

Regional Tribal Operations Committee Meeting

February 10, 2011
Picayune Rancheria

Opening Prayer – Nancy Ayala

Welcoming/Opening Remarks -Chairman Reggie Lewis

- Acknowledged visiting tribal council members.
- Pleased people have been enjoying themselves and wished everyone to have a safe journey home.

RTOC gave a blanket to the Chairman for hosting the group.

Reminders from the Facilitator – Lori Lewis

- Please make sure to note who is requesting action items, time-frame, and who is the lead.
- Please make sure to wait for a microphone to speak.

Deputy Regional Administrator, Keith Takata

- Thanks given to the Council Members from Picayune and other tribes who are attending. Thanks to Samuel and his staff for the tour set up for the group.
- 3rd RTOC in new role as Deputy Assistant Regional Administrator.
- Will be meeting with Tribal Leaders this afternoon at 1:00 pm.
- Looking forward to the budget discussion to assist with advocating for the tribes when focus requests to HQ.
- Recognize the recent approval of a Tribal Air Quality Plan – Gila River had their Tribal Implementation Plan approved. Provides a framework for permitting, monitoring, etc.
- EPA Consultation Policy – last December was published for a 60 day comment period and should be finalized in late March 2011.
- Nate Lau, new Assistant Director in Community and Ecosystems Division (takes over the position held by Clancy Tenley). Has experience in water, superfund, and many other programs at EPA.
- Happy Birthday Cornelius☺.
- EPA people leaving soon:
 - o Heather White, Solid Waste Division – moving to the mid-west.
 - o Jean Gamache, Tribal Programs – taking a job with the US National Park Service in Alaska.

Introductions/Roll Call

- Introductions done.

Tribal Caucus Report given by Cornelius Antone

- Started out addressing action items 2 weeks prior to RTOC to make sure they will be addressed sooner rather than later. Had a conference call with EPA to begin assigning tasks to staff.
- Action items 1 and 2 were addressed already by EPA, the others will be addressed this afternoon. Two addressed to Corn, on how items get on the Tribal Caucus and is there a deadline. There is not a set protocol, Corn has just been requesting from tribes or at the end of the meeting for items on the next agenda. If Corn doesn't get anything at the end of a meeting, he asks representatives for topics. There is no deadline in the past, but for the next RTOC it will be 30 days before the next RTOC Meetings. This is typically the timeframe to aid those tribes who need to have an agenda for their travel requirements. The full RTOC Agenda is done in a similar fashion, but drafted with EPA's input.
- After the Action Items, had a presentation by Helen Waquiu-Salazar on the Southern California Tribes Air Collaborative. The Collaborative started in 2006 and began meeting quarterly in 2009. Cover equipment needs, issues, and technical assistance. The next step is to establishing a Primary Quality Assurance Organization (PQAO). This should assist in reducing some of the cost burdens with audits. It is open to assist other tribes. They also reviewed other sources available for technical assistance to assist tribes.
- Marta Burg and Syndi Smallwood lead the presentation on the RTOC Strategic Planning Session and Budget. Building a Strategic Plan will help the group plan for the future and help tribes and EPA understand where the group is headed. This will also tie into the Budget. This year the vote for the Budget is to do a video showing the accomplishments and needs by the tribes. Assignments were handed out to the workgroups to find submissions for the video. Marta Burg's husband has offered to assist with the video compilation.
- GAP Issues were brought up as part of the discussion and was slated to be under the Grants Workgroup. Climate Change issues were handed to the Tribal Science Council.
- Budget request, will use: GAP, Water Quality, Drinking Water and Waste Water, Solid Waste, Climate Change, US/Mexico Border Issues, and Cross Media.
- Went through the workgroup reports.
 - o TSC – a letter in the booklet being sent to all tribes asking for their scientific priorities. This will be shared with EPA. Tia will be sending a fillable template to Corn to distribute. Also Dan Mosley has stepped down from the TSC as an alternate. A nomination was made for John Mosley, and it was approved by consensus.
 - o Pesticide WG – the RTOC will be requesting a Regional C&T Plan and will be asking Marta Burg for assistance. The group will also be requesting a representative from EPA HQ to be at the April RTOC.
 - o Sustainability WG – noticed that Air concerns weren't covered at the Fair set up for Monday. It would be good to have one at another RTOC meeting. Maybe a tribe can assist with the organizing of the next one.
 - o Solid Waste WG – the group met their goals of having at least 4 tribes having a solid waste management plan and closing satellite dumps – closed over 90 dumps.

- o DW/WW WG – the contact list needs to be updated. If you still want to receive the emails, let Cornelius Antone or Linda Reeves know.
- o NTOC – working on their strategic plan and asking for comments.
- o GAP Online – requesting comments, please send them to Mike DeSpain.
- o National Tribal Air Association WG – nomination for primary and alternate – Syndi Smallwood and Helen Waquiu-Salazar by consensus.

Regional Budget Discussion – Keith Takata and RTOC (see handout)

- Three year process:
 - o Year 1, agency working with self to develop own budget.
 - o Then submitted to OMB and is responsible for all budgets. Make comments on the budget then send it back to the agency.
 - o Then agencies revise the budget and is given to the President and that becomes the President's budget.
 - o President submits it to Congress and Congress passes the appropriations bill.
- We are currently in FY11 and should have a budget right now, but don't because Congress hasn't passed a budget, we are under a continuing resolution that allows us to spend at the level spent in the prior year. But the resolution doesn't allow any new spending.
- The FY12 Budget, the most realistic to impact by Tribes. Already received it from OMB with a small reduction and expect it to be submitted to Congress in February 2011. President asking to hold the budget level for 5 years.
- The FY13 Budget process, just starting this process. Internal discussion begins Spring/Summer 2011.
- Typical budget \$7.6 Billion Pre FY10; FY10 \$10.3 Billion; FY11 \$10.0 Billion. It looks like the FY12 Budget for EPA will be about \$9 Billion. Increase from FY10.
- Tribal Programs – Pre FY10, GAP (national) was \$58M; FY10 at \$63M; FY11 at \$71M – Increase in the President's budget but because of the continuing resolution will stay at the FY10 figure.
- Multi-Media Tribal Implementation – FY11 proposed \$30M but \$0 because in a CR. For FY12, proposed to \$20M.
- CWA (SRF) received an increase in FY10 & FY11. Tribal set aside increased from 1/3 of 1% to 2% in FY10. The best time to ask for an increase in share is when the overall budget is rising. For FY12 looking at going to \$1.6B.
- Tribal Air Quality – staying at \$223M for FY11 and FY12 looking to be the same. The Tribal Share has been about \$13M to \$14M a year (not sure where this figure came from).
- NPS – lowered 319 to \$163M in FY12, Tribal share has been about 4% or \$8M
- CWA 106 – trying to increase in FY11, but for FY12 it will be about \$250M, Tribal Share about 12.49%.
- Bottom line: FY11, is over for budget purposes and may not get a real budget. So focus for FY12 and beyond. FY12 will be a down year, but still higher than earlier EPA budgets. May see some increase in GAP and multi-media for FY12.

Tribes can get more money if the overall pots rise, but not likely with tight budget. Best chance of tribes is to argue a larger share in the tribal pots. Note the Tribal Share was raised in SRF and states are hurting and have been slashing their budgets.

- What works for tribes, land area? Number of tribes? In our area as the tribes become stronger there is increased competition for the same amount of money. The other is need.
- It isn't a matter of coming up with a request and justification but a manner of lobbying, in that using every forum tribes have to show needs.
- Question: do you know or is there a process that EPA HQ uses to break up funds for tribes in the regions? It varies program by program. For the GAP specifically there is a formula to the national allocation (land base, number of tribes, population and other smaller criteria). Air Programs follow a similar formula and R9 gets about 25% of the funds due to severity and interest. Water Infrastructure uses a needs based allocation. CWA 106, based on the GAP formula. Every tribe gets a \$65,000 base. For NPS 319, the cap was lifted in 2000 and in the past 5-7 years it has been to \$7-8 million dollars. Tribes are cut right off the top.
- Question: Recommended that tribes focus on 2012 and beyond. Tribal Caucus beginning to develop a 2013 request for April, but for 2012 that was presented in last April is there anything tribes can do to influence the outcome at this point? It may be possible to impact the 2012 budget but more realistic to have a great impact on 2013 budget. The winter RTOC was pushed back in anticipation of receiving the 2012 budget.
- Question: How do the other Regional Administrators (RA) react when it comes to the Tribal Programs budgets? There are many RA's that believe that communities need to be looked out for even with the decreasing budget. On tribal matters, those regions with more tribes are bigger advocates. Want to make sure all regions are supporting tribal needs. Struggling at the National level to still be able to do the work the NTOC does because doesn't have a policy advisor or resources like the RTOCs have. Important to have a unified voice at other national meetings.
- Question: Budget WG has been asking at the Regional level on feedback on the 2012 budget presentation. Feedback can assist with the 2013 budget request. EPA has drafted a response. EPA is still waiting for the official budget of the President to be released.
- In order to figure out if a request is strategic and appropriate, one has to delve into the details. Video is good idea, mix the photos with it and use the agency's own words. Are those goals implementable, can they be carried out?
- Question: How do we reach parity between states and tribes in needs? We always have to be sensitive to states concerns? Tribes have to go through "treatment in a manner of the state," but tribes aren't states. How do we get past that sensitivity because they aren't sensitive to tribes? EPA doesn't think tribes have to be sensitive to states, and the fact that the number of tribes will always be more than states. EPA has to be sensitive simply because they do have a region without tribes. Tribes are the best sources to show what they need but unfortunately there is competition between the tribes for the limited amounts of funds.

- Question/Comment: Tribes have been here in this land since the beginning of time and that needs to be conveyed to the Federal Government. Continual education is needed.
- Question/Comment: Parity for tribal communities is about the quality of life and protecting a public health value. It is hard to put a price on that, but challenge EPA to help meet these barriers and need internal support from EPA. What can we do on the National level to break down these barriers? EPA noted that need is the strongest argument. At NTOC meetings they have individual meetings with the AA's. At the last NTOC meeting, EPA doesn't remember a disparity between States and Tribes. Suggest putting it back in the presentations and keep reminding people about it. There was a discussion on parity with Lisa Jackson.
- The increase in the SRF needs, going from 1.5% to 2%, was significant and showing the difference of the 1% to 30% to groups was compelling and helped with the increase. The facts and figures are best to focus on.

Syndi Smallwood and Marta Burg – Tribal Budget Discussion (see power point)

- This time the RTOC wants to do a strategic plan to cover a longer period of time.
- Priorities: (see Sarah's notes) Need budget justification
 - o Air Quality – do states get clean air act funding? Yes – so requesting the amounts that have gone to the state and local air districts over the past several years so it can be compared to what the tribes have received. Region 9 and National data from 2005-2011; to Syndi and Erica by end of March.
 - o Solid Waste – states don't get federal funding for solid waste programs. John Mosley and Nancy Sockabasin.
 - o Climate Change – Tribal Science Group – Tia Chullakorn
 - o US/Mexico Border – infrastructure fund for water out of CWA 106 and will have Erskine Benjamin work with the Border Liaisons. Nate Lau will be the interim co-lead for Border.
 - o Multi-media Grant Program – the language has not been formulated in total yet and the NTC has asked to review the language before it is put out to ensure its intent fits Indian Country. NTC has not seen a response from Luke Jones to date so will make the request again. The proposed \$30 million may be reduced down to \$20 million and not aware of a formula on how it will be allocated out to the regions. Jean Gamache will work with Clay Bravo. Asking it to be addressed under each of the workgroups.
 - o Cross Media – focus on pesticides and sustainability
- Video being done. Need to say why funding is needed, show successes based on funding received. Requested information will be sent out to the workgroups on Monday.

Establishing a Resource Conservation District – NRCS Reina Rogers

- Make available technical and financial and educational resources so that they can meet the needs of the local land user.

- How to create one? For tribes, very easy, its tribal law, just do a resolution. In order to recognize one, a three way agreement is signed by the Tribal Government, Tribal Resource Conservation District and the USDA Secretary.
- 17 USDA agencies provide services to the Tribal RCD.
- NRCS can assist a tribe with starting one and Indian Nations Conservation Alliance.

Indian Nations Conservation Alliance

- Can assist tribes with developing a Tribal RCD.
- Over 500 federally recognized tribes and 30 Tribal RCDs (?)
- Ely Tribal RCD has a 7 generation plan in place. They started with 9 acres and created a conservation district. Working with Forest Service and BLM they went up to 3500 acres.
- Will help tribes that want to become a RCD to develop a 7 generation plan.

Picayune Rancheria TCD – Jennifer Stanley

- Working specifically on developing RCDs in this Region.
- Should consider: Does the conservation district that you sit in doing what they are supposed to be doing? The RCD could be using your numbers in their headcount without providing services to the tribe.
- What can tribes really do and how can it affect you?
- Sit down with some of the elders and the existing boards to see if any of them can be used as the RCD Board.
- Discuss the priorities for the tribe. Working on preserving sourberry and native seeds (NRCS is helping store them) to replant back to tribal areas.

North Fork Rancheria TCD

- In process of establishing a Tribal Conservation District.
- Did a fuels reduction project that assisted an elder in keeping fire suppression on her land and used tribal members for the work.
- Did a tire amnesty program that was headed up by the TCD.

Hope to create a tribal advisory council in California to work with all the USDA agencies to understand tribal priorities and further protect natural resources.

Contact: Jennifer R. Stanley, Tribal Liaison/Consultant, PH 559.676.2035, oweybelle@aol.com.

National Tribal Operations Committee Report/Updates – Clay Bravo

- Working on a strategic plan and need input.
- NTOC needs resources at the national level so the committee can continue to work and meet the tribal requests.
- All the national agencies that are developing their priorities need to meet with NTC to ensure everyone understands what each needs.
- Elections for NTC occur in March 2011.

- In the last three months of NTC calls there has not been a representative from Region 9 on the conference calls. EPA will take care of that. Calls are 2nd Tuesday of every month. Either Enrique Manzanilla or Nate Lau will try to be on the call. The next NTOC meeting will be in Phoenix, AZ, last week in March.

Multi-Agency Resource Fair Report – Linda Reeves & Michelle Baker, EPA R9

- This was put together because Arizona did an Infrastructure Resource Fair hosted by HUD.
- EPA agreed to organize a Sustainable Resource Fair for California.
- USDA had their three resource program managers attend.
- Had over 15 agencies attend.
- Had a very high ratio of tribes to people with the resources and the money.
- Have received some of the evaluation forms but will be sending out an electronic version.
- Favorable responses and plans to have a similar one in Nevada.
- Benefit – had a follow up day on the day of the Caucus – the agencies got to know each other and share contact information.
- Janice Waddell is the new tribal liaison/community development program manager and appreciated the opportunity to meet with tribes. Made it clear that another fair needs to be held before the administration changes.

Question: What about using the funnel of BIA 638 for funds.

USDA Rural Development asked EPA specifically for assistance on working with tribes.

It is important for other agencies to hear about the needs and issues and budget constraints – need to have all of them at the table. EPA is not the only game in town and USDA has programs that tribes aren't taking advantage of available fund; there about 40 programs with half a billion dollars.

Need to ask the higher staff in the other agencies to influence budgets that support tribes.

Noted that the changes in Congress are directing agencies to do what we are trying to do with the multi-agency fair, i.e. to make the most of the dollars out there.

EPA Response to Tribal Caucus Report

- Bio-assessment programs - a discussion has taken place and being addressed by Kristin Gullatt.
- EPA Tribal GIS Support – the tribe that requested assistance has been in contact with Cheryl. Other tribes at the caucus are interested in the outcome of this and asked for a report out of it at the next RTOC. BIA also has GIS Staff that can assist but there may be different specifics they can assist with. Rob Roy will take the lead on pulling together what different groups can do. Big Valley worked with a consultant, cost about \$1000, and he helped them determine the type of maps they need to develop.
- Indirect Cost – moved to the grants workgroup. Those who brought up the question will talk with the grants workgroup.

- Staff becoming LEED Certified – EPA is not qualified to train people to become LEED certified. So a letter from the RTOC or tribal body, requesting discounted training to the US Green building Council would be good. Southern California representatives will take it back to tribes and see what the next steps should be.
- Sustainability projects on Tribal lands – had the fair for tribes on Monday before the RTOC. To provide a specific contact would need to know what media requesting funding for. Southern California representatives will take it back to tribes. When EPA was trying to answer this question, the thought was to try and provide sustainability training on how to keep the projects sustainable over a long period of time.
- 106 Lab Support – there has been a discussion with the tribes that asked the question. Kristin Gullatt has the contacts. CA Rural Water Association has preferred providers that can do a variety of programs for testing for tribes that are members. In a previous action item, EPA supporting tribal labs that have previously assisted tribes and now defunct because no longer funded and now unable to assist tribes. Would like to see tribal labs continue to receive funding.
- Caucus Agenda – need to have topics to Tribal Co-chair 30 days after the meeting.
- RTOC Election Process – follow the RTOC Charter in this process. When receive the nominations have a timeline that needs to be met and send out the ballot to tribes for voting. This year there was not enough nominations for one area so the time is a little behind and asked for some additional names. The ballot will be compiled and sent out Friday or Monday, to still meet the February 24 deadline. As of yesterday, we will have more seats than nominations. Maria Castain has taken over the internal process, with Willard Chin, they receive the nominations, Jean Gamache reviews the tallies and then a ballot is sent out. Question: does there need to be tribal oversight on the process and if do that then it would require revising the charter. This could be discussed at a later date.
- Regional Administrator to meet with every tribe – is working on doing that via invitations or making specific
- Follow up with Tribal Leaders after the meetings – there is an EPA staff member who takes notes on the action items. If it is media specific than the question will be posed to the media itself. Information received is then followed up with the specific tribe. If a tribal leader attends the meeting and is interested in the outcome of a topic with another tribe, then will try and make the information available but making sure it is okay with the tribe who originally brought up the topic. Maybe make address this at the next Tribal Leaders Meeting.
- Errors in Assistance Agreements – the response provided by EPA has been shared with the Eastern Sierra Representative
- Pesticide WG – 3 requests.

2011 Conference Update

- October 19-21, 2011 in Pala, CA, RTOC 17-18, 2011.
- Rooms set at \$99/night.
- Can register on line.
- Call for topics will go out soon, maybe next 3 weeks.

- Question: On the call for topics, can we do training? Have heard that it was a long standing policy, but not sure if that is true. In the case last year, Soboba made the decision to not have trainings. EPA will check to see if there is any policy.

Review Action Items/Evaluation Forms/Next RTOC Meeting Location/Closing Comments/Action Items

Enrique Manzanilla – thanked Heather White and Jean Gamache for their work in the Regional Office and for tribes.

The next meeting will be in San Francisco, April 2011. This is the meeting the budget is presented to Jared Blumenfeld.