

National Tribal Operations Committee (NTOC) Reinvigoration Proposed Path Forward

Introduction

In 2010, The Office of International and Tribal Affairs (OITA) hired an external consultant to assess the National Tribal Operations Committee (NTOC) to determine what was working and what needed to be improved to enhance this important partnership with tribes and the Agency's ability to protect human health and the environment in Indian country. This assessment resulted in some important findings about the group's purpose and operations and identified specific recommendations for changes that could help reinvigorate the group.

These findings and recommendations were vetted with those involved in the assessment process to verify the results and allow opportunities for additional input. Information was also shared through the NTC with other EPA Tribal Partnership groups¹ to get broader input.

The Agency appreciates the robust participation in the assessment process by NTC members, EPA leadership, and others. EPA leadership has spent the past several months considering these recommendations and the feedback received to determine a path forward. This document outlines the decisions the Agency has made regarding a proposed path forward that reflects:

- EPA's desire to capitalize on the successes that have occurred in the Indian Program in the past several years.
- The current resources being invested in EPA Tribal Partnership groups.
- The desire to create a more efficient and effective group that will serve as a lasting tribal partnership that can be adequately supported with anticipated resources.

EPA views these changes as part of a continual improvement process where the Agency will work with tribes, tribal groups, and EPA Tribal Program Managers to continue to explore opportunities to improve efficiency and effectiveness throughout the Tribal Program.

Ultimate Goals for the Reinvigoration

The proposed changes move the NTOC towards a new vision where:

- The NTC is well coordinated with, and the NTOC is well informed by, all other EPA Tribal Partnership groups.
- The NTOC process, including the work of the NTC, is well supported by internal and external resources so that members can participate fully and productively.

¹ The term "EPA Tribal Partnership groups" refers to both Regional and Program/Media-specific Tribal Partnership groups that EPA has established to provide input to the Agency's programs and activities. It makes the distinction between Regional Tribal Partnership (Regional Tribal Operations Committees or their equivalent group of tribes or nations) and "EPA Program/Media-specific Tribal Partnership groups where a distinction between the groups is important.

- The NTC serves primarily as a high-level advisory body to the Agency through its role in the NTOC, recognizing the important role this group will continue to play in conveying information between tribes and EPA.
- The Agency functions as a collective whole when interacting through the NTOC process to help make for more efficient, effective, and more substantively meaningful interactions.
- EPA leadership is actively engaged in the NTOC.

Rationale for Change

Everyone involved with the NTOC assessment process agreed that change is needed to create a more successful partnership between EPA and tribes. This is a result of changes that have occurred within the group, within EPA's Tribal program, and in Indian country. Specifically:

- The success of the NTC and EPA's overall Tribal Program has spawned numerous EPA Tribal Partnership groups that provide input into Agency programs. The Agency is interested in capitalizing on this success and making more strategic use of the network of Tribal Partnership groups it has created and making the NTOC more of a focal point for that interaction.
- With all of these new sources of input, the Agency needs a more consistent voice from across the Tribal Program. The involvement of EPA Tribal Partnership groups in a more strategic process will provide more robust Regional and programmatic/media-specific perspectives and set of constituents that will work with the NTC to more fully develop these priorities into a national set of priorities that is reflective of the work being done by these different groups.
- NTC members have served the Agency well but are disadvantaged by an outdated engagement structure, outdated parameters for involvement, and lack of resources.
- The Agency has not been well coordinated across the Tribal Program, especially as it relates to its interactions with and support of the NTOC. This situation has led to confusing roles and responsibilities and disjointed interactions between EPA and tribes, especially the NTC.
- Capabilities in Indian country have grown in the past 15 years and have inspired new talent and perspectives about EPA's environmental programs. EPA has a strong desire to provide opportunities for the NTOC to hear these new perspectives.

Path Forward

As a result of the assessment and subsequent feedback, the Agency acknowledges that there are a number of things it can do to improve how the NTOC works. An important point that was made clear through the assessment, however, is that the NTOC is not just the group of senior EPA officials and NTC members that meet once per year. The NTOC is a system of interactions between EPA and tribes that occurs throughout the year—often between the NTC and EPA Tribal Program Managers, but also between Tribes and EPA officials at the Regional level and through EPA Tribal Partnership groups. As such, improving the NTOC means improving the NTC, aspects of the Agency's Tribal Program, and the other parts of this system as well. We hope that these improvements will culminate in a more productive and robust dialogue at the NTOC's annual meeting as well as improvements across EPA's system of interaction with tribes.

The rest of this document highlights the key areas of success that will be needed to achieve the goals the Agency has laid out for the reinvigoration process. Achieving success will involve internal changes that EPA knows it needs to make as well as changes that will require additional input. Although these proposed changes are all linked and will have multiple impacts, we have grouped these changes by the “Success Factor” to which they most closely relate.

Success Factor 1: The purpose of the NTOC is clear and roles and responsibilities of individuals and organizations that support this purpose are also clear and well communicated.

Changes EPA is Making

- **Clarify Roles and Responsibilities of Internal EPA Groups as They Relate to the NTOC Process.** The Agency is making a concerted effort to look internally and better define the roles and responsibilities of internal EPA groups that support the NTOC process. This includes the roles of AIEO, the Tribal Program Managers, the Indian Program Policy Council, and the Lead Region. We realize that we cannot expect a more efficient and effective NTOC process without making sure that we are well-coordinated and communicating as one agency.
- **Develop Orientation Course for New Members.** AIEO will develop an orientation course for new members to the NTOC to ensure that all participants have a common understanding of the mission and activities of the group and their roles and responsibilities as members. This will be initiated prior to the next full NTOC meeting and updated to reflect any future changes to the NTOC.
- **Continue to Make Improvements to the Agency Consultation Policy and Ensure that the NTC Understands its Role in that Process.** Working with the NTC is not a substitute for tribal consultation. The Agency has always acknowledged this but has not always been clear about its processes, which has made the NTC feel as if they were the only source of input on issues impacting tribes. The Agency plans to improve its process for tribal consultation to ensure that it is clear what the process is for engaging all tribes on important issues and about the NTC’s role in any sort of consultation effort.

Changes that Require Further Input

- **Finalize an Updated Purpose Statement for the NTOC.** This purpose statement should more clearly articulate the current vision and mission of the NTOC as a high-level, national body and the roles of EPA and the NTC in support of this purpose. A draft of this purpose statement is included with this document. It will be used to update the Charter when other proposed changes to the NTOC are finalized.
- **Finalize membership changes that clarify the role of NTC members as described in Success Factor 5.**

Success Factor 2: The NTC has the support it needs to produce meaningful products and provide input to the NTOC and the Agency.

Changes EPA is Making

- **Provide Direct Analytical Support for the NTC.** AIEO will issue a one-year contract (with two optional one-year extensions) in Summer 2011. The estimated award time frame is June 2011. It is hoped that this contract will be in place prior to the full NTOC meeting planned for July. This contract will assist the NTC in conducting research and collecting data on topics they intend to address with EPA.
- **Provide Support for Improved Tribal Data and Information Collection to Support the Work of the NTOC and NTC.** The Agency has already begun efforts to better define existing tribal environmental data and data needs. We plan to expand our efforts in this area and work with the NTC and NTOC to better define data needs that support the groups' mission and work with them to address data gaps based on what the Agency is already doing in this area. This includes processes for gathering information from the Agency as well as from tribes.

Changes that Require Further Input

- **Strategically Engage Other EPA Tribal Partnership Group Representatives with the Work of the NTC and NTOC.** The Agency will work with the NTC and other EPA Tribal Partnership groups to develop a process of engagement that ensures that the NTC and EPA benefit from the input and expertise of both Program/Media-specific and Regional Tribal Partnership groups as they develop national tribal priorities and address critical issues. This engagement will also help ensure a consistent voice from Indian country to EPA regarding priorities and needs. This engagement process will focus on strategic coordination and collaboration and will likely include more frequent in-person meetings of representatives from across the various EPA Tribal Partnership groups and more regular interaction and information exchange. OITA will be working with these groups through EPA Tribal Program Managers to further define how these new interactions will occur recognizing each group's different missions and structures.

Success Factor 3: The interactions throughout the NTOC process, especially between EPA and the NTC, will be purposeful, efficient, and effective.

Changes EPA is Making

- **Expand Facilitation and Logistical Support for the NTC and the NTOC to Employ Better Meeting/Call Practices.** AIEO has a contract in place to ensure that the NTC and NTOC benefit from a full range of process support, including facilitation, note taking, and meeting planning logistics. This support began in FY2010 and will be enhanced with facilitation support moving forward to help ensure the NTC and NTOC have productive interactions. These changes will also impact agenda development, action item tracking and meeting documentation, and how meetings and calls are run.
- **Assign Staff Resources to NTOC Activities.** The Agency is identifying staff and resources within AIEO to more fully support NTOC operations and coordinate

interactions between EPA and the NTC and within EPA's Tribal Program. This is part of a broader resource realignment taking place in the Office.

- **Establish a Calendar of Meetings.** AIEO will be working with the NTC, the TPMs and other NTOC process participants to establish a clear calendar of meetings and calls that culminate in key products during the year and produce a robust NTOC agenda for the full meeting in the summer. This will require significant coordination with other EPA Tribal Partnership groups and EPA TPMs to ensure that all interactions are purposeful and substantively significant. The following dates reflect meetings for this calendar year:
 - **March 28-30, 2011 – NTC and TPMs** with the primary focus of tribal environmental priority identification and refinement.
 - **Late May/Early June 2011 (Tentative) – NTC Leadership** with the OCFO and Deputy Administrator with the primary focus of presenting and addressing budget priorities. (Pending confirmation from OCFO)
 - **The week of July 11th – Full NTOC Meeting** (Tentative week of the Agency Budget Forum) May include a meeting of tribal leaders.
 - **Early November – NTC and AIEO** to discuss strategy for the upcoming year. (Exact date TBD)

Success Factor 4: There is a robust culture of accountability across the participants in the NTOC process.

Changes EPA is Making

- **Develop an Action Item Tracking System to Ensure Actions are Completed.** Substantive accountability—responding to requests for information and following up on action items from meetings and calls—is a critical component to ensuring the forward momentum of the group. The Agency has already developed an action item tracking system that is being used on meetings and calls. AIEO staff follow up at each meeting to address open actions from NTC meetings and calls. The AA for OITA is responsible for ensuring that broader NTOC actions are completed on time.
- **Track and Report on Progress Related to Tribal Measures and Tribal Cross-cutting Strategy in Agency Strategic Plan.** The new Strategic Plan provides a blueprint for advancing Administrator Lisa Jackson's priorities and EPA's mission to protect human health and the environment. The final document was released to the public on September 30, 2010. Tribal Measures are included under five objectives across three goals. There is also a Cross-cutting Strategy related to strengthening Tribal Partnerships. The Agency members of the NTOC will be accountable for reporting on these measures and the activities related to the Cross-cutting Strategy at least annually as a means of holding itself accountable for achieving environmental improvements in Indian country.

Changes that Require Further Input:

- **Enhance the Accountability Process to Encourage NTC Member Participation at Meetings.** The Agency would like full participation from all NTC members at each meeting to ensure that the Agency benefits from the group's diverse membership.

Although EPA recognizes that NTC members have competing demands on their time, the group does not meet frequently. It is important to have full participation to have informed discussions, and the Agency will strive to use new technology tools to help make this happen if people can't attend in person. It is proposing to change the meeting participation goal for NTC members and establish a process that will enable the NTC leadership, in cooperation with EPA, to address participation issues early and, if necessary, replace members who are unable to participate adequately. This participation goal is:

- NTC members should make every effort to fully participate in all in-person meetings per year. If a member misses two in-person meetings in a year, regardless of alternate participation, the NTC leadership will work with that individual to understand what is preventing their participation and either ensure that the member can participate at future meetings or provide the EPA Regional Tribal Partnership group (RTOC or the equivalent group of tribes or nations in the Region) with the opportunity to replace that individual with someone who can participate more fully.

The Agency's efforts to ensure full and consistent involvement by Agency leadership are described in Success Factor 5.

- **Develop accountability mechanisms for other important functions of the NTOC.** The NTOC members plan to assess their key activities and institute additional accountability mechanisms that will enhance their operations. These mechanisms should be incorporated into the revised Charter and may include additional accountability measures for the EPA side of the NTOC.

Success Factor 5: The NTOC is a high-level, national body that includes tribal advisors and EPA Senior leaders that are actively engaged in the process and consistently bringing new perspectives to the Agency's Tribal Program.

Changes EPA is Making

- **Clarifying Funding Mechanisms to Ensure Full Tribal Participation in NTC Work.** EPA is working internally to clarify funding mechanisms that are available to NTC members to ensure that they can fully participate in the work of the group. It will work with NTC members and Regional TPMs to ensure that everyone is aware of these mechanisms.
- **Agency Leadership Will Be More Proactive in Preparing Issues and Ideas for NTC input.** Although the work of the NTOC is largely driven by the input and priorities of the NTC, Agency leadership plans to take a more proactive and coordinated approach to bring forward issues and ideas for the group to consider. This may involve developing a calendar of input for key regulations or policies the Agency will be seeking tribal input or looking across its programs to identify cross-programmatic or emerging issues of concern.
- **Ensuring Continued Involvement by Senior EPA Leadership.** EPA continues to be committed to having senior EPA officials involved in the NTOC process. It is committed

to having the AAs and RAs continue to be involved in NTOC meetings in person. The Agency will also continue to work actively through the IPPC to ensure that leadership is effectively engaged between meetings and that there is substantively engaging information exchanged through the NTOC process to make the most of everyone's time and attention. In particular, the OITA AA will remain actively involved with the work of the NTC along with the Director of AIEO to represent and convey information to EPA Senior leaders throughout the year and will play an integral role in creating an atmosphere of high-level engagement.

Changes that Require Further Input

- **Maintain the Current Number of Members (19) but reduce the Number of Alternates.** The Agency wants to encourage participation from NTC members and ensure that alternates do not become a substitute for an actual member over time. By reducing the total pool of tribal representatives, it is also hoped that this will help improve and streamline communications between EPA and the NTC by reducing the total pool of tribal participants that may enter and exit the NTOC process. The Agency is proposing to reduce the number of alternates to a total of 11 – one per Region plus an alternate for tribes in Alaska and for Navajo Nation. The role of the alternates is to ensure that each Region and the unique perspectives from Alaska and Navajo Nation always have a voice at the table during a particular call or meeting. They play a key role of conveying information from meetings and calls to absent members. To further clarify NTC membership, the Agency is recommending that, as it states in the current Charter, an elected member can designate someone to be a member in their place, but that means the designee is the member.
- **RTOCs (or their equivalents) Will Select Members and Alternates to the NTC Based on Clear and Consistent Membership Criteria.** The Agency has identified specific criteria for membership to the NTC that will help to provide national consistency in NTC membership and are designed to ensure that tribal representatives are fully equipped to best represent Indian country. Most other EPA Tribal Partnership groups have specific membership criteria for their members. These criteria are designed to bring the NTC in line with these other EPA Tribal Partnership groups and ensure that the members selected by all EPA Regional Tribal Partnership groups (RTOCs or their equivalent group of tribes or nations in the Region) meet the needs of the envisioned NTC and NTOC. The criteria that the Agency is suggesting for members and alternates include:
 - Served for at least 3 years as the equivalent of an Environmental Director or Deputy for a tribe. This could include tribal officials who oversee or have responsibility for environmental and other issues for their tribe as well as tribal representatives who are leaders in their natural resources or planning offices.
 - Experience working with or interacting with EPA Senior managers at the Regional or Headquarters levels. This interaction could include involvement with RTOCs or equivalent group of tribes or nations in the Region.
 - Experience managing the implementation of a variety of tribal environmental programs for a tribe.

- Willing and able to commit time and energy to the work of the group.
- **All RTOCs (or their equivalents) will include Terms for NTC Members that do not Exceed Four Years Per Term.** Some EPA Regional Tribal Partnership groups (RTOCs or equivalent) already have terms or term limits for their NTC members. These terms vary based on the way that the group of tribes or nations in the Region is structured. Where these terms are less than four years, no change is needed to a Region's selection process. EPA is suggesting that the Regional Tribal Partnership groups (RTOCs or their equivalents) are the best entities to determine the specific terms for NTC members, but these terms should not exceed four years. This generally corresponds with EPA leadership tenure on the NTOC. The Agency recognizes that some Regions have more tribes and nations to select from than others. Some smaller Regions may have difficulty selecting qualified new members every four years, but all Regions should at least re-examine their NTC membership at the end of their defined term to ensure that new individuals can express their interest in becoming an NTC member. EPA should have input to this renewal process to ensure that the Regional Tribal Partnership group (RTOC or equivalent) has a full perspective on the participation of any current NTC member who may be seeking another term on the NTC.
- **Explore Opportunities to Directly Engage Tribal Elected Officials in the NTOC Process.** Although tribal elected officials can be members of the NTC, the Agency will be working to identify ways to invite them to share their unique perspectives on environmental program implementation with the NTOC. This could occur through invitations to tribal leaders to participate in some portion of the annual NTOC meeting, coordinating more closely with Regions that have meetings of Tribal Officials in conjunction with their RTOCs, and/or with increased coordination with the National Congress of American Indians (NCAI) or similar other groups that engage these officials.

Success Factor 6: Adopting an attitude of continual improvement for the NTOC process.

Changes EPA is Making

- **Institute a Periodic Organizational Assessment.** AIEO will continue to lead efforts to identify areas for improvement for the NTOC and NTC through a periodic assessment process. The assessment tool (e.g., questionnaire and/or process participant interviews) will be designed to identify whether or not improvements are working and what additional changes need to be made to help ensure that the group continues to add value to the Agency's Tribal Program and improve human health and the environment in Indian country.