

RTOC NOTES
JULY 29, 2010
MOORETOWN RANCHERIA

Opening Prayer done by Lori Jackson.

Corn Antone, RTOC Co-Chair thanked everyone for being at RTOC and introduced Keith Takata, Deputy Regional Administrator.

Mr. Takata thanked the Mooretown staff and the surround Rancherias—Berry Creek, Enterprise, Mechoopda, etc. for hosting the meeting. He also commented that the tour showed what is going on in tribal lands and acknowledged all tribal leaders that were in attendance. It was his first time as Deputy Regional Administrator attending RTOC; he had attended other RTOC meetings in other capacities. Mr. Takata announced the award for diesel grants to Morongo Band of Mission Indians at \$250,000.00 and Soboba Band Luiseno Indians at \$78,000.00. These will be used to replace or retrofit diesel buses and construction equipment to reduce particulate matter from those vehicles by 85%.

A National Tribal Operations Committee meeting was held a couple of weeks ago. Mr. Takata's observations were: Lisa Jackson attended meeting as well as most of the other Regional Administrators'. The level of support was refreshingly high. Increase GAP by \$7.4 million and established new \$30million grant for multimedia. They tried to discuss federal deficit by trying to get all agencies to reduce the budget. Another important item is the proposed consultation policy which was sent out on June 4 for comments. The deadline for comments was extended to September 16. Region 9 discussed the effort to make RTOC more effective, raise level of discussion, get more tribal leaders and political people at meetings and extend R9 influence on National Policy.

Mr. Takata stated that Mr. Blumenfeld is committed to working with tribes and would like to visit all tribes in the region.

ROLL CALL:

Corn Antone, RTOC Co-Chair thanked Linda Reeves of USEPA for her help with the San Francisquito Water Project. He presented her with certificate of appreciation and also one to Region 9 USEPA.

TRIBAL CAUCUS REPORT:

Corn Antone, RTOC Co-Chair provided the following report from the Tribal Caucus:

Arizona did not have meeting. Opened up the floor; Margaret Cook of Gila River Indian Community stated that funds for two states such as flag events are not enough for tribe to do same kind of justifications. Tribes should be given more funding so that they could justify flag events.

Navajo Nation, no representatives in attendance to provide report.

Central California had meeting on July 1, 2010. The subject was future of RTOC and what works and doesn't work.

Northern California, Ken Norton, Hoopa Tribe reported that they had some of the same Action Items as Central California. One of the issues discussed was the closure of six dams along the Klamath River. EPA is doing the environmental assessments for dams to be closed; it is one of biggest mitigations for Klamath River.

Eastern California - Teri Cawelti, Bishop Paiute Tribe, stated that they have been having monthly meeting. Owens Valley is participating in a lake project involving several agencies; the state agency involved is working on developing this area.

Southern California, Erica Helms-Schenk, Soboba Band of Luiseno Indians, had two action items that they wanted to follow up on--one was CWA 106 template needs to add hot springs because water quality is different, and the second was to revise template to include springs and hot springs, revised template to include hot springs water quality and also the pesticide priorities should include the ability of tribes to do compliance assistance not just enforcement. EPA has historically pushed toward enforcement. They felt these action items were not adequately addressed.

Nevada representatives talked about Ruby Pipe Line project and climate change.

Clay Bravo provided an update on the NTOC meeting. There was a presentation on the national conversation on chemical exposure. A national stakeholder group this year finally asked tribes for comments on concerns related to potential chemical exposures. Syndi Smallwood stated the group is trying to get input from tribes on different issues on chemical exposure and public health. Six workgroups are doing a report on findings; that report will go to leadership council, four organizations including ATSR and CDC. Tribal comments haven't been included prior.

Ken Gilbert gave welcomed us to Maidu Country.

Nina Hapner did National Certificate & Training Plan presentation. She asked for comments on the plan; all tribes will be affected.

Standard Operating Procedures (SOP's) which the Caucus is developing; Corn, Marta Burg and Robert Columbro discussed the importance of developing the SOP's. After discussion, it was decided to move ahead hopefully during the Tribal Caucus meeting in October. The draft SOP will be sent out to RTOC Representatives for review and comments.

Corn mentioned that Nina Hapner had a spot on the RTOC Agenda but that Corn had to inform her that her item was moved to later on the agenda. It was not fair that she was not contacted prior to moving her agenda item.

During the Tribal Caucus meeting, tribes expressed concern regarding the RA's behavior during his site visits to tribal lands. It appeared that the RA was not paying attention when he was briefed by tribal representatives, and he would walk away from the tour group so he didn't benefit from the information being given to him by tribal staff and leaders. Tribes felt this was disrespectful behavior.

ACTION ITEM: Marta Burg talked about consultation policy. The Tribal Caucus would like to submit and develop a briefing template for tribes in the area that are of interest in reference to developing their own comments. National Policy relies heavily on regions for implementation. Workgroup would like to

request a team from EPA be identified to work with a tribal team on the workgroup to have those discussions.

NTOC REPORT:

Clay Bravo provided the following items from the NTOC Meeting.

- The NTOC has been meeting on the National Consultation policy. A presentation was made at the NTOC meeting. Very important for Region 9 to ensure process is reflective to national consultation document. These documents do not remove the direct government-to-government relation that exists between tribes and federal agencies such as EPA. Take a look at language that tribes could use to enhance relationship between EPA and tribes. Region 9 is exceptional because of its relationship with the tribes.
- There was a need to have implementation dollars; the President has included in the FY 2011 budget request 30 million dollars for implementation programs.
- A budget was created that reflects the EPA strategic plan.
- NTOC requested for \$590 million this year a little over 5% from last year.
- Multimedia dollars are not to be used as any type of capacity building; a line drawn on where does capacity end and implementation begin.
- Asked by Office of Management and Budget why tribes needed the funding and what would a minimum amount to tribes would be.
- A Climate Change presentation was given, which showed that there is a threat to tribal communities. Over time tribal communities moved one place to another. The government has placed tribes in a unique place.
- Adaptation portion for climate change was high for tribal lands.
- Hydro fracturing issue. Tribes ask EPA to look at injection of water based solution into the earth to mobilize the ore then when the ore is extracted. How can Tribes monitor and protect the produced water? If it's put back into the ground what does that do to tribal water resources?
- AIEO Director's position update. There are 4 finalists with a selection to be made in August. Sadie Hoskie is Interim Director.
- Marta Burg stated that we should be doing a little more strategic planning on regional level.
- Clay stated that he hopes to have a Strategic Plan that mirrors the EPA and that the Region will take on process of strategic plan development.
- Marta Burg mentioned that during the April Tribal Caucus Meeting, there was a presentation with tribal environmental priorities and a budget summary request. The Regional Administrator requested more information which was provided. Second question; if any of you have any feedback on how we prepared for the past discussion whether the information provided was useful and effective? How could we work with EPA more effectively?

Keith Takata, Deputy Regional Administrator provided some replies to the NTOC report:

- EPA is right in middle of establishing a strategic plan. There is a strategic plan for FY 2011 and one for FY2011 to FY2015. The plan crosses administration boundaries, and is out for comment right now. This strategic plan has fine cross cutting strategies. Any strategic direction coming from RTOC or NTOC is perfectly timed.
- President Obama had made a proposal for increase for tribes but has yet to be passed by Congress.
- EPA is currently working on FY2012 budget.

Enrique Manzilla, Director of Communities and Ecosystems stated that it is always important to do these budget exercises for two reasons:

1. To influence EPA as they are in the discussion in the internal budget debate. The debate gets more difficult because of shrinking budgets.
2. How does EPA influence the NTOC? Always room for more influence at EPA level. Very programmatic approach.

Jean Gamache, Manager of Tribal Programs, stated that there are individuals who are interested on how the Agency moves forward on this and how is it developed? The information we provide is used and our documents and recommendation are always there.

The Chairman of Buena Vista Rancheria asked who gathers the information to take to the higher ups within the EPA. Clay Bravo, Keith Takata and Corn Antone all made comments of how information gets presented at the regional level and national level; also what information is to be presented as well as the importance to report what has been completed.

Don Bay, Hualapai Nation reported on the National Tribal Grant Council conference call on June 2, 2010. They discussed the Performance Partnership Grant (PPG); EPA wants them to be done online.

-Corn Antone reviewed the Action Items.

ACTION ITEMS

- Short term workgroup to address RTOC restructuring the workgroup is made up of EPA and tribal reps.
- Requested written response to action items in addition to discussion that took place during the RTOC meeting.
- Request conference call in next 2 weeks to discuss concerns about state bypassing CEQA and other MLPA issues. Has Cal EPA invited EPA to participate in this process?
- Request for a webinar or course for Water Quality Assessment Template Training.

- Assistance from EPA to help tribes locate a certified lab that is not as costly and to assist labs that are certified that are tribally owned with funding.
- Some Southern California tribes are requesting a circuit rider to assist with all areas of Water Quality Management.
- EPA to host a California Certification Training for Tribal Water Operators.
- Is EPA involved in national chemical exposure conservation? This National Conversation on Public Health and Chemical Exposures is a project under the CDC and ATSDR. There are 6 workgroups. Each has a tribal representative. Syndi is on the Chemical Emergencies Workgroup. She and a few others have been trying to get tribal input for the past few months on a national level. The project is explained completely at the following website:
<http://www.atsdr.cdc.gov/nationalconversation>
- Set up webinar on proposed draft on restricted use pesticide plan with Region 9 tribes.

QUALITY ASSURANCE PRESENTATION:

Eugenia McNaughton gave a presentation on Quality Assurance (QA).

-Keeping oak on landscape is beneficial; it may seem absurd on one plan.

- EPA can help tribes frame the right questions and can help with what questions to ask a laboratory.

- EPA can look at what QA plan they have, so that tribes don't have to reinvent the wheel, they want tribes to use them.

-QA not a task or something you check off on a check list.

BREAK

The DRA responded to comments about the RA's behavior, explaining that he and the RA had talked about the RA's behavior while he was visiting tribal nations. The DRA apologized if people felt the RA was being disrespectful to tribes, and conveyed that the RA supports tribal needs, and that the RA would participate in training on working effectively with tribal governments.

2010 CONFERENCE UPDATE

Erica Helms-Schenk, Soboba Band of Liuseno Indians, reported that they are trying to get input for the "Call for Topics" and they are meeting with EPA next week to finalize the agenda. There were issues that all three states have across the board such: as mining, ground water and hydrofracturing. These issues were sent to Erica and Pam Overman, EPA, for the use in setting up the states session during the Conference.

LUNCH

FUTURE OF RTOC:

During this time, those in attendance were divided into five groups. The purpose was to discuss how to get tribal leaders to a summit and how workgroups should prepare tribal leaders for the summit and how the restricting of the RTOC would look like.

The following is a summary of ideas from the five groups:

- Another component is the idea of bringing other agencies that have ability to support funding and other measures.
- Federal budget has been and will be constrained. If you look at charter it contemplated us reaching out to other agencies.
- Policies affect many but not all tribes.
- Bessie Lee, EPA stated a common goal is to continue RTOC up to 4 meetings a year for issues or specific topic only; and 2 of those meetings being full RTOC.
- Jean Gamache, EPA, stated that EPA staff has come to an agreement to take steps to engage senior EPA leaders.
- Raise regional issues at National level.
- Now is good time to take steps back and assess. There is a window of opportunity with new administration.
- If we structure meetings effectively will have a good chance of being more productive.
- Ren Reynolds, Enterprise Rancheria, thought that the Regional Administrator was going to be attending meetings. If EPA is requesting tribal leaders to attend meetings, then EPA leaders should be here too.

- Enrique says this was about Regional Administrator, Tribal Leaders, and directors getting involved. There always room to grow.
- Keith Takata, EPA, wants to improve meetings so they are more efficient.
- Clay Bravo commented that this discussion is not talking about the structure. It is to vote on the format of meetings. A spring meeting would be good to have tribal leaders attend, which would be in April. Most tribal leaders find it easier to come to one meeting.
- The April meeting would be more appropriate time. National Tribal Workgroups should be brought in for presentations, such as the National Tribal Water Council, etc.
- The Annual conference could lead for annual summit.
- Sara Ryan asked what EPA is going to do with the conversations and/or information gathered when tribal leaders are in attendance.

Workgroups to write ideas of future of RTOC.

- EPA staff to develop detailed agenda ahead of time to prepare tribal leaders.
- A small group of Tribal Representatives and EPA will take the information gathered at this meeting, compile it and start developing how the RTOC meetings will look like. During the October RTOC an update will be given to the full RTOC.

Meeting adjourned at 4:30pm.