

RTOC
Full Caucus
January 28, 2015
Reno, Nevada

Opening Prayer

Introduction/ Roll Call

Audience

EPA Opening Remarks

Great to see everyone. We are facing the drought. We had weeks and weeks of no rain. We have to plan for less rain and be prepared. Today there will be discussion about that. Good reminder for all of us. We do important work. There a lot of power in room. People pay attention to environmental work. We have great leadership role now than ever did. EPA committed to tribal program. Looking at what we need to do. All have bureaucratic things to overcome every day. Got letter back from administrator that he didn't get to have input on. His team very committed to take what we have. Try to make right things happen. At office we got folks staying late and working hard. Help and make environment better. Can't thank people in this room enough. Has done reports about what's going on in different tribes. Lots of success out there. We have lots of good work to do. Get council involved so they know what's going on. Try to invite congressmen senators to see the work we are doing. Think hard about where those opportunities are. Jared had family conflict so he is not here. He finds this work very rewarding. Do have long way to go excited about path ahead. Thanks ITCN, Yerington, and Moapa for transportation, Mariela, Laura, thank you to tribal leaders and elected officials here today. Environmental issues are extremely important. Acknowledge all RTOC reps participating in 2014-2015 tribal caucus. Voting period is currently going on right now. Thanked Co Chair Antone for his leadership. Looking forward to great conference. Feel free to engage fully throughout.

Co-Chair Antone thanked everyone for coming out. Thanked tribal leaders who came to meeting yesterday and today. Ballots will be send out next week or the following week. Should expect week of February 9, 2015.

Issues Review from Fall RTOC

#4 had to do with GAP closeouts- Laura Ebbert, been working with one pager that would explain and make process easier. Has not cleared office of regional council. In meantime if questions about joint evaluation under GAP please let her know.

#6 Capacity indicators-talk with project officers about indicators that make sense for your work plan.

#9 Getting information that would be helpful for new Reps- handbooks will be handed out for new reps tomorrow morning at the breakout sessions.

#13 & 16 grants.gov- all

Today's agenda is very full going until 5pm. Tribal leaders meeting will happen after break, before lunch. Recording key comments and action items.

2 sessions where we anticipate a lot of questions. Fracking session this afternoon, will be passing out small pieces of paper, please put question on it. Question may not be able to answer today.

Grants.gov session, a lot of information to share. Will be doing same things. If you have question jot it down.

Laura- 2 online systems: GAP online only for negotiating work plans and quarterly reports. Grants.gov is for every grant.

Grants Update, Sarah Russell

44% of our recipients are tribal recipients. Really important to continuously talk to tribes and do as much as they can. One of things to do this year is adding to their outreach. Want to come to tribes as much as they can. By phone, webinar.

3 components to managing grants. 3 phases: application phase, Award & management Phase, Close out phase.

Triad of Grants Management: GMO, PO LVFC (Las Vegas Finance Center) internal control parts.

Grants output/outcomes

Word document on RTOC website. You can find detailed information on internet site.

Omni Circular- EPA along with all federal agencies have formally adopted circular on Dec. 26 2014. EPA regulations now found under 2 CFR 1500.

Interim financial assistance conflict of interest policy. Establishes requirement procedures for competitive/ noncompetitive grants.

February 17, 2015. All EPA applicants are required to submit on grants.gov. Encouraged to register now.

Can take up to 30 days to complete whole registration process. Webinar scheduled on Tuesday February 10, 2015 to talk about grants.gov. EPA website is on word document on RTOC website.

Once you have one person authorized in your tribe. The e-biz person, they have their authorizers.

Emily Luscombe: if you have change of administration do we have to completely wipe out the account?

Yellow boxes and highlighted areas need to be filled out. Strongly recommended to fill out optional forms in app package.

Questions:

Can you describe the difference between bundling and performance partnership grants?

PPG when you have a sweep of grants put together.

M/WBE forms, 150,000 per grant.

Why couldn't EPA set up training component at Las Vegas Finance Center? Will follow up with tribes.

Status by next RTOC

Can we bundle m/wbe forms?

No we cannot bundle but good to bring up as question. In process of streamlining process.

Will tribes be able to use state ULO's?

No, but is still a good question.

What is name of word document? It is on website. At last minutes added that link onto word document.

Bundling forms and uploading issues, sending those forms that are being bundled send them to EPA directly.

Reviews and getting more training on financial reviews.

Break

Leaking UST Coordination & Mapping Discussion, Rebecca Jamison

Are standard operating procedures documented anywhere?

No.

Will lustr info be on website as well?

No.

When started recommendation, information already been released many times. When open and closed been publicly available.

Bill Campbell: is it possible when you post map when click on specific dot it says where it is, doesn't have documents and to contact region 9.

Only document coming up is EPA letter.

Lunch

NTOC Report & Updates

Last month NTC had face to face meeting In Palm Springs. Same time national tribal water council had meeting in Florida. Region 9 GAP issues were expressed.

- shared with Joann Chase letter crafted from co-chair
- talked about strategic planning and budget coming up.
- would like to finish unfinished business.
- other regions expressed concerns about GAP guidance also.
- Luke Jones concerns about him being author of this thing.
- lots of frustration having no one really pay attention and listen and do anything about it.
- Joann Chase, Karin Koslow were there to answer, they heard them. They said they going to have retreat back in DC. They will be talking with representatives.
- no resolutions were really talked about at all.
- was blow off again.
- what do we do next?
- wants to emphasize parity from tribes

Annette George- this isn't just a Region 9 issue. Every region has same concern with GAP guidance. Want it to remain guidance not a regulation. It's a guidance and amendable. To be flexible with that.

Questions:

What can us as environmental professionals do to assist with this process? Going back to council or to show support.

A: available for tribes that want to send letter on their own behalf. Policy advisor can assist if they like.

Marta Burg: if interest in policy advisor assistance she is seeking email address for folks who are interested.

Jeff: guidance is amendable. Difference between guidance and regulation. Did propose to amend in 2018. EPA going to take what they have and try to work with tribes. Appreciates tribes concerns.

Marta: thinking on solutions to that. What we want is how we get over that and what kind of process can tribes access.

Laura: happy to continue to have conversation on GAP guidance.

Tribal Caucus Report

- orientation in morning attended 4 tribes.
- Arlin Melendez did opening.
- Tom Keegan introduced now works for California Water
- action item report
- NTAA, Inter-tribal Water Council, have submitted letter on GAP guidance
- had presentation on working with BLM given by Clifford Banuelos
- had report out on retreat.
- workgroup reports. How we gone be prioritizing budget needs.
- created new working group that has 3 sub working group.
- NTAA, Will Nabahe provided a report.
- working on upcoming meetings.

Enforcement Update, Roberto Rodriquez

They don't do superfund,

- Do environmental justice
- NEPA have that in their program
- Air/TRI Enforcement
- Waste and Chemical enforcement
- UST
- PCBs

- Clean Water Act Enforcement
 - NPDES Permitted discharger
 - Current Priorities:
 - inspections
 - Compliance assistance

Have to address non-compliant water within 6 months. Last FY did 20 drinking water inspections. Focus more on mcl violations, look at infrastructure make sure tanks aren't leaking, no dead animals in tanks.

Questions:

Bill Campbell: regarding inspections, do you perform inspection on non-Indian lands where pesticide is dripping and

Roberto: issue he raised earlier, is exactly what happened. Coordinated with Local County. State or county have authority. Tribe allowed and invited.

John Parada: also do activities with safe drinking water act/ will you be playing role in

A: not really

Hydraulic Fracturing Presentation, Richard Estabrook

Works for Washington office. Would much prefer to have conversation about this instead of Power Point. Goal is to make next hour useful as possible. Main thing is proposed deal on hydraulic fracturing.

Wants to talk about process.

Why do we have hydraulic fracture and how is it done?

Would drill a well like a water well like a layer of rock. Drill into rock formation. The oil will flow through the rock that's the way oil and gas used to be developed. 15 20 years ago shale rock layers have tremendous quantities of oil and gas. Shale rock zones don't have permeability. Like drilling into a clay aquifer. The process invented in 1940 perfected in 80's and 90's.

Done by applying hydraulic pressure. Drill through the shale zone and apply, pumping down a mixture of water and some chemicals and sand. At really high pressures. Very high volumes. Enough to overcome strength of shale zone. Also pump on sand. What sand does it fills fractures created, when relieve pressure all this water pump on comes right back out. Sand gets in and props those fractures open. Kind of like splitting a log.

Question on why or how this process works?

Alex Cabillo: the same practice and monitoring of the process as install them. What kinds of chemicals, what safety practices in place in case of release or spill? How much use of water being used. Especially in southwest when in drought. What do you do with all that stuff when comes back out, where does it go?

Why can't tribes manage subsurface or whatever sense we are?

Not a tribal expert. A long statutory history of why.

Osage tribe looking to adopt regulations.

BLM does not have anything to do with hydraulic fracturing.

In 2010 or 2011 the BLM decided maybe we ought to get some regulations to have control over these hydraulic fracturing.

May 2012 published first draft. 177,000 comments.

-revised draft

-May 2013 published another draft.

-March 2015 publish final rule.

-main thing to protect is usable water.

Cliff Banuelos: expand on that a bit. In his area they have 2 projects. Speaks to two councils most affected. Are pro fracking. It's good to visit and meet with people.

Comment: a lot of the supportive nature of fracking stems of people's lack of understanding on what that entails.

Mr. Estabrook: this is one of things that he does not understand. By law we have to honor trade secrets to a point.

John Flores: on his reservation they hosted a movie night where they showed gas land. Wanted to get ahead of game. Lots of people didn't really know what's going on. On trade secrets not disclosing what they use don't understand how they get away with that.

Alex Cabillo: what is the expanse of that? What is all encompassed in fracturing? How big how limited is your regulations?

Cliff Banuelos: noble energy follows state law.

What is process for closing waste water wells?

A: this would be class 5 or 1. Do not regulate

If there is discharges into wells, what steps will BLM take?

A: there's a whole process. Mainly a notification to BLM.

Ken Norton: is there a liability to the industry when there is a spill? Is that in the regulatory language?

A: yes, they'd be require to clean up if not they have a lease bond.

Q: will BLM notify through government to government consultation and will they try to have lands differed.

A: at leasing stage

Q: is noble gas moving out of Nevada?

A: he doesn't know.

Q: will BLM work with BIA on fracking

A: once lease is issued response turned over to BLM

Q: will BLM make ionization monitors

A: the answer is no. we are not doing radiation monitoring.

A: when company wants to drill well on federal lease have to submit application and give detail description on how will drill. Primary thing monitor is cement jobs.

Who will decide baseline water monitoring?

Marta Burg: is BLM doing that in this case? Are there provisions in regulation for BLM to do some kind of enforcement action?

A: do have a bonding

Ronnie: privacy for class 2 wells. Hydro fracturing similar to ISL.

A: familiar with solution mining. Don't know about ISL.

John Parada: under USC requirement if your injecting any chemicals in wells aren't they supposed to be identified with question how does community right to know act fall into that?

A: no idea.

A: purging is naturally going to fall out.

Q: in holding tanks and place where contaminated water goes. Do we know what affects these are?

Are there TMDL for those chemicals?

A: not aware of any regulations that

Bill: Nevada division of environmental protection requires frackers to review all

Break

Nevada Environmental Managers Update

Mid December was meeting. ETEP training. Talked about traditional knowledge preservation. 2 openings for RTPC reps within Nevada. Couple of prospects to fill. Since he been visiting tribes with training agenda asked about GAP guide and what feeling are. Weather tribal reps like the guidance it hinges on project officers.

Cliff Banuelos: Fallon, climate change training. Adaptation training.

Matt Plaut: Had a few meeting with some tribes, proposing for state of Nevada most of these when submit projects to individual federal agencies or state agencies. Usually a fee attached. When those same projects are passed to tribes for comment. There is no participation. Basically start charging organizations a fee.

For looking over their comments.

A lot of homeland security training. Some stuff relates to EPA stuff. State agency has been extremely beneficial to tribe.

Sarah Ryan: please keep us posted for charging for comments.

EPA Response to Tribal Caucus Report, Jeff Scott

Have been inviting federal regional to RTOC. EPA is not chair of that committee. Still interested in input to create work plan.

-related to drinking water infrastructure project. Would be best if we talk more about project to see what kind of funding will be available. In next 2 weeks.

-request for 2014 RTOC retreat minutes

-webinar on new GAP work plans

Gayle Louie-largely data we compile, data uploaded in WQX data available to the entities doing query on lakes.

Review New Issues/Action Items

Emily: EPA been having discussion on pre hazard mitigation planning. Encouraging other tribes to do that. The e grant system took months to get through it but is worth it.

Closing Comments

Thanked everyone for full and thorough day. Appreciate all comments. And BLM. The whole collaborative. Proud of this group and the work that they do.

Co-chair thanked everyone for coming. For putting this agenda together and tour tomorrow. .

Announce Next RTOC Meeting Location/ADJOURN

May 12-14, 2015 in San Francisco next RTOC.

Meeting adjourned at 4:44pm