

**WINTER 2017 RTOC MEETING, FULL RTOC
WEDNESDAY, JANUARY 25, 2017
VIRTUAL MEETING VIA ADOBE CONNECT**

OPENING PRAYER

Opening prayer given by Co-Chair Alan Bacock

EPA OPENING REMARKS

ALEXIS STRAUSS, REGION 9 US EPA ACTING REGIONAL ADMINISTRATOR

Acting Regional Administrator Strauss opened by encouraging the RTOC to continue to avail themselves by bringing forward questions and concerns they may have. She stated the lines of communication between the RTOC and EPA and the relationships that have been cultivated are critical to the success of EPA's role in tribal environmental programs. This communication allows the EPA to convey tribal accomplishments with pride and communicate tribal needs that need to be moved forward. During times of uncertainty the EPA wants to continue to support tribes and adapt to changing environments and needs. There is a new transition team of 10 individuals that have been sworn in as EPA employees. They are learning about the work that the EPA currently does.

The largest part of the EPA budget is the grants and contracts that go out to territories and tribes. The new administration wanted to put these grants and contracts under review. That review has resulted in some changes but state and tribal grants will be moving forward. All of the normal infrastructure with program grants will stay in place and be moving forward. Competitive grants are still being reviewed and some feedback will be expected by the end of the week.

About thirty rules will be implemented in certain EPA programs. Largely these rules will not affect tribes and mostly pertain to Clean Air Act and other air standards at the national level.

Q: Are Toxic Substances Control Act (TSCA) toxics rules impacted by this?

EPA Response: The implementation of TSCA as amended by Congress continues. A whole bunch of air standards and state standards but nothing specific to TSCA.

Q: What will a review of 2017-2018 work plans for GAP, 106 and 319 look like?

EPA Response: GAP grant awards will not be initiated for a few months. EPA is in the process of reviewing work plans for GAP and this will continue. Section 106 proposals are due by Feb 2, at which time these proposals will be reviewed and are not expected to be awarded until summer 2017.

EPA is under a continuing resolution for the budget which runs through the end of April. Grants and contract awards will continue with the budget they have. After April, EPA will receive a new budget or another continuing resolution. Be mindful what is in the total amount the EPA receives the national level. This level dictates if the EPA be able to continue to be able to award

grants at the current funding levels. Headquarters will find out on about first week of May about a future budget or continuing resolution.

Q: How will the communication silence directive from the President affect communication between tribes and EPA?

EPA Response: The incoming team is learning about EPA's outreach and communication practices as they pertain to external press/media releases and this order was put in place so this new transition team can make this adjustment to these practices. This order will not affect the dialogues between EPA and tribes.

INTRODUCTIONS/ROLL CALL

Laura Ebbert called roll for EPA representation

Alan Bacock called roll for Tribal representation

ISSUES REVIEW FROM FALL RTOC

RUBEN MOJICA AND LAURA EBBERT, LAND DIVISION, REGION 9, US EPA

RTOC Issue: How can tribes receive funding for air quality monitoring equipment?

EPA Response: Tribes can apply for a Clean Air Act grant through EPA annual funding announcement process. If a tribe is selected and it's appropriate, EPA can fund monitoring equipment. Proposals for FY18 tribal Clean Air Act funding are due February 20th. Tribes can contact Lauren Maghran or Sara Bartholomew in the Air Division for more info. The Tribal Air Monitoring Support (TAMS) center in Las Vegas can also assist tribes with air monitoring, and in some cases, loan tribe's air monitoring equipment.

RTOC Issue: Request presentation on ocean desalination at a future RTOC.

EPA Response: EPA has gathered some information related to desalination and are proposing a presentation at an upcoming RTOC meeting, possibly at the annual Tribal/EPA conference. This would be the best location due to the fact that EPAs desalination experts are located in Los Angeles. Contact Gail Louis if you have questions.

RTOC Issue: Central California tribes request additional information on the permitting dashboard. This issue was later clarified to have more questions related to the FAST Act.

EPA Response: EPA will provide further information on FAST Act at the January RTOC in a presentation by Connell Dunning, Air Division.

RTOC Issue: Tribes are frustrated with the process for renewal of RCAC circuit writer agreements and the lapse in service that occurred.

EPA Response: EPA has been transitioning out of the old contract to a new contract, again with RCAC. Awarding the new contract took longer than expected. EPA apologizes if the tribes experienced any lapse in service and ask affected tribes to contact EPA program staff with any specific issues. The new contract will be good for 5 years.

Q: What is the relationship with the separate business associated with RCAC that is working on the contracts with them, why is this business not located within Region 9 and is there a preference requirement for awarding these contracts?

A: The water contracts in Region 9 go out through competitive procurement processing. RCAC partnered with a different contractor in their bid. EPA used to be able to utilize sole source

procurement with RCAC. Under the agencies interpretation of the Federal Acquisitions Regulations this is no longer possible.

NTOC REPORT AND UPDATES

ALEX CABILLO, (AZ), PAULA BRITTON (CA), & CLIFFORD BANUELOS (NV)

The December meeting was held in Albuquerque. The National Tribal Caucus (NTC) was able to meet with JoAnn Chase, Andrew Baca and Jane Nishida. Topics included a discussion on the presidential transition, a report out on EPA government to tribal government relationships, tribal trust responsibility, co-regulator status with EPA/States and the relationship with NTC and Environmental Council of States (ECOS). An in-depth discussion was held on the primary role of ECOS and how the tribes will fit in into this. NTC discussed drafting a transition document on how tribes will fit into that role and the possibility of attending the ECOS meeting in April. Discussed administration transition within American Indian Environmental Office (AIEO). NTC would like to make recommendations on next AIEO director and will possibly be looking to the National Congress of Native Americans (NCAI) for assistance on that. A discussion was held to possibly create a petition of support for Kevin Washburn, former Assistant Secretary on Indian Affairs. There was also a presentation on the Region 6 budget matrix.

NTC elections were held at the December meeting. Evaristo Cruz was elected as the new Chairman and Paula Britton was elected as the new Vice Chairperson for the NTC. Gerald Wagner was re-elected as Secretary for the NTC

The main focus of the meeting was regarding ECOS. It was mentioned that the NTC should approach the ECOS representatives for each state for a face to face meeting. There needs to be emphasis on the collaboration and cooperation that the NTC has with the different media groups such as the National Tribal Water Council (NTWC), The National Tribal Air Association (NTAA), the Tribal Science Council, the Tribal Pesticide Program Council (TPPC) and others. For the past three years the NTC has had audience with ECOS representatives at National Tribal Operation Committee (NTOC) meetings. This is largely in part that Jane Nishida in the past worked with states and ECOS through the EPA. In that respect the NTC also wants emphasize the collaborative relationship it has had with ECOS. There is a need for states and tribes to work together across the nation in these problem areas. ECOS needs to take a more proactive approach to the checks and balances of addressing their needs and fulfilling the needs of tribes. NTC in the past has heard requests from states asking what NTC can do for states, it is time for NTC to see what states can do for tribes.

As it pertains to tribal/state relationships, if tribes are going to consent to the withdrawal of certain resources or to development, the protection from complete destruction of tribal air and water resources must be honored and supported in return.

A discussion with Andrew Baca was held regarding ETEP's and how future funding will be ETEP based. There was a conversation on where people were on their ETEP's and what type data were contained within these documents.

Meeting minutes for the December NTOC meeting were submitted to RTOC via RTOC email.

TRIBAL CAUCUS REPORT

ALAN BACOCK, RTOC TRIBAL CO-CHAIR

The Tribal Caucus meeting was conducted with the virtual format being utilized. This worked well for emergency purposes but failed to completely meet the requirements necessary for a successful meeting. There were limitations in networking and the conversations with other groups that are helpful to create a solid meeting platform with the most effective outcome.

Report from geographic regions, workgroups and national partnerships were given. Issues were forwarded to EPA and a response will be given later in the meeting.

Three Region 9 Tribal Caucus members were selected to fill the following positions:

Emergency Response Workgroup Tribal Lead- Clifford Banuelos, Elko Band

E Enterprise Leadership Council Representative- Lisa Gover, Campo Tribe

Region 9 Tribal Caucus Co-Chair alternate- Alex Cabillo, Hualapai Tribe

The budget matrix was discussed and a presentation from Evaristo Cruz will happen at a future meeting. Discussion was held about the administrative transition, how to move forward and learn how tribes can effectively express their needs to the new administration. In addition, an Ad-hoc transition document team was formed to address these transition issues.

FIXING AMERICA'S SURFACE TRANSPORTATION ACT (FAST Act)

CONNELL DUNNING, AIR DIVISION, REGION 9, US EPA

<https://www.transportation.gov/fastact>

EPA Environmental Review Section within the Enforcement Division is responsible for reviewing and commenting on Environmental Impact Statements prepared by other federal agencies.

On December 4, 2015, President Obama signed the FAST Act. It is the first law enacted in over ten years that provides long-term funding certainty for surface transportation, meaning States and local governments can move forward with critical transportation projects, like new highways, transit lines, railroads, bridges, public transportation and policies overseeing these infrastructure items. There is also an item on other provisions related to federal permitting.

Title 41

Title 41 is not related to transportation and created new entity called the Federal Permitting Improvement Council. The Federal Permitting Improvement Council oversees cross-agency federal permitting and review. Title 41 will expand scope of projects for which review can be accelerated. Title 41 applies to non-transportation infrastructure sectors such as energy generation or manufacturing. Title 41 also created a new authority for centralizing the collection of fees. Within Title 41 the processes that have been identified for coordination between federal agencies and various stakeholders for projects contain an element that would provide a financial burden to those regulatory agencies that are not able to meet agreed upon timelines. So if funding recipient is not able to complete a project within the time line as identified, they will owe money back to the government.

Permitting Dashboard

<https://www.permits.performance.gov>

Within the FAST Act there is a charge for federal agencies to identify priority projects. The Permitting Dashboard is an online tool for Federal agencies, project developers and interested members of the public to track the Federal government's permitting and review process for large or complex infrastructure projects. A quick explanation on how to navigate the Permitting Dashboard site is given. There are no projects on the site where EPA is the lead federal agency. If you have questions about a project on the site, the lead agency will be listed.

Q: *What do tribes that have funding through the Federal Highways Administration or BIA have to anticipate with FAST Act? Who would be a point of contact for Federal Highways Administration?*

EPA Response: Send any questions regarding specific programs to dunning.connell@epa.gov and she will try to get the contact information necessary.

Comment: 6 month term is too short to do an assessment. If you don't make the initial comment period, your comments will probably not be heard. Having that contact information could be very valuable.

Q: *Could a tribal project get on that board?*

EPA Response: Yes, there are certain thresholds to be placed on the permitting dashboard, one of which is a certain dollar amount.

MINOR NEW SOURCE REVIEW: GAS DISPENSING FACILITIES PERMIT

LISA BECKHAM AND ROBERT GUTIERREZ, AIR DIVISION, REGION 9, US EPA

<https://www.epa.gov/caa-permitting/tribal-nsr-permits-region-9>

The NSR program through air permitting protects air quality by ensuring that new and modified industries are as clean as possible. An air permit is a legal document specifies what construction is allowed and how the source must be operated, limits emissions of air pollutants, operating parameters, monitoring, recordkeeping, and reporting.

Air permitting on Tribal lands

EPA has historically implemented the permitting program for major sources in attainment areas, under the Prevention of Significant Deterioration (PSD) program. Previously, there was not a mechanism for permitting other types of sources on Tribal lands

In 2011, EPA finalized permitting requirements for new and modified: minor sources on Tribal land; and major sources in non-attainment areas.

What is a minor source?

Generally, a minor source has the potential to emit (PTE) an air pollutant in amounts less than the major source thresholds but equal to or greater than the minor source thresholds.

Examples of typical minor sources: gas stations, auto body shops, print shops, hospitals/schools with small boilers or engines, hot mix asphalt plants, rock crushing operations.

General Permits/Permits by Rule

Registration is required for all existing minor sources of air pollution on Tribal lands with there being no cost to register. This is a onetime registration with no need to renew annually. After

September 2, 2014, new minor sources and modifications at existing sources must obtain preconstruction permits.

General Permits and Permits by Rule allow for a streamlined permitting process for new or modified minor sources and certain common source categories. General Permits and Permits by Rule are optional. Can apply for site-specific minor NSR permit.

Coverage for a Minor Source under a General Permit or Permit by Rule

EPA Region 9: General Permit for Gasoline Dispensing Facilities in California

EPA is proposing a General Permit for new or modified gasoline dispensing facilities (GDFs), such as gas stations, on Tribal lands within the boundaries of California. A General Permit provides a streamlined process for meeting the permitting requirements under the Federal Indian Country Minor New Source Review (Minor NSR) program. Gas stations constructed or modified on or after September 2, 2014 may be required to obtain a preconstruction permit. A national permitting option for gas stations is already available, called a "Permit by Rule," but is not available for gas stations within California

EPA Region 9 developed this separate permit to consider the unique air quality issues facing areas inside California being that California has some of the worst air quality in the country. The Minor NSR program applies to sources that construction or modify on or after September 2, 2014

Comment dates

Draft General Permit is available for public comment through Tuesday, January 31, 2017.

Public comment period began September 30, 2016, and extended after a request from NTA was received. EPA held a webinar for tribes on October 12, 2016 and presented at the Tribal Conference on October 25, 2016. Public held a public hearing at EPA Region 9 in San Francisco on November 30, 2016.

Comments may be submitted to R9AirPermits@epa.gov.

Q: Do these requirements only apply to USTs and not ASTs?

EPA Response: There are very few stations applying for this permit that have above ground storage tanks. If you have ASTs and need an air permit, you would need a site specific permit.

Does this mean that new stations could be denied permit in Non-Attainment areas?

EPA Response: No it does not. As long as you're installing stage 2 you will be granted a permit. If you're not eligible for general permit, apply for site specific permit.

Q: Does this apply to just California or does it apply to Arizona and Nevada also?

EPA Response: This action only applies to California. Nevada and Arizona would use the National Permit Rule.

Comment: Tribes in California are non-contributors to the ozone problem. There should be an option for California Tribes to participate under the waiver rule. This is an option for all other 49 states and for tribes outside of California. In regard to control measures on new vehicles, having two control measures for new vehicles along with inspection facilities create a larger problem. There was also no meaningful consultation with tribes on this rule.

EPA Response: Consultation letters were sent out to tribes who would be impacted by this program. No response for tribal consultation was provided.

Comment: The consultation letters should have had more information contained within them to help tribes better understand if they should consult on this issue.

EPA Response: Please review the draft tribal consultation document and share how EPA can do better in its consultation efforts.

Q: Would like to hear a response regarding Stage II vs. ORVR systems

EPA Response: ORVR requires new cars to be equipped with emissions control that work while filling up a vehicle at the gas pump. When ORVR is so widespread that Stage II would not add additional emission reductions, the permit would need to be re-evaluated.

Q: This permitting requirement also appears to be opening a back door for states to regulate tribal land?

EPA Response: This is a federal action, states cannot enforce or regulate.

REGION 9 SMALL DRINKING WATER SYSTEM ACTION PLAN

MIKE MONTGOMERY AND THANNE BERG, WATER AND ENFORCEMENT DIVISION, REGION 9, US EPA

Action Plan will focus on improving quality of drinking water for those systems that are challenged in implementing all the provisions of the Safe Drinking Water Act. A public water system (PWS) is a water system that is regulated by the Safe Drinking Water Act under federal law. A PWS needs to have 15 connections to meet federal requirements. 321 tribal drinking water systems are regulated under the Safe Drinking Water Act. 90% of them are defined as small systems. The definition of a small system is a system that serves less than 3300 people. The Action Plan has the objective of improving access to safe drinking water in schools and Tribal communities within Region 9 by reducing exposure of the toxins arsenic and lead in these water systems

Compliance status as of august 30, 2016

Arsenic

10 systems with MCL exceedance

Lead

5 systems with action level exceedance (no MCL)

What is in the Action Plan?

A brief walkthrough on the Action Plan is presented highlighting items as improving capacity to comply by providing technical assistance, provide training on optimal corrosion control treatment, using enforcement tools when appropriate and the Lead in Schools Initiative. EPA could possible provide infrastructure funding through Drinking Water Tribal Set-Aside. Improve data collection with improved sample siting plans. EPA-funded TA providers are assisting with this.

Enforcement

An overview is presented of the different means of enforcement, tracking and prioritizing systems that are not within compliance.

Lead in School Drinking Water Initiative

An overview is presented of why there is a need for this initiative, current actions happening with this initiative and next steps that will be taken in the future.

In regards to lead in schools initiative: A request for lists of schools have been requested by USEPA, is this request for Tribal Schools or schools on Tribal Land only or also schools in municipalities that may be conducting compliance monitoring in their system ?

Q: Can EPA provide a map where violating systems are located within Region 9?

EPA Response: USGS has done some mapping of arsenic prevalence in aquifers. EPA might be able to provide more in on systems that are not operating under the min level arsenic. Lead in systems is almost always from the water systems. Whether its fixtures, plumbing, or connections. Arsenic concentration may be local to a specific area and might not be obtained from USGS.

Q: How would we know if our children's schools are participating in a lead monitoring activity?

EPA Response: Target schools for this initiative will be schools that are being served by water systems regulated by EPA. If EPA is doing sampling, they will provide the names of those schools. If the EPA is not doing the sampling, then we will try to work with states to provide the names of schools they may be sampling.

Q: About lead in schools initiative, San Pasqual does not have a tribal school but we do have an education department and building that provides after school tutoring and summer programs for kids on the reservation. Would this fall under the schools initiative?

EPA Response: Please contact Dave Albright with specific questions since the answer to the question maybe complicated. However, priority sampling will take place in tier one facilities such as head start, preschool and grade school.

Q: Does the testing agency have a QAPP?

EPA Response: Yes that would be IHS and they have a collection QAPP.

Q: Lead and copper sampling sites are also determined by construction date of buildings, dwellings or facilities. Why wouldn't schools that meet this criteria also be required to be sampled within PWS?

EPA Response: It is one of the flaws in the rule that the agency is looking into trying to correct.

Q: Given that Lead and Copper Samples are generally "First Draw Samples", being that older schools are notorious for having leaking infrastructure how will these samples be representative?

EPA Response: The goal in terms of capturing data is to try and identify the normal behavior within that system. The first thing that comes out will give you a reading on the exposure level. If it is leaking the reading be lower.

ACTION ITEM: Water Division will be sending out more info on how to access naturally occurring arsenic map from USGS.

EPA RESPONSE TO TRIBAL CAUCUS REPORT

1. Questions about instructions from new presidential administration to EPA about media availability. Would this affect tribal/ EPA communication?

EPA Response: There are 10 newly appointed employee's within EPA. EPA was asked to not communicate with media outlets about grant reviews and contracts. This was also the same for the EPA Website and they are crafting a message for the public affairs directors. This will not affect the informal or formal government to government, tribal/EPA relationship.

2. Can EPA describe how they were affected in programs through past administrations?

EPA Response: Many important docs for guiding EPA relationships with tribes came after Carter. The EPA budget is now on a continuing resolution with tribal funding. Congress can either

extend or replace this budget. It is important for RTOC and NTOC to engage those critical forms of support to tribal programs.

3. Has the Trump transition team communicated how climate change funding will be affected by the new administration? What do tribes do that have language relating to climate change activities in their work plans?

EPA Response: No, they have not yet. Region 9 staff does not have any new direction with activities that are ineligible in a work plan. That information will be shared immediately with RTOC so it can be shared more broadly. It is probably not foreseeable that these changes will occur during a continuing resolution so work plans that are coming forward under the grant deadline should continue to reflect tribes current top priorities.

4. Central CA Tribes want to know what EPA's thoughts on potential new administrator are.

EPA Response: EPA's new transition team of 10 people come from such places as Washington, Idaho and D.C. There are still roles yet to be played out. Don Benton a former legislator is the head of the transition team. Of those 10, a couple have worked at EPA before as attorneys. Their roles are currently unknown to Region 9 staff.

5. Need tech assistance from EPA in reviewing Salton Sea air quality mitigation program documents.

EPA Response: Air Division staff led by Sara Bartholomew will connect with Alberto Ramirez to coordinate a call on this topic.

6. Numerous issues with air quality and activities regarding the Salton Sea.

EPA Response: Sara Bartholomew will connect with Alberto Ramirez, Shawn Muir, John Parada, Mervin Wright Jr. and Salton Sea Workgroup.

7. Citing of nuclear waste facilities.

EPA Response: There will be a response from Enforcement Division to the Tribal Caucus after this meeting.

8. EPA enforcement of storm water rules in Indian country. (Navajo Nation)

EPA Response: EPA has performed inspections of the storm water program at Navajo Nation and will continue to do inspections/enforcement. While under continuing resolution things will not change until April. Contact Thanne Berg EPA if there are any questions about specific inspection sites.

9. Nevada and Central CA tribes had question about ETEP. Will FY19 funding only be available to tribes with ETEP? Will ETEP determine funding levels for individual tribes?

EPA Response: ETEPs must be finished by end of FY18. Tribes need to get started early and there is help available. Starting in FY19 GAP awards will only be given to tribes with an ETEP, unless they are brand new to the GAP program. Costs that are placed in ETEPs will not determine value of a grant award. There is no formula for creating award values based on ETEP information.

Q: How often does a tribe update their ETEP?

EPA Response: Every 4 years, unless it's a PPG then that is every 5 years.

Q: What does an ETEP look like for consortium?

EPA Response: Tribal consortium are not required to have an ETEP.

Q: What is the current progress of TEP review and approval?

EPA Response: The approval process is happening now and will be an ongoing process.

10. Torres Martinez frustration over denial of solid waste implementation funding for the tribe. Facing challenges such as regulating pollution sources such as non-tribal members coming onto reservation lands and dumping.

EPA Response: Still no success in gaining approval for those activities. Will set up a follow up call to the call held in December. With the opening in OITA that is currently vacant tribes should think about how to get their input heard.

11. Tribes would like to see an increase in Section 319 funding. The more tribes that come on board with funding levels under continuing resolution, the less funding is available for tribes.

EPA Response: There are two pots for 319 funding. The first pot is base funding for tribes. Tribes will receive either 30k or 50k based on size of reservation. The remaining funding goes into the competitive pot for restoration projects. The more tribes that receive base funding, the smaller the competitive pot becomes. EPA would encourage tribes to advocate for a larger amount of funding.

12. Clean Water Act 106 has not been allocated yet for FY17, how much will be available for FY18?

EPA Response: Working under continuing resolution so allocations were based on previous allocations. When new budget comes out will follow up as needed.

13. Today is deadline for competitive 319, what is deadline for base 319?

EPA Response: The deadlines are staggered and the base 319 proposals are due February 24, 2017.

14. Multiple issues about tree death in Sierra due to pesticide and drought.

EPA Response: Reaching out to Watershed Office and hope to work on a NPS program and to help tribes address this issue.

STRENGTHENING RTOC

ALEXIS STRAUSS, ACTING REGIONAL ADMINISTRATOR, REGION 9, US EPA

Clancy Tenley opened by talking about a time when government programs were less plentiful, government to government communication was lacking and EPA did not have the accountability to tribes they have today. He talked about past accomplishments of Region 9 tribes during an era of expanding EPA budgets and the Tribal/EPA relationships that were forged during those times.

Now tribes must adapt to changing times once again whether it is for rapid expansion or movement in the opposite direction.

Questions for strengthening RTOC

Do you think the mission and goals of RTOC are still relevant now?

Are we arranging the meeting in a way that to be value added?

Are we making best use of our time together?

Are we providing for meaningful dialogue?

Are we identifying and delivering content useful and relevant to the goals of the RTOC?

Co-Chair Bacock – As we look forward to the new administration we want to ensure that RTOC is the most effective body for tribes in moving forward. The establishment of RTOC built a great avenue for building relationships with EPA and tribes as Clancy Tenley mentioned. Tribes around the region have found the same kind of value with EPA through RTOC. We would like to continue having strong a strong voice and strong partnerships with EPA at the regional and national level.

The Tribal Caucus is presented with the Strengthening RTOC State Assessment Worksheet. This worksheet will help to identify the needs of the Tribal Caucus. The worksheet consists of an evaluation of the mission and goals of RTOC, structure, format and frequency of meetings and the content of those meetings. This data will remain anonymous. It will be aggregated and returned to the Tribal Caucus.

Full RTOC discussion is held about re-engineering the worksheet so the needs of the RTOC could be better expressed and met. Worksheets will be forwarded to Alan Bacock and he will forward them to EPA.

EPA ADMINISTRATION TRANSITION DISCUSSION

JEFF SCOTT, DIVISION DIRECTOR, LAND DIVISION, REGION 9, US EPA

During an administrative transition headquarters prepares briefing materials for the President's team. The EPA transition team are trying to get their hands around media communication and other pivotal decisions to be made as incoming employees. The EPA transition team leader is Shannon Kenny. The acting Region 9 Administrator is working with the landing team. There will be many changes in the months to come. Jeff Scott does not expect to see a large boost in resources. Tribes should continue to do their work, EPA will continue to do their work. Keep communicating with Project Officers. EPA will do its part to explain the interests and needs of tribes to the transition team. It is important for tribes to keep reporting and meet all deadlines that are still in place. It is important to keep up the strong performance that tribes have had with their EPA programs. Tribes should stay in touch with their political people and contacts, which is the best means to ensure the needs of tribes will be met. Stay vigilant and make your opinions heard.

The EPA looks forward to providing some useful information to the incoming EPA administration and the Trump Administration to help ensure the needs of tribes continue to be met.

It is important that quarterly reports for grants are done in a timely fashion for the incoming administration. Incoming management seems to almost always want to see what has been accomplished that is current and what are the prospective accomplishments on the horizon.

Q: Can Region 9 Tribes be informed by EPA about any serious changes that could affect tribes?

EPA Response: EPA will try their best to keep tribes informed of this kind of information as soon as they can share it.

Co-Chair Bacock: Yesterday during the transition discussion the Tribal Caucus formed an Ad Hoc Committee to develop a document to be forwarded to the new administration. This document should share themes and media specific issues that are important to the incoming

administration, while displaying tribal needs in the midst of that. It is important that this message reach the ears and the hearts of the people moving into these positions.

It would be important for each tribe to come up with a summary explanation of the foremost programs and the progress that these programs have made for them. There is a message part and a method part. Be nimble with the message and use multiple methods to complete objectives. It is important that the message part be delivered quickly, because the window to deliver the message can be short. Some of these people in the new administration have either little understanding or a misperception of tribal people. Providing a basic understanding of tribal life in tribal communities would be beneficial. They should know that while programs for states were expanding rapidly, tribes were receiving little in comparison to states and as a result flourished more slowly.

US Mexico border team recently held a training on how to construct a message that is persuasive to an audience. It entailed doing an analysis of your audience to optimize the type of message you wish to send and an analysis of the process that most people use to digest information.

Co-Chair Bacock requests the assistance from EPA in receiving the type of training mentioned previously, so that the Tribal Caucus could better share their environmental concerns.

Based on this conversation and the NTC reports there seems to be a couple actions that might be useful. First, a briefing between RTOC leadership and the new Regional Administrator. Design or identify trips or visits for new leaders to display successes or challenges within Indian country as an example of need.

Co-Chair Bacock thinks it would be beneficial to look at the various methods of reaching out through different media. Also, a discussion should be held with ADHOC transition team.

Items to discuss include: Develop different media for briefing new leadership, scoping potential trips or visits for new leadership, potentially plan a trip to meet with administration in D.C. and planning a training/workshop to maximize effectiveness of message delivery.

EPA Announcements:

Grants are still moving, tribes can draw down, keep working and moving forward.

GAP online will be down for maintenance Jan 27 2:00pm to Jan 28 2:00pm

RTOC election ballots have been sent out. Send them to Ruben Mojica by March 17.

REVIEW NEW ISSUES/ACTION ITEMS

RUBEN MOJICA AND LAURA EBBERT, LAND DIVISION, REGION 9, US EPA

- **ACTION ITEM:** Tribes would like to hear directly from Federal Highways Administration regarding the FAST Act and Tribes would like to invite Shawn Oliver, the Federal Highways Administration Representative to the annual conference to speak on the FAST Act.
- **ACTION ITEM:** Lionel Puhuyesva would like to know more about the effects of dermal contact with arsenic. Mike Montgomery will gather this information and it will be shared back on this by February 14.

- **ACTION ITEM:** Request for geographic information about sites that were not complaint with arsenic MCL. Mike Montgomery will gather this information and it will be shared back on this by February 14.
- **ACTION ITEM:** Identify ways to improve understanding by tribes of consultation offers that EPA issues. Motivated individuals should provide input to the consultation workgroup. EPA has an interest in becoming better at this part of their job. Provide that input to Lionel Puhuyesva
- **ACTION ITEM:** Encourage NTC to have an in person meeting in Indian country with OITA political leadership to give them a perspective on issues tribes face.
- **ACTION ITEM:** Information requested on air quality impacts on tree mortality. Sara Bartholomew will respond to this.
- **ACTION ITEM:** Additional questions for Strengthening RTOC Worksheet will be submitted to Laura Ebbert. She will finalize the worksheet and send it back out. The finalized worksheets will be due back by February 14.
- **ACTION ITEM:** Ad Hoc group will work on development of materials for briefing new administration.
- **ACTION ITEM:** Ad Hoc group will work on scoping potential trips for the new leadership to attend.
- **ACTION ITEM:** Bridget Coyle and Laura Ebbert will work on finding ways to support a training/workshop for tribes to maximize effectiveness of message delivery.

CLOSING COMMENTS

RTOC CO-CHAIRS

Closing comments made by EPA Acting Co-Chair Alexis Strauss and Tribal Co-Chair Alan Bacock.

ANNOUNCE NEXT RTOC MEETING LOCATION/ADJOURN

Spring 2017 RTOC Meeting – May 2-4, 2017, EPA Headquarters San Francisco

Summer 2017 RTOC Meeting – August 22-24, 2017, Peach Springs, AZ Hualapai Reservation