

EPA Region 9 Regional Tribal Operations Committee (RTOC) Winter 2024 Action Items and EPA Responses

Action Items	Tribal Contact	Lead	Response
Request the Water Division hold an informational webinar each year for CWA 106 and CWA 319 for grant proposal submission details.	Southern Cal - Shasta Gaughan	Tomas Torres	Water Division is planning a virtual workshop for CWA 319 and 106 Notice of Funding Opportunity for Fall time frame for January proposals.
Request EPA to provide legal training for Tribes on federal environmental regulations and laws.	Southern Cal - Shasta Gaughan	Sylvia (EPA legal counsel)	A rotation of topics- with NEPA being a priority. This leads into Action Item #3.
Request EPA to provide training for Tribes on NEPA.	Southern Cal - Shasta Gaughan	Jean Prijatel	EPA NEPA staff are working with Southern California reps on what the training will look like. A NEPA 101 session will take place during the Spring RTOC.
Request feedback from project officers on reports.	Southern Cal - Shasta Gaughan	Ruben Mojica Hernandez	On Tuesday, February 27. Ruben convened a meeting with other EPA managers that administered grants with Tribes to discuss this issue. During this call everyone shared their current practices their teams have for POs reviewing grantee reports/deliverables. Ruben presented on GAP best practices and the new mechanisms in place planned for FY25, like conducting mid-year check-in's with grantees, to ensure Tribes are hearing back from GAP POs on progress reporting. All managers agreed to look into this further and work with their teams to ensure feedback on review of reports is getting back to the Tribe.
Tribal Travel Funds. Request for EPA to reinstate the Tribal Travel fund monies.	Tribal Caucus	Ruben Mojica Hernandez	A decision on reinstating the Tribal Travel fund monies will be postponed to next year due to the FY24 budget cuts. Due to likely overall reduction in GAP funds for this fiscal year, funding will be prioritized towards funding the work within GAP FY25 workplans. We strongly encourage FY25 GAP applicants to budget the best they can for FY25 travel in their workplans.
Mining Issues. Can EPA assist Tribes with understanding the process on how mining companies get water and air permits. Does EPA have a role in the permitting process? What role does EPA have in enforcing permits? If not EPA, then who is the enforcement authority? Does EPA have new regulations for Lithium mine tailings? Are there regulations created for Lithium mining?	Havasupai Tribe / Nevada (Cliff)	Tomas Torres	A mining session will take place during the Spring RTOC Plenary. The session will include information on different roles EPA has in different scenarios. EPA will lead additional sessions on mining during the summer, outside of the RTOC.
Indian Health Service Infrastructure Projects. Request for EPA to revisit outstanding IHS Infrastructure projects to ensure adequate funding and appropriate action is taken to complete these projects. There are projects that were funded but no action has been taken (some projects were funded 10+ years ago). On these projects, EPA to reconsider additional funding for these projects, due to inflation (increase costs for construction, contracting, wages, etc.).	John Flores / Cristi Sangster-Begay	Emmanuelle Rapicavoli	Thank you for raising this issue. We understand that Indian Health Service staffing and project duration for water infrastructure projects is a longstanding and ongoing challenge. IHS California Area Directors, Dave Mazorra and Chris Brady have confirmed attendance and participation at the next plenary RTOC. They will discuss IJA funding and priorities, hiring, project duration and cost overruns. Water Division continues to work closely with IHS to prioritize EPA funding for cost overruns for existing projects to ensure project completion. We also followed up with IHS and tribal utility staff for individual projects concerns that were raised during the RTOC and tribal leaders meeting. Lastly, EPA developing several technical assistance initiatives, and in-kind service offerings to assist with engineering needs where IHS is not available to support tribal water infrastructure needs.
Project Officers. Who do Tribes go to when not getting response / feedback from their assigned Project Officers? (All media)	Tribal Caucus	Laura Ebbert	If Tribes are not getting a response from their Project Officers, talk with Ruben Mojica Hernandez (or equivalent program manager in the media divisions), Laura Ebbert or Kristin Gullatt, Kori Cordero (R9 Tribal Advisor), or Martha Guzman (Regional Administrator). Roman Orona is also available for Tribes to talk with, and he will elevate the concerns to EPA.
Lean Management System. What metrics are used to determine failure or success at building Tribal Programs other than capacity indicators within the lean management system?	Cliff Banuelos	Laura Ebbert	<p>Regional Measures:</p> <ul style="list-style-type: none"> • Number of community water systems in Indian Country still in noncompliance with health-based standards since March 2021 (Water) • Cumulative number of federally recognized Tribes assisted by EPA to take action to anticipate, prepare for, adapt to, or recover from the impacts of climate change. (Water) • Pre- & post-award technical assistance provided to Tribes to enhance Grants Requirements Compliance (Mission Support) • Number of outreach/education events and assistance engagements with Tribes, schools, and communities on IRA, BIL and ARP funding (Air & Radiation) <p>National Measures:</p> <ul style="list-style-type: none"> • The percentage of Tribal consultations that identify Tribal treaty rights as possibly being of issue (then use the EPA Tribal Treaty Guidance to guide the TTR conversation during the consultation) (Andy Bryne, AIEO) • Number of results from National Tribal Program Manager engagements resulting in action item(s) or decision (engagement was not Tribal consultation) (Andy Bryne, AIEO) • Number of new or revised EPA-Tribal Environmental Plans (ETEPs) that include EPA direct implementation information on regulated facilities and entities (Lisa Berrios, AIEO)