

U.S. EPA REGION 5 TRIBAL OPERATIONS COMMITTEE

CHARTER

Section 1.0: Purpose

The Region 5 Tribal Operations Committee (R5TOC) is a partnership between federally recognized tribes in U.S. Environmental Protection Agency (EPA or the Agency) Region 5 and the Region 5 office. The R5TOC enhances the protection of human health and the environment in Indian country for the benefit of tribes in their development and implementation of environmental protection programs and promotes effective direct implementation of Agency environmental protection programs in Indian country. This partnership focuses on:

- Developing tribal strategic plans and corresponding budgets;
- Identifying tribal capacity needs and developing recommendations to address deficiencies;
- Defining the Agency's trust responsibilities for particular environmental or human health issues;
- Developing policies for implementing environmental protection programs;
- Reviewing and commenting on regional environmental strategies on issues of importance to tribes; and
- Facilitating compliance with the EPA Indian Policy.

The R5TOC will not replace the Agency's responsibility for consultation on a government-to-government basis when appropriate. The R5TOC will not replace EPA Region 5's responsibility to conduct a separate management-level review before adopting final policy positions.

Section 2.0: Membership

The R5TOC will include a Region 5 Tribal Caucus and EPA Region 5 senior managers.

2.1 Region 5 Tribal Caucus

Tribal government representatives will form the Region 5 Tribal Caucus.

2.1.1. Selection of Tribal Government Representatives for Tribal Caucus.

Members of the Tribal Caucus shall be elected tribal officials, their designated employees, or their authorized agents. Two tribal government representatives will be selected from each state (Michigan, Minnesota, and Wisconsin). The tribes within each state will be responsible for determining a method for selecting representatives for their respective state.

2.1.2 Region 5 Tribal Caucus Bylaws. The Region 5 Tribal Caucus will maintain bylaws covering the selection processes, terms of service, and replacement procedures for tribal representatives serving on the Region 5 Tribal Caucus, National Tribal Caucus, Tribal Science Council, other EPA groups, and other matters specifically related to the Caucus.

2.1.3 Notice to EPA. Appointments will be verified each September by official tribal government correspondence to the Region 5 Regional Administrator. Said correspondence will be provided by the tribal government which the elected official or designee serves. The Region 5 Tribal Caucus will be responsible for filling any vacancies in a timely manner and notifying the Region 5 Regional Administrator, in writing, within 30 days of a replacement.

2.1.4 Duties. Members of the Region 5 Tribal Caucus are expected to: (1) gather input from all the tribes within their respective state and advance that input to the R5TOC; (2) provide reports to the tribes within their respective state on the proceedings and outcomes of R5TOC deliberations; (3) assist the Region 5 Indian Environmental Office (IEO) with the development of meeting agendas; (4) actively prepare for and participate in R5TOC meetings, formulating solutions to issues raised during R5TOC deliberations; (5) serve on ad hoc and/or standing committees and subgroups formed by the R5TOC; (6) select tribal government representatives from Region 5 to serve on other EPA groups; (7) obtain written reports from tribal government representatives from Region 5 serving on other EPA groups and share those reports with the full R5TOC; and (8) select the recipient of the Taimi Lynne Hoag Award.

2.2 EPA Region 5 Senior Managers

The EPA Region 5 senior managers consist of the following:

2.2.1 Representatives.

Regional Administrator	Deputy Regional Administrator
Assistant Regional Administrator	Regional Counsel
Director, Air and Radiation Division	Director, Water Division
Director, Superfund Division	Director, Land and Chemicals Division
Director, Indian Environmental Office	Director, Office of Public Affairs
Director, Great Lakes National Program Office	

2.2.2 Duties. IEO will be responsible for meeting logistics, development and distribution of meeting agendas and notes, maintaining an R5TOC Action Item Tracking Matrix to record commitments and deadlines agreed to during R5TOC deliberations, and providing support to the Region 5 Tribal Caucus. As appropriate and as resources allow, support to the Region 5 Tribal Caucus may include technical information and research, assistance with communication and coordination, and resources to participate in meetings and conference calls. Region 5 senior managers will represent their respective Divisions and Offices

by: (1) actively preparing for and participating in R5TOC meetings as required by the agenda, formulating solutions to issues raised during R5TOC deliberations; (2) sharing relevant information on policies, procedures, and programs in a manner that allows the Region 5 Tribal Caucus to provide meaningful and timely input to Agency decisions affecting Indian country; (3) providing timely reports to EPA staff on relevant proceedings and outcomes of R5TOC deliberations; (4) assisting with the development of meeting agendas; and (5) actively participating in ad hoc and/or standing committees and subgroups formed by the R5TOC.

2.3 R5TOC Co-Chairs

The Regional Administrator and one member of the Region 5 Tribal Caucus will serve as the R5TOC Co-Chairs. The Region 5 Tribal Caucus will select the Tribal Co-Chair in a manner consistent with the Region 5 Tribal Caucus Bylaws.

2.3.1 Substitutions. An R5TOC Co-Chair may designate a substitute to represent them at a particular meeting if they are unable to attend.

Section 3.0: Meetings

3.1 Meeting Frequency and Location

The R5TOC will meet three times each calendar year. One meeting will be held in Chicago and two meetings will be held in Indian country. Meetings in Indian country will rotate among the three states. The location and frequency of R5TOC meetings may be changed by mutual consent of the R5TOC Co-Chairs.

3.1.1 Substitutions. Should an R5TOC member be unable to attend a meeting, they may designate a substitute to represent them if their respective Co-Chair has been notified and approved the substitution.

3.2 Meeting Notes

The IEO will draft notes from each R5TOC meeting in a timely manner. Notes will be offered for approval at the subsequent RTOC meeting. After notes are approved as final by the R5TOC members, the IEO will distribute them to appropriate tribal environmental contacts.

Section 4.0: Selection of Tribal Representatives for Other EPA Work Groups

4.1 National Tribal Operations Committee

4.1.1 Representatives. Two tribal representatives shall be selected to represent the tribes in Region 5 on the National Tribal Operations Committee (NTOC) in a manner consistent with the Region 5 Tribal Caucus Bylaws.

4.1.2 Notice to EPA. NTOC representatives and their alternates will be identified to the Region 5 Regional Administrator by official tribal correspondence in a manner consistent with the Region 5 Tribal Caucus Bylaws.

4.2 Tribal Science Council

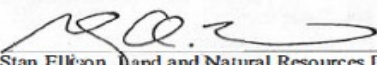
4.2.1 Representatives. One primary representative and one alternate representative will be selected to represent Region 5 on the Tribal Science Council (TSC) in a manner consistent with the Region 5 Tribal Caucus Bylaws.

4.3 Other EPA Work Groups

From time to time, national EPA work groups may request tribal representation from Region 5. The Region 5 Tribal Caucus will document an approach for selecting representatives in their bylaws.

Section 5.0: Certification

EPA Region 5 Tribal Operations Committee members have reviewed and agreed to this Charter.

 Bharat Mathur, Acting EPA Regional Administrator and R5TOC Co-Chair	<u>October 20, 2009</u> Date
 Stan Ellickson, Land and Natural Resources Director Shakopee Mdewakanton Sioux Community and Tribal R5TOC Co-Chair	<u>20 October 2009</u> Date