

RTOC CONSULTATION WORKGROUP

Winter 2022 Summary Report

WORKGROUP SUMMARY ACTIVITIES (WHAT WE DO EVERY MONTH)

Workgroup has meet monthly since 2020

Meetings include:

- Upcoming consultations of note
- Presentations by EPA staff in response to questions from workgroup
- Discussions of consultation concerns, and
- Suggestions for change

Other activities include:

- Priority and goals setting
- Open ended discussions
- Sharing of consultation resources and information

2020-2021 BIG IDEAS!

(From the R9 Tribal Caucus Recommendations/Comment Letter)

Government to Government consultation and coordination must not be relegated to an opportunity to provide comment on an EPA proposal

Consultation is not a public comment period (Tribes are not a member of the public; they are sovereign nations) *this was the biggest theme in comments and discussions*

Consultation is a dialogue, not an exchange of written statements (a single comment letter from a Tribe should not be considered the totality of the consultation)

“It appears that consultation is becoming an agency buzzword, It is being used too loosely.” –Mervin Wright

Treat Tribes as co-regulators

2020-2021 ACCOMPLISHMENTS

Many Tribes found the various deadlines for consultations, especially for those in the Water section, to be confusing and overwhelming. Consultation Workgroup worked with EPA, who developed this calendar for summarizing upcoming water consultations:

“Based on the received feedback, we updated the visual calendar components to track dates and included a narrative overview component, briefly summarizing all current actions with more specific resources. We will be highlighting this calendar during Winter RTOC, scheduled for January 25th-27th, and plan to send updates out monthly during FY22. It will also be made available on our website, <https://www.epa.gov/tribal-pacific-sw/r9tribalcwa>.”

protection, prevention of polluted runoff in waterways and wastewater infrastructure.

EPA's Region 9 Tribal Water Office manages all grants related to the Clean Water Act for over 100 federally recognized tribes within Region 9. The Tribal Water Office also provides programmatic and technical assistance for water quality standards and for the CWA grant programs. View [CWA Project Officers](#).

On this page:

- [CWA Section §106](#): Water Pollution Control Grants
- [CWA Section §319](#): Nonpoint Source Pollution Control Program Grants
- [CWA Section §104\(b\)\(3\)](#): Wetlands Program Development Grants
- [CWA Tribal Set-Aside Program](#): Wastewater Infrastructure
- [Water Quality Standards](#)

CWA Section §106: Water Pollution Control Grants

Purpose

To assist Federally-recognized Indian Tribes develop institutional capacity to administer water quality programs and protect natural resources.

Eligible Activities (not limited to this list)


- Performing water quality monitoring and assessments
- Carrying out activities to meet the three reporting requirements



Announcements

- [FY2022 CWA Section §106 Solicitation Notice](#)
- [FY2022 CWA Section §319 Solicitation Notices](#)

Consultation Resources

- **NEW**  [Tribal Engagement Opportunities for National and Regional Water Actions \(pdf\)](#) (January-March 2022)
- **NEW**  [EPA Region 9 Water Division Tribal Consultation SOP \(pdf\)](#) (December 2021)

See also: [Tribal Consultation in EPA's Pacific Southwest \(Region 9\)](#)

ACTION ITEMS/ITEMS FOR FURTHER DISCUSSION

What was submitted by EPA to the Biden Administration in response to EO 13175 and what was the Biden Administration's response?

TCOTS—multiple discussions on: 1) plain language summaries and ease of navigability, 2) geographic limitations to distributions or weekly summaries (to reduce email burden)

Notice system for consultation opportunities from EPA headquarters and some trouble with EventBrite/online ticketing system for participation. Some tribes receive direct email notification from EPA contacts, others do not

- How can usability of a consultation tool (like EventBrite) facilitate or impact consultation and participation in consultation by Tribes?

2020-2021 RECOMMENDATIONS AND SUGGESTIONS

Use facilitators or mediators during consultations to ensure clear and direct communication and manage expectations

Set clear expectations and goals at the beginning of consultation

Make sure informational presentations and phone calls/conference calls are not labeled “consultation”—consultation is a dialogue and exchange of ideas, not a presentation of information that Tribes can comment on

If it is unclear how to appropriately consult with a Tribe, it’s ok to ask