

**National Tribal Water Council and EPA Monthly Conference Call**  
**Wednesday, September 11, 2024**  
**2:00 – 3:30 P.M. ET**

**SUMMARY NOTES**

**I. Introductions** (Elaine Wilson, ITEP)

**NTWC:** Ken Norton, Chair (R9), Brian Patterson (R1), Dan Kusnierz (R2), Rainee Tetreault (R4), Shaun Livermore (R4), Nancy Schuldt (R5), Yolanda Barney (R9), Scott Hauser (R10), Mary Verner (R10)

**EPA:** Holly Galavotti, Jacob Adler, Nizanna Bathersfield, Lisa Berrios, Kyle Carey, Rebecca Christopher, Daniel Consigli, Abigail Cruz, Robyn Delehanty, Steve Epting, Antonio Garcia, Aleah Holt, Rory Hytrek, Gabriella Neusner, Julian Oliver, Matthew Richardson, Sam Russell, Amy Weber, Jessica Synder

**ITEP:** Elaine Wilson, Elaina Doral

**II. NTWC Updates** (Ken Norton, NTWC)

Chair Ken Norton provided an overview of the topics discussed during the previous NTWC-only call.

- **NCAI Webinar on Tribal Reserved Rights Rule**

The National Congress of American Indians (NCAI) reached out to the National Tribal Water Council and the National Association of Wetland Managers (NAWM) about collaborating on a tribal reserved rights rule webinar. It will be a two-part webinar with presenters from the EPA, state representatives, and tribal representatives. Chair Norton volunteered to be a moderator/presenter along with Nancy Schuldt (R5). The two-part webinar is proposed to be held in November 2024.

- **Tribal Participation in the ITF**

Chair Norton recently had a conversation with David Harvey, Indian Health Service. Chairman was pleased to hear that IHS submitted an Appropriations Committee request for \$250 million, which will be used to address operations and maintenance, and the IHS backlog. This is an opportunity to discuss how the NTWC can engage effectively on the budget requests. Chair Norton looks forward to coordinating with the National Tribal Caucus.

- **2024 NTWC Fall Meeting**

The NTWC reviewed the final agenda. It's a strong agenda and includes discussing strategies for different scenarios.

**III. EO 14112 - Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination** (Lisa Berrios, OITA AIEO)

Lisa Berrios provided information on Executive Order 14112 that requires federal agencies to reform federal funding and support programs to be more accessible, flexible, and equitable. The White House identified certain reform opportunities, such as creating greater partnership opportunities, reducing administrative burden in application/reporting processes, providing technical assistance/outreach, and reducing/removing cost-sharing, match requirements, and funding caps.

The E.O. implementation began in January 2024. The Budget Task Force is waiting for the White House Council on Native American Affairs to release assessment guidance to federal agencies. In spring 2025, agencies plan to submit unmet budget needs assessment to the Budget Task Force.

The EPA has initiated best practices that include training for tribes on grants, providing technical assistance, and developing a separate notice of funding opportunity for tribes. These best practices and others implemented by the EPA are reported on a monthly basis to the White House Council on Native American Affairs.

A few questions were asked to get tribal input. The questions are as follows:

- What sections under EPA's [tribal grant streamlining policy](#) impact reform?
- Do you have reform-related best practices that have worked well with EPA or other federal partners?
- What are some examples of issues or reform approaches that need to be addressed across the federal government?

For more information, please visit: <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/12/06/executive-order-on-reforming-federal-funding-and-support-for-tribal-nations-to-better-embrace-our-trust-responsibilities-and-promote-the-next-era-of-tribal-self-determination/>

### **Questions/Comments**

Chair Norton stated that this is an important initiative that has impacts to tribal program development across the nation. He mentioned another initiative by both states and tribes to request for direct funding for wetland program implementation from Congress. Specifically, allowing the use of Wetland Protection Development Grants for program implementation. The NTWC submitted a letter to the Senate and House Committees on the Environment.

The NTWC is looking into these types of efforts and trying to identify funding that can be used for specific needs, such as operations and maintenance for water and wastewater infrastructure. Funding may be requested for special projects through certain programs, such as GAP and Clean Water Act § 106 program. Tribes are looking for this flexibility to fund special projects including evaluating fish consumption rates.

Lisa Berrios asked about the requested funding for special projects - Is it through a process? Or does the program allow flexibility to leverage funding? Chair Norton replied that the program does leverage funding.

Scott Hauser shared that he attended recent calls with the Department of Energy and the Bureau of Indian Affairs about grant opportunities. He noted that the process and capacity building is less stringent than EPA. The DOE offers a broad range of categories to apply for and offers flexibility. He also noted that the grant application for a DOE is simple. Some grants don't require application through grants.gov. Scott appreciates EPA's commitment to Tribes and offers only constructive criticism. It would be helpful if the EPA would broaden its RFPs and have consistency across grants. For example, the GAP grant process is streamlined compared to EPA's environmental justice problem solving grant. Scott shared that the open office hours for competitive grants have been helpful and offer a forum to talk with other grant recipients and the EPA. Scott shared that he appreciates the effort to train EPA project officers and staff because he sees that there is turnover and new staff.

Chair Norton asked if the agency has a position on the 638 contracts. Chair Norton further asked if there is any written document about it as he has been asked questions from the tribal council. He is cautious about 638 programs and prefers funding go directly to environment capacity.

Lisa Berrios replied that there is no document or position. They are looking at other programs, such as EPA's Geographic Programs, that provide funding through 638 mechanisms and how that approach may be applied. An example is the Great Lakes Program that uses an interagency agreement to provide funding to tribes using a 638 mechanism.

Nancy Schuldt shared that the Fond du Lac Band is not a 638 compact tribe. However, they receive BIA funding through a self-governance agreement, which keeps it flexible and simple.

**IV. Discuss the ITF and meeting with the NTWC (Sam Russell and Matt Richardson)**

The Federal Infrastructure Task Force (ITF) was discussed during the 2024 Spring In-Person NTWC & EPA Office of Water meeting in Washington, D.C. Yu-Ting Guilaran and Wynne Miller are co-chairs of the ITF and welcomed the NTWC's participation in the ITF.

The Federal Infrastructure Task Force is a multi-agency group that was created to develop and coordinate federal activities in delivering water infrastructure, wastewater infrastructure, and solid waste management services to tribal communities. For more information, please visit:

<https://www.epa.gov/tribal/federal-infrastructure-task-force-improve-access-safe-drinking-water-and-basic-sanitation>

**Comments/Questions**

Chair Norton noted the historic funding from federal agencies these past years as part of the federal responsibility to provide safe drinking water and sanitation. EPA has provided funding for construction, compliance, and infrastructure development. The next phase would be maintaining infrastructure for the long-term. Typically, funding for operations and maintenance is provided by the Indian Health Service.

The ITF brings the federal agencies together and able to find new and unique solutions for Indian Country. The NTWC is supportive of engaging with the ITF through subcommittee actions and provide recommendations, such as training and technical assistance.

The NTWC's focus is to re-establish the tribal voice. There is a lot of data out there, such as the Alaska's cost analysis for O&M, and we can come together to discuss opportunities. The NTWC applauds Jane Nishida's efforts and her support for O&M funds. The NTWC plans to raise this issue with the National Tribal Caucus.

Shaun Livermore supports Chair Norton's comments and wanted to emphasize a focus on what meaningful technical assistance looks like to tribes. Technical assistance for preliminary engineering reports is not helpful.

Chair Norton plans to reach out to IHS to get support for a tribal voice within the ITF. NTWC plans to provide a letter of support for the Indian Health Service budget request. Chair Norton mentioned there is an opportunity to provide healthy water and living conditions for Alaska Natives Tribes.

Sam Russell and Matt Richardson will follow up on the ITF discussion. The next discussion will be scheduled in December 2024.

## V. Consultation Opportunities & Announcements

- **National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for stormwater discharges associated with industrial activities under the CWA.**

Under the CWA, specific categories of industrial activities listed in 40 CFR 122.26(b)(14) must obtain coverage under an NPDES permit for stormwater discharges. EPA is typically the NPDES permitting authority in Indian country. As a result, facilities with stormwater discharges from industrial activities in Indian country need permit coverage under EPA's MSGP or under an individual NPDES permit issued by EPA. Industrial facilities intending to seek coverage under EPA's MSGP must submit a Notice of Intent (NOI) certifying that they have met the permit's eligibility conditions and that they will comply with the permit's requirements. More information about the MSGP can be found at <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>. **Consultation period closes Oct. 25.**

- The EPA will hold two listening sessions via webinar for Tribal leaders and staff:
  - September 18, 2024, 11:00 AM – 12:30 PM ET
  - September 19, 2024, 3:00 – 4:30 PM ET

- **Tribal Water & Natural Resources Conservation Guide** - highlights federal funding and other resources, as well as Tribal case studies featuring federally supported conservation efforts.

- Expected to be released in October. Looking for outreach ideas.

- **Office of Management and Budget (OMB) Uniform Guidance Tribal Listening Session (virtual)**

2 CFR is OMB's guidance on Administrative Requirements, Cost Principles, and Audit Requirements for Federal financial assistance awards. The revision of this OMB guidance was conducted to reduce administrative burden for non-Federal entities receiving Federal awards while reducing the risk of waste, fraud and abuse.

The purpose of this Tribal listening session is for OMB to provide an overview of the changes to the Uniform Guidance, which reduce burden, clarify existing requirements, and provide additional flexibilities to Federal agencies and Federal financial assistance recipients.

This listening selection will highlight many of the critical revisions OMB made to the Uniform Guidance with a particular focus on changes that relate to Tribal governments as federal award recipients.

Many of revisions to 2 CFR 200 are relevant to the implementation of EO 14112, providing several changes that directly affect Tribes.

- OMB Tribal Listening Session
  - September 30, 2024 (1:00 – 3:00 PM ET) Registration is required:  
<https://www.zoomgov.com/meeting/register/vJltdOCqj4tE666WWndnfMivfNNQJzHTtA>

- **Climate Pollution Reduction Grants – Implementation Grants: Tribes and Territories Competition Selections**

The EPA announced 34 selected applications for \$300 million in grants to Tribes and one U.S. territory to implement community-driven solutions to tackle the climate crisis, reduce air pollution, advance environmental justice, and accelerate the clean energy transition. The selected applications will fund projects proposed by 33 Tribal recipients and the Municipality of Saipan in the Commonwealth of the Northern Mariana Islands. The grants will be funded through the Climate Pollution Reduction Grants program, which was created under the Inflation Reduction Act as part of the Biden-Harris Administration's Investing in America agenda. For more information visit: <https://www.epa.gov/inflation-reduction-act/cprg-implementation-grants-tribes-and-territories-competition-selections>

- **Tribal Wetland Program Development Grant Notice of Funding Opportunity**  
Approximately \$3.8M in federal funding to be available for assistance agreements depending on funding availability and other applicable considerations. Applications are due **October 1, 2024**.

**VI. Closing** (Ken Norton, NTWC)

**VII. The NTWC's next monthly call is scheduled for October 9, 2024**