

Issues
Regional Tribal Operations Committee Meeting
May 7-9, 2013
San Francisco, CA

#	Requested By:	Task	Who	When	Status
1	John Mosley Nevada	I would like the EPA Non-Point Source Program to reconsider its formulaic prescription of funding. I would like to know their exact process of funding, which I believe is based on land size thresholds. I am concerned that larger landbased tribes like PL and TO are overwhelmed with NPS issues and the funding is not proportionally distributed.			<p>Completed.</p> <p>The Water Division, Tribal Office has provided the following response:</p> <p>The CWA Section 319 program is a national grant program and the allocations are determined by EPA Headquarters. RTOC and NTOC can work with EPA Headquarters to consider and adopt changes to the allocations for Tribes.</p> <p><i>*Please see the end of this document for the full response.*</i></p>
2	Marie Barry	Would like to have EPA have a rep on tribal workgroup superfund calls			<p>Completed.</p> <p>Ms. Marie Barry and Ms. Laura Ebbert resolved this issue at the Spring RTOC Meeting.</p>

3	ITCN	GAP funding was substantially reduced, but his Project Officer says with new guidance they don't want to pay for vehicles repairs out of GAP funding anymore.			Completed. Mr. Bill Campbell and Ms. Laura Ebbert resolved this issue at the Spring RTOC Meeting.
4	ITCN	Nevada water grab, EPA says it's not an issue they can address, but it is affecting other tribes in.			Completed. EPA is engaged and will continue to engage on this issue as possible. We will link to our comments under NEPA via the website (or in the response to action items). Links: <ol style="list-style-type: none"> 1. http://www.epa.gov/region9/nepa/letters/nv/clark/Clark-Lincoln-WhitePineCountiesGrndwtrDevDEIS.pdf 2. http://www.epa.gov/region9/nepa/letters/nv/clark/Clark-Lincoln-WhitePineCountiesGrndwtrDevFEIS.pdf 3. http://www.epa.gov/region9/nepa/bruland-mgmt.html
5	ITCN	With reduced funding of GAP, if EPA could hold meeting elsewhere instead of San Francisco			Completed. U.S. EPA, Region 9 will look into hosting one of the FY14 RTOC meetings in another city.
6	EPA	Identify some ideas for research that R9 can	John Kate	May 30, 2013	Completed.

		use in upcoming ORD meetings			A breakout session is scheduled for Wednesday, July 24 @ the Summer RTOC Meeting. The group is looking to identify ideas for future research at this session.
7	EPA	Send tribal applicant resumes to Jared & Alexis	All tribes	May 23, 2013	Ongoing. Tribes please have members send in resumes if they qualify for "Schedule A" hiring or are Veterans. <i>Schedule A refers to persons with disabilities.</i>
8	EPA	If Jared hasn't visited your tribe & you want him to, contact Zoe Heller	Tribes where Jared has not visited	ASAP so plans can be made.	Ongoing. Zoe Heller's contact info: heller.zoe@epa.gov
9	Nina Hapner	Explore developing a map that has tribal lands, aquifer, shale/possible fracking sites work with BIA & DOE.	David Albright	June 9, 2013	Completed. EPA committed to looking into the existence of better maps showing areas of current or potential hydraulic fracturing in relation to tribal lands, and/or developing such maps using available data. After researching this issue, we believe the best data source reflecting where hydraulic fracturing is actually being used is at the following website - http://www.fractracker.org/maps/ This website has state-by-state maps showing the location of oil/gas wells where hydraulic fracturing was used. <i>*Please see the end of this document for the full response.*</i>

10		Check availability on maps and provide access info to RTOC	John Hillenbrand	June 9, 2013	<p>Completed.</p> <p>John has provided his presentation (with high level maps); please find that on our RTOC Website: http://www.epa.gov/region09/tribal/rtoc/spring13/pdf/abandoned-mine-coord-group.pdf. Aside from his presentation, John can also work with you directly if would like to discuss a specific location or have other questions. Please contact John at: hillenbrand.john@epa.gov.</p>
11	EPA	If a tribe is having technical problems using GAP Online, email Laura the details	Tribe who have tech problems	When you have problems	<p>Ongoing.</p> <p>If Tribe's continue to experience issues with GAP Online, please contact Laura at: ebbert.laura@epa.gov.</p>

Response to May 2013 RTOC Action Item #1:

The CWA Section 319 program is a national grant program and the allocations are determined by EPA Headquarters. RTOC and NTOC can work with EPA Headquarters to consider and adopt changes to the allocations for Tribes.

The Guidelines for Awarding Clean Water Act Section 319 Base Grants to Indian Tribes (EPA-HQ-OW-201; FRL-9247-8) discusses the allocation formula for base funding.

"Section III(B) - Allocation Formula:

Each eligible tribe will receive Federal section 319 base funding in accordance with the following land area scale:

Square miles (acres) Base amount

Less than 1,000 sq. mi. (less than 640,000 acres) \$30,000

Over 1,000 sq. mi. (over 640,000 acres) \$50,000

The land area scale is the same as used in previous years. EPA continues to rely upon land area as the deciding factor for allocation of funds because NPS pollution is strongly related to land use; thus land area is a reasonable factor that generally is highly relevant to identifying tribes with the greatest needs (recognizing that many tribes have needs that significantly exceed available resources)."

After all base funds are allocated, the remaining funds are competed on a national level up to \$150,000. The total amount of federal funding available through the competitive process is dependent on Agency funding levels and the number of tribes requesting CWA 319 base funding.

Response to May 2013 RTOC Action Item #9:

At the May 9 RTOC meeting, EPA made a presentation on hydraulic fracturing. During the presentation, we showed a map of the Monterey Shale in CA, which is an area where some companies are starting to explore the use of hydraulic fracturing techniques. In the Q&A that followed EPA's presentation, a tribal representative suggested that it would be useful to know where hydraulic fracturing is occurring (or may occur) to determine how close it is to tribal lands. EPA committed to looking into the existence of better maps showing areas of current or potential hydraulic fracturing in relation to tribal lands, and/or developing such maps using available data. After researching this issue, we believe the best data source reflecting where hydraulic fracturing is actually being used is at the following website - <http://www.fractracker.org/maps/> This website has state-by-state maps showing the location of oil/gas wells where hydraulic fracturing was used. Note: at this point, not all states have been mapped. There is a map for California, but none yet for Arizona or Nevada. The maps are searchable and allow zooming down to the street level. While the maps do not include every oil/gas well that has been hydraulically fractured, it does show numerous wells, and appears to be the most complete source of such information available.

To address where hydraulic fracturing could potentially occur, we looked to existing sources of data on the location of oil/gas shale plays and basins. Shale basins and plays are the formations/areas that have been the target of recent hydraulic fracturing efforts, and these areas have been mapped by the U.S. Energy Information Administration (EIA). EPA used the EIA data on oil/gas shale plays and basins to create GIS overlays depicting these areas and Region 9 tribal land boundaries. We have screen shots of these overlays (see below) and could provide these as GIS files and/or as maps if there is interest.

Please contact David Albright (Albright.David@epa.gov) for further questions.

