tribal entities/governments, and tribal health facilities with a list of companies and costs [ACTION ITEM]

e. **Texas and Louisiana Tribes**

- **Jenna Little Charley, Alabama-Coushatta Tribe of Texas**
 - Office in recovery from COVID
 - Participated in GAP Guidance workgroup
- **Bethany Crochet, Coushatta Tribe of Louisiana**
 - Also participated in GAP Guidance workgroup. Expressed how being a part of the GAP Guidance committee was beneficial to the Tribe

f. **Tribal Exchange Network Group (TXG)**

- Representative not present

g. **E-Enterprise Leadership Council (EELC) – Josh Worcester, Caddo Nation of Oklahoma**

- EPA ORDA overview on participatory science
- EPA OW presented on various funding opportunities
- EELC will conduct a 2 day in person meeting in Charleston, SC September 28th and 29th
- Caddo Nation stepping down as EPA R6 EELC primary representative; searching for new representative
 - Membership based on interest and name submission
 - If interested, contact jworcester@mycaddonation.com

h. **National Tribal Water Council (NTWC)**

- EPA R6 NTWC representative **Jaclyn McCasland, Delaware Nation**, participating on concurrent NTWC call. Written reports e-mailed to EPA R6 RTOC Tribes

i. **Tribal Waste and Response Steering Committee**

- Representative not present

j. **Tribal Science Council (TSC)**

- EPA R6 TSC representative **Jaclyn McCasland, Delaware Nation**, participating on concurrent NTWC call. Written reports e-mailed to EPA R6 RTOC Tribes
- Recruiting EPA R6 TSC Alternate to fill vacancy

k. **Tribal Pesticide Program Council (TPPC) – James Jackson, Muscogee (Creek) Nation**

- Monthly Pollinator Protection workgroup meeting held July 11, 2022
- Risk Assessment workgroup will meet on July 18, 2022
- TPPC Executive Committee to meet July 20, 2022
- New updated brochure recently put on website

XI. **Review of Action Items – Shawn Howard, Citizen Potawatomi Nation, RTOC Secretary**

- EPA R6 Tribal Caucus to draft and submit letter to EPA R6 requesting 60-day extension to comment on EPA's CWA 106 Tribal Grant Guidance
- EPA R6 Tribal Caucus to prepare and submit letter to EPA R6 requesting 60-day extension to comment on EPA's CWA 401 Proposed Rule
- EPA R6 Tribal Caucus to submit comments to AIEO on EPA proposed GAP Guidance and allocation methodologies
- EPA R6 Tribal Caucus to submit Revised RTOC Charter to EPA R6

- EPA R6 to provide update on LANL Electrical Power Capacity Upgrade (EPCU) proposed new powerline upgrade
- EPA R6 to provide update on LANL Site Wide Environmental Impact Statement (SWEIS)
- EPA R6 to provide update on LANL tritium venting
- EPA R6 to describe permitting process of transuranic waste facility (Pueblo of San Felipe)
- EPA R6 to provide information on radiation management program (Pueblo of Isleta)
- EPA R6 to provide information on disposal methods for expired hand sanitizer and disinfectants from domestic households, tribal entities/governments, and tribal health facilities with a list of companies and costs

XII. Workshop, Training, and General Announcements

- ITEC Conference – Virtual starting July 26, 2022, on Tuesdays and Thursdays
- EPA Brownfields Conference August 16-19, 2022, Oklahoma City Convention Center
- National Tribal & Indigenous Climate Conference, August 29 – September 1, 2022, St. Paul, MN (hybrid)
- USDA Nation to Nation at Chickasaw Nation’s Artesian Hotel, Sulphur, OK for USDA and tribes on August 16-17, 2022 (contact USDA Tribal Liaison Dr. Carol Crouch)
- USDA APHIS development for disasters on August 18, 2022 (contact USDA Tribal Liaison Dr. Carol Crouch)
- ITEP Tribal Lands and Environment Forum, August 8-11, 2022, in Milwaukee, WI (hybrid)
- Pueblo of Isleta hosting in person environmental fair July 30, 2022

XIII. Dates of 2022 Meetings

- Fall 2022 Virtual RTOC Meeting – November 29, 30 and December 1, 2022
- April 2023 in-person Summit/RTOC – searching for a meeting space, the week of April 17th will be suggested to EPA R6

XIV. Closing – *Tabitha Langston, Ottawa Tribe of Oklahoma, Tribal Co-Chair*

XV. Benediction – *Michael Sandoval, Pueblo of San Felipe, Water Resources Specialist*

XVI. Adjournment – *Tabitha Langston, Ottawa Tribe of Oklahoma, Tribal Co-Chair* at 3:22 p.m. CT