

Spring RTOC
May 1, 2014
Santa Rosa, CA.

Opening Prayer

Done by Joann Campbell-Tribal Council Member for Federated Indians of Graton Rancheria

Introductions/Roll Call

EPA Opening Remarks-Jared Blumenfeld, Regional Administrator, US EPA R9

This year proposed an alternative site for RTOC meeting. Thanked everyone for being productive at RTOC meetings. Thanked everyone for putting RTOC together. Regarding the drought, California is still in the midst of the drought. That's usually the first issue he hears. In Redwood Valley they were at the short end of the stick, water was going to be shut off. This is one of the primary places for tribes to come together for environmental issues. He is going to continue to play strong role to get questions answered regarding GAP guidance. The budget, Alexis and he will be going to DC in May. Goal is to recognize the need that we describe is strong. Think about opportunities, if there are things you want Gena to see you can let Laura know what you are doing. In terms of budget, doing away with set aside and 2% and establishing budget for tribes for CWA at 30million and drinking water at 20million. In Tribal set aside for water infrastructure. This hopefully will allow more money to flow to tribes. Appreciates everyone for coming.

Issues Review from Winter RTOC- Lori Lewis

There were 6 issues on the main list and a few others. Highlighting two of them. Most were completed or in progress. Written document posted on RTOC website.

-#5 Address consultation limits. How do you include these activities in the work plan? Laura to give quick status on this.

Laura- their team meets weekly to talk about the guidebook. They forgot to include indicators in Section B1. Staff went and wrote two new indicators in section B1. They will share in writing with tribes. Will cover environmentally related consultation activities.

Request at last meeting to have I.H.S to address the SDS surplus. Today Chris Brady from I.H.S will be here to focusing on drought, but will be coming in July to talk about SDS.

EPA Budget Presentation & Discussion-Jeff Scott

This year things are looking much better. Handouts with numbers on it were given out. This group here is the most important determiner of what's going on. We are getting an increase but it will never be enough. They are the best numbers they have at the moment. It is important to remember it's a proposal. EPA budget for FY 15 expands money for tribes. Number of personnel is shrinking. 31 million increase in GAP funds for EPA for FY 15. We all have issues with GAP guidance and encourage everyone to work with EPA on the GAP guidance. Drinking Water Tribal set aside got an increase of 2million from 18 million to 20million. CW tribal set aside went from 20million to 30million. CWA 319; allocated 4.8% of national section 319 allocation tribes. FY 15 working to allocate 8 million increases. Tribal Air program; this funding comes from congress as a line item

Questions/ Comments:

How is FIFRA/Pesticides allocation set? It has been flat lined for a while. Tribes need additional resources to deal with this to protect their community. How can we work on this? We need to be able to get additional funding so we can build capacity.

- EPA will follow up
- Tribes will identify future topics for discussion at RTOC
- R9 Enforcement Division developing plan for capacity building.

Are there other agencies that are or could be involved?

- USDA, BIA, Dept. of Pest. Reg., Forest Service, DOT Ag Commission, Dept. of Food & Ag, Conservation Service
- Concern that in California increased vineyards & pesticide & water use which impacts GW & SW & Fish & then human. Important that tribes work on WQS.

Other Issues:

- Need GAP flexibility
- Tribes need training on both specific & general topics.

Air

Concern that funding has not increased

- R9 treats air issues seriously but Congress sets budget.

Concern that there are many monitors monitoring non attainments areas. Need to look at other possibilities.

What are the areas that EPA Regions have discretionary power within Air Budget

- Understand an increase has been requested for \$15m but looks like there will be a shift from monitoring to climate change concern that climate change(which is a cross media) funding will divert tribal air funding.
- There are some national efforts that funded & the rest allocated (by allocation formula). Region 9 gets a lot of money; we get @ 25% of the all-region amount. We often get a large % of carryover.
- Have not heard of directive to shift money from current tribal air activities to future climate change act. Tribal air funding is a line item.

Dialogue on Tribal Budget- by Program

Rob Roy- GAP, Solid Waste etc.

1. Solid Waste eligible work is decreasing. How can we continue work & be flexible
 - Region 9 Project Officers will work with tribes on this; can review guidance to help identify other possible eligible activities.
2. Suggestions from EPA regarding increase or use more efficiently allocations.
 - One area we can influence is water & State revolving fund & protecting tribal set aside.
 - Using analytical tools will help us tell our story (ie, land mass, # of tribes, work accomplished, tribal needs, etc.)

Other Raised, How to deal with:

3. Addressing multimedia implementation
4. Removal of open dumps performance measure(s) & associates funding for activities.
5. What can RTOC, tribes do to help EPA in their advocacy of tribal budgets

Waters on the U.S. Update-Jason Brush, Manager, Wetlands Office
(powerpoint available on RTOC website)

Questions/comments:

There are streams that are dry now and should be rehabilitated and flowing the way they used to, and also where are the endangered species listing and protection of beneficial uses of environmental flows and where they fit in to all of this.

- Many states have restriction imposed by their own legislatures on having programs already stringent regulations. Part of the thinking here is more we can regulate under clean water act and cover these waters the easier it makes for state and tribes to piggy back on to that.

Rule is out for comment for 90 days, due in July.

Achieving Water Efficiency through Graywater Systems and EPA's WaterSense Program

Eric Byous, Water Division, Sustainable Infrastructure program.

Drought Panel-

Felicia Marquez, Chair for California Water State Resource Control Board
Heather Hostler, Office of Governor Brown, Chief Deputy for Office of Tribes
Steven De Blasio, FEMA
Chris Brady, I.H.S
Chuck Angeles, BIA Regional Pacific Office in Sacramento
Quinn Donovan, USDA Rural Development
Michael Montgomery, EPA Region 9

All powerpoint presentations can be seen at this link:

<http://www.epa.gov/region9/tribal/rtoc/past.html>

- Idea was to talk about what your agencies work is on water conservation.
- What does your resource agency have available for tribes, specific to drought or water resources.
- Are you agency currently assisting any tribes, any case studies or examples.

10-15 minutes presentation.

Chris Brady, CA area I.H.S
(powerpoint)

Questions/comments:

How many at risk tribes?

Chris: 29 tribal systems on that map. Trying to get a better picture through the risk assessment.

Are you working with FEMA?

Chris: FEMA participates on monthly calls. They have not gone out to FEMA and request information.

Steven De Blasio, Senior CEM from FEMA:

Via conference line:

- Works at office of Regional Administrator. His role with agency and tribes, his role as a recovery coordinator to provide FEMA level of coordination to tribes in a disaster or emergency.
- As far as resources the agency has funding for tribes. FEMA does not bring anything to the table for drought, for the State or for Tribes. They serve as a federal focal point for them so they don't have to go out and look for various agencies that will bring to the table.
- some agencies are EPA, USDA, DOI, U.S. Army Corp of Engineers. They are there for liaison on drought. Basically they are the conduit between states and tribes.
- Are we currently assisting any tribes? Right now they are strictly providing the level of liaison. There have been a few times where there has been a request for federal declaration because of drought issues. Coordination and collaboration is what he brings to the table. Continues to be point of contact for state if they are having difficulty in reaching another party in a federal agency.

Clarifying questions:

- In regards to distinctions of floods. The Natural floods that are more naturally accepted as being a soothing place for flood plane to be nourished. How are we working on addressing the high cost of emergency management within those flood plains? What are the impacts when we think about what the natural processes should be for some of those lands? Concerned about the natural conditions that should be occurring with some of these flood plains.

FEMA cannot dictate where and how those are going to fill. It would be the local flood plain manager to do that. They work with that.

*Heather Halsler, Deputy of Office of Tribal Advisor
(powerpoint on the link above)*

Work on all issue throughout state of Governors office with exception of gaming. With their priorities they take that direction from the Governor. Encourages everyone to go into website.

<http://tribalgovtaffairs.ca.gov/>

Clarifying questions:

Twice a month calls with state and federal partners, is that something that tribes could get on? Tribes are aware of the Weekly calls with CAL OES.

- Its with the state and federal agencies. The weekly calls with tribes are great. Giving briefings and tell what's going on, giving reports. The twice monthly call is to coordinate agency efforts.

*Felicia Marcus, Board Chair for California State Water Resource Control Board
(powerpoint)*

Why aren't you investigating dsal projects?

- has negative environmental consequences and is expensive. Infinitely cheaper with storm water capture. Working very hard to encourage storm water capture.

Some tribes have state water rights and some come into recognition that the date that you would give by winter, puts in stone junior water rights. We do have some tribes in State of California that their water usage is aging their water running domestic but it services a public water system. Some tribes

been talking with BIA. For some reason between BIA and I.H.S it was set up as a Domestic use for a Public Water system.

Felicia: Set up a follow up call to invite I.H.S, BIA with some of the issues raised.

Chuck Jachens, Regional Hydrologist

BIA Pacific Regional Office

- They have an annual program for water resources,
- a grant program that deals with water supply, water claim
- The funding takes from 7-12 months to come back and actually come to the tribe.
- In 9/2013 they are still waiting for money to allocate to tribes.
- The proposal are 38-50 thousand. 10-15 proposals per year. Every region has those funds. You can go through your water resources coordinator at the regional office.

Questions/Comments:

where do you see the greatest climate change drought impact to your trust responsibility to tribes? Is there an area that you're focused on?

- BIA and its employees cannot lobby. It's up to tribes to lobby for these types of things. Right now State of California and federal government is pushing for any storm projects.
- Chuck: recommends looking at marketing. Or do trades to get water in exchange.

*Quinn Donovan, Area Specialist, USDA Rural Development
(powerpoint)*

Michael Montgomery, Assistant Director, US EPA Region 9, Water Division

- The bulk of money that goes to water infrastructure program. Provide technical support to operators to help with those systems. Been trying to track federal legislation that deals with how to handle water flows.
- Been meeting with California I.H.S. on their efforts inventory drinking water projects and the work that is coming out now. They recently went out to meet with Phoenix I.H.S. to talk with them about having them do similar efforts that California I.H.S had one.

Clarifying Questions:

Jake McKenzie, Chair of Resource Partnership

Thoroughly involved with environmental issues, intimately involved with question on water supply. Here In geographic area of north regional water resource control board. The monies with which they deal are now those monies that were voted in as water body monies proposition 54. Work closely with state water boards for distribution of these monies. They would like for them to provide regional preparedness, or increase the water supply . These are projects that are ready to proceed. They are on extremely tight time table to get contracts in place.

(707) 795-1235. Katherine Blackhill is contact for private entities who are in this geographical area.

Wanted to take opportunity to let us know that we in north coast counties have an excellent partnership with tribal members. They anticipate there will be projects submitted by tribes.

Open for Final Questions/comments:

For FEMA Representative , a tribal community is declaring an emergency drought on their land. What does FEMA do to assist? Does the tribe reach out to FEMA and other folks?

Does the tribe need to have TAS.

- Answer is no.

Javier Silva: located 85 miles north of Mendocino county. Did declare an emergency. They got a lot of responses. It has Taken 2 and a half months to find out who is going to be leading. What I got to do is go home and take to council and really has nothing to report. Down to 20 thousand gallon when it was a 100,000 gallon water tank.

Just the fact that there's a drought

Kate: USDA seems to have funding available for that needed criteria.

EPA Response to Issues

Can't encourage enough to not wait for the RTOC meeting. Try to deal with as soon as you can.

- request to provide training to EPA staff. All EPA staff are now required to take working effectively with tribal training. In the region they have training for anyone working with tribes.

Melody: would it be possible for tribes to see their training.

- Response: yes.

Request for technical training on grants.gov. Can do no less than to encourage and provide input.

- LAURA: encourages to participate on the consultation sessions on grants.gov.

Carlotta: Karuk had three months of extremely limited internet.

- Laura: believe there is a process to waive the process.

Melody: is grants.gov going to take the place of GAP online? .

- Laura: grants.gov will be port of entry for grant awards. GAP online will exist for GAP workplans.

Nina: in some cases, explorer has a virus on it.

- Laura: grants.gov is not a requirement right now.
- Jeff: someone from the team will forward information how you can get 100% recycled paper.

Melody: if you order from office depot and order over a certain amount you don't have to pay for shipping.

- Stephanie valentine: by next Friday.

CONFERENCE UPDATE:

- RTOC on Tuesday
- Conference on Wednesday, Thursday and Friday.
- Website is up. Register. Requesting that people register and get self-situated in hotel.
- Tuesday and 8 hr hazwoper refresher course.
- Encourage people to submit calls for topics.
- Still working on agenda right now. Will have drought panel there.
- Will have a poster session this year.
- Information is on website www.region9tribal-epaconference.com
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NTOC new representative is Melody Sees.

National Tribal Air Association (NTAA) -Wilfred Nabahe of Colorado River Indian Tribe (CRIT) agreed to be the representative.

Next Meeting is in Indio, California being hosted by the Cabazon Band of Mission Indians on July 29-31, 2014.

Adjourned at 4:58pm.