

ACTION ITEMS
REGIONAL TRIBAL OPERATIONS COMMITTEE
February 2 - 3, 2010
REGION 9 EPA
Susanville, CA

	REQUESTED BY	TASK	WHO	WHEN	STATUS
General					
1	S. Cal	Request to change the days of the April RTOC as it falls on Earth Day	Corn / Jean	2/19	Completed Date has been changed to April 13 (Tribal Caucus), 14 (work group sessions) and 15 (RTOC meeting).
2	Nevada	Request information of Action Items from Tribal Leaders roundtable in Oct.	Jean	2/3	Completed Information was provided to each individual Tribal Leader.
3	Central Cal	Request EPA's involvement in interagency Environmental Justice/Tribal sovereignty/Tribal consultation workshops/trainings with Region 9 state agencies, particularly CalEPA, as they work toward the President's directive for Tribal consultation policies.	Jean	2/3	Completed and on-going As the agency develops its consultation policy, EPA will engage our State and Tribal partners.
4	N Cal	Request EPA assistance to ensure tribes are consulted when CA fish and game designated preserve in traditional gathering areas.	Cynthia Gomez		California Fish & Game met with tribes on April 9, 2010. A report will be given out at RTOC.
5	N. Cal	Who at EPA reviews/oversees Marine Life Protection Act actions?	Kristin Gullatt	2/19	Completed (see attached document)
6	N. Cal	Follow up on action items from media breakout sessions at Annual Conference.	Pamela Overman	Target date 4/14	Will contact the lead from each Division's breakout session and will consolidate and distribute any action items to RTOC.
7		Request by Marta Burg on what day and how much time the tribes will have with R9 administrator Jared Blumenfeld	Jean Gamache	2/19/10	Completed. The RA will be at the morning session of RTOC on April 15.
8	CAL EPA	Let Cynthia Gomez know if you are interested in participating on California	All Tribes		
9		Send info on National Consultation Policies / activities to Corn and Cal Reps.	Cynthia Gomez	2/3/10	Completed - Policies were sent to the full RTOC on the evening of 2/3/10.

10		Request by Ron Johnny of Summit Lake on follow up on whether there is going to be a Western Air Commission. If so are tribes going to be able to have representation.	Stephanie Valentine	2/3/10	Completed - EPA does not anticipate forming a Western Air Commission.
11	Tribal Caucus	Identify what funding needs, based on historical use, would be to expand tribal travel funds, to include workshops/ trainings.	Teri Cawelti	2/19/10	Completed after Tribal Caucus discussion on Feb. 3
12	Pesticide Workgroup	Request by pesticide group, if you are aware of impaired water bodies in Arizona, contact Pam Cooper	All	As appropriate	
13	EPA R- 9	If you have any special pesticide projects contact Pam Cooper or Marcy Katzin	All	As appropriate	
14	Tribal Caucus	Let Corn know of other meetings in April, possible conflicts with revised RTOC meeting dates	All	ASAP	
15		Provide info & identify process (e.g. clearinghouse, etc) to notify tribes of possible EIS/EIR & affect to tribes.	Jean Gamache/ Erica Yelensky	3/3/10	Completed The Tribal Program Office is now sending out updates on renewable energy project Notice of Intents (NOIs) that have been published in the Federal Register. Info includes name of project, location and comment due dates.
16	RTOC	Distribute notes and action items from this meeting	Corn & Jackie	2/26/10	

Action Item #5

EPA's Response to Regional Tribal Operations Committee Action Item #5

Action Item #5: Who at EPA reviews/oversees Marine Life Protection Act actions?

Background: The Marine Life Protection Act (MLPA) was passed by California legislature in 1999 as a means to redesign the state's marine protected areas (MPA). Its main goals are to ensure that the designation of MPA's is based on science and coherency, and to provide a systematic approach to protecting marine biodiversity. MPA planning is split up into five regions within California.

Organizations: The primary organization in charge of managing the MLPA is the California Natural Resources Agency's Department of Fish and Game (CDFG). CDFG's role is to develop and manage all MPA's, and to determine the size and location of each MPA. A few other key

organizations that are involved are the Resources Legacy Fund Foundation, California Department of Parks and Recreation, California State Land Commission, and the State Attorney General's Office.

Tribal Issues

- 1) Tribes are concerned that overhauling MPAs may impact tribal access to coastal resources that are integral to their culture and heritage. Some tribes have attempted to obtain exemptions to bans on hunting, gathering, and fishing rights that redesigning MPA's may set in motion. To date the state of California has not granted the exemptions. The state contends that if it allows one group access to resources, they should grant access to all groups. The state is also reluctant to grant an exemption because it feels that it does not have the authority to grant aboriginal rights to fishing and hunting to tribes. Tribes are requesting the exemption from MLPA because past treaties between the federal government and tribes assert that tribes have the right to fish and hunt.
- 2) MLPA actively notified tribes of all its actions and processes, but only notified tribes within 50 miles of the coast. This excluded a number of tribes from extensive involvement with MLPA.

USEPA's role: The MLPA is a state statute entirely administered by the state of California. As such, USEPA does not possess any federal authority under the MLPA.

Resolution: EPA contacted Melissa Miller Henson, Program Manager for the MLPA to notify her of R9 tribe's concerns. She is willing to speak with tribes and recommends calling her office to discuss the issue of concern. She suggests that tribes contact Ken Wiseman, the program's executive director if she is out of the office (she and her staff travel often). Ms. Henson committed to respond to calls promptly at their first opportunity.

If you would like to learn more about MLPA's outreach program, you may contact Kelly Sayce.

To learn CDFG's official position on MPA's in relations to tribes, Becky Ota from CDFG has expressed a willingness to discuss the issue with tribal members.

For tribal members who want to learn more or become more involved in the MLPA process, there are a variety of websites and people to contact. You may also join a mailing list, access webcast meetings through the MLPA website, and provide feedback to public documents during open periods.

Contact Info:

Main Website	http://www.dfg.ca.gov/mlpa/
Memorandum of involved parties	http://www.dfg.ca.gov/mlpa/pdfs/memo_100109.pdf
List of MLPA Contacts	http://www.dfg.ca.gov/mlpa/contact_nc.asp
Melissa Miller Henson , Program Manager	Melissa@resources.ca.gov /916-654-2506
Ken Wiseman , Executive Director	Ken.Wiseman@resources.ca.gov /916-653-5674
Kelly Sayce , Outreach and Education Coordinator	Kelly@strategicearth.com /707-832-4088
Becky Ota , Marine Habitat Conservation Program Manager	Bota@dfg.ca.gov /650-631-6789
MLPA Phone Number: 916-654-1885	MLPA Email: MLPAComments@resources.ca.gov