



# 2023-2024 PRIORITIES

## WHO WE ARE

The National Tribal Water Council (Council) is a technical and scientific body created to assist the Environmental Protection Agency (EPA), federally recognized Indian Tribes, Alaska Native Tribes, and associated tribal communities and tribal organizations, with research and information for decision-making regarding water issues and water-related concerns that impact Indian and Alaska Native tribal members, residents of Alaska Native Villages and Indian Country in the United States. The Council is not a policy-making body and its input is not a substitute for government-to-government consultation.

## MISSION

To advocate for the best interests of federally-recognized Indian and Alaska Native Tribes, and Tribally-authorized organizations, in matters pertaining to water. To advocate for the health and sustainability of clean and safe water, and for the productive use of water for the health and well-being of Indian Country, Indian communities, Alaska Native Tribes and Alaska Native Villages.

## NTWC MEMBERS

National Tribal Water Council members consist of tribal water professionals from Region 1 to 10. Council membership consists of the following:

- Ken Norton, Hoopa Valley Tribe (Chair)
- Michael Bolt, Eastern Band of Cherokee Indians (Vice Chair)
- Daniel Kusnierz, Penobscot Indian Nation
- Brian Patterson, Oneida Nation
- Shaun Livermore, Poarch Band of Creek Indians
- Nancy Schuldt, Fond du Lac Band of Lake Superior Chippewa
- Jaclyn McCasland, Delaware Nation
- Denise Jensen, Winnebago Tribe of Nebraska
- Chauncey Means, Confederated Salish and Kootenai Tribes
- Yolanda Barney, Navajo Nation
- Scott Hauser, Upper Snake River Tribes Foundation
- Eric Morrison, Salamatof Tribe
- Ann Wyatt, Klawock Cooperative Association/ Tribe
- At-Large Representative (*Vacant*)
- Region 10 Representative (*Vacant*)



## 1 Support EPA in Strengthening Tribal Government-to-Government Consultations

- Request EPA to revise its Tribal Consultation Policy and Tribal Treat Rights Guidance to include United Nations Declaration Principles.
- Request EPA to commit to the tenets of “meaningful” consultation. Adopt a clear definition of EPA’s federal trust responsibility and how that relates to EPA’s work with tribes.

## 2 Advocate and Advance Tribal Environmental Self-Determination and Sovereignty

Uphold tribal regulatory authority by finalizing EPA’s proposed rules for the following:

- Protect Tribal Reserved Rights through federal Water Quality Standards regulation revisions.
- Promulgate federal Baseline Water Quality Standards for tribal water without tribal CWA protections.
- Revise the CWA to allow tribes with their own water quality standards and authority to issue § 401 permits.
- Support the final rule for Waters of the United States (WOTUS).
- Promote NTWC’s [A Guidebook for Developing Tribal Water Quality Standards](#) to tribes wishing to develop water protection programs under their tribal authority.

## 3 Enhance Outreach and Coordination Efforts with Tribal Nations, Alaska Native Villages and Tribal Organizations

NTWC’s working relationship with Tribes, Alaska Native Villages (ANVs), and tribal organizations is based on mutual respect and reverence for indigenous cultural values and traditions.

- Enhance direct engagement and coordination with tribal partnership groups by developing formal written comments on federal rulemaking actions affecting waters in Indian country.
- Enhance outreach to tribal nations via regional RTOCs through quarterly briefing summaries of NTWC’s activities relating to federal agency policies, initiatives and rulemaking actions that affect tribal waters.
- Support and advocate for the removal of the state’s Safe, Accountable, Flexible, Efficient Transportation Equity or SAFETEA decision. Tribes in the state of Oklahoma are better able to regulate their water provisions and all other environmental programs without state intervention.

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- Seek to engage ANVs to strengthen their subsistence rights under CWA provisions and obtain direct access to safe drinking and wastewater financial resources through the development of program technical, financial and managerial capability.

### **4 Support and Advance Alaska Native Water Protection and Subsistence Rights**

- Identify approaches to fund Alaska Native Villages (ANV) that do not receive adequate state funding for CWA water programs.
- Restore federal oversight of equitable distribution of water infrastructure funds to Alaska Native Villages.
- Support Alaska Native Villages' request to receive direct funding from EPA Region 10 and support regional management and distribution of funding and not state management.

### **5 Support Tribal Positions with Regard to Mining Operations**

All across the nation, there are mining operations on or near tribal lands; mining for uranium, copper, coal, cobalt, among others. In Region 10 for example, there are cobalt and lithium mines on two tribal lands that are currently in the planning and permitting phase. Mining is a water intensive process and a significant burden on tribes. In addition, in Alaska, the Donlin mine is threatening subsistence and cultural lifeways of the tribes and villages in Alaska.

The U.S. government has put a high priority on renewable/alternative energy sources, which require intensive mining of rare earth minerals. Mining projects are being fast tracked, leading to inadequate environmental review, to meet growing demand. A disproportionate burden is being placed on tribes due to the mining projects and their impact on tribal lifeways and resources. Likewise, copper and nickel, the mining companies in the Upper Great Lakes region are on a massive public relations campaign to present their projects as necessary for moving to a green economy. This is an environmental "injustice" to tribes.

- Ensure the extraction of renewable/alternative energy minerals have thorough environmental analysis and review and meaningful coordination and consultation with affected tribes.
- Support tribal efforts to protect all water sources.
- Support reclamation efforts and ensure the ground water and surface water are protected.
- Support tribal positions with regard to mining operations that affect tribal resources, subsistence and cultural lifeways. Consider environmental justice practices.

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- Support reform of the 1872 Mining Act.
- Support robust oversight and information coordination through the Interagency Mining Workgroups and any collaborative efforts to protect tribal waters.

### **6 Enhance Technical Support of Tribal Water Quality Reporting and Tools**

Tribes need ongoing technical support for the Water Quality Exchange (WQX) reporting and the Ambient Water Quality Management System or other data management framework.

- Request for the EPA regional offices to provide greater technical support.
- Request for training to inform tribes on how and what the agency does with the tribes' reported data.
- Request EPA to provide regional training in how to use WQS tools and templates to overcome applications and standards approval barriers.

### **7 Support Equitable Implementation and Distribution of Tribal CWA Program Funds**

- Increase funding for programs under CWA Sections 106, 319, and 104(b)(3).
- Address underfunded tribal water pollution needs by increasing the FY 2024 appropriation for CWA § 106 tribal program to \$55 million, resulting in increased tribal participation in TAS for WQS & WQ impairment programs.
- Request OW utilize discretionary funds (Multi-Purpose 2015- 2021) and/or unspent state funds to support tribal CWA regulatory achievements.
- Request EPA to provide technical assistance and grant writing training to tribes for applying for grants and cooperative agreements.
- Fund tribes that are seeking TAS for 303(d) impaired waters, 404(g) dredge and fill. Tribes are encouraged to take on these responsibilities but with no additional funding.

### **8 Address Emerging and Existing Water Contaminants and Seek Solutions**

- Work closely with the Tribal PFAS Working Group to assist in implementing their priorities including outreach, joint comments, and support for tribes facing PFAS impacts and potential contamination.
- Engage and learn more about the impacts of micro plastic, tires/rubber, tire-driven stormwater toxicity and salmon mortality from GPPD-quinone, among others.



## 9 Identify and Recommend Specific Tribal Water Training and Certification Needs

- Focus on providing tribal centric training, such as the following:
- Webinar on CWA § 401 Certification revision.
- Water quality sampling academy – to include lakes training/boat training, etc.
- Water Quality Standards Academy.
- Water Quality-Quality Assurance Quality Control document needed to conduct sampling.
- Inspector training and certification for storm water and wetlands.

## 10 Recognize Climate Change Impacts and Support Resiliency Using Indigenous Traditional Ecological Knowledges

Tribes across the nation are experiencing climatic effects such as flooding, drought, landslides, forest fires, sea level rise, earthquakes, etc.

- Support EPA initiatives in working with tribes to develop mitigation and/or adaptation plans and strategies.
- Collaborate with ITEP’s Tribes and Climate Change Program to support tribal resiliency, use of ITEK, create adaptation plans, etc.



### CONTACT INFORMATION

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