



EPA Region 10 Tribal Operations Committee (RTOC)
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Daniel Vaught
U.S. Environmental Protection Agency
American Indian Environmental Office
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

SENT VIA EMAIL (vaught.daniel@epa.gov)

Dear Mr. Vaught:

This letter is sent on behalf of the Tribal Caucus members of EPA Region 10's Tribal Operations Committee ("RTOC") on the Tribal Partnership Network Review ("Review Document"). This letter is not sent on behalf of EPA Region 10 or any employees of EPA, but solely tribal government representatives of the RTOC.

EPA Administrator Carol M. Browner convened the first National Tribal Caucus ("NTC") meeting on February 17, 1994. At this first meeting, the NTC 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. The NTC 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 solicited nominations for Region 10 RTOC membership. 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.¹

Per the Charter, 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. The

¹ A copy of the Charter is available at <https://region10rtoc.net/wp-content/uploads/2022/05/RTOC-Charter-07.15.2021-Final-with-signatures1.pdf>.

Charter states that the role of the RTOC Tribal Caucus is to provide “input into EPA’s operational decision-making that affects tribes.” Moreover, the Charter provides eight specific purposes of the RTOC:

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.

No other Regional committee or entity fills this role.

The RTOC strongly support EPA’s stated intent in the Review Document to “enhance the Network’s inter-group collaboration processes to elevate the work of the group both individually and collectively, strengthen EPA/Tribal engagement, and produce results that make a meaningful difference in protecting the air, water, and land in Tribal communities.” We support EPA’s commitment to strengthening cooperative federalism and improving coordination. One powerful role of the RTOC is to coordinate with the NTC, other RTOCs, and other partnership groups to ensure that RTOC members understand the concerns of Tribes and are able to effectively share those concerns with EPA.

The RTOC, NTC, and other groups are an essential to ensure that information about regional Tribal concerns is shared about with EPA on both a national and regional level and that information about EPA operations is received by the Tribe. Any action EPA takes must create more opportunities for Tribal input and coordination – not less.

As illustrated above, the RTOC and the NTC have a distinct and formal role providing an essential voice for Tribes to EPA. The NTC serves as EPA’s national Tribal advisory body. The RTOC serves an essential coordination role to each Region – no other standing regional tribal coordination committee exists. Both the NTC and RTOC are essential to provide EPA independent, advice to EPA leadership both on a nation and a regional level.

In considering how to move forward, the RTOC recommends that EPA carefully consider the following recommendations:

- Ensure any structural or representational changes preserve the both the RTOC's and NTC's essential functions in providing essential advisory and/or coordination to EPA. These groups have existed for years and provide an essential opportunity for Tribal environmental concerns to be shared with EPA.
- Ensure that any changes on developed in careful consultation with Tribes before any finalization.
- Ensure that Tribal Partnership Network participants are not expected to participate in multiple groups. Participants are either Tribal leaders and/or Tribal staff with other duties and it is unreasonable to expect representatives to participate in more than one group (as it currently standing, Region 10 NTC members also are RTOC members).
- Recognize the important difference between the coordination and advisory responsibilities of the NTC and RTOCs and the media-specific roles of the TPGs.
- Support regular, structured communication between RTOCs, TPGs, and the NTC.
- Establish consistent expectations for EPA regional and program office participation. Consistent and meaningful commitment by EPA in participation is essential to ensure that the groups are successful.
- Identify the importance of utilizing the NTC and RTOCs to provide feedback in the development of National and Regional Tribal cultural/tribal education opportunities for EPA personnel. This could include TEK, data sovereignty, understanding subsistence, and other Tribal specific issues.
- EPA notes the need for “tools and processes to strengthen coordination across EPA and the Network.” There is a need for greater transparency as to what the various groups have accomplished and how EPA utilized the information received. EPA should:
 - Create a centralized communication platform for Network groups and for the sharing of minutes, agendas, and other information.
 - Document how Network feedback informs EPA policy and program decision.

The RTOC notes that EPA's outreach to Tribes so far have included listening sessions and an opportunity to comment. These efforts cannot substitute for direct government-to-government consultation with Tribes. This must occur and EPA should provide Tribes with a summary of feedback received during the outreach phase and outline next steps, including timelines and responsible offices.

Lastly, the RTOC will be conducting its next regular meeting with EPA Region 10 in December. We welcome the opportunity to further discuss this matter with you to mutually develop a proposal that would best serve the Tribe in Region 10.

The RTOC appreciates your consideration of these comments

Sincerely,

Raymond Paddock

Raymond E. Paddock III
Central Council of the Tlingit and Haida Indian Tribes of Alaska
Region 10 Tribal RTOC Chair