

Current as of 4/16/2021

Action Items from Winter 2021 RTOC Tribal Caucus

Ident	Action Items	Tribal Contact	Lead	Status	Response
1	Capacity indicators: (Tribal Caucus requested this item not be assigned to a Workgroup but for full RTOC) a. Indicators listed in GAP Guidance is not all inclusive and Tribes can develop their own capacity indicators. How is EPA approving Tribal-specific capacity indicators that are not in the existing guidance? b. What is the process and criteria to develop a Tribal specific indicator? i.e., for NEPA. Seeking a process that is not inclusive in the guidance.	Central Cal So Cal Tribal Caucus	Jeremy Bauer	Complete	This was discussed during the Winter 2021 RTOC at the GAP workgroup session and the Plenary. Jeremy Bauer's summary is below. 1. Identify the activity or area of capacity you would like to pursue; 2. Review the GAP statute and guidance to confirm the activity or area of capacity is eligible to be covered by GAP funding; 3. If the activity or area of capacity is GAP-eligible, review existing list of capacity indicators in the GAP Guidance document to confirm whether existing indicator(s) already cover the activity or area of capacity of interest; 4. If no applicable existing capacity indicator(s) exists, propose capacity indicator language to your GAP Project Officer for review and approval; 5. Region 9 Tribal Branch submits proposed capacity indicator(s) to EPA American Indian Environmental Office for final approval following regional review and approval.
2	We know there is talk of encouraging more PPG's among the tribes. We would like to have more instructions on how PPG's benefit tribes. Need to compare how a PPG will benefit a tribe. Can see the correlation when combine water programs but not with GAP being a part of that. Some Tribes feel the workload doesn't ease for them, just EPA.	Central Cal	Grants Workgroup	Complete	During the Winter 2021 RTOC GAP Workgroup session and during the plenary discussion, Region 9 summarized what a PPG is, explained how to pursue one should a tribal grantee wish to do so, and provided examples of factors to consider. The Winter 2021 issue of the EPA Region 9 Tribal Newsletter includes an article with similar information: https://www.epa.gov/sites/production/files/2021-03/documents/r9-tribal-branch-newsletter-2021-03.pdf . Grantees who wish to learn more about PPGs may also reach out to their EPA Project Officers for more information.
3	Annual Conference: Request update on upcoming annual conference. How is the planning team going to mitigate Covid-19 concerns? Will it be offered both in person and virtually? Discussion on what the limit may be and are venues being looked at to provide more of an outdoor venue instead of inside?	Central Cal	Conference Workgroup; Shasta Gaughen, Pala	In progress	Lorinda forwarded to Shasta Gaughen 2.5.2021; Conference updates is on the agenda for the Spring RTOC.
4	We would like to know how EPA is looking at fiscal year 2022? Adjustments to the workplans, travel funds, solid waste, personnel...is there going to continued flexibility?	Central Cal		Complete	Laura Ebbert responded during the Winter 2021 RTOC Plenary. She suggested applying optimistically (prepare applications as though it were a normal year) and then using flexibilities as they apply to you. You can work with your project officer to request changes to the workplan and budget when needed.
5	COVID: Request an update regarding COVID-19 impacts to workplans. What flexibilities is EPA providing? What are the overall impacts to tribes and their environmental programs?	So Cal	Grants Workgroup	Complete	Laura Ebbert responded during the Winter 2021 RTOC Plenary. Please see the Q&A document created from last years Tribal Leaders Roundtable to see the answer to some of these questions: https://www.epa.gov/sites/production/files/2020-04/documents/rtoc_qa_from_r9_ra_call_with_tribal_leaders-2020-04-13.pdf If there are additional questions, please reach out to your project officer. There will be a COVID impacts breakout session at the Spring 2021 RTOC.
6	How is EPA going to apply the new President's Executive Orders? This is very new but looking forward to hearing how EPA will respond. Especially as related to the Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships.	So Cal		In progress	Laura Ebbert responded during the Winter 2021 RTOC Plenary. The Memo on Tribal Consultation provides 90 days to determine how to implement and requires EPA to get input from tribes. We are waiting for OMB or HQ offices to give us strategies/instructions for the other EOs. This will be a topic on the Spring RTOC agenda.

7	<p>ETEP's Tribes submitted last year and not received responses. Heard that EPA is very backed up from receiving many new ETEP's in 2020.</p> <p>Was told that the Tribe should reach out to PO to discuss, and review the past EPA Regulated Facilities list and comment if any updates are needed</p> <p>Please redefine the process for how an ETEP is developed and provide more flexibility to the Tribe.</p> <p>Tribes have been told that ETEP review/updates should not be included in workplans each year. It is unclear whether to include it in yearly workplans as it varies from Project Officer to Project Officer.</p>	So Cal Tribal Caucus		Complete	<p>This was discussed during the Winter 2021 GAP workgroup session and during the plenary discussion. EPA explained that ETEPs are planning documents designed to cover 4 to 5 year timeframes and that therefore undertaking a major overhaul of the document each year is not the intent, though an annual review of an ETEP along with updates stemming from that review may both be GAP-eligible and approvable. The proposed costs of an annual review and update would be commensurate with the anticipated level of effort. EPA explained that TEPs may discuss tribal environmental goals and objectives that go beyond the scope of GAP, but that the presence of a goal or objective in an TEP does not necessarily mean that the activity is approvable or eligible for GAP funding. EPA explained that if a grantee is experiencing a delay after seeking an EPA signature on an ETEP cover memo, a grantee should also always feel welcome to reach out to their GAP Project Officer or the Tribal Branch manager to raise and resolve the issue.</p> <p>Rob Roy responded in an email to Teri Red Owl. Response is below:</p>
8	<p>CA Redemption Value (CRV). How can Tribes access funding from the deposit to assist with Solid Waste and Recycling issues on Tribal lands? Tribes have asked CaLEPA (Jared Blumenfeld), and have not received a clear response. Requesting EPA R9 Solid Waste to help answer this question. Guidance is not clear utilizing grant funds to supplement salary/payroll during the COVID pandemic. The Ak-Chin Indian Community Tribal Council submitted a request to EPA R9 for clarification however have not received a response. (EPA Frequent Questions on Grant Issues in Response to the Novel Coronavirus (COVID-19) Public Health Emergency</p>	Teri Red Owl Eastern California	Solid Waste Workgroup	Complete	<p>The difference between the amount the customer pays for the CRV deposit, and then receives when redeeming the CRV item, is used to support the program administration, to fund the recyclers, and to provide grant opportunities. For instance, we run a state-certified CRV Redemption Facility at La Jolla. We pay the rate required by CalRecycle to the customer, then when we take the CRV materials to a bulk recycler we receive a higher rate than we pay out which funds our program. Otherwise, with expenses, we and other recyclers would operate at a loss which would not be sustainable. This supports our program so essentially we are receiving funding from the deposit to support our CRV Redemption Facility as would any other Tribal or non-Tribal CRV operation. During the pandemic CalRecycle even provided additional funding to us and other small CRV programs to assist with the reduction in revenue. CalRecycle also provides grants and administers funding programs to assist organizations with establishing beverage container recycling and litter abatement projects, and to encourage market development and expansion activities for beverage container materials. Tribes could apply for these grants.</p> <p>More information: https://www.calrecycle.ca.gov/bevcontainer/programinfo/basicscriv https://www.calrecycle.ca.gov/bevcontainer/grants</p>
9	<p>https://www.epa.gov/sites/production/files/2020-03/documents/external-grants-covid-19-faqs.pdf</p>	Brenda Ball Ak-Chin Indian Community	Laura Ebbert	Complete	<p>Brenda Ball received an email response on this. She noted that admin leave due to COVID can be credited if its documented. If Admin leave was approved by the tribe, it will be an eligible cost. It will need to be documented, and the grantee would follow the Tribe's policies and procedures on admin leave.</p>
10	<p>Water Quality Issue. Ak-Chin Indian Community utilizes the Central Arizona Project (CAP) as the main drinking water source as well as for the Ak-Chin Farms and Golf Course. The concern is that entities pump well water, reclaimed water into the CAP. There is no "policing" this; the Tribe is very concerned and has made their concerns to CAP. There is high levels of nitrates & salt. RE CAP Water Quality Guidance https://www.cap-az.com/departments/planning/service-area-planning/cap-system-use-agreement/sua-water-quality-guidance-document</p>	Brenda Ball Ak-Chin Indian Community	Kelli Williams, Water Program Project Officer	Complete	<p>Brenda Ball described the background of the issue during the Winter 2021 RTOC and Jason Brush provided his contact information to Brenda for follow-up. After the Winter RTOC, there were a few follow-up calls between EPA and the Ak-Chin Tribe. EPA does not have a direct role on the issue but may be available to facilitate a future meeting between Central Arizona Project and/or other parties and the Tribe, if needed. EPA contact: Ak-Chin Project Officer Kelli Williams (Williams.Kelli.M@epa.gov).</p>

11	Tribal Caucus request organizational chart reflecting the new positions at Headquarters and Region 9.	Tribal Caucus		Complete	Laura Ebbert responded during the Winter 2021 RTOC Plenary. She reported that once we get the senate confirmations, we can share the latest organization list. As follow-up, the latest positions at headquarters can be viewed here: https://www.epa.gov/aboutepa/epa-organization-chart and https://www.epa.gov/aboutepa/about-office-international-and-tribal-affairs-oita#aieo And the latest list of offices (and directors) for Region 9 is here: https://www.epa.gov/aboutepa/organization-epas-region-9-office-san-francisco Some of the senior positions are still acting. Once we get the senate confirmations, these sites will be updated.
12	New Workgroups 1. Research Framework Workgroup (Shasta Gaughen, identified as Tribal Co-lead). 2. US/Mexico Border Program Workgroup (No Tribal Co-Lead identified; Mervin to email Tribes to request lead).	Tribal Caucus		Complete	New workgroups and leads can be found here: https://www.epa.gov/tribal-pacific-sw/regional-tribal-operations-committee-rtoc-contacts
Action Items from Plenary					
13	Tribal Environmental Staff are delegated to work on pandemic response work which is not a GAP approved task however since staff are trained in ICS and Emergency Management they are asked by their Tribal Leadership to do these tasks. Tribes will not include this work in GAP reporting; How can Tribes justify these hours?	Cliff Banuelo, ITCN	Jeremy Bauer w RC and Carolyn	Complete	Please see the EPA COVID web site and specifically this page that addresses this question: https://www.epa.gov/coronavirus/due-increased-demands-assistance-processing-unemployment-claims-testing-covid-19-and Please contact your EPA project officer if you have follow-up questions or concerns.
14	15% of total budget for MPG set aside for tribes... is this going up or down? Question for Lisa Berrios regarding the Multi-Purpose Grant (MPG), is the 15% set aside an increase? If so what is the amount?	Willard Antone, Gila River	Jason Brush (Lisa Maclear) and Laura Ebbert	Complete	MPG budget is \$10M (versus \$13M last year). 15% of that budget is set aside for tribes. So to be clear, the budget is less, and the set-aside percent is the same. The appropriation included language emphasizing addressing PFOS, so when MPG guidance comes from HQ, it may look somewhat different than the past two cycles.
15	Request for another time for JoAnn Chase to talk with the Tribes in Region 9 considering she was unable to make the Winter 2021 RTOC	Lisa Gover	Lisa Berrios	Complete	There was a meeting with JoAnn Chase for April 14, 2021 at 1pm PT.
Action Items Carried Over from Fall RTOC					
16	EPA R9 is responding to this issue to.... They may coordinate a FOIA webinar in response to questions that came in from the Fall RTOC about EPA's R9 FOIA process	Lisa Gover	Jeremy Bauer	Complete	There was a FOIA webinar on April 13, 2021 from 2-3:30 PM PT. Link to the presentation is here: https://www.epa.gov/sites/production/files/2021-04/documents/r9-freedom_of_information_act_overview-2021-04.pdf
17	EPA R9 will develop and share a fact sheet that will be used to inform response personnel about common hazards that may be present along with fate and transport characteristics, and state and federal resources that may be available for cleanup activities from marijuana farming.		Peter Guria	In progress	The fact sheet is still in progress. An update on this will be provided during the Spring 2021 RTOC.