



Summary Report of Tribal Consultation and Engagement for the Navigable Waters Protection Rule: Definition of “Waters of the United States”

U.S. Environmental Protection Agency
and
Department of the Army

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Background

This consultation report was prepared to support the EPA and Department of the Army (the agencies) rulemaking to finalize the Navigable Waters Protection Rule: Definition of “Waters of the United States.”

Executive Order (E.O.) 13778: *Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the Waters of the United States' Rule*, dated February 28, 2017, states that it is in the national interest to ensure that the Nation’s navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the states under the Constitution. To meet these objectives, the agencies embarked upon a two-step rulemaking process to promulgate a new definition of “waters of the United States,” which establishes the scope of waters federally regulated under the Clean Water Act (CWA).

On October 22, 2019, the agencies completed the first step of the rulemaking process, which repealed the prior definition of “waters of the United States” promulgated in 2015 (the 2015 Rule) and recodified the 1986 regulations as an interim step. This rulemaking is the second step of the rulemaking process, which revises the definition of “waters of the United States.” The Navigable Waters Protection Rule is based on the text, structure, and legislative history of the CWA and on the core principles and concepts set forth in the three Supreme Court cases addressing the scope of the phrase “the waters of the United States.” The final definition will allow the regulatory agencies and members of the public to protect navigable waters from pollution while providing an implementable approach to determining regulatory jurisdiction under the CWA.

The agencies undertook tribal consultation for rulemaking to revise the definition of “waters of the United States” consistent with the terms of the *EPA Policy on Consultation and Coordination with Indian Tribes*. The tribal consultation process described in this report follows the U.S. Environmental Protection Agency’s (EPA) policy for implementing Executive Order (E.O.) 13175¹ on Consultation and Coordination with Indian Tribal Governments. The agencies’ tribal consultation and coordination efforts took place both prior to the agencies’ proposal of the revised definition of “waters of the United States” and after the agencies signed the proposed rule.

As part of their pre-proposal efforts, the agencies initiated the tribal consultation and coordination process before proposing the rule by sending a “Notification of Consultation and Coordination” letter on April 20, 2017, to all 567 tribes federally recognized at that time. In addition to two national tribal webinars held in April and May 2017, the agencies convened several staff-level meetings with individual tribal governments and presented at EPA tribal meetings and the National Congress of American Indians Mid-Year Conference. In addition,

¹ Executive Order 13175 requires that agencies consult with federally-recognized tribal governments on rules, policies, and guidance with tribal implications. *EPA Policy on Consultation and Coordination with Indian Tribes* defines when and how consultation takes place., available at <https://www.epa.gov/tribal/epa-policy-consultation-and-coordination-indian-tribes>.

the agencies continued outreach and engagement with tribes and sought other opportunities to provide information to and hear feedback from tribes at national and regional tribal meetings after the end of the consultation period. The agencies also worked to honor consultation requests from individual tribes. In all of these activities the agencies solicited input on the revised definition of “waters of the United States” and considered this input as they developed the proposed rule.

Following signature of the proposed rule, the agencies continued tribal consultation with individual tribes requesting consultation and continued to coordinate with tribes on the proposed rule, soliciting their input and feedback. The agencies held four in-person meetings with tribes during the public comment period, as well as held listening sessions or provided updates at regional and national tribal meetings. The agencies considered this feedback, as well as tribal comments received during the public comment period, as they developed the final revised definition of “waters of the United States.”

This report provides a summary of the consultation and outreach conducted with tribes during the rulemaking process. It also summarizes comments provided by participants at tribal meetings, and the letters received during the tribal consultation period. The summary is intended to provide a description of the wide range of comments received from tribes and tribal organizations as part of this consultation process. This report updates the *Summary Report of Tribal Consultation and Engagement for the Proposed Rule: Revised Definition of “Waters of the United States,”* available in the docket at Docket ID No. EPA-HQ-OW-2018-0149-0094.

Consultation and Engagement

On April 20, 2017, EPA Administrator Scott Pruitt signed a Tribal Consultation Notification letter inviting tribal officials to participate in consultation and coordination events and provide comments to EPA, with participation from the Department of the Army (Army). The letter (Appendix A) was sent to all 567 tribes federally recognized at that time. EPA also notified tribes of the consultation via the Tribal Consultation Opportunities Tracking System on the EPA Tribal Portal (<http://tcots.epa.gov>). The letter invited tribal leaders and designated consultation representatives to participate in the tribal consultation and coordination process. The agencies held two identical webinars concerning this matter for tribal representatives on April 27 and May 18, 2017. EPA consulted with tribes to gain an understanding of tribal views on a forthcoming proposed rulemaking to revise the definition of “waters of the United States” and to solicit their comments on potential provisions of a proposed rule.

The consultation period ended on June 20, 2017, though the agencies continued outreach with tribes as well as consultation with individual tribes throughout the rulemaking process. In addition, the agencies welcomed individual requests for consultation after the close of the consultation period and continued to accept tribal consultation comment letters after the close of the consultation period. In the course of this consultation, the EPA coordinated with Army, and Army jointly participated in aspects of the consultation process, including participating in outreach events and meetings with individual tribes.

The agencies provided the same background information and questions at each meeting during the consultation period. The one exception was the June National Tribal Caucus meeting, where at the request of the caucus the EPA presented additional information about the U.S. Supreme Court decisions related to “waters of the United States,” with a focus on *Rapanos v. United States*, 574 U.S. 715 (2006) (*Rapanos*). After the consultation period ended, meeting materials also included additional slides summarizing the tribal consultation process and key comments that had been received to-date. Representative copies of the presentations are available in the docket for the Step 2 rulemaking.

Many of the sessions were led by or attended by one of the following representatives.² For EPA, Byron Brown, Deputy Chief of Staff, Office of Policy; David Ross, EPA’s Assistant Administrator for Water; Lee Forsgren, Deputy Assistant Administrator for Water; Sarah Greenwalt, Senior Advisor for Water and Cross Cutting Issues; Owen McDonough, Senior Science Advisor for the Office of Water; Michael Shapiro, Acting Assistant Administrator for Water; John Goodin, Acting Director of the Office of Wetlands, Oceans, and Watersheds and later Director of the Office of Wetlands, Oceans, and Watersheds; Mindy Eisenberg, Acting Director of the Oceans, Wetlands and Communities Division and later Associate Director of the Oceans, Wetlands and Communities Division; Michael McDavit, Chief of the Program Development and Jurisdiction Branch; Donna Downing, Jurisdiction Team Leader; Rose Kwok, EPA tribal consultation lead for the “waters of the United States” rulemaking; Karen Gude, Office of Water Tribal Coordinator; Simma Kupchan, Office of General Council; and/or Damaris Christensen, Office of Water. For the Army, Ryan Fisher, Principal Deputy Assistant Secretary of the Army (Civil Works); Cindy Barger, “waters of the United States” point of contact for Office of the Assistant Secretary of the Army for Civil Works (ASA(CW)); Charles Smith, Assistant for Regulatory and Tribal Affairs, Office of the ASA(CW); Craig Schmauder, Deputy General Counsel; Stacey Jensen, Regulatory Program Manager, Corps of Engineers, and later Assistant for Regulatory and Tribal Affairs, Office of the Assistant Secretary of the Army (Civil Works); Tammy Turley, Acting Chief, Regulatory Program, Corps of Engineers; Tunis McElwain, Deputy Chief, Regulatory Program, Corps of Engineers; Brad Guarisco, Acting Regulatory Program Manager, Corps of Engineers; or Amy Klein, tribal liaison, Regulatory Program, Corps of Engineers.

The agencies engaged tribes at nine national or regional tribal meetings (*i.e.*, Regional Tribal Operations Committee) and two individual tribe-specific meetings during the consultation period, April 20 through June 20, 2017. From the close of the consultation period to signature of the proposed rule on December 11, 2018, the agencies engaged tribes in additional national or regional teleconferences or meetings. The agencies also held two national update webinars for tribes prior to hosting an in-personal tribal workshop in Washington, DC in March 2018. The March 2018 tribal workshop is summarized in a separate document in the docket for this rule, Docket ID No. EPA-HQ-OW-2018-0149-0090, and was available at proposal. After the close of the consultation period and prior to signature of the proposed rule, the agencies held seven tribe-specific staff-level consultation teleconferences and three leader-to-leader discussions with individual tribes.

² The following names and titles were accurate at the times of meetings.

Following the publication of the proposed rule, the agencies continued their tribal engagement efforts. The agencies held four half-day in-person meetings with tribal representatives to answer clarifying questions about the proposal, and to discuss implementation considerations and tribal interest in working with the agencies to develop geospatial datasets of water resources as articulated in the preamble of the proposed rule. These half-day discussion forums were held at the following locations: Kansas City, Kansas on February 27, 2019; Atlanta, Georgia on March 12, 2019; Albuquerque, New Mexico on March 27, 2019; and Seattle, Washington on April 3, 2019. These tribal discussion forums are summarized in a separate document in the docket for this final rule. During the comment period, the agencies also held a listening session at the National Congress of American Indians Executive Committee Meeting in February 2019, provided updates at tribal meetings including at the National Tribal Caucus/National Tribal Operations Committee meeting, National Tribal Water Council meetings, Regional Tribal Operations Committee meetings, the Tribal Science Council meeting, and the Tribal Pesticide Program Council meeting. The agencies also hosted a webinar on the proposed rule for Region 9 tribes during the comment period.

Following the close of the comment period, the agencies continued engaging with tribes and tribal organizations via listening sessions or updates at regional and national tribal meetings, including at the Tribal Lands and Environment Forum in August 2019. In addition, the agencies continued to meet with individual Tribes requesting consultation or engagement following publication of the proposed rule, holding staff-level meetings with four Tribes and leader-to-leader level meetings with eight Tribes post-proposal. In total, the agencies met with 21 individual tribes requesting consultation, holding leader-to-leader level consultation meetings with 11 individual tribes and staff-level meetings with 13 individual tribes (the agencies met with some tribes more than once).

As required by section 7(a) of E.O. 13175, the EPA's Tribal Consultation Official has certified that the requirements of the executive order have been met in a meaningful and timely manner. A copy of the certification is included in the docket as an attachment to this report.

The "Tribes Requesting Consultation" section of this report contains additional information about staff-level and leader-to-leader meetings with tribes. The full list of meetings is available in Appendix C. The agencies presented at multiple Regional Tribal Operations Committee (RTOC) meetings, including EPA Region 1, Region 4, Region 5, Region 6, Region 8, Region 9, and Region 10.

In summary, since April 20, 2017, EPA and the Army have:

- Held two national-level informational tribal webinars during the consultation period.
- Held one national-level update webinar for tribal, state, and local governments in December 2017.
- Held one national-level update webinar for tribes in February 2018.
- Held one in-person tribal co-regulators workshop in March 2018.
- Held listening sessions at the:

- National Congress of American Indians Mid-Year Conference in June 2017, at the Annual Convention in October 2018, and at the Executive Committee Meeting in February 2019.
- Tribal Lands and Environment Forum in August 2017, August 2018, and August 2019.
- Participated in National Tribal Caucus calls as well as the in-person National Tribal Operations Committee and the National Tribal Caucus meetings in October 2017 and April 2019 to update tribal representatives on the rulemaking and answer questions.
- Participated in monthly National Tribal Water Council calls as well as the in-person National Tribal Water Council meeting in June 2018 and April 2019 with the Office of Water to update tribal representatives on the rulemaking and answer questions.
- Participated in the following Regional Tribal Operations Committees meetings:
 - Region 1: Webinar/call held on 6/15/17, 12/13/17, and 9/17/19.
 - Region 4: Webinar/call held on 6/7/17, 4/4/18, and 6/12/18.
 - Region 5: Webinar/call held on 8/23/17 and 3/22/18.
 - Region 6: Calls held on 6/6/17, 7/12/17, 4/11/18, 7/11/18, and 3/5/19.
 - Region 8: Webinar/call held on 6/22/17, 9/27/17, 3/20/18, and 3/21/19.
 - Region 9: Webinar/call/meeting held on 5/4/17, 2/8/18, and 7/18/18.
 - Region 10: Webinar/call held on 5/18/17, 12/14/17, 2/15/18, 3/5/19, and 4/2/19.
 - Joint Region 10 & Region 8: Webinar/call held on 6/20/19.
- Given “waters of the United States” updates at the following tribal conferences: Oregon Tribal Environment Forum (10/5/17), the Western Tribal Wetland Workshop, and the Region 9 Tribal Conference (10/31/18).
- Given “waters of the United States” updates at the following conference or meeting where many tribes were in attendance: Michigan Wetlands Association Conference (9/27/17) and the Region 9 and State, Tribal, and Territory Departments of Agriculture Meeting (10/10/18).
- Held four in-person discussion forums for tribes on the proposed rule during the public comment:
 - Kansas City, Kansas on 2/27/19.
 - Atlanta, Georgia on 3/12/19.
 - Albuquerque, New Mexico on 3/27/19.
 - Seattle, Washington on 4/3/19.
- Held a webinar for Region 9 tribes in March 2019.
- Participated in the Tribal Science Council monthly conference call on 3/20/19 and in the Tribal Pesticide Program Council in-person meeting on 3/8/19.

Forty-five (45) comment letters were submitted as part of the tribal consultation process. Four tribes (the Saginaw Chippewa Indian Tribe of Michigan, the Confederated Tribes of Grand Ronde Community of Oregon, the Snoqualmie Indian Tribe, and the Navajo Nation) each submitted two comment letters, including two tribes that submitted their second consultation comment letter following a staff-level or leader-to-leader meeting with the agencies after the end of the consultation period. This total count includes letters from:

- 34 individual tribes
 - 23 letters signed by tribal leaders

- 15 letters signed by tribal staff
- 7 state/regional/national tribal groups or fish commissions that represent multiple tribes

In addition to the 45 comment letters, the agencies received six separate letters requesting government-to-government consultation or staff-level engagement from tribes who submitted comment letters. This is discussed further in the “Tribes Requesting Consultation” section. Of the 41 tribes and tribal organizations providing consultation comments, most of the tribes or tribal organizations (30) were from the Western United States, including tribes in the Arid West. The remaining were from the Midwest (5), the Mountains and Plains (3), the South Central United States (1), Southeastern United States (1), and a national group (1). Tribes that provided consultation comments were located in EPA Regions 4, 5, 6, 8, 9, and 10. The full list of tribes and tribal organizations that sent the agencies written consultation comments also is provided in Appendix B.

Comments provided by participants at the tribal meetings and webinars, and the letters received during the tribal consultation period are summarized in this report. All letters submitted are publicly available on EPA’s website at: <https://www.epa.gov/wotus-rule/tribal-consultation>. They are also included as attachments to the *Summary Report of Tribal Consultation and Engagement for the Proposed Rule: Revised Definition of “Waters of the United States,”* available in the docket at Docket ID No. EPA-HQ-OW-2018-0149-0094. The agencies have included in the docket a supplemental consultation comment from the Navajo Nation, which was submitted after their leader-to-leader consultation meeting with the agencies, as an attachment to this report. In addition, tribes and tribal organizations submitted comments on the proposed revised definition to the Step 2 docket during the public comment period. These comments are not summarized in this tribal consultation and coordination report but instead are summarized in the Response to Comments Document for this final rule, which is available in the docket. Many of the themes emerging from tribal consultation and coordination that are summarized in this report are similar to the tribal comments submitted during the public comment period that are summarized in the agencies’ Response to Comments Document.

Themes Emerging from Consultation Comment Letters and Meetings

This section highlights comments received as part of the tribal consultation process, including tribal consultation comment letters sent to the agencies on the rulemaking and feedback provided by tribes during staff-level meetings with tribes who requested such engagement or during leader-to-leader consultation meetings. Because tribal consultation commenced prior to the agencies proposing the revised definition, some of the themes reflected in tribal consultation comments were based on the information that was available to the tribes at the time. For example, tribes were presented with a variety of options to provide comment on, including, for example, whether the agencies should limit jurisdiction to only relatively permanent waters and abutting wetlands, as presented in Justice Antonin Scalia’s opinion in *Rapanos*. Thus, one of the themes listed in this section is the Justice Scalia-only approach to CWA jurisdiction. Because consultation with individual tribes continued after signature of the proposed rule, some of the tribal comments highlighted in this section are specific to the proposed rule. One tribe provided a supplemental tribal

consultation comment letter after meeting with the agencies at a leader-to-leader consultation and addressed specific aspects of the proposed rule in their supplemental comment.

Several key themes emerged from the tribal meetings and consultation letters and are summarized below. In addition, more robust summaries of the discussion at the March 2018 tribal workshop and of the four tribal discussion forums held in February-April 2019 are available as a separate document in the docket.

The agencies carefully considered all tribal consultation comments, and all comments received during the comment period, as they finalized this rule.

1. Requests for ongoing tribal engagement

Many tribes and tribal organizations expressed a strong desire to work with the agencies in a cooperative or collaborative manner. Many tribal commenters or meeting participants expressed a strong interest in receiving additional information and in continued engagement with the agencies during development of the revised definition of “waters of the United States,” both pre-proposal and following proposal.

- Many commenters requested further participation in the rulemaking process.
- Some participants suggested to the agencies that they co-draft the rule with tribes, noting the value that tribes can provide in such a process. Several commenters and meeting participants wanted to review rule language as it was being developed by the agencies or requested pre-proposal discussion of possible regulatory text.
- Some commenters urged that the agencies take the time needed to ensure that a final rule is the result of a thorough examination of the science and reflects extensive consultation with tribal nations.
- Several commenters provided suggestions for what continued involvement of tribes might look like.

2. Concerns about repeal of the 2015 Rule

Most tribes and tribal organizations that provided consultation comment letters or that participated in tribal engagement or consultation meetings were supportive of a broad scope of jurisdiction to protect tribal resources. In addition, most of these tribes opposed rescinding or revising the 2015 Rule.

- Many tribes requested to keep the 2015 Rule or requested no change in the definition of “waters of the United States.”
- Many tribes stated that the 2015 Rule was supported by a strong and extensive scientific record, including the Connectivity Report. Some tribes stated that the proposed rule, in contrast, was not supported by science.
- Some tribes stated that regulatory protections for waters should be expanded, rather than contracted.
- Many tribes raised concerns about a proposed or final rule that would include fewer waters in the definition of “waters of the United States.”

3. Concerns about a “Justice Scalia-only” approach to jurisdiction

The majority of tribes did not express support for an approach to jurisdiction that is based solely on Justice Scalia's opinion in *Rapanos* as the agencies discussed during the consultation period. One of the tribes that submitted consultation comments was supportive of Justice Scalia's approach to CWA jurisdiction.

- Some tribes asserted that Justice Scalia's opinion in *Rapanos* was flawed, confusing, and contradictory.
- Many tribes said that they believe Justice Scalia's approach is inconsistent with case law, the goals of the statute itself, and the scientific record. Many of these tribes supported Justice Kennedy's approach to jurisdiction and believe that waters with a significant nexus should be regulated.
- These tribes raised the concern that the focus in the proposed rule should be more on protecting the aquatic habitat versus just focusing on flow of "relatively permanent waters" as many of the tribes' practices, economies, and cultural connections are to the aquatic habitat and dependent on clean water.
- One tribe was supportive of a new rule based largely on Justice Scalia's opinion, and noted that such an approach is more likely to fall within the scope of Congress' power under the Commerce Clause, provides a relatively predictable and objective standard, does not impose an undue burden on stakeholders, preserves the tribe's sovereign authority to control the use and development of reservation lands, and provides an adequate basis for application and enforcement of the Act in arid areas.

4. Concerns about treaty rights and trust responsibility

Tribes raised concerns that changes to the definition of "waters of the United States" could affect tribal treaty rights and be in violation of those rights, including reserved water rights and fishing rights.

- Some tribes requested that the agencies conduct an analysis of the impact of the proposed rule on treaty-protected rights.
- Many tribes also raised concerns that agencies are not meeting their trust responsibility to tribes with the proposed rule.
- Some tribes noted that even if a tribe does not comment on an action, there is still a federal trust responsibility for the agencies to identify the potential impacts of that action on tribes.
- Some tribes requested that a revised definition of "waters of the United States" not apply on tribal lands (or not apply to tribes who desire such treatment), as they believe that the federal government is required to provide additional protections for tribal waters as compared to those protections for state waters.

5. Concerns that reduced jurisdiction will limit the scope of other federal laws

Tribes raised concerns with reduced federal jurisdiction as states do not have the same responsibilities to tribes as does the federal government.

- Tribes also raised concerns that reduced jurisdiction would limit their ability to seek protection for traditional cultural properties and graves outside tribal lands through the federal nexus with other laws. These laws, such as Section 106 of the National Historic Preservation Act (NHPA) and the American Graves Protection and Repatriation Act (AGPRA), would not apply in waters regulated by the state.

- Some tribes asked how the rule would impact other statutes, such as the Endangered Species Act.

6. Concerns about overall consultation process and timing, as well as desire for individual consultations

Several tribes expressed general concerns over EPA's Tribal Consultation policy (which this consultation followed), as well concerns specifically about the consultation process for the proposed rule.

- Several tribes requested government-to-government consultation.
- Some tribes expressed that the consultation period for the proposed rule was too short, did not offer meaningful engagement, and did not meet the agencies' consultation obligations.
- Several tribes stated that they cannot fully assess their concerns or develop their comments until they have had an opportunity to engage in meaningful government-to-government consultation.
- Several tribes indicated that they might be submitting consultation comments late due to the short length of the consultation period, plus others requested an extension of the consultation period.
- Several tribes stated that they may submit additional comments once the agencies have shared more substantive details (*e.g.*, regulatory text) regarding a proposed rule.
- Several tribes stated that they did not receive the consultation letter. (EPA followed up with these tribes, resent them the letter, and confirmed contact information.)

7. Need for clean water for cultural, religious, subsistence, and economic uses

Many tribes stated that clean water is essential to tribal uses and health and said that reduced federal protections will negatively impact those uses, the environment, and tribal health.

- Some tribes stated a commitment to protecting water quality for current and future generations.
- Some tribes mentioned wild rice and salmon and other fish as resources of concern in light of reduced jurisdiction under the proposed rule.

8. The importance of intermittent and ephemeral streams and wetlands

Many tribes stated that protecting tributaries, including intermittent and ephemeral streams, as well as wetlands that lack a continuous surface connection to relatively permanent waters, is important to restoring and maintaining the chemical, physical, and biological integrity of downstream traditional navigable waters.

- Some tribes spoke of the role these streams and wetlands play in water quality, maintaining healthy fish populations, and flood storage.
- Many tribes stressed the importance of non-relatively permanent waters in the arid West or in fish-bearing streams. Some stated that these regional variations should be considered when developing the rule, noting that ephemeral streams should be included in the definition of "tributary," if not nationally, then at least in arid areas.
- Many tribes did not support the proposed rule's exclusion of ephemeral streams and wetlands that lack a direct hydrologic surface connection to jurisdictional waters. Some tribes expressed support for including wetlands with subsurface connections as "waters of the United States."

9. Concerns about the loss of CWA protections over tribal waters.

Some tribes expressed concern that a reduction in federal jurisdiction would lead to reduced CWA protections and programs (including federal CWA funding) in tribal waters and waters upstream of tribal waters.

- Some tribes stated that a reduction in CWA protections would directly impact their treatment in a similar manner as states (TAS) authority for water quality standards.
- Some tribes expressed concerns that a reduction in the scope of “waters of the United States” would mean that they would no longer be able to perform water quality certifications under CWA section 401.
- Some tribes expressed concerns that a reduction in CWA jurisdiction would mean reduced federal CWA funding through EPA’s grant and loan programs.
- Several tribes stated that even if they can protect waters on their tribal lands, they have concerns about the impact of a reduced scope of jurisdiction on the water quality of waters upstream of tribal lands or in ceded territories where tribes have treaty protected rights. Some tribes expressed concerns about the ability of neighboring states to adequately assume authority for permitting discharges under state law in the future, which could then impact their tribal waters and resources.

10. Other procedural questions and concerns

Several tribes raised concerns related to the proposed rule’s timeline and stated that the comment periods for the proposed rule and related rulemaking efforts were too short. Some tribes supported the sharing of additional information and analysis on potential impacts to tribes, as well as the status of the 2015 Connectivity Study.

- Several commenters and meeting participants noted the difficulty inherent in providing feedback because of the “nebulous nature” of the initial options as presented in the pre-proposal consultation and coordination meetings. Tribes generally requested more engagement and additional details on the rulemaking process.
- Some tribes expressed concern about the lack of quantitative data from the agencies on the potential effects of the proposed rule, stating that without such data it is difficult for the tribe to understand how the proposed rule could impact the tribe. Additionally, some tribes stated that the agencies should not proceed with the rulemaking until the agencies are able to assess the potential effects of the proposed rule on tribes and/or tribal water resources.
- Many tribes asked for more detail on the timeline, and on the two-step process.
- Some tribal participants requested that the agencies provide charts comparing the 2015 Rule, the pre-2015 definition, the Scalia opinion in *Rapanos*, and the Kennedy opinion in *Rapanos*.
- Several tribal participants questioned what the anticipated outcome of the proposed rule would be in light of the likely legal challenges to the rule, once it is finalized.
- Several commenters requested clarification on the status of EPA’s 2015 Connectivity Study, asking questions such as, does this study remain as a foundational document? Would/did the agencies use the study in developing the proposed rule?
- Many tribes supported the use of this study in the development of the new rule.

Tribes Requesting Consultation

A total of 33 tribes notified the agencies that they wanted to engage in individual consultation or staff-level engagement on the Step 2 proposed rulemaking. Most of these requests came in the tribe's comments during the consultation period, via a separate letter to the agencies during the consultation period, or via their comments on the Step 2 proposed rule. The Makah Indian Tribe stated that it wanted to pursue leader-to-leader consultation during a listening session at the NCAI 2017 Mid-Year Conference. The Red Cliff Band of Lake Superior Chippewa Indians requested consultation in its comment letter to the Step 1 docket. The Confederated Tribes of Grand Ronde Community of Oregon requested consultation in its second consultation comment letter sent following the close of the consultation period. The Habematolel Pomo of Upper Lake requested consultation in a February 2018 consultation comment letter to the agencies.

In all instances, the agencies followed up with tribes who had requested to consult on this action. In some instances, the agencies were unable to schedule consultation meetings where a tribe did not respond to repeated outreach attempts. Additionally, several tribes indicated that the only acceptable consultation meeting would be with agency and tribal leadership that occurred in-person and on reservation. The agencies tried to accommodate such requests, but ultimately were unable to do so in some instances. Several tribes agreed to staff-level calls and webinars, at least as an initial step prior to leader-to-leader consultation. The agencies have held staff-level meetings with 13 tribes at their request: the Tolowa Dee-Ni' Nation, the Karuk Tribe, the Pechanga Band of Luiseño Indians, the Coquille Indian Tribe, the Saginaw Chippewa Indian Tribe of Michigan, the Red Cliff Band of Lake Superior Chippewa Indians, the Pueblo of San Felipe, the Confederated Tribes of Grand Ronde Community of Oregon, the Twenty-Nine Palms Band of Mission Indians, Pokagon Band of Potawatomi Indians; Leech Lake Band of Ojibwe; Yakama Nation; and the Makah Tribe. Two of these meetings were held during the consultation period. Staff from EPA's Office of Water and Office of General Counsel, the Department of the Army, including the U.S. Army Corps of Engineers, and the respective EPA Regional offices participated in these staff-level engagement meetings.

Several tribes expressed that they wanted their individual consultation meeting to occur after the agencies shared more information about the proposed rulemaking. After the agencies proposed the revised definition, the agencies attempted to communicate again with all remaining tribes that notified the agencies of their interest in pursuing consultation on the proposed rulemaking to offer the tribes the opportunity to continue to engage and/or consult with the agencies on the rulemaking. The agencies also contacted tribes that sent new requests for individual consultations.

The agencies have also held leader-to-leader discussions with 11 tribes: the Bad River Band of Lake Superior Tribe of Chippewa Indians, the Pueblo of San Felipe, the Confederated Tribes of Grand Ronde Community of Oregon, the Pyramid Lake Paiute Tribe, the Cowlitz Indian Tribe, the Pueblo of Zia, the Stillaguamish Tribe of Indians, the Navajo Nation, the Southern Ute Indian Tribe, the Seneca Nation, and the Makah Indian Tribe. These leader-to-leader discussions all occurred after the close of the consultation period. Most leader-to-leader discussions occurred over the phone and/or via webinar, while the leader-to-leader discussion with the Confederated Tribes of Grand Ronde Community of Oregon occurred on reservation (EPA Region 10 participated in person; EPA Headquarters and the

Department of the Army participated remotely). Leadership from the Cowlitz Indian Tribe, the Stillaguamish Tribe of Indians, the Navajo Nation, and the Makah Tribe met with senior leadership from the agencies in person in Washington, DC. Senior leadership from EPA's Office of Water and the Department of the Army participated in leader-to-leader discussions, as did senior leadership from the respective EPA Regions. In addition, staff from EPA's Office of Water and the Office of General Counsel, the Department of the Army, including the U.S. Army Corps of Engineers, and the respective EPA Regional offices participated in these meetings. At some of the meetings, EPA's Office of International and Tribal Affairs also participated. Staff-level meetings and leader-to-leader consultation meetings are included in Appendix D.

Appendix A: Notification of Consultation and Coordination Letter Sent to Tribes on April 20, 2017



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Dear Tribal Leader:

The U.S. Environmental Protection Agency is initiating consultation and coordination with federally recognized Indian tribes on a forthcoming proposal to rescind and then revise the definition of “waters of the United States.” (Clean Water Rule: Definition of “Waters of the United States”; Final Rule, 80 Fed. Reg. 37,054 (June 29, 2015)). The EPA has invited the Department of Army to participate in this consultation and coordination.

This action follows the February 28, 2017, Presidential Executive Order 13778 on “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.” The EO states that it is in the national interest to ensure that the nation’s navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty and showing due regard for the roles of the Congress and the states under the Constitution. It also directs the agencies to review the existing Clean Water Rule for consistency with these priorities and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with law. Further, the EO directs the agencies to consider interpreting the term “navigable waters,” as defined in 33 U.S.C. 1362(7), in a manner consistent with the opinion of Justice Antonin Scalia in *Rapanos v. United States*, 547 U.S. 715 (2006).

To meet the objective described in the EO, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country: 1) an initial rulemaking to rescind the 2015 rule and reinstate the regulatory approach that, except for a brief two-month period prior to the Sixth Circuit Court of Appeals’ stay of the Clean Water Rule, has been the regulation in place since 1986 and thus maintains the status quo and 2) a second rulemaking to revise the definition of waters of the U.S. consistent with direction in the EO. Justice Scalia’s *Rapanos* opinion indicates Clean Water Act jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

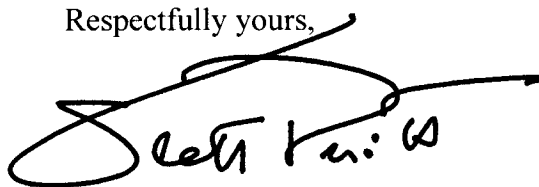
With this letter, the EPA is formally initiating consultation on the revised definition of “waters of the U.S.” with federally recognized Indian tribes. This consultation and coordination process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (www.epa.gov/tribal/consultation/consult-policy.htm). The EPA invites you and your designated consultation representative(s) to participate. The EPA’s anticipated timeline for the consultation and coordination period is expected to extend from April 20, 2017, to June 20, 2017. In addition, the coordination may extend through the end of the public comment period on the second rulemaking.

Enclosed is a consultation and coordination plan for this action that includes a description of the action under consultation and the process the EPA intends to follow, including a timeline for the consultation and coordination period and information on how you can provide input on this action. *This information is also available on the EPA's Tribal Portal.*

The official EPA contact person for this consultation and coordination process is Karen Gude, Office of Water Tribal Program Coordinator, at (202) 564-0831 or gude.karen@epa.gov. Please do not hesitate to contact Karen should you have any questions or if you would like to request alternate arrangements to the process outlined in the consultation plan.

Whether or not you participate in this consultation process, you will still have the opportunity to provide input on any regulatory action during the public comment period. The proposed rule will be published in the *Federal Register* and accessible at <https://www.regulations.gov>. I look forward to working with you on this important matter.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, stylized flourish above the name.

E. Scott Pruitt

Enclosure

cc: Tribal Environmental Directors
Regional Indian Coordinators
Douglas Lamont, Senior Official
Performing the Duties of the Assistant
Secretary of the Army for Civil Works

Consultation Plan

Background information on this initiative

From the 1970s through the 1990s, the majority of federal courts as well as the EPA and the Department of Army (the agencies) consistently interpreted a broad scope of Clean Water Act jurisdiction as necessary to and consistent with the Act's goals of protecting water quality. Supreme Court decisions in 2001 and 2006 held that the scope of navigable waters must be linked more directly to protecting the integrity of waters used in navigation. The Justices in the *Rapanos v. United States*, 547 U.S. 715 (2006) decision were split on how this was to be accomplished. The agencies have been working since the 2006 Supreme Court decision to provide clarification and predictability in the procedures used to identify waters that are – and are not – covered by the Clean Water Act. The 2015 Clean Water Rule, and the proposed new rulemaking effort, reflect the agencies' efforts to provide that needed clarification and predictability.

The February 28, 2017, executive order says that the EPA and the Army Corps “shall consider interpreting the term “navigable waters” in a manner “consistent with Justice Scalia’s opinion” in *Rapanos*. Justice Scalia’s opinion indicates Clean Water Act jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

Since the EO was issued, the agencies have taken two actions. First, we published a *Federal Register* notice on March 6, 2017, called “Intention to Review and Rescind or Revise the Clean Water Rule.” The notice announces the EPA and Army’s intention to review and rescind or revise the 2015 Clean Water Rule, consistent with Justice Scalia’s opinion. Second, at the EPA’s request, on March 6, 2017, the Department of Justice advised the Sixth Circuit Court of Appeals that the agencies intend to consider rescinding or revising the Clean Water Rule. The notice is called for by the EO and is appropriate because of the ongoing Clean Water Rule-related litigation currently before that court. These items, as well as a link to the executive order, are on the EPA’s Clean Water Rule website at www.epa.gov/cleanwaterrule.

To meet the objective described in the EO, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country: 1) an initial rulemaking to rescind the 2015 rule and reinstate the regulatory approach that, except for a brief two-month period prior to the Sixth Circuit stay of the 2015 rule, has been the regulation in place since 1986 and thus maintains the status quo and 2) a rulemaking to revise the definition of “waters of the U.S.” consistent with direction in the February 28, 2017, EO to interpret the term “navigable waters” in a manner consistent with the opinion of Justice Scalia in *Rapanos*.

The definition of “waters of the U.S.” affects the implementation of Clean Water Act programs on tribal lands and lands upstream of tribal waters, including section 401 tribal and state certification requirements, under which tribes can request accommodation for environmental and cultural values within a federal permit; section 402 National Pollutant Discharge Elimination System permits, which regulate discharges of pollutants that may directly or indirectly reach jurisdictional waters; section 404 permits, which regulate the discharge of dredged or fill material; section 303, which calls for water quality standards; and section 311, which requires oil spill response and prevention plans.

The Presidential Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule can be found at www.whitehouse.gov/the-press-office/2017/02/28/presidential-executive-order-restoring-rule-law-federalism-and-economic.

The Federal Register Notice of Intention to Review and Rescind or Revise the Clean Water Rule can be found at www.federalregister.gov/documents/2017/03/06/2017-04312/intention-to-review-and-rescind-or-revise-the-clean-water-rule.

Potential impacts to tribes

The EPA understands that decisions concerning whether a water body is subject to the Clean Water Act have consequences for tribal, state and local governments and for private parties. The agencies intend the first rulemaking is to preserve the status quo. Under the second proposed rulemaking, the EPA expects that the number of waters protected under the Clean Water Act will decrease compared both to current practice and the scope of the 2015 Clean Water Rule. As a result, businesses and governments that, for example, build homes and roads may face some decreased costs of the permitting process from offsetting the effects to aquatic resources from development. Those tribes that have 401 certification authorities may find that the number of permits requiring 401 certification decreases.

The Clean Water Act is one of the nation’s most effective environmental laws, calling for the federal government, tribes and states to work together to achieve the act’s goals. While tribes may request approval from the EPA to administer their own Clean Water Act section 402 and/or Clean Water Act section 404 permit program, to date no tribes have requested approval of a tribal 402 or 404 program. As a result, the EPA issues 402 permits and the Corps issues 404 permits in Indian country, and thus the burden for processing permit applications and conducting associated analyses will generally fall on the agencies.

Opportunities for tribes to participate

The tribal consultation process table below lays out the process and timeline for government-to-government consultation and coordination. The agencies are also looking for opportunities to discuss the rulemaking at in-person meetings.

Tribes may also participate in any public review and comment process. For more information, see the EPA’s website at www.epa.gov/cleanwaterrule.

Tribes may access this letter and related consultation information via the EPA’s Tribal Consultation Opportunities Tracking System, located at tcots.epa.gov.

The combined goal for all these efforts is to ensure there is sufficient information for tribal officials to make an informed decision about the desire to continue with consultation and to understand how to provide informed input.

Tribal Consultation Process and Timeline

April 20, 2017	Initiation of tribal consultation via mail and by electronic announcement	EPA Contact: Karen Gude, (202) 564-0831
April 27, 2017	Tribes-only Information Webinar	Webinar time: 2:00-3:30 Eastern Time To register: https://epawebconferencing.acms.com/wotus2/event/registration.html ; Call-in 1-866-299-3188, code 202-566-0657 EPA Contact: Rose Kwok, (202) 566-0657
May 18, 2017	Tribes-only Information Webinar	Webinar time: 1:30-3:30 Eastern Time To register: http://epawebconferencing.acms.com/cwa_wotus/event/registration.html ; Call-in 1-866-299-3188, code 202-566-0657 EPA Contact: Rose Kwok, (202) 566-0657
Public comment period	Tribes will be welcome to make additional comments and raise additional questions during the public comment period following rule proposal.	Once the rule has been proposed, EPA's website will contain information on the public comment process.
Additional meetings or webinars may be scheduled.		

Appendix B: Tribes/Tribal Organizations Sending Consultation Comment Letters

All tribal consultation comment letters are included as an attachment to the *Summary Report of Tribal Consultation and Engagement for the Proposed Rule: Revised Definition of “Waters of the United States,”* available in the docket at Docket ID No. EPA-HQ-OW-2018-0149-0094. The Navajo Nation’s supplemental consultation comment is included as an attachment to this final tribal consultation report in the docket. The consultation comment letters are also available on EPA’s website at <https://www.epa.gov/wotus-rule/tribal-consultation>.

Tribe/Organization Name	Type of Commenter	EPA Region Represented
Bad River Band of Lake Superior Tribe of Chippewa Indians	Tribal Leader	Region 5
Barona Band of Mission Indians	Tribal Staff	Region 9
Big Pine Paiute Tribe of the Owens Valley	Tribal Leader	Region 9
California Indian Environmental Alliance	Tribal Organization	Region 9
Cheyenne River Sioux Tribe	Tribal Leader	Region 8
Columbia River Inter-Tribal Fish Commission (CRITFC)	Tribal Organization	Region 10
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI)	Tribal Staff	Region 10
Confederated Tribes of Grand Ronde Community of Oregon*	Tribal Staff	Region 10
Confederated Tribes of Grand Ronde Community of Oregon*	Tribal Leader	Region 10
Confederated Tribes of the Umatilla Indian Reservation (CTUIR)	Tribal Staff	Region 10
Confederated Tribes of the Warm Springs Reservation of Oregon	Tribal Staff	Region 10
Coquille Indian Tribe	Tribal Leader	Region 10
Cortina Rancheria Kletsel Dehe Band of Wintun Indians	Tribal Staff	Region 9
Cowlitz Indian Tribe	Tribal Leader	Region 10
Eastern Band of Cherokee Indians	Tribal Staff	Region 4
Great Lakes Indian Fish and Wildlife Commission (GLIFWC)	Tribal Organization	Region 5
Habematolel Pomo of Upper Lake	Tribal Leader	Region 9
Kalispel Tribe of Indians	Tribal Staff	Region 10
Karuk Tribe	Tribal Leader	Region 9
Kickapoo Tribe of Oklahoma	Tribal Staff	Region 6
Little Traverse Bay Bands of Odawa Indians	Tribal Leader	Region 5
Lummi Nation	Tribal Staff	Region 10
National Tribal Water Council	Tribal Organization	National
Navajo Nation*	Tribal Staff	Region 9
Navajo Nation*	Tribal Leader	Region 9

Tribe/Organization Name	Type of Commenter	EPA Region Represented
North Fork Rancheria of Mono Indians of California	Tribal Leader	Region 9
Northern Cheyenne Tribe	Tribal Leader	Region 8
Northwest Indian Fisheries Commission	Tribal Organization	Region 10
Pechanga Band of Luiseño Indians	Tribal Leader	Region 9
Pokagon Band of Potawatomi Indians	Tribal Leader	Region 5
Port Gamble S'Klallam Tribe	Tribal Staff	Region 10
Pueblo of San Felipe	Tribal Leader	Region 6
Quinalt Indian Nation	Tribal Leader	Region 10
Region 10 Regional Tribal Operations Committee (RTOC)	Tribal Organization	Region 10
Saginaw Chippewa Indian Tribe of Michigan*	Tribal Leader	Region 5
Saginaw Chippewa Indian Tribe of Michigan*	Tribal Leader	Region 5
Snoqualmie Indian Tribe*	Tribal Staff	Region 10
Snoqualmie Indian Tribe*	Tribal Staff	Region 10
Southern Ute Indian Tribe	Tribal Leader	Region 8
Suquamish Tribe	Tribal Leader	Region 10
Tolowa Dee-ni' Nation	Tribal Leader	Region 9
Tulalip Tribes	Tribal Leader	Region 10
Twenty-Nine Palms Band of Mission Indians	Tribal Leader	Region 9
Upper Columbia United Tribes	Tribal Staff	Region 10
Upper Snake River Tribes (USRT) Foundation	Tribal Organization	Regions 9 and 10

* Tribe submitted two consultation comment letters (both letters are listed in the above list)

Appendix C: Tribal Consultation, Coordination, and Outreach Meetings

Staff-level meetings held as part of the consultation process are denoted in *italics* in the lists below. Leader-to-leader consultation meetings are denoted in **bold**.

Meetings and Outreach Occurring During the Consultation Period

Date	Meeting
April 27, 2017	National Tribal Webinar on “Waters of the United States”
May 4, 2017	Region 9 Regional Tribal Operations Committee (RTOC)
May 18, 2017	National Tribal Webinar on Waters of the United States
May 18, 2017	Region 10 Regional Tribal Operations Committee (RTOC)
<i>May 31, 2017</i>	<i>Tolowa Dee-ni’ Nation</i>
June 6, 2017	Region 6 Regional Tribal Operations Committee (RTOC)
June 7, 2017	National Tribal Caucus Monthly Meeting
June 7, 2017	Region 4 Regional Tribal Operations Committee (RTOC)
June 14, 2017	National Congress of American Indians (NCAI) Mid-Year Conference
June 14, 2017	National Tribal Water Council Monthly Call
June 15, 2017	Region 1 Regional Tribal Operations Committee (RTOC)
<i>June 19, 2017</i>	<i>Karuk Tribe</i>

Meetings and Outreach Occurring After the End of the Consultation Period through Signature of the Proposed Rule

Date	Meeting
June 22, 2017	Region 8 Regional Tribal Operations Committee (RTOC)
July 12, 2017	EPA Region 6 Tribal Operations Committee (RTOC) Meeting
July 12, 2017	National Tribal Caucus Monthly Meeting
July 12, 2017	National Tribal Water Council and EPA Monthly Conference Call tribes
<i>July 24, 2017</i>	<i>Pechanga Band of Luiseño Mission Indians</i>
August 9, 2017	National Tribal Water Council and EPA Monthly Conference Call
August 16, 2017	Tribal Lands and Environment Forum
August 23, 2017	EPA Region 5 Tribal Operations Committee (RTOC) Meeting

Date	Meeting
September 13, 2017	National Tribal Water Council and EPA Monthly Conference Call
September 27, 2017	EPA Region 8 Tribal Operations Committee (RTOC) Meeting
September 27, 2017	Michigan Wetlands Association Conference 2017
October 5, 2017	Oregon Tribal Environment Forum
<i>October 5, 2017</i>	<i>Coquille Indian Tribe</i>
October 11, 2017	National Tribal Operations Committee Meeting
October 12, 2017	National Tribal Caucus Meeting with Office of Water
<i>October 13, 2017</i>	<i>Saginaw Chippewa Indian Tribe of Michigan</i>
October 18, 2017	National Tribal Water Council and EPA Monthly Conference Call
October 24, 2017	Western Tribal Wetland Workshop
November 6, 2017	Bad River Band of Lake Superior Tribe of Chippewa Indians (Leader-to-Leader)
November 8, 2017	National Tribal Water Council and EPA Monthly Conference Call
December 12, 2017	Definition of “Waters of the United States” - Update for Governmental Partners (Webinar)
December 13, 2017	Region 1 Tribal Operations Committee (RTOC) Meeting
December 13, 2017	National Tribal Water Council and EPA Monthly Conference Call
December 14, 2017	Region 10 Tribal Operations Committee (RTOC) Meeting
<i>December 20, 2017</i>	<i>Red Cliff Band of Lake Superior Chippewa Indians</i>
December 20, 2017	National Tribal Caucus Monthly Meeting
January 10, 2018	National Tribal Water Council and EPA Monthly Conference Call
<i>January 16, 2018</i>	<i>Pueblo of San Felipe</i>
<i>February 2, 2018</i>	<i>Confederated Tribes of Grand Ronde Community of Oregon</i>
February 6, 2018	Office of Water Meeting with the United South and Eastern Tribes (USET)
February 8, 2018	Region 9 Tribal Operations Committee (RTOC) Meeting
February 14, 2018	Sac and Fox Nation of Oklahoma
February 14, 2018	National Tribal Water Council and EPA Monthly Conference Call
<i>February 15, 2018</i>	<i>Twenty-Nine Palms Band of Mission Indians</i>
February 15, 2018	Region 10 Tribal Operations Committee (RTOC) Meeting
February 20, 2018	“Waters of the United States” Outreach Webinar for Tribal Partners

Date	Meeting
February 26, 2018	Pueblo of San Felipe (Leader-to-Leader)
<i>February 28, 2018</i>	<i>Pechanga Band of Luiseño Mission Indians</i>
March 6-7, 2018	Tribal Co-Regulators Workshop
March 14, 2018	National Tribal Water Council and EPA Monthly Conference Call
March 20, 2018	Region 8 Tribal Operations Committee (RTOC) Meeting
March 22, 2018	Region 5 Tribal Operations Committee (RTOC) Meeting
March 23, 2018	National Tribal Water Council (call on draft tribal assessment)
April 4, 2018	Region 4 Tribal Operations Committee (RTOC) Meeting
April 11, 2018	Region 6 Tribal Operations Committee (RTOC) Meeting
April 11, 2018	National Tribal Water Council and EPA Monthly Conference Call
April 19, 2018	Confederated Tribes of Grand Ronde Community of Oregon (Leader-to-Leader)
May 9, 2018	National Tribal Water Council and EPA Monthly Conference Call
June 6, 2018	National Tribal Water Council-EPA Meeting – Office of Water Updates Session
June 12, 2018	Region 4 Tribal Operations Committee (RTOC) Meeting
July 11, 2018	National Tribal Water Council and EPA Monthly Conference Call
July 11, 2018	Region 6 Tribal Operations Committee (RTOC) Meeting
July 18, 2018	Region 9 Tribal Operations Committee (RTOC) Meeting
August 8, 2018	National Tribal Water Council and EPA Monthly Conference Call
August 15, 2018	Tribal Lands and Environment Forum
September 12, 2018	National Tribal Water Council and EPA Monthly Conference Call
September 12, 2018	National Tribal Caucus Monthly Meeting
September 25, 2018	Pueblo of Santa Clara (Leader-to-Leader)
October 10, 2018	Region 9 and State, Tribal, and Territory Departments of Agriculture Meeting
October 10, 2018	National Tribal Water Council and EPA Monthly Conference Call
October 24, 2018	National Congress of American Indians Annual Convention and Marketplace
October 31, 2018	Region 9 Tribal Conference
November 14, 2018	National Tribal Water Council and EPA Monthly Conference Call

Meetings and Outreach Occurring After Signature of the Proposed Rule

Date	Meeting
December 12, 2018	National Tribal Water Council and EPA Monthly Conference Call
February 6, 2019	National Tribal Caucus Monthly Meeting
February 13, 2019	National Tribal Water Council and EPA Monthly Conference Call
February 14, 2019	National Congress of American Indians Executive Committee Meeting
February 27, 2019	Tribal Co-Regulators Forum in Kansas City, Kansas
March 5, 2019	Region 6 Tribal Operations Committee (RTOC) Meeting
March 5, 2019	United South and Eastern Tribes (USET) Natural Resources Committee
March 5, 2019	Region 10 Tribal Operations Committee (RTOC) Meeting
March 8, 2019	Tribal Pesticide Program Council
March 12, 2019	Tribal Co-Regulators Forum in Atlanta, Georgia
March 13, 2019	National Tribal Water Council and EPA Monthly Conference Call
March 18, 2019	Tribal Science Council (TSC) Monthly Conference Call
March 21, 2019	Region 9 Tribal webinar
March 21, 2019	Region 8 Regional Tribal Operations Committee (RTOC) Conference
March 22, 2019	Pyramid Lake Paiute Tribe (Leader-to-Leader)
March 27, 2019	Tribal Co-Regulators Forum in Albuquerque, New Mexico
April 2, 2019	Region 6 Tribal Operations Committee (RTOC) Caucus Meeting
April 3, 2019	Tribal Forum in Seattle, Washington
April 8, 2019	National Tribal Water Council In-Person Meeting
April 10, 2019	National Tribal Operations Committee Meeting
April 11, 2019	National Tribal Operations Committee Meeting
<i>April 16, 2019</i>	<i>Pokagon Band of Potawatomi Indians</i>
<i>April 17, 2019</i>	<i>Leech Lake Band of Ojibwe</i>
May 8, 2019	National Tribal Water Council and EPA Monthly Meeting
May 15, 2019	Cowlitz Indian Tribe
May 20, 2019	Pueblo of Zia (Leader-to-Leader)
June 4, 2019	Stillaguamish Indian Tribe (Leader-to-Leader)
<i>June 5, 2019</i>	<i>Confederated Tribes and Bands of the Yakama Nation</i>

Date	Meeting
June 12, 2019	National Tribal Water Council and EPA Monthly Conference Call
June 13, 2019	Navajo Nation (Leader-to-Leader)
June 20, 2019	Region 10 & Region 8 Joint Regional Tribal Operations Committee (RTOC) Meeting
June 21, 2019	Southern Ute Indian Tribe (Leader-to-Leader)
July 10, 2019	National Tribal Water Council and EPA Monthly Conference Call
<i>July 26, 2019</i>	<i>Makah Indian Tribe</i>
August 14, 2019	National Tribal Water Council and EPA Monthly Conference Call
August 21, 2019	Tribal Lands and Environment Forum (EPA Tribal Listening Session: Updates on Office of Water Regulatory Efforts)
August 21, 2019	Tribal Lands and Environment Forum (National Tribal Water Council Information Sharing & Listening Session)
September 11, 2019	National Tribal Water Council and EPA Monthly Meeting
September 17, 2019	Region 1 Tribal Operations Committee (RTOC) Meeting
September 30, 2019	Seneca Nation (Leader-to-Leader)
October 2, 2019	National Tribal Caucus
October 9, 2019	EPA Region 10 Tribal Wetlands Working Group Meeting/Workshop
October 9, 2019	Region 5 Wetland Program Annual State and Tribal Program Meeting
October 23, 2019	Makah Indian Tribe (Leader-to-Leader)
November 9, 2019	Cowlitz Indian Tribe (Leader-to-Leader)
November 13, 2019	National Tribal Water Council and EPA Monthly Conference Call
December 11, 2019	National Tribal Water Council and EPA Monthly Conference Call
January 8, 2020	National Tribal Water Council and EPA Monthly Conference Call