

National Tribal Water Council and EPA Monthly Conference Call
Wednesday, Dec. 10, 2025
2:00 – 3:30 P.M. (ET)

CALL SUMMARY

I. Introductions (Elaine Wilson, ITEP)

NTWC: Ken Norton (R9, Chair); Chauncey Means (R8, Vice Chair); Dan Kusneirz (R1); Brian Patterson (R2); Rainee Tetreault (R4); Shaun Livermore (R4, At-Large); Debbie Dotson (R6); Kayla Vondracek (R7); Yolanda Barney (R9, Navajo Nation); Scott Hauser (R10, At-Large)

EPA: Holly Galavotti; Danielle Anderson; Margot Buckelew; Andrew Bryne; Melissa Dreyfus; Matthew Floyd; Kendra Forde; Antonio Garcia; Gabriella Neusner; Matthew Richardson; Teagan Rostock; Laura Shumway; Amy Weber

ITEP: Elaine Wilson; Elaina Doral

II. National Tribal Water Council Updates (Ken Norton, NTWC)

• Letter to EPA regarding the Tribal Reserved Rights Rule

The National Tribal Water Council (NTWC) and the National Tribal Caucus (NTC) collaborated to write a comment letter on EPA's decision not to defend the Tribal Reserved Rights Rule. The letter was sent to EPA Administrator Lee Zeldin on November 26, 2025.

• Webinar on the Tribal Reserved Rights Rule

The National Tribal Air Association (NTAA) invited the NTWC to present on the Tribal Reserved Rights Rule webinar on December 9, 2025. Brian Patterson presented an overview of the NTWC's comment letter on behalf of the NTWC.

• Webinar on EPA's proposed rule on Updating the Definition of the "Waters of the U.S."

The National Congress of American Indians (NCAI) and Native American Rights Fund (NARF) held a webinar on the proposed rule on the definition of the "Waters of the U.S." on December 9, 2025. Chair Ken Norton was invited as a guest speaker and stressed the importance of Tribes being able to provide comments on the proposed rulemaking.

• Letter on EPA's proposed rule on Updating the Definition of the "Waters of the U.S."

NTWC is currently working on its comment letter and plans to submit the letter next week (by Dec 19). EPA answered questions about the Office of Management and Budget's memo M-25-36 "Streamlining the Review of Deregulatory Actions." While the memo focused on Executive Order 13175, EPA's consultations are overwhelmingly conducted under the EPA Policy on Consultation with Indian Tribes (EPA Consultation Policy) which has a different threshold; the EPA Consultation Policy is in effect. EPA highlighted that consultation periods should not extend past the Administrative Procedures Act (APA) public notice-and-comment period for regulatory actions that fall under the APA. Additionally, it was noted that several requests to extend the comment period deadline for the proposed WOTUS rule were received by the Agency.

• NTWC At-Large Representative

NTWC voted to confirm the appointment of Joshua Jojola, Pueblo of Santa Ana, as an At-Large Representative.

- **NTWC 2026 Spring Meeting**

NTWC members selected the week of May 5-8, 2026, as the dates for the spring in-person meeting in Washington, DC.

III. EPA Office of Water (Holly Galavotti, OW)

- **Updated Definition of “Waters of the United States” Proposed Rule Overview** (Laura Shumway and Rose Kwok, Office of Wetlands, Oceans, and Watersheds)
Laura Shumway answered questions regarding the proposed rulemaking.

Chair Ken Norton had questions about the components of the proposed rule. Chairman Norton wanted additional information on aspects of the rule addressing relatively permanent waters, including flow duration and the request for comments on the alternatives. Laura Shumway replied that the proposed rule presents four alternatives: perennial; minimum flow duration; any of those waters are indicators of flow; and standing or continuous flow (seasonally). Laura stated that the proposed definition attempts to capture variability across the country.

Chair Ken Norton asked about ditches, which are being excluded in the proposed rule. He indicated that the vagueness of the proposed regulation makes regulation of ditches challenging. He recommends clearer language for ditches for certain scenarios. He indicated that the NTWC comment letter would address this issue.

Rainee Tetreault indicated that she is working on a regulatory impact analysis for inclusion in the comment letter. Rainee noted that the proposed rule does not include ecological factors in any decision making. In CWA Section 101(a), the objective of the CWA is to restore and maintain the biological integrity of the Nation’s waters. Rainee stated that the proposed rule seems to conflict with the intent of the CWA. Laura Shumway highlighted that the preamble states that the proposed rule relies on the Supreme Court’s decision in *Sackett*.

Chair Ken Norton noted the footnote in the proposed rule acknowledging the *Maui* decision as well as that groundwater is excluded from WOTUS. He would like to capture that there are mechanisms to address groundwater, which will also be included in the NTWC comment letter. The NTWC also indicated that it plans to discuss the removal of interstate waters as a standalone category of WOTUS in the comment letter.

A tribal listening session is scheduled for December 18, 2025. Laura Shumway shared that there is a tribal consultation summary report for the pre-proposal docket and encouraged members to review and make any corrections, if needed. The deadline to hold a tribal consultation meeting is January 5, 2026.

- **NTWC Spring Meeting**

NTWC members selected the week of May 5-8, 2026, as the dates for the spring in-person meeting.

IV. Workgroup updates (if any)

- **Hypoxia Task Force** – Deborah Dotson and Kayla Vondracek (interim reps)

A Tribal roundtable was held in late November and showcased various projects. The in-person meeting will be scheduled for January 28, 2026, in Washington, D.C. There is support from EPA

leadership for HTF to be part of the EPA's five pillars, particularly cooperative federalism. The Mississippi River Basin Association submitted a letter to the U.S. Congress requesting for funding for FY 2027.

- **National Water Quality Monitoring Council** – Rainee Tetreault
No current updates. The last meeting was canceled due to the federal government shut down. There is a subgroup called the Monitoring and Assessment Partnership (MAP), and they host a webinar every other month (3rd Tuesday of the month) with the next webinar to be on electronic field data collection applications. Other webinar topics include EDNA for fish, macroinvertebrates, and algae.
- **Water Quality Standards Management Association** – Yolanda Barney
The next quarterly meeting will be held in early January.
- **Tribal PFAS Working Group** – Elaine Wilson, Shaun Livermore, Dan Kusnierz
Tribal PFAS Working Group will be hosting a webinar on December 11, 2025.

V. Consultation Opportunities/Announcements

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

VII. NTWC's next monthly call, January 14, 2026.

Announcements/Upcoming Meetings:

Updated Definition of "Waters of the United States" Proposed Rule has published in the Federal Register

The proposed rule *Updated Definition of "Waters of the United States"* [published today in the Federal Register](#). The Federal Register Notice is attached. The 45-day comment period will close on Monday, January 5, 2026.

- [December 12, 2025: Bismarck, North Dakota \(9:30-11 a.m. CT and 11:30 a.m.-1:00 p.m. CT\) - Register Now](#)
- [December 15, 2025: Pittsburgh, Pennsylvania \(12-2 p.m. ET and 2:30-4 p.m. ET\) - Register Now](#)
- [December 16, 2025: Virtual \(12:30-2 p.m. ET and 2:30-4 p.m. ET\) - Register Now](#)
- December 18, 2025: Virtual listening session webinar for Tribes (4:00 – 5:00 pm ET) - Register [here](#)

Proposed Rule: https://www.epa.gov/system/files/documents/2025-11/updated_definition_wotus_nprm.pdf

Docket Link: <https://www.regulations.gov/docket/EPA-HQ-OW-2025-0322>

Fact Sheet: https://www.epa.gov/system/files/documents/2025-11/public_factsheet_wotus_nprm.pdf

Press Release: <https://www.epa.gov/newsreleases/epa-army-corps-unveil-clear-durable-wotus-proposal>

Additional information on the proposed rule is available on our website:

<https://www.epa.gov/wotus/updated-definition-waters-united-states>.

Registration for the EPA's Virtual Water Quality Standards Academy February Session is Open

- The EPA is pleased to announce that registration for the February 2026 Virtual Water Quality Standards Academy is now OPEN. **Registration is free and open to the public. Registration will close on January 26, 2026, or if capacity is reached before then.**
- Water quality standards (WQS) are provisions of state, territorial, authorized tribal or federal law approved by the EPA that describe the desired condition of a water body and the means by which that condition will be protected or achieved. The WQS Academy is designed for WQS professionals associated with federal, state, tribal and local agencies as well as the private sector. This highly structured and interactive training course ensures that attendees have access to the most up to date WQS information to effectively develop and implement a WQS program consistent with the Clean Water Act.
- The 6-day *virtual* WQS Academy will be held Monday, February 2 - Friday, February 6, and on Monday February 9, 2026. Daily sessions will run approximately 11:30am to 4:30pm, Eastern Standard Time, to allow for participation from multiple U.S. time zones.
- [Register now!](#)

EPA Announces \$60 Million in Lead Service Line Replacement Funding Through the Drinking Water Infrastructure Grants – Tribal Set-Aside

- EPA announced the availability of \$60 million in fiscal year (FY) 2025 Drinking Water Infrastructure Grants – Tribal Set-Aside (DWIG-TSA) Lead Service Line Replacement funding provided through the Infrastructure Investment and Jobs Act (IIJA). These funds will enable American Indian Tribes and Alaska Native Villages to reduce exposure to lead in drinking water through investments in water system infrastructure improvements. These funds can be used for lead service line replacement and associated activities, including identification, planning, design, and construction.
- Please see the [memorandum](#) for more details. Please note, the EPA released a separate [funding memorandum](#) on June 12, 2025 that provided information on FY25 funding availability and Regional allotments under the DWIG-TSA base, IIJA General Supplemental, and IIJA Emerging Contaminants appropriations as well as the Emerging Contaminants in Small or Disadvantaged Communities Tribal Grant program and the Small, Underserved, and Disadvantaged Communities (SUDC) Tribal Grant Program.