

Spring 2025 RTOC Action Items

NOTE TO EPA - Please include a DATE of when a response will be completed for each Action Item.

Identif	Action Items	Tribal Contact	Lead	Response
1	Reintroduce a Tribal Leaders Roundtable with R9 Administrator Josh F.W. Cook at the Summer RTOC Meeting.	Tribal Caucus	Tribal Section	A Tribal Leaders Roundtable is scheduled for Wednesday 2:45 - 4:15 PM after the Full Plenary on Wednesday, July 30th.
2	Request a meeting with EPA Administrator Lee Zeldin for Tribal Leaders to discuss the status of the funding for Tribal Programs.	Christy Sangster-Begay	ORA	Pending response from ORA.
3	If the Tribal EPA Conference does not take place this year, will the allocated funding roll over to next year or will it be reallocated?	Lovina Redner	Tribal Section	Pending response from Tribal Section.
4	Clarify what typically happens to the allocated funds when a Tribe is no longer able to utilize or manage their GAP funds? Are those funds reallocated, returned or distributed to other Tribes?	Annette George	EPA Tribal Gra	<p><u>GAP</u>: funds are returned to the program and then redistributed to Tribes.</p> <p><u>AIR</u>: When Region 9 Tribal air funds for the CAA 103 and 105 programs are not utilized, the funds are kept in the Region 9 Tribal air program. Then, the funds are redistributed for future Tribal air grants in the CAA 103 & 105 program.</p> <p><u>LCRD</u>: Competitive program funds cannot be redistributed. Region 9 can request that HQ return unliquidated FIFRA Pesticides and Brownfields 128(a) response funds to the Region for reallocation. Please reach out to Pesticides or Brownfields managers with questions.</p> <p><u>WATER</u>: Funds are recertified for use in Region 9 and are awarded back to Tribes</p> <p>For competitive programs, funds cannot be redistributed. If Tribes have specific questions, please reach out to your respective project officers to refer them to a contact.</p>
5	Request clarity from the R9 Administrator Josh F.W. Cook regarding threatened cuts to funding and "cutting out the middleman" (in reference to his remarks at NTFAQ).	S. CA (Rob Roy, Shasta Gaughan)	ORA	Pending response from ORA.

				<p>The EPA remains committed to the well-being of border and Tribal communities along the U.S.-Mexico border through the Border 2025 Program. Our ongoing efforts focus on protecting the region's environment and public health in collaboration with local, state, and federal partners.</p> <p>Currently, EPA staff are assessing the accomplishments achieved under the Border 2025 Program and developing a timeline for its closure and completion. Discussions regarding the program's conclusion began in late 2024 and were further elaborated upon during the National Coordinators Meeting in September 2024.</p> <p>Conversations with representatives from Mexico have led to the proposal of a Border 2035 Program, a successor to the Border 2025 Program. The new program will prioritize initiatives under three of the five EPA Pillars: 1) Clean Air, Land, and Water for Every American; 2) Permitting Reform, Cooperative Federalism, and Cross-Agency Partnerships; and 3) Establishing the United States as the Artificial Intelligence (AI) Capital of the World.</p> <p>The EPA plans to provide further information soon regarding the closure of Border 2025 and the development of the Border 2035 Plan. Once objectives are defined and the framework for the new initiative is drafted, EPA staff from the Office of International and Tribal Affairs (OITA) will initiate Tribal Consultation to ensure stakeholder engagement during the planning and finalization stages. Communication about Border 2035 will also include sharing the draft plan with state partners and border communities for their input.</p> <p>Additionally, we recognize the need to consider the limited funds (Figure 1) currently allocated to this program in developing the new plan, as well as exploring existing and new partnerships that could bolster efforts under the new program.</p>
6	Request the status of the Border Program?	S. CA (Rob Roy, Shasta Gaughan)	Jared Vollmer	<p>assess the environmental effects of their proposed actions prior to making decisions.</p> <p>Section 309 of the Clean Air Act requires EPA to review all draft environmental impact statements prepared by other federal agencies. CEQ's rescission of its NEPA regulations does not affect these core statutory requirements.</p>
7	<p>(a) What is EPA's role under NEPA now that CEQ regulations have been rescinded? Does it effect Tribal consultation on NEPA? (S. CA)</p> <p>(b) Will Tribes be invited to consult and agree on the final rule? EPA permits other agency NEPA projects, EPA could write into it's rules that Tribal interests get addressed. (Sally Manning)</p>	S. CA (Rob Roy, Shasta Gaughan) Sally Manning	Updated: Desean Garnett	<p>EPA's NEPA implementing regulations will, however, undergo change as required by Executive Order 14154—Unleashing American Energy and recent federal court decisions. EPA will remove references to CEQ's regs in 40 CFR Part 6. At this time, the Region is unaware of any proposed changes to EPA's consultation practices or policies. EPA plans to propose an interim final rule this Fall."</p>

8	Request clarification on the proposed changes to the WOTUS rule.	S. CA (Rob Roy, Shasta Gaughan)	Licia Maclear	<p>The January 2023 Rule defining WOTUS, as amended by the September 2023 conforming rule (2023 Rule, as amended) remains effective in all R9 Tribes, States, and Territories. Following the March 12th joint guidance on the application of the “continuous surface connection” requirement to adjacent wetlands, only wetlands which directly abut, or touch, a traditional navigable water, a territorial sea, or an interstate water, or a relatively permanent tributary to such waters are considered WOTUS.</p> <p>The agencies’ next step will be to issue a proposed rule in the coming months. Following public comment on the proposed rule, the agencies intend to issue a final rule by the end of 2025.</p>
9	(a) Is EPA considering use of AI in EPA programs, because of EPA staffing reductions? (S. CA) (b) Regarding the use of AI in EPA, how will the EPA be able to ensure tribal data sovereignty with sensitive data is maintained? (Eleazar Rodriguez)	S. CA (Rob Roy, Shasta Gaughan) Eleazar Rodriguez	ORA - ISO (2)	Pending response from ORA.
10	Would EPA host a forum to discuss further implications of the Endangered Species Act? There are pending changes on the ESA and how those implications would affect Tribes.	S. CA (Rob Roy, Shasta Gaughan)	USFWS	Pending response from USFWS Tribal Liaison to find a proper point of contact.
11	How will Tribal Programs be informed about FY26 Program financial and other reporting requirements and who can we expect to hear from?	Amy Miguel, Salt River Pima Maricopa Indian Community	Tribal Section	R9 Tribal Section Managers, Michael Cloyd and Sarah Sullivant, will provide an update on FY26 GAP funding and allocation at the Summer RTOC Full Plenary on Wednesday, July 30th.