

ACTION ITEMS
 REGIONAL TRIBAL OPERATIONS COMMITTEE
 October 19, 2009
 REGION 9 EPA
 Tucson, AZ

	REQUESTED BY	TASK	WHO	WHEN	STATUS
WATER					
1	Navajo Nation	Increase annual funding for the underground injection control program, and for class V injection wells inventory,	Water Lead David Albright		Completed On November, EPA informed Navajo staff the UIC program was not getting any additional funding in FY2010, and that we would not be able to increase the amount of their UIC grant. As far as NNEPA seeking additional funds for continuing the inventory of Class V injection wells, EPA is open to considering such a proposal, and that we would need specific details from them to consider/discuss
2	Navajo Nation Environ. Managers Mtg.	Funding to improve access to clean water for the Black Falls area residents on the Navajo Nation where 100% of the water sources are often contaminated with uranium, arsenic etc. where incidences of gastro-intestinal disease and cancer are very common. Black Falls has declared a "State of Emergency".	Water Lead Linda Reeves	12/10/09	Completed Draft ranking of proposal provided.

3	Big Pine	Big Pine Reservation wanted to know if EPA can provide any technical or policy assistance with respect to new groundwater extraction wells that have the potential to impact tribal drinking water supply wells - set up conference call to identify fully the issues	Water Lead Roger Yates	Conference call by 11/15	Completed Conference call on 01/14/10 with Big Pine Tribal Environmental Department and Owens Valley Indian Water Commission
4	Big Pine	Big Pine Reservation was wondering if the tribe had a zero tolerance policy for lowering the water table, would this hold any weight for stopping activities off the reservation that would cause the tribal policy to be violated. if EPA could not provide assistance with respect to regulations, can they provide technical assistance.	Water Lead	Conference call by 11/15	Completed , same as #3 above
5	Lone Pine	The Lone Pine	Water Lead	Conference	Ongoing The Tribe has chosen to pursue TAS to administer the WQS

		Reservation is still seeking assistance from EPA to get their irrigation water supplied from the Lone Pine Creek as in the past rather than from Los Angeles aqueduct.	Audrey Johnson Wendell Smith	call quarterly	program. EPA is providing programmatic and technical assistance to the Tribe as they continue through this process. Quarterly conference calls will be scheduled between EPA and the Tribe, unless the Tribe requests more frequent communication.
6	Tribal Caucus.	In Region 9, tribes are requesting more funding for drinking water projects than wastewater projects. if surplus funding under CWA for wastewater projects is available, how could these funds be made available for drinking water projects.	Water Lead Linda Reeves	Ongoing, keep RTOC posted; at quarterly Water workgroup calls	Completed Statutory amendment would be needed to allow transfers between EPA drinking water and clean water funding.
CA State Issues					
7	CA Tribes (Mike Shaver)	Tribes weren't involved in CA marine life protection act environmental impact report. Need clarification on EPA's responsibility that tribes are consulted.	Mike Shaver Ephraim Leon-Guerrero (EPA)	11/5	Completed On 12/10/09, Janis Gomes, Ephraim Leon-Guerrero and Loretta Vanegas (EPA) held a conference call with Mike Shaver (Elem Tribe) to discuss EPA's role in the California Marine Life Protection Act (MLPA). MLPA has been a state driven process, thus EPA's involvement in its program development and environmental review has been minimal. Tribes and other stakeholders should send comments to the State. EPA contacted the State and that point of contact was provided to Mike Shaver.
8	Central	TMDL process in	Water Lead	Meet 10/21 to	Completed

		California conference call with EPA and the process that is going on in the state and not reaching out to Tribes in CA to inform them. Delta Bay Area in Jan a presentation will be done at the RTOC that will show an over lay of water bodies that are used for California and AZ to see if it's impaired on the 303d list.	Janet Hashimoto Kristin Gullatt	start conversation; raise at water session wed at 1:30	EPA R9 met with California RTOC representatives beginning in October 2009 to clarify and provide outreach assistance regarding the Bay Delta methylmercury TMDL which is being developed by the State of California's Sacramento Regional Water Board. EPA Region 9 has provided the Regional Board plus CA tribal representatives with contact listings of all Federally recognized tribes in California, and participated in the Regional Board's tribal meeting in November 2009 to assist with information on the TMDL. Region 9 is working to allow better tribal participation on the TMDL's stakeholder group, and is continuing to seek resources that can assist in obtaining tribal fish consumption data. Region 9 is expecting to provide a presentation to the RTOC regarding impacted waters and options for tribal notification for TMDLs at the April 2010 RTOC in San Francisco. The Region will also be meeting with representatives of all California regional water boards to discuss notification to tribes of future TMDLs. Contacts: Janis Gomes (WTR-10), Diane Fleck (WTR-2)
9	Central	Stress to EPA that it is incorrect to not involve the tribes in what is happening in CA when it comes to environmental issues			Completed EPA agrees
10	Northern CA	Still no resolution from the last meeting about Methyl mercury with USEPA being a signatory on the Programmatic Agreement (one c/c and they were going	Water Lead Janet Gomes	Meet 10/21 to start conversation	Completed This item references whether EPA's comments on the Draft EIS (2004) for the Upper North Fork Feather River Project (FERC project #2105) were appropriately addressed in the Final EIS (2005) and whether EPA would comment similarly on other FERC re-licensing projects. EPA's comments concerned whether appropriate analytical methods were used for the monitoring of water column and fish tissue for mercury and methylmercury. Appropriate methods are those that have

		to look into it and no word as of yet. Now we have this in the state			<p>analytical detection levels sufficient to determine whether standards are exceeded.</p> <p>EPA Water Division’s recent review of the Final EIS (which was released in November 2005; http://www.ferc.gov/industries/hydropower/enviro/eis/2005/11-10-05.asp http://www.ferc.gov/industries/hydropower/enviro/eis/2005/11-10-05.asp) indicated that the Agency’s comments on the Draft EIS were addressed. It appears that PG&E, in follow-up monitoring, used appropriate analytical methods that had method detection levels low enough to determine whether or not water quality standards (CTR water column criteria and CWA 304(a) fish tissue guidance criteria) were exceeded.</p> <p>It is standard practice for Region 9’s Environmental Review Office (ERO), the Office that reviews EISs for FERC re-licensing projects, to work closely with staff in the Water Division and other EPA offices in providing comments such as those in the Feather River Draft EIS. One of the items that should be examined is whether appropriate mercury and methyl mercury monitoring was conducted. For FERC re-licensing of dams in CA, appropriate mercury and methyl mercury monitoring should be required, along with the monitoring of other necessary constituents. The Water Division will continue to work with the ERO to comment similarly on like projects. (Contact: Janis Gomes/Diane Fleck)</p>
11	Northern CA	Mercury and Methyl mercury issues within the state of California. No notice from USEPA and they are on the working board	Water Lead Janet H Kristin	Meet 10/21 to start conversation	Completed See #8

FUNDING					
12	Southern	What are the funding increases that Region 9 EPA has requested for the FY2011 budget to support Tribal programs? Please include amounts per media; GAP, Water, Climate Change, etc.	Jean Gamache Kristin Gullatt		Not available until late 2010. NTC submitted budget request during July 2009 NTOC mtg. Copies provided at July RTOC. Completed 11/4/09
13	Southern	Is there funding available for emergency and/or back-up generators for wells?	Water Lead or Superfund Linda Reeves	Eligible from many federal funding program. Linda Reeves talk to Southern California RTOC representative - mid-November 2009	Completed 10/29/09 Ongoing RTOC and NTOC should continue to provide input to the National Budget Process
14	Tribal Caucus	Increased funding for tribes for /under CWA 106, 319; SDWA (remove the cap and increase to 3%); provide base funding for wetlands, wastewater program, oil spill prevention	Kristin Gullatt		Completed 11/4/09 PWSS funding increase in 2010 - Cap in SRF set-aside funding for 2010 up from 1.5% to 2%. NTOC also requested increased in funding in CWA funding?? 2010 budget - provide materials directly from USEPA website so not in time for RTOC meeting 106 Program - same funding as 2009 319 program - bump up in funding from 2009 funding.

		<p>programs, public water systems program, drinking water circuit rider program, exchange network program base funding, operations and maintenance trust fund creation, 106 and UIC funding formula to be revised.</p> <p>- EPA formalize the RA process to support funding increases both regionally and nationally</p>			<p>Tribes want to remove SRF cap and bump up tribal set-aside to 3% - EPA region supports</p>
15	Tribal Caucus	<p>Funding for climate change impact studies on the tribal lands.</p>	Stephanie Valentine	Next RTOC meeting	<p>Completed</p> <p>Some of the new climate change bills now under consideration by Congress include funding for tribes to assess or address the impacts of climate change on their lands. However, at present, there is no EPA funding specifically for these efforts, and we are not aware of any other agencies providing these kinds of funds. Any new federal grant funding available to tribes will be listed on http://www.grants.gov/ Another good source of information is the Institute for Tribal Environmental Professionals (ITEP) climate change website, as it focuses on tribes, and they regularly update the grants page, so new opportunities would be listed here. Also, their "Adaptation" and "Planning" pages have lots of useful resources related to adaptation and climate planning: http://www4.nau.edu/itep/</p> <p>Also, EPA has revamped its climate change website, and it now compiles all U.S. government research on climate change science, including impacts and adaptation:</p>

					<p>http://www.globalchange.gov/ This site has some information on impacts for each region of the country; including some references to tribal community impacts.</p> <p>In addition, more general information on tribes and climate change/energy can be found at:</p> <p>Department of Energy (DOE) Tribal Energy website: http://apps1.eere.energy.gov/tribalenergy/</p> <p>Department of the Interior (DOI) Tribal Energy and Environmental Information Clearinghouse: http://teeic.anl.gov/</p> <p>National Aeronautics and Space Administration (NASA)/Native Peoples Native Homelands Climate Change Workshop II: http://www.nativepeoplesnativehomelands.org/.</p> <p>U.S. Geological Survey (USGS) National Climate Change and Wildlife Science Center website: http://nccw.usgs.gov/</p>
16	Lone Pine	There is an immediate need for tribal emergency response funding; the Lone Pine Reservation has no emergency supplies. Are there any EPA programs to assist with this need?	Superfund Lead Angie P. (Superfund)		<p>Completed</p> <p>EPA currently does not have grant funding available but can offer technical assistance to tribes. Tribes should take advantage of Department of Homeland Security (DHS) funding. Contact at DHS is: Tessa Badua-Larsen (510) 627-7185 (510) 316-9470 (cell) teresita.badua-larsen@dhs.gov</p>
		Work on transition materials	Transition Working Group Marta Berg	Ongoing	Week of 11/2009 or 11/2012
		Schedule time for Border work group to work on transition material	Marta Berg	Ongoing	Before 11/2009 ONGOING

OTHER

17	Eastern CA (Teri Cawelti)	Because of EPA's role on the onslaught of renewable energy projects and the fact that there are environmental consequences with many of these projects, the tribes would like to know what EPA can do to assist the tribes with preparing comments when these projects arise and what kind of technical assistance is available.	Environmental Review Office Kristin Gullatt Kathy Goforth	End of November 2009 - conference call with appropriate parties	Completed Completed EPA provided an updated list of ERO contacts for the Winter RTOC in the EPA report and spoke with Teri Cawelti (E. Sierras RTOC rep) about what technical assistance EPA can provide. 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. Further, we suggested to Teri Cawelti that the tribes may want to hold a NEPA workshop and invite staff from the various federal agencies who work on EISs.
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18	Central CA	Request clarification regarding federal policy changes on advisory boards- only elected officials to serve on boards? - tribes sit on behalf of their respective tribal councils (DOJ, HHS). Some federal agencies indicate those that sit on boards no longer designated, but are elected officials. Will this expand to other federal agencies? Tribes would like to be kept informed or up to date about this.	Tribal Program Office Jean Gamache	On-going	<p><i>Pending clarification</i></p> <p>The White House introduced a new policy to restrict lobbyist from serving on federal advisory panels. In a September 23, 2009 statement issued by Norman Eisen, Special Counsel to the President for ethics and government reform, :</p> <p>“The White House has informed executive agencies and departments that it is our aspiration that federally-registered lobbyists not be appointed to agency advisory boards and commissions. These appointees to boards and commissions, which are made by agencies and not the President, advise the federal government on a variety of policy areas. Keeping these advisory boards free of individuals who currently are registered federal lobbyists represents a dramatic change in the way business is done in Washington.”</p> <p>http://www.whitehouse.gov/blog/Lobbyists-on-Agency-Boards-and-Commissions/</p>
19	Navajo Nation Environ. Managers Mtg.	Tribal policies for energy-water sustainability with regard to government-to-government consultation and climate change impacts.			<p>Completed</p> <p>ARRA infrastructure projects have a 20% reserve for green projects. No need to follow up with this action item.</p>
	Tribal Caucus	Let NTC & EPA HQ, American	ALL		ASAP

		Indian Environmental Office (AIEO) know if you have comments regarding AIEO Director & where AIEO is placed			
		Forward recommendation for AIEO Director to Corn, NTC, R9	ALL		ASAP
		Identify EPA co-chair for consultation workgroup	Jean		Completed
		Pesticide Assessment send to Corn, send to RTOC	Nina/Sarah		Completed
		Distribute RTOC & Caucus Notes	Jackie/Corn		Completed
GRANTS					See Attached Grants Action Item list
20	Az Environ. Managers Mtg.	(GAP) Grants Management What is the timeframe response from a project officer.	Grants call CED lead		Completed - Meeting at 6:30 p.m. on October 20
21	ATEM	What can EPA do to stop the bottle neck from the GAP review committee?	Grants call CED lead		Completed - Meeting at 6:30 p.m. on October 20
22	ATEM	Why is there reluctance to pass budget	Grants call CED lead		Completed - Meeting at 6:30 p.m. on October 20

		modifications when the tribe knows what its needs are?			
23	ATEM	Why is there no tribal direct funding for solid waste?	Grants call CED lead		Replaced by Action Item 30
24	Southern CA	Is there a protocol in place for response from Project Officer, what is it? This needs to be in writing and enforced.	Grants call CED lead		Completed - Meeting at 6:30 p.m. on October 20
25	Southern	EPA needs to notify Tribes in a timely manner when Project Officers are leaving and not returning; existing Project Officers who are well trained in the grant area need to take over instead of bringing in someone from an unrelated department and who has never worked with tribes, training is vital	Grants call CED lead		Completed - Meeting at 6:30 p.m. on October 20
26	Southern	Tribes need to have grant evaluations in writing which discuss scores and list who has	Grants call CED lead		Completed - Meeting at 6:30 p.m. on October 20

		evaluated the grant.			
27	Eastern CA	Need GAP online fixes	Grants call CED lead		Completed - Meeting at 6:30 p.m. on October 20
28	Ak-Chin Indian Community	“What does EPA do with deobligated funds? Are they going to use it at the EPA Regional level or will they turn it over to the tribes for their use?”	Grants call CED lead		Completed - Meeting at 6:30 p.m. on October 20
29	Hopi Tribe	Request for a meeting with the Tribal Programs Office to get a briefing from them on how the funding process is carried out and how involved the Project Officers are to be in overseeing the grants.	Grants call CED lead		Completed - Meeting at 6:30 p.m. on October 20
30	Tribal Caucus (Roman-Ak Chin and Elliott Talgo-San Carlos Apache and Lisa Gover - Campo)	Region 9 Tribal Caucus recommends that EPA R9 develop a pilot Solid Waste Management grant for tribes. - similar to Brownsfield - having direct	Grants call CED lead Heather White	Update at next RTOC meeting	Completed Resource Conservation Funds in Region 9 - available for solid waste planning but not cleanups or large equipment purchases. Solid Waste Management Assistance Program - grant on a national level - pays for equipment purchases, cleanups, staff, etc.

		funding for solid waste issues (mostly O&M funding)			
31	Tribal Caucus	How can EPA provide the tribe with current financial information.	Grants call CED lead		Completed-Project Officer will provide a status of Grants award amounts and grantee draw downs when requested by a tribe. Meeting at 6:30 p.m. on October 20
32	Tribal Caucus	Provide update on past action item number 11, 12, 17, 18 on grants management.			Completed 8/20/09 and follow up notes.
33	Tribal Caucus	Is there a summary of the call with answers to the actions items concerning grants? If not request answers to be given at RTOC			Completed 8/20/09 and follow up notes.
FOLLOW UP					

34	RTOC Pesticide workgroup (Pyramid Lake)	Follow up with EPA on the training that Nevada State is doing. EPA is going to speak with Region 8 and Headquarters on the training specifics. - difference between State and federal trainings - EPA has the training responsibilities to the tribes	Pesticides Program Pam Cooper		<p>Completed</p> <p>EPA Pesticide Manger and CED Division Director met with Pyramid Lake staff and explained the situation to them.</p>
35	Central	Quality assurance work group to work with EPA to develop a emergency response SAP	Eugenia McNaughton Mike Shaver	Next RTOC	<p>Completed</p> <p>EPA discussed the request with Mike Shaver, Environmental Director of the Elem Indian Colony, who initiated the request. He indicated that some tribes were interested in the possibility of a “Turbo-QAPP” similar to that which is available for air monitoring, for use by Tribal Incident Commanders in Emergencies.</p> <p>Interested Tribal Emergency Incident Coordinators should contact David Taylor of the R9 QA Office to obtain a copy of the Quality Assurance Sampling Plan (QASP) used by the Region 9 On-Scene Coordinators for time critical responses.</p> <p>Contact: David Taylor at (415) 972-3803 taylor.david@epa.gov</p>
		Separate breakout sessions to deal with grant issues	Pamela Overman		<p>Completed</p> <p>A break out session on Feb. 4 has been scheduled.</p>
		Janet Hashimoto	Janet		The session will take place at the April 2010 RTOC, see action

		will give session on water issues	Hashimoto		items #8
		EPA report on 2010 budget at RTOC if not before	Jean Gamache		Completed A hand out on budget info will be available in the Feb. RTOC along with a quick summary in the EPA report.
		Results from RTOC pesticide assessment	Nina/Sarah		Completed The presentation will be scheduled on Feb. 3