

Regional Tribal Operations Committee  
Full RTOC  
April 28, 2011  
San Francisco EPA Office

**Opening Prayer – John Mosley**

Corn announced Gayle Honanie absenteeism is due to her sister passing away.

**Welcoming Remarks – Jared Blumenfeld**

- Tough time for the planet
- Tough time for funding
- Time to think about how to come together and fight for what needs protection in our budgets.
- Time to think about how do we come together and fight for the things that we know need to be protected in our budgets.
- EPA Tribal Consultation Policy will be finalized May 2, 2011.
- Committed at the RTOC – how the Region 9 consultation approach is in line with EPA's consultation policy.
- Understand that RTOC is a good arena for environmental staff, but tribal leaders are not always able to attend. EPA R9 attended the ITCN meeting to talk with tribal leaders and ask them how they could improve outreach.
- Radiation and radiation monitoring information was sent to tribes in April. EPA uses RADNET to monitor radiation. Looking at milk and drinking water and have seen minute increases and this is posted on the EPA website. At the moment the website is getting 30,000 hits a day.
- Acknowledged work done by Havasuapai for 303 water work. Chairwoman Bernadine Jones thanked EPA Water Staff for all their assistance, Specifically Wendell Smith, Kristin Gullatt and Tim Grant. Thankful they make trips and passionate with what they do. Process was a long time coming.
- Spend much time in Indian country; maintain commitment to visit federally recognized tribes.

**Introductions/Roll Call – Cornelius Antone**

**Reviews from last RTOC – Lori Lewis**

- Announced seats available in front for tribal elected officials, do quick review of action items from Chukchansi, list can be found on EPA website. Out of 13 action item work done on all.
- At end of conference in October there will be bio assessment training. Also meeting held yesterday that provided information on types of GIS. Or talk with Rob Roy for info on that. Interest in having training sessions at annual conference. Agreed to two hour limit.
- Will be capturing action items, key concerns & questions.

- There is a meeting at 1pm for tribal leaders to meet with Jared. Will escort tribal leaders out for meeting.
- Action Item: Agreement to create a bio-assessment workgroup and at annual conference in October will be a bio-assessment training
- Action Item: In regards of interest in having some training sessions at the Annual Conference at Pala – asked to keep trainings to 2-hour sessions.

### **Tribal Caucus Report – Cornelius Antone**

#### **Actions Items:**

- AZ, nuclear and hazardous waste materials – want notification of transport of items through tribal lands.
- AZ, radiological materials – want training on how to deal with these types of materials. Request EPA to provide information on its role.
- CA, pesticide assessment – want EPA Pesticide Programs response to assessment
- CA, Lisa Jackson was out in the Central CA area and there was no tribal contact, so what is her goal on tribal visits?
- Budget WG – update on the meeting with Nevada tribal leaders and the strategic plan building.

Sinkyone Inter-tribal Council gave a presentation on the lands it purchased and the work it has done.

Clay Bravo reported out on the NTOC Meeting that was held at Gila River Indian Community. Gila River gave four papers to the NTOC.

Kate Sloane gave a presentation/discussion on climate change. What is EPA's role in developing a plan to address climate change with other federal entities? It is clear that agencies are having meetings without tribal participation. It was also noted about the race for renewable energy and its potential damages. Tribes want to see EPA take more action.

Discussions on climate change after lunch. Discussions on what tribes are doing or what needs are on climate change. Question on how many tribes want to be involved, stated that a meeting in Atlanta, GA had only one tribe present, Yurok. Climate change more geared to aquatic.

Colorado River Indian Tribes (CRIT) presented a paper on the issue of Hexavalent Chromium (Chromium 6) at the PG&E at Tonpock Station. Requested that Jared Blumenfeld attend the May meeting. RTOC is also preparing a letter of support for the tribe.

RTOC reelected Cornelius Antone as the Tribal Co-Chair.

NTOC Reps – Clay Bravo, Marie Barry and Ericka Helms-Schenk; alternatives respectfully are: Cornelius Antone, Annette George-Harris and Mike DeSpain.

GAP Online reported that there are discrepancies in the database and this is what is being showing to Congress. Tribes should only have two active grants in the database: current year and proposed year.

Election process- discussion was need for tribal oversight, some folks said should hand over to charter workgroups and put in SOPs that are being developed now. A lot of comments made about how election process was handled this past year. The way tribes are nominating people. Going to charter workgroup.

Emergency Preparedness – Alfreida Jake handed out a template for tribes to use as a tool to assist with doing emergency preparedness. Emergency preparedness- forms passed out to see how well tribes are prepared in case of emergency or natural disaster. Need to get communities trained on it. Forms will be sent out electronically

Pesticides Workgroup – Nina Hapner asked for any last reviews of the request letter for a Regional C&T Plan. With no other suggestions, it has been signed and now given to Jared Blumenfeld. Nina also noted that Nicole Zinn from EPA Headquarters will be present to give a presentation on the C&T Plan and FIFRA 18 and 24(c), so please ask her questions. Nina also noted that the OCSPP has a tribal strategic plan, want tribal input and this will be on the July RTOC agenda.

Clay Bravo – NTOC is looking forward to 2013 funding and asking for assistance and getting the unmet need dollars from tribes with CWA 106 funding. A letter will be going out soon. Action Item – for Corn, 2 weeks to have a letter sent out to tribes about their unmet needs under CWA 106 funding. Clay commented- had discussion with NTOC Reps to get more info from regions to gather now before July may be able to use it for 2011-2012 budgets. Letter should come from co-chair to all tribes in Region 9 to tell region reps, program manager or contact person what true need is for 106 funding. It is very important to identify what true need is and to push at NTC level to strive to make larger request at national level. Co-chair to help Region 9 gather information for 2013. Understand the concern of the tribe getting information to co-chair. Some tribes may have to seek authorization from council or chairpersons if necessary to do as well.

Action Item - Tribes want to know if there is a quality assurance guideline that Lockheed Martin is using to build their database.

#### **NTOC Report – Clay Bravo**

- Last NTOC meeting at Gila River Indian Community.
- Elections held and Clay Bravo elected as NTOC Chair, Gerald Wagner as Vice-Chair and Erica Helms-Schenk as Secretary.

- Had a discussion on rejuvenating the NTOC, how to work together with the other entities. How do we reach forward? Request necessary players be at every meeting.
- Had a discussion on consultation. The comment period is over and ready to be published.
- Had a discussion on climate change. Strongly suggested that tribes be included in every discussion.
- Had a presentation from the Tribal Science Council and they offered their assistance on providing information for the budget.
- 2 of the 4 papers presented (mature funding and hazardous material transport) are papers that the NTOC could take up.
- Mature funding was discussed and will be requesting 5% of EPA's budget since tribes hold 4% of the land base.

### **EPA Update on FY 2011 and FY 2012 – Keith Takata, Deputy Regional Administrator**

(see presentation)

- GAP – steady FY-10 and FY-11 at \$63M and request for FY12 is \$71.
- Multi-Media funding – didn't get FY11 funds so hoping FY12 at \$20M.
- SRF's (Infrastructure Budget) – Prior to FY10 Tribes received 1.5% of the total, but FY10 and forward it will be 2%.
- Air Grants – staying pretty steady.
- 319 Grants trending down and 106 going up slightly.

### **Bottom Line**

- FY2011 is over for budget purposes
- Focus should be on FY2012 and beyond
- FY 2012 will be down a year but still higher than FY2010
- Tribe can get more funding if the overall pot increases but not likely
- Best chance is to argue for a larger tribal share of the pot.
- Best argument that tribes can make is based on need.

### **FY 2013 Budget Presentation Proposal/Discussion**

Clay Bravo

- It is important that tribes and EPA collaborate and share, understanding that we are not always going to agree.
- We should always strive to move forward.
- We have always received the greatest amount of information from Region 9.
- Paper in 2003 shared by Stephen Estitty (Navajo Nation) about unmet needs. Asked Corn to share it with the tribes in Region 9.
- Because there are other things going on in the country we aren't able to accomplish what we need to do.
- Our priorities are how to integrate climate change into each program so there is the voice in each media (air, solid waste, water, etc.)

- Look at the RCRA language where tribes aren't able to receive funding and to ensure tribal unmet need is met in the future.

### **Budget Presenters – See power point**

Comments from Jared Blumenfeld, Regional Administrator

- Like the formula and presentation. Telling the success stories is a good way to make a compelling reason for the funds being requested.
- Heard that EPA needs to do a better job at getting the success stories out. EPA has done that on some levels, like the Klamath River TMDL's.
- EPA is prohibited in lobbying Congress, but tribes are not. It is important for tribes to make sure those messages are carried to Congress.
- How do we get a better sense of the overall budget picture? How do we get other federal agencies to fund projects and get them to see the type of projects that would be in their interest?
- EPA doesn't fund at the level of federal entities like HUD.
- Adaptation is how resilient we are. Tribes have this because they have had to operate on their own for many years.
- Travel is the easiest target in the EPA Budget to cut in the funding shortage. This forces us to look at other technologies to communicate and reduce the traveling costs. Would like to see more of this technology employed.
- FY2012 is going to be as tough as a fight at FY2011.
- Most discretionary programs have been reduced, so now the question is what do we cut.
- Comment: Regarding the travel being the first to go in budget cuts, asking to keep the commitment to visit all the tribal nations.
- Response: Need to be travelling in Region 9 first, not outside Region like DC and such.

### **National Certification and Training Plan – Nicole Zinn, HQ's Office of Pesticide Programs**

(See presentation)

- Calls meet the consultation policy of EPA. Tribes can request additional consultations.
- TPPC in October 2010, notification was requested. EPA understands that notification may be useful but it may also be burdensome. This is outlined in the Federal Registration notice that will be published soon. It was included with the Region 8 notice.
- Opt-in/out was not included because not normally offered in these types of plans. It will be open for comment in the federal register notice.
- EPA is responsible for enforcement of the plan but not able to enforce the tribal laws.
- Contiguous is the area that shared a boundary with Indian Country.

- This will apply to Indian Country, i.e. all lands within the exterior boundaries of the reservations.
- Region 8 Plan published in the federal register on April 20, 2011. It is very similar to the national plan and has a 45 day comment period.
- Difference in comment requests between the Region 8 and national plan is based on the comments received from Region 8 tribes.
- National plan should be in the federal register within a month and will have a 45 day comment period.
- Earliest implementation is late summer/fall 2011.
- If don't receive any additional comments, then will assume tribes are in agreement.
- Comments: Region 9 would like to follow Region 8 and have its own plan. The West Coast is different than other areas. Also, how will the National C&T Plan address allotment lands. Marie Barry for Washoe Tribe would like specific clarification. Should be able to do within two weeks.
- How does this affect tribes with lands in more than one state? Could have either state certificate. With tribes in more than one region, they would look to the region that services them for certifications.
- Notification: it was noted that on pesticide labeling there was an EPA model that had a drop down list that showed state regulations. This could be a potential mechanism of notification for tribes on the C&T Plan.

#### **FIFRA Pilot 18 & 24(C) Program – Nicole Zinn, HQ's Office of Pesticide Programs**

(see presentations)

- Looking to making the pilot permanent.
- Is it a value to you to have access to these pesticides?
- Aware of any implementation issues of where these can be used in Indian Country?
- There were letters sent out to all the tribes.
- Will have consultation in June and could do a webinar as well. Nicole will check in with Mary Powell and get back in early to mid-May.
- The only way tribes can apply is to apply through BIA who applies to EPA.
- Comments: Encourage and please make sure to do complete and meaningful consultation – by Reno Franklin, Kashia Vice-Chairman.

#### **EPA Monitoring System – Mike Brandrowski, Section Chief Air Toxics, Indoor Air and Radiation Office**

- Major radiation incident in Japan has raised radiation concerns. The program has been in place since above ground testing started. Upgraded from 50 to 124 monitors.
- There is a website where people can see the readings. 124 fixed monitors and 40 deployable. After the Japan incident, sent additional monitors to Hawaii, Guam, and the Aleutian Islands. There are no deployable monitors within Indian Country in Region 9.

- Often concern while take radiation samples, certain populations are out of the ordinary in the types of foods they eat. But if people are worried about specific food resources there is a scientific tiger team that analyzes special circumstance resources.
- Include tribes when doing coordination with the states.
- EPA needs to look at where the monitors are placed. Looking at the maps it shows, they are around the cities. What about having them located near the power plants?
- The purpose of the RADnet program is to have a broad display across the US to catch a large plume. It is not designed to look at specific locations but there are other systems designed to do that.
- Major radiation incident in Japan, the distance 5,000 miles or so from Japan has caused radiation to dissipate significantly. Have taken radiation samples hourly since occurred. Have detected some minimal level radiations, no levels of health risks. Found in milk samples and water samples not a health threat. None on tribal lands. Work with science monitoring board to put monitors widespread through US. Other question raised is concern when taking radiation samples,
- If people are concerned about seaweed, reindeer meat, science tiger team set up to evaluate
- Question by Sarah Ryan- criticism from EPA for communication with tribes on this issue. Facebook EPA is extremely active. Took a month after incident to go out to tribes. Have to respond to members. Spent several hours waiting through various sites. Finally found something that Kaita nation put out in Alaska on seaweed radiation levels. Highly recommend that other things get added to testing. Marine life is something that consumed by tribes in Region 9. Is something brought up as action item from Southern California?
- It was realized that cities get services first. Resources need to be shared with resources too. Had some real struggles and fights. Can't be expected to rely on states.
- Prior to Japan's incident EPA provided science for 125 monitors.
- Sally Manning- Big Pine Paiute- hoping that EPA will work with whoever is involve with to do a better job.
- The system is not designed to look at specific locations. To be able to tell if large areas in the US are affected by it.
- Enrique Manzanilla- lot of things to be learned from this incident, very fluid situation communication and coordination challenges. Hope we never have to go through this experience again. We have a lot to build on.

#### **US Bureau of Reclamation – Patricia Rivera**

Talked about services they provide to tribes, partner with BOR a number of years. Done a lot of great work with tribes, accomplish a lot, workshops, QAP, would like to expand on it. Leveraging funding leveraging resources, BOR might be able to go to a tribe to work with them before EPA arrives. Hoping federal dollars and resources will go further. BOR gets tech assistance dollars every year, \$400,000 dollars every year. Money is ready

to go by October 1. They provide assistance to tribes with water related resources. Provide water trucks, back hoes, water related issues. Want to partner with tribes long range and what are goals and how to achieve goals together.

- Has funding and it comes as a 638 agreement. It can be used for any cost share grant that a tribe goes after.
- Water issues, fish issues, drinking water issues...
- With water quality, they come to the site and walk the area with you.
- If you need BOR to do the work for the tribe or assist, they can do it. Money provided can be on fee land and trust land.
- Cover from Klamath Falls down to Santa Barbara and nearly all of Nevada.
- Workshops – Designing a water quality program – May 2011; Developing a sampling protocol – June 2011 at Big Valley Rancheria; and Quality Assurance Project Plan July 12-14, 2011.
- Which office covers Arizona and southern California? The Boulder City Office.

NPS Grant has a 40% match that can be waived down to 10% and can use the BOR funds as a match.

Appreciated expressed to the attendance of BOR and showing they have funds that can help leverage projects.

## **Break**

### **EPA Response to Tribal Caucus – Enrique Manzanilla**

Action Item 1 - Nuclear materials and hazardous wastes through tribal lands – request for training. The complicated area is the request of notification of transportation. If there is interest by the tribes, could try and organize a session at the Tribal conference and invite the agencies that have this under their jurisdiction and provide a clearer picture of this process. This could be listed as a call for topics for the annual conference.

Action Item 3 – Agreeing and will try and do a presentation of the Tribal Strategic Plan at the July RTOC.

Action Item 4 – EPA will coordinate with others on adding tribes to the contact list in the event of an emergency. They will get back to Sarah Ryan in a couple of weeks.

Action Item 5 – When Lisa Jackson came out to the area, they did call the region and ask which tribes were close, and a list was given to them but they must have not been able to fit it into their schedule.

Meeting with ITCN and Nevada Tribes – This is building on the concept of bringing in other federal agencies to improve communication and work strategically. EPA



understands the complexities in California and will not just rely on using ITCC for meeting. The strategic planning should complement what the RTOC is doing.

**Annual Conference Update – Rod Watkins**

- Room rates at \$125/night
- Trying to get Larry Echohawk to come be a keynote speaker
- First week in May begin a weekly conference call session on planning.
- Have arranged for the package of materials for the conference and have the design for the shirts.
- October 17 – 21, 2011
- Call for topics deadline – August 5, 2011

**Review Action Items – Lori Lewis**

Water and wastewater operation and maintenance training, with 6 different sessions, and the one in Region 9 is in Phoenix, AZ. This is ARRA funding and gets priority in attendance, then non-ARRA funded.

Next Meeting Date – Cornelius Antone announced the next RTOC Meeting to be held in San Francisco at the EPA Offices during July 26-28, 2011.