

NTWC Special Spotlights: Alex Cabillo & Micco Emarthla

The Council wishes to express its sincere appreciation to Mr. Alex Cabillo of the Hualapai Tribe for serving on the Council for many years. Earlier this month, Mr. Cabillo resigned from his post as an At-large member from the Region 9 area. He served on the Council from 2008 to 2019.

Mr. Alex Cabillo is an enrolled member of the Hualapai Tribe and has worked for his Tribe for 26 years; the past 16 years as the Water Resource Manager. He's been participating in the Core Team process working with the Grand Canyon National Park, Lake Meade National Recreation and the Hualapai Tribe. The Hualapai Tribe has 108 miles of the Colorado River and the Grand Canyon as its northern boundary, from the middle of the river mile (rm) 165 to river mile 273. All parties collaboratively and cooperatively manage the 108 miles of the canyon.

Several highlighted accomplishments of the Hualapai Tribe's Water Resource Program include the following notable actions.

- The Hualapai Water Quality Standards (WQS) was recognized and approved on July 22, 2004, and the Environmental Protection Agency (EPA) approved the Hualapai Tribe's application to administer the WQS and certification programs under sections 303(c) and 401 of the Clean Water Act (CWA). The Tribe's WQS was adopted by the Tribal Council on May 4, 2004, and certified by the Tribe's legal counsel on May 5, 2004. The standards was submitted to EPA on May 7, 2004.
- The program created Bio-Monitoring Protocols for wetlands assessments approved by EPA and created a Ground Water Overlay Protection Ordinance to ensure protection of ground water resources on Hualapai lands.



Mr. Cabillo with Former EPA Region 9 Administrator, Jared Blumenfeld

"I will always hear that echo in my head: "treatment as a state, funding as a state" and continue to advocate for tribes to receive the resources we need to do the work that we do." - Nancy Schuldt, Fond du Lac Band of Lake Superior Chippewa

"Thank you for pouring your heart and soul into the efforts of the NTWC and other organizations fighting to help protect the precious waters of Indian Country. You have represented your tribe and the resources so well." - Dan Kusnierz, Penobscot Nation

CONTACT INFO:

Elaine H. Wilson
NTWC Project Manager
(480) 340-2306
Elaine.Wilson@nau.edu

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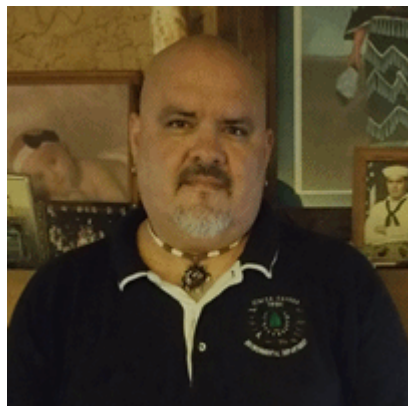


- In 2008, the Tribe received an Environmental Award from EPA for cleaning up an abandoned underground storage facility that contained hundreds of gallons of petroleum product that had leached through the concrete containment and was leaching into the ground.

In August of 2007, Alex was selected as an at-large member of the National Tribal Water Council and started actively participating in 2008. Several of his concerns and accomplishments as an at-large member of the National Tribal Water Council are highlighted below.

- Mining and the unlimited use of fresh water in the processing of the ore materials.
- Advocacy and support of Alaska Natives' issues regarding mining, climate change and the lack of acknowledgement of the Alaska Natives by the state of Alaska.
- Advocacy and support of tribal water issues impacting tribes. In particular, EPA policy that focuses on improvement of impaired water bodies and restoration of degraded wetlands. He advocated for policies focused on the maintenance and preservation of pristine fresh water bodies on tribal lands.
- Support for tribes that have WQS and Treatment as a State (TAS) status receiving funds like a state. As a NTWC member, Alex was instrumental in establishing EPA's tribal performance measure SP14b, the maintenance of specified WQS and their designated uses that establish value for preservation and conservation of water resources.
- Recent advocacy communicating opposition to EPA's current proposed definition of Waters of the United States (WOTUS).

The National Tribal Water Council wishes to recognize Mr. Cabillo's contribution to the Council and appreciates his strong advocacy in communicating the best interest of tribes on all water related issues.



Micco Emarthla

Seneca-Cayuga Nation, Region 6

Mr. Micco Emarthla has been a passionate advocate for the tribal voice since he began his work with the Seneca-Cayuga Nation. He has served in a number of positions relating to tribal issues including Cultural Director and Water Quality Specialist, both while actively involved in a number of regional and national organizations. The work of which has gone on to affect the lives of millions of Americans most of whom are tribal members.

As a tribal citizen and avid outdoorsman, Micco has always had the interests of the people and the environment at heart. His understanding of the complex relationship between both has lead to numerous advancements for tribal citizens and the environment. His involvement and passion for his work have helped to elevate many tribal issues onto the national stage. With the help of the National Tribal Water Council and others, Micco would like for that work to continue.

Consultation Opportunity: Allocating Funding for the Multipurpose Grant Program to Tribes

EPA's American Indian Environmental Office has announced that it is initiating consultation and coordination with federally recognized tribes on allocating funding for the Multipurpose Grant (MPG) program to tribes. The MPG program will fund only those tribes that have been delegated federal regulatory authority through the treatment in a similar manner to a state (TAS) provisions found in federal environmental statutes.

EPA's tribal consultation period started June 17, 2019 and ends on **July 12, 2019**. Tribes may submit written comments via email to besougloff.jeff@epa.gov. This consultation information is available on the EPA TCOTS website at: <https://tcots.epa.gov>.

Consultation Opportunity: Forthcoming Proposal to Revise EPA and U.S. Army Corps of Engineer's Regulations, Compensatory Mitigation for Losses of Aquatic Resources

EPA and U.S. Army Corp of Engineers are initiating consultation and coordination with federally recognized tribal governments on a forthcoming proposal to revise the jointly-promulgated regulations titled "Compensatory Mitigation for Losses of Aquatic Resources" (Mitigation Rule) (40 CFR Part 230, Subpart J and 33 CFR Part 332).

An example of a potential revision include, but not limited to:

- State/Tribal assumption of the Section 404 program: Under CWA Section 404(g), tribes or states may assume administration of the Section 404 permitting program. The Agencies are interested in clarifying any aspects of the Mitigation Rule that are presenting challenges for tribal/state assumption. As tribes/states have been exploring assumption, they have suggested clarifications such as adding the definition of the term "permitting authority" defined at 40 CFR 230.3(i) to the definitions included in 40 CFR 230.92/33, CFR 332.2, and providing additional clarification regarding bank/ILF review and use in the context of tribal/state assumed programs. The Agencies are considering these revisions and any others that tribes or states may raise related to assumption and the Mitigation Rule.

The tribal consultation period started June 10, 2019 and ends on **August 9, 2019**. Tribes may submit written comments via email to Krystal.L.Bell@uace.army.mil and MitigationRuleTribes@epa.gov. This consultation information is available on the EPA TCOTS website at: <https://tcots.epa.gov>.

Consultation Opportunity: Forthcoming Proposed Rulemaking to Develop Uniform National Standards of Performance for Discharges Incidental to the Normal Operations of Vessels under the Clean Water Act, as amended by the Vessel Incidental Discharge Act.

EPA, in coordination with the U.S. Coast Guard, is initiating consultation and coordination with federally recognized Indian tribes on a proposed rulemaking to develop uniform national standards of performance for discharges incidental to the normal operations of vessels under the Clean Water Act, as amended by the Vessel Incidental Discharge Act (VIDA) on December 4, 2018. The standards to be developed in the proposed rulemaking will be technology-based and may be in the form of numeric standards, best management practices, or a combination of both. Once in place, the intent is to streamline the patchwork of federal, state, and local requirements for the commercial vessel community.

EPA's tribal consultation period started July 11, 2019 and ends on **September 11, 2019**. Tribes may submit written comments via email to VGP@epa.gov. This consultation information is available on the EPA TCOTS website at: <https://tcots.epa.gov>.

In the News (continued)

EPA Releases Memorandum on Policy for EPA Review and Action on Clean Water Act Program Submittals

On June 3, 2019, EPA Office of Water Assistant Administrator David Ross released a memorandum to regional administrators directing regional offices to comply with statutory deadlines for acting on state and tribal Clean Water Act submittals while improving responsiveness in the agency's oversight role.

To read the memorandum, click [here](#).

EPA Guidance on Clean Water Act Water Quality Certification

On June 7, 2019, EPA released guidance on Section 401 of the Clean Water Act (CWA) that provides recommendations to clarify and streamline the 401 Certification process and to promote greater investment in and certainty for national infrastructure projects while continuing to protect local water quality.

The guidance provides clarification and recommendations in the following main focus areas:

- Statutory and regulatory timelines for review and action on a CWA Section 401 Certification;
- The appropriate scope of CWA Section 401 Certification conditions; and
- Information within the scope of a state or authorized tribe's CWA Section 401 review.

EPA's new guidance, which replaces EPA's prior interim guidance from 2010, provides additional recommendations to federal agencies, states and authorized tribes to promote early collaboration and coordination through the 401 Certification process. EPA was directed by executive order to develop proposed new rules modernizing the agency's CWA Section 401 implementing regulations by August 8, 2019.

To read the guidance and to learn about the CWA Section 401 water quality certification process, please visit <https://www.epa.gov/cwa-401>.

EPA's Resource to Help States and Tribes Improve Water Quality Standard Public Hearings

On June 13, 2019, EPA released a new resource to assist states and tribes with maximizing participation, simplify implementation, and minimize costs associated with public hearings held for new and/or revised existing water quality standards.

To view the resource document, please visit: <https://www.epa.gov/wqs-tech/options-modernizing-public-hearings-water-quality-standard-decisions-consistent-40-cfr-255>.



Animas River—Farmington, NM

Funding Opportunities

U.S. EPA - Water Infrastructure Finance and Innovation Act (WIFIA) Loans for Water Infrastructure Projects

Close Date: July 5, 2019

The Water Infrastructure Finance and Innovation Act (WIFIA) program is accepting letters of interest from eligible borrowers interested in obtaining a loan for water and wastewater infrastructure projects. Tribes are eligible to apply and may submit a letter of interest by **July 5, 2019**.

To learn more about the WIFIA program, visit www.epa.gov/wifia or contact wifia@epa.gov. Additional resources are available at: <https://www.epa.gov/wifia/wifia-resources#informationanchor>.

U.S. EPA - Great Lakes Restoration Initiative

Close Date: July 12, 2019

There are five funding opportunities available from the Great Lakes Initiative for the FY 2019 and FY 2020. Examples of the funding opportunities include *Green Infrastructure to Reduce Stormwater Runoff* and *Water Quality Trading and other Market-based Approaches for Nutrient Reduction*. Please click [here](#) for more information.

Visit www.grants.gov for other federal grant opportunities.

Events

Native American Water Association - Available Trainings

The Native American Water Association provides Tribal water and wastewater operators, managers, utility commissions and Tribal leadership with training and technical assistance. For more information on the training events, please visit <https://www.eventbrite.com/o/native-american-water-association-22061331832>

- **Water Meters Installation Maintenance and Repair and MBR & SBR Wastewater**
Registration Fee: \$250, August 14-15, 2019
Tulalip Resort Casino; Tulalip WA
- **Sustainable Management of Rural and Small Water Systems and Wastewater MBR, SBR, Plants and Lagoon Systems**
Registration Fee: Free; August 27-30, 2019
Indian Pueblo Cultural Center; Albuquerque, NM
- **Understanding Certification Math and Cyber Security**
Registration Fee: \$500-\$575; October 22-24, 2019
South Point Hotel Casino; Las Vegas, NV

Inter Tribal Council of Arizona, Inc. – Tribal Operator Certification Training

This course is for tribal drinking water treatment facility operators. Course topics include, but not limited to, intro to surface water, groundwater and wells, water treatment processes, regulatory compliance, Safe Drinking Water Act, water safety, and math relating to water facility operations. For more information, visit http://itcaonline.com/?page_id=2987

- **Water Distribution Level 1**
July 29-August 2, 2019; Portland, OR
- **Water Treatment Level 2**
August 5-9, 2019; Fort Pierre, SD
- **Safe Drinking Water Act 202 Training Course**
August 6-8, 2019; Phoenix, AZ

Events (continued)



ITEP 2019 Tribal Lands & Environment Forum

This year's conference theme is *A National Conversation on Tribal Land and Water Resources*. Tribal water program topics – water quality, drinking water, and habitat restoration (including wetlands, streams and fisheries) will also be included with breakout sessions, trainings and field trips. For registration information, visit: <http://www7.nau.edu/itep/main/Conferences/conference>

- August 19-22, 2019; Palm Springs, California

RCAC Available Training

The Rural Community Assistance Corporation (RCAC) is a nonprofit organization that provides training, technical assistance, and resources for rural communities. For more information, visit <https://www.events.rcac.org/assnfe/ev.asp?ID=1779>

- **Rural and Small Systems Sustainable Utility Management**

July 17, 2019; Pine, AZ

25th Annual Gathering of Tribal Water and Wastewater Professionals and Tradeshow 2019

A training and networking opportunity offered by the National Tribal Water Association, Inc.

- July 17-19, 2019; Las Vegas, NV

For event and registration information: <http://www.nawainc.org/wordpress/index.php/events/>

[There is updated information](#)

8th Annual Conference Tribal Water Law

This year's conference will focus on resiliency and adaptability, plus how we can thrive during this time of critical demand of water. Examples of conference topics include Indian Water Rights, Tribal Nonpoint Source Management, and legislation updates. The registration fee for this event is \$895/person. For more information, please visit <https://cle.com/>

Resources

U.S. EPA Small Systems Monthly Webinar Series

Upcoming webinar topics include:

- July 30, 2019 – Legionella and Premise Plumbing in Buildings
- August 27, 2019 – Increasing Analytical Laboratory Preparedness

For more information, visit <https://www.epa.gov/water-research/small-systems-monthly-webinar-series>

EPA Office of Water Webinar

- July 25, 2019 (1:00 PM – 2:30 PM) Chemical Contaminant Rule, Part 3: Waivers and Reporting, and Recordkeeping

For more information and to register, visit <https://register.gotowebinar.com/register/844645230407301122>

Resources (continued)

U.S. Geological Survey Webinar

- July 25, 2019 (3:00 PM EDT) Climate Projections and the Stories They Tell

For more information, visit: https://www.usgs.gov/centers/climate-adaptation-science-centers/science/climate-projections-a-way-illustrate-future?qt-science_center_objects=0#qt-science_center_objects

U.S. EPA Updates Water Finance Clearinghouse with New Modules and Information

The U.S. EPA's Water Finance Clearinghouse is a web-based portal to help communities find information and resources to assist them in making informed decisions for their drinking water, wastewater, and stormwater infrastructure needs. New modules on the drinking water and clean water state revolving funds (SRFs), the Water Infrastructure Finance and Innovation Act (WIFIA), and Financing Septic Systems were recently added to the clearinghouse. For additional information about the Water Finance Clearinghouse, please visit: <https://ofmpub.epa.gov/apex/wfc/f?p=165:1:10603337350500::NO::>

NTWC Members – For more information, visit [Meet the Council](#).

Ken Norton

*Hoop Valley Tribe
Region 9 (NTWC Chair)*
kenpnorton@gmail.com

Michael Bolt

*Eastern Band of Cherokee Indians
Region 4 (NTWC Vice Chair)*
michbolt@nc-chokeee.com

Daniel Kusnierz

*Penobscot Indian Nation
Region 1*
dan.kusnierz@penobscotnation.org

Rene Rickard

*Tuscarora Nation
Region 2*
rrickard@hetf.org

Shaun Livermore

*Poarch Band of Creek Indians
Region 4*
slivermore@pci-nsn.gov

Kathleen Brosemer

*Sault Ste. Marie Chippewa
Region 5*
kbrosemer@saulttribe.net

Nancy Schuldt

*Fond du Lac Band of Lake Superior
Chippewa, Region 5*
nancyschuldt@fdlrez.com

Micco Emarthla

*Seneca-Cayuga Nation
Region 6*
memarthla@sctribe.com

Denise Jensen

*Winnebago Tribe of Nebraska
Region 7*
denise.jensen@winnebagotribe.com

Colin Larrick

*Ute Mountain Ute Tribe
Region 8*
clarrick@utemountain.org

Lee Anna Martinez-Silversmith

*Navajo Nation
Region 9*
leeanna.martinez09@yahoo.com

Phillip Cerna

*Coeur d'Alene Tribe
Region 10*
philc@cdatribe-nsn.gov

Eric Morrison

*Salamatof Tribe
Region 10*
emorrison@salamatoftribe.org

Ann Wyatt

*Klawock Cooperative Association, Tribe
Region 10 – Alaska*
annwyatt@klawocktribe.org

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email: itep@nau.edu