
EPA's National Tribal Operations Committee Charter

1. TITLE

Committee's Official Designation: National Tribal Operations Committee (NTOC)

2. AUTHORITY

This Charter complies with the statutory provisions as set forth at 2 U.S.C. Sec. 1534(b) (1) & (2), and therefore the NTOC is not subject to the Federal Advisory Committee Act (FACA).¹

3. VISION STATEMENT

EPA and federally recognized tribes² are implementing environmental programs consistent with federal environmental laws, EPA's mission, and tribal values and lifeways that address the gaps in environmental protection in Indian country and achieve high levels of protection for human health while safeguarding the environment.

For the purposes of this Charter, Indian country may include, as appropriate to the circumstance or activity being described, Indian country as defined at 18 U.S.C. § 1151 and/or other tribal areas, including Alaska Native Villages, where federally recognized tribes have rights and interests.

¹ 2 U.S.C. § 1534 (b) provides: "The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to actions in support of intergovernmental communications where –

(1) meetings are held exclusively between Federal official and elected officers of State, local and tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and

(2) such meetings are solely for the purposes of exchanging views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.

² A "federally recognized tribe" is an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1944, 25 U.S.C. 479a.

4. MISSION STATEMENT

The NTOC serves as a forum for federally recognized tribes to work with EPA Senior Leadership on policy and resource matters related to tribal capacity building, environmental program development and implementation in Indian country. Further, the NTOC identifies mechanisms for federally recognized tribes and EPA to facilitate actions that protect human health and the environment in Indian country.

The NTOC seeks to implement this mission in a manner consistent with EPA's 1984 *Indian Policy*,³ the federal trust responsibility to federally recognized tribes, federal laws, regulations, policies, and guidance as well as tribal values and interests. *The 1984 Indian Policy* states that EPA will work directly with tribes on a one-to one (or Nation-to-Nation) basis and not as political subdivisions of States or other governmental units. The interactions of the NTOC do not substitute for this government-to-government relationship between EPA and federally recognized tribes.

5. ROLES AND RESPONSIBILITIES

5.1. NATIONAL TRIBAL OPERATIONS COMMITTEE

The NTOC is composed of the National Tribal Caucus (NTC) and EPA Senior Management across the Agency, including the American Indian Environmental Office (AIEO). The NTOC members work together to:

- Exchange views, information and advice concerning intergovernmental efforts to manage and implement EPA's programs in Indian country.
- Identify and facilitate actions that address the gaps in data, information, policy and understanding that impact environmental and human health protection in Indian country and strive for relative parity in resources for environmental protection between state and tribal programs.
- Strengthen EPA-tribal partnerships to build capacity to develop and implement environmental programs in Indian country.
- Promote mutual understanding of interests and perspectives on national tribal environmental issues, policies, and priorities.
- Monitor and assess progress in EPA's tribal program, including the performance of the NTOC in fulfilling its mission.

³ *The EPA Policy for the Administration of Environmental Programs on Indian Reservations, November 8, 1984 can be found at <http://www.epa.gov/tribal/pdf/indian-policy-84.pdf>*

5.2. NATIONAL TRIBAL CAUCUS

To support the mission of the NTOC, the NTC members of the NTOC:

- Identify and articulate the relative environmental and human health priorities and issues of tribes that are national in scope, cross-EPA or cross-media in nature, and/or are emerging or urgent.
- Provide advice and feedback to the NTOC on tribal goals and strategies for protecting human health and the environment and environmental program development and implementation in Indian country.
- In accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes*,⁴ assist in the identification of EPA matters that may be appropriate for tribal consultation.
- Listen to, understand and provide feedback on the environmental and human health issues and requests put forward by EPA.
- Request and analyze data, information and input from EPA, federally recognized tribes and EPA Tribal Partnership Groups⁵ to understand the relative environmental and human health priorities and issues of tribes nationally.
- Identify the resource needs of tribes to address the environmental and human health priorities identified.
- Convey information about the work of the NTOC to tribes and EPA Tribal Partnership Groups in a timely way.
- Work with tribal organizations outside of EPA to raise environmental and human health issues and advance NTOC initiatives that are mutually beneficial.
- Identify issues to be placed on NTC and NTOC meeting agendas and, as necessary, develop issue papers for discussion.

5.3. EPA SENIOR MANAGEMENT

To support the mission of the NTOC, the EPA Senior Leadership works together to:

- Share data, information and Agency initiatives that may be of interest to federally recognized tribes or that may have an impact on tribal environmental programs in a timely manner.
- Listen to, understand and provide feedback to the NTC on the environmental and human health issues and requests that they put forward.

⁴ <http://www.epa.gov/indian/pdf/cons-and-coord-with-indian-tribes-policy.pdf>

⁵ EPA Tribal Partnership Groups include Regional Tribal Operations Committees or their equivalents and Headquarters Tribal Partnership groups (e.g., Tribal Water Council, Tribal Science Council) focused on media, programmatic, or regional issues.

- Request environmental and human health priorities from the NTC and take action, as appropriate, to address these priorities.
- Ensure that tribal interests are addressed consistently and routinely in the course of EPA operations.
- Update the NTC at least annually about progress being made by EPA in addressing tribal priorities.
- Support the NTC with the resources, data and information necessary to do their work as part of the NTOC.
- Support EPA Tribal Partnership Groups and internal Agency groups in collecting and disseminating information to ensure issues are brought to the NTOC in a timely way.
- Consistent with NTOC agendas and NTC priorities and requests, work with other federal agencies to address programmatic inconsistencies and explore opportunities for collaboration to protect human health and the environment in Indian country.

6. NTOC MEMBERSHIP

6.1. NATIONAL TRIBAL CAUCUS MEMBERSHIP

MEMBERS: There are 19 members of the National Tribal Caucus of the NTOC from nine EPA Regions as indicated below:

Region I	- 1	Region VII	- 1
Region II	- 1	Region VIII	- 3
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		

If one or more tribes or nations receive federal recognition in Region III, the NTC membership will be adjusted to include one member from that Region.

ALTERNATES: Each Region is to have a single alternate member. There is also an alternate member for Navajo Nation and for Alaska. The NTC member is responsible for informing his or her alternate member of any meeting or conference call for which they will be absent or unable to attend. All alternate members have the same voting rights as the NTC member in the absence of the NTC member.

SELECTION: Tribes in each Region are responsible for determining the method of selection of NTC members and alternate members and ensuring an open membership renewal process. EPA Regions are responsible for providing assistance to tribes in the selection process, if requested.

Members and alternate members should meet all criteria under either (1) the Environmental Experience option OR (2) the Elected Official option. If members meet the criteria under the Environmental Experience option and are not tribal elected officials, they must be designated in writing by their tribal leadership to act on behalf of their federally recognized tribe as an NTC member.

Environmental Experience Option:

- Served for at least 3 years as an Environmental Director, Deputy Director or an equivalent position for a federally recognized tribe.
- Experience managing the implementation of a variety of tribal environmental programs for a federally recognized tribe.
- Experience working with, or interacting with, EPA Senior managers at the Regional or Headquarters levels. This interaction could include involvement with Regional Tribal Partnership groups.

Elected Official Option:

- Serves as an elected official or traditionally appointed representative of a federally recognized tribe with broad responsibilities that include oversight of environmental, natural resource, and/or human health issues.

All members and alternates should be willing and able to commit time and energy to the work of the NTC and NTOC.

The Regional Administrator recertifies each NTC member annually in a letter to the NTOC Co-chairs and the Director of AIEO. The Regional Administrator also issues letters to the NTOC Co-chairs and Director of AIEO when members are appointed to or resign from the NTC.

REGULAR ATTENDANCE: Each NTC member or their alternate is expected to participate fully in all in-person meetings. Participation can be in-person or virtual (e.g., through a web conference). Attendance on conference calls is also encouraged for all NTC members or their alternates.

REPLACEMENT OF MEMBERS: If an NTC member fails to participate (in person or virtually) in two in-person meetings in a year⁶, regardless of alternate participation, the NTC leadership and AIEO will work with the respective RTOC (or equivalent group) to assess the situation and determine if the member is able to continue to participate or needs to be replaced with someone who can participate fully. This determination should be made within one month of the second missed meeting. AIEO is responsible for tracking the participation of NTC members for all meetings and calls and providing participation information to NTC leadership and to the applicable RTOC on a regular basis.

⁶ A "year" is measured based on the term of the individual member. For example, if they are selected to serve on the NTC in August, their participation will be evaluated from that point until the following August.

LENGTH OF TERM: The length of term is to correspond with the RTOC or equivalent Regional tribal group's length of term designation.

6.2. EPA MEMBERSHIP

MEMBERS: The following are EPA members of the NTOC:

Administrator	Regional Administrators
Deputy Administrator	General Counsel
Assistant Administrator for International and Tribal Affairs	Inspector General
AIEO Director	Associate Administrators
Chief Financial Officer	Senior Advisor to the Administrator on Environmental Justice
Assistant Administrators	

REGULAR ATTENDANCE: EPA members of the NTOC are expected to fully participate in the annual meeting of the entire NTOC. If a member is unable to attend this meeting, the member's Deputy is expected to participate. EPA members may be requested to attend additional meetings with the NTC to discuss specific priorities that impact their Program or Region. EPA members are expected to make every effort to attend such meetings, or send their Deputy or other designated representative to participate in their absence. Regional and Headquarters Tribal Program Managers are expected to participate in conference calls and in-person meetings with the NTC, as needed, to further the work of the NTOC. AIEO is responsible for tracking the participation of EPA NTOC members for all meetings and calls and providing participation information to EPA leadership at Headquarters and in the Regions.

LENGTH OF TERM: The length of term for EPA members is to correspond to the length of time they serve in their position.

6.3. NTOC LEADERSHIP

The EPA Administrator serves as the Co-chair of the NTOC representing the Agency. The EPA Deputy Administrator serves as the Co-chair in the absence of the Administrator. The NTC Chair serves as the Co-chair of the NTOC representing the NTC. The Vice-Chair serves as the NTOC Co-chair in the absence of the NTC Chair.

7. NATIONAL TRIBAL CAUCUS OFFICERS

7.1. OFFICERS

- Chair
- Vice-Chair
- Secretary

7.2. SELECTION OF NTC OFFICERS

The selection of NTC Officers is to be held every year at a regular meeting of the NTC. Nominations are to be made by an NTC member in writing. Only sitting NTC members are eligible to become officers. Officers are to be elected by a majority vote of the 19 members of the NTC. If all 19 members are not present, the group is to have a quorum present to vote, and the officers are to be elected based on a majority vote of the quorum. (Quorum is defined in Section 8.5.) Thirty days advance notice of any pending elections and nominations of officers is to be provided to each NTC member. Officers shall hold office for one year or until their successor is elected. Nomination and election processes are to be initiated and coordinated by AIEO in consultation with the NTC Officers. Additional details about the election process can be found in the NTOC Orientation Manual.

7.3. DUTIES OF NATIONAL TRIBAL CAUCUS OFFICERS

a. CHAIR

- Presides at meetings of the NTC and co-chairs NTOC meetings.
- Facilitates consensus of the NTC on national tribal environmental issues.
- May convene the NTC as a separate subcommittee from the NTOC to accomplish goals and objectives.
- Serves as ex-officio member of subcommittees and work groups.
- Delegates issues to smaller work groups of the NTC.
- Facilitates the consensus of the NTC at EPA Regional and National Indian Workgroup meetings.
- Represents the NTC on various EPA work groups and committees, as appropriate.

b. VICE-CHAIR

- Presides at meetings in the absence of the Chair.
- Assumes and discharges all the duties of the Chair in the Chair's absence.
- Takes leadership on specific issues per Chair's direction.

c. SECRETARY

- Creates or reviews a written record of all meetings, teleconferences and discussions of the NTC.
- Ensures NTC comments are accurately reflected in written records.
- Transmits this information to the NTC and, as appropriate, to EPA.
- May receive assistance from AIEO to help distribute information in a timely manner to the NTC members.

8. MEETINGS

8.1. REGULAR MEETINGS

Face-to-face interactions are critical to the success of the NTC and NTOC. Depending on the availability of funds, these interactions may occur in person. In lieu of in-person meetings or if participants are unable to travel to meetings, virtual opportunities for interaction (e.g., conference call, webinar, video conference, etc.) may be provided.

The annual meeting of the entire NTOC may be held in conjunction with the Annual Agency Planning Meeting where the NTC members participate in priority setting and budget formulation discussions for the upcoming fiscal year.

8.2. SPECIAL MEETINGS

Special meetings can be requested by either the Co-Chair of the NTOC or the Director of AIEO with concurrence of the Co-Chairs of the NTOC.

8.3. CONDUCT OF MEETINGS

Tribal customs, practices and manner are to govern the order of the meeting for all NTC meetings and NTOC meetings, as appropriate. The NTC is expected to strive for consensus decision-making as a means to formally establish the position of the NTC. Where NTC members cannot reach consensus on a specific issue, members may craft or articulate dissenting opinions that are to be entered into meeting records alongside other opinions on specific matters.

All meetings will be conducted pursuant to Section 204(b) of the Unfunded Mandates Reform Act [2 U.S.C. Section 1534(b)].

8.4. CONFERENCE CALLS

The NTC and EPA Tribal Program Managers meet monthly via conference calls. AIEO is responsible for administering conference calls for the NTC on a regular schedule.

8.5. QUORUM

A majority (at least 51%) of the full membership of the NTC constitutes a quorum for all NTC meetings. The lack of a quorum at an NTC meeting does not prevent those present from proceeding with discussions and consensus building. The lack of a quorum, however, prevents the NTC from voting on the election of NTC officers.

9. SUBCOMMITTEES & WORKGROUPS

EPA or the NTC with EPA's concurrence may establish subcommittees or workgroups, when necessary, to facilitate the mission of the NTOC. NTOC members may be asked to participate in these subcommittees or workgroups to lend their technical expertise. A lead from EPA and the NTC will be designated to convene and oversee the subcommittee or workgroup. The leads are responsible for ensuring the group and/or subcommittee carries out its assigned tasks and placing items on NTC meeting agendas for discussion and reporting. AIEO is responsible for communicating all issues and concerns of any subcommittees or workgroups to the full NTOC, when appropriate. AIEO is expected to coordinate between the NTC workgroups and EPA workgroups.

10. AMENDMENTS

This Charter may be amended at a full NTOC meeting, or outside of a full meeting with consent from the NTOC Co-chairs. Amendments are effective and incorporated into the Charter when accepted by the consensus of the NTC, the EPA Administrator, the Assistant Administrator of the Office of International and Tribal Affairs, and the AIEO Director.

11. CERTIFICATION

We hereby certify that the National Tribal Operations Committee Charter was amended and adopted at a duly called meeting of the National Tribal Operations Committee held on the _____, where a quorum was present.

Dated this 18th day of July, 2012.


Lisa P. Jackson, EPA Administrator
NTOC Co-Chair


William Clay Bravo, NTC Chair
NTOC Co-Chair

