

TRIBAL COUNCIL FORUM PLANNING MEETING
JUNE 23, 2008 ~ BILLINGS, MONTANA
DRAFT SUMMARY

I. Introduction

On Monday, June 23, 2008, the U.S. EPA Office of Solid Waste and Emergency Response (OSWER) held a half-day meeting in Billings, Montana, to obtain tribal perspectives to help shape the agenda and structure for a fall tribal forum on implementation of the OSWER tribal strategy. The fall forum is expected to be held in November in Washington, D.C. The desired outcomes for this planning meeting included suggestions regarding desired outcomes and approach for the fall forum, possible agenda topics for the forum, and tribes' priority training and technical assistance needs related to implementation of the OSWER tribal strategy in Indian country.

Marsha Minter (Director, OSWER Innovation, Partnerships, & Communication Office) thanked everyone for coming, and said that she is looking forward to comments and insights about what the Tribal Forum should look like. She mentioned that the draft OSWER Tribal Strategy is long because EPA wants it to be inclusive, and that it was sent to the Regions, tribes, and other potential stakeholders for comment. EPA is eager for feedback, and comments are still welcome. EPA seeks as much input from as many different sources as possible to make sure the approaches in the strategy are dynamic. The strategy contains long- and short-term objectives, as well as program measures. Ms. Minter indicated that EPA hopes to use today's meeting to make the fall forum as productive and useful as possible.

Felicia Wright (OSWER Tribal Program Coordinator) also welcomed the group, and said that EPA wants host a multiple-day fall forum that brings together tribal representatives and EPA managers to:

- Address OSWER-related issues important to tribes;
- Discuss topics in specific OSWER programs;
- Discuss topics that cut across OSWER programs and integrate ideas or approaches to benefit tribes;
- Generate ideas for partnerships and implementing the strategy;
- Identify key actions to take over the next year to implement the Strategy, and
- Identify training and technical assistance topics to potentially provide at the forum.

Ms. Wright also indicated that today's meeting will be used to brainstorm ways to make the fall forum successful. Ms. Wright noted that she has copies of the draft OSWER Tribal Strategy and a summary of tribal comments received on the draft OSWER strategy available.

Gerald Wagner (Blackfeet Tribe) led the group in prayer to help set the stage for a meaningful discussion. Marci DuPraw (SRA, Meeting Facilitator) provided participants with an overview of some of the questions EPA would like input on during the course of this meeting (see Attachment 1: Agenda). She then invited participants to introduce themselves (see Attachment 2: Participants List) and share their hopes for today's meeting. Participants mentioned the following hopes:

- Build relationships across tribes and build partnerships with EPA and other organizations.
- Help plan a fall forum that can serve as a problem solving venue to learn about the successes of other tribes. Build upon this body of experience instead of "reinventing the wheel."

- Learn about existing programs and funding opportunities within all OSWER offices.
- Work with the OSWER offices on a Regional and national level, seeking cross-program assistance with tribal issues.
- Plan a fall forum that includes discussion of how best to determine if OSWER programs are effective for tribes.
- Learn about the specific resources available to tribes from OSWER programs.
- Learn from other tribes how they have addressed common solid waste issues.
- Help EPA understand the difficulties and extenuating circumstances many tribes face. Several participants noted that Native Alaskans have very unique needs and challenges.

Two participants posed questions during their introductions, as follows:

- Question: How will tribal comments be incorporated into the OSWER Tribal Strategy?
Answer: OSWER had a formal comment period on the strategy, which lasted until May 15, 2008; however, OSWER is still accepting comments through July. Felicia will look at each comment and share them with OSWER program coordinators. Together they will determine how each can be addressed. OSWER will modify the strategy based on these comments wherever possible. OSWER will compile a list of every comment received, a response to the comment, and the reasoning for the response. This process is typical of an EPA formal review.
- Question: Why have some comments that were previously submitted by tribes been edited from the list of all comments received? We submitted a comment on the OSWER Tribal Strategy to make cultural training mandatory, and it doesn't seem to be in the comment document.
Answer: To date, OSWER has received ten formal sets of written comments and one set of comments over the phone. The comment document distributed this morning shows all the suggestions from these 11 sets of comments, integrated into one document. However, no decision has been made yet as to whether to make some or all of these changes. At the end of July, OSWER will begin responding to comments, and then work on revising the strategy.

II. Participants' Hopes for Fall Forum

Participants provided suggestions and comments on the following five questions posed by the facilitator:

Question 1: What would make the fall forum a good use of your time?

- By the end of the meeting, all invitees should have an action item with a timeline for completing it. Possible action items mentioned included outreach to tribes not yet participating, and creating a timeline for entering dumps into the STARS database.
- All invitees attend the meeting.
- Invitees better understand their role in decision making and creating change.
- EPA Headquarters understands the need for more money in the tribal solid waste arena.
- OSWER provides information on budget planning.
- Address all questions tribes have (e.g., related to the OSWER strategy).

Question 2: How would you like to see this meeting structured?

- Is it possible to have the meeting in a location besides Washington D.C.? It makes the travel difficult and costly. (EPA responded that the meeting may be hosted in other cities in future years, but that they would like to have the first one in Washington, D.C., so that tribes can hear from all of the program managers. EPA also anticipates being able to provide travel scholarships for about 20 native invitees, though more are welcome if they can pay for their own travel to attend the fall forum.)
- Hold cross-program discussions.
- The meeting should have a tribal structure (e.g., sit in a circle, everyone has a voice), as distinct from a meeting run via “Robert’s Rules of Order.” The meeting should be planned with the tribes to ensure it is responsive to their needs.
- There are many issues that need to be addressed and it will take many years to implement strategies to address them all. There should be two tracks to the implementation plan: 1) a “triage” track to identify actions for dealing with imminent threats facing tribes; and 2) a longer term track for working on issues where there is more time to work them out.
- Each geographic region of the country faces a different set of challenges. It may be useful to structure the fall forum around the perspectives of tribes in various geographic regions so that participants can work with others in their region on problems they share.
 - Since Alaska faces such distinct issues, we may need a separate session for Alaska Tribes.
 - Concurrent regional sessions could end with one larger national session where ideas across the regions and/or across OSWER programs are shared. National priorities will become evident once regional issues are discussed.
 - One consideration to this approach is that it may be difficult to have ten Regional sessions if there are only 20 tribal participants at the meeting. Rather than using the EPA Regions as the basis of the groupings, it may be more workable to use larger geographic regions with boundaries defined by common sets of environmental and/or public health challenges.
- The meeting can be structured with sessions given by each of the OSWER offices. Each office can explain the resources they provide, how they relate to the other offices, and how all OSWER offices can work together.
- Use the forum to move toward a tribally-driven strategy on a national scale (e.g., a bottom-up strategy).
- It would be valuable to hear briefly from each tribe (e.g., five minutes each at the start of the meeting) as to the issues and challenges that brought them to attend; their relationships with local, state, and federal governments; and what they hope to gain from the meeting.

Question 3: What topics would you like to discuss?

- It would be helpful to use this forum to discuss various funding issues, including:
 - Procedures by which tribes can provide input into the OSWER budget;
 - How OSWER uses tribes’ input to inform their program budgets;
 - Tribes’ recommendations for practical applications of OSWER funding (e.g., for the 2011 budget), taking into account funding limitations and opportunities; and
 - How funding is, and should be, allocated across a region between tribes with equity in mind (e.g., need-based vs. favorites).
- The fall forum would be a good opportunity to explore how to open lines of communication between tribes and EPA, and among tribes. It would be helpful, for example, for EPA managers to visit the tribes more frequently so they can understand the situations and environments the tribes deal with. (EPA tribal liaisons currently visit tribes twice a year and hold monthly conference calls with them.) This discussion might also encompass:

- Ways of encouraging new tribes to participate in such forums;
- Jurisdictional/sovereignty issues and other aspects of relationships between tribes and state/federal governments;
- Inconsistencies in approaches from Region to Region, and between the EPA Regions and Headquarters; and
- How to move toward a tribally-driven OSWER strategy, rather than a top-down strategy (e.g., focusing on “how OSWER addresses tribes’ needs?” rather than “how tribes should use the OSWER strategy?”).
- Time should be set aside to discuss:
 - How the strategy will affect the tribes (i.e., whether it addresses tribes’ needs and examples of tribal success with the approaches included in the strategy);
 - Infrastructure and equipment needed to customize implementation plans for tribes; and
 - Specific regulations and guidance that need to be tailored for appropriate application in Indian Country.
- There are a number of substantive waste management topics that would be helpful to discuss at the fall forum, including:
 - Historical information about tribes and solid waste management;
 - An update on the number of open tribal dumps that have been cleaned up to date, including their location, how progress is being measured, and tundra pond dump site cleanup;
 - Source reduction; and
 - How to create tribal self-sufficiency in solid waste management (e.g., structures and rates), given limited federal funds. Possibilities include backhaul and waste-to-energy systems that can generate income for tribes.
- Some participants are interested in hearing about issues related to above-ground storage tanks (AST), which are under the purview of OEM, including cross-office collaboration.
- It would be helpful to hear the top environmental and public health challenges faced by individual tribes as well as by groups of tribes facing similar challenges (e.g., due to factors such as regional environmental conditions, source and magnitude of tribal revenue streams, or other commonalities). Alaska natives’ needs and circumstances are particularly unique, due to variables such as remote locations and limited infrastructure.
- It might be valuable to learn about the EPA Office of Underground Storage Tanks’ tribal strategy, which was developed last year (e.g., how will it be implemented, lessons learned, etc.).
- Perhaps time could be set aside at the forum to focus on climate change issues that affect tribes, such as flooding and other disasters.
- Some of the forum should be devoted to sharing information about resources available to tribes from various OSWER programs. With respect to EPA’s Superfund Program, for example, one participant would like to know: (a) whether funds are only available for a certain number of years for any given site; and (b) whether funds can be used to address sediment getting into waterways, especially in the case of Alaska mine tailings. (Note that Kelly Wright has a longer list of questions related to Superfund, which he can provide offline.)
- How the strategy will affect the tribes (i.e., whether it addresses tribes’ needs and examples of tribal success with the approaches included in the strategy).
- Issues related to above-ground storage tanks (AST), which are under the purview of OEM, including cross-office collaboration.

Question 4: Who should provide what information?

- The tribal goal leads for EPA Strategic Goals 3 & 4 are excellent resources.

- Perhaps this meeting could provide an opportunity to hear about lessons learned from the EPA Office of Underground Storage Tanks' successes in implementing its tribal strategy.
- With respect to climate change issues that affect tribes:
 - This needs to be addressed from an OSWER perspective, so someone from the Office of Emergency Management (OEM) could possibly speak about the effects of climate change and OSWER's response.
 - OSWER has formed a Climate Change Coordination Committee (C4) to discuss their cross-program strategy for reducing greenhouse gas emissions in order to mitigate global warming. This strategy proposes OSWER's solutions to mitigating climate change. A member of C4 could discuss with the tribes some of OSWER's responses to global warming.

Question 5: Who should be invited to the Forum?

At participants' request, Ms. Wright shared OSWER's preliminary thoughts on who might be invited to participate in the fall forum, including:

- Representatives from all OSWER program offices (office director level if possible).
- Staff and managers from the Regions (either all Regions, or a few representatives).
- Tribal leaders (although because they are so busy, OSWER anticipates only a few will be able to attend).
- Tribal representatives with experience working "on the ground" with OSWER programs.

Participants suggested that it also would be helpful to:

- Have some level of continuity among participants in OSWER tribal forums if they are held on an annual basis. If EPA wants participants to commit to follow-up action items at such forums, it will be important to have the people who need to carry out the action items attend the forums where related commitments are made.
- Invite OSWER managers from both Headquarters and the Regions.
- Ask the Indian Health Service (IHS) to share information about using the STARS database, since tribes need to input data into STARS in order to access certain forms of EPA funding.
- Include the Tribal Operating Committee and Tribal Caucus.
- Have municipal utility representatives participate in the forum, since they are likely to have important roles to play in implementing OSWER's tribal strategy.
- Include representatives from tribal consortia and associations.
- Invite representatives of rural development entities and U.S. Department of Agriculture (USDA).
- Arrange for engineers to provide technical assistance training.

III. Training and Technical Assistance Needs

Participants had some global questions about training and technical assistance that they thought it would be helpful to share with fall forum attendees, as well as providing them with training or technical assistance on specific topics. For example, they suggested EPA share information on:

- How training fits into OSWER's tribal strategy; and
- Topics on which technical assistance is available to tribes.

They also suggested that training and technical assistance offered to tribes at the fall forum should take into account those participants for whom English is their second language and also those participants who are not accustomed to "high tech" approaches to training.

Participants then discussed two questions relating to more specific training and technical assistance needs, as follows:

Question 1: On which topics should training and technical assistance be provided during the fall forum?

- It would be helpful if OSWER could provide training and roadmaps on:
 - How OSWER programs relate to one another (e.g., summarized in a matrix); and
 - Different kinds of funding available through OSWER and other sources to help tribes implement the tribal strategy, taking into account community-specific challenges related to tax base and revenue streams.
- It might be helpful to offer a hands-on orientation to environmental management systems (e.g., how to measure aspects of tribal environmental programs that are working effectively and areas that need to be adjusted).
- Some participants would be interested in a “train-the-trainers” session on strategies and tools for conducting public outreach to raise awareness about environmental or public health dangers (e.g., how to reach the younger generation or other specific audiences).
- Perhaps training could be offered in setting up self-supporting programs for implementing OSWER programs in Indian Country such as waste-to-energy operations (e.g., rate structures). There is particular interest in how the “solid waste management” to “materials management” transformation can be undertaken in an economically viable manner. Because many tribes have limited funds for implementing this new process, there is an interest in learning to leverage resources and get value from these processes.
- There is also interest in training on current federal policies that address source reduction.
- Some participants expressed a desire to learn about effective collaborative approaches that could be used to implement the OSWER tribal strategy, which might highlight success stories about tribes forming consortia to pool resources and address shared problems.

Question 2: Who should provide what information?

- EPA could offer trainings already available through OSWER’s Office of Brownfields and Land Revitalization (OBLR), such as those on Section 128(a) funding and on Methfields. (Joe Bruss and Ginny Fornillo are contacts for these training videos and may be able to contact the video participants about serving as trainers.)
- Private companies might be best suited to provide training on materials management.
- Tribal consultants with demonstrated ability to help multiple tribes and native people would be very credible trainers.
- Dolly Tong, EPA Region 5, may be able to provide information about e-mining as a potential small business opportunity.
- Joe Bruss (or Ginny Fornillo), EPA OBLR, could share information about Brownfields funding.
- Felicia Wright can summarize the funding available through all OSWER programs.
- The Bureau of Indian Affairs and/or Marlene Reddoor (in EPA/OSW) might have useful information to share about Integrated Resource Management Planning that could be applied to waste management and emergency planning programs.
- Sheila Greseth has experience helping others develop outreach materials and might be a good resource on this topic.
- Tribes who have successfully used some of the methods in the strategy would be effective trainers (e.g., sharing what worked in one community, including funding and other resources required).
- Those with information on the best technology available, whether tribal people or not, would be valuable to hear from.

- Training available to tribes under the Energy Production and Reservation Act, or “EPRA.” (Marie Barry has a contact who could be helpful in exploring this.)
- Other possible sources of trainers and technical assistance providers at the fall forum include:
 - The Rural Alaska Landfill Operators (RALO).
 - The Solid Waste Association of North America (Alaska chapter).
 - The Denali Commission.
 - Waste Management Program personnel.

IV. **Summary of Discussion and Closing Comments**

In conclusion, the meeting facilitator provided a brief summary of suggestions received and Marsha Minter thanked everyone for their participation and invited anyone to talk with her throughout the upcoming week at the conference. Felicia Wright discussed next steps and action items, as follows:

- The meeting summary will be provided to all participants via e-mail, and will be posted to the OSWER Web site.
- OSWER will continue accepting comments on the Tribal Strategy through July of this year.
- The comments on the strategy will help shape the fall forum discussion topics.
- OSWER will most likely not have another in-person planning session before the fall forum, but will keep lines of communication open (e.g., through conference calls with all interested tribes or through e-mail).

Note: OSWER received this comment in an email following the meeting from a person in Southeast Alaska:

Each conference brings a new way to network and share information. However, we are experience the realistic fact that we need to start returning with actual tools that help us move to the next level of addressing our environmental issues. We may want to consider requesting attendees to bring the following to the conference; draft solid waste priorities; plans; policy and regulatory community resolutions; and for measurements we could ask for estimated amount of tonnage needed to be removed and has been removed. We can put up a wall of tonnage that shares with EPA the amount needed to be removed and the amount tribes/villages have removed since the program began. Use the EPA system of measurements to share an unmet need and success story for us.