

U.S. EPA REGION 9 REGIONAL TRIBAL OPERATIONS COMMITTEE CHARTER

(July 28, 1995, As Amended June 11, 1996; September 2, 1998; February 2, 2000; July 25, 2001; October 26, 2004; February 7, 2005; April 24, 2007; May 13, 2015; and, October 24, 2016)

The Regional Tribal Operations Committee (RTOC) is the Regional counterpart to the Tribal Operations Committee (TOC). The RTOC does not replace direct Tribal to EPA relationships, nor does it constitute a forum for consultation between the federal government and Tribes. The RTOC recognizes and respects the existing Tribal jurisdiction, cultural, political and social continuity of Tribes.

Mission

The RTOC's mission is to:

- Assist EPA in meeting its trust responsibility to the Tribes;
- Provide support for the Tribal Program in the Region;
- Strengthen Tribal environmental and public health programs;
- Enhance responsiveness to Tribal needs;
- Assist with the communication and information exchange between Tribes, the TOC and EPA

Goals

The RTOC's goals are to:

- Enhance government-to-government relationships between all Tribes and EPA.
- Promote and strengthen the inherent ability and continuing efforts of Tribes to manage programs to provide environmental and public health protection.
- Assist EPA in meeting the principles of the EPA Indian Policy of 1984.¹
- Foster and encourage a partnership, promote understanding, and bridge gaps between Tribal and EPA government cultures, and build relationships to improve environmental and public health protection on Indian lands.
- Demonstrate leadership in Tribal government and federal agency relations by developing strategies and recommendations for Regional resources and operating policies, based on Tribal and EPA experiences.

¹ EPA Indian Policy of 1984

Scope

To further the above listed goals, the RTOC will focus on three key areas:

(1) Policy and Management of EPA Indian Programs. The RTOC will review and make recommendations on the development of Regional strategies for all Indian Program activities. It will advise on Regional policies and priorities and make recommendations on the deployment of Regional resources for Tribal Program activities.² It also will provide input on how national budget and resources should be allocated.

- The RTOC will review and make recommendations on Regional program activities that impact the environment of Indian lands, including Agency initiatives that may impact Region 9 Tribal Program operations.
- The RTOC will review and make recommendations on the development, modification, and implementation of Agency policies.
- The RTOC will help identify a process for assessing the environmental problems and needs of Tribes, and filling information gaps.³
- The RTOC will identify and promote opportunities for the training, education, recruitment, and hiring of American Indians and Alaskan natives in careers of environmental and public health protection.⁴

(2) Coordination/Communication among Tribes, EPA, and other Agencies. The RTOC will serve as a communication forum for Tribal activities, ensuring effective, two-way communication between the Tribes in the Region and EPA. It will coordinate with other federal agencies and establish and strengthen communication among Tribes to disseminate information and ideas and solicit feedback. RTOC facilitates direct communication between and among tribes and EPA both individually and collectively. Protocols will be developed to achieve this. RTOC members, both from tribes and from the EPA, support the concept of an environmental presence at each Tribe.

As a coordinating body, the RTOC will provide a mechanism to identify issues, elevate them to the appropriate level, and coordinate program activities to increase effectiveness. The RTOC will provide a direct linkage to the TOC, in order to facilitate effective communication between the Tribes, Region 9, the TOC, and the American Indian Environmental Office.

In order to maintain the integrity and strength of the RTOC as an advisory body, any documents or letters (including drafts) developed for the RTOC Co-Chair signature, or as designated by the Tribal Caucus must be reviewed and vetted by the Tribal Caucus electronically or in person before being sent.

² The RTOC as a body will not participate in individual application review and awards of EPA grants or contracts.

³ The RTOC also supports increasing the number of EPA trips to Tribal lands to identify Tribal needs.

⁴ This encompasses opportunities in Tribal and federal agencies.

(3) **Education.** The RTOC strives to ensure EPA Regional staff is educated about Tribes and Indian Programs. It helps raise awareness of the diversity among Tribes and promote a better understanding of jurisdiction and sovereignty. It also works to ensure that Tribes are informed about EPA activities and available resources (from EPA or other sources). The RTOC educates EPA about specific barriers and needs among Tribes in the Region.

Structure and Membership

The RTOC is a working committee of EPA and Tribal personnel co-chaired by an EPA representative and a Tribal representative. EPA designates its RTOC representatives through internal mechanisms. All Tribes within Region 9 are considered members of the RTOC. However, for organizational purposes, Tribal representatives to the RTOC shall be selected through government-to-government communication, by Tribal leaders in various geographical areas within Region 9. The Tribal RTOC representatives, in turn, will select representatives to the National Tribal Operations Committee (NTOC).

I. EPA Representation

- A. There shall be a total of 18 EPA representatives reflecting all EPA programs.
- B. EPA representatives to the RTOC are identified by the Regional Tribal Program.
- C. The Director of the Land Division, or his designee, shall serve as the EPA Co-Chair of the RTOC.

II. Tribal Representation

- A. Composition: All Tribes within Region 9 are considered members of the RTOC Tribal Caucus and their designees are welcome at all meetings. However, for organizational and voting purposes, there shall be 24 Tribal representatives, elected by specific geographic area:
 - 1. Ten (10) from California: three from the northern area, three from the central area, three from the southern area, and one from the eastern area.
 - 2. Seven (7) from Arizona: two from the northern area, two from the central area, two from the southern area and one from Navajo Nation.
 - 3. Seven (7) from Nevada: these will be at-large representatives.
- B. Tribal Representative Selection Process: EPA will issue a letter to Tribal leaders requesting nominations from the Tribal leaders in each area. Tribal leaders may nominate anyone they feel is qualified and will be committed to the RTOC, whether a representative of their own Tribe or another. Nominations will include the name, Tribal affiliation and a short statement of qualifications of the nominee. EPA will put nominations on a formal ballot for vote by Tribal leaders within the particular area from which each representative will be chosen. This process is further detailed in section G below. In RTOC elections, the person, and not the Tribe the person represents, is chosen.

- C. Alternates: Each elected RTOC representative must designate, in writing, an alternate to attend meetings if the representative is unable to attend. Alternates will be selected using the representatives' Tribal or agency protocol, and will be submitted to the RTOC Tribal Co-Chair within three months of the date of the letter confirming their election or appointment. If no alternate is selected within three months by the representative, the nominee with the next highest number of votes will be selected to serve in the alternate position. If there are no additional nominees to serve as an alternate, the Co-Chair and the Tribal Caucus will select an alternate.
- D. Term, Attendance, and Vacancy: Each RTOC representative will serve a two-year term. If an RTOC representative misses three meetings within a two-year period (without sending an alternate), they will automatically step down. A position vacated for this reason or otherwise (i.e., resignation) will then be filled, at or before the next RTOC meeting, as follows: (1) by the person's designated alternate, or if there is no alternate or the alternate is unable or unwilling to serve, (2) by the person from the same geographic area who received the second highest number of votes in the last election, or (3) by a person elected by the tribes in the geographic area represented by the vacant position, with assistance from EPA or RTOC if requested. The new representative will serve out the remainder of the term, and be subject to the same rules as any other elected representative, including attendance and naming an alternate. If the vacancy occurs within 90 days of the next regular election, the position may remain vacant until filled through the regular election process. Any special election will follow the same rules as outlined in Section 11(B).
- E. NTOC Representatives: Tribal RTOC representatives will select from among themselves (state by state) Region 9 representatives. (*and their alternates to the NTOC. Alternate NTOC representatives need not be elected RTOC representatives*). The NTOC Charter states that all regions will be allowed one alternate, the alternate for Region 9 will be the RTOC Tribal Co – Chair.
- F. Tribal Co-Chair: Tribal RTOC representatives shall select from among themselves, in accordance with section G below, the Tribal Co-Chair of the RTOC, whose term of office shall run concurrently with his or her term as a representative. Tribal RTOC representatives shall also select from among themselves, in accordance with Section G below, a Co-Chair alternate to conduct meetings if the Tribal Co-Chair is unable to perform duties.
- G. Election Process; Timeline: (for use in election years)
1. Second Friday in November - EPA to send letter to Tribal leaders asking for nominations (attach nomination forms with RTOC representative duties and responsibilities).
 2. Second Friday in December - Nominations must be postmarked by this date.

All nominees to be asked if they are willing to serve a 2-year term.

3. Second Friday in January - EPA to send out cover letter and formal ballots.
4. Second Friday in February - Votes must be postmarked by this date.
5. Second Friday in March - Ballots to be counted and elected representatives to be notified and sent Congratulatory letters by Tribal Section (TS). TS to send announcement of newly elected RTOC representatives to all tribal leaders and environmental directors. Letters will include notification that the new Tribal Co-Chair and NTOC representatives will be selected at the April meeting, and request that nominations be directed to the sitting Tribal Co-Chair prior to or at that meeting.
6. Spring RTOC Meeting RTOC Co-Chair, NTOC delegates and alternates to be selected by newly elected RTOC representatives during the Tribal Caucus. Selections to be verbally announced at the RTOC meeting.
7. By the deadline given by the TS, not earlier than April 1 - Co-Chair elect submits grant application to EPA.
8. Spring & Summer RTOC Meetings - Co-Chair elect attends meetings and learns duties from existing Co-Chair. Existing Co-Chair serves out term until September 30.
9. October 1 - Co-Chair begins 2-year term and EPA awards new grant.

III. Subcommittees

As a working committee, the RTOC may appoint subcommittees or workgroups, composed of EPA personnel and Tribal designees, as needed, to develop issues or accomplish tasks. Each workgroup shall have a Tribal lead and an EPA lead, if appropriate, and shall function in accordance with RTOC Workgroup Operating Procedures.

Meetings

At a minimum, the Committee will meet four times a year. Additional meetings will be scheduled if necessary, contingent upon available funds. Meetings will be conducted by the co-chairs, including facilitation and management of the agenda

RTOC members should make every effort to attend meetings. If they are absent, they will abide by the decisions made in their absence. If they cannot attend, members have the responsibility of presenting their opinions through their alternates or other means (e.g. letter). Recommendations and actions will be made by RTOC representatives and will reflect the spirit of consensus to the extent possible.

Meetings will be open to EPA employees, and all Tribal members and staff. Tribal leaders are invited to attend. Persons other than EPA staff or Tribal members and staff may be invited to attend at the discretion of the Committee.

Administration

EPA will staff the RTOC. EPA will arrange RTOC meetings; distribute information, agenda & minutes to members; provide support for particular projects or tasks. Tribal representatives on the RTOC will be compensated for their participation to the fullest extent possible.

Charter Amendment and Review

As the RTOC's role and responsibilities evolve, it may amend this document as necessary. This charter will be reviewed at least annually; any proposed amendments shall be developed by the Tribal Caucus or Charter Workgroup, disseminated for review and input by all the Tribes in Region 9, and voted upon at the next RTOC meeting.