# Tribal Engagement Opportunities for National and Regional* Water Actions

## July 2022

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<td>R9 Climate Adaptation Implementation Plan (CAIP): Deadline to Submit Comments</td>
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<td>NPG: Deadline to submit comments (Delayed).</td>
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<td>CWA 401 Cert: Virtual public hearing 8am-10am, 11am-1pm, and 2pm-4pm PST, register <a href="#">here</a>.</td>
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<td><strong>Summer RTOC</strong> Hybrid event at Camp Verde, AZ, register <a href="#">here</a> (deadline for in-person registration July 11&lt;sup&gt;th&lt;/sup&gt;)</td>
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<td>FY22 Quarter Reports Due</td>
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*Region 9 engagements are only included if they are (a) state-wide or Region-wide in scope and (b) affect multiple tribes.*

**Highlights for July**

- 14<sup>th</sup> NPG Comment Deadline
- 18<sup>th</sup> CWA 401 Cert Public Hearing
Tribal Engagement Opportunities
for National and Regional* Water Actions

August 2022

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**Highlights for August**

- 8<sup>th</sup>  CWA 401 Cert Comment Deadline
- 15<sup>th</sup>  106 Guidance Comment Deadline

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Tribal Engagement Opportunities for National and Regional* Water Actions

September 2022

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**Highlights for September**

30th  CWA 319 Comment Deadline

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Tribal Engagement Opportunities for National and Regional Water Actions 2022

National Consultations

CWA Section 106 Tribal Guidance Revision: EPA is revising the Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act. On January 13, 2021, EPA initiated consultation and coordination with Tribes to seek input on recommended changes to the 2007 Section 106 Tribal Guidance. EPA then established a Section 106 Tribal Guidance Revision workgroup, made up of EPA staff and 24 tribal volunteers, to assist in the revisions to the 2007 Guidance. The Section 106 Tribal Guidance Revision workgroup developed draft text based on the initial EPA recommendations and tribal feedback provided through the consultation and coordination process. EPA is now presenting the draft revised Section 106 Tribal Guidance. The guidance, once finalized, will replace the 2007 Guidance.

Offer to Consult: June 14th, 2022—August 15th, 2022.
HQ Contact: Robyn Delehanty, Email: Delehanty.Robyn@epa.gov.
Region 9 Contact: Danielle Angeles, Email: Angeles.Danielle@epa.gov.

Clean Water Act Section 401: Water Quality Certification: Clean Water Act (CWA) section 401 requires that any applicant for a Federal license or permit to conduct an activity which may result in a discharge to navigable waters obtain, from the state or tribe in which the discharge would originate, certification that the discharge will comply with applicable provisions of the CWA. The Agency held a pre-proposal tribal consultation and coordination period on the rule from June 7, 2021, until September 7, 2021. EPA has considered tribal recommendations in developing this proposed rule. The proposed rule includes provisions for Tribes to obtain TAS status for the section 401 certification program or to obtain TAS to act as a neighboring jurisdiction under section 401(a)(2), making it the first time Tribes will have this option, without also applying for TAS for water quality standards under section 303(c). The Agency intends to finalize the rule in Spring 2023.

Offer to Comment: June 9th, 2022—August 8th, 2022.
Request Government to Government Consultation: To request government-to-government consultation on the proposed rule, please contact the EPA HQ 401 contact.
Virtual Public Hearing and Tribal Representative Listening Sessions: Virtual public hearing July 18 8am-10am, 11am-1pm, and 2pm-4pm PST, register here.
HQ Contact: Emma Maschal, cwa401@epa.gov.
Region 9 Contact: Russell Huddleston, Email: Huddleston.russell@epa.gov and Juliette Chausson, Email: Chausson.Juliette@epa.gov.

FY2023-2024 National Program Guidances (NPGs): The U.S. Environmental Protection Agency is offering consultation and coordination with federally recognized Indian Tribes on the draft FY 2023-2024 National Program Guidances. The FY 2023-2024 NPGs are the first issued under this Administration’s FY 2022-2026 EPA Strategic Plan and support implementation of the EPA’s FY 2023 President’s Budget priorities. The NPGs traditionally communicate program priorities, strategies, key activities, and measures issued by the EPA’s five major national program offices—Air and Radiation; Water; Land and Emergency Management; Chemical Safety and Pollution Prevention; Enforcement and Compliance Assurance—along with the Office of Congressional and Intergovernmental Relations, and the Office of International and Tribal Affairs.

Offer to Consult: April 29th, 2022—July 14th, 2022 (extended due to delays)
HQ Contact: Etinosa Obanor, obanor.etinosa@epa.gov or Jeff Besougloff, besougloff.jeff@epa.gov.
Region 9 Contact: Jeremy Bauer, bauer.jeremy@epa.gov.

Revised Definition of “Waters of the United States”: On December 7, 2021 EPA and Army published a proposed Rule in the Federal Register, “Revised Definition of “Waters of the U.S.” This proposed Rule would put back into place the pre-2015 definition of WOTUS, updated to reflect consideration of Supreme Court decisions. There was a 60-day public comment period on the proposed rule which closed February 7, 2022. Announcements on WOTUS Rulemaking can be found here.
HQ Contact: Rose Kwok, email cwaawotus@epa.gov.
Region 9 Contact: Joseph Morgan, email morgan.joseph@epa.gov.
Upcoming National Actions

Tribal CWA 319 Equity Engagement: As outlined in EPA’s September 27, 2021 national policy memorandum, Near-term Actions to Support Environmental Justice in the Nonpoint Source Program, in fiscal year (FY) 2022 EPA will be engaging the national NPS community, including state, tribal, and territorial §319 grantees, in a dialogue on advancing equity and environmental justice in the national NPS program. Potential program actions could include revisions to EPA’s §319 grant guidelines, changes to EPA’s tribal §319 grant allocation formula, and new approaches for providing EPA technical assistance and training support to tribal NPS programs. Once EPA has evaluated and considered Tribal comments from the initial 60-day comment period, we plan to hold a second 60-day comment period in summer 2022 to seek Tribal input on any subsequent proposed reforms to the §319 program based on the input received.

Offer to Consult: March 29th, 2022—September 30th, 2022.
Informational Webinar: Two informational webinars will be held in the second 60-day comment period, anticipated Summer 2022.
HQ Contact: Steve Epting, email epting.steve@epa.gov.
Region 9 Contact: Howard Kahan, email Kahan.Howard@epa.gov.

Federal Baseline Water Quality Standards for Indian Reservations: EPA anticipates proposing this rule in late Summer or early Fall 2022 and will provide an opportunity for public comment on the proposed rule. EPA will also hold a second tribal consultation and coordination period with tribal governments before EPA moves toward a final rulemaking.
HQ Contact: Mary Lou Soscia, Email: soscia.marylou@epa.gov.
Region 9 Contact: Kate Pinkerton, Email: Pinkerton.kate@epa.gov or Rochelle Cameron, email: Cameron.rochelle@epa.gov.

Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights: EPA anticipates proposing this rule in Fall 2022. Tribal governments will have an opportunity to provide comments on the proposed rule and we will hold a second tribal consultation and coordination period before we move toward a final rulemaking.
HQ Contact: Jennifer Brundage, email Brundage.jennifer@epa.gov.
Region 9 Contact: Sarah Rowan, Email: rowan.sarah@epa.gov.

State-Wide and Region 9 Consultation Opportunities*

EPA Region 9 Draft Climate Action Plan (CAIP): U.S. Environmental Protection Agency, Region 9 is offering consultation on the draft U.S. EPA Region 9 Climate Adaptation Implementation Plan (CAIP) for FY 2022 through FY 2026. Tribal governments are critical partners in achieving EPA’s mission to protect human health and the environment, especially as the climate changes. This consultation opportunity is in addition to a broader EPA Office of International and Tribal Affairs led consultation opportunity on regional and program draft CAIPs.
Region 9 Contact: Suzanne Marr, Email: Marr.Suzanne@epa.gov.

National Plan: US EPA Climate Action Plan October 2021. U.S. Environmental Protection Agency initiated consultation and coordination with federally recognized Indian Tribes to receive input on draft Climate Adaptation Implementation Plans (CAIPs) developed by EPA National Program. When final, the CAIPs will be used to inform EPA’s progress toward addressing Agency-wide climate vulnerabilities, strengthening adaptation efforts, and increasing resiliency to the impacts of climate change. EPA anticipates issuing final CAIPs by September 30, 2022, but will continue to engage with Tribes, states, territories, local communities, and others as adaptation priorities and implementation activities evolve.
HQ Contact: Lisa Berrios, email Berrios.Lisa@epa.gov.
Upcoming State-Wide and Region 9 Actions

No upcoming offers to consult for Region 9 at the moment.

For More Information on Tribal Consultation Opportunities

Visit TCOTS website to find Consultation Letters for all listed consultations here and others outside of Office of Water. Sign up for the newsletter to get upcoming consultation notifications: Join-epa_tcots@lists.epa.gov.

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