

National Tribal Water Council and EPA Monthly Conference Call
Wednesday, August 13, 2025
2:00 – 3:30 P.M. ET

SUMMARY NOTES

I. Introductions (Elaine Wilson, ITEP)

NTWC: Ken Norton (Chair, R9); Dan Kusnierz (R1); Brian Patterson (R2); Rainee Tetreault (R4); Shaun Livermore (R4, At-Large); Kayla Vondracek (R7); Yolanda Barney (R9, Navajo Nation); Mary Verner (R10); Scott Hauser (R10, At-large); Ann Wyatt (R10, Alaska)

EPA: Holly Galavotti, Danielle Anderson, Jonathan Binder, Matthew Floyd, Karen Gude, Samar Khoury, James Ray, Matthew Richardson, Teagan Rostock, Amy Weber, Susan Holdsworth

ITEP: Nikki Cooley, Elaine Wilson, Elaina Doral

II. NTWC Updates (Ken Norton, NTWC)

- **CWA Section 401 Comment Letter**

NTWC is collaborating with the Native American Rights Fund (NARF), Region 10 RTOC Policy Advisor, and Earthjustice, to develop its comment letter. The CWA Section 401 is an important rule and it's the first line of defense against discharges onto or near tribal waters. It is vital for tribal voices to be heard. NTWC is reaching out to Tribes to obtain their experiences with the CWA 401.

- **Fall Meeting – Agenda Topics**

NTWC discussed initial agenda topics for the upcoming fall meeting in Sitka, Alaska. Initial agenda topics include the budget, update on the Asplund Wastewater Treatment Facility's 301(h) waiver, and mining issues in Alaska. The meeting will provide an opportunity to see Alaska with its unique cultural perspective and importance of subsistence for Alaska Native Tribes.

- **Membership Recruitment**

NTWC will start recruiting a Region 3 representative in addition to the two (2) open memberships for the At-Large representatives.

III. EPA Office of Water

- Discussion of topics for fall meeting agenda, which included the following:

- **Drinking Water and Clean Water Set-Aside Funding**

- Obtain an update on the drinking water & clean water set-aside and Bipartisan Infrastructure Law funding. Invite Wynne Miller to report on tribal funding successes in Alaska.

- **EPA Region 10**

- Invite the Region 10 Administrator; an invitation letter may be needed from the NTWC.

- **Guest Presenter: Alaska Mining Impacts Network**

- Elaine Wilson is willing to contact the Alaska Mining Impacts Network for a presentation on their network and priorities. Holly Galavotti noted that Region 10 may be familiar with that group, and she will ask Region 10 EPA staff.

- **Waters of the United States**
The proposed rule on Waters of the United States may be released near the meeting date.
- **Alaska Fish Consumption Rate**
Obtain a status update on the revisions to the Alaska consumption rate (human health criteria revision).
- **Office of International and Tribal Affairs**
Extend an invitation to Victoria Tran, Office of International and Tribal Affairs. It will provide an opportunity for Victoria Tran to learn about Alaska Native Tribes and subsistence rights.

IV. Workgroup updates (if any)

- [Hypoxia Task Force](#) – Reminder: seeking new NTWC representative
- National Water Quality Monitoring Council – Nancy Schuldt and Rainee Tetreault
- Water Quality Standards Management Association – Yolanda Barney
- Tribal PFAS Working Group – Elaine Wilson, Shaun Livermore, Dan Kusnierz

V. Consultation Opportunities/Announcements

VI. Closing (Ken Norton, Chauncey Means, NTWC)

VII. The NTWC's next monthly call is scheduled for September 10, 2025

Announcements:

Tribal consultation opportunity: Upcoming Efforts to Address Implementation Challenges Associated with CWA Section 401

Tribal consultation extends to September 7, 2025

The EPA initiated consultation with federally recognized Indian Tribes on regulatory uncertainty or implementation challenges associated with Clean Water Act Section 401 certification process as defined in the 2023 Water Quality Certification Improvement Rule. 88 FR 66558 (September 27, 2023). The agency's anticipated timeline for the consultation and coordination period is expected to extend for 60 days from July 7, 2025, to September 7, 2025. The notification letter and consultation plan can be found on the EPA's Tribal Consultation Opportunities Tracking System: <https://tcots.epa.gov>. Additional information on CWA Section 401 and this notice can be found on the [EPA's CWA Section 401 webpage](#). Tribes may submit written consultation comments at any time during the Tribal consultation and coordination process via email to cwa401@epa.gov. If you would like to request government-to-government consultation with the agency on this action, please have your staff contact the agency via email to cwa401@epa.gov by September 7, 2025. For questions, please contact: Lauren Kasperek, cwa401@epa.gov, (202) 564-3351.

Memorandum on Clarification regarding the Application of Clean Water Act Section 401 Certification:

On May 21, 2025, [EPA issued a memorandum](#) that clarified the significant but limited role that states

and Tribes play in the federal licensing and permitting processes under Clean Water Act Section 401. The direction provided in this memorandum reflects the [existing requirements](#) of the agency's CWA section 401 certification rule issued in 2023, without changes or updates.

Written Recommendations Docket:

Docket closed August 6, 2025

Separate from the Tribal consultation, the agency announced a Federal Register a recommendations docket (Docket ID No. EPA-HQ-OW-2025-0272) inviting written feedback on regulatory uncertainty or implementation challenges associated with the Clean Water Act section 401 certification process as defined in the 2023 Rule.

The [notice](#) describes that the agency specifically seeks feedback on:

- defining the scope of certification generally and the scope of certification conditions,
- defining “water quality requirements,”
- any data or information about how the agency should consider whether a neighboring jurisdiction’s water quality may be affected by discharge for purposes of Section 401(a)(2) and whether there are parameters to consider in making this determination,
- any data or information on establishing categorical determinations under Section 401(a)(2),
- any data or information on stakeholder experiences with the 2023 Rule, including certification procedures, the 401(a)(2) process, and the application of treatment in a similar manner as a state solely for Section 401, and
- any data or information from stakeholders about the application of the 2023 Rule’s scope of certification.

The agency will use this input to determine whether guidance or rulemaking are necessary to address identified areas of regulatory uncertainty or implementation challenges.

Tribal consultation opportunity: Proposed renewal of the NPDES Stormwater Construction General Permit; Comments due September 5, 2025

The EPA initiated consultation and coordination with federally recognized Indian Tribes on the proposed renewal of the National Pollutant Discharge Elimination System (NPDES) Stormwater Construction General Permit (CGP). Under Clean Water Act section 402(p)(2) and (p)(6) and 40 CFR 122.26(a)(1)(ii), (a)(9)(i)(B) (b)(14)(x), and (b)(15), stormwater discharges from certain construction activities into waters of the United States must be authorized by a state or EPA-issued NPDES permit.

The CGP regulates stormwater discharges from construction activities (including, but not limited to, clearing, grading, excavating, and stockpiling) that disturb one or more acres, or smaller sites that are part of a larger common plan of development or sale that disturb one or more acres in areas where EPA is the permitting authority. EPA renews this permit every five years, and the current CGP is scheduled to expire on February 17, 2027. EPA is the NPDES permitting authority in most Indian country lands. Additional information about the CGP can be found at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>. Tribes may submit written consultation comments and request one-on-one consultation meetings via email to Lauren Mosesso at mosesso.lauren@epa.gov.

National NPS Biennial Workshop

October 27 – 29, 2025 in Baton Rouge, LA.

This event offers an opportunity for CWA Section 319 state, territorial, and Tribal grantees to convene on national programmatic and knowledge sharing and technical assistance. The national NPS program and planning committee are developing robust Tribal specific sessions, workshops, and networking opportunities. Outreach for Tribal speakers and session participants will be happening throughout the summer. If you are interested to be involved with planning, please reach out to Margot Buckelew (Buckelew.margot@epa.gov). Additionally, if interested to attend, registration is open and you may [Register for the workshop here](#).

EPA – Pacific Northwest Tribal Clean Water Act Training

Who: Tribal water quality and water resources staff

When: November 17-20, 2025

Where: Tulalip Resort Casino, 10200 Quil Ceda Blvd., Tulalip, WA 98271

The training will address Clean Water Act (CWA) programs including Section 106, Section 319, Section 303(d), water quality standards, and wetlands and will be useful to Tribes who work on these programs or are interested in pursuing Treatment in a similar manner as a State (TAS) status for one or more programs. The training workshop will be targeted to Tribes who conduct water quality monitoring, issue water quality certifications, and address water quality issues, nonpoint source pollution, and impaired waters/TMDLs. Tribal staff from across the country are invited, although there will be a focus on examples and applications for Tribes in the Pacific Northwest.

The training workshop is free to attend and registration is open!

<https://nawm.org/trainings/pacific-northwest-tribal-clean-water-act-training>