

## A Brief History of the National Tribal Water Council (NTWC)

As early as 2003, both the Tribal Caucus of the National Tribal Operations Committee (NTOC) and the EPA headquarters Office of Water recognized the need for a body of Tribal water professionals who could provide technical, scientific input to both the Tribal Caucus and EPA.

In 2004, the EPA headquarters Office of Water decided to meet that need by seeking input from the NTOC, Tribes and others as its staff worked on the development of a Request for Assistance (RFA) to create a national Tribal Water Council. The Request for Assistance, published in January 2005, sought competitive cooperative agreement proposals from qualified individuals, private institutions of higher education, nonprofits other than institutions of higher education having a 501(c)(3) status with the IRS, public and state controlled institutions of higher education, and federally recognized Native American tribal governments.

After the March 10, 2005 deadline, a committee of EPA Office of Water staff reviewed and evaluated the submitted proposals. The pool of finalist proposals was forwarded to Mike Shapiro, Deputy Assistant Administrator for the EPA headquarters Office of Water, for a final determination. Mr. Shapiro selected the proposal submitted by Kathleen S. Hill (J.D., LL.M.) and Joseph Dupris (Ph.D., J.D.). The headquarters Office of General Council reviewed the selection, and a cooperative agreement was awarded to Kathleen Hill. Kathleen (Kathy) serves as the Project Manager, and Joseph Dupris serves as the Project Administrator.

### Interim Council

One of the first tasks required in the RFA, and reflected in the work plan, was the creation of a five-member Interim Council. In an effort to ensure that communication flowed between the NTWC and the NTOC, Hill and Dupris invited Ken Norton, Vice-Chair of the NTOC, and the lead for NTOC water issues, to serve on the Interim Council. They then sought nominations for four additional Interim Council members, people who were “Tribal or Tribal consortia employees – people who ‘get wet’ – who have hands-on technical water expertise...” with the goal of creating an Interim Council that would reflect geographical, technical and gender diversity.

Sixteen water experts from five EPA Regions were nominated by Tribes, EPA staff, and Tribal individuals. In order to be responsive to all of the Regions from which nominations were made, Hill sought permission from EPA headquarters Office of Water Project Officer Karen Rudek to create a six-member, rather than five-member Interim Council. After Ms. Rudek granted authorization, the following Tribal water experts were invited to serve on the Interim Council of the National Tribal Water Council:

Daniel Kusnierz (Penobscot Indian Nation, EPA Region 1)

Michael Bolt (Eastern Band of Cherokee, EPA Region 4)

Nancy John (Cherokee Nation, EPA Region 6)

Carlyle Ducheneaux (Cheyenne River Sioux Tribe, EPA Region 8)

Ken Norton (Hoopa Valley Tribe, EPA Region 9)

Daniel Chythlook (Aleknagik Traditional Council, EPA Region 10)

The Interim Council held several conference call meetings prior to its first face-to-face NTWC Kick-Off meeting May 15-16 in Chicago. At that meeting, among other matters, the Interim Council:

- \* established and adopted by-laws
- \* established a selection process for new NTWC members
- \* established the qualifications (imbedded in the by-laws) for new NTWC members
- \* discussed the solicitation process for new NTWC members

In summary, the Interim Council determined that:

- \* the Project Manager and Project Administrator, with the advice and consent of the Interim Council and the EPA headquarters Office of Water, would select and appoint the new NTWC Members;
- \* the NTWC Council shall consist of fifteen (15) members, including nine (9) from each of the nine EPA Regions that have Tribes within their boundaries, and six (6) at-large members with water expertise that would be additive to the Council;
- \* NTWC Council members will serve staggered 2- or 3-year terms, determined by lot; and

\* There will be no prohibition on the re-nomination or re-appointment of Council members.

The Interim Council identified the following criteria for NTWC members:

1. Members of the NTWC must have a vocational/ professional background and previous or current hands-on water-related expertise in Indian Country, including Alaska Native Villages.
2. Members of the NTWC must be employed by a federally-recognized Tribe or tribally-authorized organization, and have the support and consent of their employer to participate in the activities of the NTWC. (A tribally-authorized organization must provide adequate documentation of the existence of its authority.)
3. Members must be willing and able to provide oral and written scientific and, as appropriate, culturally-based opinions on water-related issues confronting Indian Tribes and Alaska Native Tribes.
4. Members must be willing to review and discuss water-related issues in Indian Country with a perspective that will enhance the efforts of the NTWC, EPA, Indian Tribes and Alaska Native Tribes to improve the health and safety of Tribal communities.
5. Members must be willing to faithfully participate in the monthly conference calls and the two (2) regularly scheduled annual meetings of the NTWC.
6. Members must be willing and able to share information and explain to third parties the goals and purposes of the NTWC.
7. Members who participate in water-related educational and professional forums at NTWC expense must report back to the NTWC.
8. Members must document their travel and other approved expenditures for the purposes of NTWC fiscal accounting and audits.

The Interim Council also advised the Project Manager and Project Administrator to solicit nominations for new Council members from:

\* Indian and Alaska Native Tribes

- \* EPA
- \* National Tribal Water Council members
- \* Other entities identified by NTWC members

Following the advice of the Interim Council, the Project Manager and Project Administrator sent 550 letters to Indian and Alaska Native Tribal government leaders, informing the leaders that:

“We are seeking nominations for the National Tribal Water Council (NTWC). The NTWC is a technical/ scientific body created to provide input to the EPA, and to advocate for and assist tribes by providing information regarding water-related issues. The NTWC is not a policy-making body, and its input is not a substitute for government-to-government consultation.”

In order to fit the letter on a single page, the following most critical criteria for nominees was included:

1. Vocational/ professional background and hands-on water-related expertise in Indian Country, including Alaska Native Villages.
2. Employed by a federally-recognized Tribe or tribally-authorized organization, and have the support/ consent of her/ his employer to participate on the NTWC.
3. Willing/able to provide oral/written scientific and, as appropriate, culturally- based input on water-related issues confronting Indian and Alaska Native Tribes.
4. Willing/able to review and discuss water-related issues in Indian Country with a perspective that will enhance the efforts of the NTWC, EPA, Indian Tribes and Alaska Native Tribes to improve the health and safety of Tribal communities.
5. Willing/able to faithfully participate in monthly conference calls and two (2) regularly scheduled annual meetings of the NTWC.”

A similar message was sent to Tribal Caucus members of the National Tribal Operations Committee (NTOC), 74 EPA Regional Tribal Program Staff, and over 200 Tribal environmental staff via e-mail. Tribal environmental staff was asked to forward the information to fellow Tribal

environmental professionals. The project manager and administrator extended the deadline for nominations from August 6 to August 13, and accommodated individual Tribal requests for further brief deadline extensions.

The list of nominees, including their nominators and a summary of their professional technical water experience and tribal expertise, was subsequently forwarded to the Interim Council and the EPA Office of Water for input. Based on that input, the following new Council members were invited to serve on the National Tribal Council:

EPA Region 2

René Rickard, Haudenosaunee Environmental Task Force at Tuscarora  
Tuscarora Administrator

EPA Region 5

Nancy Schuldt, Fond du Lac Reservation  
Water Quality Coordinator, Resource Management

EPA Region 7

Denise Jensen, Winnebago Tribe of Nebraska  
Water Quality Specialist, Environmental Protection Department

At-Large Members

Steve Crawford, Passamaquoddy Tribe at Pleasant Point  
Environmental Director

Alex Cabillo, Hualapai Tribe  
Water Resource Program Manager

Ann Marie Chischilly, Gila River Indian Community  
Counsel, Office of Water Rights

S. Deb Misra, P.E., Navajo Nation  
Surface & Ground Water Protection Department

Ben Holcomb, Nez Perce Tribe  
Water Planner

David Fuller, Port Gamble S' Klallam Tribe  
Water Resources Manager