



NTWC's Comment Letters on EPA Proposed Rulemaking and Revised Tribal Consultation Policy and Treaty Rights Guidance

The National Tribal Water Council (NTWC) developed and submitted comment letters for two separate consultation opportunities: (1) EPA's Revised Tribal Consultation Policy and Treaty Rights Guidance and (2) EPA's Proposed Rule to Establish Federal Baseline Water Quality Standards for Indian Reservation Waters. The NTWC develops comment letters in collaboration with the NTWC's Tribal Advisory Committee.

EPA's Revised Tribal Consultation Policy and Treaty Rights Guidance

The NTWC created and submitted a comment letter on the EPA's Revised Tribal Consultation Policy and Treaty Rights Guidance on July 21, 2023. The EPA Tribal Consultation Policy establishes national guidelines for consultation with tribes. The Treaty Rights Guidance enhances EPA's consultations where tribal treaty rights may be affected. Once finalized, the revisions will replace the 2011 Tribal Consultation Policy and 2016 Treaty Rights Guidance.

Previously in 2021, the Council recommended three core elements for meaningful consultation, and they are (1) early and consistent tribal engagement; (2) face-to-face interactions; and (3) a deep understanding by federal officials of tribal cultures when providing comments for improving the EPA's 2011 Tribal Consultation Policy. The Council expanded upon those recommendations and continued to stress the importance of meaningful tribal consultation and engagement with tribes.

EPA's Proposed Rule to Establish Federal Baseline Water Quality Standards for Indian Reservation Waters

The NTWC developed and submitted a comment letter on the EPA's Proposed Rule to Establish Federal Baseline Water Quality Standards (WQS) on August 1, 2023. The proposed rule would establish federal baseline WQS for waters on Indian reservations that do not have Clean Water Act (CWA) WQS in place. EPA noted that over 80% of Indian reservations currently do not have the foundational protection of CWA WQS in place for their waters.

The following are highlights of the comments provided by the NTWC:

- Supports federal baseline WQS for Indian reservations without CWA protections. Without federal baseline WQS, the protection and improvement of water quality in Indian Country is limited.



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NEWSLETTER

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Highlight of NTWC Mid-Year Activities *(continued)*

- Supports federal baseline WQS as a temporary gap-filler to ensure reservation waters are protected until a tribe obtains TAS status and adopt CWA-approved WQS for their waters.
- Recommends that tribal requests for opting out to the Regional Administrators be consistent across the regions.
- Requests the EPA extend the timeframe for tribes to opt-out to 180 days after publication rather than 90 days.
- Supports EPA's proposal to promulgate a cultural and traditional designated use, which will protect the cultural and traditional uses of Indian reservation waters.

A copy of each comment letter is available on the NTWC website at: <http://www7.nau.edu/itep/main/ntwc/PolicyResponseKits/Index>

UPDATES & ANNOUNCEMENTS

20th Annual EPA Drinking Water Workshop: Small System Challenges and Solutions – September 11-14, 2023

EPA is celebrating the 20th anniversary of its Drinking Water Workshop on September 11-14, 2023, in Covington, Kentucky. EPA and the Association of State Drinking Water Administrators (ASDWA) have held this annual workshop on a variety of drinking water topics relevant to small systems. Primarily designed for tribal, state, and territory personnel responsible for drinking water regulations compliance and treatment technologies permitting, the workshop will provide current information, resources, and training needed to help in building systems capacity and sustainably and providing equitable access to drinking water. For additional information or to register, please visit: <https://www.epa.gov/water-research/20th-annual-epa-drinking-water-workshop-small-system-challenges-and-solutions#About>

Southwest Tribal Climate Action Summit – September 10-15, 2023

The Southwest Tribal Climate Action Summit is seeking participants representing tribes and indigenous groups in the Southwestern U.S. to attend an upcoming summit focusing on combining indigenous knowledge with scientific tools to address water quality and woodland landscape challenges. The summit is hosted by the Navajo Technical University and will be held in Chinle, Arizona. For more information, please visit: <https://sites.google.com/nau.edu/sw-tribal-climate-action>

2023 Tribal Climate and Health Summit – November 8-9, 2023

Registration is open for the 2023 Tribal Climate and Health Summit, which will be held November 8-9, 2023, in Pala, California. Throughout the 2-day training, attendees will participate in interactive instruction and peer-to-peer learning activities that will build knowledge about developing, implementing, and evaluating adaptation plan strategies that safeguard Tribal health and are rooted in traditional knowledge and values. Organizers, guest speakers, and attendees will be invited to share successful practices that are increasing Tribal resilience to a variety of climate exposures throughout the U.S. For more information, please visit: <https://tribalclimatehealth.org/registration-is-open-for-the-2023-tribal-climate-and-health-summit/>

GRANT OPPORTUNITIES

FY23–24 Tribal Regional Ocean Partnership BIL Funding

Deadline: August 30, 2023

On May 31, 2023, NOAA announced the availability of approximately \$1.8 million for federally recognized tribes. This funding is provided under the Bipartisan Infrastructure Law. The focus is on encouraging increased tribal participation with regional ocean partnerships. Funding will support tribal actions related to regional ocean and coastal priorities and will further the coordinated management of ocean resources and data. [Funding applications](#) are due at 8:59 P.M. (PT), 11:59 P.M. (ET) on August 30, 2023. You can find more information on these funds at coast.noaa.gov/funding/infrastructure.html. If you have questions, please contact rop.iija@noaa.gov.

Information for Tribal Applicants:

- [Notice of Funding Opportunity](#)
- [Frequently Asked Questions](#)
- [Pre-recorded Informational Presentation](#)

TRIBAL CONSULTATION OPPORTUNITIES

EPA's Proposed Rule to Revise Clean Water Act Section 404 Tribal and State Program Regulations

Deadline: October 13, 2023

On July 19, 2023, the U.S. Environmental Protection Agency (EPA) announced a proposed rule to revise the Clean Water Act (CWA) Section 404 Tribal and State Program Regulations. The proposed regulatory revision will streamline and clarify the requirements and steps necessary for states and Tribes to administer programs protecting waterways from discharges of dredged or fill material without a permit. EPA's proposal would address key barriers identified by states and Tribes to administering CWA section 404 while expanding opportunities for Tribes to meaningfully engage in permitting actions.

EPA is holding public hearings for interested parties to provide comments. For questions or assistance with registration, please email 404g-rulemaking@epa.gov.

- Tribal Input Session: Wed, August 30 (2:30-4:30 PM ET) ([Click to Register](#))
- Public Hearing: Wed, September 6 (3:30-7:30 PM ET) ([Click to Register](#))

The deadline to submit comments is October 13, 2023. Comments may be submitted at regulations.gov. For more information, please visit www.epa.gov/cwa404g. The tribal consultation notification letter and consultation and coordination plan are available via EPA's Tribal Consultation Opportunities Tracking System (TCOTS) website located at: <https://tcots.epa.gov>.

EPA's Proposed Renewal of the forthcoming National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP) under the Clean Water Act

Deadline: October 27, 2023

EPA is initiating consultation and coordination with federally recognized tribes on the proposed renewal of the forthcoming National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP) under the Clean Water Act (CWA). EPA renews this permit every five years, and the current PGP is scheduled to expire on October 31, 2026.

Tribal Consultation & Public Comment Opportunities *(continued)*

EPA's PGP regulates discharges of biological pesticides and chemical pesticides that leave a residue in waters of the United States. The PGP covers pesticide discharges from the following pesticide use patterns: (1) mosquito and other flying insect pest control, (2) weed and algae control, (3) animal pest control, and (4) forest canopy pest control. With limited exceptions, EPA directly implements the NPDES program in Indian country where tribes are not approved to administer the NPDES program.

Additional information about the PGP can be found at <https://www.epa.gov/npdes/pesticide-permitting>.

EPA will hold two identical informational webinar and listening sessions for tribal leaders and staff. During the webinars, tribes will have an opportunity to learn more about the current PGP and EPA's plan for reissuance of the 2026 PGP, ask questions, and provide input.

- **Informational Webinar and Listening Session #1:** Tues., Sept. 19, 2023 (10:00 – 11:30 AM ET)
Microsoft Teams Webinar Link: [Click here to join the meeting](#)
Meeting ID: 290 651 862 087 Passcode: j3ENdu
Teleconference Number: +1 206-800-4483, 949181440#
- **Informational Webinar and Listening Session #2:** Thurs., Sept. 21, 2023 (3:00 – 4:30 PM ET)
Microsoft Teams Webinar Link: [Click here to join the meeting](#)
Meeting ID: 297 311 909 769 Passcode: amaTGa
Teleconference Number: +1 206-800-4483, 998293943#

The deadline to submit a comment is October 27, 2023. Consultation materials are available on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) website located at: <https://tcots.epa.gov>.

EVENTS & WEBINARS

Inter Tribal Council of Arizona, Inc. – National Tribal Water & Wastewater Operator Training & Certification Program Certification Program

The Inter Tribal Council of Arizona, Inc. National Tribal Water and Wastewater Operator Training and Certification Program is providing online, in-person, and blended training.

Upcoming courses include, but are not limited to, the following:

- Water Treatment Level 1: October 23-November 10, 2023 (Blended)

To register or to view the 2023 training schedule, please visit: <https://itcaonline.com/programs/environmental-quality-programs/tws-tmap/tws-training-events/>

Tribal Climate Health Project's Tribal Health and Adaptation Peer-Learning Roundtable Webinars

The Tribal Climate Health Project has developed training to assist Tribes to begin to prepare, cope, build resilience to, and recover from the health and other impacts of climate change. This advanced training from the Tribal Climate Health Project is for Tribal-serving practitioners, including environmental and health professionals, who have gained some level of transferable, real-world climate and health knowledge and experience through their work with Tribes. This training is open to Tribes and Tribal-serving professionals throughout the United States who work within the intersections of climate change, health, and community well-being.

Events & Webinars *(continued)*

Below is the upcoming schedule:

- September 21, 2023: Accessing and Protecting Cultural Data and TEK for Climate Trend Analysis and Real-time Acton
- October 19, 2023: Reporting and Sharing Successes with Decision Makers, Stakeholders, and other Tribes

For the complete schedule and more information about the webinars, please visit: <http://ped.palatribe.com/tcha-webinar-vi/>

EPA Environmental Justice for Tribes and Indigenous Peoples Webinar

To register: https://usepa.zoomgov.com/webinar/register/WN_T3hFeIWkQD2GT7Z5acgHBw

- August 31, 2023: Food Sovereignty (Part 2) – Food Forests & Sustainable Healthy Foods

EPA Small Drinking Water Systems Webinar Series

To register, please visit: <https://www.epa.gov/water-research/small-drinking-water-systems-webinar-series>

- August 29, 2023: Cybersecurity
- October 31, 2023: PFAS

National Association of Wetland Managers Tribal Wetland Programs Webinars

To register, please visit: <https://www.nawm.org/nawm/nawm-webinarscalls/4840-epa-region-10-tribal-wetland-training-webinars>

- September 21, 2023: Education and Outreach Efforts to Support Tribal Wetland Programs
- November 2, 2023: Approaches to Sustainable Funding for Tribal Wetland Programs

Contaminated Site Clean-Up Information (CLU-IN) Training

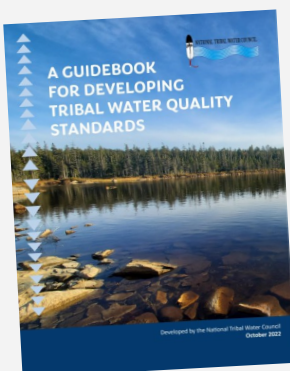
To register, please visit: <https://clu-in.org/training/>

- September 14, 2023: ITRC PFAS Introductory Training
- October 5, 2023: Strategies for Preventing and Managing Harmful Cyanobacteria Blooms Part 1
- October 12, 2023: Strategies for Preventing and Managing Harmful Cyanobacteria Blooms Part 2
- November 7, 2023: Microplastics

EPA Water Research Webinar Series

To register, please visit: <https://www.epa.gov/water-research/water-research-webinar-series>

- October 25, 2023: Methods and Information to Support the Development of Aquatic Life Criteria to PFAS



National Tribal Water Council's Tribal Water Quality Standards Guidebook
On November 4, 2022, the NTWC released its publication ***A Guidebook on Developing Tribal Water Quality Standards***. In coordination with the NTWC, the guidebook was co-authored by James Grijalva, Professor of Law, University of North Dakota, and Cheryl Pailzote, Water Resources Department Director, White Mountain Apache Tribe. The guidebook was developed to serve as a tool and a guide to assist tribes in developing a water quality standards program under tribal legal authority.

To access the guidebook, please visit: <http://www7.nau.edu/itep/main/ntwc/>

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For more information on our members, visit [Meet the Council](#).

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Vacant

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