

## **RTOC MEETING MINUTES**

Wednesday, February 3, 2010  
Susanville Indian Rancheria

**Opening Prayer** - An opening prayer and a song was given by Mr. Gordon Crutcher a Spiritual Elder.

**Welcoming Remarks** - The welcoming & opening remarks were done by Mr. Stacy Dixon, Susanville Indian Rancheria Tribal Chairman. He stated that they have grown from a few hundred acres to more than a thousand acres.

Jane Diamond, Acting Deputy Regional Administrator gave a few remarks and thanked Chairman Dixon and his staff for hosting the Winter RTOC meeting. She then remarked that the new Regional Administrator Jared Blumenfeld met with Arizona Tribal leaders on the 4<sup>th</sup> day on the job and he visited the Salt River Pima Indian Community. Jane Diamond also stated that Mr. Blumenfeld would be attending the April RTOC meeting. She then talked about the release of the President proposed FY2011 budget, which included the following;

- \$8.5 Million GAP (General Assistance Program) funding increase
- \$30 Million "multi-media" funds available to tribes (new program)

Along with the funding requests were the following priorities:

- Supporting state & tribal relations
- Environmental Justice
- Air Quality
- Water Quality
- Community Clean-up
- Climate Change

**Introduction and Roll Call** - RTOC Tribal Co-Chair conducted roll call; then the audience was given the opportunity to introduce themselves.

**Review Previous RTOC Meeting Action Items** - Lori Lewis, the meeting facilitator, did a review of the action items from the October RTOC. All grant issues were set aside and addressed at a separate meeting after the full RTOC in October. The newly formed Grants Workgroup held a call and the status of the issues were sent out by the Tribal Co-Chair.

Action item #12 is still in progress and a question on Action item #18 "if key is to identify specific Federal Agency that will be good".

**Tribal Caucus Report** - Cornelius Antone, RTOC Tribal Co-Chair, gave the Tribal Caucus report from 2/2/10 and noted the action items will be read after the report is given, see listed on page 4.

**Arizona** - The Tribal Co-Chair stated the Southern Arizona had no meeting for the second quarter, so the floor was opened for any of the Arizona tribes present to make a report. Roman Orona gave an update on the visit from Lisa Jackson, EPA Administrator & Jared Blumenfeld, EPA Regional Administrator, to the Arizona Tribal leaders on Jan 2010.

Gina McCarthy & Colleen McKaughan, Air Program toured the Tohono O'odham Nation.

**Navajo Nation** – The representative was not in attendance as he was dealing with storm damage on the Navajo Nation and alternate Deb Misra has retired.

**Central California** - Robert Columbro reported that their 2nd Quarterly Meeting was a conference call held on January 20, 2010. There is a concern with the MLPA (Marine Life Protection Act). It was stated that a letter could be drafted requesting Tribal input and consultation - this later became an action item. There were comments about the MLPA and the need for outreach and training on Tribal Sovereignty as it relates to Impacts to Tribal People & Traditional Hunting Fishing Gathering Rights. The question to the RTOC was what can RTOC do to help with MLPA and who do we enlist to help? CAL EPA, USEPA or BIA? Cynthia Naha made the comment that there is a document by the United Nations called the "Rights for Indigenous Peoples" which she thinks tribes should use in addressing their various issues. Tribal Co-Chair will see to the distribution of the document to the Full RTOC.

**Northern California** – Kathleen "Katie" Sloan reported that there were no action items. She did state that she would like USEPA to provide funding for Climate Change. Dan Mosely stated that the USEPA FY2011 Budget includes Climate Change Funding per Lisa Jackson USEPA Administrator's report.

GAP On-Line Steering Committee Report was given by Mike DeSpain.

GAP On-Line created a tool called the "Indian General Assistance Program Detailed Budget Worksheet". There were several concerns about this worksheet that are listed below:

- SF424A bottom line must match baseline funding
- on-line malfunctions,
- versions: 2.0 vs. 2.3
- "send" being a final push of a button
- unavailability of Program Representatives during deadline week and GAP Project Officers unavailable when needed release of sensitive information especially salary and Quarterly Reports
- Commitments do not show on the Progress Reports
- Color Boxes & Cost Data gets lost and or deleted, cannot get on-line the week proposals/reports due

GAP On-line Training Tomorrow Thursday February 4<sup>th</sup> at a breakout session.

**Eastern California** - Teri Cawelti reported that they met on January 21, 2010. Lone Pine thanks the Tribal Co-Chair for the communications that have been send out. Big Pine has incorporated "Fish Hatchery" issues into action items. They agree that there are still issues with GAP online. They also talked about the RTOC meeting structure hosting tribal tours are an educational opportunity. The rearranging of schedules so that tours are not missed. Workshops in the morning with afternoon tours.

The Tribal Co-Chair went over the restructuring and laid out the proposed days which are as follows:

- 1<sup>st</sup> Day - RTOC Tribal Caucus Meeting

- 2<sup>nd</sup> Day - Workgroup discussion in the morning
- 2<sup>nd</sup> Day - Site visit / host tribal land tours in the afternoon
- 3<sup>rd</sup> Day - Full RTOC meeting

This new structure will allow for discussion of topics from caucus and the workgroups to the full RTOC.

**Southern California** - Erica Helms-Schenk reported that they met on January 21, 2010 at the Campo Reservation in Southern California. They had a guest speaker who was Heather White of USEPA Solid Waste Management Program. Information was also given about issues with the Gold Spotted Oak Spore. They have some issues about the action items brought up at October RTOC meeting not being fully addressed, which are:

- #12 Funding increase for FY 2011- they would like to keep that as an action item.
- #13 is funding available for backup generators for wells?
- #30 List for Grants from Region 9, they would like to request a workshop.

**Nevada** - Annette George-Harris reported that their quarterly meeting was held on January 13, 2010. Their main issue is the Ruby Pipe Line, which is ongoing. The Yerington Tribe is still dealing with water issues and continues to work with IHS and EPA. There are concerns that EPA representatives seem to have lack of concern and are not cooperative. Water is undrinkable due to mine water contamination. Other issues with this are Water Rights and Water Quality. There also is the issue with GAP Project Officers, who seem to take vacation during the week proposals are to be submitted.

Ron Johnny from Summit Lake Paiute Tribe thanked EPA for following up on the Ruby Pipe Line ( an action item during the October Tribal Roundtable ) and giving the Federal Energy Regulatory Commission (FERC) a bad grade on the environmental assessment. Ron Johnny also stated that there was a tribal leader's roundtable meeting which Elko Band and Summit Lake attended. They developed the following action items for the Ruby Pipe Line:

- Region 8 is doing their environmental impact statement.
- Final comments need to be made by someone who knows Region 9.
- Region 9 needs the roundtable action items by affected tribes.

He also asked "what happens to the action items that come out of the Tribal Leaders roundtable that happen at every RTOC"? Tribal Co-Chair will follow up with the action items. There were comments about those tribes that are not Federally Recognized and are considered voiceless in environmental issues affecting tribes.

Tribal Co-Chair states that he will not give all of the NTOC report as Clay will be reporting later on in the day. Clay Bravo gave the National Tribal Caucus report, he asked Erica Helms-Schenk who is the new representative to the NTOC to give her impression of the first meeting. Erica stated that it was educational and exciting to her, they have great ideas to change the world one step at a time for changes to happen.

The Co-Chair talked about no change in Director and the American Indian Office, and they requested current staff members to stay intact. They requested that a Native American Director be selected if possible. There was an increase in GAP funding with a large percentage going to Alaska Tribes which NTC pushed for. There was a \$560 million request

for tribes in the upcoming budget. Region 9 tribes are outspoken and assertive and even aggressive when it comes to budget requests. There is also a comment that the underserved and disserved groups will be the priority. There was also talk about the tribal consultation framework and the work that AIEO is doing to get comments from tribes.

During the transition and budget combined session, Marta Burg and Syndi Smallwood talked about what had been done to this point. The focus for the presentation is to show more photos and put the language into the note section of the slide. It was asked if this was the best way to do the presentation to the Regional Administrator. More input is needed on how to do the presentation to Mr. Blumenfeld during the April RTOC meeting. Marta explained why we are doing the transition document which is to educate new people coming into office. Individuals were identified to report on each of the seven categories which are:

1. GAP – Clay Bravo
2. Drinking water / Wastewater – Robert Columbro
3. Water Quality – Alex Cabillo
4. Solid Waste Management – Cynthia Naha
5. Air Quality – Syndi Smallwood
6. Climate Change – Katie Sloan
7. US/Mexico International Borders – Corn Antone

Tribal Co-Chair stated that as we prepare our concerns / issues it was stated that we also have to develop a strategy on how to resolve those concerns / issues. There are a few issues that don't fit into the seven categories, so a multimedia component will be added to capture those. There will still be two separate documents given to the Regional Administrator, the transition document and the budget document.

The workgroup reports given and those can be seen on the website in a couple of weeks and will also be attached to the minutes when they are sent out.

The last discussion the tribal caucus had was the restructuring of the RTOC meeting. It was agreed by consensus to move forward with the proposal and that it be done at the April RTOC meeting. **Also noted on bottom of page 2.**

Tribal Caucus Co-Chair read off the new action items that came out of the Tribal Caucus meeting, which are the following:

1. Request to consider alternative for date of April RTOC meeting because of Earth Day on the 22<sup>nd</sup>.
2. Request information from tribal roundtable at October 2009 meeting
3. Request EPA involvement with Regional Outreach & Training, Tribal Sovereignty Training.
4. Request EPA involvement, input and consultation concerning Impacts/Rights of Traditional Hunting, Fishing, Gathering especially fish hatchery issues.
5. Who reviews/oversees MLPA (Marine Life Protection Act)?
6. Action Items from Annual Conference breakout sessions
7. Request of Names of Departments for grant approval
8. Where does funding for GAP online come from?
9. Fill-out-able forms! All forms as on-line fill-able forms

10. Grant reports – review of grants as a regular RTOC item
11. EPA 2<sup>nd</sup> conference call for disadvantage business training
12. What is up with the Grants Council?

It was brought up that the Presentation for Administrator Jared Blumenfeld should be a PowerPoint with lots of pictures, he really likes photos, Keep it Simple with main points highlighted and keep it flowing. There will be oral interaction time during the presentation, he likes input from others.

This is the end of the Tribal Co-Chair's report.

### **National Tribal Operations Committee Report/Updates**

Clay Bravo provided the following on the National Tribal Operations Committee:

1. Budget is President's largest ever with
  - a. Gap Money – largest % to Alaska Tribes - \$560 Million requested for Tribes
  - b. EPA increase of 14%
  - c. Multi-media \$30 Million
  - d. Reach out to NTC for Implementation \$
2. 2012 Freeze will probably reflect 2011 \$ amounts
3. Tribal Consultation Plan – tribes ask to be actively involved with developing strategies
4. Director Position @ American Indian Office is vacant

It was brought up that one person should make the presentation to the Regional Administrator and when it comes to a certain area then it could be handed over to another person who is more knowledgeable in that area.

Jane Diamond mentioned that Jared Blumenfeld processes information orally; she doesn't know how much time we will have with him. He does like to see people in the room contribute. Jean added that he likes photographs that are very powerful. He'll ask questions such as "What about this"? "How does this work"?

Tribal Co-Chair gave Cynthia Gomez from CAL EPA the opportunity to make some announcements; which are the following:

1. Thanks for opportunity to interact
2. Informal CA State Liaison
3. Owens Valley Water Rights
  - a. Tribes are asking for consultation on activities
  - b. 101 Water Rights for Tribes – future training
4. Issues Marine Life Protection Act (MLPA)
  - a. Should have Outreach even if tribes are not consulted
5. State (California) caucus is today (02/03/10)
6. EJ of CA has funded 3 of 5 small grants
7. Tribal Sovereignty Educational Session via contract with CA Justice department
  - a. Difficult to train on Sovereignty!
  - b. Many state lawyers attended of 120 participants

c. Trainer: Rachelle Myers – NI Justice Center, Civil Engineer,  
Professor at UC Berkley

8. October Tucson Meeting – now implementing issues sent to discussion

9. Transportation: Indian Roads Inventory Program - \$10 million allocated

10. Task force / HERC Meeting – Lake County DA's office – get involved!

(Lori Lewis - commented – many action items associated with Ms. Gomez – didn't get them all)

*\*\* Lunch Break \*\**

### **Pesticide Assessment update – Nina Hapner/ Sarah Ryan**

Nina and Sarah provided handouts on how to read the maps that were displayed on the walls throughout the meeting room. These maps showed how the lands are being impaired by pesticides. There are no impairments to the water bodies in the state of Arizona. Pam Cooper of USEPA is to check and make sure this is correct. Arizona maps showed unacceptable levels of chlorine. Nevada shows impaired water bodies but none due to pesticides. It was brought up that the Pesticide Management projects are not just for tribes with agriculture but for tribes that have buildings sprayed. The purpose of this assessment is to identify tribal needs and effects of pesticides.

Under state Project 303 which is funded by the 106 program, this is where States and tribes receive their funding. If you have a proposal for assessments see Pam Cooper. There are funds for these proposals with a cap of \$50,000.00 per tribe.

The Pesticide powerpoint presentation will be posted on the EPA website.

During the discussion the question about the travel fund was brought up and who can utilize the funds. It was recommended that the tribes discuss the priorities for the fund without EPA in the room. The Tribal Co-Chair then asked EPA personnel to step out so that the tribes could decide how to prioritize on who would be able to use the funds.

Teri Cawelti looked at funds for Owens Valley Travel funds. There was \$69,000 for three (3) RTOC meetings, including this one. Question was asked “Do we want priorities” and “Who can and cannot use these monies”? Teri stated that if the existing amount was divided into the next two (2) RTOC meeting including this meeting the amount would be \$23,000 for each RTOC meeting. Mike Despain had an issue with having the request go to EPA then to Owens Valley to get approved. Tribal Co-Chair states that this session is only for setting our priorities and not the process. Teri mentioned that EPA makes sure people are using their own travel monies first before any approvals are done. Erica Helms-Schenk suggests that RTOC Reps use it first, workgroup leads and 3<sup>rd</sup> priority is trainings. It was also suggested that the money be divided a little differently.

Clay Bravo made motion and second by Ren Reynolds to have RTOC Reps use funding from the Owens Valley Travel fund first then anything else after that. **CONSENSUS.**

**EPA Report** –Gilbert Pasqua, Communities and Ecosystems Division, EPA. See EPA Report on EPA website.

**EPA Response to Tribal Caucus Report** – Jean Gamache noted items #7-12 were identified as Grants action items. Cynthia Gomez provided information on #3 & 4.

Action Item List:

1. Request to consider alternative for date of April RTOC meeting because of Earth Day on 22<sup>nd</sup>.  
**Corn & Jean will check on dates and schedule accordingly**
2. Request information from tribal roundtable at Oct 2009 meeting  
**Jean will respond to individuals / tribes with appropriate information**
3. Request EPA involvement with Regional Outreach & Training, Tribal Sovereignty Training
4. Request EPA involvement, input and consultation concerning Impacts/Rights of Traditional Hunting/ Fishing/ Gathering esp. "Fish Hatchery" Issues  
**To both 4 & 5: A Process: Process is moving forward: Cynthia Gomez and Jean will communicate most effectively together, then report**
5. Who reviews/oversees MLPA (Marine Life Protection Act)?  
**Jean will work on opportunity to effectively engage USFWS : not USEPA of CALEPA jurisdiction: EIS mostly completed: Lester Snow**
6. Action items from Annual Conference breakout sessions  
**Jean will get answers to October action items: Clarified: w/in 3 weeks: A Process**  
**GRANTS: Tomorrow 02/04/2010@ am 8:30 Breakout session**
7. Request of Names of Departments for Grant Approval
8. Where does funding for GAP online come from?
9. Fill-out-able Forms! All Forms as On-line Fill-able Forms
10. Grants reports: Review of Grants as a regular RTOC item
11. EPA 2<sup>nd</sup> conference call for Disadvantaged Businesses training
12. What is up with the Grants Council?

Comment about the National Tribal Grants Council and whether there are updates available. No one knows as to whether there has been a meeting but most likely they haven't met yet. The RTOC would like regular reports from this council when and if they meet. Clay Bravo stated that there will be a NTC conference call on Tuesday February 9, 2010 and he will ask at that time the status of the National Tribal Grants Council.

**2010 Conference Update**

Erica Helms-Schenk reported that the Region 9 Conference will be in San Francisco, CA. The RTOC will be October 18-19 with the conference starting on October 20-22, 2010. There is a \$100.00 pre-registration and \$250.00 at the door.

There was a short break with about 30 minutes to reorganize the room so that we could set the RTOC priorities. Before the session started the instructions were given by the facilitator Lori Lewis on how this session was going to be done. We were instructed that we had 30 minutes to go around the room and keep this question in mind, "*What does it make sense for us to Work on / Focus on*" for each workgroup. Before any priorities were listed, each workgroup lead or co-lead read any priorities they received during their conference calls. See attached Priorities document (the result of the 30 minutes given to the group).

**Review Action Items/ Evaluation Forms/ Next RTOC Meeting Location/**

A quick review of the action items was done by Lori Lewis and also asked that the evaluation forms be turned into Jackie or Lori.

**Closing Comments**

Closing comment given by Tribal Co-Chair, he thanked everyone for their participation, and Also thanked Susanville Indian Rancheria as well as Tim Keesey and his staff for hosting the Winter meeting. Meeting was adjourned at 5:00pm.

DRAFT