

**EPA/REGIONAL TRIBAL OPERATIONS COMMITTEE**  
**CHARTER and GUIDELINES**  
**EPA, Region VII**

In 1984, the United States Environmental Protection Agency (EPA) became the first federal agency to adopt a formal Indian policy. This policy was first issued by EPA in 1984 and has since been reaffirmed by every subsequent Agency Administrator including Carol Browner in March 1994 and Steven Johnson in 2005. The policy is intended to provide guidance to EPA, Region VII staff and managers in working with Tribal Governments and responding to environmental management concerns on Indian reservations to protect Tribal health and environments.

When the national Indian Policy was reaffirmed in 1994, an action agenda was established for enhancing and strengthening Tribal operations. A key element was a commitment to fully institutionalize the policy into Agency activities. The American Indian Environmental Office (AIEO) was established and the National Tribal Operations Committee (NTOC) was formed to help EPA identify Indian environmental priorities and issues for discussion and resolution on how EPA can improve program delivery and implementation in Indian Country.

The purpose of the NTOC as stated in its Charter is to advance the protection and improve the conditions of Tribal health and the environment in Indian country. In addition, the NTOC assists EPA in implementing the 1984 Indian Policy by helping to improve communications and understanding between EPA and Tribes.

Administrator Steven L. Johnson reaffirmed the Agency's 1984 Indian Policy representing the Agency's continued commitment and support of its partnership with Tribes on September 26, 2005. Following the environmental leadership of the Agency, the Regional Administrator of EPA, Region VII has made environmental protection in Indian Country a priority in the Region.

The Regional Tribal Operations Committee (RTOC) for EPA, Region VII was formed in 1998 to serve critical functions in maintaining a government-to-government relationship between the EPA, Region VII and Indian Tribes and Nations located in EPA, Region VII (herein "Tribal Nations of Region VII"). The purpose of the RTOC is to advance the protection and improve the conditions of Tribal health and the environment in Indian Country. The RTOC serves as a liaison between the NTOC, the Tribal Nations of Region VII, and EPA, Region VII personnel on national policy issues and communicates environmental needs and concerns of the RTOC to the NTOC. The RTOC maintains open and consistent communications with the Regional Administrator and his or her staff on matters of significance to the Tribal Nations of Region VII. In addition, the RTOC assists the Region in implementing the 1984 Indian Policy by improving communications and understanding between EPA, Region VII and the Tribal Nations of Region VII.



## **I. PURPOSE**

In a manner consistent with the 1984 Indian Policy and applicable environmental laws and regulations, policies and guidance regarding the operations, the purpose of the RTOC is to:

- A. Promote protection of public health and the environment in Indian Country;
- B. Develop regional environmental strategies on issues of importance to the Tribal Nations of Region VII;
- C. Maintain open dialogue on environmental issues among all RTOC Members (voting and non-voting), Tribal Nations of Region VII, Indian Tribes and Nations in other EPA Regions, and other governmental agencies (federal, state and local) on environmental issues;
- D. Assist EPA, Region VII to incorporate the 1984 Indian Policy into Regional programs, budgets, and management functions at every level in the Region; and,
- E. Support the direct relationship EPA, Region VII has with Tribal Nations of Region VII. However, the relationship between the RTOC and EPA, Region VII will not substitute for the government-to-government relationship between EPA, Region VII and Tribal Nations of Region VII, in accordance with Executive Order 13175.

## **II. GOALS**

The goals for the RTOC are to help the EPA empower Tribal Environmental Programs of the Tribal Nations of Region VII by undertaking the following actions:

- A. Help the Tribal Nations of Region VII build Tribal environmental capacity and infrastructure to support implementation of ongoing Tribal Environmental Programs;
- B. Support environmental presence and programs within Tribal government infrastructures for all Tribal Nations of Region VII;
- C. Promote delegation, authorization, or assumption of federal environmental programs by Tribal governments consistent with federal law where the Tribal Nations of Region VII wish to pursue to treatment in a manner similar as a state or play a substantial role in program implementation;



- D. Support communication with Tribal Governments to promote understanding of and access to EPA presence, programs, expertise, databases, information, and funding;
- E. Promote Tribal environmental priorities and funding in annual EPA, Region VII Tribal Priorities/Budget decision-making. Recognize and strengthen the role of Tribal programs within EPA, Region VII programs and funding;
- F. Promote continued education among the EPA, Region VII management and staff on Tribal sovereignty issues, the principles of Indian law, Tribal Nations of Region VII, Tribal government organizational structures, Tribal environmental programs, and the role of Tribal Nations of Region VII as co-regulators with EPA; and,
- G. Assist communications among and between Tribal Nations of Region VII on environmental concerns and maintain open dialogue between the RTOC and EPA, Region VII.

### **III. ROLES AND RESPONSIBILITIES**

The roles and responsibilities for members of the RTOC and the delegate to the National Tribal Operations Committee shall be as follows:

- A. Tribal Government Representatives of the RTOC (herein “Tribal RTOC Members”):
  1. Serve as a representative to the RTOC for Tribal governments of each of the Tribal Nation of Region VII;
  2. Promote the perspectives of Tribal governments’ on matters of environmental protection;
  3. Encourage EPA, Region VII to recognize and support the Trust Responsibility Doctrine to ensure that the Region will act appropriately in carrying out fiduciary responsibilities to the Tribal Nations of Region VII;
  4. Contribute to the development of a regional Tribal perspective based on environmental needs of the Tribal Nations of Region VII;
  5. Work on environmental issues for the benefit all Tribal governments;
  6. Promote Regional strategies that treat the Tribal Nations of Region VII fairly and equitably;



7. Advocate for and promote the inherent authority, federal delegated authority and assumption of federal environmental programs by the Tribal Nations of Region VII via the exercise of independent Tribal authorities, powers, and jurisdiction over their environments;
8. Understand and contribute to the partnership approach; and,
9. Actively contribute to the exchange of ideas and recommend approaches that the Tribal Nations of Region VII and EPA, Region VII may take to improve Tribal operations and the co-regulator partnership.

B. NTOC Delegate and Alternate: One Tribal RTOC Member (herein “NTOC Delegate”) and an Alternate may be delegated responsibility to represent the RTOC on the NTOC. The NTOC Delegate and his or her Alternate should:

1. Listen to the RTOC Members’ views on matters of concern for the Tribal Nations of Region VII and EPA, Region VII. Communicate these concerns to NTOC as the collective views of the RTOC; *provided* a majority of Tribal RTOC Members vote for elevating such concern(s) to NTOC;
2. Each RTOC Member may present minority views to NTOC independent of the NTOC Delegate, as necessary;
3. Serve as member of NTOC, attend NTOC meetings, and be responsible for representing the RTOC to the NTOC; and,
4. Disseminate information from NTOC teleconferences and meetings to RTOC members.

C. National/Regional Workgroup Delegate: Tribal RTOC Members may be delegated responsibility to participate in committees, organizations, associations, workgroups, subcommittees, etc. When Tribal RTOC Members are delegated to these workgroups, the RTOC expects they will:

1. Attend and participate fully in meetings and teleconferences;
2. Listen to other RTOC members on particular matters and represent the collective views of the Tribal Nations of Region VII as offered by the RTOC members;
3. Advocate for EPA, Region VII Tribal Budget needs;



4. Disseminate information from national and regional committees, organizations, associations, workgroups, subcommittees, etc. to RTOC members; and,
5. RTOC Members may re-delegate their participation in committees, organizations, associations, workgroups, subcommittees, etc. to a designee of their choice.

For example, national/regional workgroups may include but are not limited to the following organizations:

NTOC – National Tribal Operations Committee  
TPPC – Tribal Pesticides Program Council  
CENRAP – Central Regional Air Planning Association  
NTAA – National Tribal Air Association  
TSC – Tribal Science Council  
NWMG – National Wetland Monitoring Work Group  
LUST – Leaking Underground Storage Tanks Work Group  
BSC/FS – Blue Sky Collaborative/Fuels Subcommittee

D. EPA, Region VII Representatives of the RTOC (herein “Regional RTOC Members”):

1. Support the federal trust responsibility to Tribal Nations;
2. Recognize that all Tribal Nations of Region VII need equal opportunity and access to environmental resources, including EPA funding, technical assistance and expert resources;
3. Listen to the Tribal RTOC Members and fully consider the perspectives and views of the Tribal Nations of Region VII;
4. Support Tribal Governments' authority to regulate the environment in their respective jurisdictions consistent with federal law;
5. Address RTOC requests including but not limited to special projects, workshops, budget documents;
6. Promote interagency cooperation with RTOC and the Tribal Nations of Region VII for environmental programs with other federal agencies; and,
7. Promote positive and mutual beneficial government relations between EPA and Tribal Nations of Region VII.



#### IV. RTOC MEMBERSHIP and VOTING

The Tribal Nations of Region VII have independent Tribal environmental programs, authorities and priorities. Through the RTOC membership and via each Tribal government's coordination and partnership with EPA, Region VII, the Tribal Nations of Region VII will enhance and further the success of their individual Tribal environmental programs and work in concert with EPA to achieve the joint mission of protecting human health and the environment in Indian country.

A. Tribal RTOC Members: The membership shall consist of one representative, each having one vote for voting purposes, from each of the following nine Tribal Nations of Region VII:

- Omaha Tribe of Nebraska\*
- Santee Sioux Nation\*
- Winnebago Tribe of Nebraska\*
- Ponca Tribe of Nebraska\*
- Sac & Fox Nation of Missouri\*
- Prairie Band Potawatomi Nation\*
- Kickapoo Tribe of Kansas\*
- Iowa Tribe of Kansas and Nebraska
- Sac & Fox Tribe of the Mississippi in Iowa (Meskwaki Nation)

(\* denotes Participating Members of the RTOC)

B. Confirmation of Tribal RTOC Members: Each Tribal Government in EPA, Region VII shall select a representative to the RTOC in a manner of their choosing. The respective Tribal Council will send written notice of the selection of Tribal RTOC Members to the RTOC Chairperson for confirmation. A copy of the notice will be provided to the EPA, Region VII Indian Program Coordinator and to the leaders of Tribal Environmental Departments of the Tribal Nations of Region VII.

C. Regional RTOC Members: The RTOC Members from EPA, Region VII shall be non-voting members, including:

- Regional Administrator
- Deputy Regional Administrator
- Assistant Regional Administrator
- Senior Indian Program Manager and staff
- Regional Indian Program Coordinator



## V. TRIBAL RTOC OFFICERS

A. Selection of Officers: The selection of officers should be held at the first quarterly meeting at the beginning of the EPA, Region VII Fiscal Year whenever an officer's term is ending. No later than thirty (30) days prior to the first quarterly meeting, the RTOC Secretary will send a notice of opportunity to nominate officers to the Participating Members of the RTOC. Participating Members of the RTOC must submit their nominations to the RTOC Secretary two (2) weeks prior to the first quarterly meeting. Officers shall be elected by a majority vote of the Tribal RTOC Members present; *provided* a quorum is present. The RTOC shall have the following officers: Chairperson, Vice-Chairperson, and Secretary.

B. Terms of Office: RTOC executive officers shall continue in office for three (3) years or until their successors are elected, whichever occurs last.

The vacancy of an elected RTOC officer position will require Participating RTOC Members to elect a replacement to serve out the previous officer's term. The nomination and election will be held at the next scheduled quarterly meeting.

C. Duties of Officers:

### 1. Chairperson

- a. Responsible for overseeing all meetings of the RTOC;
- b. Ensures that an agenda is prepared and distributed before the meeting commences;
- c. Facilitates building Tribal RTOC consensus for developing a regional perspective on EPA, Region VII Tribal environmental issues;
- d. Convenes subcommittees of the RTOC to accomplish separate tasks or assignments that are essential to meet overall goals and objectives;
- e. Serves as member of subcommittees and work groups;
- f. Delegates issues to small work groups of the RTOC;
- g. Represents the RTOC at public meetings;
- h. Presents the views and consensus of the RTOC at EPA regional and national meetings; and
- i. Participates in various EPA work groups and committees.

### 2. Vice-Chairperson

Presides at meetings in the absence of the Chairperson, and assumes and discharges all duties of the Chairperson.



### 3. Secretary

- a. Responsible for ensuring minutes are recorded of all meetings, teleconferences, and discussions of the RTOC;
- b. Ensures transmittal of meeting minutes to all RTOC members (whether they participate in meetings or not), the EPA, Region VII Tribal Program and to the RTOC, where minutes will be kept in archive form;
- c. Ensures that arrangements are made for Tribal RTOC meetings, including invitations to all members of RTOC, arrangements for facilities and lodging;
- d. Ensures that nomination forms for RTOC officer elections are mailed to RTOC members within thirty (30) days prior to the first quarterly meeting, and presents nominations at the meeting;
- e. Informs the Tribal Nations of Region VII and the EPA, Region VII Tribal Program of all approved amendments to this charter and guideline.
- f. May receive assistance from EPA, Region VII Tribal Program office to help distribute minutes in a timely manner to the Tribal RTOC members;
- g. Maintains a current RTOC membership list; and,
- h. Assists RTOC officers as needed.

## VI. MEETINGS

- A. Regular Meetings: There shall be four (4) quarterly meetings, one of which shall be the Annual Meeting.
  1. The Senior Indian Program Manager or the Chairperson of the RTOC shall call special meetings.
  2. The Regional Indian Program Coordinator will arrange conference calls for the RTOC as may be needed in conducting business. The RTOC meetings and conference calls are solely to exchange views, information or advice relating to management or implementation of federal programs established under federal laws that share intergovernmental responsibilities or administration.
- B. Order of Business: The order of business for RTOC meetings shall include:
  1. Invocation or song;
  2. Welcome, introductions, and roll call;
  3. Minutes of the previous meeting and approval;
  4. Discussion of environmental issues;
  5. Progress report;



6. Other business; and,
7. Adjourn.

C. Quorum: A majority of the Participating Members of the RTOC shall constitute a quorum for all members and for voting purposes. The lack of a quorum at a meeting shall not prevent those present from proceeding with discussions and consensus building on environmental issues. Tribal RTOC Member and Regional RTOC Members will work together to ensure each has full participation in RTOC operations. Tribal RTOC Members are required to attend each RTOC meeting in its entirety. Failure to attend three quarterly meetings or three consecutive teleconference meetings is grounds for removal as a Tribal RTOC Member.

D. Parliamentary Procedure: Tribal customs, practices and manners shall govern the order of RTOC meetings. The RTOC will endeavor to reach all decisions by consensus. However, when consensus is not possible, decisions will be made on basis of majority vote by roll call (or secret ballot) with at least a quorum present. The Chairperson will call for all votes. The call for votes will need to be seconded by a Tribal RTOC Member.

## **VII. AMENDMENTS**

This charter and guideline may be amended at a RTOC meeting. Amendments will be accepted, certified and attested by the RTOC in the same manner as the original charter. Any Participating Member of the RTOC or Regional RTOC Member may propose an amendment to the charter. Any proposed amendment must be submitted in writing to the RTOC Chairperson to be distributed to all RTOC Members and placed on the agenda for the next RTOC meeting. The Secretary will be responsible for informing the Tribal Nations of Region VII and the EPA, Region VII Tribal Program of all approved amendments to this charter and guideline.




**CERTIFICATION:**


**EPA/REGIONAL TRIBAL OPERATIONS COMMITTEE, CHARTER and GUIDELINES**

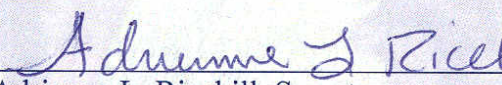
We, the undersigned Chairperson, Vice-Chairperson and Secretary of the EPA/Regional Tribal Operations Committee, hereby certify that the committee is comprised of Tribal RTOC Members and Regional RTOC Members. A quorum of the RTOC was present at a meeting thereof, which was duly and regularly called, noticed, convened and held the 17<sup>th</sup> day of January 2007, and that the foregoing "EPA/Regional Tribal Operations Committee, Charter and Guidelines" was duly adopted by affirmative vote of the Tribal RTOC Members, which was made by 7 members, with 6 in favor, 0 opposing, and 1 abstaining or absent.

**ATTESTED:**

**For the TRIBAL RTOC MEMBERS:**


  
\_\_\_\_\_  
Antione A. Provost, Chairperson  
Regional Tribal Operations Committee  
EPA, Region VII

  
\_\_\_\_\_  
Felix F. Kitto, Vice-Chairperson  
Regional Tribal Operations Committee  
EPA, Region VII

  
\_\_\_\_\_  
Adrienne L. Ricehill, Secretary  
Regional Tribal Operations Committee  
EPA, Region VII

**For the REGIONAL RTOC MEMBERS:**

I, the undersigned Regional Administrator, EPA, Region VII, hereby certify and attest that this RTOC Charter is authorized with the collaboration, concurrence, and consensus of all the Regional RTOC Members.

  
\_\_\_\_\_  
John B. Askew, Regional Administrator  
EPA, Region VII