

Summer 2025 RTOC Action Items

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

Identifier	Action Items	Tribal Contact	Lead	Response
1	Request for each EPA R9 program office (i.e. Air, Superfund, Land, etc.) to develop and share calendars for their consultations (TCOTS), meetings, funding, trainings, etc. with the Tribal RTOC Co-Chair and/or their grantees. An example, the EPA R9 Water shares a monthly calendar on CWA related items with relevant regional grantees. It will help Tribes to better respond to these important events such as grant deadlines, comment deadlines, important meetings, etc..	Consultation Workgrouop (Cliff Banuelos)	RIPSC - EPA Tribal Programs	EPA Tribal Programs have had initial discussions about this item, however conversations were paused due to finalizing Fiscal Year 2026 award packages. Conversation about this request will be resumed once a budget for Fiscal Year 2026 is resolved.
2	How will the Reduction in Force (RIF) and funding level reductions affect Tribes, and what can Tribes expect in the way of commnications and responses from EPA?	S. California (Rob Roy, Shasta Gaughan)	ORA; Kevin Gong	The Region has no insight on the scope and timing of a Reduction in Force, nor about potential future budget decisions by Congress that would impact funding levels for EPA grant programs. Region 9 would continue to follow our communications plan to provide updates to the Tribal Caucus if warranted.
3	How did Region 9 determine the amount of funding reductions for tribes in FY 26?	S. California (Rob Roy, Shasta Gaughan)	Michael Cloyd	GAP Program: In assessing award amounts each fiscal year, we work to ensure that all Tribes retain the basic ability to fund an essential GAP program and then distribute additional funds as possible. We did not start with last year's funding numbers and determine specific amounts to reduce each award by, rather we developed unique funding amounts for each Tribe using specific local cost information from your applications to help develop the FY26 awards. In prior years we have had a surplus in funding for reasons we just discussed. We understand that any change in GAP funds may have significant impacts on your environmental programs. GAP continues to be an essential building block for Tribal capacity and our team remains committed to doing everything in our power to advance the priorities of Tribes and support this program.
4	How will changes to NEPA affect Tribes? How will the changes to NEPA affect Tribes? What changes are happening within EPA? What components are being transferred to states, if any? And what changes are going to occur with the consultation process?	S. California (Rob Roy, Shasta Gaughan) Nina Hapner Inter-Tribal Council of Arizona	Desean Garnett	EPA's new NEPA regulations should be in place by the Spring of 2026; the Office of Regional Counsel will plan to share a summary and presentation on changes at the RTOC following their publication.
5	What is the status of any changes to the QA process?	S. California (Rob Roy, Shasta Gaughan)	Audrey Johnson	Since the presentation given at the 2024 Summer RTOC, there have been no changes to the QA process. The presentation can be accessed here. All quality assurance documents need to follow EPA's Quality Policy and Procedure. Quality Management Plans (QMPs) need to adhere to the QMP Standard and Quality Assurance Project Plans (QAPPs) must follow the QAPP Standard. On October 2, 2025 the QA Community was informed that Headquarters posted the updated Guidance on developing Quality Assurance Project Plans (QAPP Guidance) that meets the specifications of the EPA QAPP Standard. This version replaces the EPA QA/G-5, EPA Guidance for Quality Assurance Project Plans, issued in December 2002 (EPA/240/R-02/009). The QAPP Guidance is not a requirements document but provides additional information for addressing the requirements for QAPPs prepared by organizations performing environmental information operations (EIO) using EPA funds, including by States, Tribes or others receiving resources from the Agency and conducting EIO. This resource was also shared with the RTOC Tribal Co-Chair for distribution to RTOC representatives.
6	Request for in-person training for new environmental personnel and directors on GAP grant/workplans, the GAP Guidance and for PO's to provide an overview on GAP Hub; what is the status of GAP Hub? Tribes request that a seasoned tribal environmental manager also serve as trainer for the training.	Tribal Caucus	Michael Cloyd; Ruben Mojica-Hernandez	Region 9 is unable to make new commitments regarding in-person training until a budget for Fiscal Year 2026 is established. We will carry this action item forward until that time.

7	When will the NOFA be released for the SWFIR grant?	David Lewis, Yavapai Apache Tribe	Claire Trombadore	The NOFA was released 9/8/2025. https://www.epa.gov/infrastructure/solid-waste-infrastructure-recycling-grants-tribes-and-intertribal-consortia
8	Annual Tribal Conference funding. EPA to determine if a separate Notice of Funding Opportunity will be announced for a co-host the annual conference by the Fall RTOC Meeting.	Tribal Caucus / EPA	Michael Cloyd; Ruben Mojica-Hernandez	EPA Region 9 will work to keep RTOC up to date on when we have more information regarding a new Notice of funding Opportunity to serve as co-host of the annual conference. We are not able to begin the process of preparing a Notice for approvals until after a budget for Fiscal Year 2026 is resolved.
9	USACE sent out a blanket 401 to recertify all their permits. Why does the USACE have that authority and where does USEPA fit in when 401 is EPA function.	Sean Parker, White Mountain Apache Tribe	Tomas Torres Water or Regional Counsel, Licia Maclear	The U.S. Army Corps of Engineers (Corps) is re-issuing Nationwide Permits (NWP) for projects that impact wetlands and waters. NWPs are a type of general permit issued by the Corps authorizing certain activities under the CWA Section 404 (discharges of dredged or fill material) and Rivers and Harbors Act Section 10 (structures or work in navigable waters) that will result in no more than minimal individual and cumulative adverse environmental effects. The NWPs permits are reissued every five years, and the current NWPs will expire on March 14, 2026. The reissuances require that the Corps, as the project proponent for the NWP permit program, obtain Clean Water Act 401 water quality certification decisions from certifying authorities, including Tribes, States, and EPA. Certifying authorities can (1) certify the NWPs as proposed; (2) certify with additional water quality conditions; (3) deny certification for NWPs, or (4) waive certification of NWPs. A denial of certification does not mean that NWPs cannot be used, but rather that any activities seeking to use a NWP require an individual 401 water quality certification from the Tribe. This allows the certifying authority to review each potential permit action on a case-by-case basis.
10	There is an issue on the Verde River regarding bank stabilization. There has been installation of cement or concrete blocks on the surface of the bank. The Tribe filed a complaint with the Arizona Department of Environmental Quality (ADEQ) who then contacted the US Army Corp. of Engineers. The Tribe has not received any response in over 45 days. The Tribe is requesting assistance with this issue.	David Lewis, Yavapai Apache Tribe	Hector Aguirre/Licia Maclear	Resolved: Update from Jamie Marincola, Stormwater, Fill, and Oil Supervisor Enforcement and Compliance Assurance Division ECAD) The Enforcement team followed up with the Army Corps of Engineers (USACE). - USACE checked the project and determined it did not seem to impact navigable waters. ECAD was not clear if USACE was actually onsite. - Initially the USACE assessment was that the work did not require a 404 permit since it was not within a jurisdictional water; EPA would not have authority to cite a violation under the dredge/fill program.
11	[This is the same issue as line 11. Possibly brought up in a different meeting.] Adjacent to Yavapai Apache lands, the landowner removed topsoil which has resulted in lowered soil level near the surface water. In addition, black tubing was installed on the property. The Tribe is asking who authorized this work, ADEQ or EPA? It would have been beneficial if the Tribe had been notified in advance.	David Lewis, Yavapai Apache Tribe	Hector Aguirre	- If there was active work; A separate requirement would be if over 1 acre of land is disturbed they would be required to have stormwater NPDES permit coverage under 402. Based on Dave Lewis' (Yavapai Apache) description, ECAD is not very hopeful that there is sufficient evidence to cite that violation either. However, it would not require Army Corps involvement as it is a separate program. It also does not require work to have been conducted in the river. - ECAD is not seeing any violations of the CWA. If EPA or ADEQ were able to send an inspector they may be able to get more information/evidence to better support a case on either 402 or 404. Unfortunately the AZ Inspector is currently on Admin leave and EPA is limited on travel funding at this time. EPA is working on the possibility of sending someone out. Licia has updated Dave Lewis from Yavapai Apache.
12	The powerpoint presentations that were provided during this RTOC; when will those be uploaded to the RTOC website?	Tribal Caucus	Abby Gamet	All but two HQ presentations are available online. Pending responses from HQ.
13	Follow-up on Winter and Spring RTOC Action Items. There are several action items that have not received a response from EPA. Provide an update on when the Tribal Caucus can expect a repsonse to these outstanding items?	Tribal Caucus	Abby Gamet	Responses to Winter and Spring RTOC Action Items were uploaded before the Summer RTOC.
14	What is the status of removing Tribal Programs from EJCEER?	Mel Joseph	Laura Ebbert; ORA	There has been no change to the organization of any programs within the Region.