

Identifier	Action Items	Tribal Contact	Response
1	What is R9's role in recommending how consultation will be conducted under the Biden memorandum?	Rob Roy, Southern CA	Laura Ebbert- AIEO received input from both Region 9 and Region 9 Tribal Caucus on how to improve consultation. The response to tribal comments will be provided in the next week.  EPA has shared both the plan with Tribal Caucus and Response to Comment Document on 4/30/21.
2	What is the current EPA national and R9 appropriation for tribal programs? GAP, MPG, and possibly Air funding increases? Will there be funding for NEW air programs? Or just additional funding for existing air programs?	Rob Roy, Southern CA	The FY21 budget data was provided to the Budget workgroup for the Spring RTOC. For the FY22 budget, the president's budget has just been presented and the congressional justification with detailed information for each of EPA's program is now available: <a href="https://www.epa.gov/planandbudget/cj">https://www.epa.gov/planandbudget/cj</a> We will share the FY22 Congressional budget as soon as Congress takes action later this year.
3	How will climate change issues be addressed going forward and how can tribes access funding?	Rob Roy, Southern CA	Ruben Mojica Hernandez- GAP program, climate change adaptation/mitigation plans, vulnerability plans, emergency response plans in response to extreme climate events, can be funded using GAP funds. EPCRA-compliant plans. As well outreach and education on climate change.  Elizabeth Adams- President's priority. EPA is eager to see what direction is provided and moving forward with activities.  Kristin Gullatt- excited to incorporate climate change in all of our water plans. Kristin suggests that a climate change session could take place during the Summer RTOC and how to move forward. (On the agenda during the Water Program Updates breakout session on Thursday July 22nd.)  EPA R9 Tribal Program will have a "Climate Change under GAP" webinar in August or September (Date TBD)
4	Consistent with Executive Orders, GAP needs to be more flexible to provide tribes with an equitable opportunity to receive funding for tribal priorities. Please provide an update on the work that AIEO is doing on the GAP Guidance. How will AIEO engage with tribes to develop the Guidance and how will the Guidance expand on tribes' abilities to set their own priorities? The current GAP guidance is too prescriptive and it is hard to gain approval for activities that sovereign tribes deem to be priorities. Will AIEO commit to more robust tribal consultation and increased tribal input on developing things like the GAP Guidance? The capacity indicators do not seem to be being used for reporting to Congress, AIEO seems to be reporting just the number of Tribes with delegated authorities. If this is the case, what is the use of capacity indicators?	Rob Roy, Southern CA	AIEO organized two webinars in June to discuss how they will engage with Tribes to develop the guidance. A presentation of this webinar and a factsheet on the workgroups and process are available here: <a href="https://www.epa.gov/tribal-pacific-sw/region-9-rtoc-meeting-summer-2021">https://www.epa.gov/tribal-pacific-sw/region-9-rtoc-meeting-summer-2021</a>  JoAnn Chase will be speaking on the GAP guidance and other AIEO updates during the 1st half of the Summer RTOC Plenary.
5	The recent action by CARB to move areas to more serious non-attainment highlights the need for more tribes to have regulatory air monitoring as there is a lack of regulatory data for rural areas (for S CA areas).	Rob Roy, Southern CA	Elizabeth Adams/Gwen Yoshimura- EPA recognizes the amount of work and technical expertise needed to collect regulatory monitoring, and the substantial cost associated with establishing a regulatory monitoring site and keeping it up and running.

6	We need more discussion about why EPA has not moved more tribes to regulatory air monitoring when requested.	Rob Roy, Southern CA	<p>Additionally, if all critical EPA requirements are not met over the course of collecting data, the data cannot be used for regulatory purposes. In most instances you need at least three years of complete data for use in regulatory decisions.</p> <p>Because regulatory monitoring requires so much investment and expertise, and if one requirement is missed the data cannot be used, EPA encourages agencies to consider whether their objectives might be met through other avenues. For example, short-term saturation studies to better understand how concentrations compare across a geographic area, or informational sensor monitoring for public information and engagement.</p> <p>One example where EPA is working with a tribe to address their request for regulatory air monitoring: We are currently working with a tribe to determine if their existing PM2.5 monitoring program may be considered regulatory for federal decision-making purposes. They have been running their PM2.5 instrument for over three years, which allows us to evaluate their program and data against the regulatory requirements. We are working with this tribe regarding issues that would need to be addressed prior to becoming regulatory. The tribe is currently working to address those issues, at which time EPA will re-evaluate their PM2.5 program.</p> <p>Another factor to consider is our limited funding. Region 9 has received roughly the same amount each year to fund tribal air grants, and there is no separate pot for monitoring. So increasing funding for regulatory monitoring means decreasing funding for other purposes. If our EPA and tribal air grants budget increases in the future, we will be able support more tribes and more monitoring.</p> <p>At the August 2020 RTOC, we had an in-depth presentation and discussion about this issue, and can schedule more upon request.</p>
7	Capacity 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?	Central CA	<p>Ruben Mojica Hernandez-- AIEO does not need to approve new indicators. Whether something is approved or not is a regional decision. However AIEO should be informed if new capacity indicators are developed. In Region 9- new, suggested capacity indicators should be sent to the TIPD Division Director (Bridget Coyle) for approval.</p>

8	How is EPA looking at fiscal year 2022? Adjustments to the workplans, travel funds, solid waste, personnel...is there going to continued flexibility (Carryover? Extensions? Reallocating of funds?)?	Central CA	<p>EPA will put language in GAP notification which comes out in the fall about carryover; in the meantime, Tribes should always communicate with their GAP PO if they know there is unspent funds.</p> <p>There is a waiver to extend to a 5th year for GAP grants (no-cost extension)  On April 13, 2021, the Office of Grants and Debarment approved the request for a class exception to the project period limitation for GAP grants under 40 CFR 35.548 (c). The project period of stand-alone GAP assistance agreements may be extended up to twelve months for their scheduled dates of expiration. For any agreements that are extended, project officers should work with recipients to revise workplans and/or adjust milestones to ensure continued progress on projects. To request an extension, please email your PO and GS and provide a description of the action they want EPA to take. The email should include a brief justification that includes how the COVID-19 public health crisis has impacted their ability to comply with a requirement in the agreement. For more information, see the attached memo FY21 OITA GAP Grants Class Exception Approval Memo 04-13-2021.</p> <p>For GAP grants to extend beyond 5 years, there is a formal deviation process we must follow. If a Tribe needs to extend their GAP grant beyond 5 years, we must follow the formal exception/deviation process on a case-by-case basis. The PO will work with the Tribe to provide a justification. Once the justification is received by EPA, the PO will then work with the Grants Branch to draft a formal memo to be signed by Kerry Drake, R9's Senior Resource Official. This memo will be sent to the Headquarters Office of Grants and Debarment for their review and approval.</p> <p>For grants other than GAP (such as PPGs) : To request any type of waiver or regulatory exception, the recipients should first contact their PO to discuss the action they want EPA to take. If necessary, the recipient will then send an email to the PO and GS including a brief justification that includes how the COVID-19 public health crisis has impacted their ability to comply with a requirement in the agreement.</p>
9	As wildfire season is coming up, requesting EPA start offering trainings regarding indoor air quality training/wildfire response for the tribes. (Office of Air Toxics and Indoor Air Office) In the past, when EPA deploys for post fire assessment, they have a response team.	Central CA	<p>EPA R9 Air &amp; Radiation Division (ARD) absolutely agrees that with the increasing severity of wildfires and wildfire smoke, pre-season training for tribes is essential. EPA and ITEP joined together to offer Wildfire Smoke training for tribes June 7th – June 11th, 2021. ARD would also like to have you talk with our wildfire smoke and asthma contacts to see if there are other training needs that we can work to provide you. We also want to encourage you to participate in smoke coordination efforts at the state and local level as this will provide opportunities to request communications or monitoring assistance and to hear the smoke and weather forecasts for the day. Contact Kate Harper (harper.kathryn@epa.gov) to arrange for follow up.</p>
10	PPGs: PPG panel discussion for the Tribal Caucus during Summer or Fall RTOC; the pros and cons of PPGs from a tribal perspective.	Central CA Keri Vera, GAP WG	This will be Thursday morning breakout session during the Summer RTOC on this.

11	<p>Addressing Cultural Work in the GAP Program</p> <p>Description: Tribal Branch Manager will work to address issues and concerns raised during the Spring RTOC regarding cultural work in GAP workplans. To do this the Tribal Branch Manager will convene a group of RTOC Workgroup Leads and other interested parties to investigate this issue.</p> <p>The groups actions will be the following:</p> <ul style="list-style-type: none"> <li>- Messaging of GAP POs when communicating with tribes regarding work that is tied to the tribes cultural practices.</li> <li>- Identify examples and study them to get a clear understanding of the decisions made.</li> <li>- Identify a clear understanding of which cultural activities are allowable under GAP and potentially other EPA programs.</li> </ul> <p>The Tribal Branch Manager will also:</p> <ul style="list-style-type: none"> <li>- Work with GAP POs to ensure we are being sensitive and thoughtful when communicating with tribes, and confirming that our priority remains to do our best to</li> </ul>	Meyo Marrufo, Central CA	EPA R9 has been working on a draft factsheet on possible cultural work in GAP workplans. This one-pager was shared with the Caucus and will be discussed during to an upcoming GAP workgroup meeting for input. Please reach out directly to Laura Ebbert (ebbert.laura@epa.gov) with any questions or concerns about this topic.
12	Follow up on how the \$100 million (\$50 mil. E.J., \$50 mil. Air Programs) will be spent-how will tribes be consulted on how this money will be distributed?	Kelcey Stricker, Consultation WG	If you would like to request an informational meeting or initiate government-to-government consultation with the EPA, please contact Toni Colón at (919) 541-0069 or email at colon.toni@epa.gov<mailto:colon.toni@epa.gov> by August 6, 2021.The Agency will keep Tribes engaged as we work through the ARP implementation decisions, and will continue collaboration with our tribal partners to protect the environment and public health in Indian country.
13	What was submitted by EPA to the Biden Administration in response to EO 13175? When is a copy of the submittal available for review by tribes?	Kelcey Stricker, Consultation WG	The plan was shared with the Tribal Caucus on 4/30/21.
14	30 Comment letters were received by EPA nationwide; Agency is currently preparing a response to comment. When will these response to comments be available?	Kelcey Stricker, Consultation WG	The response to tribal comments were shared with the Tribal Caucus on 4/30/21.
15	Bring for discussion-waivers of sovereign immunity (EPA suggest to refer this issue to EPA's Indian Law workgroup) *Underground Injection Controls (water quality in aquifers); oil and gas leases interactions	Kelcey Stricker, Consultation WG	EPA does not have a position or policy responsive to the questions raised on state requirements to waive sovereign immunity.
16	Aquaculture Project is working to do an early coordination effort with Tribes - it can serve as the opportunity to observe how EPA puts together comments and how each Tribe's effects are evaluated by EPA.	Kelcey Stricker, Consultation WG	EPA sent out an early coordination letter in March. However the tribal engagement call regarding the Pacific Ocean Aquafarms project is postponed due to the applicant reconsidering the proposed locations for the project. EPA wants to make sure we have accurate location information before holding the meeting.

17	FY22 Budget follow-up discussion with EPA Division Directors	Syndi Smallwood, Budget WG	
18	Request for an update on the status of the WOTUS rulemaking.	Meyo Marrufo, Central CA	President Biden signed an EO asking all agencies to consider possible rules to be rescinded and that the WOTUS rule had been specifically identified. Consistent with Executive Order 13990, EPA and the Army Corps of Engineers are currently reviewing the Navigable Waters Protection Rule (WOTUS).
	<b>TRIBAL CAUCUS ACTION ITEMS</b>		
19	Needs Assessment, on drought impacts/status impacting Tribes	Tribal Caucus	
20	Mining Impacts, development of template letter for Tribes regarding impacts/issues from mining projects	Tribal Caucus	
	<b>ACTION ITEMS Carried Over from Winter RTOC</b>		
21	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.		A fact sheet was shared with Mervin to be shared with the Caucus on 6/24/21. It also has been uploaded onto the Summer RTOC materials website: <a href="https://www.epa.gov/tribal-pacific-sw/region-9-rtoc-meeting-summer-2021">https://www.epa.gov/tribal-pacific-sw/region-9-rtoc-meeting-summer-2021</a>
22	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? 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?	Central Cal/So Cal	See #8