

REGIONAL TRIBAL OPERATIONS COMMITTEE CHARTER
U.S. Environmental Protection Agency, Region 6
And 66 Federally-recognized Tribes and Pueblos

(amended May 29, 2003, February 25, 2009)

I. BACKGROUND

On February 17, 1994, Administrator Carol Browner of the U.S. Environmental Protection Agency (EPA) established the National Tribal Operations Committee (NTOC) to assist EPA with the establishment of a national co-regulatory partnership. The intent of the NTOC was to implement the 1984 Indian Policy by providing a forum for enhancing tribal environmental protection.

Demonstrating commitment to Tribes, Regional Administrator Jane Saginaw established the Regional Native American Office (RNAO) in the winter of 1996 and began meeting with tribal leaders. Acting Regional Administrator Jerry Clifford hosted the first Annual Tribal Environmental Summit and two Tribal Policy Meetings in 1997 to continue the dialogue with the tribal leaders in Region 6. As a result of this dialogue, tribal leaders expressed a desire to establish a Regional Tribal Operations Committee (RTOC) to serve as a liaison between the NTOC, the Tribes, and Region 6 on national policy issues and to articulate tribal concerns to the Senior Managers and staff regarding regional issues.

In 2003, RNAO merged with the EPA Region 6 Environmental Justice Program to form the Office of Environmental Justice and Tribal Affairs (OEJTA). OEJTA enhances relationships with Tribal Nations and Environmental Justice communities by encouraging collaborative approaches to resolve difficult situations. OEJTA strives to ensure Tribal Nations and Environmental Justice communities are meaningfully involved in the development and implementation of laws, regulations and policies designed to protect the environment

These guidelines define the purpose, organization, membership, roles and responsibilities of the RTOC. The procedures will guide the RTOC in its relationship with Region 6 and with the NTOC.

II. MISSION

In a manner consistent with the 1984 Indian Policy and applicable environmental laws, regulations, policies, and guidance, the RTOC's mission is to:

- Assist EPA in meeting its trust responsibility to Tribes

- Emphasize the importance of protecting public health and the environment in Indian country
- Develop regional environmental strategies on issues of importance to the Tribes
- Review and make recommendations to EPA on the development of regional tribal strategies
- Identify processes for assessing the environmental problems and needs of the Tribes
- Maintain open dialogue among NTOC members, RTOC members, and all Tribes on relevant Region 6 environmental issues
- Enhance EPA Region 6's responsiveness to tribal needs
- Increase tribal access to EPA programs, funding, technical assistance, training, and information.

Individual Tribes may put forth issues through their tribal representative on the NTOC or the RTOC or through a government-to-government relationship with EPA. The RTOC does not preclude a Tribe from exercising its sovereignty and forming or continuing its own relationship with EPA.

III. GOALS

The goals of the RTOC are to improve the EPA Region 6 tribal program by:

- Enhancing government-to-government relationships between the EPA and all Tribes
- Building tribal environmental capacity and infrastructure to support implementation of ongoing tribal environmental programs
- Establishing ongoing environmental presence and programs for all Tribes
- Supporting delegation of EPA environmental programs to Tribes
- Fostering and encouraging a partnership between EPA and the tribal governments
- Increasing tribal knowledge and understanding on how to access EPA programs, expertise, databases, and resources
- Maintaining and promoting tribal environmental priorities and funding at annual EPA Region 6 tribal policy meetings
- Increasing the level of understanding among the Region's Senior Leadership Team regarding tribal governments, environmental programs, and roles Tribes have as co-regulators
- Institutionalizing the role of tribal programs within EPA programs and funding
- Assisting Tribes to enhance enforcement capability to ensure that everyone adheres to both EPA and tribal regulations.

IV. ROLES AND RESPONSIBILITIES

EPA Region 6 members shall;

- respect the unique trust status that Tribes have with the Federal Government;
- recognize all Tribes need to have equal opportunity to access environmental resources
- listen to the RTOC members and fully consider the perspective and views of the tribal members
- recognize and support tribal governments' authority to regulate the environment in their respective jurisdictions.
- work for the benefit of all Tribes in the environment arena;
- contribute to the exchange of ideas and recommend approaches that Tribes and EPA may take to improve tribal and federal operations

Tribal RTOC members shall:

- serve as advocates for tribal governments
- present a tribal environmental perspective
- communicate the unique trust status that Tribes have with the Federal Government
- work for the benefit of all Tribes in the environment arena
- contribute to the development of a regional tribal perspective on environmental needs
- promote strategies to ensure Tribes are treated fairly and equitably
- recognize and support the Tribes' inherent and delegated authority to exercise jurisdiction over their environments
- contribute to the exchange of ideas and recommend approaches that Tribes and EPA may take to improve tribal and federal operations
- determine the selection process, length of term, and representatives to serve on the national TOC

The creation of an RTOC does not supersede the established government-to-government relationship between EPA and individual Tribes.

V. MEMBERSHIP

1. EPA Membership

EPA Region 6 membership will include the Regional Administrator, the Deputy Regional Administrator, the OEJTA Director, and the Division Directors or their designees for a total of 10 Agency members. EPA Deputy Regional Administrator and Deputy Division Directors may serve as official alternates, when necessary. All RTOC

meetings, including the Tribal Caucus and the Full Membership sessions, may be attended by the EPA Region 6 Tribal Ombudsman.

2. Tribal Membership

Tribal membership includes tribal leaders, or their designee, and is determined by geographical area. Each federally-recognized Tribe may nominate a Tribe in its geographical area, as follows: **New Mexico** with 21 federally-recognized Tribes and Pueblos has 6 voting members; **Oklahoma** with 38 federally-recognized Tribes has 9 voting members; **Louisiana** and **Texas** with 7 federally-recognized Tribes have 2 voting members, (1 from the Louisiana Tribes and 1 from the Texas Tribes). There is no at-large voting member. The Tribal RTOC members will total 17, recognizing that a majority of 9 tribal members is needed at each RTOC meeting to constitute a quorum.

The tribal members will serve a two year term, beginning January 1st and ending December 31st of the second year, with the opportunity for renewable consecutive terms. Tribal leaders may indicate an official designee in writing to the Tribal and EPA Co-Chairs.

Yearly selection of RTOC tribal members to fill positions with expiring terms shall be the responsibility of the Tribes located within each particular state prior to the last RTOC meeting of the calendar year. For continuity purposes, both incoming and outgoing RTOC tribal members should attend the last RTOC meeting of the calendar year.

No more than two (2) consecutive meetings and/or conference calls can be missed. Failure to attend meetings or participate in conference calls may be grounds for removal as a tribal RTOC member. This decision can only be made by a majority vote of the RTOC tribal members.

If an RTOC tribal leader leaves office prior to the end of the term, his/her tribe may serve out the remainder of the RTOC term of office. Any RTOC representative may resign in writing to the RTOC Tribal Co-Chair.

Replacement of RTOC tribal members shall be the responsibility of the Tribes located within the State losing representation.

3. Officers

The Tribal officers of the RTOC will consist of a Co-Chair, Vice-Chair, and Secretary. The EPA Regional Administrator will serve as a Co-Chair and the Deputy Regional Administrator will serve in the absence of the Regional Administrator.

The selection of the RTOC tribal officers will be held at the last RTOC meeting of the calendar year. RTOC officers will be selected from the current RTOC tribal members that will be continuing to serve terms in the following calendar year. New RTOC officers will assume their duties at the first meeting of the next calendar year for a one-year term. Officer nominations may be made by current tribal RTOC members, during the RTOC meeting or by letter. Officers shall be elected by a majority vote of those current RTOC tribal members present. A majority of the tribal RTOC members shall constitute a quorum and is necessary to elect or remove officers. RTOC tribal members will conduct the election and announce the results.

a. Duties of Officers

The Tribal Co-Chair is responsible for overseeing all meetings of the RTOC, tracking tribal action items, ensuring that an agenda is prepared and distributed before the meeting commences, facilitating discussions on tribal issues, encouraging full participation, convening subcommittees of the RTOC to accomplish separate tasks or assignments that are essential to meet overall goals and objectives, maintaining close coordination and communication with the Tribes and the TOC members, and presenting the views and opinions of the RTOC at EPA regional and national meetings.

The Tribal Vice-Chair presides over the RTOC meetings in the absence of the Tribal Co-Chair and assumes and discharges all duties of the Tribal Co-Chair.

The Tribal Secretary will assist the Tribal Co-Chair in the accomplishment of his/her duties, produce meeting summary notes highlighting any action items, distribute the notes to the tribal RTOC members, and coordinate the logistics of the meeting location including lodging. One copy of the RTOC items will be provided to OEJTA to be distributed to Agency members.

The EPA Co-Chair is responsible for tracking Agency action items, resolving conflicts in regional approaches to tribal matters, encouraging full participation, advocating for the tribal position with Agency headquarters, and providing support to the RTOC's efforts. The Regional OEJTA Director will assist with meeting logistics and other areas, when needed. The EPA Co-Chair may, annually, make funds available to the Tribal Co-Chair for support services.

VI. MEETINGS

Meetings will be conducted three times a year, one of which will correspond with the Annual Tribal Environmental Summit. Special meetings or teleconferences may be called by either Co-Chair. Failure to attend meetings or participate in conference calls may be grounds for removal as a tribal RTOC member. RTOC members agree to abide by the decisions made in their absence. If they cannot attend, members have the responsibility of presenting their opinions through their official delegate.

The location of the meetings will rotate between Indian Country and the EPA regional office, offering an opportunity for any Tribe and Region 6 to host the meetings. EPA will provide compensation to the tribal RTOC members to the fullest extent possible.

The conduct of the meeting will be governed by tribal customs and practices. A majority of the tribal RTOC members shall constitute a quorum for all members and for voting. The lack of a quorum at a meeting will not prevent those present from proceeding with discussions on environmental issues that impact the Tribes. Monthly conference calls shall be encouraged and may be utilized when specific issues arise that need attention. RTOC officers will be responsible for coordinating such calls, with logistical assistance provided by OEJTA. Any action items will be recommended to the full RTOC at the next meeting.

Tribal organizations (e.g. NTEC, OETA, ITEC) may participate, provide organizational and technical assistance for RTOC meetings, but cannot vote or represent the Tribes in Region 6. The meetings may be open to all EPA Region 6 employees, all tribal officials, members, and staff, and invited guests or guest speakers approved by the RTOC.

1. Order of Business

The order of business for each meeting shall include: invocation prayer or song by a tribal elder; welcome, introduction, and roll call; discussion/approval of notes from previous meeting; discussion of environmental issues; progress reports; and other business including the location and date of the next meeting; and adjourn. Recommendations and actions made by the RTOC members will reflect the spirit of consensus to the extent possible.

The meetings can provide time allocations or opportunities for the RTOC tribal members to meet separately in executive session, if necessary, and with the full RTOC in joint session, at the discretion of the RTOC Tribal Co-Chair. Specific topics and/or programmatic presentations by EPA members will be included as requested by the RTOC Tribal members.

VII. SUBCOMMITTEES AND WORK GROUPS

Either Co-Chair may establish subcommittees or work groups when necessary to facilitate the purpose and goals of the RTOC. A lead person will be designated to oversee the subcommittee or work group. The lead person will be responsible to coordinate the assigned tasks and draft items for the next RTOC meeting to enhance understanding, discussion, and resolution.

VIII. SELECTION OF NTOC REPRESENTATION

Members of the RTOC shall, by majority vote, select two tribal representatives of the RTOC to serve as delegates to the National Tribal Operations Committee (NTOC) for a one-year term with an option for renewal. This vote shall take place at the last RTOC meeting of the calendar year with the representatives' terms beginning January 1st of the following year.

In this same manner, two additional NTOC alternates shall be selected by the RTOC. NTOC delegates must represent different states within Region 6 (i.e., two NTOC delegates may not be chosen from New Mexico).

1. NTOC Member Responsibilities

NTOC delegates must attend quarterly NTOC meetings and be prepared to advocate issues of interest for Region 6 tribes; alert the national NTOC members of tribal concerns or issues; , and present to the national TOC the views of Region 6 Tribes. . If NTOC members are unable to attend a meeting, they shall notify their alternate to attend in their place. NTOC delegates and their alternates are required to participate on conference calls, as they arise.

NTOC delegates will, to the best of their abilities, inform the RTOC of NTOC agenda items in advance of scheduled meetings. This action will enable RTOC to develop position statements or reach consensus on issues that require regional advocacy. NTOC members shall also report and disseminate quarterly NTOC meeting minutes to the RTOC.

No more than two (2) consecutive meetings/conference calls can be missed. Failure to attend quarterly meetings or perform the duties of this position may lead to official retraction of NTOC representation. This decision can only be made by a majority vote of the RTOC tribal members.

IX. AMENDMENTS AND REVIEW

As the RTOC's roles and responsibilities evolve, changes to this document may be necessary. Any proposed amendments must be submitted in writing to the RTOC Tribal Co-Chair to be distributed by the Tribal Secretary to all members and placed on the agenda for discussion at the next RTOC meeting. Amendments may be proposed at any time and the charter will be reviewed annually.

CERTIFICATION

We hereby certify that the foregoing Regional Tribal Operations Committee Charter was revised at a duly called meeting of the Regional Tribal Operations Committee, held on the 25th day of February, 2009, where a quorum was present.

Bernardin's Chavari for

Tribal Co-Chair

December 2, 2009

Date

Al Sunday

EPA Co-Chair

12/2/2009

Date