

# Funding Opportunities for Protecting Tribal Waters

U.S. Environmental Protection Agency  
November 17, 2011  
CWA 106/319 Tribal Conference  
Santa Fe, NM

# Overview

- Provide basic information on funding opportunities available for water protection and restoration.
  - > Current funding trends
  - > Leveraging considerations
  - > Where to go for more information

# Starting Points in Water

- Clean Water Act

- > Section 106--
- > Supports tribes to administer programs for the prevention, reduction and elimination of water pollution.
  
- > Section 319—
- > Tribes prepare assessments of their NPS pollution and develop programs to address the problem.

# CWA Section 106 Grant Program

- EPA has requested an increase in the overall 106 budget for 2012, for a total of \$28.9 Million.
  - > The number of tribes applying for 106 continues to increase: 261 in 2012.
  - > Approximately 350 Tribes meet the criteria for 106 eligibility.
- What does this mean for tribes?
  - > Encourage coordination and leveraging between 106 funding and other water quality related funding sources to enable continued, sustainable programs and activities.

# Section 319 Grant Program

- ◉ While Section 319 has faced an overall funding reduction, EPA has held the tribal allocation steady at \$8 Million
  - The number of tribes eligible to participate continues to increase: 167 in 2012
- ◉ What does this mean for tribes?
  - Increasing numbers of tribes in the program means more demand on base grant funding, and less is available to go to competitive projects—i.e., on the ground implementation.

# Indian General Assistance Program Grants

- GAP is the largest single source of funding for tribes by EPA
- It is multi-media....including water....
- Purpose of GAP grants: to build capacity to administer environmental regulatory programs that may be delegated by the EPA on Indian lands.

# Proposed New Guidance for the Indian Environmental General Assistance Program

- The Office of International & Tribal Affairs (OITA) American Indian Environmental Office (AIEO) has proposed a Guidebook for Building Tribal Environmental Capacity.
- The Guidebook:
  - Emphasizes that GAP funds can support the development of tribal programs consistent with the purposes and requirements of programs funded under the CWA
  - Makes it clear that tribes may consolidate GAP funds with other eligible grant resources through the tribal Performance Partnership Grant authority - including CWA 106 and 319.
  - Supports effective use of the tribal PPG authority by outlining a mechanism for tribes and EPA to reach mutual agreement on priorities and plans
- In other words, awarding GAP funding under the PPG authority (along with 106 and 319 funds), rather than as stand alone GAP, can add flexibility to GAP dollars, and further the work that would otherwise be limited due to lack of water program funding.
- More information is available in EPA's "Best Practices Guide for Performance Partnership Grants with Tribes"  
<http://www.epa.gov/ocir/nepps/pdf/ppg-guide-for-tribes.pdf>

# Estuaries and Wetlands

- National Estuaries Program
- Provides base funding for a network of 28 voluntary, community-based National Estuary Programs that safeguard the health of important coastal ecosystems across the country.
- Funds average about \$800,000 per year.
  
- Wetlands Program Development Grants
- To build and refine any element of a comprehensive wetland program.
- Priority will be given to funding projects that address the three priority areas identified by EPA:
  - > Developing a comprehensive monitoring and assessment program;
  - > Improving the effectiveness of compensatory mitigation; and
  - > Refining the protection of vulnerable wetlands and aquatic resources.
- FY2012 requested funding: \$1.5 Million
- States, Tribes, local governments (S/T/LGs), interstate associations, intertribal consortia, and national non-profit, non-governmental organizations are eligible to apply.



# Worth a look in Water

## Targeted Watershed Initiative (Section 104(b)(3))

- > Initiated in 2002 to encourage successful community-based approaches to protect and restore the nation's watersheds.
- > Since 2003, more than \$50 million has been provided to 61 organizations through EPA Targeted Watersheds Grants.
- Recently awarded a 3-year cooperative agreement for \$600,000 to establish and manage a competitive urban watershed subaward program.
- Tribes are eligible for subawards; proposals for capacity building projects within urban areas on tribal lands.
  - > Anticipate subawards in the range of \$50K

# BEACH Act Grants

- Grants to improve public health protection at public beaches by developing and operating beach monitoring and notification programs.
- Tribes must have coastal waters within their jurisdiction (i.e., Great Lakes, marine coastal) that are used by the public.
- Tribe must have TAS and WQS (approved by EPA) that are as protective of human health as EPA's current recreational water quality criteria.
- Congress awards around \$10 million annually for all eligible entities (states, territories, tribes)
- Two tribes have received grants, but EPA anticipates that 40-50 tribes may have the right circumstances to be eligible for these grants.

# CERCLA 128(a) State and Tribal Response Program (Brownfields)

- Grants to address the assessment, cleanup, and redevelopment of brownfields sites and other sites with actual perceived contamination.
- Tribe defines the scope of its “response program”
  - > Prescribed elements must be followed, but the allowable activities are broad and can include developing ordinances, plans, outreach, community involvement, training, etc.
  - > Other uses may be eligible and allowable depending on the negotiated work plan.
- Authorized \$50 million/year for grants awarded annually (April-May)-states, tribes, territories
- Since 2003, over 95 tribes received funding through at least one grant cycle.
- Grants awarded using a non-competitive allocation process based on past performance, remaining funding, and need through a request process: [http://www.epa.gov/swerosps/bf/state\\_tribal/fund\\_guide.htm](http://www.epa.gov/swerosps/bf/state_tribal/fund_guide.htm)

# Leveraging Opportunity?

- Talk amongst your programs!
- Find commonalities (inventories, monitoring, preventing pollution sources, etc.)
- What “response” actions can also be related to water quality restoration and monitoring?

# Pesticides in Water

- Office of Enforcement and Compliance Assurance (OECA) annually awards approximately \$19.2 million to 49 authorized states, 6 territories and 23 tribes under FIFRA to conduct pesticide compliance and enforcement programs.
- Additional funds are awarded by the Office of Pesticide Programs (OPP) for certification and training, water quality and endangered species programs.
- These Offices developed joint guidance for fiscal years 2011 -2013 to:
  - > Recognize their interconnected pesticide authorities
  - > Align pesticide program priorities
  - > “Pesticides and water resource protection” is one of the four highest priorities for EPA Regional attention.
- Guidance is directed to the EPA Regional Offices that negotiate cooperative agreements to conduct pesticide program and compliance/ enforcement activities.

# FY2011-2013 Joint OPP/OECA Cooperative Agreement Guidance

- States and Tribes are expected to investigate and respond to water resource contamination by pesticides, especially where water quality standards or other reference points are threatened.
- Where appropriate, States and Tribes are encouraged to consult with or coordinate prevention and protection of water resources with other agencies with responsibilities for water resource protection.

# FY2011-2013 Joint OPP/OECA Cooperative Agreement Guidance

A tribe may actively manage a pesticide of concern using preventive activities to reduce contamination of water, including (non comprehensive):

- ◉ Water quality assessment to identify vulnerable water resources and conducting outreach to applicators and growers on locally-specific management practices that should be taken to protect water quality in these sensitive areas.
- ◉ Promotion and adoption of voluntary BMPs judged to prevent or reduce contamination by a particular pesticide e.g., riparian buffer zones, filter strips, no-till cultivation.
- ◉ Management control decisions based on spatially and temporally focused surveillance monitoring.
- ◉ Designation as State or Tribal “Restricted Use” due to water quality concerns.
- ◉ Activities specific to assessing and addressing CWA § 303(d) “impaired waters.”
- ◉ For more information, contact your EPA regional tribal pesticide coordinator.

# Summary

- Funding highlights, not comprehensive
- \$\$ are small in comparison with some other federal agencies
- Any examples/funding formulas you would like to share?
- Questions?



# For further information

- ◉ Wetlands grants:  
[http://water.epa.gov/type/wetlands/initiative\\_index.cfm](http://water.epa.gov/type/wetlands/initiative_index.cfm)
- ◉ National Estuaries Program:  
<http://water.epa.gov/type/oceb/nep/about2.cfm>
- ◉ For information on the National Pesticide Tribal Program, see  
<http://www.epa.gov/oppead1/Publications/tribal-brochure.pdf> FIFRA 2011-2013
- ◉ FIFRA 2011-2013 Cooperative Agreement Guidance:  
<http://epa.gov/oecaerth/resources/policies/state/grants/fifra/11-13guidance.pdf>