

# ***United States Environmental Protection Agency Region 10 Tribal Operations Committee (RTOC) Charter***

Original Charter signed August 23, 2001 with amendments dated 3/2003, 12/2005, 10/2008, 9/2012, 3/2015, and 6/2016.

## Amendment

Approved July 15, 2021.

This Charter sets forth the basic goals, principles, and operating procedures for the Region 10 Tribal Operations Committee (“RTOC”). Region 10 includes 271 tribes across the geographic area covered by the states of Alaska, Idaho, Oregon and Washington. The RTOC is a partnership between the United States Environmental Protection Agency (“EPA”) Region 10 and elected tribal representatives. The mission of the RTOC is to protect and improve tribal health and environmental conditions in Indian Country, consistent with the EPA Indian Lands Policy, EPA’s trust responsibility, and environmental laws, policies, and guidance. **The relationship between RTOC and EPA Region 10 will not substitute for the government-to-government relationship between EPA and individual tribal governments.**

**Background:** In 1984, EPA developed an “Indian Lands” policy to implement federal environmental statutes on American Indian reservations that was signed by EPA Administrator William D. Ruckelshaus. In 1991, EPA Administrator William B. Reilly amended the policy by adding a state/tribal concept on cooperative jurisdiction. In 1994, EPA Administrator Carol M. Browner reaffirmed the 1984 EPA Indian Policy through a nine-point memorandum that outlined specific actions EPA would undertake to more effectively implement environmental protection on American Indian reservations.

EPA also created the National Tribal Operations Committee (“NTOC”) to more effectively implement the Agency’s Indian Policy. The NTOC is currently composed of EPA’s Senior Leadership Team (Administrator, Assistant and Regional Administrators) and nineteen tribal representatives from the ten EPA regions where federally recognized tribal governments are located.

EPA Administrator Carol M. Browner convened the first NTOC meeting on February 17, 1994. At this first meeting, the NTOC Tribal Caucus presented three recommendations: 1) reaffirm the 1984 Indian Policy and the EPA state/tribal concept paper on jurisdiction; 2) establish a National EPA Indian Environmental Office; and 3) increase funding for tribal environmental programs. EPA has since accomplished all three recommendations. A new American Indian Environmental Office (AIEO) was created within EPA’s Office of Water to lead the implementation of the Indian Lands Policy. The AIEO is now located within EPA’s Office of International and Tribal Affairs.

The NTOC also identified the need for RTOCs to be established in each of the EPA regions with federally recognized tribes. In the spring of 1996, Region 10’s Office of Tribal Operations (later called the Office of Ecosystems, Tribal and Public Affairs) solicited nominations for Region 10 RTOC membership. The RTOC comprises

representatives who are elected by the tribes (Tribal Caucus) and designated management and staff in EPA Region 10. Region 10 Tribal Caucus members (one tribal representative per state) were then selected by ballot. The first RTOC meeting took place at Fort Hall, Idaho, on the Shoshone-Bannock Reservation. The need for an RTOC charter was identified at this meeting and drafts were developed for adoption. The Charter was officially adopted by the RTOC on August 23, 2001, after an extensive tribal review process.

### **Section 1.0 Mission:**

The mission of the RTOC is to protect and improve tribal health and environmental conditions consistent with the EPA Indian Lands Policy, EPA's trust responsibility, and federal treaties, laws, regulations, policies, and guidance.

### **Section 2.0 Scope:**

The Tribal Caucus works in partnership with EPA to further tribal environmental objectives at the regional level as well as to provide assistance to the NTOC Tribal Caucus representatives to advocate for regional concerns at the national level.

### **Section 3.0 Purpose:**

1. Provide input to assist regional efforts in building tribal environmental capacity and infrastructure and support continued implementation of on-going tribal environmental programs.
2. Provide input to assist Regional efforts to promote assumption of federal environmental programs by tribal governments.
3. Assist in developing regional strategies for environmental issues important to tribes and EPA Region 10 to advance strong environmental protection for all tribes.
4. Provide input to Regional tribal programs' budget priorities and management functions to increase tribal access to EPA programs, funding, technical assistance, training, and information.
5. Promote continued education and increased communication at every level of EPA on tribal sovereignty issues, principles of Indian law, traditional ecological knowledge, and tribes as co-regulators.
6. Assist and support the NTOC Tribal Caucus representatives and NTOC activities.
7. Assist EPA in developing and maintaining an open dialogue among tribes and EPA.
8. Meet with EPA Region 10 on a regular basis to keep open and regular communication between the Tribal Caucus and EPA.

### **Section 4.0 Role of the Tribal Caucus**

The Tribal Caucus provides input into EPA's operational decision-making that affects tribes. A recommendation from the Tribal Caucus does not take the place of government-to-government consultation with each tribe.

### **Section 5.0 Membership**

The RTOC comprises representatives who are elected by the tribes and designated management and staff in EPA Region 10.

#### **Section 5.1 Tribal Caucus Membership**

The Tribal Caucus is the non-EPA membership of the RTOC. The Region 10 NTOC Tribal

Caucus members are also members of the RTOC Tribal Caucus. The Tribal Caucus membership is limited to elected tribal officials and tribal staff from Region 10 tribes.

Tribal representatives to RTOC and NTOC are elected by tribal governments within specific geographic areas:

RTOC Tribal Caucus Positions: Alaska (3), Idaho (1), Oregon (1), Western Washington (1), Eastern Washington (1).

NTOC Tribal Caucus Positions: Alaska (2), Western Washington and Oregon (1), Eastern Washington and Oregon, and Idaho (1).

To be eligible for an RTOC Tribal Caucus position or an RTOC Tribal Caucus alternate position, a person must be an elected tribal official or staff from a tribe in Region 10. To be eligible for an NTOC Tribal Caucus position or NTOC Tribal Caucus alternate position, a person must meet the criteria set forth in Section 6.1 of the NTOC Charter.

At no time may a tribe hold more than one primary or more than one alternate position on the RTOC or NTOC.

#### **Section 5.1.1 Attendance**

A primary Tribal Caucus representative is expected to fully participate in all in-person meetings and conference call meetings or to send their alternate to participate in their place. If Tribal Caucus members are absent, they will abide by the decisions made in their absence. If a Tribal Caucus member misses three consecutive meetings for any reason, the RTOC leadership will meet with the member to assess the situation and determine if the member is able to continue to participate or needs to be replaced by someone who can participate fully.

If an NTOC Tribal Caucus member from Region 10 fails to meet the NTOC Charter attendance requirements, the NTOC leadership and EPA's AIEO will meet with the RTOC to assess the situation and determine if the member is able to continue to participate or needs to be replaced by someone who can participate fully as set forth in the NTOC Charter.

#### **Section 5.1.2 Length of Terms**

The RTOC and NTOC Tribal Caucus members serve three-year terms.

#### **Section 5.1.3 Election of the Tribal Caucus**

Elections for RTOC and NTOC Tribal Caucus members are held in the autumn of each year on a rotational basis. EPA undertakes the process of nominations and elections through government-to-government communication with tribes from within the geographic area of the open position(s). The elected member(s) begin(s) their term at the first of the calendar year following the fall election.

If there is a tie in the number of votes for two or more nominees in an area,

Region 10 will establish a second round of voting for tribes in that area to determine the winner for the position. If only one qualified nominee is nominated for a geographic area with an open position, that individual will be appointed without the need for an election. If no nominees are received for a particular position, the nomination period will be extended and EPA's Senior Tribal Policy Advisor and RTOC staff will conduct outreach to the tribes in that area to generate interest in serving as a Member of the Tribal Caucus. If, after an extension of the nomination period and outreach to Tribes within the area, there are still no nominees, the position will remain vacant until a qualified representative from the area agrees to serve in the position, up until the next election cycle, in which the position will be added to that year's election by EPA.

#### **Section 5.1.4 Alternates**

Except for the Region 10 NTOC Tribal Caucus alternates described below, each RTOC and Region 10 NTOC Tribal Caucus member shall select an alternate for representation on the RTOC from the same geographic area, who will fill in for the primary as needed. In order to provide broad representation, the Tribal Caucus representatives from Alaska are encouraged to select an alternate from another area of the State. Under no circumstances shall an RTOC or Region 10 NTOC Tribal Caucus member appoint a designee.

Alternates must meet the requirements for membership described in section 5.1.

The selection of the alternate shall occur within 90 days of the election of the RTOC or Region 10 NTOC Tribal Caucus member or the vacancy of the position by the prior alternate. If an alternate is not selected by the RTOC or Region 10 NTOC Tribal Caucus member, the Tribal Caucus shall appoint an alternate for that position. Alternates serve for the same term as their primary member and at the will of the primary member.

For attendance at NTOC meetings, there shall be one alternate for the Region 10 NTOC Tribal Caucus positions from Alaska and one alternate for the Region 10 NTOC Tribal Caucus positions from Idaho, Oregon, and Washington. These alternates shall be selected by agreement of the NTOC Tribal Caucus members from Alaska for the Alaska alternate and the NTOC Tribal Caucus members from Idaho, Oregon, and Washington for the Idaho, Oregon, and Washington alternate. NTOC Tribal Caucus alternates shall be selected from the designated Tribal Caucus alternates. If within 90 days, there is no agreement reached by the NTOC Tribal Caucus members for selection of the alternate or if no alternate is proposed, the selection of the alternate shall be made by action of the Tribal Caucus. The alternates selected to represent Region 10 at the NTOC meetings shall serve for a term of three years.

Alternates and primary members shall regularly communicate about issues impacting the geographic area they represent and about issues discussed at RTOC meetings. When an alternate fills in for a primary, the alternate has equal rights and responsibilities as the primary.

Tribal Caucus alternates should endeavor to attend one in-person meeting each year (subject to funding availability) and each regularly scheduled conference call. Alternates will not be allowed to vote at any meeting or conference call if their primary is also in attendance.

#### **Section 5.1.5 Backfilling Vacancies in Membership**

In the event that an RTOC or NTOC Tribal Caucus member vacates a primary position for any reason before the end of their term, their alternate serves out the remainder of the term as the interim primary member. The interim primary member then designates an interim alternate, consistent with the membership requirements in section 5.1.4.

In the event that an RTOC or NTOC Tribal Caucus primary member vacates a position for any reason and the alternate for that position is unable to serve, the Tribal Caucus will fill the position within 90 days: (1) by appointing the person from the same geographic area who received the second highest number of votes in the last election, or (2) by holding an election that includes the tribes in the geographic area represented by the vacant position. The new representative will serve out the remainder of the term, and be subject to the same rules as any other elected representative, including attendance and naming an alternate. If the vacancy occurs within 90 days of the next regular election, the position may remain vacant until filled through the regular election process.

If a Region 10 RTOC or NTOC Tribal Caucus member loses their status as an elected tribal official or tribal staff person during their term, their position is considered immediately vacated, except that a formerly elected tribal official may retain their status as an RTOC or NTOC member if they are retained by the tribe as a tribal staff person and the tribe confirms in writing to the RTOC that the former tribal official may continue to serve on the RTOC or NTOC.

#### **Section 5.1.6 Operations Guidance**

The RTOC will develop an Operations Guidance consistent with this Charter that sets forth additional duties and responsibilities for RTOC and NTOC members. The Operations Guidance may be periodically reviewed and revised as needed to ensure consistency with the Charter.

#### **Section 5.1.7 Strategic Plan**

The RTOC may develop a Strategic Plan that sets forth the RTOC's approach to fulfill its mission and purpose. The Strategic Plan may be periodically reviewed and revised as needed.

### **Section 5.2 EPA Membership**

EPA representation on the RTOC includes the Regional Administrator and their alternate (R10 Regional Administrator Division Director), the Deputy Regional Administrator and their alternate (R10 Tribal Trust and Assistance Branch manager), and the Senior Tribal Policy Advisor. The Regional Administrator, or their alternate, is the EPA Co-Chair. EPA staff and

managers may attend RTOC meetings but are not members of the RTOC unless designated as alternates.

EPA members of the RTOC are expected to fully participate in RTOC meetings. If a member is unable to attend, the member's alternate is expected to participate.

### **Section 6.0 Officers**

The RTOC is led by Tribal and EPA Co-Chairs. The RTOC is supported by a Tribal and EPA Vice-Chair. The Tribal Secretary and Tribal Treasurer support the Tribal Chairs, and the EPA Sr. Tribal Policy Advisor supports the EPA Chairs and all are members of the RTOC Executive Team.

The Tribal Caucus selects the Tribal Co-Chair, Tribal Vice-Chair, Secretary and Treasurer from within the Tribal Caucus membership. These officers serve a term of two years or the remainder of their period of service on the RTOC, whichever is shorter, and are selected by majority vote at the second in-person meeting of the last calendar year of the officer's term, so long as a quorum of Tribal Caucus membership is in attendance. If the Tribal Co-Chair vacates their office for any reason, the Tribal Vice-Chair shall serve the remainder of the term. If the Tribal Vice-Chair vacates or if the Tribal Vice-Chair is unwilling to serve as the Tribal Co-Chair, the Tribal Caucus shall appoint interim officers to serve the remainder of the term of the vacated position. Alternates cannot serve as officers.

The EPA officers are designated, and vacancies filled by following EPA policy and procedure.

### **Section 6.1 Tribal and EPA Co-Chair Duties**

The Tribal Co-Chair and the EPA Region 10 Co-Chair are jointly responsible for presiding over RTOC meetings. The Co-Chairs set agendas, track action items, encourage full member participation, facilitate consensus of the RTOC on regional tribal environmental issues, convene separate working sessions as appropriate, delegate issues to smaller subcommittees and workgroups, and perform other duties as needed.

### **Section 6.2 Tribal and EPA Vice-Chair Duties**

The Tribal Vice-Chair and the EPA Vice-Chair assume and discharge all duties of the Tribal and EPA Co-Chair, respectively, when the Tribal or EPA Co-Chair is not available for an RTOC in-person meeting or conference call.

### **Section 6.3 Tribal Secretary Duties**

The Tribal Secretary assumes Tribal Chair role if both Tribal Chair and Vice Chair are absent or vacant. They ensure Tribal Caucus review of meeting minutes, and present reviewed minutes for their approval. The Tribal Secretary works with RTOC Staff to oversee distribution of minutes to

stakeholders and those records are kept in accordance with board, government and stakeholder requirements.

#### **Section 6.4 Tribal Treasurer Duties**

The Tribal Treasurer assumes the Tribal Vice Chair role if both Tribal Chair and Vice Chair are absent or vacant. The Tribal Treasurer works with RTOC Staff to provide timely and accurate financials and assists the RTOC staff in budget and financial statements.

#### **Section 6.5 RTOC Staff**

The RTOC is supported by staff members as outlined in the Operations Guidance. The staff provides communication support, policy analysis and financial management services. Specific staff duties and responsibilities are outlined in the Operations Guidance.

RTOC staff shall meet regularly with RTOC Officers to coordinate their work functions and shall participate in RTOC quarterly in-person meetings and monthly conference calls.

#### **Section 7.0 Meetings**

The RTOC has meetings on a quarterly basis. Quarterly meetings shall be in-person if travel is permitted and subject to available resources. The RTOC Co-Chairs determine the dates with input from the RTOC staff and members. In addition, the RTOC may schedule a once-a-month meeting to conduct RTOC business. All meetings may be conducted by phone, in-person, or other virtual electronic format.

#### **Section 7.1 Special Meetings**

Any RTOC member can make a request for a Special Meeting to either Co-Chair. Only the Co-Chairs can convene an official meeting of the RTOC.

#### **Section 7.2 Other Meeting Attendees**

Tribal organizations (e.g., National Tribal Environmental Council) may participate in or provide organizational and technical assistance for RTOC meetings, but non-members cannot vote. The meetings are open to all EPA Region 10 employees, all tribal officials, members, and staff. Persons other than EPA staff or tribal members and staff may be invited to attend, solely at the discretion of the RTOC.

By vote of the majority of the RTOC and consistent with applicable law, the RTOC members present (or their alternate, if a member is absent) may elect to convene an executive session to discuss financial, personnel, or other matters. At such time, persons other than RTOC members may be excluded from the meeting.

#### **Section 7.3 Order of Business**

RTOC will follow Roberts Rules of Order to the extent practicable. The order of business for each conference call meeting shall include at a minimum: roll call; discussion/approval of minutes from previous meeting; presentation/discussion of tribal and EPA environmental issues; any other applicable business; summary of action items, due dates and responsible persons from the meeting; discussion/approval of date of the next conference call meeting; and adjourn. Specific topics and/or programmatic presentations by EPA members or staff will be included as requested by the Tribal Caucus or EPA.

As provided in the Operations Guidance, each in-person meeting shall include an invocation prayer or song; welcome; roll call; presentation from a representative from each Tribal Caucus member providing an update of issues impacting tribes in their designated area. NTOC Tribal Caucus members shall report as to the activities of the NTOC that are pertinent to the RTOC or tribes within Region 10. In addition, EPA members and staff as necessary shall report as to the activities of EPA that are pertinent to the RTOC or tribes within Region 10.

At the discretion of the RTOC Tribal Co-Chair, the Tribal Caucus members may convene a Tribal Caucus meeting at any time during a regularly scheduled meeting.

### **Section 8.0 Subcommittees and Workgroups**

The RTOC establishes subcommittees and workgroups when necessary to facilitate the purpose and goals of the RTOC. Tribal Caucus members or EPA or tribal staff can be requested to participate in these subcommittees or workgroups to lend their expertise.

A Tribal Lead (and EPA Co-Lead where appropriate) is designated for each subcommittee or workgroup to assure the assigned tasks are carried out. The Lead(s) shall report accomplishments to the RTOC Co-Chairs and RTOC staff in a timely manner and present to the RTOC when necessary.

### **Section 9.0 Grant**

The EPA may award a grant to administer the RTOC to the RTOC Consortium, established by a separate charter and composed of RTOC Tribal Caucus Members, who are also board members of the RTOC Consortium.

### **Section 10.0 Amendments**

As the RTOC's role and responsibilities evolve, it may amend this Charter as necessary. This Charter will be reviewed at least biannually; any proposed amendments shall be developed by the Tribal Caucus or an RTOC Charter Workgroup, reviewed by EPA, posted for review and comment on the RTOC webpage, and voted upon at the next RTOC meeting. These amendments will be final upon the signature of the Tribal and EPA Co-Chairs on the revised Charter.

### **Section 10.0 Decision-Making**

Recommendations and actions made by the RTOC members will reflect the spirit of consensus to the extent possible. A quorum is needed to conduct official RTOC business. A quorum of the Tribal Caucus members is needed for official Tribal Caucus decision-making. A primary member or their alternate (in the absence of a primary member) has only one vote.

### **Section 11.0 Quorum**

A quorum will be established upon the attendance of a simple majority of members at a meeting of the Committee that has been officially called. A "simple majority" is one half plus one of the memberships (as described in Section 5). The RTOC will not conduct official business unless a quorum of Tribal Caucus members and two EPA RTOC members are present.

### **Section 12.0 Voting Procedures**



The Committee will strive to make decisions by consensus; however, there will be times when voting will be necessary. To the extent feasible, all actions will follow Robert Rules of Order. Each member, including alternate members in the absence of a primary counterpart member, will have voting privileges. As noted above, votes will not be official in the absence of a quorum of members. Any member may request a roll call, voice vote. If there are dissenting votes on an issue, a minority report can be filed and attached to the minutes of the meeting.

If determined to be necessary, voting can be conducted via e-mail or other method approved by the Committee provided a majority of Tribal Caucus and EPA RTOC members (as provided in Section 11.0) return votes.

### **Section 13.0 Certification**

We hereby certify that the foregoing Region 10 Tribal Operations Committee Charter was amended and adopted at duly called meeting of the Region 10 Tribal Operations Committee, held on the 15th day of July, 2021.

Raymond  
Paddock

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8/13/21

Raymond Paddock III, Tribal Co-Chair

Date

MICHELLE  
PIRZADEH

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Date: 2021.08.12 16:53:40 -07'00'

8/12/21

Michelle Pirzadeh, EPA Co-Chair  
Acting EPA Region 10 Regional Administrator

Date

