

Regional Tribal Operations Committee
San Francisco, California
Thursday, April 15, 2010

Welcoming/Opening Remarks: Marla Henry, alternate Co-Chair, provided brief welcome and opening remarks.

Blessing: Dan Mosely provided opening blessing.

Welcoming Remarks: Jared Blumenfeld, Regional Administrator provided welcoming remarks. He will be in Navajo next week; all senior team is present; important for tribes to talk directly to them to address issues. If Tribes have issues with EPA staff; talk with them.

The overall budget is going down however tribal budgets are going up. If you don't see it in the budget it is not a priority; tribes have been an effective in Washington; Jared will be going to DC in 2 weeks for FY2012 budget; Today's meeting is a good day to discuss those issues.

For climate changes, this is a strong administration in dealing with this issue. For summer internships, EPA encourages students to intern with EPA. EPA would like to know how to partner with community colleges and native colleges for internship opportunities; would like students to work in the EPA Regional Office. EPA is committed, open and transparent dialogue; The agency is a strong advocate for our causes. This is his first RTOC, and it is a privilege for him. He looks forward to the meeting today and to engage one on one with Tribes. It is the beginning of a good dialogue.

Marla Henry acknowledged the leaders who were present and invited them to sit in the front.

Introductions/Roll Call: Introductions conducted & Roll Call completed by Jackie Listo.

Sadie Hoskie welcome/opening remarks: (*I missed this, working on tribal caucus report*)

Announcements – Lori Lewis had a few reminders:

- Use the recycle and compost bins.
- A reminder that there are forms available in the back of the room to provide comments to AIEO please submit to Laura Mayo.
- If you are using an acronym, please explain it; all program acronyms are different.
- Turn your cell phones off or on vibrate.
- Complete the evaluation forms; there are changes on form; breakout sessions are being held in the middle; forms available today; important to get input for Corn and EPA to determine what the best meeting format is.

Tribal Environmental Priorities and 2012 budget request presentation the following individuals provided the budget presentation:

GAP - Marie Barry

Water - Alex Cabillo

Safe drinking water & sanitation – Ken Norton, Hoopa

Solid Waste – Brian Baharie, Cahuilla Band

Climate Change -

Border – Lorinda Sam

Multi-Media – Sara Ryan

Jared made comments: (*I missed beginning of his comments*)

How do we get DOE funding; other federal agency funding? Jared met with DOD recently. EPA has the best partnership with Indian county; but how do we get other federal partners involved? Tribes haven't gotten what they need, but expectations are clear.

Sadie Hoskie comments: Incredible amount of work; lay down the infrastructure; hiring staff; getting leadership to pay attention; appreciates everyone doing the work every day; public health protection. There are many opportunities for inter-agency of funds/ leveraging – solid waste, water, wastewater (other agencies have much more money than EPA does. Such as HUD who has much more leverage. Sadie's husband is Housing Director and she knows that housing management can implement animal control, septic, solid waste, etc. EPA can use MOA's with other federal agencies.

Sadie thanked those who have given input on tribal consultation policy through the index cards that were provided. AIEO is accepting applications for director (Sadie is currently the acting); it is a senior executive service position. They would like to see a good pool of candidates.

A question from a representative of Big Pine Tribe; he thanked all the presenters and expressed that there is a shared concern. He asked EPA when they are going to address the questions posed in the presentation. In the past the tribes have been taken for granted and tribes have taken what is given but this is no longer; it is an embarrassment when nobody has taken the request.

Jared stated what is needed is a refinement of the budget; what will happen in the next fiscal year; what are the priorities within the those area's; he is going to DC in two weeks and that is just the beginning; what he needs is a line item budget and a narrative.

Action Item: Refined Budget; Who: Budget WG; Date by end of next week

Sadie stated that NTOC is also engaged; what R9 submits is included in the NTOC budget; they are meeting with senior staff in DC; what they are looking for is very short, 1 or 2 page of budget proposal - a streamline budget. Sadie is looking at National scale – looking at entire US; all media needs.

Jared stated that five things we need to prioritize by region; he needs the details and Sadie needs a one pager; think yearly of budget requests and what is realistic.

Break (5 minute break) (11:42pm reconvene)

National Tribal Operations Committee (NTOC) Report – Erica Helms-Schenk provided an update of the NTOC meeting held last week. The NTOC met with Michelle DePass, Assistant Administrator, Office of international and Tribal Affairs; she was interested in hearing what the tribes had to say, what tribes are looking for; encouraged tribes to put in comments into the tribal portal; she allowed all the tribes in attendance at the meeting the opportunity to provide their comments; more communication which is more transparent; the meeting was scheduled for 1 hour, but lasted for over 2 hours, she didn't rush the meeting, to tribes that was a great thing and eye opening for Erica as a new representative that Michelle DePass wants to hear from tribes and what they have to say.

Other meetings included OCFO, discussing the 2010-15 strategic plan; implementation of the 7 priorities (Administrator Jacksons); we are moving in the right direction; and hope to get her support for the FY2011-12 budget process; \$8 million set aside for GAP within the new

proposed budget to Congress; the \$30 million for multi-media; \$5.5 section 106 programs and how they are going to implement the strategy plan for the budget.

NTOC did sit down the last day and begin the FY2012 budget and came up with priorities; same as administration priorities. For Region 9, the priorities are already in the national budget. Hopefully by the next meeting, in July, the NTOC will have another meeting with DePass.

Clay Bravo and Stephen Etsitty did not attend. Don was out sick. Dan Mosely stepped up and chaired the meeting.

Alex Cabillo mentioned that Clay Bravo also prepared a letter (same as Monday presentation)

Ken Norton stated that although there are increases; in the 2011 decrease in tribal revolving fund, tribes are going backwards for FY2011.

Sadie Hoskie (EPA) mentioned that funds can be moved between SRF programs which are proposed in FY2012 budget.

Alexis Strauss (EPA) stated that for new tribes who are eligible, what is the right allocation and what do we take away from the tribes who have been receiving funds? When RA Jared Blumenfeld was asking for specifics, EPA would like to know a specific amount for new tribes. Three or five tribes in Region 9 are funded each year; but if we could plan on funding new tribes without taking away from existing tribes, we need to take that into consideration.

Enrique Manzanilla mentioned that in NTOC letter (Clays letter) that it is important to show that in hard numbers.

Open discussion for Sadie Hoskie at this time EPA allowed for open discussion with Sadie Hoskie.

Alex Cabillo stated that for the administration for climate change; 25% of funds be set aside and 75% for adaptation; he just wanted to advocate for the important funding for adaptation work.

Don Bay asked Jared Blumenfeld how he was going to build the relationships with other regions. Enrique stated that clearly Jared has to have his own relationship with his peers; Enrique talked about what happen last year, R8 was the lead; there needs to be a mechanism on developing common group; there will always be differences and the venues are set in place to develop idea's, to develop very specific proposals. The agency is entering that phase. For example, the process happening today with the budgets, we will see in February next year, what the administration has decided.

Daniel Meer, sitting in for Jane Diamond mentioned that all the Western Regional Administrators need to be on the same page to advocate for the needs west of the Mississippi.

Ken Norton stated that AIEO and Office of international affairs are looking at structural changes; appreciates that they met with tribes; we have to recognize our leadership who are on a government to government level, years of how the inter action ___; all need to be considered when reorganizing the NTOC.

Alex Cabillo: frustrating when sitting at NTOC and Tribal Science Council, the support given to TSC was different that what was provided at NTOC.

Marie Barry: Jared talked about meeting with R8 and R6; region 10 has to be included. Jean Gamache reminded the group that there was to be a Tribal Leaders meeting this afternoon; those interested are to meet at 1:15 pm in the lobby, EPA staff will take them upstairs.

Sadie Hoskie thanked the group to allowing her to attend the meeting and for the gift. She likes to meet with Tribes face to face; how to improve things and map out the tribal agenda. She is leaving this afternoon.

(Lunch Break)

Work Group Reports to provide priorities.

Solid Waste WG – John Mosley provided the update.

Water & Drinking Water WG - Linda Reeves provided the update.

1. Infrastructure funding
2. O&M
 - a. Funding
 - b. Training/operator certification
 - c. Technical assistance
3. Interagency Coordination
 - a. National infrastructure task force
 - b. Regional interagency collaboration

FYI: At the next RTOC, the Monday before, there is going to be an interagency workgroup meeting.

Action Item: Needs survey for drinking water needs; need tribal representatives; need people; meeting on May 11th; Contact Linda Reeves or Marta Burg

Sustainable Infrastructure WG

1. Info on gathering green building planned or being planned
2. *(see handout)*

Pesticides WG - Nina Hapner *(see handout)*

Air WG - Sara Bartholomew, RTOC in February and conference call *(see handout)*

1. Update tribes on air standards
2. Update tribes regional/national
3. Air organizations (ITEP) (NTAA) (TAMS)
4. Assist RTOC budget WG
5. Provide input to epa that will affect tribes
6. Climate change
7. Air quality in tribal casino's

Enforcement & Compliance WG - Angela Baranoco (EPA staff). As discussed at February RTOC.

1. Training for court system and leadership (epa is looking at what resources are available – classes; not funding) Capacity building for tribal judicial members and tribal officials/leaders
2. Tribal implementation plan for enforcement response policy

Tribal Science WG - Dan Mosely (*See handout*)

Announcement: tribal science conference

Water WG ~ Change name to Clean Water Act WG - Ken Norton (*See handout*)

Region 9 is the lead for solid waste.

Consultation WG - Marta Burg reported that a consultation policy was developed. A session was held yesterday; the understanding from Sadie Hoskie is that she will accept written comments from tribes and WG's by Earth Day; there is a conference call on Monday April 19th at 1:30pm. Anyone interested in providing input for the 1st draft is welcome to participate; Marta is asking someone from EPA to provide a call in number. Jackie will disseminate call in information; will use 1st original letter in 2006/2007 and make available to all; we can build off that letter

Action Item: Willard Chin will provide call in information.

Grants WG - Roman Orona reported that the Grants WG met for the 2nd time yesterday. The focus is to work on the bigger picture on grant related issues; anything that is tribal specific; they want the big picture issues and not just small issues. When there is grant related issue, please be sure to be media specific; and provide as much details as possible; and submit as early as possible; submit to Corn early.

Charter WG - Robert Columbro reported that the Charter WG hasn't met lately. The WG members are also on the transition WG; but the WG will meet next week.

Marta Burg reported that the (ITF?) subgroup who was working on tribal access, for water and drinking water – interagency work group - signed off on the response to the plan; there has not been any formal consultation with tribes but is it time; what should have consultation look like? This is a Multi-agency effort; Needed ASAP by next week.

Quality Assurance WG - Mr. Taylor stated this work group is in hibernation. The work group has not met in quite a long time; but talked last Monday; tagging along with water on non-point source training.

Tribal Representation WG - In hibernation

Web Page WG - In hibernation

(Break 2:33 – 15 mins)

Emergency Response WG – Alfreida Jake

1. Mitigation Plans
2. Funding Levels
3. Emergency Preparedness
4. Tribal Experiences
5. TERC/CERT Program

Pesticide Certification and Training – Nina Hapner and Pam Cooper provided a presentation on Restricted Use Pesticides (RUPs). (*Need to get powerpoint from Nina/Pam*)

EPA attorney provided explanation on tribal authority (Montana test); Option 1 & 2; what demonstration would a tribe have to do to apply RUPs? First 2 options have not been pushed by tribes.

Who has the enforcement authority? Under FIFRA EPA can't delegate primacy to tribes; however, EPA have worked out MOA's with tribes (such as Navajo, under federal law; the tribal inspectors are federal credentialed).

Ron Johnny question – the state of Nevada lacks jurisdiction over tribes. As an example, weed eradication gets certified sponsored by BIA in Carson City.

Due to the number of questions and lack of time, Pam Cooper asked that questions be asked as side bar conversations.

Beverly Harry from the Pyramid Lake Paiute Tribe invited Tribes to attend a weed spray training at Pyramid Lake on May 3rd; is not for RUP's (restricted use pesticides); this allow your employee's noxious weeds to be knowledgeable of the practices to be contious of the safety needs; this training came from maneuvering around the regulations to keep employee's and environment safe; for more information contact Beverly, John Mosely or Marcy Katzin.

Tribal Caucus Report – Marla Henry, alternative Co-Chair provided the report. (*See Attached*)

EPA Response to Tribal Caucus Report - Enrique Manzanilla and Jean Gamache provided the update on the Action Item List.

Work Group Reports

Conference Report – Erica Helms-Schenk stated that the RTOC and Conference dates are October 19 – 23, 2010 to be held at the Parc 55; offering government rate; currently they are waiting for the forms to be approved by EPA and they will be emailed. You can book your rooms; first 100 people will get \$25 off registration fee. Make sure your contact information with EPA is correct as that is where they are getting their information. There was a question on what the call for topics was. Erica stated that the session titles air, water, solid waste, etc..

Review of Action Items – Lori Lewis did not go through the action items again; she took the time to remind everyone of the following:

- Budget Committee - there are deadlines due next week
- NTOC has budget work to do
- Conference Call for Consultation WG next week (Monday, April 19th)
- Consultation Policy (federal infrastructure task force); comments due next week (Marta Burg is contact if you have comments)

Notes and Action Items: Jackie Listo is responsible; to be completed in 3 weeks / by first week of May.

Next RTOC: will be July 27 – 29, 2010 in Mooretown, California.

Meeting Evaluations – reminder to submit! Comment on new format, if you liked it; if you didn't like it; Corn will use comments on how to make the next RTOC better.

Closing Comments - Marla Henry thanked everyone for attending. Enrique Manzanilla thanked Marla to stepping up and co-chairing the meeting; thanked everyone for attending; thanked his colleagues and staff; thanked TON staff; and thanked Lori Lewis. Enrique also announced that the new Deputy Director is Keith Takata.

Meeting adjourned at 4:20 p.m.

Notes for Corn from Lorinda

Make sure that all action items have a contact person listed!

Make sure that all action items have as much detail as possible!

Again Enrique discussed the importance of working through the chain of command before it goes to RTOC! Highly Encouraged!!