

Winter RTOC Action Items
Tribal Caucus

#	WHO	ISSUE	STATUS
1	EPA	ETEP - Who is the signatory? (x3) What are EPA and Tribes responsibilities?	Addressed in Laura Ebbert's presentation on 1/27/16.
2	Southern Arizona	GAP online - technical difficulties - inputting information -log out and log in to save information; cumbersome for many tribes. Additional training for small glitches.	Grantees will talk with Project Officers on specific issues
3	Eastern California	Move GAP Online to Environmental Exchange Network (Flat File Submission)	Laura Ebbert will provide updates, but this is being talked about at headquarters

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Winter RTOC Action Items
Tribal Caucus

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4	Navajo Nation	Uranium leaks are affecting surface water and ground water @ Navajo (maybe GKM or Uranium 5yr Plan) - Economic Impacts	<p>There are 523 abandoned uranium mines on the Navajo Nation. The Navajo Nation and EPA prioritized 46 mines, including 3 mines with the potential for water impacts. One of these priority mines is in the Cove watershed, which includes approximately 50 mines, about half of which are funded by the \$1 billion Tronox settlement. An initial round of sampling was conducted last year in the Cove watershed, and snow-melt sampling is happening now. Another one of these priority mines is included in the Navajo Environmental Response Trust, and a detailed assessment, including water sampling, will begin this summer. EPA has issued an enforcement action for the last priority mine with the potential for water impacts. EPA will set up a meeting with Ronnie Benn to further discuss.</p>

Winter RTOC Action Items
Tribal Caucus

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5		<p>No replication of Flint, Michigan (Lead Poison exposure) in Indian Country, what has EPA learned in this issue - how this affects persons of color.</p>	<p>Concerns were raised about the potential for an incident similar to what happened in Flint, Michigan (lead exposure from drinking water) in Indian Country. As noted in the recent letter from Joel Beauvais (Acting AA for EPA's Office of Water) to tribal leaders, EPA is taking actions to address instances where water systems have current exceedances of the Lead action level and to identify and correct any deficiencies in implementation of the Lead and Copper Rule. In terms of sharing lessons learned from the Flint situation, EPA Region 9 can provide an update on lessons learned and the Agency's ongoing efforts to protect the public from lead in drinking water at an upcoming RTOC meeting. In addition, to address a concern raised about water source changes that may impact tribal drinking water systems, EPA Region 9 is working with States to evaluate and, if needed, revise existing protocols for the notification of "consecutive" systems, both non-tribal and tribal, when changes in water quality occurs in the primary system. Non-tribal systems are required to notify the State upon changes in source or treatment to minimize simultaneous compliance issues and to undertake appropriate monitoring to maintain water chemistry in the distribution system and to prevent any potential downstream impacts.</p>

Winter RTOC Action Items
Tribal Caucus

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6	Northern California	401 Process with hydroelectric dams on Hoopa lands - why are these waivers continuing if it means reduced quality water for Hoopa	On Wednesday, March 30th, in response to a request from Ken Norton and other tribal reps, EPA Headquarters and the National Tribal Water Council discussed CWA 401 certification process and enforcement. In addition, the Regional Administrators for Regions 9 and 10 have directed staff and managers to meet with both Oregon and California, and subsequently with basin stakeholders, to identify how we can collectively accelerate TMDL implementation and support restoration in the Klamath watershed, particularly in the upper basin where significant nutrient reductions are needed.

Winter RTOC Action Items
Tribal Caucus

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7	Northern California	401 WQS not being upheld by EPA not being upheld by States and Tribes	On Wednesday, March 30th, in response to a request from Ken Norton and other tribal reps, EPA Headquarters and the National Tribal Water Council discussed CWA 401 certification process and enforcement. In addition, the Regional Administrators for Regions 9 and 10 have directed staff and managers to meet with both Oregon and California, and subsequently with basin stakeholders, to identify how we can collectively accelerate TMDL implementation and support restoration in the Klamath watershed, particularly in the upper basin where significant nutrient reductions are needed.
8	Central California	Emergencies -Fires - Erosion affecting tribes in Central California - set up emergency response workgroup call. And GAP activities that can support emergency preparedness work	EPA can support Clear Lake area Tribes with implementation of erosion control measures through the CWA 319 program and monitoring water quality impacts of post-fire erosion through the CWA 106 program. PO Contact: Audrey L Johnson; johnson.audreyL@epa.gov.
9		Who EPA will have as the EPA Co-Lead on Emergency Preparedness Workgroup?	The new EPA co-lead is Lance Richman. Lance works in the Superfund Division's Emergency Prevention and Prevention branch. Contact: Richman.Lance@epa.gov, (415) 972-3022
10		Tribes would like to integrate ordinances into ETEPs where they make sense - help tribes feel like ETEPs are more useful	Addressed in Laura Ebbert's presentation on 1/27/16.

Winter RTOC Action Items

Tribal Caucus

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11		Developing/Having ETEPs, leads to believe that there would be more project based funding. Wanting to ensure that funding is not merely project based.	
12	Southern California	Tribal Environmental Plan - happy with the plan, and was not seeing how it would be incorporated within the ETEP umbrella document.	A Tribal Environmental Plan (TEP) is a comprehensive document that identifies issues a Tribe is facing, what steps may be taken to resolve those issues, and prioritizes those issues for action. It is the most important piece of the ETEP, which includes a list of regulated facilities generated by EPA, a discussion of EPA's role in Indian Country, and a cover memo that meshes EPA's role and the Tribe's priorities (the Cover Memo).
13	Southern California	How is EPA compiling capacity development of Tribes? Can tribes review those developed capacities?	EPA is still in the process of developing Performance Measures for GAP and identifying how tribal capacity will be measured in the future
14		Lack of data sharing in Salton Sea; not enough data collection - see a commitment of involvement from EPA	CA Issues work group will work on this issue. Salton Sea discussion is scheduled for April 14, 2016.
15	Southern California	Lake Henshaw - data sharing is difficult; funding from State has not been available. Looking for support on the issue	Gail Louis and Danielle Angeles of the EPA R9, Water Division, Tribal Section are having ongoing communication with the John Parada, Los Coyotes regarding this issue and will be discussed, in greater depth, at their upcoming site visit on April 12.

Winter RTOC Action Items
Tribal Caucus

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16	Nevada	Ensure there is enough funding for Project Officers to do proper site visits	The ability for Project Officers and Grants Specialists to travel to conduct site visits varies by program and Division. As Congress has decreased the Agency's operating funds, one of the more significant cuts has been made to sources that fund staff travel. This item has been noted to Region 9 senior leaders as an area of concern to tribal grantees.
17	Nevada	GAP Training for New Enviro Directors, would like to have this training again -having prior to or after RTOC meetings	We will have a training at or around the Summer RTOC Meeting (August 9-11, 2016)
18	Nevada	EPA Engage Nevada Tribal Leaders by having EPA attend ITCN Managers Meeting	ITCA and Nevada Tribes are finalizing a date for this event.
19	Nevada	ITCN - Nevada Tribes receiving lower GAP funding levels than in previous years - concern raised.	EPA is evaluating historical funding data and will make a presentation to Nevada tribes at the meeting identified in item 18.
20		Facilitation Training for the RTOC	Update will be provided by EPA at the Spring RTOC Meeting
21	Northern California	Water Quality Assessment Report - impairments listed, request to add bridges to the impairments list.	The CW Workgroup Tribal Co-Lead, Ken Norton and Data Team Lead, AudreyL Johnson will be including this discussion on the agenda for a future CW Workgroup call. Currently, EPA is determining if there are other impairments which should also be considered for addition into the WQAR R9 Template. Contact: Audrey L Johnson johnson.audreyL@epa.gov if there are any questions.
22		Performance and progress - how is EPA tracking progress on tribal activities and reporting them.	Laura Ebbert has committed to share with Tribes anything shared with AIEO

Winter RTOC Action Items
Tribal Caucus

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23	Full Caucus Meeting	E-Enterprise and E-Network issues (a) explore increase of tribal reps to 3 (b) invite Andy B. to future RTOC to share info	E-Enterprise will be talked about briefly on Thursday, April 14 by Bryanna Vaughn, in addition, HQs representatives will be available to participate at the Summer RTOC Meeting. Also, the Exchange Network Tribal Governance Group (EN TGG) will be hosting a 1.5 hour webinar on the Exchange Network & E-enterprise for the week of May 2nd. The best fit for them May 4th from 12 – 1:30 pm, but they would like input from R9 Tribes on date/time.
24	Full Caucus Meeting	Review ETEP Template Document to identify any revisions. EPA will make appropriate changes and revise updated flowchart on web	All Tribes & EPA

Winter RTOC Action Items
Tribal Caucus

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25	Full Caucus Meeting	Follow-up from Indian Programs Office to two Southern California tribes to address specific access issues with GAP Online	<p>Concerns were raised about the potential for an incident similar to what happened in Flint, Michigan (lead exposure from drinking water) in Indian Country. As noted in the recent letter from Joel Beauvais (Acting AA for EPA's Office of Water) to tribal leaders, EPA is taking actions to address instances where water systems have current exceedances of the Lead action level and to identify and correct any deficiencies in implementation of the Lead and Copper Rule. In terms of sharing lessons learned from the Flint situation, EPA Region 9 can provide an update on lessons learned and the Agency's ongoing efforts to protect the public from lead in drinking water at an upcoming RTOC meeting. In addition, to address a concern raised about water source changes that may impact tribal drinking water systems, EPA Region 9 is working with States to evaluate and, if needed, revise existing protocols for the notification of "consecutive" systems, both non-tribal and tribal, when changes in water quality occurs in the primary system. Non-tribal systems are required to notify the State upon changes in source or treatment to minimize simultaneous compliance issues and to undertake appropriate monitoring to maintain water chemistry in the distribution system and to prevent any potential downstream impacts.</p>

Winter RTOC Action Items
Tribal Caucus

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26	Full Caucus Meeting	EPA will talk to states to ensure that tribes are notified if a state utility changes their source water in order to avoid situation similar to what Flint, MI is experiencing.	Concerns were raised about the potential for an incident similar to what happened in Flint, Michigan (lead exposure from drinking water) in Indian Country. As noted in the recent letter from Joel Beauvais (Acting AA for EPA's Office of Water) to tribal leaders, EPA is taking actions to address instances where water systems have current exceedances of the Lead action level and to identify and correct any deficiencies in implementation of the Lead and Copper Rule. In terms of sharing lessons learned from the Flint situation, EPA Region 9 can provide an update on lessons learned and the Agency's ongoing efforts to protect the public from lead in drinking water at an upcoming RTOC meeting. In addition, to address a concern raised about water source changes that may impact tribal drinking water systems, EPA Region 9 is working with States to evaluate and, if needed, revise existing protocols for the notification of "consecutive" systems, both non-tribal and tribal, when changes in water quality occurs in the primary system. Non-tribal systems are required to notify the State upon changes in source or treatment to minimize simultaneous compliance issues and to undertake appropriate monitoring to maintain water chemistry in the distribution system and to prevent any potential downstream impacts.

Winter RTOC Action Items

Tribal Caucus

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27	Full Caucus Meeting	Uranium leaks are affecting surface water and ground water at Navajo Nation and Navajo Nation would like to see an economic impact study completed. EPA will set up a meeting to discuss the issue.	There are 523 abandoned uranium mines on the Navajo Nation. The Navajo Nation and EPA prioritized 46 mines, including 3 mines with the potential for water impacts. One of these priority mines is in the Cove watershed, which includes approximately 50 mines, about half of which are funded by the \$1 billion Tronox settlement. An initial round of sampling was conducted last year in the Cove watershed, and snow-melt sampling is happening now. Another one of these priority mines is included in the Navajo Environmental Response Trust, and a detailed assessment, including water sampling, will begin this summer. EPA has issued an enforcement action for the last priority mine with the potential for water impacts. EPA will set up a meeting with Ronnie Benn to further discuss.
28	Full Caucus Meeting	There will be follow up discussions held with Ken Norton of the Hoopa Valley Tribe to further clarify what can be done at the regional level regarding the water quality impairments due to 401 certification waivers. In addition, discussions are being held with the Region 10 office with regard to activities going on in the Klamath because it is a bi-regional watershed.	On Wednesday, March 30th, in response to a request from Ken Norton and other tribal reps, EPA Headquarters and the National Tribal Water Council discussed CWA 401 certification process and enforcement. In addition, the Regional Administrators for Regions 9 and 10 have directed staff and managers to meet with both Oregon and California, and subsequently with basin stakeholders, to identify how we can collectively accelerate TMDL implementation and support restoration in the Klamath watershed, particularly in the upper basin where significant nutrient reductions are needed.
29	Full Caucus Meeting	An emergency response workgroup call will be set up to assist Central CA tribes in understanding emergency preparedness needs due to potential flood and erosion impacts	EPA can support Clear Lake area Tribes with implementation of erosion control measures through the CWA 319 program and monitoring water quality impacts of post-fire erosion through the CWA 106 program. PO Contact: Audrey L Johnson; johnson.audreyL@epa.gov
30	Full Caucus Meeting	EPA will continue to be involved with the Southern California tribes on Salton Sea issues.	There will be a multi-agency listening session on Thursday, April 14 from 8-10 AM.

Winter RTOC Action Items
Tribal Caucus

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31	Tribal Leaders Meeting	<p>Brandy (REDWOOD VALLEY) Q: About exchange network grant – will it be around? We just received a grant. Laura Ebbert response: EPA is invested in exchange network;</p>	<p>Exchange network grants are solicited in the Fall of each year. The last response to the RFP was due November of 2015. Here is a link to the website for more info: https://www.epa.gov/exchangenetwork.</p>
32	Tribal Leaders Meeting	<p>David (ELKO) – EPA has involvement is NACRA and historical preservation areas in NV. We had a big dialogue with tribes in NV and it was a great meeting; Long Canyon – NV is an arch mecca and it huge; Rossi Mine purchased through private land (not federal) and so they started running into arch artifacts. Now we have tribal monitors on the ground bc their arch folks were overlooking things. Cliff attended a tribal monitors training to get people out there on the ground and point folks to what these things look like – arch facts. Biggest concerns – how significant areas like Rossi Mine are and all of these artifacts are being overlooked. Zelda Jonny? – she was out there making visits an discovered these areas on a second visit to the Rossi Mine. We need more information on this.</p>	<p>Carter Jessop of the Environmental Review Section reached out to Clifford Banuelos of the Elko Band of Western Shoshone regarding their increased interest in participating in the NEPA process for mining projects occurring in their area. He provided information regarding EPA’s role in the NEPA process, access to past NEPA letters for reference, and resources for additional information on the National Environmental Policy Act, it’s requirements and the opportunities for public and tribal engagement. Mr. Banuelos was also interested in EPA’s ability to support or offer training for the tribe on NEPA and/or general environmental compliance.</p>

Winter RTOC Action Items
Tribal Caucus

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33	Tribal Leaders Meeting	Cliff (ELKO) – May be covered at a session later today here. One of EPA related to address is this: ETEP process or building capacity – should Te Moak house the indian environmental program? EPA should work with me on looking at whether we should have a Te Moak rather than the four bands.	We can support both Te Moak and the Bands so long as they do not overlap.
34	Tribal Leaders Meeting	Mervin (PLPT) – Washoe tribe is made of up several tribal councils. I don't know if it's the same structure logistically on a government level but Washoe has one grant.	Washoe is able to receive grants for both communities and overarching council but they have opted for the latter.
35	Tribal Leaders Meeting	David (ELKO) – Fracking is an issue too. I want to stress that you cant force things under water. Reference to work in OK. Mike:	No Action Required
36	Tribal Leaders Meeting	Mervin (PLPT) – Geothermal exploration never finished; tried to advise folks but money drives our interest sometimes as opposed to traditional interest	Will discuss this later today at RTOC (1/27/16)
37	Tribal Leaders Meeting	Brandy (REDWOOD VALLEY) – Why cant EPA oversee fracking when it involves water, chemicals and (other impacts that result – earthquakes, etc)?	Decided by Congress that EPA does not regulate fracking. We regulate oil production, disposal of water from the fracking process.

Winter RTOC Action Items
Tribal Caucus

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38	Tribal Leaders Meeting	Mervin (PLPT) – Man-made decisions that create man-made laws is the issue; Congress shouldn't restrain EPA from taking care of our resources. Fundamental issue.	No Action Required
39	Tribal Leaders Meeting	Miles (BIG SANDY) - Tree mortality rates for pine; occurring in the national forest but there might be some in fee land. We are right at the border.	No Action Required
40	Tribal Leaders Meeting	Miles (BIG SANDY) – Looking for money to work with USFWS and Sierra Nev Conservancy to use tribal employees to teach them how to work the land.	No Action Required
41	Tribal Leaders Meeting	General: Site Visits – time requirements with Tribes	Each program has their own service standards. For more information, contact Laura Ebbert (GAP), Gail Louis (Water), or Stephanie Valentine (Air).
42	Tribal Leaders Meeting	Mervin (PLPT) – GIS; looking forward to incorporating that type of data analysis through GAP.	EPA knows of folks who can help with this and may invite Cheryl to a future RTOC.