

**Regional Tribal Operations Committee  
U.S. EPA Region 5  
Charter**

**Section 1.0: Goals**

The Regional Tribal Operations Committee (RTOC) is a partnership between federally recognized Tribal governments geographically located in U.S. Environmental Protection Agency (EPA or Agency) Region 5 (R5) and the EPA R5 senior management team. Working together, the members of the RTOC will be guided by the following goals:

- Respect for Tribal sovereignty and self-governance.
- A commitment to implement federal environmental law consistent with the federal trust responsibility both in Indian country and in ceded territories where Tribes hold reserved rights to hunt, fish, and gather.
- Strengthen implementation of the *EPA Policy for the Administration of Environmental Programs on Indian Reservations* and *EPA Policy on Consultation with Indian Tribes* to ensure meaningful government-to-government working relationships when the Agency takes actions and makes decisions that would effect Tribal governments.
- Promote opportunities for Tribal-federal partnerships to protect the environment in Indian country and in ceded territories where Tribes hold reserved rights to hunt, fish, and gather, including consideration of Tribal natural resource management values and Indigenous Knowledge or similar terminology used in the future.
- Meaningful and robust dialogue between RTOC members.
- Full implementation of federal environmental programs in Indian country.

**Section 2.0: Purpose**

The RTOC enhances the protection of human health and the environment in Indian country, fosters the development and implementation of Tribal environmental protection programs, and promotes effective direct implementation of Agency programs in Indian country. The RTOC will not replace the Agency's responsibility for Consultation on a government-to-government basis when appropriate. The RTOC will:

- Identify common Tribal environmental program capacity needs across R5, develop recommendations to address needs, and implement actions as appropriate to build and enhance Tribal environmental program capacity.
- Identify opportunities to enhance planning and implementation of EPA's direct implementation responsibilities in Indian country.
- Help uphold and communicate the Agency's trust responsibilities for particular environmental or human health issues in Indian country and treaty-ceded territories.
- Identify and define issues important to Indian country in R5 and convey those issues nationally through the National Tribal Operations Committee, EPA Tribal Partnership Groups (TPGs), and EPA National Program Offices.

- Facilitate implementation of the *EPA Policy for the Administration of Environmental Programs on Indian Reservations* and other policies applicable to Tribes in R5.

### **Section 3.0: Membership**

The RTOC will be comprised of a Regional Tribal Caucus and the EPA R5 senior management team.

#### **3.1 Regional Tribal Caucus (RTC)**

Tribal government representatives will form the RTC.

**3.1.1 Selection of Tribal Government Representatives for the RTC:** Tribes with a central seat of government in each state (currently Michigan, Minnesota, and Wisconsin) will be responsible for determining the method for selecting two Tribal governmental representatives for their respective geographical state areas. We recognize that additional Tribes may receive land back within Region 5 geographic areas not currently covered by the RTOC Charter (IL, IN, OH). As this occurs, and if additional Tribe(s) request representation on the RTOC, then the current RTOC members will define procedures for potentially expanding representation on RTOC. Members of the RTC shall be elected officials, designated employees, or authorized agents as selected by Tribal government environmental staff. Two alternate representatives for each respective geographic state area may also be designated. The term shall be two years with no limit on terms. The term shall generally begin on the first day of October and shall end on the last day of September two years later.

The RTOC will be responsible for filling any vacancy in a timely manner. If a position is vacated before the term is completed, then the newly appointed representative or alternate shall fulfill that term. The R5 Tribal Program will work with the RTC to provide notification to all Tribal governments in any geographical state area that has a vacancy and will be available to meet with Tribal government representatives to support filling the RTOC vacancy.

**3.1.2 Notice to EPA:** Written notification of new RTC representatives will be sent to the current RTOC Co-Chairs with a copy to the R5 Tribal Program Director as soon as possible after their confirmation by their respective Tribal governments. Details related to documentation can be found in the R5 RTC Bylaws.

**3.1.3 Duties:** Members of the RTC are expected to:

- a) Gather input from all the Tribal governments within their respective geographic state area and advance that input to the RTOC;
- b) Provide reports to Tribal governments on the proceedings and outcomes of RTOC deliberations;
- c) Collaborate with the R5 Tribal Program to develop RTOC meeting and monthly conference call materials;

- d) Actively prepare for and participate in RTOC meetings and monthly conference calls, formulating solutions to issues raised during RTOC deliberations;
- e) Serve on ad hoc and/or standing committees and subgroups formed by EPA, the RTOC, or the RTC, in accordance with the RTC Bylaws;
- f) Participate in the selection of Tribal representatives from R5 to serve on the National Tribal Caucus and TPGs that require RTOC support;
- g) Coordinate with the R5 NTOC representatives to advance issues important to R5 to the national level; and
- h) Select the recipient of the *Taimi Lynne Hoag Award for Environmental Stewardship* according to the criteria and process established by the RTC.

3.1.4 Regional Tribal Caucus Bylaws: The RTC will maintain bylaws covering the selection processes, appointments, terms of service, alternates, attendance, and replacement procedures for Tribal representatives serving on the RTC, and selection/replacement procedures for representatives to TPGs and the National Tribal Caucus.

### 3.2 EPA Region 5 Senior Managers

The EPA R5 senior managers will consist of the following representatives:

Regional Administrator  
 Deputy Regional Administrator  
 Regional Counsel  
 Director, Air and Radiation Division  
 Director, Enforcement and Compliance Assurance Division  
 Director, Environmental Justice, Community Health, and Environmental Review Division  
 Director, Great Lakes National Program Office  
 Director, Land, Chemicals, and Redevelopment Division  
 Director, Mission Support Division  
 Director, Superfund and Emergency Management Division  
 Director, Tribal and International Affairs Division  
 Director, Water Division

3.2.1 Duties: Region 5 senior managers will represent their respective Divisions and Offices by –

- a) Actively preparing for and participating in RTOC meetings as required by the agenda or in unusual circumstances when attendance is not feasible sending a delegate;
- b) Formulating solutions to issues raised during RTOC deliberations;
- c) Sharing relevant information on policies, procedures, and programs in a manner that allows the RTC to provide meaningful and timely input to Agency decisions affecting Indian country;
- d) Providing timely reports to staff in their Divisions and Offices on relevant proceedings and outcomes of RTOC deliberations;

- e) Assisting with the development of meeting materials; and
- f) Actively participating, are designating a delegate to participate, in sub-committees and workgroups formed by the RTOC, which function in accordance with RTOC Workgroup Operating Procedures.

The R5 Tribal Program will be responsible for: RTOC meeting logistics, development and distribution of meeting materials and notes, maintaining an RTOC Action Item Tracking Matrix to record commitments and deadlines agreed to during RTOC deliberations, and providing support to the RTC. As appropriate and as resources allow, support to the RTC may include developing and providing technical information and research, assistance with communication and coordination, and resources to participate in meetings and conference calls. The R5 Tribal Program will also coordinate monthly conference calls with the RTC to advance work on activities identified during meetings and to plan for future meetings. The R5 Tribal Program will offer an RTOC orientation to new RTC representatives.

## **Section 4.0: Meetings**

### **4.1 RTOC Co-Chairs**

The Regional Administrator and one member of the RTC will serve as the RTOC Co-Chairs. The RTC will select the Tribal Co-Chair according to the RTC Bylaws.

4.1.1 Substitutions: An RTOC Co-Chair may designate a substitute to represent them at a particular meeting if they are unable to attend. The selection of substitutes for the Tribal Co-Chair is outlined in the RTC Bylaws. When possible, the R5 Tribal Program should be notified at least one week prior to the meeting that a substitute Co-Chair has been designated.

4.1.2 Duties: The RTOC Co-Chairs will jointly preside over the RTOC meetings, and prior to each meeting the R5 Tribal Program will brief each Co-Chair on the meeting agenda and expectations. The RTOC Co-Chairs will also be responsible for ensuring agreement of any follow-up action items identified during RTOC meetings.

### **4.2 Meeting Frequency and Location**

The RTOC will meet three times each calendar year. One meeting may be held in Chicago and two meetings will be held in Indian country. Meetings in Indian country will rotate among the three states and be hosted by a Tribal government identified by the RTC, in coordination with the R5 Tribal Program Liaisons. The location and frequency of the RTOC meetings may be changed by mutual consent of the RTOC Co-Chairs.

The R5 Tribal Program will host monthly coordination calls with the RTC throughout the year to ensure follow-up from the previous RTOC and planning for the future RTOC are successful.

### 4.3 Meeting Notes

The R5 Tribal Program will draft a meeting summary within 30 days of the RTOC meeting and provide it to the RTOC for review and comment. Once comments are received and any revisions completed, the summary will be distributed by the R5 Tribal Program to the appropriate Tribal Environmental contacts. The meeting summary will be offered for formal approval at the subsequent RTOC meeting.

During each RTOC meeting, the R5 Tribal Program will record items that require follow-up action. RTOC members will propose action items and the RTOC Co-Chairs will ensure that there is agreement from both the RTC and EPA senior managers on the steps to be taken and the assigned lead from both the RTC and EPA senior managers. The RTOC Action Item Tracking Matrix will be updated to record any new commitments identified at the meeting.

## **Section 5.0: Selection of Tribal Representatives to the National Tribal Operations Committee**

### 5.1 National Tribal Operations Committee

5.1.1 Representatives: Tribal representatives and alternates will be selected by the RTC to represent the Tribes in Region 5 on the National Tribal Operations Committee (NTOC) in a manner consistent with the R5 Tribal Caucus Bylaws. NTOC representative duties will be consistent with the NTOC charter.

5.1.2 Notice to EPA: NTOC representatives and their alternates will be identified to the Regional Administrator by official Tribal correspondence in a manner consistent with the RTC Bylaws. The R5 Tribal Program Office will be responsible for providing certification of the R5 NTOC representatives to the EPA American Indian Environmental Office.

## **Section 6.0: Charter Amendment and Review**

As the RTOC's role and responsibilities evolve, it may review and amend this document as necessary. This charter will be reviewed at least once every five years by the RTOC or by a Charter Workgroup formed by the EPA and Tribal Co-Chairs for this purpose; any proposed amendments may be proposed by the EPA, the RTC, or by a Charter Workgroup, disseminated for review and input by all the Tribes in Region 5, and approved by the RTC in line with the RTC Bylaws, reviewed by the EPA, and subsequently approved or not approved by agreement of the RTOC Co-Chairs at the next scheduled RTOC meeting.

## **Section 7.0: Special Understandings**

As required by the Antideficiency Act, 31 U.S.C. 1341 and 1342, all commitments made by EPA in this Charter are subject to the availability of appropriated funds. Nothing in this Charter, in and of itself, obligates EPA to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or incur other financial obligations that would be inconsistent with Agency budget priorities. The parties agree not to submit a claim for compensation for services rendered to EPA in connection with any activities it carries out in furtherance of this Charter. Any transaction involving reimbursement or contribution of funds

between the parties to this Charter will be handled in accordance with applicable laws, regulations, and procedures under separate written agreements. Nothing in this Charter exempts the parties from complying with any applicable federal, state, or local law or regulations. This Charter is not intended to result in any legal obligations on the part of either EPA or any of the parties. This Charter does not create any right or benefit, enforceable by law or equity, against the parties, their officers or employees, or any other person. This Charter does not direct or apply to any person or entity outside of the parties to this Charter.

#### **Section 8.0: Authority**

EPA's participation in this Charter is authorized by Sections 104(a) and (b) of the Clean Water Act, 33 U.S.C. §§ 1254(a) and (b); Sections 103(a) and (g) of the Clean Air Act, 42 U.S.C. §§ 7403(a) and (g); Section 305(a) of the Toxic Substances Control Act, 15 U.S.C. § 2665(a); Section 104(k)(6) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9604(k)(6); Section 8001(a) of the Solid Waste Disposal Act, 42 U.S.C. § 6981(a); Section 203(a) of the Marine Protection, Research and Sanctuaries Act, 33 U.S.C. § 1443(a); Section 1442(a) of the Safe Drinking Water Act, 42 U.S.C. § 300j-1; Section 102(2)(G) of the National Environmental Policy Act, 42 U.S.C. § 4332(2)(G); and Sections 6604(b)(5) and (b)(13) of the Pollution Prevention Act, 42 U.S.C. §§ 13103(b)(5) and (13).

#### **Section 9.0: Certification**

Region 5 Tribal Operations Committee members have reviewed and agreed to this Charter.

/s/ Debra Shore  
Debra Shore, Region 5 Regional Administrator  
and EPA RTOC Co-Chair

10/10/2024  
Date

/s/ Brandy Toft  
Brandy Toft, Environmental Director  
Leech Lake Band of Ojibwe  
and Tribal RTOC Co-Chair

10/10/2024  
Date