

National Tribal Water Council and EPA Office of Water
2025 Spring In-Person Meeting
Washington, D.C.
May 21-22, 2025

DAY 1 SUMMARY NOTES

I. Attendees

- **NTWC (in-person):** Ken Norton (R9, Chair); Chauncey Means (R8, Vice Chair); Dan Kusnierz (R1); Brian Patterson (R2); Andria Greene (R3); Rainee Tetreault (R4); Shaun Livermore (R4, At-Large); Nancy Schuldt (R5); Debbie Dotson (R6); Kayla Vondracek (R7); Scott Hauser (R10, At-Large); Eric Morrison (R10, Alaska); Mary Verner (R10)
NTWC (virtual): Yolanda Barney (R9, Navajo Nation); Ann Wyatt (R10, Alaska)
- **EPA (in-person):** Benita Best-Wong; Yu-Ting Guilaran; Wynne Miller; Katie Foreman; Holly Galavotti; Sam Russell; Myra Price; Margot Buckelew; Dan Consigli; Sara Hisel McCoy; James Ray; Danielle Anderson; Liana Prudencio; Melissa Dreyfus; Adam Griggs; Kerry Kuntz, Alicia Denning, Nizanna Bathersfield, Steve Epting, Lauren Kasperek, Rachel Croy, Laura Shumway, Kerry Kuntz, Susan Holdsworth, Sarah Lehman, Gregg Serenbetz, Brian Hasty, Erica Fleisig, Manjali Vlcan, Ed Dunne
EPA (virtual): Matthew Richardson; Rory Hytrek; Susan Holdsworth; Amy Weber
- **ITEP (in-person):** Elaine Wilson; Elaina Doral

II. Opening Session

- **Benita Best-Wong, Deputy Assistant Administrator Office of Water**
Benita Best-Wong provided opening remarks and highlighted the work accomplished through the EPA's Tribal Action Plan that focused on enabling access to safe drinking water and reliable wastewater infrastructure and management in Indian country.

EPA continues the important work of collaborating with Tribal Nations. In February, when EPA Administrator Zeldin spoke with a Regional Tribal Operations Committee, he stressed the importance of the federal trust responsibility as the foundation for government-to-government relationships and promoting collaboration and Tribal self-determination.

EPA Office of Water continues to collaborate with the NTWC and recognizes the knowledge of its members. EPA has provided grants, technical assistance, and consultations with federally recognized Tribes. Currently, the EPA has initiated consultation for "Waters of the United States" (WOTUS). EPA is holding Tribal listening sessions and continues to meet with Tribes. WOTUS is a foundational component of the Clean Water Act.

- **Ken Norton, NTWC Chair, Hoopa Valley Tribe**
Chair Ken Norton started his remarks noting the EPA Office of Water's commitment to the Tribal Action Plan that included great milestones to provide safe drinking water and wastewater management.

The federal government has a responsibility to uphold its trust responsibility to Tribal Nations. Earlier, the current administration rescinded past Executive Orders (E.O.), such as the *E.O. 12898 on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* and *E.O. 14112 Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination*. The rescinded E.O.s impact Tribal Nations and their ability to address climate change and implement federal funding in a flexible and efficient manner.

Chairman Norton emphasized that Tribes are sovereign nations that are recognized as political entities rather than racial entities and this is affirmed by the Supreme Court. This foundational difference is highlighted by the government-to-government relationship between Tribes and the federal government.

EPA Administrator Zeldin provided virtual remarks to combined Region 8 and Region 9 RTOC that emphasized EPA's commitment to maintaining the federal trust responsibility between Tribes and the federal government. EPA seeks to collaborate with Tribes to streamline processes, reduce restrictions, and promote economic development under the Powering the Great America Comeback initiative.

Under these commitments, NTWC is hopeful that the EPA will continue to implement its existing Tribal consultation policies to help the current administration better understand the unique challenges faced by Tribes. NTWC endorses the U.S. Government Accountability Office's review of how the federal government collaborates across the agencies and how the agencies meet the drinking water and wastewater infrastructure and funding needs of Tribes.

NTWC requests the EPA to adopt the stance of the Department of Interior Secretarial Order No. 3416 that recognizes the statutory authority and treaty and trust obligations to Tribes. It also excludes Tribal Nations from the evaluation of programs under EOs, which are considered harmful to health and welfare of tribal citizens and their environment.

NTWC hopes that the FY 2026 EPA program budgets be fully funded at current levels with no additional award restrictions or terminations. Additionally, the remaining 2026 Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) monies for Tribal drinking water infrastructure development should be sequestered to regional-specific Tribal projects, and cooperative agreements.

NTWC continues its support for Tribes in obtaining TAS for CWA Section 401(a)(2) to participate as a neighboring jurisdiction. The Council requests expanding the EPA Wetland Program grants to improve implementation support.

The NTWC is excited to work with the EPA Office of Water Tribal Programs. We look forward to all the opportunities to strengthen Tribal sovereignty and provide access to clean air, clean water, and clean land in Indian Country.

Questions/Comments

Nancy Schuldt shared that the Fond du Lac Band has experienced the fallout of the redefinition of WOTUS. The Tribe was consulting with the Army Corp of Engineers regarding a project that impacts waters and wetlands adjacent to a Tribal cemetery. The wetlands won't be recognized

under the redefinition. Benita Best-Wong suggested everyone to send in the real-life impacts during the comment period.

Shaun Livermore noted that the NTWC has raised different issues throughout the years, particularly the water infrastructure technical assistance initiatives. The NTWC is seeing the positive impacts of EPA's efforts regarding those initiatives.

Mary Verner discussed the importance of the Tribal Reserved Rights Rule and the importance of the CWA 401 Certification with Tribes serving as a neighboring jurisdiction. Progress has been made as part of EPA's commitment to recognize the sovereign authority of Tribes.

III. Tribal Drinking Water and Clean Water Infrastructure Funding & Technical Assistance

- Yu-Ting Guilaran, Deputy Director Office of Groundwater & Drinking Water**

Yu-Ting Guilaran provided an update from the Office of Groundwater Drinking Water. Yu-Ting is the co-chair, with Wynne Miller, Deputy Director in the Office of Wastewater Management, of the Infrastructure Task Force (ITF). She expressed appreciation to Chairman Norton and Shaun Livermore for participating in the last ITF meeting held in December 2024.

Yu-Ting noted that the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), funding has supported the Tribal water infrastructure work by the EPA and its federal partners, such as the Indian Health Service. Funding through IIJA includes over \$965 million for drinking water and wastewater funding from EPA for Tribes over 5 years. This funding helps Tribal utilities identify and replace lead service lines and address emerging contaminants, like PFAS.

Yu-Ting noted appreciation for the feedback that the NTWC provided on the supplemental questions to be included in the next Drinking Water Infrastructure Needs Survey and Assessment (DWINS). This survey is conducted every four (4) years. The supplemental questions will be used to improve EPA's ability to assess Tribal utility needs.

Touching again on the work of the ITF, Yu-Ting noted that the ITF was formed to address drinking water, wastewater, and solid waste needs, and at its core, seeks ways to increase collaboration between federal agencies to improve services to Tribes. She also touched on EPA's Water Technical Assistance (WaterTA) Program through which EPA provides direct, free technical assistance to communities and utilities to help build technical, managerial, and financial capacity; assist with compliance, and/or access sources of infrastructure funding. She noted that, to date, approximately 35 Tribes are being provided technical assistance for their drinking water needs, including eight projects for drinking water engineering services in Portland, Oklahoma City, and Navajo Indian Health Service areas to support projects that will: address nitrate in drinking water for the Iowa Tribe in Kansas and Nebraska; assess drinking water reservoir storage and rehabilitation needs for the Swinomish Tribe, and on the Navajo Nation, conduct preliminary engineering and hydraulic analyses to help provide first access to in-home piped drinking water.

The program provides a network of technical assistance for conducting lead service line inventory, implementation of the Lead and Copper Rule, sampling and planning to address emerging contaminants, and providing engineering support services. The Office of Groundwater and Drinking Water is continuing to conquer needs, one at a time.

- **Wynne Miller, Deputy Director Office of Wastewater Management**

Wynne Miller provided an update from the Office of Wastewater Management on wastewater infrastructure, technical assistance, and funding. In FY 2024, there was \$70 million in funding for the planning, design, and construction of wastewater infrastructure for Tribes. The FY 2025 funding will be about \$89 million.

The funding for Alaska Native Villages was \$40 million last year and funded five projects in rural areas. For FY 2025, the funding is \$39 million.

The Clean Water Indian Set Aside (CWISA) Emerging Contaminant (EC) Program through the IIJA provided \$20 million over five years that may be accessed regionally. The CWISA-EC offers a broader set of eligibility for Tribes than States have through the CWSRF-EC. Please contact your regional coordinator for more information.

EPA offers free Water Technical Assistance (WaterTA) for various activities, including engineering support. Tribes may submit a request online at <https://www.epa.gov/water-infrastructure/water-technical-assistance-waterta>. Through the technical assistance program, EPA has contracted support through the Environmental Finance Centers. There are 17 centers in total that provide assistance for drinking water and wastewater issues.

EPA initiative [Closing America's Wastewater Access Gap](#) provides no-cost technical assistance to communities with failing septic systems or without existing wastewater infrastructure. There are 11 communities obtaining assistance, including the San Carlos Apache Tribe and Santo Domingo Pueblo.

Additionally, Congress directs monies to specific projects through the community grants program. Approximately \$35 million in grant funding was provided to 21 Tribes. Please contact your local representative about the funding and to get your project on the list.

Questions/Comments

Chair Ken Norton commented on the current FY 2025 and proposed FY 2026 budget. He requested that the full FY 2026 budget be sequestered for Tribal regional projects and cooperative agreements.

Chair Norton commented on the upcoming U.S. Government Accountability Office's report that is examining how federal agencies are collaborating and utilizing resources for Tribal water systems. The report should be finalized in June 2025.

He shared that it was a great experience attending the ITF meeting and the response from other agencies was positive. Chair Norton talked about a future project to gather information from

Tribes about operations and maintenance of their water systems. NTWC plans to develop a recommendations report based on the Tribes' feedback.

Chair Norton discussed the joint evaluation of the CWA 106 program with Wynne Miller. He would like to see a baseline established for the funding amount. The CWA 106 program is one of the core foundation programs that help Tribal programs conduct baseline monitoring and establish regulatory programs. Tribes have been asking for funding increases and establishing a baseline would help.

Shaun Livermore commented that the ITF is a valuable asset and allows various stakeholders to come together. He has seen the positive impacts and progress being made. It is great that the ITF understands the NTWC's perspective on operations and maintenance. Shaun appreciates what the EPA water programs have done and continues to do. Yu-Ting Guilaran stated that the EPA is working on a notice of funding opportunity to provide training for water operators. It's important to keep operators and have the water system operating properly. EPA looks forward to collaborating with the NTWC to find viable solutions on how to retain operators, train the next generation of operators, and offer apprenticeships.

Andria Greene likes the apprenticeship idea, especially with Region 3 Tribes needing technical assistance. Region 3 Tribes are having conversations about technical assistance and developing projects under specific grant programs. Wynne Miller suggested contacting the regional tribal coordinator for assistance and examples of past projects.

Eric Morrison mentioned the NTWC white paper on the Asplund Wastewater Treatment Facility in Anchorage, Alaska. It's a facility that releases approximately 35 million gallons of discharged water into the Cook Inlet. Alaska Native Tribes have advocated for studies on the impacts of the discharge in the habitat, especially since the tribal members ferment fish on the beaches. Approximately 90% of Alaska Native population still live off the land. The treatment facility along with mineral, oil, and gas mining are threatening the livelihood of Alaksa Natives.

IV. CWA 106, CWA 319, Wetland Program, & Geographic Programs (Daniel Consigli, CWA 106 Program OWM; Myra Price, Wetland Grant Program OWOW; Margot Buckelew, CWA 319 OWOW)

• CWA Section 106 Program Update

Daniel Consigli provided an update for the CWA Section 106 Program. The funding levels for FY2025 remain the same as FY2024 at \$225.6 million. In FY2024, the program released the Section 106 Tribal Guidance and finalized the supplemental documents for monitoring strategy and data management. The FY2026 President's Budget was not available at the time of the meeting.

Questions/Comments

Nancy Schuldt noted that many Tribes access Section 106 funding, but the funding has not increased. For example, there are 35 Tribes in Region 5 that have Section 106 funding. She commented that 106 funding is a core foundational program. It is used for monitoring to establish a baseline, but the question is how to use that information to move into Tribal water quality regulatory program.

- **Wetland Program Development Grants**

Myra Price provided an overview of the Wetland Program Development grants. The goal of the program is to build capacity for Tribal wetland programs only; this program is not for implementation. For FY2025, the allocated funding is \$14.085 million.

There are two notices of funding opportunities: regional and Tribal-only. Tribes are eligible for both opportunities. There are two tracks for program capacity building and refinement activities. For Track 1, funding may be utilized to develop a wetland program plan and/or carry out actions from an approved wetland program plan. For Track 2, funding may be used to carry out actions/activities from the core element framework.

EPA has “A Guide for Developing Tribal Wetland Management Programs” that provides

examples of Tribal wetland program plans. More information is available, please visit:

<https://www.epa.gov/wetlands/wetland-program-development-grants-and-epa-wetlands-grant-coordinators>.

Questions/Comments

Chair Ken Norton has been collaborating with the National Association for Wetland Managers (NAWM) to urge the wetland grant program to include implementation, not just capacity building.

- **Section 319 Program Update**

Margot Bucklew provided an update on the Section 319 Program. The total appropriation for the Tribal set-aside has been approximately \$13 million for the past three years. The FY 2025 funding for the Tribal 319 program is \$13.24 million, which is utilized for both base and competitive grants.

Other Section 319 Program projects include finishing the Tribal Water and Natural Resources Conservation Guide and conducting regional Clean Water Act trainings. The program plans to update the Tribal Nonpoint Source Handbook.

The program is conducting the upcoming training:

- CWA 303(d) and 319 Protection Learning Exchange, Sept 30-October 2, 2025
- National NPS Training Workshop, Oct 27-29, 2025
- R10 CWA Tribal Training, Nov 17-20, 2025

Questions/Comments

Chair Ken Norton was pleased to see Tribes doing 319 restoration and diving into that level of compliance.

Rainee Tetreault shared that the Eastern Band of Cherokee Indians are working with the State of North Carolina on a Section 319 protection project with grant funding from the state.

Dan Kusnierz noted that Tribes focus on protection and restoration. Tribes have a different set of criteria with a 319 program when compared to other programs, such as states.

V. WOTUS, Water Quality Standards Program, & CWA 401 Program (Laura Shumway, OWOW; Sara Hisel-McCoy, Director of the Standards and Health Protection Division OST; James Ray WQS Program; Liana Prudencio, CWA 401 Program OWOW; Melissa Dreyfus, WQS Program)

- **“Waters of the United States” (WOTUS) Update**

On March 12, 2025, the EPA and Army Corp of Engineers released a joint memo issuing guidance on the implementation of “continuous surface connection” as part of the U.S. Supreme Court’s decision in the *Sackett v. EPA* case. Laura Shumway covered the scope of relatively permanent, continuous surface connection, and jurisdictional ditches. For more information, please visit: <https://www.epa.gov/wotus>.

Questions/Comments

Chair Ken Norton reviewed some of the submitted written comments. In summary, the *Sackett* decision provided the foundation for relatively permanent and continuous surface connection. The written comments urge EPA to keep that under that decision and not to expand the scope.

The NTWC requests to keep it to one test. A continuous surface connection should be a criteria to determine wetland adjacency. Additionally, NTWC continues to urge the EPA to include Tribes as part of the interstate waters.

Nancy Schultdt provided a real-world example of how things are working under the new definition and due to the release of the implementation memo. The Army Corp of Engineers have lost jurisdiction over wetlands. The Fond du Lac Band was working on a project where a Tribal cemetery is on a wetland. It was a jurisdictional wetland before the memo and now it’s not. Nancy urged for a science-based implementation to protect natural cultural resources. Otherwise, there is no engagement or federal trust responsibility.

Andria Greene added that there are various scientific features to consider when designating jurisdictional wetlands.

Eric Morrison recently met Region 10 Administrator Emma Pokon and was pleased to hear about her knowledge of grey water. Eric has previously discussed the impacts of grey water from cruise ships on waters and the habitat as its released into maritime waters and international waters.

- **Water Quality Standards Program** (Sara Hisel-McCoy, Director of the Standards and Health Protection Division OST)

Sara Hisel-McCoy gave an update on the Tribal Reserved Rights Rule, which was finalized in May 2024. The rule is being challenged by twelve states. EPA is currently in deliberation.

In December 2024, EPA updated/drafted three chapters of the Water Quality Standards Handbook and released them for public comment. The comment period ended in April 2025. The updated chapters were *Chapter 2 – Designation of Uses*, and *Chapter 4 – Antidegradation*. A new chapter on *WQS Variances* was drafted.

EPA typically conducts two virtual Water Quality Standards Academy sessions every year that complement the Handbook. EPA plans to hold a virtual Water Quality Standards Academy in December 2025.

For more information, visit: <https://www.epa.gov/wqs-tech>.

Questions/Comments

Chair Ken Norton commented that a few Tribes have intervened in the states' litigation against EPA on the Tribal Reserved Rights rule and noted that those Tribes may oppose any action EPA takes to reverse its prior positions. The Tribal Reserved Rights Rule was codified under federal law and provides a framework for the interaction between Tribes and states.

Nancy Schultdt discussed how the Tribal Reserved Rights rule works by the productive interaction between the Fond du Lac Band and the State of Minnesota. Tribes may collaborate with states on improving water quality standards protection.

- **Tribal Water Quality Standards** (James Ray, WQS Program)

The available water quality standards (WQS) templates and tools for Tribes were presented, which included streamlined TAS for WQS template and model WQS template for Tribes. The templates may be downloaded and customized. Another available tool is the human health criteria calculator that can produce a printable table for fish consumption rates and cancer risk levels.

Currently, there are 85 Tribes with TAS, 52 Tribes with EPA approved WQS, and one Tribe with federally promulgated WQS.

For more information, visit: www.epa.gov/wqc, <https://www.epa.gov/wqs-tech/water-quality-standards-tools-tribes>.

Questions/Comments

Eric Morrison commented that GAP should be used as a tool on a government-to-government basis. With GAP, Tribes should continue to use the grant program for continued research and not just a learning tool. Tribes should have the freedom to continue conducting research to see what is happening in the environment.

Rainee Tetreault asked if EPA works with the Bureau of Indian Affairs (BIA) to make the TAS process go smoother. James Ray replied that the EPA often coordinates with the BIA when there are issues about jurisdiction and boundaries. Chair Ken Norton shared that the BIA has water rights funding that may be used for jurisdictional issues and associated legal costs.

- **CWA Section 401 Program – Treatment in a Similar Manner as a State (TAS)** (Liana Prudencio, CWA 401 Program OWOW)

An overview was presented on the Clean Water Act Section 401 and 401(a)(2) and opportunities to obtain treatment in a similar manner as a state (TAS). Tribes may obtain TAS for 401 in its

entirety or for 401(a)(2) alone. After receiving CWA Section 401 TAS, Tribes have two roles: (1) act as a certifying authority; and (2) participate in the 401(a)(2) process as a “neighboring jurisdiction” if EPA determines that a discharge from the certified or waived project may affect their water quality. Tribes who obtain TAS for 401(a)(2) alone would have the latter role only and participate as a “neighboring jurisdiction” in the 401(a)(2) process.

Tribes that act as a certifying authority may grant, grant with conditions, deny, or waive certification for a project. Tribes with the status of a “neighboring jurisdiction” may object to the issuance of a federal license or permit whose discharges will violate the Tribe’s water quality requirements on their reservation and request a public hearing. A comparison was provided to show the difference in roles and responsibilities.

EPA has Section 401 TAS application templates available on its website at <https://www.epa.gov/cwa-401>.

There was a comment that the NTWC supports keeping the 401(a)(2) notification process intact.

- **Water Quality Standards Variances** (Melissa Dreyfus, WQS Program)

An overview of water quality standards variances was discussed. A water quality standard variance is a time-limited designated use and criterion for a specific pollutant for a specific water body where the current designated use and criterion are unattainable for a period of time but incremental water quality improvements can be made. WQS variances focus on what can be done to improve water quality.

The EPA website includes a WQS variance building tool, presentations, and infographics. For more information, visit: <https://www.epa.gov/wqs-tech/water-quality-standards-variances>.

Questions/Comments

Vice Chair Chauncey Means asked if there are WQS variances being used in Tribal communities. Melissa Dreyfus replied that there are a couple of Tribes who have engaged with EPA regarding WQS variances.

Nancy Schuldt asked if the WQS guidance will include how to track effectiveness.

VI. Water Quality Monitoring Data in Indian Country & EPA’s Water Quality eXchange (WQX) (Adam Griggs, WQX-OWOW; and Kerry Kuntz, NARS)

- **Data Reporting and the Tribal Section 106 Program**

An overview was provided on the online CWA data systems: How’s My Waterway? (HMW), water quality portal (WQP), water quality eXchange (WQX), and Assessment, Total Maximum Daily Load Tracking and Implementation System (ATTAINS).

The HMW, WQP, and WQX are connected water quality data systems. HMW allows users to view and integrate data. WQP offers users the ability to download and use data. WQX lets users share and manage data.

Adam Griggs showcased the features of each data systems, including how sensitive data is protected. EPA has been working on updates to the systems as well, such as the ability to rename data.

Tools for Assisted Data Analysis (TADA) is being developed by EPA, states, and Tribes to analyze data from the WQP. Tribal ATTAINS program allows Tribes to publish their Tribal Assessment Reports electronically. Currently, there are 40 Tribes that are participating in the Tribal ATTAINS pilot program.

Questions/Comments

Eric Morrison asked if there is a simple tool for Tribal members to use to measure water quality, especially with the proposed mining projects. He asked for the simplest way to measure contaminants, such as lead, arsenic, etc.

- **Environmental Network Grant Program**

The Exchange Network (EN) is a platform for sharing environmental information among EPA, states, Tribes, and territories. An overview was provided for the EN competitive grant program.

The grant is open for states, territories, Tribes and inter-tribal consortia. There are three funding areas: (1) increased data access and innovative business processes; (2) eliminate paper submittals and expand e-reporting; and (3) augment the information management capacity of EN partners. For more information, please visit: <https://www.epa.gov/exchangenetwork>

- **Tribal Exchange Network Group (TXG)**

The Tribal Exchange Network Group supports Tribal management, analysis and sharing of environmental data. The Tribal Exchange Network holds monthly Tribal Data Drop-in Sessions every third Thursday. TXG provides training, tribal assistance, grants, and resources.

For more information, please visit: <https://www.tribalexchangenetwork.org/>

- **National Aquatic Resource Surveys (NARS)**

The National Aquatic Resource Surveys are a collaborative program between the EPA, states, and Tribes to assess the quality of the nation's waters. The survey is conducted every five (5) years and measures the biological, physical, chemical, and recreational indicators.

Tribes have participated in the NARS by attending training, assisting with sampling, and allowing for sampling on Tribal land. For more information, please visit: <https://www.epa.gov/national-aquatic-resource-surveys>

The following questions were asked to obtain feedback on possible future discussion and collaboration.

- What questions are you interested in addressing about Tribal water quality across the country?
- Would NARS or a NARS approach support your interests?
- Would nationally consistent benchmarks for assessments be appropriate?

Currently, sites are selected randomly for the survey. This may affect the number of Tribes that are included in NARS.

Questions/Comments

Nancy Schuldt stated that the program was beneficial. The Fond du Lac Band participated in the lakes survey two years ago.

VII. Wrap Up & Summary of Action Items

Today's meeting provided great information that can be shared with the regions. Chair Ken Norton stated he looks forward to the second day to meet with OITA Principal Deputy Assistant Administrator Victoria Tran and raise issues of concern.

National Tribal Water Council and EPA Office of Water
2025 Spring In-Person Meeting
Washington, D.C.
May 21-22, 2025

DAY 2 SUMMARY NOTES

I. Attendees

- **NTWC (in-person):** Ken Norton (R9, Chair); Chauncey Means (R8, Vice Chair); Dan Kusnierz (R1); Brian Patterson (R2); Andria Green (R3); Rainee Tetreault (R4); Shaun Livermore (R4, At-Large); Nancy Schuldt (R5); Kayla Vondracek (R6); Debbie Dotson (R7); Scott Hauser (R10, At-Large); Eric Morrison (R10, Alaska); Mary Verner (R10)
NTWC (virtual): Yolanda Barney (R9, Navajo Nation)
- **EPA (in-person):** Holly Galavotti; Victoria Tran; Monica Rodia; Lauren Kasparek; Alicia Denning; Nick Spalt; Lisa Berrios; Andy Byrne
EPA (virtual): Tom Speth; Jay Garland; Erin Seyfried; Patricia McGrath; Suzanne van Drunick; Brenda Rashleigh, Tod Siegal, Courtney Tuxbury
- **ITEP (in-person):** Elaine Wilson; Elaina Doral

II. Opening Session

- **Victoria Tran, Principal Deputy Assistant Administrator Office of International and Tribal Affairs**

Victoria Tran provided a brief introduction and background on her experience in environmental programs. As part of the Office of International and Tribal Affairs (OITA), Victoria Tran has attended Regional Tribal Operations Committee (RTOC) meetings. She recently attended the combined Region 8 and 9 RTOC meeting.

Communication is key for the OITA as part of its federal trust responsibility and government-to-government relationship with Tribes. By attending the RTOC meetings, OITA can understand and see the perspectives of Tribes. Each Tribe is different, and each region is different. OITA continues to strengthen the partnership between the EPA and Tribes.

- **Ken Norton, NTWC Chair, Hoopa Valley Tribe**

Ken Norton attended the Region 9 RTOC meeting and appreciated the straightforward and direct answers provided by Victoria Tran. It resonated with the Region 9 Tribes. He appreciated her willingness to take the message back and speak with EPA Administrator Zeldin.

Currently, there are concerns about funding and eliminating Tribal programs. It was reported that the funding for the Tribal Pesticide Program Council has ended. Chair Norton stressed the importance of Tribal partnership groups. Additionally, there is a need for project officers in the GAP program. There is uncertainty about funding, and this interferes with the process in the GAP program, such work plan reviews.

Chair Norton opened the discussion with the NTWC members and provided them with an opportunity to share their interactions, concerns, and information as part of that honesty and

straightforwardness.

The following highlights portions of the discussion:

- Funding - Tribes were notified of the termination of their environmental justice grants, which resulted in the termination of staff and projects. The abrupt termination of the grant caused issues with invoicing and there was a lack of communication.

There are discussions about Tribal environmental program funding being reduced as well in the upcoming EPA budget. NTWC urged the EPA to maintain the same funding levels to maintain Tribal environmental programs.

- EPA 1984 Indian Policy – NTWC asked for the EPA to reaffirm the EPA's 1984 Indian Policy and to continue its federal trust responsibility and consult with Tribes on a government-to-government basis. NTWC looks forward to working with the EPA as partners on issues affecting Indian Country.
- Treatment in a Similar Manner as a State (TAS) – NTWC advocates for Tribes seeking TAS under the Clean Water Act. There is great difficulty in developing regulatory programs. Tribes are looking at available mechanisms in helping with regulatory programs. NTWC promotes TAS and baseline water quality standards.

III. NTWC Roundtable

The following is a highlight of the topics discussed by the NTWC members during the roundtable.

- **Tribal Treaty and Trust Obligations**

NTWC requested the EPA to reaffirm its 1984 Policy for the Administration of Environmental Programs on Indian Reservations. Furthermore, the administration and its federal agencies have an obligation to uphold Tribal treaty and trust responsibilities.

- **Funding Concerns**

NTWC members expressed their concerns regarding the reduction and elimination of funding. A few members had their EPA Environmental Justice Thriving Communities grant canceled. The current administration has canceled grant programs which have impacted tribal programs by losing tribal staff and outside experts employed by nonprofit organizations.

- **Mining**

The Unleashing American Energy and its associated Executive Orders are impacting Tribes with proposed oil and mining projects. The PolyMet mine and copper nickel mine projects will restart despite previous objections from the Fond du Lac Band of Lake Superior Chippewa. In addition to those projects, a helium mining project is being proposed in Minnesota. Uranium mining is also being proposed on the Navajo Nation. Mining creates waste that tribal programs have to address.

- **Federal Energy Regulatory Commission (FERC) Projects**

There are hydroelectric projects being proposed. There have been Executive Orders issued to address a national energy emergency, which have threatened the Endangered Species Act regulations for fish and tribal consultation.

- **Water Quality and Availability**

There is an increase in the development of data centers that use large volumes of water. There are concerns regarding the impacts of data centers on water quality and availability. Drought conditions continue to exacerbate the impact.

IV. NTWC Business Meeting

The NTWC discussed the following during its business session.

- **NTWC Logo**

NTWC discussed updating its logo and has developed a draft graphic design. The draft logo will continue to be developed and reviewed by the members at a later date.

- **Duration of NTWC meetings**

In March 2025, the NTWC members voted to extend their monthly virtual meetings from 60 minutes to 90 minutes, and NTWC will work with Holly Galavotti, EPA Project Officer, on the timing of the back-to-back virtual meetings.

- **NTWC Priority Document**

The Council is developing its priority document for the next two years, 2025-2026. The Council plans to put the document on hold to address other issues and will resume in the upcoming months.

V. CWA 401 Memo (Lauren Kasperek)

On May 21, 2025, EPA issued a memorandum on the [Clarification regarding the Application of Clean Water Act Section 401 Certification](#). The memo provides a direction that reflects the existing requirements of the agency's CWA Section 401 Certification Rule issued in 2023.

EPA will be posting a Federal Register notice in the coming months to identify additional areas of implementation challenges and regulatory uncertainty related to the 2023 Rule's scope of certification.

For more information, please visit: <https://www.epa.gov/cwa-401/overview-cwa-section-401-certification>.

Questions/Comments

Chair Ken Norton stated that this has legal implications for water quality and water quantity. He asked if the tribal consultation would have adequate time for Tribes to comment. EPA staff suggested input could include providing positive program experiences.

VI. Multi-Sector General Permit (Alicia Denning, NPDES Permitting Program OWM; Courtney Tuxbury and Nick Spalt, Office of Enforcement and Compliance Assurance)

An overview was provided on EPA's industrial stormwater permit as part of the National Pollutant Discharge Elimination System (NPDES) program. Runoff from rainfall or snowmelt encounters industrial facilities that can pick up pollutants and transport them to nearby waters. There are eleven categories of regulated industrial activities that require an NPDES permit. EPA's multi-sector general permit (MSGP) applies in areas where EPA is the NPDES permitting authority.

EPA provides an online search tool [*Enforcement and Compliance History Online*](#) to learn more about a nearby facility and its compliance with environmental regulations. A demonstration was provided to see the features of the online search tool. Another resource is a fact sheet for the industrial sectors that are regulated under the MSGP.

For more information, please visit: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>.

Questions/Comments

Chair Ken Norton asked about the connection between MSGP and Tribes that have 401 certification. Alicia Denning replied that the EPA submits a draft permit to states and Tribes. Tribal programs may review the facilities on their lands and review the draft permit. Tribes may certify the permit, add specific conditions to the permit, deny certification, or not respond which will be considered a waiver. There are examples available on the EPA website.

Chair Norton also asked about the various categories of Tribal lands, such as Tribal trust lands, individual allotted lands, fee properties, and the regulation of small businesses like a backyard auto repair. A business like this has auto batteries that pose a risk. Do Tribes coordinate with the BIA on this issue? Jonathan Binder replied that this activity may be regulated under RCRA. It was noted that the EPA is working on tools to address these types of issues.

Vice Chair Chauncey Means shared there are hard rock mines on his Tribe's land, which has no oversight from the State of Montana. He asked if the MSGP could provide a solution to this issue.

VII. Alaska Native Issues: Mining (Erin Seyfried; Patricia McGrath, EPA Office of Policy)

An overview was provided of the Executive Orders issued related to critical minerals and mining that may impact the State of Alaska. A summary was provided to show the regulatory framework of the State of Alaska and federal agencies for the oil and gas industry.

As of January 2025, there have been eight Executive Orders issued that involve coal, critical minerals, and uranium. As part of the regulatory framework, EPA mainly reviews the federal environmental impact statement and review CWA 404 permit applications. EPA coordinates with other federal agencies through the Federal Permitting Improvement Steering Council. EPA also participates in the White House Council on Native American Affairs Critical Minerals Working Group.

Questions/Comments

Chair Ken Norton raised the issue of how the Executive Order on "Unleashing Alaska's Extraordinary Resource Potential" threatens Alaska Native Tribal sovereignty by targeting the Alaska Native Corporations under the Alaska Native Claims Settlement Act (ANCSA). In the previous administration, actions were taken to benefit Alaska Natives by protecting lands.

Eric Morrison shared information on current and proposed mining projects in Alaska, such as gold mining north of Anchorage. Eric also shared efforts of restoring local fish and other resources. Alaska Native Corporations' shareholders are mostly non-natives and have different priorities than Alaska Native Tribes. There are efforts for collaboration to protect Alaska's natural resources, and he hopes to work together with EPA and other organizations.

Mary Verner asked what is anticipated for expedited permitting. Patricia McGrath replied that there are no changes to decision making, but there is greater attention on the schedule and issues that may affect the schedule. She noted that EPA is not the lead agency for mining. The lead agencies are the Army Corp of Engineers and Department of the Interior.

Nancy Schuldt asked if Region 5 will review the state issued NPDES permit related to the revived Polymet mine and whether the EPA will have oversight.

VIII. Office of Research and Development (ORD) (Suzanne van Drunick, National Program Director for EPA's Safe and Sustainable Water Resources Research Program; Brenda Rashleigh, Principal Associate National Program Director for EPA's Safe and Sustainable Water Resources Research Program; Monica Rodia, ORD Senior Tribal Program Manager), Alice Millikin, ORD Tribal Program; Jay Garland and Tom Speth participated virtually from ORD's Center for Environmental Solutions and Emergency Response.

The Office of Research and Development provided an update on its current research cycle for FY 2023-2026, focusing on research most closely aligned with tribal science needs. The Office of Research and Development obtains feedback from Tribes through nation-to-nation consultation and tribal engagement and coordination.

Current research is sorted into three topic areas: 1) watersheds, 2) nutrients and harmful algal blooms, and 3) water treatment and infrastructure. Updates were provided for the following research projects:

- Environmental stressor-response relationships
- Water quality modeling and data synthesis
- Landscape-scale tools for nutrients
- Forecasting harmful algal blooms (HABs) dynamics
- Methods to characterize and treat HABs in drinking water
- Tools to identify lead sources in drinking water
- Effectiveness of treatment for water reuse
- Site and source characterization of PFAS in water
- Remediation of tire-related pollutants in stormwater

Questions/Comments

Eric Morrison noted the importance of incorporating traditional ecological knowledge into projects that involve Tribes. He referenced a project that measured toxic debris using a marine worm. The project later included clams and halibut to look at the results as it affects Alaska Native traditional foods. Eric noted how working with a traditional scientist is not as expensive as using a chemist while getting good results. It also helps to get buy-in from the community.

Yolanda Barney commented that the data collection in Alaska will help to provide a baseline. It is going to be extremely useful as the proposed mining projects will soon start.

Andria Greene commented on the importance of reservoirs and their difference functionally compared to lakes. Reservoirs are needed, especially for water security as we face climate change. Her team published a paper on reservoirs, and she can share a copy with EPA. Andria also discussed dam removals. It may impact reservoirs that are not able to handle the watershed and the quality of streams.

Andria Greene commented on the overuse of aquifers and the need to better manage aquifers.

Yolanda Barney added that more information is needed on water recycling and educating the public. It is being proposed to have brine water be injected into aquifers in the Navajo Nation eastern agency in New Mexico. She asked whether this is going to be helpful or harmful. She further shared how important it is to make scientific project information user friendly to help the public better understand the issues.

Nancy Schuldt asked about pumped hydro storage. The mining industry is pumping water and using gravity to turn turbines into energy. Jay Garland responded that the risks associated with this alternative water need to be explored and to find out what the exposure would be for that particular end use.

Andria Greene shared that the Pamunkey Indian Tribe is facing land lost due to the rising sea level. The coastal Tribes need direction and guidance. Jay Garland shared that the Hampton Roads Sanitation District is facing a similar situation and currently has a pilot plan in place. He can provide contact information.

Andria Greene commented that fish is the Upper Mattaponi Tribe's main food source. It will be great to see how PFAS evolves in fish and main food sources.

IX. PFAS Updates

The EPA Office of Water plans to designate an agency staff lead for PFAS to align and manage PFAS efforts across agency programs. EPA's new PFAS OUTreach Initiative (PFAS OUT) will establish a federal exemption framework and initiate outreach to water systems.

Current actions include *Draft National Recommended Ambient Water Quality Criteria for the Protection of Human Health for PFOA, PFOS, and PFBS* and *Draft Biosolids Risk Assessment*. EPA announced it will maintain the maximum contaminant levels for PFOA and PFOS.

The Tribal PFAS Working Group will be conducting a summer webinar on June 12, 2025. The presentation is titled "Model Predicts PFAS Buildup in Wild Animals" by Dr. Elsie Sunderland, Harvard University. The working group also plans to hold a one-day workshop at the 2025 Tribal Lands and Environment Forum on August 18, 2025, in Minneapolis, Minnesota.

X. Closing & Recap of Action Items (Ken Norton, NTWC Chair)

Chair Ken Norton provided closing remarks to end the two-day meeting. The reduction in regulations and fundings will impact Tribal programs and nations, despite the successes and progress. EPA media programs are functioning but now must do more with less.

Going forward, a lot of our efforts should be focused on how Tribes can help themselves through their inherent authority. Tribes can use the tools within the federal agencies to assist with that inherent authority. Through our Tribal voices, we put awareness on trust responsibility and treaty rights as part of those inherent rights.

Action Items:

- NTWC to assist with identifying five (5) tribal participants for the CWA 303(d) and 319 Protection Learning Exchange Training
- Continue discussion on NARS and how to get more tribal perennial stream information into surveys
- NTWC's request to the EPA to reaffirm the 1984 Indian Policy and uphold tribal treaty rights
- Develop a white paper on data centers and its impact on water quality and quantity
- More research on helium mining and its impact on water quality
- Rainee Tetreault requested resources on macroinvertebrates taxonomy
- Yolanda Barney requested more information on reuse water and its risks