

2023 Region 10 EPA Tribal Environmental Leaders Summit Report

“Connecting to Protect the Sacredness of Place and Being”

Presented by the Region 10 Tribal Operations Committee and hosted by Shoshone-Bannock Tribes with funding from the Environmental Protection Agency

June 7–9, 2023

In person at Shoshone-Bannock Casino Hotel Event Center, Fort Hall, ID
Virtually through Zoom for Government



2023 Region 10 EPA Tribal Environmental Leaders Summit

Connecting to Protect the Sacredness of Place & Being

*Region 10 - 271 tribes in Alaska, Idaho, Oregon & Washington
region10rtoc.net*

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I. Introduction

Presented by the Region 10 Tribal Operations Committee (R10 RTOC) and hosted by Shoshone-Bannock Tribes, the 2023 Hybrid Tribal Environmental Leaders Summit (TELS) took place virtually and in Fort Hall, ID, from June 7 through June 9, 2023. The Summit convened tribal leaders from the states of Alaska, Idaho, Oregon, and Washington; environmental staff and key players; and the U.S. Environmental Protection Agency (EPA) with the theme “connecting to protect the sacredness of place and being.” The Summit’s agenda is presented in Attachment A.

Organization of this Report

This report summarizes the summit presentations and panel sessions by day. Each day emphasized a specific element of the Summit’s overarching theme: connecting, to protect, and place and being.

- Day 1 focused on “connecting.” Presentations covered the federal perspective of federal, Tribal, and state intersections; a brief history of Shoshone-Bannock Tribes’ environmental concerns; the impact of green energy development to Tribes; environmental impacts to subsistence gathering; a Tribal information management platform; and federal programs and initiatives.
- Day 2 focused on “to protect.” Presentations covered the state perspective of federal, Tribal, and state intersections; the Tribal Environmental Excellence Award; the Clean Water Act; Shoshone-Bannock Tribes’ cultural and environmental resources; elevating compliance issues to EPA; environmental issues impacting Shoshone-Bannock Tribes; and planning for hazardous household waste. There was also a training on the Lead Awareness in Indian Country curriculum.
- Day 3 focused on “the sacredness of place and being.” Presentations covered the Tribal perspective of federal, Tribal, and state intersections; an elder panel; treatment as a state for water quality programs; traditional food systems; brownfields technical assistance and contracting; and a film premier about climate change impacts to Diomedes Island.

Day 1. Connecting

Day 1 of the Summit began with an opening ceremony. Shoshone-Bannock Tribal Chairman Nathan Small then welcomed everyone to the Summit and announced his retirement from the Shoshone Bannock Business Council. He introduced the theme for Day 1, “connecting.” Noting they had a quorum, he urged the attendees to discuss solutions and actions.

A panel of RTOC and National Tribal Operations Committee (NTOC) members spoke of their connections to one another. The panel comprised Randi Madison, R10 RTOC Executive Director; Gayla Hoseth, NTOC Alaska Representative; Aaron Miles, RTOC Idaho Representative; and Andrea Sumerau, RTOC Oregon Representative. Though all of the Tribes face different challenges, they work together to move this important work forward. Ms. Madison added



Shoshone-Bannock Tribal Chairman Nathan Small

that their culture connects them to their lands, from the plants they harvest, to the fish they catch, to the air they breathe. She said, “Everything we do comes down to this idea of connection.”



From left to right: Kelly Wright, Randi Madison, Andrea Sumerau, Gayla Hoseth, and Aaron Miles present on what connecting means to them

Kelly Wright, NTOC Alternate for Idaho, Eastern Washington and Eastern Oregon, invited everyone to join the field trip to Gay Mine at the end of the day. Gay Mine is one of 32 phosphate mines in southern Idaho and the largest in the United States at around 4,600 acres. The field trip aims to help draw a connection between the mine, which the Bureau of Land Management (BLM) designated as a reclaimed area, and its

environmental impacts. It will also highlight efforts to return the area to a healthier state. Mr. Wright joked: “Chairman Small said, ‘If you were to give me a shovel each year since I started here, I could have had the pits filled in.’ Now I’m hoping that, with retirement, if I give him three shovels, that will help expedite the process.”

Keynote Panel: EPA Administrators

The keynote panel comprised EPA representatives Jane Nishida, Assistant Administrator, Office of International and Tribal Affairs (OITA); Kenneth Martin, Director, American Indian Environmental Office; and Casey Sixkiller, R10 Regional Administrator. In line with the theme of the day, the speakers focused on connecting with each other. Namely, President Biden made strengthening nation-to-nation relationships, the federal government’s trust responsibility, and tribal consultation a priority for every federal agency. EPA is working to fulfill that charge through several efforts. A majority of their efforts fall under training and technical assistance. They established 17 technical assistance centers to build the Tribes’ capacities to use federal resources, implemented training programs for federal agencies on protecting sacred sites and incorporating Indigenous knowledge, and are holding webinars on climate adaption needs—a priority raised by the RTOCS. EPA will work with the technical assistance centers to ensure Tribes are aware of the many grant opportunities coming up.



From left to right: Jane Nishida, Kenneth Martin, and Casey Sixkiller provide a keynote discussion on connecting

Other efforts fall under collaboration. Alongside 17 federal agencies, EPA signed an agreement to protect Tribal treaty and similar rights in their decision-making processes. They also make sure that all

communities, including underserved communities, have a seat at the table in EPA’s work to strengthen environmental equity. Further, they have been consulting with the Tribes on how to strengthen EPA’s tribal consultation policy. Mr. Martin noted that EPA is accepting comments on EPA’s consultation policy through July 21, 2023.

Mr. Sixkiller highlighted several accomplishments achieved through collaboration. In January 2023, the Biden Administration released the Clean Water Act Section 404(c) authority to protect Bristol Bay’s salmon resources. Washington state is undergoing efforts to clean up the Puget Sound and Columbia River. EPA established a national workgroup to advance solutions for the impacts of the toxin 6PPD (and 6PPD-quinone) on fish populations.

EPA has also launched a \$20 million program to remove the contaminants from lands conveyed to Alaska Native communities through the Alaska Claims Settlement Act. They are investing \$1.5 billion into Brownfields, \$5.2 million of which was granted to 10 Tribes and Tribal consortia. Additionally, Mr. Sixkiller has approved a one-time increase to FY24 General Assistance Program (GAP) funding for Tribes and Tribal consortia. As Mr. Sixkiller said, “Our work in Indian Country is not something we do on the side. It is embedded in the work that we do every day.”

Federal, State, and Tribal Part 1: Federal Relationships, Intersection & Jurisdiction

During this session, Aaron Miles, Vice Chairman, RTOC, moderated a panel discussion with Ms. Nishida, Mr. Martin, and Mr. Sixkiller about the nature of EPA’s programs and their impacts on Tribes.

What moment in your career that intersected with Tribes are you most proud of, and what would you like the audience to know about your work with Tribes?

Ms. Nishida said OITA is responsible for EPA’s relationships with sovereign nations within and outside of the United States. The intersection between international and Tribal issues is particularly felt in R10 with the transboundary pollution issues between the Tribes and Canada. For example, Canada is expanding its mineral development in response to the push for electric vehicles. Her office is trying to remind the federal agencies and Canadian counterparts about the water quality impacts associated with mineral development on Tribal lands and water.

Mr. Martin said he serves as a liaison between Indian Country, the federal government, and EPA’s national programs and ensures that Tribes have a voice. In 2012, he was made aware of a barrier in federal law that was preventing Tribes from constructing new daycare facilities. They were able to change seven words in the statute to remove this barrier. As a result, a Tribal director told him they were able to construct 35 to 40 more Tribal childcare centers throughout Indian Country.

Mr. Sixkiller said he has spent his career making sure Tribes are heard by decision makers. Now, as a decision maker, he appreciates the opportunity to engage directly with Tribes and to empower Tribes as advocates in the decision-making process.

What is EPA doing to attract, hire, and retain more Native American employees?

Ms. Nishida said OITA is very focused on diversity, inclusion, and accessibility as a guiding principle. They recently signed a memorandum of understanding with the American Indian Higher Education

Commission to provide education on EPA employment opportunities, internships, and recruitment and promotion.

Is EPA working to reduce administrative burdens for Tribes in securing federal funds?

Mr. Martin said the technical assistance centers should help reduce administrative burdens for Tribes. Ms. Nishida also noted the importance of GAP for capacity building. In consultation with Tribes on how to reduce administrative burdens related to GAP, EPA released new GAP guidance, and they look forward to hearing Tribes' comments as EPA works to improve the program. A Tribal administrator asked EPA to consider increasing GAP funding to accommodate two full-time employees. Mr. Martin agreed and added that they need to increase resources focused on retaining employees.

R10's Environmental Concerns and Management

Throughout Day 1, Tribal representatives discussed the impacts that mining, ore processing facilities, and green energy operations have had on their cultural and natural resources. They spoke of the work that needed to be done to restore their resources, acknowledging that their land will never return to how it once was. They also spoke to the difficulties they face in navigating state and federal regulations, jurisdictional challenges, and pull of industry while trying to uphold their treaty rights and protect their people. On the management side, they spoke about the significance of data and an information management system that can help Tribes organize their data in a usable way.

Short History of Shoshone-Bannock Tribes and Environmental Update

For this session, representatives from Shoshone-Bannock Tribes provided a brief history of the Fort Hall Reservation and environmental concerns. Louise Dixey, Cultural Resources Director, and Nolan Brown, Interim Manager, Original Territories and Historic Research, Language and Culture Department, illustrated the Tribes' once vast lands, which spanned Oregon, Idaho, Wyoming, Nevada, and Utah. When the reservation was established, their lands were greatly reduced. While they are actively trying to regain some of their homelands, the Tribes' also hold events in areas they lost to maintain their connections to them.

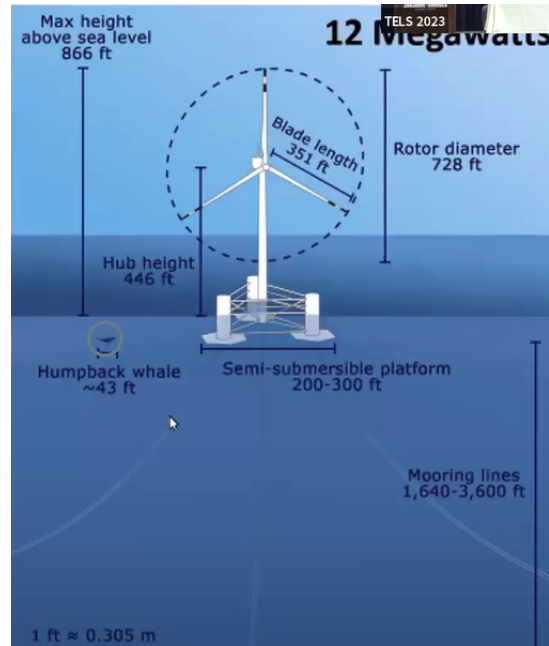
Their reservation has been contaminated by mining and ore processing plants. Gay Mine, which operated from 1946 to 1993, disturbed 7 square miles. The mining process contaminated the soil and groundwater, namely with selenium, which has led to several environmental and economic impacts. For example, contaminated grazing fields led to livestock deaths, which has affected the farming industry. The FMC plant, which operated from 1949 to 2001, was the world's largest elemental phosphorus plant. The Simplot plant, which has been operating since the 1940s, produces solid and liquid fertilizers using phosphate ore, sulfur, air, and natural gas. Both facilities have contaminated the groundwater and soil with hazardous materials. The Tribes will continue to work toward restoring their environment in collaboration with as many agencies as it takes to accomplish their goals.

Green Colonialism: Impacts of Green Energy Development to Tribes

For this session, Rick Eichstaedt, Policy Advisor, R10 RTOC, and Attorney; Will Falk, Attorney; and Margaret Corvi, Environmental Consultant, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, discussed the adverse impacts that green energy projects can pose to Tribes. The Biden administration has set aggressive goals to advance green energy. While Tribes generally support green energy, these projects can impact their cultural and natural resources in the same manner as traditional energy projects.

Offshore Wind Energy

Ms. Corvi discussed what offshore wind looks like along the Oregon coast. Green energy is not low impact. Offshore wind projects add to the ocean stressors already experienced from climate change. It affects prey distribution and causes vessel injuries, entanglement, and pollution. The windmills are very large with chains and weights anchoring them in place and a cabling network that brings the energy to the shore. They must be placed at least a mile apart due to their size and installation requires drilling, which risks hydraulic fluid leaks along the shoreline.



A diagram of the size of a 12 megawatt-producing windmill compared to a humpback whale

The Bureau of Ocean Energy Management (BOEM) has not yet determined where they will install offshore wind off the Oregon coast, but they have issued call areas for potential installation. In June 2022, the Tribes provided comments asking BOEM to consider avoiding certain areas and to consult on additional areas that may impact ocean views, traditional cultural property, submerged landforms and sea level changes, resident and migratory species, and other cultural concerns. Tribes, the National Congress of American Indians, and Affiliated Tribes of Northwest Indians have issued resolutions requesting a halt in offshore wind scoping and permitting until procedures are developed to protect Tribal environmental and sovereign interests in consultation with Tribes.

Electric Vehicles

Mr. Falk spoke about lithium mining in the McDermitt Caldera, which is the United States' largest lithium province. The McDermitt Caldera is located in southeastern Oregon and northern Nevada. Several mines are being planned for the province, but the Thacker Pass Mine is the farthest along. Mr. Falk noted that "there's nothing green about blowing up a mountain pass for electric cars." Thacker Pass is culturally significant to the surrounding Tribes, and it is a good example of what happens when permitting processes are streamlined. Three Tribes have filed a lawsuit against BOEM and the Department of the Interior for permitting the mine.

Thacker Pass mine would start at 18,000 square acres with plans for expansion after 46 years, the pit would be 400 feet deep, and the mine would operate for at least 100 years. It would be the largest open pit lithium mine in the world and the largest lithium mine in the United States. The mine would depend on oil refineries in the extraction process, use 5 million gallons of water a day, potentially harm wildlife



A view of part of the McDermitt Caldera

habitats, and emit 153,000 tons of carbon dioxide annually. In September 2022, Benchmark Mineral Intelligence reported that “at least 384 new graphite, lithium, nickel and cobalt mines are needed by 2035 to meet the increasing demand for raw materials globally.”

A 2019 U.S. Government Accountability Office report found that agencies initiate the consultation process too late, do not adequately consider Tribal input, and are not respecting Tribal sovereignty. To ensure consultation occurs, he recommended that Tribes:

- Familiarize themselves with the agency’s consultation policies, coordinate with state historic preservation offices on cultural resource issues, and develop Tribal consultation policies
- Map areas where they would want consultation, nominate areas as traditional cultural properties or landscapes, adopt Tribal resolutions designating areas as having significant cultural or religious significance, and distribute this information to the agencies that manage those areas
- Adopt a resolution regarding the Tribe’s position on a project or seek a resolution from the National Congress of American Indians or regional Tribal organizations
- Be aware of deadlines

1872 Mining Law

When asked how they could avoid projects like the Dakota Access Pipeline (DAPL), the speakers said it comes down to the 1872 mining law. The law gives corporations the right to permit a mine on public land if valuable minerals are located there. Historically, they could only mine the land if they had valid claims, but with Thacker Pass, the law was reinterpreted to allow for activities in places without valid mining claims. To avoid another DAPL, the law needs to be changed. While EPA can reach out to Tribes throughout the permit review process, BLM is responsible for getting the rules changed.

Environmental Impacts to Subsistence Gathering

Shoshone-Bannock Tribes representatives Carolyn Smith, Cultural Resources Coordinator, Heritage Tribal Office, and Zelfhia Towersap, Language Instructor, Language and Culture Preservation Department, presented on concerns and uses of plants of the Gay Mine. The Shoshone and Bannock were hunters and gatherers, moving their camps regularly to take advantage of the plants and animals available each season. These resources were used for food and medicine, and they reflect the Shoshone and Bannock

cultures. With the operation of Gay Mine, some of their traditional plants no longer grow in the area and contaminants from the mine travel through the soil, plants, animals, air, and water.

Tribal Information Management Platform

Russ Hepfer, Vice Chair, Lower Elwha Tribal Council; Western Oregon and Western Washington Representative, NTOC; and Member, Northwest Indian Fish Commission (NWIFC), introduced the Salmon and Steelhead Habitat Inventory and Assessment Program (SSHIAP). SSHIAP provides an information management platform that the NWIFC shares with EPA, Washington state, and other Tribes. Mr. Hepfer credited the data collected through the platform for the success of their *State of Our Watershed* report, which led to the removal of two dams and the return of salmon to their waters.

Bruce Jones, SSHIAP Section Manager, NWIFC, presented on the SSHIAP. The NWIFC comprises 20 treaty Tribes in western Washington state and provides direct services to member Tribes for natural resource management. Under the NWIFC, the SSHIAP provides data management, analysis, and sharing. The SSHIAP's information management platform, Aquascape, helps facilitate this work with funding through EPA's Exchange Network Grant Program.

The Tribes store and analyze their data on NWIFC's servers, and choose who they want to share it with, including EPA. The data is secured in NWIFC's SQL Database, and SSHIAP is building in analysis procedures. With permission from the Tribes, AquaScape pulls the data and shares it through reports, web map services, data exchanges, and the NWIFC-Washington Department of Fish & Wildlife (WDFW) partnership. It populates the Riparian & Floodplain, Water Quality, Nearshore, Juvenile Migrant, Adult Fish, and Fish Management Data Exchanges. SSHIAP is currently working to fully implement the Fish Management Data Exchange, which will replace the Juvenile Migrant and Adult Fish Data Exchanges. Further, the NWIFC-WDFW partnership consolidates the state and Tribes' fish distribution data.

The Tribal Exchange Network Group supports, mentors, and trains Tribes on data projects.¹ It also supports the standardization of data, centralization of information, process documentation, reduction of operating costs, and information exchange and collaboration, all of which is eligible for Exchange Network grants.

Federal Programs and Initiatives

EPA representatives discussed some of EPA, U.S. Forest Service (USFS), and BLM's environmental protection initiatives. EPA representatives also discussed a geographic approach to strengthening environmental health practices and provided a training on quality assurance project plans. Further, they discussed the importance of protecting survey participants throughout this work.

EPA Diesel Emissions Reduction Act Tribal Program

Rebecca Derr, Project Officer, R10 Air and Radiation Division, EPA, presented on the EPA Diesel Emissions Reduction Act (DERA) Tribal Program and other federal funding opportunities. DERA permits EPA to offer funding to accelerate the upgrade and turnover of legacy diesel fleets. DERA funding comes through annual appropriations from Congress. There are three DERA grant programs—state, national, and Tribal

¹ A list of SSHIAP's upcoming trainings is available at <http://www.tribalexchangenetwork.org/events.html>.

and insular area programs. These programs prioritize environmental justice and emissions reductions in areas receiving disproportionate impacts from diesel fuels.

Tribes, intertribal consortia, and Alaska Native Villages can apply to the national or Tribal and insular area grant programs. Compared to the national program, the Tribal and insular area program has a longer application period, less stringent eligibility requirements, and no mandatory cost shares and Tribes only compete against other Tribes. In FY2022, the Tribal and insular area program fully funded 10 Tribal cooperative agreements, totaling over \$7 million. These grants cover the construction, agriculture, port, stationary, transit, and municipal sectors. The next Tribal and insular area notice of funding opportunity (NOFO) will open in fall 2023.²

Clean School Bus Program

Ms. Derr also presented on the Clean School Bus (CSB) program. Under Title XI, the CSB program provides \$5 billion over 5 years to replace existing school buses with zero-emission and clean school buses to protect children's health through grants or rebates that provide funding prior to purchase. EPA prioritizes applications that support high-need, local education agencies, tribal school districts funded by the Bureau of Indian Affairs, or districts receiving basic support payments for students living on Tribal lands and rural areas.

In FY22, more than 90% of the CSB program requests were for electric school buses. Electric buses have a range of about 100 miles, and regenerative braking recoups some of the energy lost from hilly terrains and cold climates. They cost more upfront but less over their lifetimes than conventional diesel buses.

The CSB rebate application process is quick and simple, eligible selectees are determined through a lottery, and the project periods are shorter, but they have less support and flexibility than CSB grants and are limited to a 25-bus maximum. Through listening sessions and stakeholder input, EPA heard that the rebate program worked for a majority of school districts, but larger fleets are limited by the 25-bus maximum, some districts do not own buses to scrap, and there were differing opinions on the prioritization criteria.

The CSB grant program is available to school district or third-party sub-programs. School districts can receive between 15 and 50 buses, while third-parties can receive between 25 and 100 buses for at least four school district beneficiaries. The next CSB NOFO is currently open through August 2023.³ EPA and the Joint Office of Energy and Transportation are partnering to provide resources for the successful planning and deployment of CSB infrastructure.

State of Play for Important Federal Lands Initiatives

Representatives from USFS and BLM discussed major federal land management initiatives that will impact R10 Tribal lands. The three initiatives discussed were BLM's Proposed Public Lands Rule, USFS' proposed rulemaking for climate resilience, and USFS' Northwest Forest Plan. Joshua Hicks, Director, The Wilderness Society, moderated the discussion. Jamie Barbour, Assistant Director for Adaptive Management, and Kristi Tapio-Harper, Regional Tribal Relations Specialist, represented USFS. Donna

² Information on the next Tribal and insular area DERA NOFO is available at <https://www.epa.gov/dera>.

³ Information on the next CSB grant program NOFO is available at <https://www.epa.gov/grants/2023-clean-school-bus-csb-grant-program> and questions can be sent to cleanschoolbusTA@NREL.gov.

Bach, Program Analyst/State Native Liaison; Gordon Toevs, Associate State Director; and Dave Johnson, Tribal Liaison, represented BLM.

What is BLM’s Proposed Public Lands Rule, and why is it important?

Mr. Toevs said the Proposed Public Lands Rule refines the framework for managing the nation’s public lands to ensure healthy landscapes, abundant wildlife habitat, clean water, and balanced decisions. It has three main components:

- Protect the most intact, healthiest landscapes—This component provides a process to maintain certain areas with high ecological value and resilience. It codifies procedures for nominating and selecting areas of critical environmental concern.
- Restore landscapes back to health— This component establishes conservation lease granting, termination, and suspension processes. It provides a mechanism for durable mitigation and restoration of public lands. The leases do not override valid, existing rights and privileges. Nor do they preclude subsequent authorizations compatible with conservation use.
- Ensure wise decision-making based on science and data—This component promotes Tribal engagement and meaningful Tribal consultation. It provides opportunities for Tribes and Alaska Native Villages to co-lead or serve as cooperating agencies in the development of environmental impact statements and assessments. It also respects and equitably promotes the inclusion of Indigenous knowledge.

What is USFS’ Advanced Notice of Proposed Rulemaking (ANPRM) for the Climate-Informed Forest Policy, and why is it important?

Mr. Barbour said, USFS’s ANPRM for the climate-informed forest policy⁴ has five themes:

- How should USFS adapt our policies to a changing climate?
- How should USFS plan for climate resiliency at various organizational levels?
- What kinds of management activities will work?
- How should USFS manage relationships with Tribes and partners given the cross-jurisdictional impacts of the climate?
- How should USFS evaluate success?

They would like to leverage state, Tribal, and private programs in this cross-boundary work. They are seeking feedback on several topics, including the incorporation of Indigenous knowledge and western science, adaptive management, and the sustainable management of mature and old growth forests.

What is USFS’ Northwest Forest Plan, and why is it important?

Ms. Tapio-Harper said the northwest forest covers 24.5 million acres of federally managed lands in western Oregon, western Washington, and northwestern California. The Northwest Forest Plan⁵ takes a large landscape approach to federal land management to protect threatened and endangered species while contributing to the social and economic stability of the region. USFS recently established a federal

⁴ The Federal Register ANPRM for USFS’ Climate-Informed Forest Policy is available at <https://www.federalregister.gov/documents/2023/06/08/2023-12267/organization-functions-and-procedures-functions-and-procedures-forest-service-functions>.

⁵ Information on the Northwest Forest Plan is available at <https://www.fs.usda.gov/r6/reo/overview.php>.

advisory committee, the selections for which will be announced soon. The committee will modernize the plan, which will then serve as a template for the modernization of other forest plans, as well. USFS is seeking to increase Tribal input and participation in this plan.

What do the Tribal consultation and engagement components of BLM’s work look like?

Mr. Johnson said BLM has a manual and handbook that directs BLM staff on Tribal engagement in their respective fields. Any decisions by BLM require Tribal engagement.⁶ For the Proposed Public Lands Rule, Tribal engagement will occur at the headquarters level. Each state is to develop a plan for Tribal co-stewardship and outreach, as well.

Ms. Bach added that BLM is prioritizing the elevation of conservation on an equal footing with other uses and guiding responsible development while safeguarding important places. In Alaska, they are looking at the overlap of food security and climate resilience. There are opportunities for Tribal engagement through the National Environmental Policy Act process for conservation measures.

What do the Tribal consultation and engagement components of USFS’ work look like?

Mr. Barbour said USFS’ Tribal consultation will begin on July 12 for the ANPRM for the climate-informed forest policy. Their Office of Tribal Relations also published a Tribal Relations Plan and started a new way of doing consultation. Consultation periods are now open-ended for the length of a project.

Ms. Tapio-Harper said there are seats available on USFS’ Northwest Forest Plan Area Federal Advisory Committee, alongside government-to-government opportunities. They seek to hold Tribal consultation early and often. There will also be opportunities to engage with local forest supervisors on the forest plan modernization efforts.

What is being done with the federal interagency communication to reduce the burden to Tribes?

Ms. Bach said BLM’s consult early, consult often approach is about getting the federal agencies and Tribes on the same page and identifying what is happening at the federal agency level. She recommends agencies take initiative to do cold calling and find opportunities to engage with the correct people beyond Dear Tribal Leader Letters. Mr. Johnson said he heard that Tribal leaders in the northwest region get 20 to 50 Dear Tribal Leader Letters daily, and they cannot keep up. When developing their co-stewardship plans last year, BLM discussed the possibility of federal agencies coming together as consortia to hold Tribal consultation, but that effort would require authority from the top, though it would be very welcome across the board.

Mr. Barbour said USFS’ open-ended consultation allows conversations to continue well into projects and when the information is needed. Further, they will host Tribal roundtables where Tribal members will prepare for the consultation without the federal representatives present.

Ms. Madison said it will be helpful for federal agencies to communicate with each other prior to the consultation in an effort to combine forces. Holding a Tribal roundtable in preparation for a consultation would also be useful for the R10 RTOC. She emphasized that no comment does not mean no interest, as Tribes cannot respond to every request for consultation.

⁶ Information on BLM’s Tribal relations is available at <https://www.fs.usda.gov/working-with-us/tribal-relations>

What does the panel recommend for federal partners when it comes to other areas where they can collaborate more?

Andrew Baca, Acting Deputy Director, American Indian Environmental Office, EPA, said the model of open-ended consultation provides flexibility with deadlines.

Ms. Tapio-Harper said Alaska had an Alaska Tribal Liaison group that met quarterly. It pulled in people from multiple agencies and the state. There is an opportunity to reinvigorate that effort in Alaska and other states.

Mr. Johnson said California had a Strategic Partnership Coalition that brought together federal, tribal, and state leadership to discuss issues of concern. It would help if they had regular meetings with Tribes, Tribal liaisons, and Tribal managers to get to know each other and update each other. Ms. Bach said, for BLM, she holds routine communication with the Tribal liaisons from the National Park Service and U.S. Fish and Wildlife Service, and there are great co-stewardship opportunities there.

A Geographic Approach to Strengthen Environmental Health Practices

Nanette Star, Health and Human Services Industry Geographic Information System (GIS) Specialist, Esri, presented on a GIS approach to strengthening environmental health practices. A GIS approach provides a framework for understanding environmental impacts based on science and data. GIS is a mapping and visualization tool that helps users understand patterns and relationships within a geographical context. It integrates location data (where things are) with descriptive information (what things are like there). Federally recognized Tribes can get Esri software at no cost through the Bureau of Indian Affairs.



Environmental health management can be quite complex. GIS can help with regulatory compliance and forecasting for environmental justice efforts through mobile data collection, integration, and automated data systems. Tribes are using GIS to monitor, track, and analyze a wide breadth of projects, from water quality to resilience to climate change, preserving first foods, and wildfire management. GIS enhances environmental justice efforts, as well, by identifying areas with unequal resource allocations. On July 12,

2023, there will be a first-ever Tribal GIS summit. The theme is, “From data to action: Leveraging GIS for Native Sovereignty and Community Development.”⁷

Among its many benefits, Esri software allows for real-time analysis through quick capture, which eliminates the need to process hand-written notes. Environmental health organizations can integrate data systems to prioritize workflows. Experience Builder enables people to build apps without having to write code. Further, story maps share maps and data in the context of narratives.

The indices can help quantify problems at hand and formulate potential solutions. They also provide opportunities to empower decision makers, establish data ethics promising practices, and engage subject matter experts. Index practices can analyze and contextualize the current state by aligning and disaggregating data relevant to the population and topic. They can show cumulative impacts and burdens relative to the populations being analyzed and identify gaps, program disparities, and opportunities.⁸

Quality Assurance Project Plan Training

Cindy Fields, Quality Assurance Manager, EPA, provided a training on Quality Assurance Project Plan (QAPP) development. She invited everyone to reach out to the EPA R10 Quality Assurance (QA) team, EPA Tribal coordinator, or grant or project officer for additional assistance. QAPPs are planning tools that describe how environmental data will be collected, evaluated, and used. Examples of environmental information include direct measurements, watershed mapping, debris clean-up, and studies and surveys.

EPA funding for projects involving the collection, evaluation, or use of environmental information or data require a QAPP. QAPPs fulfill EPA’s requirement of a sound scientific approach to support studies and decisions, and they help ensure that results are accurate, usable, and defensible. They also document QA and quality control. QAPPs should be sent to EPA no later than 45 days prior to the start of sampling, as the approval process can be lengthy. If there is an immediate threat to the environment or human health, they can collect samples and put in QAPP in place afterward.

The QAPP should include up to 24 requirements, depending on the project, that cover project management, data generation and acquisition, assessment and oversight, and data validation and usability. The level of detail will vary based on the type of work being performed.⁹

A project manager noted that the idea of developing a QAPP can be daunting, but a good place to start is by reaching out to the communities. Those connections can also lead to the collection of comparable data. Additionally, Zender Environmental Health & Research Group provides free technical assistance to help Tribes develop their QAPPs.

⁷ Free Esri trainings are available at <https://www.esri.com/training/catalog/search/>. For more information, reach out to Anne Taylor at anne_taylor@esri.com.

⁸ The Centers for Disease Control and Prevention’s Environmental Justice Index provides a quick start guide for digging deeper into the data. It is available at <https://www.atsdr.cdc.gov/placeandhealth/eji/index.html>.

⁹ The following tools can assist with QAPP development: QAPP requirements (www.epa.gov/quality/epa-qar-5-epa-requirements-quality-assurance-project-plans), QAPP guidance (www.epa.gov/quality/guidance-quality-assurance-project-plans-epa-qag-5), Region 10 QAPP checklist (www.epa.gov/r10-tribal/quality-assurance-project-plans-tribes-region-10), and The Participatory Science Handbook and Toolkit (formerly the Citizen Science Handbook), templates, and examples (<https://www.epa.gov/participatory-science/quality-assurance-handbook-and-toolkit-participatory-science-projects>)

Protecting Participants of Fish Consumption Surveys

Ms. Fields presented on protecting participants in human subject research. Human subject research is a systematic investigation that leads to generalizable knowledge. Protection of human subjects in research stems from historic, unethical research practices that harmed the research subjects. Protection of Human Subjects regulation is listed under 40 CFR 26 Subpart A for EPA and 45 CFR 46 Subpart A for other federal agencies. Together, these regulations are called the Common Rule. Under the Common Rule, participation in the study must be informed and voluntary, the study must address important questions, and the benefits must outweigh the risks for the participants.

Before a study can start, the researchers must develop a QAPP, as discussed above. QAPPs undergo a lengthy review and approval process. They can be combined with the research study design, which describes the researchers' roles and responsibilities, statistics used to evaluate the study results, interviewer training, data management, confidentiality processes, and data assessment. EPA has several resources to help Tribes develop their QAPPs and research study designs on its website.

Next, the EPA project officer and principal investigator (PI) for the Tribe will coordinate to send the project plan through an institutional review board (IRB) review. The IRB reviews and monitors the research to protect the rights and welfare of the research subjects. Participants must provide informed consent, have their private information stay private, and be protected from the misuse of the information they provide. It can be helpful to understand the IRB's requirements and expectations early in the planning stages to avoid any surprises. The IRB can approve or disapprove, exempt, monitor, and require modifications to a study. Examples of IRBs that are affiliated with Tribes in R10 include those of IHS, Northwest Indian College, Portland Area IHS, and Alaska Native Tribal Health Consortium.

After the IRB, the study must gain EPA human subject research review official (HSRRO) approval. EPA R10 has a human subject officer to connect with the HSRRO. The HSRRO provides agency oversight of the research and reviews the IRB's decision. The IRB and HSRRO review processes can be lengthy, lasting up to 12 months. Outside factors can also influence the study schedule, such as community events and participant availability.

Meeting attendees noted the complexities and expense involved in fish consumption surveys and trying to identify a fish consumption rate. They shared the importance of current and historic rates for the federal government to fulfill their trust responsibility and understand what needs to be done for Tribes' waterways. They also shared concerns with how the states will interpret these rates, that the human health criteria needs to rise in line with the rates, and that shellfish be included. They recommended holding a 3-day R10 workgroup on fish consumption.

Day 2. To Protect

Ms. Madison welcomed everyone to Day 2 of the Summit and introduced the theme for the day, "to protect." She invited everyone to join the field trip to Lava Hot Springs at the end of the day. Lee Juan Tyler, Idaho, Eastern Washington, and Eastern Oregon Representative, NTOC, provided an overarching view of the extraction, distribution, and use of minerals from R10. He said they need champions, and they need to find solutions to the pollution.

Mr. Wright; Percy Ballot, Buckland Tribe; and Mr. Hepfer discussed what "to protect" means to them. Mr. Wright explained that the call to protect human health and the environment is part of Shoshone-

Bannock Tribes' Environmental Waste Management mission statement. They are looking to protect the human health of all people, the environment, and the wildlife for 7 generations. He urged everyone to pay attention to their risk assessments, to continue to fight, and to reach out to each other for assistance. Mr. Ballot shared the importance of lessons passed down from their elders about their cultural practices. They need to teach their youth to work with each other and federal partners to protect their resources from the environmental impacts of climate change. Mr. Hepfer discussed the importance of protecting their culture and their resources. He said they have to be at the table to explain the issues and bring solutions.



From left to right: Percy Ballot, Kelly Wright, and Russ Hepfer discuss what it means to them to protect

Federal, State, and Tribal Part 2: State Relationships, Intersection & Jurisdiction

For this session, a panel discussed the nature of state environmental programs impacting Tribes. Matthew Szelag, Idaho Operations Office Director, EPA, moderated the discussion. The panel comprised Gina Shirey, Local and Tribal Government Coordinator, Alaska Department of Environmental Conservation (DEC); Tami Fordham, Alaska Operations Office Director, EPA; and Jess Byrne, Director, Idaho Department of Environmental Quality (DEQ).

Idaho DEQ's Opening Comments

Mr. Byrne said Idaho DEQ's mission is to protect Idaho's air, land, and water, and its vision is to enhance healthy living and support thriving communities. They are challenged with balancing environmental protection and economic development, and they take pride in how they work with their partners to meet this challenge. These partnerships support many projects for the Coeur d'Alene River Basin improvement and restoration, brown water, and other water quality projects. A common theme among these examples is the DEQ and the Tribes' willingness and commitment to work together toward a shared goal. Notably, there are more opportunities for states, Tribes, and EPA to work together than there are obstacles that prevent them from doing so.

Alaska DEC Opening Comments

Ms. Shirey said the Alaska DEC Division of Water has developed tools to facilitate early and effective Tribal involvement in the permitting process. These tools include the Permit Insurance Plan, early

notification letters, public notices, and a Tribal website.¹⁰ With these tools, Tribal governments are informed early about permits that may impact them, and they are invited to provide information and insights throughout the permit development process. Through the supplemental process, DEC creates project-specific communications plans to provide Tribal governments with opportunities to inform and respond to projects through workshops, meetings, hearings, and extended comment periods. Further, the DEC commissioner hosts quarterly Alaska Native outreach meetings. He has held two meetings so far, and the next one is scheduled for September 2023.

Alaska Operations Office Opening Comments

Ms. Fordham spoke to successful collaboration efforts in Alaska. With the help of Alaska’s senator, Tribes, and others, the Alaska Operations Office has received funding to address contaminated lands in Alaska. It is an incredible opportunity for Tribes and the state to get resources to help address this issue.

What is a moment in your career that intersected with Tribes that you are most proud of?

Mr. Byrne said Coeur d’Alene Tribe and Idaho DEQ have been implementing a Lake Coeur d’Alene management plan for about 15 years. The lake is part of a Superfund site that has no identified remedy. Coeur d’Alene Tribe was very supportive of a study looking into the plan’s effectiveness, and they provided a lot of data to help inform it. As a result of the study, the state of Idaho is putting \$33 million toward nutrient reduction and protection projects for the lake.

Ms. Shirey said, as a member of a Tribal liaison group a few years ago, she helped put together the language for Administrative Order 300 and its implementation memo.

Ms. Fordham said, as a Tribal policy advisor for oil, gas, and mining issues, she had an opportunity to reflect traditional knowledge in the decision-making process. From there, the RTOC developed guidance around traditional knowledge, and there is now a federal policy to support that guidance.

Mr. Szelag said he has had the honor of working with Tribes as they set their water quality standards and adopt more realistic fish consumption rates. While there is more work to be done, there has been significant progress so far.

Where are you in the process of other abandoned mine sites in Idaho, and how are they engaging the Tribes?

Mr. Byrne said the Department of Lands is primarily responsible for abandoned mines in Idaho. DEQ and the department are responsible for managing contaminated water and soil resulting from Triumph Mine, but they are not yet in a position to conduct outreach to Tribes on that effort. An Institutional Control Program protects the remediation work underway at the Bunker Hill Superfund site to ensure that work is not undone from people digging up additional contaminated sites. They coordinate very closely with Coeur d’Alene Tribe for that work. More broadly, there is not much funding for remediation, which is further challenged by split ownership of the land, so a lot of efforts go toward removing safety hazards.

¹⁰ Alaska DEC’s tools are available at <https://dec.alaska.gov/water/tribal-communications/>.

Comments

An attendee discussed health concerns regarding salt and other additives that are added to water. She encouraged research into Indigenous nutrition and water with input from Tribes.

Another attendee discussed the state of Alaska’s relationship with Tribes. While it has improved recently, he would like to see Tribes brought to the table through proper consultation, similar to what they experienced 8 years ago.

Mr. Tyler recommended prioritizing the protection of migratory routes of endangered species. Mr. Byrne said he will put Mr. Tyler in contact with the regional administrator to progress this recommendation.

Presentation of R10 RTOC’s Tribal Environmental Excellence Award & Raffle



The Tribal Environmental Excellence Award went posthumously to Celeste Davis (Chickasaw Nation). She was adamant about protecting the natural environment where people live, work, and play. Through her work with the Northwest Portland Area Indian Health Board (NPAIHB), NPAIHB applied for and received GAP funding to understand and support community efforts to protect and enhance the natural environment. Her family has established a memorial fund to support Native students pursuing graduate degrees from Oregon Health & Science University-Portland State University School of Public Health.

Water Is Life: Clean Water Act & Tribes

For this session, Tribal representatives shared how Tribes and Alaska Native Villages can use the Clean Water Act (CWA) to protect local waters and water-dependent species that are culturally significant. Gayle Killam, Principal, Water Policy Pathways, moderated the discussion and shared a video from Bristol Bay Native Association. The panel comprised Brian Crossley, Manager, Water and Fish Program, Spokane Tribe of Indians; Carl Merkle, Salmon Recovery Policy Analyst, Confederated Tribes of the Umatilla Indian Reservation (CTUIR); and Candon Tanaka, Water Quality Specialist, Shoshone-Bannock Tribes.

Ms. Killam provided a brief overview of the CWA, a federal water quality law overseen by EPA. CWA authorities granted to Tribes, states, and territories include programs that establish assessment standards, permits to track and control pollution, and the protection of high quality and outstanding waters. Rulemaking based on a recent Supreme Court decision includes rules to protect Tribal treaty rights in state standards, provide baseline Tribal water quality standards where none currently exist, and govern the review of federal permits and licenses to ensure water quality requirements are met.

Tribes and Alaska Native Villages can engage with the CWA through the consultation process, public notice, and assumption of program authority. Tribal CWA program authority comes with strict components. Tribes must have federal recognition, a governing body, jurisdiction over the waters, and the capability of carrying out the functions. Many tribes in Washington, Oregon, and Idaho have pursued this path, but it was prohibited in Alaska until 2016 because of the land into trust question. The Tribal CWA Handbook, developed in conjunction with Region 10 RTOC and Water Policy Pathways as a living document, has more information. They welcome feedback on the handbook.

Bristol Bay Native Association

Bristol Bay Native Association’s video reviewed successful efforts to stop Pebble Mine. In 2001, a foreign-owned mining company sought to mine in the headwaters of Bristol Bay, which would upset the ecological and cultural harmony of the area. In 2012, Tribes of the Bristol Bay shared their concerns in a letter to EPA. EPA validated their fears in 2014, and the Obama Administration began work to protect the region; however, the process was delayed by the Trump Administration. The Biden Administration promised to continue the work, and EPA issued the CWA Veto of Pebble Mine in January 2023.

Confederated Tribes of the Umatilla Indian Reservation

Mr. Merkle discussed CTUIR’s experience with the CWA. At the instigation of the Tribes, and with much Tribal input, Oregon established the highest state fish consumption rate at 175 grams per day, which informs the state’s water quality criteria. This success stemmed partially from the CWA and other laws, studies into fish consumption rates and contamination, and several EPA policies. Notably, CTUIR set their reservation fish consumption rate at 389 grams per day. Ultimately, fish consumption rates and water quality standards determine maximum pollution allowances for waterways. While they can never secure the protection of local waterways and water-dependent species, CTUIR aims to relentlessly protect these culturally significant resources. He recommended Tribes use the CWA in concert with their treaty rights.

Spokane Tribe

Mr. Crossley described the thousands of pounds of salmon that used to be seen on drying racks of the Northwest Tribes in the 1800s. EPA’s guidance for subsistence lifestyles set an aquatic organism consumption rate of 86.3 grams per day and a water consumption rate of 2 liters per day. Based on the actual amount of fish and water consumed by their members and an active lifestyle, Spokane Tribe proposed higher rates of 865 grams and 4 liters per day, which EPA approved in 2013.

Spokane Tribe is also working on polychlorinated biphenyl (PCBs) standards. PCBs are man-made contaminants that several fish species accumulate and pass on to whatever eats them. The Tribe is a driver in EPA setting a PCB total maximum daily load, which will be ready in 2024. The city of Spokane and Spokane County have implemented tertiary treatment infrastructure to their water treatment plants and storm water containment units to address PCBs and other contaminant concentrations. These efforts have greatly reduced PCB concentrations in the Spokane River.

Shoshone-Bannock Tribes

Mr. Tanaka highlighted Shoshone-Bannock Tribes’ CWA Section 401 certification decisions for nationwide 404 permits. Certification options include granting the certification, granting it with conditions, denying it, or waiving it. The Shoshone-Bannock Tribes have issued 23 Section 401 decisions since 2011, nine of which were for individual water quality certifications for nationwide 404 permits and three of which were denials. In 2021, Shoshone-Bannock Tribes’ received a request to certify 57 nationwide 404 permits, which the Tribes denied. This action did not deny the permit outright, but it did require each activity to have an individual 401 certification.

He shared the following lessons learned. Upon receiving treatment as a state (TAS) approval, Tribes will begin receiving Section 401 certification requests almost immediately. Tribes’ water quality standards do

not need to be approved by EPA before they begin issuing Section 401 certifications. Further, their review process must include public involvement.

An attendee asked what is being done to measure water quality in the Fort Hall aquifer, and how does the Tribe work with the state for it.

Mr. Tanaka said they would not need to work with the state since the aquifer is on Tribal lands. They have two programs to monitor groundwater. They also monitor pesticides as funding becomes available for specific projects.

An attendee asked if there are any federal regulations on drinking water, as farmers have deep wells that deplete the supply.

Mr. Tanaka said no, but quantities could be addressed by Tribal policies.

Shoshone-Bannock Tribes Cultural and Environmental Resources

Shoshone-Bannock Tribal representatives provided an overview of the Tribes' history with being cut off from their ancestral lands and efforts to reconnect with and protect their cultural and environmental resources. They also presented on the environmental impacts from mining and ore processing plants in and near their reservation. Further, they discussed the importance of Native American Risk Scenarios.

Shoshone-Bannock Tribes Cultural Resources Monitoring

Kyle Denny, Cultural Resource Technical Lead; LaRae Bill, Cultural Resources Specialist; and Anna Bowers, Cultural Resources Technician, of the Shoshone-Bannock Tribes Heritage Tribal Office (HeTO) presented on the Tribes' cultural resources monitoring.

Shoshone-Bannock Tribes' authority began with the 1868 Fort Bridger Treaty, which was a peace treaty. Since then, their reservation has been reduced by about 60% due to unceded land acquisitions by the federal government, which has led to tensions between the Tribes, state, and federal government. Tribal members were further cut off from their lands when the Atomic Energy Commission created the Naval Proving Grounds in 1949. However, various laws and regulations, such as the National Historic Preservation Act and Archaeological and Historic Preservation Act, helped reconnect them with their cultural lands.

In 1992, Shoshone-Bannock Tribes entered into a Working Agreement, now called an Agreement in Principle, with the Department of Energy. Through this agreement, the Tribes' Cultural Resources/HeTO Program works with the Idaho Department of Energy and federal, state, and private entities to oversee their cultural resources and access their sacred sites. They also work with the Environmental Monitoring Program to monitor groundwater and soil sampling, the Air Quality Program to support and maintain the environmental monitoring system on the reservation, and the Energy Resource Program regarding renewable energy technology and efficiency projects on the reservation.

The HeTO participates in Cultural Resources Working Group meetings, project reviews, site visits and monitoring, and archaeological surveys and testing. They also interact with the project managers and contractors and monitor 15 significant sites annually to ensure they are not impacted by unauthorized visitation. The HeTO involves the community, Tribal members, and their Business Council in site visits and tours. Their film, "They Couldn't Go Through There," describes the struggles their Tribal members

faced when they were cut off from their ancestral lands. Ms. Bowers shared the story, “Traditional Seasonal Rounds,” as told by Shoshone-Bannock Tribal Elder Fred Auck during an interview. It describes the Wheel of Life as being a life map for their people, wisdom regarding the hunting and gathering cycle, and traditional ways of thinking.

Environmental Issues Impacting the Shoshone-Bannock Tribes

Shoshone-Bannock Tribes representatives Mr. Wright, Manager, Environmental Waste Management Program, and Susan Hanson, Environmental Scientist, presented on environmental issues impacting the Fort Hall Reservation and surrounding communities. The Eastern Michaud Flats Superfund Site has three operable units—the FMC plant, Simplot, and off-site operable units. These units result in contaminated groundwater that leaches into the Portneuf River, air pollution, and contaminated soil. Exposure to some of these contaminants may cause cancer and has caused livestock deaths. While the Tribes have programs in place to work through these issues, clean-ups are slow, especially when companies would rather go to court.

In 1991, EPA cited FMC for being the worst polluter in the area. When it shut down, FMC left up to 16,000 tons of elemental phosphorus in the soils. Elemental phosphorus will remain reactive for up to 10,000 years. The Tribes continue to advocate for excavation, and a Supreme Court case stated they have jurisdiction.

The Simplot plant is still in operation. It is adjacent to the reservation boundary. As part of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Superfund actions, the company had to line their gypsum stack to stop leaks. EPA treats 60% of the contaminated groundwater through a pump and treat system, which the Tribes say is not enough. Dust off the gypsum stack is also contaminated with radiation and fluoride contamination violates the state’s permit limits. The Tribes filed a suit against the BLM for expanding the gypsum stack without consulting the Tribes.

Gay Mine spans 7,000 acres within the Fort Hall Reservation, and about 5,000 acres and a lot of groundwater are contaminated from it. The Tribes also have safety concerns about the high walls, and they are working through CERCLA to try to address them. They have also seen a high number of livestock deaths as a result of grazing in areas where the vegetation is contaminated with selenium. There are 17 inactive phosphate mines impacting the Tribes’ aboriginal homelands, four proposed mines would cover 7,300 acres, and 15,000 acres have been leased for future mining.

Risk assessments determine what will be cleaned up and to what degree. They are critical to protecting human health and the environment. Agencies use various scenarios to determine acceptable contamination levels, such as industrial, recreational, and conservative residential scenarios. A Native American Risk Scenario can help all Tribes, and it is not restricted by what the agency determines to be clean. Shoshone-Bannock Tribes is building better risk assessment models and standard-setting processes that incorporate tribal residential, subsistence, cultural, and spiritual land-use scenarios.

Presentation and Discussion on Elevating Compliance Issues to EPA

EPA representatives Brian Levo, Environmental Protection Specialist, and Stacy Murphy, R10 Deputy Director of Enforcement, presented on how to elevate compliance issues to EPA. EPA Enforcement and Compliance Assurance Division (ECAD) enforces the nation’s environmental laws to protect public health

and the environment. These laws establish allowable and safe levels of pollution, and ECAD ensures projects stay within those limits.

The typical compliance and enforcement process begins with compliance monitoring. In this phase, they conduct inspections and investigations and identify violations. If they identify violations, they then determine the enforcement response, which could include issuing a notice of violation or taking a civil administrative or judicial response. Next, they initiate the case by engaging with the respondent and beginning negotiations to bring them back into compliance. Last, they issue the enforcement action, which makes everything legally binding.

Potential environmental violations should be reported as soon as possible. EPA's online Report an Environmental Violation tool¹¹ eases the reporting process for non-emergency situations. The reports are checked as they come in, and ECAD tracks the investigations as they progress and makes sure the reports gets to the right people. They also follow up with the person who filed the report, as able, but they cannot share enforcement-confidential information. EPA R10 Tribal coordinators and specialists can also help with inquiries.

Household Hazardous Waste Planning

Bobbi Anne Barnowsky, Executive Director, Tribal Solid Waste Advisory Network (TSWAN), presented on planning for household hazardous waste. TSWAN was established in 2000. It is a consortia of 25 Tribes from throughout R10, and membership is free. People are exposed to 70,000 chemicals every day, many of which pose cancer and other health risks. The top toxin exposures are to the building block of plastics (BPAs), flame retardants, pesticides, PFAs, and phthalates. The safest options are to reduce exposure, avoid plastics, use fewer personal care products, keep homes clean and ventilated, and buy less.

Household hazardous waste is anything that is toxic, corrosive, ignitable, or reactive. These items can include paint, cleaning solutions, batteries and other e-waste, toiletries, pesticides, and fuels. A concern for this type of waste is improper disposal. It pollutes the land, water, and air and harms humans and wildlife. TSWAN's Household Hazardous Waste Management Plan Template can be a good place to start. It provides information on how to set up Tribal ordinances, conduct waste analyses, identify hazards and proper disposal, train employees, document efforts, and plan community events. TSWAN can also help with air quality assessment plans, which provide helpful metrics.¹²

Employees should be trained on blood-borne pathogens, HAZWOPER, label identification, green cleaning, indoor air quality, and community education. Community outreach needs Tribal council support. Programs like swap centers, share cupboards, and green cleaning events can help reduce hazardous waste. Swap centers let community members exchange hazardous materials for green options, and a share cupboard helps reduce the burden of cost for green products. Green cleaning events, where community members receive green cleaning supplies, can encourage people to read labels and only purchase what they need. The supplies include a bucket, spray bottles, microfiber cloths,

¹¹ EPA's online Report an Environmental Violation tool is available at <https://echo.epa.gov/report-environmental-violations>.

¹² A template for air quality assessment plans is available at <https://www.tswan.org/home>.

baking soda, white vinegar, lemon juice or citrus, borax, castile soap, and salt. Collection events help reduce improper disposal, as well. TSWAN can assist with planning community events.¹³

Using the “Lead Awareness in Indian Country: Keeping our Children Healthy!” Curriculum

Shayna Sellars, Lead-based Paint Outreach & Engagement Coordinator, EPA, provided a 3-hour train-the-trainer session on the “Lead Awareness in Indian Country: Keeping our Children Healthy!” Curriculum for Tribal leaders. This curriculum is divided into four modules on how to improve public awareness of the dangers associated with lead exposure and how to promote preventive actions within Indian Country. Participants received a copy of the curriculum and a certificate of participation.

Day 3. The Sacredness of Place and Being

Day 3 opened with Shoshone-Bannock Tribes’ film, “Treaty Rights Seminar 2018” about the importance of the Tribes’ ancestral territory and how they carry cultural practices through to today. Out of 14 treaties, the government only ratified the one at Fort Hall.

The theme for Day 3 of the Summit was “the sacredness of place and being.” Mr. Tyler; Mr. Hepfer; and Cindy Marchand, Eastern Washington Representative, RTOC, shared their perspectives on the theme from the Native worldview. Mr. Tyler said their elders taught them about the sacredness of water. He described the Columbia River Basin and the river system that connects to it as a venous system that keeps everything alive. He also spoke to the sacredness of being, and the recovery and reburial of a 12,750 year-old woman who had been found during excavation in Idaho. The discovery of this woman speaks to how long their people have been here and the salmon that inhabited the waters. He also shared an oral story about a meeting between animals before there were humans where it was prophesized that one day, there would be no salmon. He asked, “How do we get everyone to be in balance? That is what we have to think about for the sacredness of connection.”

Mr. Hepfer said water is also sacred to the Jamestown S’Klallam Tribe. His Tribe grew up with stories about their creation along the Elwha River. A rock had two bowl-shaped holes from which the Creator would pull objects identifying what a person’s contribution to the Tribe would be. With the removal of the dams, they found the two bowls at their creation site. He spoke about the removal of dams, which



Lee Juan Tyler, Russ Hepfer, and Cindy Marchand discuss

¹³ Green cleaning recipes are available at <https://www.tswan.org/home/environmental-tips>.

took an act of Congress; ecosystem recovery; and mixed feelings about getting 50% of their fishing rights back. He said, “It is going to take traditional ecological knowledge to save our world, our Mother Earth.”

Ms. Marchand is a member of the Lakes Band of the Colville Reservation. Her Band extends into Canada, and they recently regained their hunting and fishing rights there. She was the second Lakes person to bring something she had hunted across the border. She said the feeling spoke to geographic memory of belonging to a place. Next week, they will begin their salmon ceremonies. Her creation stories show the animals, berries, lands, and water sacrificing themselves for the humans. The land is their church, and she is learning how to speak to the land, call the salmon back, and thank the river in her language. She said, “When we are fighting for these things, we are fighting for our life, for our spiritual being. And that sacred place is in our hearts, in the land, in the water, and in all of the people and animals around it.”

Federal, State, and Tribal Part 3: Tribal Relationships, Intersection & Jurisdiction

For this session, Ms. Madison moderated a panel of RTOC and NTOC members to discuss their experiences working with their Tribes, the states, and federal agencies. The panel comprised Mr. Miles; Todd Mitchell, Western Washington Representative; Mr. Tyler; Mr. Hepfer; Ms. Marchand; Andrea Sumerau, Oregon Representative, RTOC; CaSander Johnson, Alaska Alternate (Position 2), NTOC; and Raymond Paddock, Co-Chair and Alaska Representative (Position 2), RTOC.

What do you hear regarding federal, state, and Tribal relationships, intersection, and jurisdiction?

The panelists said they hear about the need for Tribes to have their voices heard and funding. They encouraged Tribal members to join RTOC’s Town Hall meetings, during which they hear from the Tribes without federal partners present, and connect with their RTOC representatives for support and technical assistance. Ms. Marchand said they have a responsibility to carry on the work of their elders for the land, water, and air.

They hear a lot about funding, which has not kept up with inflation, can be hard to find, has limitations in how it can be spent, and comes with burdensome reporting requirements. The RTOC continues to advocate for more funding to help build capacity, maintain programs, and retain staff so they can protect their people, lands, air, and water. It would be much easier if there was a one-stop shop to find funds from any agency or organization based on what needs to be done. EPA’s approach to enhance Tribal relations pushes issues forward in a manner that meets the Tribes’ needs, and it would be beneficial for all agencies look to follow a similar model.

What opportunities do Tribes have to assume jurisdiction over the protection of their environment?

They are looking into co-stewardship and co-management opportunities with state and federal agencies and TAS. Each agency operates differently, and EPA has been one of the more progressive partners, but there is still a lot of work to be done. For example, they need to build the GAP out together. Tribes can learn from one another, too, and when they raise issues, they must also propose solutions. A major challenge is the turnover in administrations, which causes the federal agencies to change course. Any tool that can help Tribes talk to the federal government is a good idea. For example, the Northwest Fish Commission’s white paper, *Treaty Rights and Risks*, discusses bringing all government agencies together to update them on salmon recovery efforts.

What advice would you give Tribal leaders, Tribal workers, and EPA?

The panelists encouraged the Tribes to reach out to their RTOC representatives for help and to lean into their Tribal sovereignty. The biggest things are to listen and learn from the Tribes, be open to new strategies and ways of doing things, and figure out where each person can be of the most use. They also need to keep educating federal agencies and participate in government-to-government consultation.

[Elder Panel Facilitated Discussion](#)

A panel of Shoshone-Bannock Tribal elders spoke about the impacts of contamination on their lands and what is needed to remove it. The panelist comprised former Shoshone-Bannock Tribal Council Chairman Blaine Edmo, Mr. Small, and Shoshone-Bannock Tribal Archivist Velda Racehorse.

Mr. Edmo said the work comes down to politics, human nature, and bureaucracy. They need real action to implement remedies for the resultant impacts of climate change and global warming. FMC and Gay Mine are history, but their legacies will continue for generations, and the contamination from Simplot is ongoing. He was lucky to grow up with subsistence hunting, fishing, trapping, and gathering, which presents a great contrast from the contamination they face today. Hopefully, they can find satisfactory remedies in partnership with the agencies involved.

Mr. Small said the Tribes have been concerned with the impacts of contamination on their lands for a long time. The technology to clean it up exists, but any progress with EPA is undone with the turnover in administrations. They are surrounded by Superfund sites because of mining, and updates to the 1872 mining law have not benefitted the Tribes. He said it feels as though EPA's trust responsibility is not to the Tribes, but to industry. Tribes should not have to live like this for the next 10,000 years when there is an ability to clean up the contamination. He would like to have a success story here. EPA has some power, and he asked that they help the Tribes get something accomplished.

Ms. Racehorse said everything on the reservation was pristine when she was little. The contamination has diminished their resources, and federal regulations have diminished their rights. They now have to go through the state to get federal funds, and they are restricted in how they can spend them and burdened with reporting. They deal with several agencies beyond EPA, and each one has their own regulations, which Tribes often discover second hand. They are slowly backtracking and defending their treaty rights. Now, they are looking to co-management, as they should be working together.

[Treatment as a State for Water Quality Programs: Process and Perspectives](#)

For this session, the presenters spoke about TAS for water quality programs. Rachael Renkens, Region 10 Water Quality Standards Coordinator, EPA, provided an overview of TAS, and Mahri Lowinger, Region 10 Tribal Coordinator, EPA, then moderated a discussion with Todd Mitchell, Environmental Director, Swinomish Tribe; Candon Tanaka, Water Quality Specialist, Shoshone-Bannock Tribes; and Ted Yackulic, Assistant Regional Council, R10 Office of Regional Council, EPA.

TAS provides Tribes with the authority to manage and protect surface waters through several federal environmental laws, including the CWA. It authorizes EPA to treat Tribes in a similar manner as state governments for implementing and managing certain federal regulatory or grant programs. While TAS approval is needed for each program, Tribes may combine their applications for each program they want to administer. In R10, 18 Tribes have TAS for water quality standards and certification programs.

Tribes are eligible for TAS for waters within their reservations and Tribal trust lands. Tribes must be federally recognized, have governing bodies, have authority to regulate water quality in the identified areas, and have the technical capacity to administer effective programs. Tribes can coordinate with EPA prior to submitting their applications. Once submitted, EPA makes sure the Tribe meets the requirements. Then they open a comment period for other government agencies to comment with opportunities for EPA and the Tribe to respond. After the comment period, EPA does their review and makes a final decision.

TAS enables Tribes to adopt, review, and revise water quality standards to be submitted to EPA for action. TAS Tribes can certify federal licenses and permits and be “affected states” or “neighboring jurisdictions” for reservations and be “affected states” for upstream waters. Adoption of the water quality standards is an EPA decision, and Tribes do not have to have these standards ready to apply for TAS. For example, TAS approval for an Impaired Waters and Total Maximum Daily Loads (TMDLs) program means the Tribe can identify impaired waters that need TMDLs, decide the priority ranking for TMDL development, and set the nature of the TMDLs and the pollutant source allocations for those waters. They can also participate directly in the restoration and protection of their waters.

EPA’s Strategy for Reviewing TAS Applications¹⁴ outlines how Tribes can demonstrate each eligibility factor. They have streamlined application templates and other resources on the Tools for Tribes website.¹⁵ Tribes are also encouraged to network with Tribes that already have TAS.

Why did your Tribe pursue TAS?

Mr. Tanaka and Mr. Mitchell said the driving factor was self-determination and self-regulation. Without TAS authority, the state’s standards set the bar for permits and licenses. Their Tribes want to administer their own water quality standards in a way that reflects their values, beliefs, and culture.

How did your Tribe get started, and what do you recommend others do to get started?

Mr. Mitchell said it was like running a marathon. It took a couple of years to build the application, work with the attorneys, respond to comments, and get approval. Mr. Tanaka said his Tribe leaned on the Tribal water quality standards personnel, and they made the TAS application a priority.

What lessons learned and advice can you share?

Mr. Mitchell and Mr. Tanaka recommended using other Tribes and EPA as resources to avoid reinventing the wheel with each application. Further, Mr. Mitchell recommended Tribes remember their values if they feel stuck. Mr. Tanaka added that it is a long process that needs to be made a priority to keep the momentum going.

What was the biggest challenge for getting through the application process, and how did the Tribe manage it?

Mr. Mitchell said they made the application a priority for their environmental and legal staff. It took a while to pull together the legal documents, but now they have a great archive because of it.

¹⁴ EPA’s Strategy for Reviewing TAS Applications is available at <https://www.epa.gov/sites/default/files/2014-10/documents/strategy-for-reviewing-applications-for-tas.pdf> (PDF, 534 KB, 38 pgs.).

¹⁵ EPA’s Tools for Tribes website is available at <https://www.epa.gov/wqs-tech/water-quality-standards-tools-tribes>.

What was your experience with engaging with Tribal stakeholders and getting public comment?

Mr. Tanaka said their Tribal members were very supportive, but the state of Idaho, FMC, and the JR Simplot Corporation fought against them. At the time, no other Tribes in the state had TAS authority. Fortunately, they had a lot of help from their Tribal and EPA legal councils in responding to comments.

What resources were the most helpful in the application process?

Mr. Mitchell said their legal staff really took care of their application.

Did TAS fulfill the Tribe’s original goals, and how is the program doing now?

Mr. Tanaka said EPA has not approved their water quality standards yet. But once they received TAS approval, it put them in the driver’s seat, and they are interpreting and applying their standards while they await approval.

Mr. Mitchell said their water quality standards are only partially approved so far. But they began drafting their standards concurrently with the application process, which has helped improve their EPA review turn-around time. However, it is still a marathon. They have submitted 23 drafts to EPA since they received TAS in 2008. In the meantime, they use the adjacent state standards.

Whose job is it to find funding to pull the application together?

Mr. Mitchell and Mr. Tanaka recommended Tribes write TAS into their next GAP and 106 programs to pull time and resources from those. The legal aspect was handled by the Tribes’ legal counsels.

What role did the state play in the TAS process? How was jurisdiction decided? How was surface versus groundwater handled?

Mr. Yackulic said EPA sends a copy of the complete application to the appropriate governmental entities, which includes the state, for comment. The state can also provide comments during the public comment period on jurisdiction. The application process is two parts—to obtain the authority to develop water quality standards and to develop and get the water quality standards approved. The first part is more streamlined.

North American Traditional Indigenous Food Systems

Rob Kinneen, Outreach Director, North American Traditional Indigenous Food Systems (NATIFS), shared stories about meals he has created using traditional foods and their nutritional benefits. Through NATIFS, he partners with Sean Sherman, the Sioux Chef, to provide education and accessibility to traditional foods. Traditional foods do not use beef, pork, chicken, flour, dairy, or refined sugar. It leans into seafood, wild rice, alternative milks, and vegetables. NATIFS’ working model is the Indigenous Food Lab, which is a professional Indigenous kitchen and training center that tailors the foods to the area where the lab is located. They also provide food boxes, which include foraged items. Further, he discussed various programs throughout Alaska, such as the Maniilaq Association’s Siglauq, which enables people to donate traditional foods to the community.

Brownfields Technical Assistance and Contracting

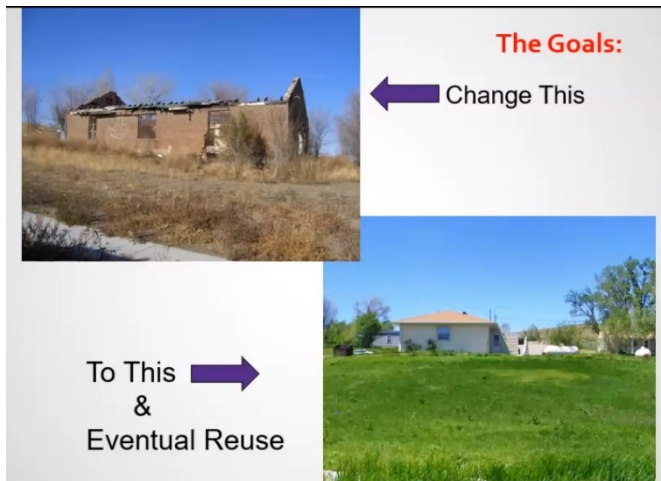
Mickey Hartnett, National Tribal Co-Manager, Technical Assistance to Brownfields (TAB), Kansas State University, presented on programs that provide technical assistance to Tribes for brownfields and contracting to complete brownfields projects.

Technical Assistance to Tribes for Brownfields

Mr. Hartnett first provided information on technical assistance available to Tribes for addressing brownfields. Brownfields are real estate properties that have been or are suspected to be contaminated. The Brownfield program was set up to deal with these properties. EPA funds groups to provide technical assistance on brownfields at no cost to Tribes. Technical assistance focuses on funding for site assessments and cleanups, conducting and planning assessments and cleanups, planning reuse and redevelopment, training staff, developing or enhancing a 128(a) Tribal Response Program, managing site data, mapping, and more.

TAB provides technical assistance to federally recognized Tribes and Alaska Native Villages. Their team is experienced with 128(a) Tribal Response Programs, and they coordinate with many partners and EPA regional Tribal program staff. For example, TAB has done a lot of work with Diné College and the University of New Mexico’s Design and Planning Institute, which brings Indigenous design and planning strategies to land reuse and redevelopment projects.

TAB can connect Tribes with each other so they can share their experiences. They facilitate the Intertribal Brownfields Working Group and participate in the Annual Tribal Land & Environmental Forum and other Tribal conferences and workshops. They can also provide one-on-one technical assistance, workshops, webinars, and roundtables and help identify alternative funding sources, brownfield identification strategies eligible for EPA funding, and prioritization strategies. Additionally, TAB can provide assistance on grant applications, strategic redevelopment planning, market studies, focus groups, and economic feasibility analyses. Further, they can assist with tailored community engagement and outreach, the contracting process, and workplan and report reviews.



An example of a reused brownfields site

Their TAB EZ website¹⁶ has a 104(k) grant-writing tool that provides the EPA format for developing proposals, a Brownfield Information Tool (BiT) to set up a secure brownfields database, information on upcoming events, and self-paced trainings. Each BiT database is proprietary to the Tribe, and there is a mobile app to ease access. TAB can assist with BiT software and inventories. TAB also hosts a Tribal Brownfields Forum for Tribal environmental professionals.¹⁷ Further, their newsletter highlights upcoming events, funding opportunities, case studies, and more.

¹⁶ TAB EZ website is available at <https://www.ksutab.org/tools>.

¹⁷ The Tribal Brownfields Forum is available at www.tribalbrownfields.org/en/brownfields.

Contracting for Brownfields Site Work

Mr. Hartnett presented on the contracting process for brownfields site work. Tribes may hire contractors to help with brownfields environmental assessments, cleanup, and other tasks. First, Tribes must figure out what tasks their programs would do and what tasks the contractor would do. The scope of work is a helpful document that can come out of this process. It outlines exactly what work is expected of a contractor, and contractors use it to build their bids. Notably, some tasks cannot be funded by EPA and may require a separate contract to be paid by alternative funds.

Next, the Tribe has to build a request for proposals (RFP) for competitive bids. The best time to release RFPs is during the winter. In their RFPs, Tribes may want to request that contractors have experience working on Tribal lands and list timeframe expectations. The RFP should be detailed enough to let a contractor know what they will be bidding on, if their team is qualified to complete the work, and what reporting and evaluation is expected. There is an option to publish a truncated version of the RFP and provide the full version as requested. During the selection process, Tribes should avoid and be transparent about conflicts of interest. A small committee usually reviews the bids based on set criteria.

Once a contractor is selected, the Tribe and contractor negotiate the terms of the contract, including who will do what work, what tasks will be completed, and payment. EPA project officers and TAB can help ensure the contracting process follows the required regulations, policies, and procedures for using government funds. Contractors' lead staff must also meet federal and state requirements. EPA's frequently asked questions can help Tribes navigate the contracting process.¹⁸ Tribes will need to make sure their contractors are getting paid, who has the authority to tell them to stop work if needed, and how to fire a contractor. He recommended that Tribes develop standard operating procedures outlining who needs to sign off on what and assigning someone to oversee the work.

How We Survive Diomedede

Filmmaker Bjorn Olson premiered his latest documentary, *How We Survive Diomedede*. The film focused on the Native Village of Diomedede, located on Little Diomedede Island in the Bering Strait. In the Diomedede histories, there is nothing about open water in the winter like they experience today. In the past 10 years, climate change quickly began impacting the Village's way of life. It has changed how they hunt and gather to survive. They have warmer water, less ice, and thinner ice pack. The ice has not been stable enough to protect them from the wind or big waves. The glaciers that used to give them fresh water are gone. Walruses, a significant cultural resource, have significantly dwindled. Airplanes that used to bring supplies can no longer land on the ice pack, and helicopters must navigate thick fog due to huge areas of open water. They worry about losing some of their culture to these changes, such as how to create walrus-skin boats, simply because there are not enough walruses to spare, and how to protect their people and their natural resources from increasingly dangerous weather and sea conditions.

Closing Traditional Healing Ceremony & Blessing

To close out the summit in a good way, the RTOC held a closing ceremony, which included a prayer, songs, and dance.

¹⁸ EPA's frequently asked questions on how to work with contractors is available at <https://www.epa.gov/contracts/frequent-questions-about-contracting-epa>.

Attachment A

Wednesday, June 7

Time and Location	Session
8:00 AM–10:00 AM Chief Taghee Ballroom	Breakfast Buffet
9:00 AM–9:30 AM Chief Taghee Ballroom	Opening Ceremony Opening Ceremony with flag bearers and flag song and welcome.
9:30 AM–9:55 AM Chief Taghee Ballroom	Welcome and Introduction of “Connecting” RTOC members welcome our guests and provide an overview of the Summit theme, “Connecting to protect the sacredness of place & being,” focusing on connecting.
10:00 AM–10:30 AM Chief Taghee Ballroom	Keynote/Panel: Warm Welcome from EPA Administrators Speakers: Jane Nishida, Kenneth Martin, Casey Sixkiller Jane Nishida, the Assistant Administrator for EPA’s Office of International and Tribal Affairs; Kenneth Martin, the Director for EPA’s American Indian Environmental Office; and Casey Sixkiller, Regional Administrator for EPA Region 10, will offer comments on EPA’s current priorities working with Tribal partners.
10:35 AM–11:00 AM Chief Taghee Ballroom	Federal, State, and Tribal: Relationships, Intersection & Jurisdiction Part 1 of 3—Federal Speakers: Jane Nishida, Kenneth Martin, Casey Sixkiller This panel of federal leaders will explain the nature of EPA’s programs and jurisdiction impacting Tribes. The sessions will include how EPA is working to reduce administrative burdens for Tribal interactions with EPA as well as other federal agencies.
11:05 AM–11:25 AM Chief Taghee Ballroom	Short History of Shoshone-Bannock Tribes and Environmental Update Speakers: Nolan Brown
11:30 AM–12:25 PM Chief Taghee Ballroom	Green Colonialism: Impacts of Green Energy Development to Tribes Speakers: Rick Eichstaedt, Will Falk, Margaret Corvi The session will discuss the adverse impacts green energy projects, such as lithium mining and off-shore wind development, can pose to Tribes. Discussion will include strategies that Tribes can employ to ensure that impacts are considered and that proper consultation occurs.
12:30 PM–1:25 PM Chief Taghee Ballroom	East Idaho Barbecue Lunch Buffet with Award-winning Flautist, Hovia Edwards
1:30 PM–2:10 PM Chief Taghee Ballroom	Tribal Information Management Platform Speaker: Bruce Jones The Northwest Indian Fisheries Commission (NWIFC) and its member tribes launched their efforts to build capacity within its organizations back in 2007 with the application to EPA’s Exchange Network program to build its first data exchange, the Tribal Water Quality Data Exchange. Since then, the NWIFC has been a part of several data exchange projects with the tribes, the Washington’s Recreation and Conservation Office and Department of Fish and Wildlife to improve better environmental data management and sharing between the Tribes and the state agencies.

Time and Location	Session
	<p>Through these efforts, today we have a robust information management platform for the Tribe’s environmental data management, including water quality, nearshore, fish, riparian, and floodplain data. During this session, the NWIFC will provide an overview of the Tribal Information Management Platform and the significance of this shared platform to the recovery of the Tribe’s cultural resources.</p>
<p>1:30 PM–2:10 PM Chief Arimo 2</p>	<p>EPA Diesel Emissions Reduction Act (DERA) Tribal Program Speaker: Rebecca Derr</p> <p>The DERA Tribal Program and other federal funding opportunities are available for Tribes and Tribal communities.</p>
<p>2:15 PM–3:00 PM Chief Taghee Ballroom</p>	<p>Quality Assurance Project Plan (QAPP) Training Speaker: Cindy Fields</p> <p>Planning for quality is an important first step before the evaluation, collection, or use of environmental information. Join Cindy Fields, EPA’s new Region 10 Quality Assurance Manager, for training on developing a QAPP, including tools, resources, and an overview of the QAPP submittal and approval process.</p>
<p>2:15 PM–2:55 PM Chief Arimo 2</p>	<p>A Geographic Approach to Strengthen Environmental Health Practices Speaker: Nanette Star</p> <p>Our world is an increasingly complex ecosystem of shared space between humans and their environments. Tribal communities understand this dynamic relationship more than others that their sovereign land and tribal nations continue to be at risk from deadly chemicals; contaminated air, water, and soil; and disease that require location-based solutions and data-driven interventions. Applying a geographic approach provides a framework for understanding the relationships of past, present, and future decisions in the crucial context of location, providing answers to many of our most complex challenges.</p> <p>Modern spatial technology is helping us sort through the massive amounts of geographic data we now possess to understand what conditions exist at a location, where certain conditions are satisfied, what has changed at a location over time, and what spatial patterns exist. By better understanding how specific environmental circumstances are influencing conditions, we can make data-informed decisions.</p> <p>Implementing a geographic approach enhances environmental health monitoring, improves operational efficiencies, complies with regulatory requirements, explores and forecasts potential hazards, and promotes environmental justice, keeping all communities safe. This session will include success stories of tribal nations and rural communities that have integrated geographic information system technology to enhance their environmental protection efforts and further improve the health of their communities.</p>
<p>3:00 PM–3:15 PM Chief Taghee Ballroom</p>	<p>Environmental Impacts to Subsistence Gathering Speakers: Carolyn Smith, Zelpia Towersap</p>

Time and Location	Session
3:20 PM–4:00 PM Chief Taghee Ballroom	<p>Protecting Participants of Fish Consumption Surveys Speaker: Cindy Fields</p> <p>The Program in Human Research Ethics and Oversight supports the ethical conduct and regulatory compliance of human subject research conducted, supported, or regulated by EPA. Fish consumption surveys may require additional review steps before they can be started.</p>
3:20 PM–4:00 PM Chief Arimo 2	<p>State of Play for Important Federal Lands Initiatives Speakers: Joshua Hicks, Jamie Barbour, Kristi Tapio-Harper, Donna Bach, Gordon Toevs, Dave Johnson</p> <p>This session will be a facilitated discussion. Panelists will include representatives from the U.S. Forest Service (USFS) and Bureau of Land Management (BLM) discussing major federal land management initiatives that are getting underway that will impact millions of acres of ancestral and current homelands of Region 10 RTOC Tribes. The discussion will include an overview of these initiatives, their importance, as well as the processes the agencies will follow in terms of consulting with Tribal governments.</p> <p>The major federal initiatives covered will include the USFS’ effort to amend the Northwest Forest Plan, which covers over 20 million acres across Oregon, Washington, and northern California; a USFS potential rulemaking effort to adopt a climate resilience policy that will apply to all national forest system lands; and a BLM rulemaking that will apply to all BLM-managed lands. All of these processes will impact land, water, air, fish, and wildlife.</p>
4:30 PM–7:30 PM Chief Taghee Ballroom	<p>Field Trip to Gay Mine</p>

Thursday, June 8

Time and Location	Session
8:00 AM–10:00 AM Chief Taghee Ballroom	<p>Breakfast Burritos</p>
9:00 AM–9:25 AM Chief Taghee Ballroom	<p>Morning Trivia and Prizes</p>
9:30 AM–9:55 AM Chief Taghee Ballroom	<p>Welcome and Introduction of “To Protect” RTOC members welcome our guests and provide an overview of the Summit theme “Connecting to protect the sacredness of place & being,” focusing on what it means to protect.</p>
10:00 AM–10:50 AM Chief Taghee Ballroom	<p>Federal, State, and Tribal: Relationships, Intersection & Jurisdiction Part 2 of 3—State Speakers: Matthew Szelag, Gina Shirey, Tami Fordham, Jess Byrne</p> <p>This panel of state tribal liaisons will explain the nature of state environmental programs impacting Tribes. The sessions will include how Washington, Idaho, Oregon, and Alaska are working to increase relationships with Tribal partners to coordinate environmental work. EPA</p>

Time and Location	Session
	operations office directors will also offer perspectives on their roles within these states.
10:55 AM–11:05 AM Chief Taghee Ballroom	Presentation of R10 RTOC’s Tribal Environmental Excellence Award & Raffle
11:10 AM–12:25 PM Chief Taghee Ballroom	<p>Water Is Life: Clean Water Act (CWA) & Tribes Speakers: Gayle Killam, Brian Crossley, Carl Merkle, Candon Tanaka The CWA can be a powerful tool for Tribes and Alaska Native Villages to use to protect local waters and water-dependent species that are culturally significant to their traditional ways of life. Gayle Killam of Water Policy Pathways will moderate the panelists who will explain how the CWA was employed by their Tribes or Alaska Native Villages to secure protections. A Tribal CWA Handbook, developed in conjunction with Region 10 RTOC and Water Policy Pathways, will be introduced to help motivate more engagement with the CWA by Tribes and Alaska Native Villages.</p>
12:30 PM–1:25 PM Chief Taghee Ballroom	<p>NY Deli Lunch Buffet and Shoshone-Bannock Cultural Resources Monitoring Speakers: Shoshone-Bannock Tribes Heritage Tribal Office (HeTO) and Department of Energy Agreement in Principal, LaRae Bill, and Anna Bowers</p>
1:35 PM–1:45 PM Chief Taghee Ballroom	Short Video: <i>ShoBan Heritage Tribal Office</i>
1:50 PM–4:50 PM Chief Arimo	<p>Using the “Lead Awareness in Indian Country: Keeping our Children Healthy!” Curriculum (for IN-PERSON ONLY) Speaker: Shayna Sellars This session is designed as a 3-hour train-the-trainer session for tribal leaders interested in learning more about the Lead Awareness in Indian Country: Keeping our Children Healthy! Curriculum and how it could be used to increase awareness about lead in their community. During the session, participants will learn about the Curriculum materials and topics, participate in demonstrations using parts of the Curriculum, and discuss how to use and modify the curriculum for their community. Every attendee will receive a copy of the curriculum and certificate of participation.</p> <p>The curriculum is a series of four modules, which include lesson plans, worksheets, key messages, presentation slides, and kids’ activity sheets that community leaders and other instructors can use to improve public awareness of the dangers associated with lead exposure and promote preventive actions. This robust set of education tools was designed to:</p> <ul style="list-style-type: none"> • Raise awareness about childhood lead exposure; • Expand the understanding of lead’s potential impacts on children’s health and cultural practices; and • Encourage actions that can be taken to reduce and/or prevent childhood lead exposure.

Time and Location	Session
	The curriculum was a collaboration between the National Tribal Toxics Council, the National EPA-Tribal Science Council, and EPA with the goal of developing a curriculum that would include relevant tribal scenarios and cultural information to increase awareness and education about lead in Indian Country.
1:50 PM–2:30 PM Chief Taghee Ballroom	Presentation and Discussion on Elevating Compliance Issues to EPA Speakers: Brian Levo, Stacy Murphy The speakers will address how Tribes can effectively communicate non-compliance issues affecting Tribal lands to EPA. They will describe how Tribes can report non-compliance to EPA to ensure it reaches the appropriate program for response.
2:35 PM–3:15 PM Chief Taghee Ballroom	Environmental Issues Impacting the Shoshone-Bannock Tribes Speakers: Kelly Wright, Susan Hanson The speakers will provide a summary of the Eastern Michaud Flats Superfund Site (1991 to present), including the FMC, Simplot, and the Off-site Operable Units. Discussion will review the impacts to groundwater and the Portneuf River and the need to include tribal risk scenarios in CERCLA risk assessments. The goal of this session is to provide an understanding of the environmental conditions that impact the Shoshone-Bannock Tribes, historically, currently, and into the future. These includes Superfund Sites, mining sites, farming, and industrial sites that have impacted all tribal resources.
2:35 PM–3:15 PM Chief Tyhee	Household Hazardous Waste Planning Speaker: Bobbi Anne Barnowsky Resource Conservation and Recovery Act (RCRA), Enforcement and federal agencies, how can Tribes stay involved when the federal agencies actions impact Tribal resources?
3:20 PM–4:00 PM Chief Taghee Ballroom	Shoshone-Bannock Dancers & Singers
5:00 PM–10:00 PM Chief Taghee Ballroom	Field Trip to Lava Hot Springs

Friday, June 9

Time and Location	Session
8:00 AM–10:00 AM Chief Taghee Ballroom	Breakfast Buffet
9:00 AM–9:25 AM Chief Taghee Ballroom	Shoshone-Bannock Bands Video with English Translation
9:30 AM–10:15 AM Chief Taghee Ballroom	Welcome and Introduction of “The Sacredness of Place and Being” Speakers: Russ Hepfer, Lee Juan Tyler, Cindy Marchand RTOC members welcome our guests and provide an overview of the Summit theme, “Connecting to protect the sacredness of place & being,” focusing on the sacredness of place and being.
10:15 AM–10:55 AM Chief Taghee Ballroom	Federal, State, and Tribal: Relationships, Intersection & Jurisdiction

Time and Location	Session
	<p>The Region 10 Tribal Operations Committee will discuss the topic from the perspective we hear from many Tribes. There will be time for comments from the audience, as well.</p>
<p>11:00 AM–11:40 AM Chief Tyhee</p>	<p>Technical Assistance to Tribes for Brownfields Speaker: Mickey Hartnett</p> <p>Providing information on FREE technical assistance available to Tribes from Kansas State University Tribal Technical Assistance to Brownfields (TAB) and the Center for Creative Land Recycling (CCLR) for addressing brownfields to include seeking funding for site assessments and cleanups, conducting and planning assessments and cleanups, reuse and redevelopment planning, staff training, developing or enhancing a 128(a) Tribal Response Program, site data management, mapping, and many related topics.</p>
<p>11:00 AM–11:40 AM Chief Taghee Ballroom</p>	<p>Treatment-As-a-State (TAS) for Water Quality Programs: Process and Perspectives Speakers: Mahri Lowinger, Todd Mitchell, Rachael Renkens, Ted Yackulic, Candon Tanaka</p> <p>TAS provides Tribes with the authority to manage and protect surface waters through several federal environmental laws, including the CWA, authorizing EPA to treat tribes in a similar manner as state governments for implementing and managing some federal programs. In this session a panel of Tribal staff and EPA will discuss TAS—the application process, what motivates Tribes to seek TAS, and roadblocks that can be encountered along the way.</p>
<p>11:45 AM–12:25 PM Chief Taghee Ballroom</p>	<p>Elder Panel Facilitated Discussion Speakers: Fred Auck, Blaine Edmo, Nathan Small, Velda Racehorse</p>
<p>12:30 PM–1:25 PM Chief Taghee Ballroom</p>	<p>Traditional Lunch Feast Buffet with North American Traditional Indigenous Food Systems (NATIFS) Speaker: Rob Kinneen</p>
<p>1:30 PM–2:10 PM Chief Tyhee</p>	<p>Contracting for Brownfields Site Work Speaker: Mickey Hartnett</p> <p>When seeking to conduct contaminated site-specific work, such as brownfields environmental assessments and cleanup or other brownfields tasks, it is usually necessary to hire a contractor to conduct specific tasks. When utilizing federal grant funds to conduct site-specific work, it is required to select a contractor through an open competitive process in conformance with federal regulations and policies. Many brownfield grant awardees (128(a) and/or 104(k) grants) are new to the contracting process. This session is intended to describe the contracting process, some “Dos and Don’ts,” and hints to avoid problems and make the process a good experience. Contracting for contaminated site work is unique in some ways compared to other types of contracting. There also may be opportunities for a Tribe to be a contractor. Understanding contracting is a life skill and important to know even if you are not directly involved.</p>

Time and Location	Session
<p>1:30 PM–2:10 PM Chief Taghee Ballroom</p>	<p>How We Survive Diomedede Speaker: Bjorn Olson Filmmaker Bjorn Olson will present his latest documentary, <i>How We Survive Diomedede</i>. Little Diomedede Island, situated in the North Bering Straits, is experiencing the impacts of climate change, which is greatly impacting their way of life.</p>
<p>2:15 PM–2:40 PM Chief Taghee Ballroom</p>	<p>Grand Prize Drawing, Wrap up, Next Steps The RTOC will conduct a raffle drawing and provide closing comments.</p>
<p>2:45 PM–4:00 PM Chief Taghee Ballroom</p>	<p>Traditional Healing Ceremony & Blessing Speaker: Lee Juan Tyler A Shoshone culture bearer and NTOC representative for Idaho, Eastern Oregon, and Eastern Washington will facilitate a traditional healing activity and blessing to send us all off in a good way.</p>