U.S. Environmental Protection Agency

TRIBAL OPERATIONS COMMITTEE CHARTER

This charter sets forth the basic operating goals, principles, and operating procedures for the Tribal Operations Committee (TOC).

MISSION STATEMENT

In a manner consistent with the U.S. Environmental Protection Agency (EPA) Indian Policy, EPA's trust responsibility, environmental laws, regulations, policies and guidances, the mission of the Tribal Operations Committee (TOC) is to advance the protection and improve the conditions of Tribal health and the environment in Indian Country. The relationship between TOC and EPA will not substitute for the government-to-government relationship between EPA and tribal governments.

PART 1 GOALS

The goals of the TOC are to improve EPA environmental programs by:

(1) building tribal environmental capacity and infrastructure to support implementation of ongoing tribal environmental programs;

(2) promoting assumption of federal environmental programs by tribal governments consistent with federal law where tribes desire to be treated in a manner like a state;

(3) advancing strong environmental protection of all Tribes by developing national environmental strategies on issues of importance to the Tribes and EPA;

(4) assisting with EPA's development of Indian Program budget priorities and management functions at every level within EPA;

(5) promoting continued education at every level of EPA on Tribal sovereignty issues, the principles of Indian law and Tribes as co-regulators;

(6) supporting increased tribal access to EPA programs, funding, technical assistance, training and information; and

(7) assisting EPA to develop and maintain open dialogue among Indian Tribes and EPA.

PART 2 ROLE OF THE TOC

The TOC, comprised of both EPA Senior Management, including AIEO, and Tribal Leaders, who are EPA's environmental co-regulators, will provide input into EPA "operational" decision-making affecting Indian Country.

The Tribal representatives of the TOC will be referred to as the Tribal Caucus. The Tribal Caucus elects its own chairperson, vice-chairperson and secretary from among its member representatives. The Chairperson of the Tribal Caucus serves as the Co-chair with the Administrator presiding over the full TOC membership.

The Tribal Caucus will work with EPA work groups, such as the National Indian Work Group (NIWG), the EPA Indian Attorney's Work Group, etc., by identifying national Indian environmental policies and issues for discussion and resolution on how EPA can improve its program delivery and implementation.

The Tribal Caucus will work on a regular basis with AIEO as it oversees the implementation of the EPA Indian Policy and develops policy and guidance for EPA to provide environmental protection for Indian tribes.

Individual tribes can put forth issues through their Tribal representative or through a government-to-government relationship with the EPA. The TOC does not preclude a tribe from exercising its sovereignty and forming its own relationship with EPA.

The TOC will identify issues to be placed on each meeting agenda and, as necessary, develop issue papers for consideration of pertinent concerns to the Tribes. The Tribal Caucus may assist EPA to determine when broad Tribal input is appropriate rather than just TOC input.

PART 3 MEMBERSHIP

SECTION 1. TRIBAL REPRESENTATIVES

There are 19 TOC members from nine EPA regions. The regional Tribal representation is as follows:

Region I	- 1	Region VII	- 1
Region II	- 1	Region VIII	- 3 (one member from Montana)
Region IV	- 1	Region IX	- 4 (one member from the Navajo Nation)
Region V	- 2	Region X	- 4 (two members from Alaska)
Region VI	- 2		

Tribes in each region will determine the method of selection of representatives and alternates and EPA Regions will provide assistance to tribes in the selection process.

Notification of appointments or resignations of Tribal representatives to the TOC shall be made by the Regional Administrator through a letter to the Co-chairs of the TOC and the Director of the American Indian Environmental Office.

TOC memberships is limited to federal officials and elected Tribal officials or their designated or authorized employees.

REGULAR ATTENDANCE: All Tribal Caucus representatives and/or their alternates must strive to attend all meetings on a regular basis. However, no more than three consecutive meetings can be missed by any one Tribal Representative or their alternate. Attendance on conference calls is encouraged for all Tribal representatives or their alternates.

ALTERNATES: The recognized Tribal representative will inform his or her alternate of any meeting for which they will be absent or unable to attend. All alternates will have the same voting rights as the regular Tribal Caucus Representative in the absence of the regular Tribal Caucus Representatives.

LENGTH OF TERM: The length of term for Tribal Caucus members shall be determined by the Tribes of the Regions.

SECTION 2. EPA MEMBERSHIP

Membership to the TOC shall be composed of the following senior managers:

Administrator
Deputy Administrator
AIEO Director
Chief Financial Officer
Regional Administrator of Lead Region on Indian Programs
Regional Administrator of Backup Region on Indian Programs
Regional Administrators
Assistant Administrator, Office of Administration & Resource Management
Assistant Administrator, Office of Water
Assistant Administrator, Office of Air and Radiation
Assistant Administrator, Office of Prevention, Pesticides & Toxic Substances
Assistant Administrator, Office of Solid Waste & Emergency Response
Assistant Administrator, Office of Enforcement & Compliance Assurance
Assistant Administrator, Office of Research & Development
Assistant Administrator, Office of Environmental Information
Assistant Administrator, Office of International Activities
General Counsel
Inspector General
Associate Administrator for Congressional & Intergovernmental Relations
Associate Administrator for Communications, Education & Media Relations
Associate Administrator for Policy, Economics, & Innovation

PART 4 TRIBAL CAUCUS OFFICERS

SECTION 1. OFFICERS OF THE TRIBAL CAUCUS

- ☐ **Chairperson**
- ☐ **Vice-Chairperson**
- ☐ **Secretary**

SECTION 2. SELECTION OF OFFICERS

The selection of Officers shall be held every year at a regular meeting of the Tribal Caucus. Nominations must be made by a Tribal Caucus member in writing. Officers shall be elected by a majority vote of the 19 tribal representatives to the Tribal Caucus. Officers shall hold office for one year or until their successors are elected. Thirty days advance notice of any pending elections and nominations of officers shall be provided to each Tribal Caucus representative.

Nomination and election processes will be initiated and coordinated by AIEO in consultation with the Officers of the Tribal Caucus.

SECTION 3. DUTIES OF TRIBAL CAUCUS OFFICERS

(a) **CHAIRPERSON**

- Presides at meetings of the Tribal Caucus and co-chairs TOC meetings;
- Facilitates consensus of the TOC on national Tribal environmental issues;
- May convene the Tribal Caucus as a separate subcommittee from the TOC to accomplish goals and objectives;
- Serves as ex-officio member of subcommittees and work groups;
- Delegates issues to smaller work groups of the Tribal Caucus;
- Facilitates the consensus of the Tribal Caucus at EPA Regional and National Indian Workgroup meetings; and
- Participates in various EPA work groups and committees.

(b) **VICE-CHAIRPERSON**

- Presides at meetings in the absence of the Chairperson; and
- Assumes and discharges all the duties of the Chairperson in the Chairperson's absence.

(c) **SECRETARY**

- Creates a written record of all meetings and teleconferences of the Tribal Caucus, and discussions of the Tribal Caucus;
- Transmits this information to EPA and to the Tribal Caucus;
- May receive assistance from AIEO to help distribute information in a timely manner to the Tribal Caucus members; and
- May delegate responsibilities to tribal staff.

PART 5 MEETINGS

SECTION 1. REGULAR MEETINGS

Four quarterly meetings will be held, one of which shall be the "Annual Meeting." The Annual meeting may be held in conjunction with the Annual Agency Planning Meeting where the Tribal Caucus members participate in priority setting and budget formulation for the upcoming fiscal year. Of these four quarterly meetings, the full TOC will meet twice, the Tribal Caucus and the NIWG will meet at least once and the AIEO and the Tribal Caucus will meet as a fourth meeting. AIEO will provide administrative and technical support to the Tribal Caucus for all meetings.

TOC meetings are solely for the purpose of exchanging views, information or advice relating to management or implementation of federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.

SECTION 2. SPECIAL MEETINGS

Special meetings may be called by the Chairperson of the Tribal Caucus or the Director of the AIEO with concurrence of the Co-chairperson of the TOC.

SECTION 3. CONDUCT OF MEETINGS

Tribal customs, practices and manner shall govern the order of the meeting for all TOC meetings. The Tribal Caucus shall strive for consensus decision-making as a means to formally establish the position of the Tribal Caucus.

SECTION 4. CONFERENCE CALLS

AIEO will arrange conference calls for the Tribal Caucus on a regular basis to support Tribal Caucus activities.

PART 6 QUORUM

A majority of the full membership of the Tribal Caucus shall constitute a quorum for all Tribal Caucus meetings. The lack of a quorum at a meeting shall not prevent those present from proceeding with discussions and consensus-building on environmental issues that will affect Tribes.

PART 7 SUBCOMMITTEES & WORK GROUPS OF THE TRIBAL CAUCUS

The Tribal Caucus may establish subcommittees or work groups, when necessary, to facilitate the purpose and goals of the Tribal Caucus. EPA representatives may be

asked to participate in these subcommittees or work groups to lend their technical expertise. A lead person will be designated to oversee the subcommittee or work group. The lead person will be responsible for ensuring the group and/or committee carries out its assigned tasks and will place the item on the next Tribal Caucus meeting for discussion and report. The AIEO will communicate all issues and concerns of any subcommittees or work groups to the full TOC. The AIEO will coordinate between Tribal Caucus work groups and EPA work groups undertaking the similar activities.

PART 8 AMENDMENTS

This charter may be amended at a full TOC meeting. Amendments must be accepted by a majority of the total membership of the Tribal Caucus. Any Tribal Caucus member may propose an amendment. Any proposed amendment must be submitted in writing to the Chairperson of the Tribal Caucus, 30 days prior to the next TOC meeting, to be distributed to all members of the TOC and placed on the agenda for the next TOC meeting.

PART 9 CERTIFICATION

We hereby certify that the foregoing Tribal Operations Committee Charter was adopted at a duly called meeting of the Tribal Operations Committee, held on the 11th day of April 1996, where a quorum was present.

We hereby re-certify that the Tribal Operations Committee Charter is adopted at a duly called meeting of the Tribal Operations Committee, held on the 11th day of July 2001, where a quorum is present.

Dated this 11th Day of July, 2001.

Chairperson, Tribal Caucus

Administrator, U.S. Environmental Protection Agency