

# ALL-RTOC with EPA Minutes

Thursday, March 1<sup>st</sup>, 2022

**Tribal Representatives:** Maranda Hamme, AK1 RTOC; Raymond Paddock III, Tribal Chair AK2 RTOC; Shawna Larson, AK2 RTOC; Eric Alstrom, AK3 RTOC, Robert Myers, AK3 RTOC; Aaron Miles Sr., Tribal Vice Chair ID RTOC; Ken Clark ID RTOC Alternate; Bill Hand, Treasurer AK1 NTOC; Sarah Devens, AK1 NTOC Alternate; Gayla Hoseth, Secretary AK2 NTOC; CaSandra Johnson, AK2 NTOC Alternate; Lee Juan Tyler, ID/EWA/EOR NTOC; Rodney Cawston, EWA RTOC; Heather Bartlett, OR RTOC.

**Absent Tribal Representatives:** Billy Jean Stewart, AK1 RTOC Alternate; Ken Clark ID RTOC Alternate; Sarah Devens, AK1 NTOC Alternate; Daniel Ravenel, WWA/WOR NTOC; Russell Hepfer, WWA/WOR NTOC Alternate; Todd Mitchell, WWA RTOC; Ann House, WWA RTOC Alternate; Kelly Wright, ID/EWA/EOR NTOC Alternate; Roselynn Lwenya, OR RTOC. Alternate; Vacant, EWA RTOC.

**Support Staff:** Randi Madison: RTOC Executive Director (X) Rick Eichstaedt: RTOC Policy Analyst (X) Ashley Corrao, RTOC Assistant (X), Rob Brewer, IT Specialist (X)

**EPA Chairs:** Michelle Pirzadeh; EPA Co-Chair, Deputy Regional Administrator (X) Andrew Baca; EPA Chair Alternate, Regional Administrator's Division Director (X) Adam Baron; EPA Co-Chair Alternate, TTAB Manager (X), Wenona Wilson, Senior Tribal Policy Advisor; EPA.

**EPA Support Staff:** Michael Ortiz (X) Michelle Davis (X) Kristy Fry (X)

**Guests:** Mark Gauthier; Matt Martinson, EPA; Hahn Shaw, EPA; Dave Croxton, EPA; John Wheaton, EPA; Mark Healy, EPA; Celeste Davis, EPA; Cami Grandinetti, EPA; Illeana Alexander, EPA; Allesandro Molina, EPA; Amanda Chiles, EPA; Candice Solomon, EPA; Russ Harmon, EPA; Chairman Andy Joseph Jr., Colville Tribe.

**9:10 am Pacific Call the meeting to order,** Raymond Paddock, Tribal Chair/Stand-In Chair Aaron Miles Sr.

- Land Acknowledgement – Aaron Miles Sr.
- Welcome Blessing – Lee Juan Tyler

**Roll Call/Introductions,** Ashley Corrao – **Quorum Met.**

**Acting Administrator Update,** Michelle Pirzadeh

- National program updates
  - Funds from the BIL will be standalone grants and contracts – cannot be combined with grants.
    - EPA is investing more than **\$60 billion** in the health, equity, and resilience of American communities, including resources for Alaskan Tribal communities– The majority of BIL funding – including funding for Tribes – supports water infrastructure improvements, replacement of lead service lines, and addresses emerging contaminants such as PFAS.

- Alaska is different. EPA anticipates distributing \$154 million to Tribes and Alaska Native Villages for 2022.
    - Coordinated with AAIHS in AK through intra agency agreement.
      - Waiting for an official word.
      - TOC: We would like to see the Tribes have the option to bring the money home with them instead of the State.
        - Major concern.
    - Working with the Indian Health Service and closely coordinating with Tribes.
  - **Update on Pebble Mine**
    - Nov. EPA Region 10 Published a Federal Registry Notice of Clean Water Act Section 404c review process for the proposed Pebble project
      - **Extended proposal timelines to May 31<sup>st</sup>, 2022**
        - In an evaluation period right now.
          - Open to concerns and taking them into consideration.
          - Mining the deposit could result in unacceptable adverse effects.
          - Scientists will be providing information to help us engage in the process.
          - Engaging in conversation over the next few months.
      - EPA's Guiding Principles for Consulting with Alaska Native Claims Settlement Act Corporations Info on EO 13175 is on the AEIO website.
      - **Seeking public comment through March 16<sup>th</sup> a draft on led exposure in communities through regulations.gov**
        - [Draft Strategy to Reduce Lead Exposures and Disparities in U.S. Communities | US EPA](#)
      - Thoughts on integrating TEK are welcome to Wenona.
        - Training is also available.
        - Guidance for the White House to be finished in 2022
        - Aiming to finish by the next White House Tribal Nation Summit
      - Adam Baron, we are in GAP season, negotiating budgeting and planning.
        - **Friday, Lisa will be coming to present the GAP process and timelines.**

#### **RTOC Update, Raymond Paddock III**

- EWA RTOC seat
  - Vacancy for 2 years now
    - Interest and excitability around it: 3 people.
      - Hoping to have this done by next month
- Workplan Next Gen Program
  - Research to include Youth (late high school to early college age)
    - Build to carry on our work.
      - Feasibility studies
        - Call us if there's any information on Youth Programs
          - Trying not to duplicate services and serve our youth well.
- Set Calendar Year Meetings through Dec. 2022

- Third Thursday of every month doing virtual calls
  - Proposing to have in-person meetings again
    - Anchorage, AK in June – NCAI meeting
  - September is Open
  - December in Seattle our first meeting with EPA
- **Motion Made:** Gayla Hoseth, Second by Raymond Paddock III
  - **Motion Carried.**
- Joint RTOC progress (R6 & R9)
  - Collaboration and communication among Regions.
    - Concerns about GAP
      - Need increased funding and emphasizing no decrease.
        - EPA: internal process looking for comments from the AIEO
          - Changes and process in April.
            - If not able to attend Lisa's talk: when materials are available EPA can arrange the time to talk on changes – dates are TBD.
  - Drafted a letter together, using as a template to get back to the EPA
  - Not seeking to fulfil or step on toes for NTOC.
    - Build relationships as RTOCS across the Nation to help support the NTOC throughout the Nation to improve and boost internal structure.
      - Seeking to invite Chairs from all Regions across the Nation for our next meeting in March.

#### Update on Bipartisan Infrastructure Law Funding, Russ Harmon, EPA

- [Tuesday at 930 BIL Briefing Materials Feb. 2022.pptx \(sharepoint.com\)](#)
- [Bipartisan Infrastructure Law: Investments in Tribal Nations and their Communities \(epa.gov\)](#)
- [Investments in Tribal Communities | US EPA](#)
- The new infrastructure law appropriates to the EPA more than \$60 billion over the next five fiscal years.
- This bipartisan law represents a historic investment in the mission of the agency that will have significant impact on the health and environment in communities across the Nation.
- EPA is dedicated to implementing and managing these resources with transparency, efficiency, and effectiveness in order to achieve the results for the American people.
- The law includes \$23.4 B for the traditional CWSRF and DWSRF; \$15 B to replacing lead pipes, and \$10 B to addressing emerging contaminants, such as forever chemicals.
- Also included is-
- \$5 B for Superfund and Brownfields will accelerate the cleanup of Superfund National Priorities List (NPL) sites to clear backlogs and help communities, states, tribes, and others to assess, safely clean up, and sustainably reuse contaminated properties.
- \$5 B for Clean School Buses will reduce emissions and improve the health of children and communities across the country by supporting grants and rebates for school district to access cleaner buses.

- \$1.7 B across 12 geographic programs will build on existing programs to better protect our regional and national waters and ensure they continue to serve as crucial economic and recreational assets.
- \$375 M Battery and Recycling Programs will promote battery recycling best practices, developing battery labeling guidelines, improving solid waste management infrastructure, and public education and outreach for recycling programs.
- \$267 B other water quality programs, and
- \$100 M Pollution Prevention program

**Drinking Water Infrastructure Grants – Tribal Set-Asides (DWIG-TSA) - Overview and Highlights,**  
Matthew Martinson, EPA

- Implementing guidance and the allocation of funding for Tribes are pending.
  - o EPA headquarters provided a presentation dedicated to Tribes on December 16, 2021. Link was shared on 3/1/2022. The actual webinar is recorded and available at this link. <https://www.epa.gov/infrastructure/investments-tribal-communities>
- To the question and concern related to funding to the States, there is a required set aside for tribes with both the Clean Water and Drinking Water Act in the BIL.
  - \$154M is set aside for Tribes.
- A significant amount of the BIL funding is dedicated to Lead Pipe Replacement. This is something Tribes may want to consider weighing on during Tribal Consultation opportunities.
  - o Will get back to us on removing precious metals.
    - Separate grants may be available as things evolve.
  - o More funding for Bunker Hill.
  - o EPA's intent is to get funding out to communities who have not received it in the past and have the most need.
    - Looking to find how to effectively fund the people.
  - o Super Fund has limitations due to legislation – Brownfield sites will be available in AK.

**Regional Office of Water Update,** Hanh Shaw, Cami Grandinetti, Dave Croxton, EPA

- WOTUS
  - o Reviewing public comments (closed on 2/7/22)
  - o IWR was challenged in court, vacated and remanded.
    - Applying the 2015 framework.
      - Proposed in Dec 2021
        - o Refinements on implementation needs.
        - o (2015 framework) received comments from 26 Tribes
          - A summary in the docket of the consultations and recordings are available.
          - Tribal Roundtable is also recorded and available.
          - Planned for finalization this Fall.
- Update on Water Quality Standards/Fish
  - o Restore Protective Human Health Criteria for Washington

- Agreement with the court and parties to hold the legal challenges in abeyance
    - Proposing the draft within 9 months (where we are now)
      - April 6<sup>th</sup> is EPA's deadline to propose a draft rule (email heads up will be sent to tribes 1-2 weeks prior to anticipated signature from the Administrator)
      - EPA planning a 60-day period with two public hearings; will send another government-to-government consultation offer and host an informational call to for tribes.
- Finalize federal rule 9 months after the draft is proposed.
- Fish Consumption Rate (AK)
  - AK
    - The current fish consumption rate (FCR) used to derive the human health criteria is 6.5 grams per day
    - Received in 2015 two petitions (SEACC and Chickaloon Native Village)
      - Requested EPA to adopt an interim FCR of 175 grams per day and to lower the cancer risk level to 10<sup>-6</sup>
    - Fish consumption and fish harvest data is available
      - A more detailed presentation will be provided at the next meeting.

#### **Eastern WA Tribal Environmental Topics, Chairman Andy Joseph Jr.**

- Colville Tribe
  - 1.4M acres of land – 2/3 forest land
    - Wildfires burned up a lot of the timber.
      - Gives less shade, snow melts causing flooding in the lower land.
        - Water becomes too warm for the salmon to spawn causing a significant impact on the people relying on subsistence of salmon.
          - Salmon Chief's job was to distribute the salmon to anyone who came depending on the size of their family for them to make it through the entire year.
            - 80% of the food intake was salmon.
  - We are the caretakers of Mother Earth and need to protect it.

**Meeting adjourned @ 10:34**