

September 2019, Vol 1, Issue 8

NTWC Member **Spotlight:** Ann Wyatt and Phillip J. Cernera

Ann Wyatt started working for the Klawock Cooperative Association (KCA) Tribe in 2001 as Receptionist/Secretary and in 2002 she was promoted to Environmental Coordinator. Ann has developed a Water Quality QAPP for their sacred sockeye river salmon runs. They test five areas, due to their proximity to industrial work sites. The five areas are the Klawock Inlet, Klawock Estuary, Klawock River, Klawock Lake and 3 Mile Creek. They are in their first year of data collection, basic data monthly and hydrocarbons yearly.

Ann also collects PSP phytoplankton water samples, nutrient samples, filtering samples and shellfish for sampling to see if they are good to harvest for tribal membership and community. The results are shared on KCA Facebook page. She previously served on the Klawock Watershed Council as Secretary/Treasurer, where she managed pass-through funds and helped with projects such as the Klawock Causeway Project, replacing culverts, which salmon swim through to make it up to the main river. Since the Klawock Watershed Council is no longer active, Ann sits on the Prince of Wales Watershed Association as a voting member. The Association has developed a Unified Watershed Assessment Plan, which will help with potential funding for future projects. Annually, they do beach/river clean up, Community Spring Clean Up, and community events such as the Tribal Environmental Coalition's Annual Earth Day Fair. This year will mark their 19th year. The environmental departments of the four tribes – Craig Tribal Association, Hydaburg Cooperative Association, Organized Village of Kasaan and Klawock Cooperative Association – make up the Tribal Environmental Coalition.

In 2015 the Tribal Environmental Coalition was awarded an Environmental Excellence Team Award at the 21st Alaska Tribal Conference on Environmental Management. On February 11, 2016, Ann was awarded the Daniel L. Ellanak



*Ann Wyatt, Region 10
Klawock Cooperative
Association/Tribe*

CONTACT INFO:

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

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<https://nau.edu/ntwc>

NEWSLETTER

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NTWC Member Spotlight Continued

Environmental Excellence Award at the Alaska Forum on the Environment. This award is for an individual who has made a long-term commitment to public education on environmental and natural resources science.

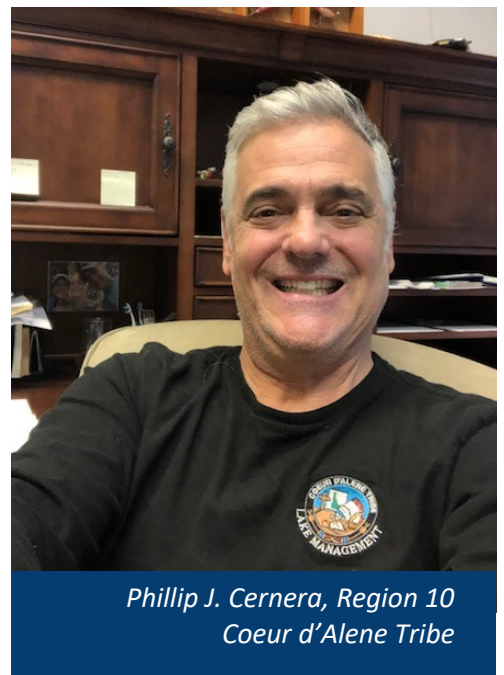
Ever since she was young, Ann learned from her Grandmother Helen to pick up garbage on their walks – she reused milk cartons, meat packaging, and ice cream buckets, and cut fish on old newspaper, among other habits. Her uncle fished only what was needed to harvest for that year. Ann recalls her grandmother making fish sandwiches for him with the last jar of fish. He was very proud to go harvesting. It was their way of life.

Ann is from the Raven Moiety, Dog Salmon L'eeneidi Clan of the Tlingit Tribe. She has three sons and a grandson who fills her heart with love. The oldest son worked for Amazon and now attends college. The middle son James has been an auto mechanic for Firestone Complete Auto Care for the past nine years. Her youngest son is a laborer who enjoys life with his son Jamal, her only grandchild whom she loves very dearly. Jamal is quickly becoming a young man and is now a freshman in high school.

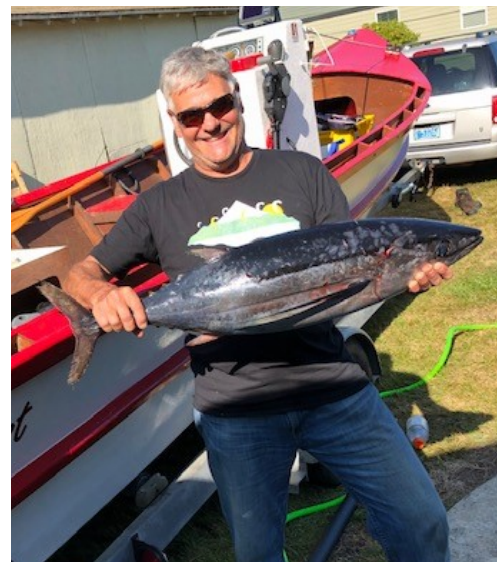
Phillip J. Cernera is the Director of the Coeur d'Alene Tribe's Lake Management Department.

For 40 years, Phillip worked in the field of environmental science and advocacy. His career has taken him from the Bering Sea as a Ground Fisheries Biologist aboard Russian and Japanese fishing vessels, to the Ecuadorian Amazon rain forest, working for the indigenous people of Ecuador fighting against big oil interests. He's worked in Indian country much of his life with tribes such as the Shoshone Bannock Tribes, the Nez Perce, Klamath and Coeur d'Alene Tribe, with which he's worked for the last 28 years. He's tackled some of the most large-scale and complex environmental issues such as the Coeur d'Alene Natural Resource Damage Assessment (wherein the Tribe was the first to file such a lawsuit), EPA Superfund cleanup of the Bunker Hill Metallurgic Site (multi-billion dollar clean up), FERC relicensing of hydroelectric facility, the north Idaho water rights adjudication, Columbia River Treaty renegotiation with Canada, the lake ownership litigation (US v. Idaho), among others. As Director of the Lake Management Department, Phillip oversees a myriad of programs (e.g., hazardous waste management, recreation management, water resource management, and cultural resource protection) spearheaded by a highly qualified team of environmental experts.

Reflecting on his career and looking back on the 12 years he spent conducting fisheries and water quality/quantity research and stream restoration in some of the most beautiful country on God's earth, he has spent months at a time hiking and flying to the remote countryside to be at one with mother earth – no cell phones, internet, or endless distractions – instead, heightened senses and the need to be present 100% of the time; the smell of ground cover after a morning dew, the sounds of water rushing by his campsites, coyotes yipping, grouse drumming, and elk bugling; the taste of fresh wild game cooking over the fire, the touch of pristine water on one's lips and body, the sight of endless Idaho wilderness in all its unyielding glory. Those were the "good old days." Now as Director of the Coeur d'Alene Tribes Lake Management Department, Mr. Cernera sees himself embroiled in protracted water rights litigation and a never-ending string of meetings



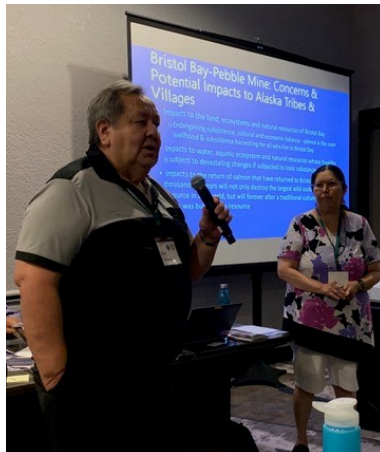
*Phillip J. Cernera, Region 10
Coeur d'Alene Tribe*



NTWC Member Spotlight Continued

to seek protection of Coeur d'Alene Lake from the toxic release of over 75 million tons of mining pollution that sit at the bottom of the lake.

Mr. Cernera has been honored with multiple awards during his career and hopes to continue his efforts working with the Coeur d'Alene Tribe for several more years. When asked about retiring, Phillip said, "I love my job, I just wish one day to reduce my work load." Phillip lives with his wife Elaina on a beautiful 12-acre parcel of land at the base of Cedar Mountain in northern Idaho. His hobbies include traveling, kitesurfing, powder skiing, fishing, landscaping/gardening and building. When asked about golf, Phillip said, "I used to golf as a kid - I'll take up golf again when I am too old to kitesurf."



Eric Morrison and Ann Wyatt, NTWC Members, at the NTWC Information & Listening Session



Nancy Schuldt, NTWC Member, at the session

National Tribal Water Council 2019 Tribal Lands and Environment Forum

The Council held an informational and listening session at the 2019 Tribal Lands and Environment Forum in Palm Springs, California. NTWC shared information with conference attendees on current EPA water initiatives and heard concerns from tribal representatives about issues they may be facing as a result of EPA initiatives and proposed rulemaking processes.

Chairman Ken Norton led the presentation and the session panel consisted of NTWC members Nancy Schuldt, Eric Morrison, Ann Wyatt, and Denise Jensen. The following topics were discussed during the session:

- **Step 2 Rulemaking Process for Waters of the United States (WOTUS)**
The Council shared that the Navajo Nation met with EPA and Army Corp of Engineers representatives in a government-to-government consultation and Navajo Nation provided supplemental comments on two key points. They are as follows:
 - EPA should exclude tribes from the rule changes because of the greater importance of waters to tribes and EPA's greater obligations to tribes; and
 - EPA should consider geographic differences when framing the rule, such that tribes (and states) in arid and semi-arid areas of the country are more dependent on intermittent and ephemeral waters and so those waters should be included as WOTUS in those regions.

Adding to Navajo Nation's supplemental comments, the Council proposed that all waters that flow through or on tribal lands be designated as "Waters of the Tribe" ("WOTT"), and as such, Waters of the Tribe would be considered WOTUS.

- **CWA 401 Certification Revision**
Potential implications for tribes were highlighted from the proposed revisions to the Clean Water Act 401 Certification.
- **Tribal Water Quality Standards**
NTWC is developing a guide (handbook) as a resource for tribes to develop their own set of water quality standards under their own tribal authority, separate from federally-approved WQS.

The presentation, along with other ITEP presentations, can be accessed at:
https://www7.nau.edu/itep/mainConferences/confr_tlef

ANNOUNCEMENT

NTWC Information Webinar - EPA's Proposed Clean Water Act 401 Certification Revisions Tuesday, October 1, 2019 at 1:00 PM to 2:00 PM PDT

The National Tribal Water Council (NTWC/Council) will be hosting an informational webinar on EPA's proposed revisions to the Clean Water Act 401 Certification. On August 8, 2019, the EPA signed a proposed rule to implement Clean Water Act section 401. The proposed rule would replace and modernize the existing water quality certification regulations. The informational webinar will include a brief overview of the proposed revisions, its implications for tribes, and allow time for tribal representatives to ask questions.

To register for the webinar, click here: <https://attendee.gotowebinar.com/register/6922185860879725069>



In the NEWS

Public Comment Period Open: Proposed Withdrawal of Certain Federal Human Health Criteria in the State of Washington

EPA is proposing a rule to withdraw certain federal human health water quality criteria that are no longer needed since the EPA approved of the State of Washington's human health criteria on May 10, 2019. EPA approved the corresponding water quality criteria adopted by the State of Washington that meet the requirements of the Clean Water Act. Once the withdraw is finalized, the State of Washington can implement its EPA-approved human health criteria previously submitted in 2016 and approved on May 10, 2019.

The public comment period is now open and closes on **October 7, 2019**. More information can be found at: <https://www.epa.gov/wqs-tech/withdrawal-certain-federal-human-health-criteria-washington-proposed-rule>

Public Comment Period Open: Proposed Updates to Regulations on Water Quality Certification - CWA 401 Certification

On August 22, 2019, EPA published for public comment a proposed rule providing updates and clarifications to the substantive and procedural requirements for water quality certification under Clean Water Act (CWA) section 401. CWA section 401 is a direct grant of authority to states (and tribes that have been approved for "treatment as a state" status) to review for compliance with appropriate federal, state, and tribal water quality requirements any proposed activity that requires a federal license or permit and may result in a discharge to waters of the United States. This proposal is intended to increase the predictability and timeliness of section 401 certification by clarifying timeframes for certification, the scope of certification review and conditions, and related certification requirements and procedures.

The comment period for this proposed regulation closes on **October 21, 2019**. Tribes may submit comments as follows:

- Reference Docket ID No. EPA-HQ-OW-2019-0405-0025
- Regulations.gov website: <https://www.regulations.gov/document?D=EPA-HQ-OW-2019-0405-0025>

A public webinar was held on August 20, 2019 and you may access the recording at: <https://www.epa.gov/cwa-401/public-webinar-proposed-updating-regulations-water-quality-certification-rule>.

More Information on proposed rule: <https://www.epa.gov/cwa-401/updating-regulations-water-quality-certification>. Tribes may request for individual consultation before the 60-day comment period ends and requests can be submitted via email, cwa401@epg.gov.

Consultation Opportunity: 2020 Drinking Water Infrastructure Needs Survey and Assessment

EPA has initiated tribal consultation on the proposed design and approach for the EPA's forthcoming 2020 Drinking Water Infrastructure Needs Survey and Assessment (DWINSA), which will include surveying the 20-year infrastructure investment needs of public water supply systems owned or operated by federally recognized American Indian Tribes or by Alaskan Native Villages. The last time the needs of tribal water systems was included in the DWINSA in 2011, and EPA is looking to consult as it works to develop its final design and approach to the 2020 survey.

The consultation period ends on **November 28, 2019**. For more information on the EPA's Drinking Water Infrastructure Needs Survey and Assessment, please visit: <https://www.epa.gov/dwsrf>.

At any point in the tribal consultation process, tribes may submit written comments to:

- E-mail barles.robert@epa.gov
- Mail: Attn: Robert Barles, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water, Mail Code: 4606M, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Attention: DWINSA Tribal Consultation

Tribes may request for follow up consultation meetings and must submit the request in writing to barles.robert@epa.gov by October 18, 2019. More information can be found at <https://tcots.epa.gov>.

DEADLINE EXTENDED

National Tribal Water Council: At-large Member Recruitment

The Council is currently seeking one tribal water professional to serve as an at-large member. The application packet is available on the NTWC's website at <https://www.nau.edu/ntwc>. The deadline to submit an application is **November 29, 2019**.

If you have any questions, please contact Elaine H. Wilson, Project Manager for the National Tribal Water Council, Institute for Tribal Environmental Professionals, Northern Arizona University by email at: Elaine.Wilson@nau.edu or by phone at (480) 340-2306.

Upcoming Events

IHS Sanitation Facilities Construction (SFC) Tech Webinar: Source Water Protection Overview

This 90-minute webinar presented by Bo Williams, U.S. EPA, and members of the Colorado Rural Water Association focuses on the concept of source water protection. Source water protection is a proactive approach taken by Public Water Systems (PWS) to prevent the pollution of lakes, rivers, streams, and groundwater that serve as sources of drinking water. The source water protection plan (SWPP) is a planning document that utilizes key community members and stakeholders to identify a source water protection area, evaluate the risk of potential contaminant sources to the drinking water supply and outlines best management practices to protect the source waters. The planning process is also useful for utilities that are siting a new water source. Keeping the principles of source water protection in mind during the early design phase of siting future groundwater wells and/or surface water intakes may alleviate future risks to the drinking water supply.

Upcoming Events Continued

The intended audience for this webinar includes Indian Health Service (IHS) engineers and technicians, IHS environmental health officers, tribal environmental departments, and tribal utility departments. Discussions will include a background/overview of source water protection planning, federal regulation and tribal level responsibilities, components of a source water protection plan, case studies, siting water sources, and funding opportunities.

When: October 8, 2019; 2:00 PM – 3:30 PM ET

[Click for more information and to register.](#)

Search Course Name "SFC Tech Webinar: Source Water Protection Overview."

NOTE: Participants must create an IHS profile to register for this webinar.

[Click here for registration instructions.](#)

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>

- **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

- **General Module & Very Small Water Systems**
October 21-25, 2019; Walker, MN

RCAC Available Training

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/rcac/calendar.asp?Cal_View=YEARVIEW&Cal_Day=1&Cal_Month=8&Cal_Year=2019

- **Financial Management for Small Water Systems - Online**
October 8, 2019 (10:00 AM-12:00 PM)
- **Operator Math - Online**
October 22, 2019 (10:00 AM-12:00 PM)

EPA National Water Modeling Workshop Sponsored Training: Exploring and Applying Surface Water Quality Modeling Tools to Achieve Program Goals

A four-day workshop for program staff from EPA, states, tribes, and territories who want to learn more about surface water quality modeling and how these tools can be used to support their program activities. The workshop will provide an opportunity to learn about a variety of surface water quality modeling tools through case study presentations, advanced hands-on training opportunities, and updates on anticipated advances and changes to models. Attendees will also assist in identifying information technology enhancements for user interfaces, architecture, and maintenance for key models. For more information, visit: <https://www.eventbrite.com/e/national-surface-water-modeling-workshop-tickets-56555334528>

- October 29-November 1, 2019; Dallas, TX

R E S O U R C E S

U.S. EPA Small Systems Monthly Webinar Series

Upcoming webinar topics include:

October 29, 2019 - Funding Opportunities through EPA's Drinking Water Program

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

EPA Lead Service Line Identification and Replacement Webinar Series

December 5, 2019 (2:00 PM - 3:30 PM EST) Lead Service Line Identification and Replacement Webinar Series:
Focus on Small Utility Perspectives

For more information and to register, visit <https://register.gotowebinar.com/register/3341682315449795585>.

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

Ken Norton

*Hoopa 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 Cerner

*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