

ALL-RTOC with EPA Minutes

April 21st, 2022

Tribal Caucus Only 11:30-12:00 AK

All RTOC 12:00-2pm AK

Meeting purpose	Monthly RTOC Meeting	Please read October, November & February Minutes	
Type of meeting	Teams Meeting	Please bring n/a	
Quarter, Fiscal Year	Q3 2022	Upcoming Meetings	Inter-RTOC May 11 th 10:00 AK (11:00 Pac, 12:00 Mt) Tribal Chairs & RTOC staff only
Note Taker	Ashley Corrao		RTOC w EPA May 19, 2022 11:30 AK (12:30 Pac, 1:30 Mt)
Agenda Manager	Randi Madison		
Version	04.21.22 RM	Notes: Quorum was met. Action Items are in bold.	

Tribal Representatives: Raymond Paddock III, Tribal Chair 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; CaSander Johnson, AK2 NTOC Alternate; Russell Hepfer, WWA/WOR NTOC; Todd Mitchell, WWA RTOC; Ann House, WWA RTOC Alternate; Heather Bartlett, OR RTOC.

Absent Tribal Representatives: Billy Jean Stewart, AK1 RTOC; Shawna Larson, AK2 RTOC; Lee Juan Tyler, ID/EWA/EOR NTOC; Kelly Wright, ID/EWA/EOR NTOC Alternate; Rodney Cawston, EWA RTOC.

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

EPA Chairs: Michelle Pirzadeh; EPA, Acting 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 (A) Kristy Fry (A)

Guests: Hahn Shaw, EPA; Rachel Renkens, EPA; Erica Fleisig, EPA; Jennifer Brundage, EPA; James Zokan, EPA.

Meeting was called to order by Raymond Paddock III, at 12:03 pm AK

Motion to approve the Agenda by Aaron Miles Sr., seconded by Willard Hand, motion carried.

Motion was made by Aaron Miles Sr. to table the approval of minutes for the end of the meeting, seconded by Willard Hand, motion carried.

Alaska Fish Consumption Rate Update, Hanh Shaw, Rachel Renkens, Erica Fleisig, Jennifer Brundage

- Fish consumption rates (FCR) are used for developing water quality standards, contaminated site clean-up levels, and other actions that consider how one's diet may affect human health. The Region 10 Office of Water is working with Tribal Coordinators to coordinate with their tribal contacts throughout Alaska.
- Using local data from Tribes and current, updated information is the priority for data on establishing the Fish Consumption Rates (FCR). EPA is aware that the current FCR used to derive HHC is not enough for the State of AK – it is set at 0.23 oz (about 6.52 g/day), which is the national default rate from 1992. EPA is working with the Alaska Department of Environmental Conservation (ADEC) to review the FCR and has been elevating the message and

pressure on the need to increase the FCR. Ms. Hanh stated that EPA is developing options on how to address it.

Discussion

- Bill Hand: These rates take away from the rights of the Tribes. We are fighting tooth and nail to have our own fisheries and water quality because we do not have reservations – it is stripping away the identity of our people.
- Gayla Hoseth: This is devastating, who have you been working with in the State of Alaska? – if people saw this presentation, it would be devastating to the people. We need to get involved with ourselves and other organizations to get the correct FCR in AK.
- CaSandra Johnson: What is this timeline? Can we have a better rate in place? What does it take from Tribes and the RTOC to help best? What do we need to do? We need to get better than 6.5 g per day.
 - Hanh Shaw: The State has the responsibility to develop the standards protect designated uses in the state. Under the CWA, EPA has a statutory obligation to review the standards and if they do not meet the requirements of the CWA, the Administrator can make a determination that new or revised standards are necessary to ensure protection.
 - The May 24th and 25th Webinars are public hearings dates for the proposed HHC for WA. Given the interest expressed by the RTOC regarding FCRs, EPA is willing and able to host a webinar for the RTOC and interested tribes on FCRs and related information specific to Alaska. RTOC is welcome to coordinate dates with EPA staff in TTAB. - Hanh Shaw
- Randi Madison asked how many Tribes in Alaska have contributed useful data?
 - Katherine Brown, Regional assessments have been conducted in Cook Inlet and Kodiak (5 Tribes each)
 - Gayla Hoseth stated that this is exactly why we need to act fast on this to make sure we have the correct FCR in place – especially for subsistence.
 - Harvest Rates and Data can help when there are limited consumption surveys.
 - Community Harvest Surveys are being evaluated by the Alaska Department of Fish and Game.
- Petitions and Requests for EPA to develop an interim 175 grams a day FCR and lower the Cancer Risk Level to 1 in 1,000,000 are also being actively reviewed and discussed within the EPA.
 - Willard Hand, this is about money when it comes to the FCR.
 - Raymond Paddock III, will they split up rates by Region or just Alaska as a whole?
 - The data is by region now. As the fish move across different communities, it speaks to the complexity of how the EPA would go about the statewide rate where it would make sense and be utilized.
 - Raymond Paddock III thinks it's time our Region picked up the FCR for the State.
 - Randi Madison stated there are different species needed to look at the health and human criteria – shellfish and mammals (seals, whale, walrus, etc.). We do not just eat salmon and it is different per Alaska regions.
 - Raymond Paddock III, it might be a good idea to change the name from FCR to Seafood Consumption Rate.
 - Gayla Hoseth, Seafood consumption rate is important as we consume more from our waters than fish (kelp, marine mammals).
- Randi Madison, was the TEK (Traditional Ecological Knowledge) workgroup consulted in creating the Fish Consumption Survey guidance? Simply curious as to who wrote that up and who was involved.
 - Jennifer Brundage provided a link to the [Guidance for Conducting Fish Consumption Surveys \(epa.gov\)](https://www.epa.gov/guidance-for-conducting-fish-consumption-surveys)

- James Zokan provided a link to the [Issues in Evaluating Fish Consumption Rates for Native American Tribes \(nau.edu\)](#)

Next steps and outreach

- **EPA will follow up with the RTOC about CaSandra Johnson's request host an online seminar for the Tribes in Alaska on Fish Consumption Rates as well as Gayla Hoseths request for the EPA to engage in surveys on how Tribes can be involved also.**
- Randi Madison suggested that we should invite the Alaska Department of Environmental Conservation (ADEC) to the June meeting. When the RTOC had our meeting in Juneau in 2018, we met with them – it was highly informative. [Link to ADEC website on FCR.](#)
 - **Raymond Paddock III will reach out to Brock Tabor who is heading up the FCR topic for the DEC in Alaska and invite him to an upcoming RTOC meeting to discuss Fish Consumption Rates.**
- This is already being discussed at the NTOC level.

Washington Water Quality Standards Update

- *Hanh ran out of time but committed to sharing this link with all the most current information available at the time. <https://www.epa.gov/system/files/documents/2022-03/proposed-rule-washington-factsheet-3-2022.pdf>

EPA Update, Michelle Pirzadeh, Adam Baron, Wenona Wilson

- Michelle thanked Daniel Ravenel for his service, working on the seat and is hoping to have Russ Hepfer certified by our next meeting. She reminded us that it is Earth Day tomorrow, there is a ton of work to do to protect our Environment and Public Health (epa.gov/earthday). EPA still does not have a Regional Administrator. She mentioned the Federal Budget, \$9.56 billion; the significant increase was \$100 million for environmental justice activities. Allocations will be done in late April, early May. The White House just released the FY23 budget to Congress for a \$2.3 billion increase to EPA. EPA is adding Bradford Island on the Columbia River to be listed - construction of the dam caused contamination there. There are Traditional Hunting Grounds that are expressing concern to get that site cleaned up.
- Adam Baron reported that Tribes and Grantees have been able to navigate the GAP easier this year. ([Tribal Communities | US EPA](#)). The Diesel Emission Reduction Act Grant is being rewarded to 12 Tribes ([EPA Awards \\$5.4 million in Grant Funding for Tribal and Insular Areas to Establish Lower-Emission Diesel Projects | US EPA](#)). The Office of Environmental Justice is starting the conversation of inequities of EJ Issues ([EJScreen: Environmental Justice Screening and Mapping Tool | US EPA](#)). **Training is being offered by OEJ, May 3rd, 2022, 11:30 Pacific, RTOC will share information on our website and on social media.** ([Environmental Justice for Tribes and Indigenous Peoples | US EPA](#)). [First 'EJ4Climate' Grant Program selects 15 winning Proposals from Across North America – Commission for Environmental Cooperation \(cec.org\).](#)
- Wenona Wilson commented about the [White House's work on TEK](#) (Traditional Ecological Knowledge) – a lot of activity is happening with the Tribes and the public there were consultations this month. They already had one consultation and two listening sessions. Additionally, engagement events are being planned for Hawai'i and Island communities. **Tribal leaders from Federally recognized Tribal Nations will meet for the second Tribal Consultation on TEK April 29, 2022, 3:00-5:00 pm EDT.**
 - **Register here:** https://pitc.zoomgov.com/webinar/register/WN_nYHMg0SzSB-IqsEb6XLpgg

RTOC Updates , Raymond Paddock III

- Looking for a new consortium secretary.
- Looking at our summer meeting to be in person in Alaska.
- Region 10 Tribal Chairs are meeting with All Region's Tribal Chairs to talk about the GAP Allocations May 11th 10 am AK

NTOC Report, Gayla Hoseth, Willard Hand;

- Will get a more thorough report in June. Conflicting meetings made it hard to make the last one

TELS Committee Report, Randi Madison

- Rob Brewer added the TELS videos to our YouTube page. [\(40\) TELS 2022 Opening Invocation and Land Acknowledgements - YouTube](#) If we get 100 followers, we get a specific RTOC link.
- Wrapped up financials, all vendors and presenters have been compensated.
- Continuing the Film project, trying not to rush it – hoping Bjorn to meet with the EPA now that they are able to travel.

Communications Outreach Committee Report, Randi Madison

- We would like to have an in-person workgroup to meet up and finish the Operations Guidance and Communications & Outreach Plan finally. We are looking at a leadership retreat with Consortium Executives and EPA support staff present, the first week of August.

New Business GAP Guidance and Overview, Adam Baron, Andrew Baca, Michelle Pirzadeh

- [Indian Environmental General Assistance Program \(GAP\) | US EPA](#)
- [Executive Summary of Changes in the DRAFT 2022 GAP Guidance \(epa.gov\)](#)
- The EPA and AIEO are accepting requests for conversations, but the focus now is to get information from both Tribes and Tribal Consortia. There are already defined national opportunities for consultation. ([Comment and Consultation | Region 10 Tribal Operations Committee \(region10rtoc.net\)](#)).
- Adam Baron stated a dialogue in May will happen about the draft changes with the RTOC. RTOC will formulate questions to make it go smoothly for AIEO to answer them. Fund Tribes First was heard loudly. If TOC wants to engage in AIEO (American Indian Environmental Office) we need to write up our questions for Allocations before the ink is dried. Intertribal Consortia are beneficial due to the uniqueness of Region 10. The money was divided among every GAP grantee in Region 10: 24 consortia had the same baseline minus 2 (RTOC included). The funding no longer includes consortia on the baseline.
- Andrew Baca stated that AIEO is talking about how the National Pot will be disbursed to the Regions. Historically in Region 10, they prioritize Fund Tribe First, the allocation, the national program is proposing is the baseline of \$110,000 per tribe. An adjusted baseline was \$125k. There is a model that another Region and EPA uses that does not affect this baseline number. It depends on the number of active gap recipients to disburse for the next FY. For example: A tribe

signed an agreement that the intertribal consortia receive the money on their behalf to serve as their environmental program implementer. For consortia to be counted as multiple tribes as the agreement is in place. Consortia online seminar will take individual sessions for coordinating.

Discussion

- CaSander Johnson inquired, if consortia are no longer going to be a part of the baseline, where along the line did Tribal Consortia have so much of the burden to get the funding to help our tribes? When the act of 1992 clearly states that the EPA will fund consortia to help our Tribes.
 - Adam Baron replied that the new proposed regional allocation is based on Tribal self-determination with priority to serve tribal governments first. Nobody is disputing if consortia will remain an eligible priority on the baseline. The regional level determines how they disburse the funding. There will be discretion on how we fund Region 10.
- CaSander Johnson asked, how is our Region going to advocate for our Tribes and Tribal Consortia?
 - Andrew Baca answered, the intertribal consortia is beneficial due to of the uniqueness of Region 10. Under the old allocation they received funding from Tribes that did not sign up. They see the value of the Intertribal Consortia for being able to work with many Tribes – these conversations were had internally. AIEO is determining what the best approach is for the National Program. It is not about the value of Consortia and in Region 10 it is at the forefront of their minds.
- Gayla Hoseth asked, Region 10 is the largest, if Consortia are cut – how much will your budget be to provide help and assistance to the 271 Tribes (482,906 people - via 2010 census) in our Region? Would your staff be able to handle that?
 - Michelle Pirzadeh responded; from the Region 10 standpoint the EPA have shared with the National Program that there will be a reduction in Region 10 how they allocate is based on the applications in Region 10 for the Tribes. We need to hear from you all both on the Tribes First Allocation and on the importance of the consortia to the programs – the more they hear from the Tribes consortia supports, the better. Participation is important. Some of these changes are in response to feedback before they made the proposal - but now is the time to have Region 10's response and opinions as they are trying to support, but it is up to us to be heard.
- Willard Hand stated that the NTOC has heard how the Consortia is extremely important in Alaska. He suggested that EPA let AK tribes get the infrastructure in place (which Consortia provide for many Tribes currently) to build our individual Tribal capacity up and then see where we are at. It's possible that five years from now we might not be as dependent on consortia as we are now. Change is good but change at a bad time can be catastrophic. It does not happen overnight. We finally have the strength to make changes, with EPA's support of 30 years please do not take that away just yet.
- **CaSander Johnson suggests the EPA to continue to hold space for this conversation in future meetings while we have time.**
 - Andrew Baca acknowledged the Region 10 EPA Team is available to answer questions. If there are questions - we must give AIEO in advance as it could help them get prepared to answer specific questions going forward.

Unfinished Business, Randi Madison

- Due to the lack of response a June meeting may not be possible as all 3 of the locations we scouted do not have the room availability. We are now looking at holding the summer meeting in July or August.

- September Meeting (Oregon Tribe Potentially Hosting), December (Seattle – still have credits at the Fairmont).
- Raymond Paddock III stated that June is insane right now let us take a poll for both June and July. September meeting should not be forced, if we cannot get a tribal host in Oregon, we can do the September meeting in Seattle.
- **Gayla Hoseth suggests we go to Pebble Mine with both RTOC and EPA in June/July.**
- **Randi Madison & Ashley Corrao will take a poll this week for setting meeting dates electronically to determine the scheduling options and will report the findings to the group the first or second week of May.**

Motion to Approve October and November Meeting Minutes by Willard Hand, Seconded by Gayla Hoseth. Motion carried.

- No all RTOC meeting for Dec and January (TOC only). EPA is still reviewing Feb minutes with some of the presenters. **Approval of the February minutes will be moved to the May meeting agenda.**

Meeting Adjourned, 2:05 pm AK