



## 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.

## 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
- Shaun Livermore, Poarch Band of Creek Indians
- Nancy Schuldt, Fond du Lac Band of Lake Superior Chippewa
- Kathleen Brosemer, Sault Ste. Marie Chippewa Tribe
- Denise Jensen, Winnebago Tribe of Nebraska
- Colin Larrick, Ute Mountain Ute Tribe
- Daniel Mosley, Pyramid Lake Paiute Tribe
- Eric Morrison, Salamatof Tribe
- Ann Wyatt, Klawock Cooperative Association/ Tribe
- Region 2 Representative (*Vacant*)
- Region 6 Representative (*Vacant*)
- Region 10 Representative (*Vacant*)
- Navajo Nation Representative (*Vacant*)

## 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 PRIORITIES 2021-2022

### **1 Work with EPA to ensure that the priorities of the new administration are implemented or re-implemented and include specific protections for tribal resources.**

This includes support for the new rulemaking process that restores protections in place prior to the 2015 WOTUS implementation, while the EPA initiates a rulemaking process to replace the Navigable Waters Protection Rule (NWPR). Other protections like the Baseline Water Quality Standards (WQS) would go a long way in ensuring tribal rights, lands, and waters are protected even if tribes are unable to receive treatment as a state (TAS) recognition or establish tribal environmental programs.

- This rule has left many previously protected waters open to harm with no seat for tribal voices but the opportunity is here now for these priorities to become standard.

### **2 Fund Tribal Baseline WQS Programs: Request EPA to add a different funding path for Tribes to develop WQS programs other than solely relying on CWA 106 funds.**

The EPA estimates an additional 200+ tribes would take advantage of tribal promulgation of baseline water quality standards. If EPA intends to add this task using CWA 106 dollars at its current funding allocation, it would be difficult to provide funding to an additional 200+ tribes to administer a water quality program. There is not enough CWA 106 funding to effectively administer current water quality monitoring programs. Despite many years of request from the National Tribal Caucus (NTC) and the Regional Tribal Operations Committees, CWA 106 funding levels remain low. Most staff in the CWA 106/319 programs wear too many hats and are over tasked.

- Consider developing another funding source, e.g., under CWA 303, to allow tribes to hire and train capable full time staff with competitive salaries to administer tribal water quality standards programs effectively.

### **3 Request EPA to recommit to science-based policies and decision making that incorporate traditional ecological knowledge and tribal priorities.**

Support science based policies that implement water quality standards that are protective of human health and the environment, including sensitive populations and significant trust resources. Incorporate traditional ecological knowledge (TEK) and tribal priorities into decision-making, recognizing multiple sources of knowledge and EPA's trust responsibility to protect tribal waters through their discretionary CWA oversight.

- A specific example is to recommit to EPA's previously promulgated but subsequently withdrawn human health criteria protective of subsistence and cultural uses by tribes in Maine and Washington.



#### **4 Work with EPA to strengthen the subsistence rights of Alaska Natives.**

The Clean Water Act (CWA) enforcement of subsistence rights is vital to the essence, spirit and traditions of Alaska Natives without which Alaska Natives would not exist. Alaska Natives gathering, harvesting, hunting and fishing are constantly bombarded by the State of Alaska permits for economic, transportation and docking developments, which in many instances, has created hazardous conditions for wetlands, streams, rivers, and waterways through which the Alaska Natives gain their subsistence harvest. Federal law requires that the subsistence rights of Alaska Natives is superior to all other users whether they be sports, personal or commercial. Even though the State of Alaska signed off on the subsistence law, they do not exercise those priorities in fact the opposite is given. In many instances through court actions, the state has only acceded to “educational harvests” for Alaska Natives. To ensure this stance, they have failed to recognize Alaska Native Tribes as governments. These actions must stop.

#### **5 Advocate for enhanced federal protections in Alaskan Native Villages to access drinking water and sewer systems.**

Water quality standards need to be enforced by the State of Alaska. When the State of Alaska took over the water, sewer, and health systems of villages, they have been inept in their advocacy of developing adequate water systems for villages. The funds once used by Indian Health Service (IHS) to develop water and sewage systems are now being used for “training modules” for city water systems maintenance. Those seeking to develop new water and sewer systems are encouraged to apply for a grant or loan through the State of Alaska. It does not matter that the villages for the most part do not have a revenue or tax base. Many of the villages have housing on allotments that were developed out of townships by the Bureau of Indian Affairs (BIA) for the protection of village lands. The allotments are small and do not extend beyond the basic housing foundation. These homeowners are the most vulnerable. The return of the water and sewer back to IHS would alleviate some of these issues, but the federal government is losing time. Where villages fit within larger, non-native communities, the federal protections for the villages need to be enhanced. Commercial and economic interests of non-Natives are creating vulnerabilities of the villages because of the financial weakness of the villagers.



*Shellfish biomass survey, Photo courtesy of Ann Wyatt, NTWC Member*



## **6 Advocate for the removal of the SAFETEA and request EPA to support the rights of tribes in Oklahoma to protect and maintain their waters without the need for state oversight.**

The McGirt/SAFETEA/TAS remains a priority since the implementation of SAFETEA in 2005, and continues to be a topic of concern at every Region 6 Tribal Conference. The EPA Office of Water's Tribal Action Plan includes a goal to reach 100 tribes in acquiring TAS for WQS; however, tribes in Oklahoma may not participate. We must commit to seeing this rule removed and EPA must support the tribes' rights to protect and maintain their waters without the state oversight. This is in direct conflict with the federal trust obligation to tribes.

## **7 Ensure that EPA electronic reporting systems are comprehensible, user friendly, and not time consuming.**

Data management and electronic reporting for tribes are confusing, complex and time consuming. Instead of conducting data entry themselves, some tribes are contracting outside sources to enter their data. Work with EPA to expand the adoption of electronic reporting by tribes while considering tribal environmental staff duties, responsibilities and resource limitations. Offer training for WQX that is comprehensible, expand participation on ATTAINS on a regional level and consider tribal resource constraints when developing future databases. Ensure that tribes on a regional level are confident and have access to data entry to its fullest potential.

## **8 Ensure grant program criteria and requirements are developed, articulated and implemented in a more equitable manner.**

Grant proposal notifications and proposal development should be simplified under the law. There is disparity among regions on grant notification timelines and submittals into Grants.gov for the same grants. Recommend that all regions be allowed 60-90-day timeframe. Allocation formulas strictly looking at population and land base should be developed with the same consideration as larger reservations, especially competitive grants. Required percentage matches should be eliminated for CWA 106/319 basic funding, and decrease or eliminate percentage matches for competitive grants. More flexibility and less restrictions in proposal development.

- Consider other duties and responsibilities of tribal environmental staff personnel and the internal workings of tribes' approval processes.



*Undisturbed watershed surrounding Lac Lake,  
Photo courtesy of  
Nancy Schuldt, NTWC Member*



## 9 Support for a more holistic and proactive approach when addressing emerging or existing water contaminants.

The Lead and Copper Rule Revisions (LCRR) is an example of looking at root causes and putting a timeline on addressing the real cause instead of the symptoms. This approach has room for improvement and is the approach needed when addressing Per- and Polyfluoroalkyl Substances (PFAS), Endocrine Disruptor Compounds (EDCs) and other emerging contaminants of concern. Even when there is a treatment technique that is effective, where do the byproducts go? Landfilling is a “kick the can down the road” type of strategy. We need to have a plan for the complete lifecycle and/or safe destruction of the contaminant when removed from the water. Plan every step not just the first one or two.

## 10 Continue to develop comment letters in response to proposed EPA actions.

Work with EPA on the policy and rulemaking “restoration” needed after the last administration, and resume our work on baseline water quality standards (WQS), CWA protection for waters in ceded lands, the Waters of the United States (WOTUS) definition, and the CWA 401 Certification rule (guidance). We have incredible opportunities to help tribal water programs protect their precious waters, and since EPA jumped on these issues and tasks so quickly under the new administration, we have good opportunities for successful outcomes.

## 11 Continue to support training and certification of tribal personnel in water and wastewater treatment.

There are emergent contaminants and revised regulations that require training, peer assistance and regulatory partner support to ensure that there is an adequate understanding of these issues at a tribal level. Properly trained tribal personnel can make the right decisions when addressing these evolving issues to maximize the protection of community health in the most efficient time.



### CONTACT INFORMATION

Elaine H. Wilson, Manager  
Ann Marie Chischilly, Executive Director  
Institute for Tribal Environmental Professionals  
P.O. Box 15004, Flagstaff, AZ 86011-5004  
EMAIL: [Elaine.Wilson@nau.edu](mailto:Elaine.Wilson@nau.edu)  
PHONE: (928) 523-9555 | (480) 452-6774  
[www.nau.edu/ntwc](http://www.nau.edu/ntwc)



The Council is administered by the Institute for Tribal Environmental Professionals with grant funding from the U.S. Environmental Protection Agency, Office of Water.