Message

From: Graf, Kate [Graf.Kate@epa.gov]
Sent: 8/10/2020 3:32:07 PM
To: Byrne, Andrew [Byrne.Andrew@epa.gov]
Subject: RE: 2 questions: NTWC and SAFETEA

Oh, great, thanks so much for both.

From: Byrne, Andrew <Byrne.Andrew@epa.gov>
Sent: Monday, August 10, 2020 11:29 AM
To: Graf, Kate <Graf.Kate@epa.gov>
Subject: RE: 2 questions: NTWC and SAFETEA

Hi Kate –

I will be on the NTWC call and ready to discuss the ANCSA Guiding Principles consultation. I have accepted the invite, for large group invites I typically just accept without sending a notification to the invite creator.

Your summary of the SAFETEA issue sounds very good, thanks for sending it out. We will have more information on the smaller workgroup in the next day or so.

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From: Graf, Kate <Graf.Kate@epa.gov>
Sent: Monday, August 10, 2020 11:21 AM
To: Byrne, Andrew <Byrne.Andrew@epa.gov>
Subject: 2 questions: NTWC and SAFETEA

Hi Andy,

I wanted to ask you about 2 things. As we discussed a couple of weeks ago, I have you on the agenda for the NTWC meeting on Wednesday for 20 minutes to reiterate positions on ANCSA and provide clarifications. I noticed that you haven't accepted the calendar invitation. Karen and I had changed the call in number to my call in number from hers. Please accept the new invitation or if you don't have it please let me know and I'll go ahead and resend.

Second, I was on overload listening to the call on the McGirt case/SAFETEA the other day. I want to reach out to my program contacts to give them a heads up but want to make sure I understand the ask. Would you mind letting me know if I've captured this correctly?

There is a rider that was put in 2005 legislation at the last minute that effectively says if the State of OK requests approval to regulate within Indian country, EPA shall approve. OK has submitted a letter to the Administrator requesting approval to administer all EPA approved environmental programs in areas of the State that are in Indian Country under the authority of SAFETEA. Based on the letter and a conversation with OK, OGC thinks the state is only trying to

reestablish the program as it was pre-McGirt, not expand. OGC, OITA, and R6 are forming a small workgroup with some of the key program offices (OW included) to quickly think about any issues that may arise in getting to a place where the Administrator can approve the letter. An example used on the call was OAR's CAA grants. They are determined by a Tribe's land base which could be greatly impacted by the Supreme Court decision or how we implement our programs based on Oklahoma's SAFETEA request. Please let me know as soon as possible if you think your program may have any issues that could arise?

Thanks so much for your help.
Kate

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