

Regional Tribal Operations Committee  
August 30, 2012  
Atlantis Resort Casino  
Reno, NV

*Opening Prayer* by Ralph Burns, Pyramid Lake Paiute Tribe (PLPT)

***Welcoming Remarks***

Enrique Manzanilla, EPA gave welcoming. He is looking forward to the exercise and discussion, using the past guidance to build a roadwork to the future. It is always important to reflect on accomplishments and challenges from the past and remain open to a robust discussion. Thanked everyone for making the trip and to Pyramid Lake for hosting.

Co-Chair Antone thanked PLPT Environmental Program and the Casino for all the work and thanked everyone for showing up. This is one of the biggest crowds in a while.

***Introductions/Roll Call:***

Lori Lewis reminded us that we are embarking on new adventure with video teleconferencing capability. We will be learning a lot as we go along. We have 3 separate locations and will try to make it seem like all in same room. We will be calling on remote locations to see if they have any questions or comments. Please put all cell phones on mute.

***May Issues Review:***

Highlighted May issues

1. #1 Chris Chen from EPA is contact for that #1. The status on funding certified tribal labs for BMI sampling.
2. #2 Questions on confusion whether or not webinars constitute as consultation. They do not.
3. #6 issue by Sarah Ryan - Fukushima release. Initial request had to do with radioactive isotopes. This is an ongoing issue. If questions come up before RTOC make sure they talk to appropriate person
4. #7 contact Nate or Marta if you are interested in joining the Consultation Workgroup.

Co-Chair Antone mentioned that we need a tribal lead for Sustainability Workgroup. See him if interested.

***Strategic Planning:***

Marta Burg talked about the Strategic Planning workgroup and reviewed how it began.

Laura Ebbert noted that from EPA perspective they are excited. This effort provided new energy to the workgroups. EPA is really good at strategic planning. This is something they understand. They see this as a great way to give RTOC new energy and focus; identifying common goals and achieving them.

Lori Lewis : The collaboration software will enable small group and large group conversations and help capture ideas from every table. She reviewed the PowerPoint of strategic planning framework.

Arlen Melendez Chairman of Reno Sparks Indian Colony  
Welcomed everyone. Thanked Corn and members. He has worked in fisheries for 12 years and been on the Tribal Council for 20 years. He is encouraged about the importance consideration being given to environmental. His tribe was dealing with a mine 10 years ago, trying to not have mining close to the reservation. When you can get politically strong by incorporating other people to see your vision it's a good way to protect the environment. As a Tribal Chairman there are so many issues being dealt with today. We depend so much on staff and need to focus in on environmental protection. Keep up the good work. The Tribal Leaders in State of Nevada will support. Thanked everyone again for being here.

Marta talked about the strategic plan a bit. The last couple of years the Tribal Caucus level has been looking at things to focus on with the strategic plan. Borrowing from prior workgroup goal settings, and priorities that were done during the transition to the current administration. The group came up with 9 focus areas that seem to make most sense for RTOC to be working on. These are in draft strategic plan. In the 9 focus areas:

1. Poor tribal environmental programs.
2. Tribal Water Quality
3. Safe drinking water, basic sanitation, focus on continue to working to ensure that all tribal homes have access to safe drinking water and safe sanitation.
4. Relates to solid waste
5. Relates to air quality
6. Climate change
7. Border tribe's issues
8. Sustainable infrastructure
- 9: Other cross medias: category of pesticides.

Laura Ebbert introduced Regional Administrator Jared Blumenfeld

Jared Blumenfeld talked about the work the RTOC is doing on priority setting. This has achieved focus not only on what we are doing but what we are going to do; focusing on the things that matter to us. There are a lot of ideas out there and people care deeply about their communities. They want to see change on the ground. The next big step is how we turn those ideas into actions, to make a difference and see it in the next 1 or 2

years. It's amazing what tribes have done with the amount of money and not a huge amount of resources. Our goal is turn those best ideas and put them into actionable things that we can move forward on. Administrator Blumenfeld noted that if he hasn't been to your reservation or Tribal Council let Laura know. They can plan out an agenda. The tribal work we do at EPA continues to be a strong priority for him. He is still passionate about working with tribes. Think about what we do that are common threats and things that bind together some ideas that were brought up this morning.

***Tribal Caucus Report: Co-Chair Antone***

Corn provided and Orientation for Tribes new to the RTOC, 14 tribal folks attended the orientation, the most we've had in a while. Thank you for coming to the orientation and I hope that we can assist you in any way we can.

The Opening Prayer was given Charlotte Harry, Pyramid Lake Tribal Member in her language.

Our welcoming was given by Mervin Wright Vice - Chairman of the Pyramid Lake Paiute Tribe

Environmental Managers Action Item Report -  
Introduced the new tribal reps to the committee;

1. Introduction of new Tribal Reps
  - i) Tad Williams, Moapa Tribe Nevada
  - ii) Michael Thom, Karuk Tribe Northern California
  - iii) Marla Stanton, Wells Band of Shoshone Nevada

I let the tribal caucus know about the Comment period for strategic plan extended to September 14, 2012. There was a session yesterday at 9:15.

The draft Environmental Protection Agency wide Plan to Provide Solid Waste Management Capacity Assistance to Tribes will also have a session tomorrow.

A question was asked of the tribal caucus was on video conferencing. Does the Tribal Caucus want to have the tribal caucus video conferenced, not a problem here out in tribal land? But will be in San Francisco, due to EPA staff that will be in the room running the equipment. Comments were made on both the pros and cons, but the majority of the comments were against video conference for the tribal caucus day.

A request for volunteers was made for the need of a tribal lead to the consultation workgroup, and that participation was needed on the workgroup, Kate Sloan volunteered and will be the new tribal lead for this workgroup. A signup sheet was set up for folks to volunteer, which is still in need of folks to sign up for.

It was also mentioned that the other workgroups need participation by tribal folks.

New Issues were read at the end of the report.

NTOC Report was given by Clay Bravo, and Marie Barry (NV) they talked about the budget process they went through last month. I'll let Clay give the rest of the report later today. They are asking for examples from tribes that have gone through the consultation process and how that has or has not worked for them.

Oak Flat Mining Issue – Jonathan Kitcheyan, and other members of the San Carlos Apache Tribe Council gave a presentation on the Oak Flat Mining issue that the tribe has been fighting for several years. They came to ask for support from the tribes in the region as well as from the RTOC Tribal Caucus. Some of the reasons for their fight to halt the mining are to protect their sacred site which ties to the spiritual and religious beliefs of the tribe.

The bill that is tied to the issue is HR 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011 to transfer 2,400 acres of the Tonto National Forest to Resolution Copper Company. Which if passed would waive the environmental regulations and set precedence for not just mining but other media. Another reason the San Carlos Apache Tribe is asking for support from the tribes.

Fannie Ely, Water Quality Manager, Pyramid Lake Paiute Tribe Been working with environmental dept for about 10 years. Also a tribal member. gave a presentation on PLPT Water Quality Program- Protection of Tribal Water Resources. The presentation was on the overall program, individual programs within the department do presentations specific to their work.

All water bodies no matter the size are treated as special and unique and need protection. The PLPT holds these water bodies highly and are sacred to their people. Protecting the heritage of PLPT & the habitat for wildlife is also important. Restoration projects not only aim for water quality but to improve as well.

They have 5 monitoring sites on Truckee river, conduct annual bio - assessment monitoring. Collect water quality samples and vertebrae samples. Also do monitoring of wetlands along truckee river.

Sherman Swanson gave a presentation on Riparian Proper Functioning Condition PFC is a standardized and integrated assessment approach that fosters coordinated management across disciplines and land-owners. Technical experts (IDT) work with stakeholders to synthesize information regarding the hydrology, vegetation and the soil and land form characteristics of a specific area in order to determine riparian-wetland condition.

you bring together the right people, in constructive ways, with good information, they will produce: better decisions (more informed, effective, sustainable and popular); improved relationships; and sustainable communities and landscapes.

Mr. Swanson showed examples of what a PFC was and what wasn't.

Proper Functioning Condition Class - Sept 24-25

§ Location: Reno

§ Host: Inter-Tribal Council of Nevada ITCN

Donna Lamb, Air Quality Specialist, Pyramid Lake Paiute Tribe gave a presentation on PLPT's Developing Air Quality Goals to Protect Tribal Health- Donna talked about what her program does for the tribe in Air Quality, they've done a warning to the tribe on bad air quality days. This was done with a model they developed. It was due to a fire that was burning nearby.

Alan McKay, Desert Research Institute gave a presentation on Protecting and Sustaining Tribal Water Resources in the Region - The presentation was on work Mr. Makay was doing with PLPT on sustaining and protecting their water resources. He talked about the various ways that this can be accomplished. He showed examples of the work and how that changes the water way when it's functioning properly.

Workgroup Reports/ Updates - Syndi Smallwood gave an update on the NTAA she mentioned that the TAMS Center in Las Vegas is going through a lot of changes. They are in need of reps on the steering committee; she also mentioned that she is on her last year as a representative.

There is another individual from Region 9 that is on the committee, he's from Salt River Pima Maricopa Indian Community.

She also mentioned that NTAA is going to develop a fact sheet for air programs to assist in giving specific info needed to develop air program. EPA has documentation air monitoring program which is 200 pages long. NTAA is going to try to bring that down to fewer pages.

Syndi also gave an update on the budget process that we will be doing for next year's presentation. The presentation will be all video, we need videos of the work that tribes have done in each media. These need to be into Syndi, Marta or myself by the annual conference. At the conference Syndi will be doing interviews with tribal leaders on what they see or need their environmental programs to be doing. Other interviews will be done with tribal environmental staff; these interviews will be done also at the conference.

Nina Hapner Tribal Lead for the Pesticide workgroup had a few things to report on: pesticide workgroup/issues fall to back burner and are dealt with when needed to be dealt with. If you have an issue with RUPs you can ask EPA.

If tribes have questions on NPDES pesticide permit rule, it is not in effect yet, any questions contact Pascal Mues at EPA or Africa at ITCA.

### ***NTOC Report: Clay Bravo***

Wayne: follow up from NTC meeting. NTC meeting will be on September 11, 2012 to discuss Agency Wide Solid Waste Plan with Mathy Stanislaus.

- His report was on discussion that took place in DC. Basically as we should all understand we are under a continuing resolution until September. This sets the stage of how we present our 2014 budget. Out of the reinvigoration process have been able to develop some key areas such as climate change. We are looking at how we can strengthen and have better relationship with agency. Tribes are really setting priorities for what is happening in their areas.
- Asked for the lifting of the cap and increase of percentage (%) to benefit the tribes. Asked \$175K for GAP as the base funding for all tribes.
- Increase of 20% in CWA 106. Permanently lift cap on CWA 106 and 319. Asking for base of \$100,000 for tribes that have an 'x' amount of acreage of land
- Asked for increase in air programs.
- Add climate change to multimedia. Don't know how agency is going to handle that in future. There is a climate change workgroup at the national level. There is also a new workgroup called hydraulic fracturing workgroup. Comment from NTC that if there is going to be something that is going to impact the tribal economy then we have to have an alternative for that type of economy. There are tribes concerned with the air pollution coming from the Navajo generating station. Marie pointed out during breakout sessions that Lisa Jackson told NTC she is ready and willing to do as much as she can as long as we are not breaking the law. If we want change we should push it up the ladder ASAP.
- Asked for multimedia implementation dollars.  
We need to ensure that we shouldn't reward one media by not supporting another. Need to have a better working relationship with the agency. Asking for continued support for NTC.
- Marie Barry: they talked about getting the transition process started. Asked for base set for safe drinking water act.
- Ken Norton: initiative coming from Office of Water. Revision of CWA 319 grant guidance. Agency is conducting a programmatic and management revision to this document. States are allowing greater flexibility in developing management plans. States are allowed to use incremental dollars. Tribes are to ask for that same flexibility. Talk about removal of statutory cap.

***DRINKING WATER ENFORCEMENT ON TRIBAL LANDS AND CONSULTATION,  
Joel Jones, Drinking Water Office, Water Division-***

Safe Drinking Water Act enforcement response policy.

For most tribes, Water quality is at least as good as anywhere in the country and for the most part 90% of communities in Indian country meet health standards. When you go back to place of work, make sure you talk with tribal leaders, community members, get a feel they are aware of the quality of water that is served. Find out if there are any water contaminants or any issues. We should be aware of the quality of water in our communities. 50,000 people are impacted by an alarm last year in Phoenix of e-coli. (read off of power point) A large portion of water systems that are needed in Indian Country are in Region 9. Results that show water quality is improving, whether they get assistance from them.

Questions/ Comments:

Alex Cabillo: Where do tribes find out what their scores are?

Answer: there are some in agency that are reluctant to share the score. On annual basis share that with each private water system or information about each system, the violations and Enforcement Targeting Tool (ETT) score. If they know the name of the community they can plug it into the echo database and get the details. If not annual at least quarterly.

Lionel Puhuyesva, Hopi Tribe: when are you going to allow mature tribes to be federally credentialed to do some inspections on their own so they can be more proactive? We know what our problems are we can't do anything on the spot to do anything with it to be more proactive.

Answer: not going to take enforcement action if they have to conduct an inspection. Nothing limiting us, the FIFRA program has credentialed inspectors that do inspections for them, the National Pollution Discharge System NPDS program has inspectors and they are going to get out in field a lot more. If there is an interest out there we can work out a situation for folks to get trained.

Marie Barry, Washoe Tribe: regarding systems that are between 6 & 10, have you ran any matrix that shows is there a commonality between issues with the systems?

Answer: the one thing that is common across most systems that are starting to have violations is staff turnover.

Susan Okeefe from civil enforcement: EPA's intention is to participate in as many RTOCs as they can to engage tribal leaders starting this fall to really start consultation process with leaders.

***2012 CONFERENCE UPDATE; Rosanna Marrujo***

- Conference is going to be week after Thanksgiving.

- Sept 30<sup>th</sup> the entry forms are due for Connor award.
- RTOC and Tribal Caucus will be held in one day.
- Early bird registration is due September 30<sup>th</sup>. Everyone who registered on website must pay by then. If people are on a 4 year grant get with Owens Valley to talk about it.
- Call for topics are still being accepted.
- This year are not allowed to give out t-shirts, bags or promotional items unless receive a donation of \$1,000.
- Still looking for ideas for entertainment.
- All of the information is on website.
- There is a meeting on September 12<sup>th</sup> that is an agenda setting meeting.

Africa Dorame Avalos, ITCA: As far as items being donated, how many would be donated? Do we have an approximate amount of people that will be attending the conference?

Answer: we are expecting 500 people.

Contact the Owens Valley Water Commission if any more questions on the conference.

***Homeowner Solar Energy Program- Rob Roy, La Jolla Tribe & Cathleen Monahan, GRID Alternatives:***

Group has been working on a program for last couple years to do solar installations for homeowners. GRID alternatives is a non-profit organization and works with low income homeowners. There is not always a deed to homes. Some are passed down. To date have installed 10 solar systems totally over \$300,000 dollar's worth.

Agenda: overview of organization; bulk of presentation is going to be about SASH program.

- License 501(c)(3) licensed solar installer, exclusively for low income homeowners.
- Use a community barn raising model. Train volunteers to actually come out and install systems.
- Last 8 years have been growth of organization. Have 7 offices to serve, opening 1 out of state.
- Focus on low income families so they can participate in environmental movement; have installed over 2300 systems in California, with half in last 18 months.
- Strong focus on green jobs training, workforce development. Residential solar keeps an environmental component. A roof mounted solar system not harming the land or do ground mount solar system. Photovoltaic solar can be off grid but expensive to install and to maintain. A grid type system connects the solar service to the electric utility.



SASH program:

- Single family affordable solar homes.
- GRID is State wide program manager for this program.
- Eligibility requirements for this: owner occupied home. Must live and get electric service from Pacific Gas and Electric (PG&E), Southern California Edison (SCE), or San Diego Gas and Electric (SDG&E) utility companies.

Have low income component that can be qualified by looking at federal 1040 tax forms, gross income. The affordability requirement, ensuring that property will be affordable for future residents.

- Timeline up till 2015 or when money runs out.

Questions/Comments:

Some of the tribes in Owens Valley and Eastern Sierra have been furnished by Los Angeles Water Power (LAWP), is there anything they can do for tribes?

Response: certainly, she talked about the SASH program. Have worked and done projects in the LAWP district. At this particular time this is something that would be a goal for them to come up with it. Never done projects before SASH. Don't have a specific program at this time.

Beverly Harry: concerned about rural areas that may have a lot of need for that type of solar development on the reservation. Mainly Navajo, Hopi. With Nevada, Elko, McDermitt. You have possibly over 200 tribes within California that are served by the 3 main companies. Are all of the California tribes going to be able to get involved with this particular type of program?

Response: to date have only worked in California locations. Going to Colorado and it's kind of a trial run. Right now would be limited to California tribes.

Luby of North Fork Rancheria asked Rob: did you seek any funding from utilities? Were they able to offer any grants or incentives for your project?

Response: they did not work directly with PG&E or any of the utilities. Rob says that all pay into a fund, indirectly funding does come SDG&E ratepayers. Went directly with GRID and started working with them.

Nina Hapner: because this is geared toward low income families does it limit the type of panels that come on and where they come from? Are those options available?

Response: systems are sized on homeowner's electric usage. Pull 12 months of usage history. Sign up all homeowners who are qualified for low income services. They don't allow over sizing

Richard Campbell: do you have any installation projects in Northern California in Mendocino County?

A: yes. Majority in Lake Mendocino and some in Humboldt County.

Rob Roy: tribal member had been paying over \$200 a month for electric.

## ***DRAFT EPA-WIDE PLAN TO PROVIDE SOLID WASTE MANAGEMENT***

***CAPACITY***-Wayne Roepe, Office of Resource Conservation and Recovery, EPA.

Provide an overview of what they are doing with plan. This plan in response to report of Office of Inspector General (OIG) We are in the consultation period and it will be going pretty fast. OIG had a number of findings. Basically said we have no plan.

Concluded they are not providing proficient assistance to tribes. Number of reasons is partly because of resources. EPA agreed with all of recommendations.

- Do lay out all rules and responsibilities within EPA.
- Identify all of internal resources.
- Within plan layout funding resources out there.
- OIG spent a lot of time reviewing the performance measures. Within the plan have a number of suggestions of potential new performance measures.

All comments can be sent to [agencywideplan.gov](mailto:agencywideplan.gov) comments from the environmental director would be called coordination.

### **Questions/Comments:**

Marta Burg: has observation about last slide about consultation. A comment letter signed by a tribal leader will be considered consultation. Different tribes have different ways of consultation. Thinks it could be offensive to some tribes on what they consider consultation.

Wayne Roepe: can't imagine discarding comments, will take all comments.

Understands that the RTOC will be writing comments and NTOC will be writing comments. Those are not from tribal leaders but carry a lot of weight.

Laura Ebbert: The consultation policy describes a tribal official as an elected official,

Marie Barry: when our workgroup is working on comments, coordinate with national tribal solid waste committee as well since they are working on comments.

Clay Bravo: thinks some tribal governments may not look at an employee that does not pass their comment through as a government body. So should pass your comment through the governing body. Tribes have said very strongly that they are the person to have consultation unless they designate.

Marta Burg to Clay: from RTOC level would like to provide input for the NTOC representative that will be participating in the conversation with a briefing, if it's appropriate to do that, when?

Clay Bravo: if by September 7th of next month that would be great. NTC will be presenting to Mathy and staff on the agency wide plan. They provide recommendation and guidance to the agency.

### ***EPA RESPONSE TO TRIBAL CAUCUS REPORT-Enrique Manzanilla***

- For SP14B will be having a conference call next week. Comments are due by September 14, 2012.

- Continuing questions regarding Tsunami debris. Best thing to do is set up a call with John Kennedy. Laura will help John set up that call, will do within next two weeks
- Issue on San Carlos Apache Tribe regarding Resolution Copper Mining. Legislation related to a land exchange between Tonto National Forest and Resolution Mine Company. This only made it through the House of Representatives. Would like to remain in contact with the San Carlos Apache Tribe. Who knows what will happen with legislation. If it becomes reality in form first EPA action will be NEPA process. Whatever form that will take. This may not be the first legislation that attempts to eliminate NEPA and other environmental laws. Not in a position right now to comments on pending legislation.
- Karuk raised issues of Scott River, asked Loretta to follow up within next two weeks with Vice Chairman Thom.
- PLPT issues with algae bloom on Pyramid Lake. Asking Loretta again to have conference call on sampling

Questions/ comments;

Beverly Harry: with algae bloom that is currently happening right now, don't want to state any type of confirmation that any of the rash that has developed is related to the algae bloom. Not making any type of determination what is causing the rash. Just need now enough resources to send samples out for either bacterial analysis of fungi, or protozoan or any type of parasitic analysis. This poses a great concern to the tribe. Right now still in the process of going through, trying to determine what kind of issue we are dealing with. Have sent samples to the EPA lab in San Francisco, but turn around time hasn't been efficient. In the meantime the number of cases could grow. Want to make sure our project officers and anyone working with water quality program is informed of the problems having out in Pyramid Lake. This issue has a lot to do with water quality. All of the water quality standards are being looked at. Want to raise this concern because it seems they have wonderful water quality but still having issues with reported cases. With recommendation from Washoe county, stating they should get a clinical analysis from epidemiologist. Pyramid Lake Paiute Tribe is still concerned about water quality. No cases of rash development have been expressed by PLPT members, sometimes the concerns are brought up, but EPA doesn't respond.

Dave Taylor: wanted to keep everyone informed. Two topics are in the new guidance CIO (?) 106 and on review policy.

- CIO guidance, looks like it's going to be coming out pretty soon for external review.
- Quality Assurance policy very out of date, working on new one. There was an opportunity for tribes to comment on it in February this year.
- Most tribes QAPP going to have a big impact. Want to emphasize that quality assurance plans do have 5 a year lifetime. Data generated supposed to be tied to

decisions in quality assurance plans objectives. Between this five year submittal something changes you can submit an appendix or addendum. Appendix designed more for changes in your program.

- Lot of water programs are becoming mature and looking for documentation on water systems. Has been a bit of discussion outside regional office on when data can be used and can't be used. All the data collecting can be useable if collecting information and doing good job of documenting it.

**WASTEWATER by Eugenia McNaughton:** EPA revised wastewater pond manual. Focus for operator and operations and maintenance. Includes information on nutrients, troubleshooting and 'how to' appendices.

### **Questions/comments:**

Clay Bravo:

- Important for us to jump on transition process or document that we may be utilizing soon. Time is of essence. Important to start collaborating and jot down some of these thoughts in RTOC and at national level. Action item should be developed as an RTOC as a whole.

Enrique: thinks that strategic planning process we doing serve as good foundational element.

Marta Burg: focus area identified for current strategic plan grew from this body. Marta can pull any documents that she has either wrote or gathered four years ago.

Timeframe is next week.

Looking forward to transition document and all other documents, comment letters. This morning Lori had gone through from the session this morning. Other topics came out : Cultural, border, flexibility, more funding, advocacy.

Lori Lewis went over meeting dates, calls, etc.

SP14b call will be on September 5th.

Adjourned.