

Summary Report of Tribal Consultation and Engagement for the Clean Water Act Section 401 Certification Rule

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Background

This consultation report was prepared to support the U.S. Environmental Protection Agency (EPA or “the Agency”) rulemaking to finalize the revisions to the “Clean Water Act Section 401 Certification Rule.”

Executive Order 13868: *Promoting Energy Infrastructure and Economic Growth*, dated April 10, 2019, directed the EPA to engage with States, Tribes, and federal agencies and evaluate whether the Agency’s guidance and regulations, including the existing certification framework, should be updated or clarified to facilitate efficient permitting processes and increase regulatory certainty. The EPA’s current certification regulations (codified at 40 CFR part 121) have not been updated since they were promulgated in 1971. After concluding its review of existing guidance and regulations, the Executive Order directed the EPA, as appropriate and consistent with law, to issue new guidance to States, Tribes, and federal agencies within 60 days of the Executive Order, and propose new section 401 regulations within 120 days of the Executive Order.

Pursuant to Executive Order 13868, the Agency released updated section 401 guidance on June 7, 2019. Concurrent with the release of the new guidance, the EPA rescinded the 2010 document titled *Clean Water Act Section 401 Water Quality Certification: A Water Quality Protection Tool for States and Tribes* (Interim Handbook). The 2010 Interim Handbook had not been finalized, nor had it been updated or revised since its release in 2010, and therefore no longer reflected the current case law.

On August 22, 2019, the Agency published a proposed rule, titled “Updating Regulations on Water Quality Certification,” which was intended to make the Agency’s regulations consistent with the current text of the CWA section 401, increase efficiencies, and clarify aspects of the CWA section 401 certification process that have been unclear or subject to differing legal interpretations in the past. 84 FR 44080. After the proposed rule was published, the EPA continued to meet with tribal governments throughout and after the public commenter period. The Agency has now published a final rule, “Clean Water Act Section 401 Certification Rule.”

The Agency undertook Tribal consultation for the rulemaking to modernize the CWA section 401 certification process consistent with the terms of the *EPA Policy on Consultation and Coordination with Indian Tribes*. The Tribal consultation process described in this report follows the EPA’s policy for implementing Executive Order 13868 on Consultation and Coordination with Indian Tribal Governments. The Agency’s Tribal consultation and coordination efforts took place both prior to the Agency’s proposal and after the Agency signed the proposed rule.

As part of its pre-proposal outreach efforts, the Agency initiated the Tribal consultation and coordination process before proposing the rule by sending a “Notification of Consultation and Coordination” letter on April 22, 2019, to all 573 of the Tribes federally recognized at that time (see final rule docket). In addition to two national Tribal webinars held on May 7, 2019 and May 15, 2019, the Agency convened four staff-level meetings with individual Tribal governments. The EPA continued outreach and engagement with Tribes and sought other opportunities to provide information and hear feedback from Tribes at national and regional Tribal meetings after the end of the consultation period. The Agency also worked to honor consultation requests from individual Tribes. In all of these activities,

the Agency solicited input on the revisions to the existing CWA section 401 regulations and considered this input as it developed the proposed rule.

Following the signature of the proposed rule, the Agency continued Tribal consultation with individual Tribes requesting consultation and continued to coordinate with Tribes on the proposed rule, gathering their input and feedback. The Agency held two Tribal listening sessions on September 5, 2019 and September 16, 2019. The Agency considered this feedback, as well as Tribal comments received during the public comment period and during individual Tribal consultations, as it developed the final CWA section 401 rule.

This report provides a summary of the consultation and outreach conducted with Tribes during the entire rulemaking process. It also summarizes key themes from input provided by participants at Tribal meetings, and the letters received during the Tribal consultation period. The summary is intended to provide a description of the wide range of comments received from Tribes and Tribal organizations as part of this consultation process.

Consultation and Engagement

Overview of the Agency's Efforts

On April 22, 2019, the EPA Assistant Administrator David Ross sent the "Notification of Consultation and Coordination" letter inviting Tribal officials to participate in consultation and coordination events and provide comments to the EPA. The letter, available in the docket for the final rule, was sent to all 573 of the Tribes federally recognized at that time. The EPA also notified Tribes of the consultation via the Tribal Consultation Opportunities Tracking System on the EPA Tribal Portal (<http://tcots.epa.gov>). The letter invited Tribal leaders and designated consultation representatives to participate in the Tribal consultation and coordination process. The Agency held two identical informational webinars concerning this matter for Tribal representatives on May 7, 2019 and May 15, 2019. The EPA consulted with Tribes to gain an understanding of Tribal views on a forthcoming proposed rulemaking to revise the CWA section 401 regulations and to solicit comments on potential provisions of a proposed rule.

The EPA engaged Tribes at two national or regional tribal meetings (i.e., Regional Tribal Operations Committee) in addition to two individual Tribe-specific informational webinars during the consultation period. Additionally, during the consultation period, the EPA hosted two webinars that included both States and Tribes in April 17, 2019 and May 8, 2019. The first webinar, held on April 17, 2019, covered the Executive Order, the EPA's next steps, and solicited feedback from States and Tribes consistent with the Executive Order. The EPA held a second follow-up informational webinar for both States and Tribes on May 8, 2019. Questions and recommendations from the webinar attendees are available in the pre-proposal docket (Docket ID No. EPA-HQ-OW-2018-0855). On May 8, 2019, the Agency participated in the National Tribal Water Council's monthly call.

The consultation period formally ended on May 24, 2019; however, the Agency continued outreach with Tribes as well as consultation with individual Tribes throughout the rulemaking process. In addition, the Agency welcomed individual requests for consultation and continued to accept Tribal consultation comment letters after the close of the consultation period. The EPA provided similar background

information and questions at each meeting during the consultation period. Representative copies of the presentations from the pre-proposal outreach period are available in the docket.

From the close of the consultation period to signature of the proposed rule on August 8, 2019, the Agency engaged Tribes in additional national and regional teleconferences or meetings. For example, after the close of the consultation period and prior to signature of the proposed rule, the EPA held four Tribe-specific staff-level consultation teleconferences. The EPA also participated in the June 12, 2019 National Tribal Water Council call and the July 17, 2019 EPA Region 6 Tribal Operations Committee meeting.

Following the Signature of the Proposed Rule

The proposed rule “Updating Regulations on Water Quality Certification” was published in the Federal Register on August 22, 2019. 84 FR 44080. The public comment period spanned sixty days and closed on October 21, 2019. Following the publication of the proposed rule, the Agency continued Tribal engagement efforts. The Agency participated in two regional State and Tribal Wetlands meetings and three National Tribal Water Council (NTWC) calls, as well as six Regional Tribal Operations Committee (RTOC) meetings and one National Tribal Operations Committee meeting.

The Agency hosted two Tribal Co-Regulator Forums in September 2019, while continuing to participate in the monthly National Tribal Water Council calls in August and September 2019, and the Tribal Lands Environment Forum August 21, 2019. During that period, after the signature of the proposed rule and while continuing to meet directly with the Tribes requesting consultation, as discussed above, the Agency participated in five Regional Tribal Operations Committee meetings – Region 1, Region 6, Region 8, and Region 10. The EPA Region 1 Tribal Operations Committee meeting was on August 14, 2019; the EPA Region 8 Regional Tribal Operations Committee meeting was on September 26, 2019; the EPA Region 6 Tribal Operations Committee meeting was on October 1, 2019; the EPA Region 10 Tribal Operations Committee meeting were on October 17, 2019 and December 12, 2019.

Following the close of the comment period on the proposed rule, the Agency continued engaging with Tribes and Tribal organizations via listening sessions or updates at regional and national Tribal meetings and through direct engagement. The EPA continued to meet with individual Tribes requesting consultation or engagement, holding staff-level meetings with eleven (11) Tribes, and leader-to-leader level meetings with two Tribes post-proposal. In total, throughout the rulemaking process, the EPA had seventeen (17) meetings with individual Tribes requesting consultation, holding leader-to-leader level consultation meetings with two individual Tribes, and staff-level meetings with thirteen (13) individual Tribes (note the Agency met with some Tribes more than once).

Throughout the rulemaking process, the Agency communicated with all Tribes who requested consultations. Consultation was not done with eight Tribes who had requested consultations in writing, despite the Agency’s attempts to coordinate for follow-up based on requests. Five of the Tribes requested consultation in their pre-proposal letters and three of the Tribes requested consultation post-proposal. The webinars and additional national or regional Tribal meetings held throughout the rulemaking process provided these Tribes with various opportunities to provide feedback. The Agency

corresponded multiple times with all of the Tribes requesting consultation, and made every effort to consult with Tribes who expressed interest in participating in the rulemaking process.

As required by section 7(a) of E.O. 13175, the EPA's Tribal Consultation Official has certified that the requirements of the executive order have been met in a meaningful and timely manner. A copy of the certification is included in the final rule docket.

The "Tribes Requesting Consultation" section of this report provides supplementary information about staff-level and leader-to-leader meetings with Tribes. The full list of meetings is available in Appendix A.

Summary of Events

In summary, since April 24, 2019, the EPA has:

- Held two national-level informational Tribal webinars during the consultation period on May 7, 2019 and May 15, 2019.
- Held one national-level webinar for Tribal, State, and local governments on May 8, 2019.
- Held one national-level public webinar in August 2019.
- Held listening sessions during the proposed rule public comment period:
 - o Tribal Lands and Environment Forum in August 2019 at the Palm Springs Convention Center in California; and
 - o Tribal Co-Regulators Forums, both in September 2019, at the Salt Lake City Public Library and at the US EPA Region 5 office in Chicago.
- Participated in National Tribal Caucus calls, as well as the in-person National Tribal Operations Committee on December 12, 2019.
- Participated in monthly National Tribal Water Council calls in May 2019, June 2019, August 2019, September 2019, and February 2020 to update Tribal representatives on the rulemaking and to answer questions.
- Participated in the following Regional Tribal Operations Committees meetings:
 - o Region 1: Teleconference held on August 14, 2019;
 - o Region 6: Teleconferences held on July 17, 2019 and October 1, 2019;
 - o Region 8: Teleconference held on September 26, 2019;
 - o Region 9: In-person meeting held on May 22, 2019; and
 - o Region 10: In-person meetings held on October 17, 2019 and on December 12, 2019.
- Gave section 401 rulemaking updates at the following tribal conferences: Region 10 Tribal Wetland Workgroup Meeting (October 8-9, 2019), Region 5 State and Tribal Wetland Meeting (October 15, 2019), Region 4 State and Tribal Wetland Meeting (October 22, 2019).

Note that the Agency also discussed the Executive Order during the April 11, 2019 National Tribal Caucus meeting and hosted the first webinar for the States and Tribes on April 17, 2019 to begin outreach related to the rulemaking for the Clean Water Act section 401 certification process.

A total of 64 comment letters were submitted during the Tribal consultation process that began April 22, 2019 and the public comment process that began August 22, 2019. Ten of the Tribes and one of the Tribal organizations submitted two or more comment letters, including two Tribes that submitted their

second consultation comment letter following a staff-level meeting with EPA after the end of the consultation period. The total count includes letters from:

- 43 individual Tribes:
 - o 36 signed by Tribal leaders; and
 - o Seven letters signed by Tribal staff.
- Nine state/regional/national Tribal groups or fish commissions that represent multiple Tribes.

In additions to the 64 comment letters, the Agency received eight separate letters requesting government-to-government consultation or staff-level engagement from Tribes who submitted comment letters. This is discussed further in the “Tribes Requesting Consultation” section. Of the 52 Tribes and Tribal organizations providing consultation comments, most of the Tribes or Tribal organizations (39) were from the Western United States in the Arid West. The remaining were from the Midwest (eight), the Mountains and Great Plains (two), the Southeastern United States (one), and a national Tribal group (two). Tribes that provided consultation comments were located in EPA Regions 5, 6, 8, 9, and 10. The full list of Tribes and Tribal organizations that sent the Agency written consultation comments is also provided in Appendix A.

Key themes provided by participants at the Tribal meetings and webinars, and the letters received during the Tribal consultation period are summarized in this report. All letters submitted are publicly available in the docket. In addition, some Tribes and Tribal organizations submitted comments on the proposed rule to the docket during the public comment period. All comments from the public comment period are summarized in the Final Rule Preamble and/or the Response to Comments Document, which is available in the docket. Many of the themes emerging from Tribal consultation and coordination that are summarized in this report are similar to the Tribal comments submitted during the public comment period.

Themes Emerging from Consultation Comment Letters and Meetings

This section highlights comments received as part of the Tribal consultation process, including Tribal consultation comment letters sent to the Agency on the rulemaking and feedback provided by Tribes during staff-level consultation meetings with Tribes who requested such engagement or during leader-to-leader consultation meetings. Because Tribal consultation commenced prior to the Agency’s proposed rule, some of the themes reflected in Tribal consultation comments were based on the information that was available to the Tribes at the time. For example, prior to the publication of the proposed rule, at the webinars and meetings, the EPA provided a presentation and sought input on areas of section 401 that may require updating or that could benefit from clarification, including the timeframe for certifying authorities to review certification requests, the scope of certification review, and coordination among certifying authorities, federal licensing or permitting agencies, and project proponents. The EPA requested input on issues and process improvements that the EPA might consider for a future rule. Additionally, because consultation with individual Tribes continued after signature of the proposed rule, some of the Tribal comments highlighted in this section are specific to the proposed rule.

Participant recommendations from webinars, meetings, and the docket represent a diverse range of interests, positions and suggestions. Several themes emerged throughout this process, including support for ongoing State and Tribal engagement, support for retention of State and Tribal authority, and suggestions for process improvements for CWA section 401 water quality certifications.

Key themes that emerged from the Tribal meetings and consultation letters are summarized below. The EPA carefully considered all Tribal consultation comments, and all comments received during the comment period, as the EPA finalized this rule.

Tribal Engagement

Many Tribes and Tribal organizations expressed a desire to work with the Agency in a cooperative or collaborative manner. Many Tribal commenters or meeting participants expressed an interest in receiving additional information and in continued engagement with the Agency during development of the proposed rule. Specific tribal comments included the following:

- Many Tribes requested further participation in the rulemaking process, and one Tribe asked for an extension of the public comment period deadline.
- A few Tribes requested government-to-government consultation, while many Tribes mentioned the Agency's responsibility to conduct meaningful Tribal consultation.
- Several Tribes commented on the webinar format for engagement, suggesting Tribal participants may have difficulty attending, and direct government-to-government consultation would provide for a more substantive discourse.
- Some Tribes said that the impacts of the proposed rule changes were unclear and required more data and studies so that Tribes could examine the future impacts of the rulemaking action.
- Several commenters and Tribes during Tribal consultation asserted that the Agency did not follow its consultation policy, and these commenters objected to the sufficiency of the rulemaking's consultation process.

Tribal Authority and EPA's Rulemaking Authority

Many Tribes and Tribal organizations expressed concern about the proposed rule's impact on Tribal authority. Some of these commenters also questioned the EPA's rulemaking authority. These Tribes asserted that the proposed rule could threaten the ability of Tribes to protect their waters and culturally important resources. Consequently, many Tribes asserted that they opposed any revisions to the section 401 certification process that would diminish Tribal authority. Specific Tribal comments included the following:

- Some Tribes asserted that improvements to the section 401 certification process could allow Tribes to more effectively manage their own water quality issues.
- Multiple Tribes questioned EPA's statutory authority for the rulemaking and disagreed that the EPA is charged with administering CWA section 401 in its entirety, since they asserted

that section 401 is a direct grant of authority to States and Tribes. They asserted that the EPA is not authorized to define terms and processes that apply to all States and Tribes.

- A few Tribes maintained that the Agency should not promote infrastructure development at the expense of undermining Tribal authority and the ability of Tribes to protect their water quality.

Section 401 Rule Provisions

Many Tribes provided input regarding section 401 process improvements and specific provisions of the proposed rule. Several Tribes and Tribal organizations recommended that administrative matters and efficiency should not be placed above the intent of the Clean Water Act “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Specific Tribal comments included the following:

- Pre-filing Meetings
 - Tribal commenters expressed concerns about the relatively low staffing availability in many Tribal section 401 certification programs. Some Tribes suggested that pre-application meetings as well as explicit processes and checklists could increase the quality of certification applications.
- Definition of “Certification Request”
 - Tribal commenters cited deficient certification applications as a primary cause for delays in the certification decision-making process.
 - Some Tribes recommended that the Agency consider a "certification request" to be a complete application and noted that such an approach would be consistent with case law.
 - Some Tribes asserted that a "certification request" should include at a minimum information about: 1) the designation of the waterway; 2) the volume of discharge; 3) how and to what extent the discharge may impair the waterway and its existing designation; and 4) whether and to what extent the project could result in more than one discharge into a waterway that could have cumulative effects.
- Timeframe Provisions
 - Tribal commenters expressed concern about any changes to the section 401 regulations that could limit the reasonable period of time.
 - Multiple Tribes noted that Tribal councils only meet once per month, making it difficult to coordinate with leadership under a compressed period of time for certification decisions and section 401(a)(2) actions.
 - Multiple Tribes during Tribal consultation expressed concern over how the National Environmental Policy Act and the Endangered Species Act would fit into the review timeline.
 - One Tribe asserted that the EPA has failed to show that current section 401 regulations have resulted in undue interference or delay in approval of projects. The commenter asserted that the proposed rule does not take into account the realities

- of shortening the timeframe for certification, which will hinder the responsibilities of certifying authorities under section 401 and lead to unnecessary denials and project delays.
- One Tribe asserted that a “reasonable time period” should include “adequate time to review an application, obtain technical resource expertise, collect and analyze data, and then analyze the effects to tribal interests” before a certification decision can be made. Furthermore, because not all States and Tribes have the same resources, smaller States and Tribes may be at a disadvantage.
 - One Tribe commented that a “withdrawal and resubmittal” scheme should not be allowed to extend the reasonable period of time for certification because continued delays, like those in the *Hoopa Valley* case, delay the implementation of updated water quality standards in federal licenses and permits.
- Scope of Certification Review and Certification Decision Documents
 - Some Tribes disagreed with the proposal’s interpretation of *Jefferson County PUD No. 1*, and asserted that the Court relied on the plain language of section 401 and secondarily supported it with EPA’s regulations, thereby conducting a *Chevron* step 1 analysis.
 - Some Tribes argued that limiting certification conditions and the scope of certification review to exclude nonpoint sources is inconsistent with the CWA and infringes on Tribal authority.
 - Some Tribal meeting participants expressed confusion regarding the meaning and scope of the phrase “EPA-approved state or tribal Clean Water Act regulatory program provisions” in the proposed rule and asked for clarification on which regulatory programs would be included in that term.
 - Some Tribal commenters expressed concern that the proposed rule failed to recognize that most Tribes do not have EPA-approved water quality regulations. These commenters asserted that in areas where the EPA is the certifying authority, the Administrator would not be able to consider water quality protective ordinances or water quality standards adopted by Tribes, leaving no protection for most Tribal waters.
 - As noted by some commenters, Tribes may submit CWA regulatory program provisions to the EPA, including water quality standards and applications for TAS, and wait months or sometimes years for the EPA to act on those submittals.
 - Multiple Tribes in Tribal consultation asked for clarification on the requirements for a denial, including whether lack of information is sufficient for denial.
 - Section 401(a)(2) Neighboring Jurisdiction Provision
 - Some Tribes during consultation asked the Agency to clarify its procedures for determining whether or not a federal license or permit “may affect” a neighboring jurisdiction.
 - Some Tribes disagreed with the statutory interpretation that the EPA has a discretionary duty to notify neighboring jurisdictions.

- Some Tribes noted that Tribes are frequently in the position of "being affected" rather than "certifying" for certifications. They disagreed with the proposed rule's provision that neighboring jurisdictions can only object to a project based on water quality requirements, as the Tribes may not have "EPA-approved" programs.
- Economic Analysis
 - During Tribal consultation, one Tribe asserted that the EPA misrepresented the case studies in the Economic Analysis to support the provisions in the proposed rule.

Tribes Requesting Consultation

A total of 22 Tribes notified the Agency that they wanted to engage in individual consultation or staff-level engagement on the proposed rulemaking. Most of these requests came in with the Tribe's comments during the consultation period, via a separate letter to the Agency during the consultation period, or via their comments on the proposed rule.

In all instances, the EPA followed up with Tribes who had requested to consult on this rule. In some instances, though the Agency coordinated to the best of its ability, the Agency was unable to schedule consultation meetings. Several Tribes agreed to staff-level calls and webinars, at least as an initial step prior to leader-to-leader consultation. The Agency held staff-level meetings, before and after the signature of the proposed rule, with 13 individual Tribes at their request: the Lac du Flambeau Band of Lake Superior Chippewa Indians; the Southern Ute Indian Tribe; the Pechanga Band of Luiseño Mission Indians; the Pueblo of San Felipe; the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians; the Hopi Tribe; the Makah Tribe; Cow Creek Umpqua; the Puyallup Tribe; Cowlitz Tribe; the Colorado River Indian Tribe; the Pueblo of Laguna; and the Menominee Indian Tribe of Wisconsin. Staff from the EPA's Office of Water and the respective EPA Regional offices participated in these staff-level engagement meetings.

The Agency also held leader-to-leader discussions with two Tribes: the Pechanga Band of Luiseño Mission Indians and the Shoshone Bannock Tribe. These leader-to-leader discussions occurred after the close of the consultation period. Both leader-to-leader discussions occurred over the phone. Senior leadership from EPA's Office of Water participated. In addition, staff from EPA's Office of Water participated in these meetings. Staff-level meetings and leader-to-leader consultation meetings are included in Appendix B.

Appendix A: Tribes/Tribal Organizations Sending Consultation Comment Letters

All tribal consultation comment letters are available in the docket at Docket ID EPA-HQ-OW-2019-0405.

Tribe/Organization Name	Type of Commenter	EPA Region Represented
Bad River Band of Lake Superior Tribe of Chippewa Indians*	Tribal Leader	R5
Big Pine Paiute Tribe of the Owens Valley	Tribal Leader	R9
Bristol Bay Native Corporation	Tribal Leader	R10
Colorado River Indian Tribes*	Tribal Leader	R9
Confederated Tribes and Bands of the Yakama Nation	Tribal Leader	R10
Confederated Tribes of Coos, Lower Umpqua, and Sinlaw Indians (CTCLUSI)*	Tribal Leader	R10
Confederated Tribes of the Umatilla Indian Reservation (CTUIR)*	Tribal Leader	R10
Cowlitz Indian Tribe*	Tribal Leader	R10
Elem Indian Colony of Pomo	Tribal Leader	R9
Keweenaw Bay Indian Community	Tribal Leader	R5
Klamath Tribes, The	Tribal Leader	R10
La Jolla Band of Luiseño Indians	Tribal Leader	R9
La Posta Band of Mission Indians	Tribal Leader	R9
Lac du Flambeau Band of Lake Superior Chippewa Indians	Tribal Leader	R5
Leech Lake Band of Ojibwe	Tribal Leader	R5
Lummi Indian Business Council	Tribal Leader	R10
Makah Tribe	Tribal Leader	R10
Menominee Indian Tribe of Wisconsin	Tribal Leader	R5
Navajo Nation	Tribal Leader	R9
Pechanga Band of Luiseño Mission Indians*	Tribal Leader	R9

Pinoleville Pomo Nation	Tribal Leader	R9
Pueblo of Isleta	Tribal Leader	R6
Pueblo of Laguna	Tribal Leader	R6
Pueblo of San Felipe*	Tribal Leader	R6
Puyallup Tribal Council	Tribal Leader	R10
Pyramid Lake Paiute Tribe*	Tribal Leader	R9
Santa Clara Pueblo	Tribal Leader	R6
Shoshone-Bannock Tribes	Tribal Leader	R10
Skokomish Indian Tribe	Tribal Leader	R10
Southern Ute Indian Tribe*	Tribal Leader	R8
Standing Rock Sioux Tribe	Tribal Leader	R8
Suquamish Tribe*	Tribal Leader	R10
Swinomish Indian Tribal Community	Tribal Leader	R10
Taos Pueblo	Tribal Leader	R6
Twenty-Nine Palms Band of Mission Indians	Tribal Leader	R9
Upper Snake River Tribes (USRT) Foundation	Tribal Leader	R9 and R10
Confederated Tribes of the Colville Reservation	Tribal Staff	R10
Forest County Potawatomi Community	Tribal Staff	R5
Grand Portage Band of Chippewa	Tribal Staff	R5
Nez Perce Tribe	Tribal Staff	R10
Norton Bay Inter Tribal Watershed Council	Tribal Staff	R10
Snoqualmie Indian Tribe	Tribal Staff	R10
Yocha Dehe Wintun Nation	Tribal Staff	R9

Columbia River Inter-Tribal Fish Commission (CRITFC)	Tribal Organization	R10
Great Lakes Indian Fish and Wildlife Commission (GLIFWC)	Tribal Organization	R5
Inter-Tribal Association of Arizona	Tribal Organization	R9
National Congress of American Indians*	Tribal Organization	All
National Tribal Water Council*	Tribal Organization	All
Northwest Indian Fisheries Commission	Tribal Organization	R10
Region 10 Regional Tribal Operations Committee (RTOC)	Tribal Organization	R10
Region 9 Tribal Caucus	Tribal Organization	R9
United South and Eastern Tribes Sovereignty Protection Fund	Tribal Organization	R1, R2, R3, R4, and R6

*Tribe or Tribal organization submitted two consultation comment letters (both letters are listed in the above list)

Appendix B: Tribal Consultation, Coordination, and Outreach Meetings

Staff-level meetings held as part of the consultation process are denoted in *italics* in the lists below. Leader-to-leader consultation meetings are denoted in **bold**.

Meetings and Outreach Occurring During the Consultation Period

Date	Meeting
April 11, 2019	National Tribal Caucus Meeting with the EPA's Office of Water
April 17, 2019	Webinar for States and Tribes
May 7, 2019	Tribes-only Informational Webinar
May 8, 2019	National Tribal Water Council (NTWC) Call
May 8, 2019	Follow-up Webinar for States and Tribes
May 15, 2019	Tribes-only Informational Webinar
May 22, 2019	EPA Region 9 Tribal Operations Committee (RTOC) Meeting

Meetings and Outreach Occurring After the End of the Consultation period through Signature of the Proposed Rule

Date	Meeting
<i>June 5, 2019</i>	<i>Lac du Flambeau Band of Lake Superior Chippewa</i>
June 12, 2019	National Tribal Water Council (NTWC) Call
<i>June 17, 2019</i>	<i>Southern Ute</i>
<i>June 17, 2019</i>	<i>Pechanga Band of Luiseño Mission Indians</i>

June 19, 2019	<i>Pueblo of San Felipe</i>
July 17, 2019	EPA Region 6 Tribal Operations Committee (RTOC) Meeting

Meetings and Outreach Occurring After the Signature of the Proposed Rule

Date	Meeting
August 14, 2019	EPA Region 1 Tribal Operations Committee (RTOC) Meeting
August 14, 2019	National Tribal Water Council (NTWC) Call
August 20, 2019	National Public Webinar on the Proposed Rulemaking
August 21, 2019	Tribal Lands and Environment Forum
<i>August 27, 2019</i>	<i>Pechanga Band of Luiseño Mission Indians</i>
September 5, 2019	Tribal Listening Session
September 11, 2019	National Tribal Water Council (NTWC) Call
September 16, 2019	Tribal Listening Session
September 26, 2019	EPA Region 8 Tribal Operations Committee (RTOC) Meeting
October 1, 2019	EPA Region 6 Tribal Operations Committee (RTOC) Meeting
<i>October 8, 2019</i>	<i>Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians</i>
October 8-9, 2019	Region 10 Tribal Wetland Working Group Meeting
October 15, 2019	Region 5 State and Tribal Wetland Meeting
October 17, 2019	EPA Region 10 Tribal Operations Committee (RTOC) Meeting
October 22, 2019	Region 4 State and Tribal Wetland Meeting
<i>October 30, 2019</i>	<i>Hopi Tribe</i>
<i>December 2, 2019</i>	<i>Makah Tribe</i>
<i>December 2, 2019</i>	<i>Pueblo of San Felipe</i>
<i>December 9, 2019</i>	<i>Cow Creek Umpqua</i>
December 12, 2019	EPA Region 10 Tribal Operations Committee (RTOC) Meeting
December 12, 2019	National Tribal Operations Committee Meeting
<i>December 16, 2019</i>	<i>Puyallup Tribe</i>
<i>December 18, 2019</i>	<i>Cowlitz Tribe</i>
<i>January 6, 2020</i>	<i>Colorado River Indian Tribe</i>
January 8, 2020	Pechanga Band of Luiseño Mission Indians
<i>January 13, 2020</i>	<i>Pueblo of Laguna</i>
<i>January 15, 2020</i>	<i>Menominee Tribe</i>
February 5, 2020	Shoshone Bannock
February 12, 2020	National Tribal Water Council (NTWC) Call