

Regional Tribal Operations Committee  
May 3, 2012  
San Francisco, CA

**Opening Prayer:**

John Mosley provided the opening prayer.

**Introduction**

Everyone did introductions and Co-Chair Antone mentioned that the meeting was being video conference from 3 remote sites, Northern California, Southern California and Arizona.

**Welcoming Remarks:** Jared Blumenfield, Regional Administrator

- Found inspiring by visits on how much were doing that is not environmental or not EPA related. One of the coolest projects he seen is California tribes doing grid alternatives through Tribal and HUD tribal housing.
- Another example is in Blateville, California. Community gardens are being developed by the Future Farmers, a youth group, spent \$50,000 to work with tribes.
- This meeting is traditionally about budget. One year was a continuing resolution, sometimes it's late. These are uncertain times. He does not predict certainty will come back any time soon. Three budgets going at the same time. Feel confident this year we are going to make huge headway in working with us.
- Laura Ebbert helped him set up all the trips and relations with us and our tribal councils. She is someone he trusts. We will get a really good solid response from Laura. Most important is to use her and to think about how we could evolve the relationship. The little things add up to make big splashes. He wants to be source of thinking of how we get money from other partners. Getting great money to do great work.
- Alexis Strauss will do a great job in filling Keith Takata position.
- Hoped to have a robust meeting a great step forward of the strategic plan. Looks forward to presentation today and meeting with tribal council and Chairpersons this afternoon.

**Roll Call**

Co-Chair Antone conducted Roll call

Lori Lewis, EPA Facilitator, review thirteen from the February Meeting:

- Number 1. Tribal GAP online steering committee will provide training. Update is Marie Barry is hosting for Nevada tribes, Mike DeSpain is working on training in California and Arizona to host training.
- Number 2. Update from EPA on FY 12 budget. Budget info is posted on the RTOC website.
- Number 8. When will NTOC invite workgroups to present? Clay previously volunteered to send information to Corn. Update: Corn will follow up with Clay.
- Number 13. Webinars, EPA considers webinars consultation, limits tribal environmental staff to participate. Update: Laura Ebbert sent comments to headquarters. She will follow-up with headquarters on a response in two weeks.

**Tribal Caucus Report-Corn Antone**

Co-Chair Antone acknowledged the tribal leaders in attendance and reminded everyone of the tribal leaders meeting at 1pm. Meet in the lobby before then so EPA could escort you to the elevators. Tuesday's meeting only had 4 action items. Read off the action items.

- There was a conference call that NTOC held in March. Asked all regional tribal co-chairs of their priorities. To help further their budget request for tribes.
- Discussion on what is the tribes doing in this regions to collect the various data that we have. Copies of the 106 survey are available if anyone has not filled it out.
- Presentation by John Pryor and Lynda Shoshone on “relationship of agencies” about developing and building relations. They talked about what they have done. The presentation will be online.
- Syndi Smallwood gave brief update on budget presentation.
- Carmen Gonzales gave a presentation on permaculture.

### **NTOC Report Updates:**

Erica Helms-Schenk reported on the web conference meeting held on March 21-22 for NTOC.

- Met with all co-chairs from all regions to get priorities for budgets way ahead of time.
- All goal leads for NTOC is to reach out to workgroups to get numbers for budget.
- Within other calls, one topic was hydro fracking. How is it impacting tribes and what would be the applicable regulations?
- A new workgroup for climate Change was developed. Their reaching out to the National Climate Change workgroup. This is one of Lisa Jackson’s priorities.
- Hope to have reinvigoration process finalized by July. Region 10 and Region 6 have comments on membership and alternates.
- There’s another face to face meeting on June 6-10 with workgroups to work on budget to have a final presentation. A one page summary to be prepared for Lisa Jackson.

Stephen Etsitty: discussed the reinvigoration process. We had discussion with administrator last year about several key points. One really important from his perspective is the workgroup that titled paradigm shift. Working with EPA since early 90’s trying to implement fully what 1984 policy is and how supposed to be reflected. Message to administrator that after more than 2 decades of work there is still a lot of basic fundamental relations that still not clear between tribes and EPA. There are issues that go back to documents as far back as treaties. Tribes are at risk for a lot of things, a lot based on decades of unmet needs. As federal government, this country, start to make decisions on things becoming more scarce, or things that are changing such as climate, were not at the table and not being listened to appropriately or understood, we stand to lose even more. This idea and issue of paradigm shift that is being talked about is within federal EPA that NTOC is focusing on. There are still couple months before they reconvene with administrator to talk about the need for greater understanding.

Marta Burg prepared a handout for Tuesday’s meeting. Consultation workgroup needs participation. Would like to schedule a call in the next couple of weeks. If interested please contact Marta Burg, Rod Watkins, or Nate Lau.

Jared Blumenfield- one things we all suffer from is too much communication. One of benefits of having strategic plan is to include affective consultation. In order to get there we need participation. In order to get participation we need to have priorities. Managing our time to take care of the stuff we care about first.

### **Budget Presentation**

Co-Chair Antone thanked everyone who prepared a presentation.

- GAP presented by Stephanie Seuss, Band of Tuolumne Indians.

- Domestic Wastewater presented by Ronnie Ben of Navajo EPA,
- Air Quality presented by Willard Antone, Gila River Indian Community
- Solid Waste presented by Rob Roy, La Jolla Band of Luiseno Indians
- Pesticides presented by Sarah Ryan, Big Valley Rancheria,
- Climate Change presented by Lorinda Sam, Tohono O'odham Nation
- Border presented by Melissa Estes, Campo Band of Mission Indians
- Clean Water Act presented by Alex Cabillo, Hualapai Nation
- Sustainability presented by Santa Ynez

Syndi Smallwood thanked EPA partners for being here; she presented a draft white paper to Jared, and she will send it electronically. She asked Jared what they needed for the white paper in order to take forward so this document can work for all of us. We feel in Region 9 we lead the budget, showing the needs and why it is important so we can continue to be partners. Thanked everyone again.

Jared Blumenfield also said thank you. Best budget presentation that he's seen. Gave context of what is being done, what is needed. Being able to show the presentations at a national level is important, and he will work with Clay. Tribes seem to do more with funding, dollar for dollar, than the states who have high overhead costs. What's happening at state level is they cut away general funds for state programs.

**Pesticides-National Federal Certification Plan**

Presentation is available on RTOC website.

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Katy Wilcoxon, Region 9 Pesticide Program gave an update on the National Federal Certification Plan in Indian Country. All of the states have EPA approved plans to train and certify applicators to use restricted use pesticides (RUP's). EPA is setting up a federal certification plan for applicators of restricted use pesticides in Indian country. Going to apply throughout Indian country unless there is another EPA approved certification plan in place. Some tribes have established their own plan or MOU to accept the state's plan. In developing the plan these issues came up. First one: the plan should include to opt in or opt out. Some tribes were saying they didn't want to do anything to be part of this plan. Second: tribes want to know who will be applying the RUPs? Applicators should be required to notify the tribes before applying pesticides.

Status report: couple of things delayed; private applicators, basically farmers, the Federal Govt. has to find a way for farmers to apply restricted use pesticides without taking a test; last April the Region 9 RTOC submitted a letter requesting that EPA Region 9 to develop its own regional certification plan. The region is waiting to see what happens with the national federal plan. Next week, the region is hosting a C & T webinar for tribes.

Questions & Comments:

Nina Hapner- still has a concern with opt in and out. EPA has limited authority; if an incident occurs on tribal lands, we have been told that EPA will not provide support. If we don't have anything in place [no tribal pesticide ordinance] and an applicator does this [there is an incident or the applicator does not notify the tribe] what can we do or steps could we take? What to do if that situation comes up? Several tribes in our region will say no to RUP use.

Enrique Manzanilla asked her to describe when saying "no support".

Nina Hapner- prosecution will be left up to the tribes if there is misapplication on tribal lands if we were to seek support from EPA it is not guaranteed they will give it to us because EPA doesn't have authority on that part.

Katy Wilcoxon: if there is misuse or problem in Indian country for RUP or general use pesticide, we would respond. A federal government cannot enforce the tribal code. They could enforce the federal side but cannot enforce anything specific to tribal code.

EPA will get clarification from EPA HQ's regarding questions on enforcement issues related to the national federal certification and training plan.

### **Southwest Climate Science Center's Climate Change Initiative**

Presentation is available on RTOC website.

David Bush, U.S. Geological Survey appreciates opportunity to speak to the RTOC. Based in Sacramento with pacific southwest area office. They are in the process of bringing on a permanent director.

Questions & Comments:

Shirley with EPA region 9. Giving an update. National Water Program Response to Climate Change Strategy from 2008 is updated and now a public draft. President required all federal agencies to prepare adaptation plans for climate change not just for water program but for all programs. Will be available soon in a couple of weeks.

Stephen Etsitty: many states convened climate change workgroups. Do you have records of what states have done so far?

David Bush: Ca. funded a lot of research. Been a bunch of federal workshops. Hoping the summit will be a place where some of that will be brought together. One focus of summit will be southwest contribution of national climate assessment. At that summit will be kind of coming out for the assessment for southwest.

Stephanie Seuss: what kind of partnerships are you looking at with tribes? What are you looking for from the tribes?

Answer: understand that climate science centers are about research. Management needs questions about whats really effecting Native American communities and reservation lands and waters are important. Wants to emphasize the landscape conservation cooperative.

### **Response to Tribal Caucus Report**

See attached list

UST Action Item # Discussion:

Steve Linder, pretty sure EPA can get funding.

Gayle Honanie: recommendation is that we have someone who will be accessible to go to Northern Arizona and Southern Arizona. Gayle to follow up with ITCA.

Stephen Etsitty: discussion about credential inspector is primarily about UST. Thinks that the position Navajo is in right now is that they do get support from each of media categorical grants. Can these guys get credentials in the UST, pesticide area? Our needs are going to continue to expand as well, is there going to be support of a consortium effort?

### **RTOC Strategic Plan Update**

Marta Burg, Legal Policy Advisor, discussed next steps on the Strategic Plan. She will gather the notes and put into draft document which will incorporate all the comments from past RTOC and the session held yesterday (May 2). At the next RTOC during August 28-29 we will have a good working session.

According to Laura Ebbert, EPA Region 9 just released own strategic plan. Really excited about this RTOC regional plan document. They will lend substance and perspective for future discussion here. Looking for strategic plan workgroup members. Potential conference call on May 16, 2012 from 10-11:30.

### **EPA Updates**

See PowerPoint presentation on RTOC website

Quality Assurance-Dave Taylor provided a presentation.

Questions & Comments:

Sarah Ryan- why are we required to have a QAPP if we going to hire contractor consultant to collect environmental data?

David Taylor: interested in where tribe is using data to make environmental decisions. Our experience in hiring a certified contractor is that the quality varies.

Sarah Ryan: How Strict is the certification, who does the certification?

Dave Tomsovic: the external contractor you would have would be an individual already certified by state of California to conduct lead hazard evaluations. They already have their paperwork from California in program approved by EPA. File paperwork with EPA to receive credentials from EPA allowing and enabling to conduct those evaluations in Indian Country.

Sarah Ryan: Don't understand why certification process is not enough.

Dave Taylor: when EPA issues the notice of fund availability in the federal register. Taking sampling data, the federal register notice says documentation is required. That language appears in the EPA federal register notice.

Nina Hapner: Do contractors who are hired by EPA have to follow the tribes QAPP?

David Taylor: Yes

Nina Hapner: What is the average timeframe?

David Taylor: It is very quick for lead approximately 3 or 4 months.

David is going to get some information back. Timeframe: 3 weeks.

Tribal New Source Review by Roberto Gutierrez

Power point presentation on RTOC website

A fact sheet is being updated and will be uploaded to website.

Questions & Comments:

Rob Roy: What size of facility requires a permit?

Roberto Gutierrez: it depends, location, etc. type of fuel, # of operations, etc.

### **2012 Conference Update**

Teri Red Owl announced:

- annual conference is scheduled for Nov. 27-29, 2012 at the Intercontinental hotel in San Francisco, CA.
- The Full RTOC and Tribal Caucus meeting will be combined in one day and 3 full days of conference.
- Website has all of information, Co-Chair Antone will send out the link. The Connor Byestewa Jr nomination and poster forms are all on the website.
- The hotel rate is \$155 per night.
- Looking for people to join annual conference workgroup. First conference call May 10. Make the conference tribally driven.

- Need topics and presenters, evening entertainment, and idea for the theme since it's the 20<sup>th</sup> Annual Conference.
- Registration is \$150.
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*Questions & Comments:*

Carmen Gonzales of Fallon Paiute Shoshone Tribe would like to present on Permaculture. She has recommendation for keynote speakers.

Gayle Honanie was asking about the early registration fee and if they would honor the rate if she paid after October 1 since registration is due in September. The grants do not get released until October and we can't use FY 12 funds for FY13 events.

Veronica Swann stated she will get back to everyone.

**Announce Next RTOC meeting Location/Closing Comments**

Aurora Aboite, Nevada Representative had a special presentation for Tansey Smith the Tribal Liaison for Nevada Tribes who has served this position for several years and now she is leaving. Tansey appreciated the acknowledgment; she stated that she started her career in Fallon and then ITCN and has worked in different grant programs. She has felt the love all week, but she will be back. Aurora presented her with a card and a little something to help her with her journey.

Next RTOC meeting is being hosted by the Pyramid Lake Paiute Tribe during August 28-30, 2012 at Atlantis Hotel in Reno, NV.

Lori Lewis reviewed the issue items.

- Resend out 106 survey to tribes
- Would like an update on recent study regarding radioactive isotopes in kelp beds off California Coast (from Fukushima Plant release)
- If you are interested in joining the consultation workgroup talk with Nate or Marta.  
If an incident involving a restricted use pesticide (RUP) occurs in Indian country, can EPA respond? If there is misuse, can EPA take action? Details about enforcement under the draft national Federal Certification and Training (C & T) plan need to be clarified.
- Follow up on questions regarding review of State Certified Federal Credentials (e.g. How often are credentials renewed?).
- Check and see if people can use FY12 GAP funds for FY13 conference.

Enrique Manzanilla thanked everyone for coming and all work done to prepare budget presentation. He also thanked those that participated in the Video Conferencing. He thanked Tansey and her work with EPA for many years.

Meeting adjourned at 4:30pm.