**R9 Tribal Caucus**

**WORKGROUP ACTION PLANS**

**GAP Workgroup**

**Facilitate the Development and Maintenance of**

**Effective Core Tribal Environmental Programs**

**Background**

* An effective core environmental program is a fundamental need of every tribe that undertakes environmental protection efforts.
* Tribes require adequate resources to establish a core program, undertake capacity building activities, and maintain the program over the long-term.
* Adequate resources are also needed for implementation activities, such as the development and implementation of enforcement mechanisms.
* The General Assistance Program (GAP) has traditionally been the primary, if not sole, source of funding for these purposes.
* Limited funding of the GAP, coupled with its uses by tribes to address a variety of needs such as to supplement air and water program funding and address tribal solid and hazardous waste management needs, has resulted in less than adequate funding to support tribal core program needs.
* Limitations on allowable uses of GAP funds have also hampered tribal efforts to implement program activities and to develop and sustain enforcement capacity. [NOTE: not meant to address new GAP guidance, just stating the impacts of a limitation on use of GAP funds in general; however, we should probably add a bullet regarding the effects of new limitations in the current GAP guidance]

To address these issues, the RTOC has identified the following objectives:

A. Achieve adequate funding levels under the Indian Environmental General Assistance Program (GAP) to provide on-going support for tribal environmental program capacity and essential program maintenance;

B. Achieve greater flexibility in the use of GAP and other funds to address tribally identified priorities, including implementation;

C. Identify opportunities to leverage funds to address priority needs in Indian Country;

D. Ensure opportunities under GAP to promote Traditional Ecological Knowledge and allowable uses of GAP and other funds honor and protect the traditional relationship between tribal communities and the environment; and

E. Promote longevity of Tribal Environmental programs and capacity.

**Relevant Provisions in EPA strategic planning and other documents**

**EPA Policy for the Administration of Environmental Programs on Indian Reservations**

EPA’s Indian Policy, issued in 1984 and reaffirmed by every Administrator since then, provides the following:

POLICY: In carrying out its fundamental objective to protect human health and the environment, EPA will give special consideration to Tribal interests in making Agency policy, and to insure the close involvement of Tribal Governments in making decisions and managing environmental programs affecting reservation lands.

PRINCIPLE 1: EPA recognizes Tribal Governments as sovereign entities with primary authority and responsibility for the reservation populace.

PRINCIPLE 2: In keeping with the principle of Indian self-government, EPA views Tribal Governments as the appropriate non-Federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace.

PRINCIPLE 3: EPA will assist interested Tribal Governments in developing programs and in preparing to assume regulatory and program management responsibilities for reservation lands, including the provision of grants and other assistance similar to that provided to State Governments. Where EPA retains program management responsibilities in Indian country, it will encourage tribal participation in policy making.

PRINCIPLE 4: As impediments in EPA procedures, regulations and statutes are identified which limit its ability to work effectively with Tribes, it will seek to remove those impediments.

PRINCIPLE 5: In keeping with EPA’s trust responsibility, the Agency will endeavor to protect the environmental interests of Indian Tribes when carrying out its responsibilities that may affect the reservation.

PRINCIPLE 6: EPA will encourage early communication and cooperation among Tribes, States and local governments in connection with environmental planning and management activities.

PRINCIPLE 7: EPA will seek and promote cooperation between Federal agencies to protect human health and the environment on reservations. It will work with other agencies to clearly identify and delineate the roles, responsibilities and relationships between various agencies and to assist Tribes in developing and managing environmental programs for reservation lands.

PRINCIPLE 8: EPA will work cooperatively with Tribal leadership to develop means to achieve compliance with Federal environmental statutes and regulations, providing technical support and consultation as necessary to enable Tribal facilities to comply.

PRINCIPLE 9: EPA will incorporate these policies and principles into its planning and management activities, including its budget, operating guidance, legislative initiatives, management accountability system and ongoing policy and regulation development processes.

**EPA Strategic Plan 2014-2018**

[**http://www2.epa.gov/planandbudget/strategicplan**](http://www2.epa.gov/planandbudget/strategicplan)

Objective 3.1: Promote Sustainable and Livable Communities. Support sustainable, resilient, and livable communities by working with local, state, tribal, and Federal partners to promote smart growth, emergency preparedness and recovery planning, redevelopment and reuse of contaminated and formerly contaminated sites, and the equitable distribution of environmental benefits.

By 2018, reduce the air, water, land, and human health impacts of new growth and development through the use of smart growth and sustainable development strategies in 600 (cumulative) com­munities, which includes tribal governments, local municipalities, regional entities, and state govern­ments, through activities resulting from EPA and federal partner actions. (Baseline: In FY 2013, an estimated 102 communities were assisted.)

**Region 9 Strategic Plan (2014-2018)**

Strengthen Human Health and Environmental Protection in Indian Country

Under federal environmental statutes, EPA is responsible for protecting human health and the environment in Indian country. EPA’s commitment to tribal environmental and human health protection has been steadfast for nearly 30 years, as formally established in the Agency’s 1984 Indian Policy.22 EPA works with over 560 federally recognized tribes located across the United States to improve environ­mental and human health outcomes. Approximately 56 million acres are held in trust by the United States for various Indian tribes and individuals. Over 10 million acres of individually owned lands are still held in trust for allotees and their heirs.23 Difficult 29 environmental and health challenges remain in many of these areas, including lack of access to safe drinking water, sanitation, adequate waste facili­ties, and other environmental safeguards taken for granted elsewhere.

In collaboration with our tribal government partners, EPA will engage in a two-part strategy for strengthen­ing human health and environmental protection in Indian country. First, EPA will ensure that its envi­ronmental protection programs are implemented in Indian country either by EPA or through implementa­tion of environmental programs by tribes themselves. Second, EPA will provide resources through grant funds and technical assistance for federally rec­ognized tribes to create and maintain effective environmental program capacity.

**Key Past Activities and Accomplishments of the Workgroup**

This workgroup was established by the RTOC in 2013 specifically to assess and address issues raised by the draft GAP Guidebook and, ultimately, the new GAP Guidance. The scope of its work is expanding to include other objectives, strategies and tasks identified in this Appendix.

**Recommended Activities**

 ***Short-Term Activities (Within 1-3 Years)***

* Evaluate impacts of new GAP Guidance on tribal environmental programs.
* Continue to gather specific information regarding tribal needs; why funding is important and how it has made a difference; and disparity between tribes and states.
* Identify tribal compliance assistance needs.
* Identify tribal enforcement capacity barriers and ways to address them for tribes with different levels of development.

***Long-Term Activities (Within 3-5 Years)***

* Continue to support implementation activities, through the previously proposed Multi-Media Tribal Implementation Program or otherwise.

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| **Strategies** | **Tasks** | **Time Frames** | **Leads** |
| Assess and promote funding to address tribal needs  | Tribal Caucus develops regional budget request and presents to the RTOC and Regional Administrator | Annually – for presentation at “Spring RTOC” | Budget Workgroup |
|  | Tribal Caucus provides input into NTC budget development | Annually – before July budget meetings | Budget Workgroup |
|  | Gather specific info re need; why funding is important and how it has made a difference; and disparity between tribes and states | Ongoing | Budget Workgroup |
|  | Coordinate with other organizations, e.g. NCAI | Ongoing | RTOC / NTOC Reps |
| Assess and promote flexibility in allowable uses of GAP funding  | Prepare briefings, correspondence, comments to decision-makers as appropriate | As needed | To be assigned |
|  |  |  |  |
|  | On implementing Guidebook – Develop a recommendation from RTOC for the writing and implementation of ETEPs | Pending  | To be assigned, with NTOC |
| Leveraging | Peer Matching – develop sample language to add to grants notifications (across media) on Peer Matching. Note Peer Matching can range from sharing information to on-site technical assistance | TBD | Grants Workgroup |
|  | Explore how or if EPA funds can be used as a match for any other Federal funds – can indirect costs be a match? | TBD | Grants Workgroup |
| Longevity | Develop a template to prompt staff at Tribes to think about operations plans and succession planning across media programs | TBD | TBD |
| Facilitate Support for Tribal Enforcement Capacity | Explore avenues to leverage enforcement authorities under “alternate” statutes/programs to address environmental problems that fall under “regulatory gaps,” such as enforcement for illegal solid waste dumps that don’t contain hazardous materials and therefore aren’t addressed under RCRA C, or are located in Indian Country but on privately held lands |  |  |
|  | Identify ways that enforcement activities can help tribes in the Border area address migrant waste (e.g., MOU with Homeland Security?) |  |  |
|  | Facilitate environmental trainings for tribal leaders, police and judiciary to build awareness of issues/impacts related to environmental violations, the importance of using all aspects of tribal authorities to address noncompliance |  |  |
|  | Explore opportunities for joint enforcement actions (under which authorities can tribes share penalties resulting from joint enforcement actions as states do?) |  |  |
|  | Identify needs and opportunities for inspector training, sharing resources for federal inspector credentials and inspections |  |  |

**Water Quality Workgroup**

**Facilitate the Development and Maintenance of**

**Effective Tribal Surface and Groundwater Programs**

**Background**

The fluctuation and decline of EPA funding for tribal water programs remains a significant obstacle for tribal governments as they strive to preserve, protect and restore the waters on their lands. Tribes require sustainable funding to provide program continuity and to allow tribal governments to engage in long-term program planning. As part of this requirement, Tribes call for the establishment of annual baseline funding levels for fundamental programs and funding targets for mature tribal water programs. This request would help support the long-term operations of tribal water programs. One method of achieving sustainable funding is to establish parity between tribal and state funding. Thus allowing Tribes to receive set funding allocations / targets on an annual basis for their water programs as states and territories currently have.

Another area of concern for tribes is the removal of barriers to the attainment of flexibility in water programs. The lack of flexibility works against the tribes’ need to maintain water programs that are closely aligned with fluctuating environmental conditions on their reservations. Particularly, amongst these barriers are the statutory funding caps for the CWA NPS, SDWA SRF, CWA SRF tribal programs. Eliminating these caps and other regulatory barriers would improve funding in Tribal environmental programs.

Tribes have developed water programs tailored to meet the unique challenges of environmental protection on their lands. These programs have lead to significant improvements to the environment on tribal lands in the past decade, thus demonstrating the effectiveness of the EPA/Tribal partnership….a partnership built on the foundation of Tribal sovereignty and the Federal government’s trust responsibility. Under this partnership, Tribes expect Federal support for tribal water programs into the foreseeable future.

**Relevant Provisions in EPA’s Strategic Planning Documents**

EPA's 2011-2015 Strategic Plan: The plan calls for protecting and restoring America’s Waters by ensuring that both human health, and watersheds and aquatic ecosystems are protected. Through 2015, EPA hopes to ensure that the condition of the nation’s streams and lakes does not degrade beyond 2006 baseline levels; and that water quality in Indian country will improve at 50 or more baseline monitoring stations in tribal waters (cumulative) (i.e., show improvement in one or more of seven key paramenters: dissolved oxygen, hH, temperature, total nitrogen, total phosphorus, pathogen indicators, and turbidity) and identify monitoring stations that are showing no degradation in water quality (meaning the waters are meeting uses).

<http://water.epa.gov/aboutow/goals_objectives/goals.cfm> (Water elements of EPA's Strategic Plan, 2011- 2015)

2) EPA Region 9's 2011-2014 Strategic Plan – EPA Region 9’s strategic plan describes a two-fold approach to protecting water quality which is to 1) Use the the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA) as regulatory tools to develop effective permits and enforce compliance; and 2) Coordinate and leverage resources by providing financial and technical assistance towards specific goals that restore water quality. The Region expects to address its efforts in several areas including the Klamath River and Lake Tahoe, among other areas, home to several Region 9 tribes. Some of the efforts will include TMDL development and financial assistance. The Region has also included developing a sustainable water infrastructure for homes, industry and communities, including tribes. This is expected to be accomplished via funded infrastructure projects and tribal capacity building through contract circuit riders to assist tribal governments to endure SDWA compliance and providing safe water.

<http://www.epa.gov/region9/strategicplan/StrategicPlan2011-14.pdf> (Region 9 Strategic Plan, 2011-2014)

**Key Past Activities & Accomplishments** **of the Region 9 RTOC**

**Data collection and Education to promote RTOC support of increased funding for CWA programs:**

* Region 9 Regional Tribal Operations Committee (RTOC) initiated a CWA 106 needs assessment survey in May 2011 to help determine how much CWA 106 funding is needed to run a basic CWA 106 environmental program. Tribes are continuing to complete these to support future requests.
* The RTOC CWA Workgroup oversaw the development of the Water Quality Assessment Report (WQAR) template that provided a picture of water quality in Region 9 Indian Country. As a result, 80% of tribes receiving CWA 106 funds submitted completed WQARs in 2012.
* The RTOC CWA Workgroup provided education at RTOC meetings in 2010, 2011 and 2012 regarding completion of CWA 106 Water Quality Assessment Reports, that illustrate tribal water quality needs in Region 9. Information from these WQARs was used in the RTOC’s FY2014 budget presentation to EPA at the May 2012 RTOC.

**Accomplishments of Region 9 tribes to further their water quality programs:**

* Number of eligible Region 9 tribes who achieved Treatment as a State under CWA programs:

CWA 106: Water Pollution Control Program – 104 tribes

* CWA 319: Nonpoint Source Pollution Prevention – 89 tribes
* CWA 303: Water Quality Standards – 11 tribes
* EPA approved Water Quality Standards – 8 tribes
* Number of Region 9 tribes completing CWA 106 Reporting Requirements:
* Monitoring Strategies – 86 tribes
* Submitting STORET-compatible Data – 75 tribes
* Water quality Assessment Report – 77 tribes

**Recommended Activities**

***Short-Term Activities (Within 1-3 years)***

Provide support through the budget process on a regional and national level for flexibility in allocation of CWA funding to tribes.

Strategize at Regional and national level for continued water quality training for tribes.

Promote meaningful inclusion of tribes during NPDES actions affecting tribal lands.

***Long-Term Activities (Within 3-5 years*)**

Same as above plus:

Suggest simplification of the Treatment as a State under the Water Quality Standards Program process using legal tools.

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| **Goals & Strategies** | **Specific Tasks** | **Time Frames** | **Leads** |
| Support through budget process on the regional and national level | Regional budget request | Annually | Budget Workgroup / Clean Water Workgroup |
|  | Encourage flexibility in allocation of funding (Achieving TAS means being treated like States). Issues include:1. Recertified funding should be reprogrammed to other entities (i.e., State recertified funds should be given to Tribal Governments;
2. Raise Tribal CWA 106 allocation from 12.4% back up to 15.49%.
3. Support NTOC request for 20% or $38 million.
 | Ongoing | NTOC/RTOC |
|  | Provide input into NTC budget | Annually | Budget Workgroup / Clean Water Workgroup |
|  | Coordinate with other organizations (i.e., NCAI, NTWC) | Annually | RTOC/NTOC reps |
|  | Gather info re need; achievements; disparity between tribes and states | Ongoing | Budget Workgroup / Clean Water Workgroup |
| Provide input re EPA strategic plan, other documents & proposed actions | Prepare other briefings, correspondence, comments to decision-makers as appropriate | As needed | Clean Water Workgroup |
| Support through RTOC,NTOC, NTWC | Ensure that tribes have meaningful voice during NPDES actions affecting tribal lands (i.e., State of California);* Obtain list of off-reservation permits affecting tribal waters in R9
 | Ongoing | RTOC, NTOC, NTWC reps; Clean Water Workgroup |
|  | Suggest that EPA reinterpret CWA TAS provision as a delegation of authority to streamlinine WQS TAS application .Gather information/legal tools to simplify the approval process for the Treatment as a State under the Water Quality Standards program | Ongoing | RTOC, NTOC, NTWC reps; RTOC, NTOC, NTWC reps; CW Workgroup |
| Ensure continuous and accessible water quality training | Provide circuit ridersDevelop framework for peer matching/training | Annually | Clean Water Wokrgroup |
| Ensure continuous and accessible Water Quality Training | Work with EPA to find solutions to provide one-on-one water quality assistance for R9 tribes:Explore resources for Circuit Riders Develop Framework for Peer Matching/Training | Annually | Clean Water Workgroup |
| Continue to find ways to address non-native species | Identify how the RTOC or Workgroup can address this issue (e.g., information gathering as a first step) | Ongoing / long term | CWA Workgroup |
| Develop a strategy to incorporate flow into Water Quality Standards to connect Water Quality and Water Quantitiy issues  | Identify how the RTOC or Workgroup can address this issue (e.g., information gathering as a first step) | Ongoing / long term | CWA Workgroup |

**Drinking Water / Wastewater Workgroup**

**Improve Tribal Access to Safe Drinking Water and Basic Sanitation**

**Background**

Tribal communities continue to experience a significant disparity in access to safe drinking water and basic sanitation: although progress has been made, particularly with ARRA funding, 18% of the Tribal homes in R9 lack access compared to 1% of non-Indian homes. This is a fundamental environmental and public health issue that requires both physical infrastructure and operations & maintenance (O&M) needs be addressed

The US committed at Johannesburg Summit on Sustainable Development to reduce by half, by 2015, population lacking access to safe drinking water and basic sanitation (Access Goal). This Goal has been captured in EPA’s Strategic Plan as a specific commitment in Indian Country, and represents one step toward Congressional policy of ensuring all Tribal homes have access to safe drinking water and basic sanitation as soon as possible (25 USC §1632(a)(5))

Funding for new infrastructure, as well as for repairs, rehabilitation and upgrades to existing infrastructure is provided by several federal agencies including EPA, IHS, USDA-RD and HUD. Last year’s increase on the CWA and SDWA Tribal Set Asides to 2%, along with ARRA funding, contributed to increased access in Indian Country, but significantly more is needed. According to HIS’s marginal cost analysis, $1 BILLION is required to address all Tribal drinking water and wastewater infrastructure needs in Region 9, including $300 MILLION to provide access for 18,990 homes. Due to expected cuts in the SDWA and CWA SRF, a Tribal funding floor at FY10 levels with adjustments for inflation should replace the percentage-based Tribal Set Asides

Operation & Maintenance funding is also critical to ensure delivery of safe drinking water and the sanitary operation of wastewater disposal facilities, as well as to protect the federal investment in infrastructure over long term. For many Tribal communities, it is not possible to cover O&M costs through rate structures due to small system size, high poverty levels and lack of income sources; however, THERE CONTINUES TO BE NO FEDERAL FUNDING TO SUPPORT O&M FOR TRIBAL FACILITIES. This represents a significant gap in resources necessary to address this critical public health and safety issue.

The overall objectives of the Region 9 RTOC are to take steps to achieve the following:

A. Protect and enhance infrastructure funding

B. Identify / facilitate the establishment of funding to support asset protection (O&M)

C. Increase tribal technical, financial & managerial capacity to operate and maintain drinking water and wastewater facilities

D. Maintain/increase funding to support technical assistance providers (such as RCAC) to ensure all Tribes in Region 9 have access to technical assistance for both drinking water and wastewater-related needs

**Relevant Provisions in EPA’s Strategic Planning Documents**

EPA National Program Measures to Implement Strategic Plan 2.1.1:

SDW-18.N11 Increase number of American Indian and Alaskan Native homes provided access to safe drinking water in coordination with other federal agencies, to 119,000

SDW-SP3.N11 Increase percent of population in Indian country served by community water systems that meet receive drinking water meeting all applicable health-based drinking water standards

WQ-24.N11 Increase number of American Indian and Alaskan Native homes provided access to basic sanitation, in coordination with other federal agencies, to 67,600

**Key Past Activities and Accomplishments of the Region 9 RTOC**

* Supporting briefings led to reinvigoration of national level multi-agency task force to address Tribal drinking water and sanitation needs
* Participation by RTOC Representatives on the National Infrastructure Task Force ensured Tribal priorities and interests were included in its work, including its report of barriers and recommendations to overcome them
* Facilitation and support for development and completion of Region 9 Tribal Baseline Needs Assessment
* Support and research regarding Tribal O&M needs led to the development of criteria for funding O&M pilot projects under GAP
* Research to address deficiencies in California criteria for certifying wastewater operators ensured that time spent working at Tribal utilities is included as eligible experience under new state regulations (currently in public review and comment period)
* Facilitation and hosting of Regional Multi-Agency Workgroup, which has resulted in
	+ Resource matrix
	+ Support for collaborative projects to address Tribal operational and maintenance needs

**Recommended Activities**

***Short-Term Activities (Within 1-3 Years)***

* Support proposed revised regulations for the California Wastewater Operator Certification program
* Continue to participate in the National Infrastructure Task Force and O&M Study Workgroup
* Monitor, perform outreach, and coordination, and provide input on anticipated revisions to the Clean Water and Drinking Water Tribal Set-Aside guidance documents
* Identify tribes in Region 9 that do not have access to technical assistance to address their utilities’ needs
* Host Resource Fair for Nevada tribes
* Host Regional Inter-Agency Workgroup meeting

***Long-Term Activities (Within 3-5 Years)***

* Continue to support adequate infrastructure funding
* Continue to research sources of O&M funding
* Encourage technical assistance availability for all tribal drinking water and wastewater utilities

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| **Goals & Strategies** | **Tasks** | **Time Frames** | **Leads** |
| Promote the inclusion of tribal needs and projects in upcoming federal legislation (i.e., stimulus funding, jobs bills) | Draft briefing papers and comment letters as necessary | As needed | DW/WW Workgroup / Budget Workgroup |
| Suggest a funding floor for SDWA & CWA tribal set asides at FY2010 (or at a minimum at FY2011) dollar levels if overall SRF funding is reduced | Annual budget request | Annually | DW/WW Workgroup / Budget Workgroup |
| Continue to participate in national activities and to coordinate with national organizations to ensure tribal input and consistency of message | Ongoing participation in Infrastructure Task Force | Ongoing | RTOC / NTOC reps |
| Continue to initiate and participate in regional activities to facilitate tribal access to funding and other resources | Sustainable infrastructure resource | Annually | DW/WW Workgroup / Sustainable Infrastructure Workgroup / Solid Waste Workgroup |
| Engage other federal agencies to promote tribal needs and priorities | Infrastructure Task Force; Sustainable Infrastructure Resource Fairs | Ongoing | RTOC / NTOC reps; DW/WW, SI & SW Workgroups |

**Solid Waste Workgroup**

**Minimize and Manage Solid Waste**

Ensure the safe and effective management of solid waste and promote sustainable and culturally appropriate solutions to address solid waste challenges. More than 2,000 open dumps exist on tribal lands in Region 9. In partnership with tribes, EPA is identifying sites posing the greatest threat, closing them, and preventing their recurrence. The adoption of Tribal Integrated Solid Waste Management Plans promotes long-term planning for safe solid waste disposal. To achieve this goal, the workgroup will:

* Promote an increase in the number of tribes with integrated solid waste management plans
* Promote the environmentally responsible closure of solid waste dumps on tribal lands
* Promote sustainable waste collection, recycling, reuse, and composting programs through training, technical assistance, and outreach

Barriers for achieving these goals include:

* Limited financial resources available to implement the tasks highlighted below
* Limited personnel resources for both EPA and tribes to address the goals
* Limited recycling options in AZ and NV
* Lack of support from IHS in cleaning up open dumps
* RCRA does not allow for delegation of authority to tribes
* Paucity of baseline data for existing waste management infrastructure and capacity across Tribal communities in the region thus constraining planning and coordinated decision making

**Links to current strategic planning documents of EPA and other federal agencies as appropriate**

FY 2011-2015 EPA Strategic Plan

* Goal 3: Cleaning Up Communities and Advancing Sustainable Development. Objective 3.2: Preserve Land - By 2015, close, clean up, or upgrade 281 open dumps in Indian country and on other tribal lands compared to FY 2009. (At the end of FY2009, 412 open dumps were closed, cleaned up, or upgraded. As of April 2010, 3464 open dumps were listed.)
* Cross-Cutting Fundamental Strategies. Strengthening State, Tribal, and International Partnerships. With Tribes – Focus on increasing tribal capacity to establish and implement environmental programs while ensuring that our national programs are as effective in Indian country as they are throughout the rest of the nation.

Region 9 Strategic Plan, 2011-2014 – Tribal Solid Waste Management

* Close, clean up, or upgrade at least 35 open dumps during 2012, and improve tribal solid waste management.
* Increase by two each year the number of tribes that will have an Integrated Solid Waste Management Plan in place, for a total of 39 plans region-wide by October 2012.

**Key past activities & accomplishments**

Between FY09-FY12, tribes within Region 9 have closed or cleaned up 265 open dumps. During this same period, the ability to address open dump clean ups with EPA funding was, and continues to be increasingly scrutinized. RTOC has played a key role in informing tribes of increased challenges to addressing open dumps, and has strongly voiced support for tribes to have the support needed to achieve environmentally responsible closure of solid waste dumps.

Between FY09-FY12, 15 tribes within Region 9 adopted Integrated Solid Waste Management Plans (ISWMPs). During this same period, RTOC was instrumental in informed EPA on how to assist tribes, through trainings and outreach, in support of the development and adoption of ISWMPs. EPA has determined that ISWMPs that effectively address a tribe’s solid waste management needs will ensure the greatest opportunity for success. EPA has also provided information on elements to be considered when developing ISWMPs. RTOC has served to identify what information tribes want and need to successfully develop ISWMPs. RTOC has also coordinated various solid waste trainings towards this end. Examples of these trainings include:

* Waste Characterization Audits
* Greening Tribal Casinos
* How to Operate and Maintain a Transfer Station
* How to Write and ISWMP

**Overall objectives moving forward (i.e., measures of success)**

* Develop a list of common issues (we may be able to garner the top priorities to address within 1-3 years and 3-5 years)
* Promote availability and use of tools (e.g., Sustainable Evaluation Tool) for assessing and measuring improvement of Waste Management Programs
* Research sources of funding

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| **Goals (desired results) & Strategies (pathways to get there)** | **Specific Tasks** | **Time Frames** | **Leads** |
| Reduce the number of open dumps in Indian country (Clean up 20 dumps in FY14).  | - Determine how RTOC will assist in prioritizing clean up of open dump sites. - Create training opportunities for tribes to learn to maintain their open dump inventory and prioritize/rank their importance/need for closure. - Foster increased collaboration between EPA and IHS for open dump cleanup.  | 1-3 Years1-3 Years1-3 Years |  |
| Ensure that every tribe that wants one has an approved Integrated Solid Waste Management Plan and is implementing that Plan (2-5 new ISWMPs in FY14).  | - Determine how RTOC will plan a role in advancing this annual goal/measure.- Determine ways that RTOC can promote ISWMP development.Work with ITEP to have at least 1 ISWMP training in R9 in FY14.Work with the R9 EFC to provide assistance to tribes who desire to draft an ISWMP. | 1-3 Years1-3 Years1-3 Years1-3 Years |  |
| Review the Agency Wide Plan for opportunities or barriers to solid waste management | - Provide comments on the final Plan | 1-3 Years |  |
| Conduct training on specific waste management issues.  | - Determine which tribes are willing and able to host or present trainings on the following potential topics: * Design and Operation of Transfer Stations
* Business plan development
* Conducting Waste Characterization Audits
* Greening Tribal Casino Operations
* Refrigerant Removal
* Solid Waste Business Planning and Management
* Pay-As-You-Throw
* Source Reduction
* Developing Composting and Recycling Programs (Zero Waste)
* IWMP Development Training
* Biodiesel Feasibility Training
 | 3-5 Years |  |
| Conduct outreach on specific waste management issues.  | - Work with EPA to provide outreach on the following topics: * Guide for Design and Operation of Transfer StationsConstruction waste recycling
* Illegal Dumping Enforcement Website \*
* Tribal Green Building Guide (web-based)
* Climate change impacts
* Source Reduction
* Developing Composting and Recycling Programs (Zero Waste)
* Waste Sort Guide for web publishing
* Tire Removal/Management
* Guide for Managing Dumpsites After Cleanup.
* Guide for Haz Waste clean up
	+ Drug labs
	+ Marijuana grows
	+ One/Two page factsheet
	+ What to look for, who to contact, what to do, and what not to do

- Determine which tribes would be willing to share examples of success. - Develop a resource guide to include the following: * Technical assistance providers
	+ ITEP
	+ NAEPC
	+ RCAC
	+ Circuit Riders
	+ EPA
	+ Other Federal agencies
	+ Are they funded by EPA, and will it continue?
	+ Can we expand?
* By topic area
	+ Development of a landfill
	+ Development of a transfer station
	+ Long term financial sustainability and business planning
* Develop a matrix that includes
	+ Grant funding and allowable costs
	+ Resources that aren’t just funding
		- Include peer match initiative
 | 3-5 Years1-3 Years3-5 Years |  |
| Focus on capacity building activities | - Determine the tribal waste capacity assistance needs: * Integrated Solid Waste Management Plans
* Technical training
* Long term financial sustainability (no grant funding)
* Developing SW Program into a sustainable, revenue-generating program
* Business planning
 | 1-3 Years |  |
| Improve relationships with other federal, state, and local agencies.  | - Promote increased dialogue between EPA and Department of Homeland Security regarding UDM waste. - Facilitate more collaboration among tribes, with federal and state agencies, with counties and locals, and with foundations, etc. e.g. new California diversion rate (75%) with state and counties, equipment and expertise with other tribes.  | 3-5 Years3-5 Years |  |
| Suggest increased cooperation between the R9 Tribal Solid Waste Team and the R9 TPO, as well as partnerships between EPA and other federal agencies to support open dump clean-up in Indian Country | - Assist with preparation of annual budget request.  | 1-3 Years |  |

**Air Quality Workgroup**

**Protect and Enhance Air Quality**

**Background**

The following information gives a brief summary of the air programs in Region 9, keeping in mind that there are 147 Tribes within the Region:

From the Draft RTOC Barriers Document 2005:

Tribal communities are more greatly impacted by air pollution than non-Tribal communities as a result of subsistence lifestyles and location nearer to sources than urban populations. Thus, regulatory schemes deemed adequate to protect the public at large do not necessarily address Tribal health and welfare concerns. Many Reservations are located in non-attainment areas for criteria pollutants (pm & ozone in particular in Region 9), or otherwise subject to unhealthful air quality from toxic/hazardous air pollutants, despite the fact that most sources of air pollution affecting Tribal communities are located off-Reservation. As a result, Tribes must perform air program activities such as assessing ambient air quality, conducting emissions inventories, monitoring and tracking changes, and regulating on-Reservation sources, as well as participating in off-Reservation and regional air quality control efforts, so they can take appropriate steps to protect the health of their communities. EPA’s goal of reducing the number of people whose health is affected by air pollution must take these circumstances into account.

From the FY2014 Tribal Air Quality Budget Analysis Document developed by NTAA:

According to the OAQPS Report supplemented with data from Region 9 EPA the following numbers were reported for the region:

*Air Monitoring*

Monitoring shows fluctuations in the number if Tribal monitoring sites from 2005 to 2011. During this time eleven (11) Tribes submitted monitoring data in 2005 and twenty-two (22) Tribes submitted data in 2011. Tribal air monitoring sites have shown increases from seventeen (17) sites in 2005 to thirty-one (31) Tribal monitoring sites in 2012.

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| Air Monitoring  | Diesel  | Emissions  | Grants  | Permits  | Regulations  | TAS  |
| 31  | 0  | 27  | 28  | 21  | 3  | 3  |

*Diesel Work*

In FY 2011 Tribes in Region 9 had two (2) diesel projects with fifteen (15) retrofits completed. In FY 2012 there are no current programs in Region 9.

*Emissions*

In Region 9 there are twenty-seven (27) completed emission inventories.23 Twelve (12) Tribes have completed emission inventories with submissions to the NEI24.

*Grants*

As of 01/19/2012 Region 9 reported two (2) Local Showcase grants. According to EPA data, Region 9 has twenty-three (23) 103 air grants and three (3) 105 air grants.

*Permits*

Currently there are twenty-one (21) permits identified in Region 9 Indian Country. These permits are: Title V: Major permits.

*Regulations*

Regulatory programs can be developed by a tribe as they see fit and the types of regulations include TIP’s, rules or permitting regulations. In Region 9, one (1) Tribe has submitted a regulation report, one (1) Tribe has regional approval and one (1) Tribe has a final rule.

*TAS*

Under the TAR and Section 301(d) of the Clean Air Act, eligible Tribes can be "treated in a manner similar to states". In Region 9 ten (10) Tribes have submitted TAS applications, one (1) Tribe has regional determination and one (1) Tribe has the decision document signed.

*Non-attainment or Maintenance Areas*

In Region 9, Tribal lands in non-attainment or maintenance areas are as follows:

Fifty-one (51) non-attainment areas for 8-hr ozone standard (1997 std), seventeen (17) in non- attainment for PM-2.5 (2006 std), fourteen (14) in non-attainment for PM-2.5 (1997 std), twenty- seven (27) in non attainment for PM-10 (1990 std), one (1) in non-attainment for SO2 (1978 std) nine (9) are in a maintenance are for PM-10 (1990 std), twenty-nine (29) in maintenance for CO (1990 std), and three (3) in a maintenance area for S02 (1978 std).

*Program Delegations*

In Region 9, one (1) Tribe has submitted a FIP and one (1) Tribe has been approved for a FIP. One Tribe has delegation of Title V (Part 71) operating permit program.

Information still needed for this section: How many Tribes received grants for FY2012/2013, How many Tribes applied, How many more Tribes would apply if there was funding available?

**Relevant Provisions in EPA’s strategic planning documents**

**Region 9 Strategic Plan Geographic Area of Focus**

The United States has a trust responsibility to federally recognized Indian tribes. We work on a government-to-government basis with all 147 tribes in Region 9. Region 9 tribal lands comprise half of all Indian land in the country, and more than 80% of the tribes in the Region have an environmental presence. Economically disadvantaged populations in Indian country still suffer from critical environmental and health problems. We will protect the environment in Indian country by focusing on the following priorities

 Tribal Clean Air

* Support tribes in building capacity and protecting air quality through $2.5 million in 2012 grant funds for training, education and outreach, monitoring, emission inventory development, and rule development.
* Provide technical support to 25 tribes for emission inventories and air monitoring during 2012.

**National EPA** [**FY 2011-2015 Strategic Plan**](http://nepis.epa.gov/Exe/ZyNET.exe/P1008YOS.txt?ZyActionD=ZyDocument&Client=EPA&Index=1995%20Thru%201999%7C1976%20Thru%201980%7C2006%20Thru%202010%7C1991%20Thru%201994%7C2000%20Thru%202005%7C1986%20Thru%201990%7C1981%20Thru%201985%7CPrior%20to%201976&Docs=&Query=190r10002%20&Time=&EndTime=&SearchMethod=2&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5CZYFILES%5CINDEX%20DATA%5C06THRU10%5CTXT%5C00000021%5CP1008YOS.txt&User=ANONYMOUS&Password=anonymous&SortMethod=-%7Ch&MaximumDocuments=15&FuzzyDegree=0&ImageQuality=r85g16/r85g16/x150y150g16/i500&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x)
The Strategic Plan provides a blueprint for advancing Administrator [Lisa Jackson’s seven priorities](http://blog.epa.gov/administrator/2010/01/12/seven-priorities-for-epas-future/) and EPA’s mission to protect human health and the environment. EPA submitted the Plan on September 30, 2010 to the Congress and to the Office of Management and Budget.

The Plan identifies the measurable environmental and human health outcomes the public can expect over the next five years and describes how we intend to achieve those results. The Plan represents a commitment to our core values of science, transparency, and the rule of law in managing our programs.

The Plan also introduces the following five cross-cutting fundamental strategies which set clear expectations for changing the way EPA does business in achieving its results.

Goal 1: Taking Action on Climate Change and Improving Air Quality

Objectives

* Address Climate Change. Reduce the threats posed by climate change by reducing greenhouse gas emissions and taking actions that help communities and ecosystems become more resilient to the effects of climate change.
* Improve Air Quality. Achieve and maintain health-based air pollution standards and reduce risk from toxic air pollutants and indoor air contaminants.
* Restore the Ozone Layer. Restore the earth’s stratospheric ozone layer and protect the public from the harmful effects of ultraviolet (UV) radiation.
* Reduce Unnecessary Exposure to Radiation. Minimize unnecessary releases of radiation and be prepared to minimize impacts should unwanted releases occur. (pg 6)

Reduce GHG Emissions and Develop Adaptation Strategies to Address Climate Change (only one strategy listed that specifically mentions tribes):

EPA’s strategies to address climate change support the President’s GHG emissions reduction goals. EPA and its partners will reduce GHG emissions domestically and internationally through cost-effective, voluntary programs while pursuing additional regulatory actions as needed. Our efforts include:

* Collaborating with state, local, and tribal governments on regulatory and policy initiatives, technical assistance, and voluntary programs related to climate change mitigation and adaption. (pg 7)

EPA must adapt and plan for future changes in climate, work with state, tribal, and local partners, and continue to collaborate with the U.S. Global Change Research Program and the Interagency Task Force on Climate Change Adaptation… (pg 7)

Improve Air Quality

Over the next five years, we will work with states and tribes to develop and implement plans to achieve and maintain these standards. Our research provides the tools and information necessary for EPA, states, and tribes to implement air quality standards and controls… (pg 8)

EPA can substantially reduce the resources needed to develop standards; provide more certainty and lower cost for industry; simplify implementation for states, local, and tribal agencies; and, enhance cost-effective regulatory approaches.

Along with these regulatory efforts, EPA has a wide range of voluntary efforts to reduce emissions, including programs to reduce multi-media and cumulative risks. Through data from our national toxics monitoring network and from national and local assessments, we are able to better characterize risks and assess priorities. We work with state and local agencies, tribes, schools, and community groups to identify communities where air toxics pollution is occurring at unsafe levels and aggressively take action to reduce air toxics pollution within those areas.

Often the people most exposed to air pollutants are those most susceptible to the effects—the young, the elderly, and the chronically ill. To improve indoor air quality, EPA deploys programs that educate the public about indoor air quality concerns, including radon, and promotes public action to reduce potential risks in homes, schools, and workplaces. EPA also collaborates with state and tribal organizations, environmental and public health officials, housing and building organizations, school personnel who manage school environments, and health care providers, who treat children prone to or suffering disproportionately from asthma. The focus of these efforts is to support communities’ efforts to address indoor air quality health risks; We also provide policy and technical support and financially assist states and tribes in developing and implementing effective radon programs. (pg 9)

**Key Past Activities & Accomplishments of the Region 9 RTOC**

* Work with the RTOC Budget W needs workgroup and National Tribal organizations to communicate consistent budgetary needs for Tribes in the region
* Work on Barriers document
* Work on Strategic planning strategies and tasks

**Recommended Activities**

***Short-Term Activities (Within 1-3 years)***

* Develop list of common issues (may be geographical. Include priorities or top 3 issues with summary of each
* Coordination of NSR by EPA and Tribes – How many Tribes have to deal with technical compliance assistance? This rule affects economic development and sovereignty. What is EPA’s role? What will be permitted? Need a Blanket Permit for small generators. Need Compliance Assistance training, more communication strategy…
* GHG permitting streamlining, need more information
* Continue to research for more sources funding
* See attached table below

***Long-Term Activities (Within 3-5 years)***

* Continue to encourage for more funding

|  |  |  |  |
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| **Goals (desired results) & Strategies (pathways to get there)** | **Specific Tasks** | **Time Frames** | **Leads** |
| Promote the appropriate budget (e.g.: funding for mature programs, indoor air, radon analysis, regional planning organizations) | Yearly – as needed | On-going | Budget Workgroup/Air Workgroup  |
| Share Best Management Practices with each other | Encourage networking between Tribes | On-going | Tribes |
| Suggest flexibility in specific situations (e.g. exceptional events, boundary determinations) | Continue the dialogue  | On-going | Tribal Governments/USEPA (Air Workgroup as needed) |
| EPA staff must be well versed in Tribal needs and issues, TAR, TAS, exceptional events, designation process, consultation policies, etc. | Training |  | USEPA/Air Workgroup/R9 Air |
| Insist on meaningful and effective consultation as government-to-government | Clarify what consultation is (ie: conference calls, webinars?) | On-going | Tribal Governments/USEPA (Air Workgroup as needed) |
| Coordinate with other Air organizations  | Networking/communication | On-going | Air workgroup |
| Consistent recognition of Tribal Authority Rule | Training |  | Tribes/Air Workgroup/USEPA/R9 Air |
| Consistent relationships between Tribes, EPA R9, and Headquarters Air Division | Training |  | Tribes/Air Workgroup/USEPA/R9 Air |
| Training, tools and resources for Tribes | Communicate needs |  | Air Workgroup/Tribes/USEPA |
| Tribal Air Programs for all Tribes who want them | Access needs  |  | Budget Workgroup/Air Workgroup/USEPA |
| Suggest that Climate Change has its own media with its own funding | As needed |  | Budget Workgroup/Air Workgroup |
| Develop list of common issues (may be geographical). Include priorities or top 3 issues with a summary of each | Networking communication | On-going | Tribes/Air Workgroup |

**Tribal Science Workgroup**

**Support Tribal Capacity to Mitigate and Adapt to Impacts of Climate Change**

**Background**

Climate change affects almost everything in our environment and communities, including Tribal communities. Climate change not only poses threats to the health of our environment and the ecological health of the biological population, it also poses threats to the health of our community, especially to our elders and children who are more sensitive to adverse impacts than the general population. Tribes are disproportionately impacted by climate change. Tribes and Native Alaskans have a deep-rooted connection to the environment in direct correlation to their culture.

Traditional lifeways are drastically affected by environmental changes. Climate change has altered many of traditional ways of life. Tribes have been observing various changes in their environment, such as the reduction of natural ecosystems and biodiversity. Seasons are changing. In some part of the country, the rainy season has shifted to later in the year. Gathering periods for native plants and animal migration patterns also have been altered. Moreover, heavy winter rain storms resulted in storm damage. Parts of the southwest Tribes experienced prolonged drought and enhanced threat from wildfires.

Native plants and habitats are also affected. Tribal elders and communities still gather their food according to the traditional knowledge with respect to seasons. Climate change is adversely impacting the health of these communities and altering traditional way of life by shortening and/or eliminating growing seasons for native plants and damaging habitats. Tribes in California have noticed production of native food sources, such as acorns, has been significantly lower for several years in a row. Native plants seem less available, and trees, such as Tan Oaks, are suffering from sudden oak death. Lastly, populations of wild animals, such as deer, northern spotted owl, and quail are significantly reduced and less prevalent on Tribal lands. Other concerns include the indirect impacts on drinking water supplies caused by rising sea levels, and new migration patterns of animals traditionally hunted and harvested for foods.

**Relevant Provisions in EPA’s strategic planning documents**

* Consequences of Global Change for Water Quality (USEPA, 2008) <http://epa.gov/ncer/rfa/2008/2008_star_gcwq.html>
* USEPA Climate Change Adaptation Plan – Draft (USEPA, June, 2012) <http://www.epa.gov/climatechange/impacts-adaptation/>

<http://www.epa.gov/climatechange/impacts-adaptation/adapt-tools.html>

* USEPA FY 2011-2015 Strategic Plan Goal 1: Taking Action on Climate Change and Improving Air Quality

<http://www.epa.gov/planandbudget/strategicplan.html>

* National Tribal Science Priority (2011)

**Key Past Activities & Accomplishments of the Region 9 RTOC**

* Region IX RTOC Position Regarding Global Climate Change (2007)
* Region IX RTOC Climate Change Tribal Perspective Questionnaire (2006)
	+ Note: Received 14 responses to the questionnaire.
* Region IX RTOC Annual Conference Climate Change Tribal Presentation (2009, 2010, 2011 )
* Presentation at the National Tribal Science Forum (2010)
* Region IX RTOC Priority (2010)
* National Tribal Operations Committee (NTOC, 2011)
* National Tribal Science Priority (2011)
	+ http://www.epa.gov/osp/tribes/who.htm

**Recommended Activities**

1. Achieve adequate funding to support climate change programs for all Tribes
2. Promote Tribal understanding of the climate change impacts on traditional ways of life and natural ecosystems
3. Ensure Tribal readiness to address and adequately manage climate change impacts through the development and implementation of tribal specific climate change mitigation and/or adaptation programs

***Short—Term Activities (Within 1-3 Years)***

\*\*Establish and facilitate the work of a committee of Tribal & EPA representatives to develop a regional implementation plan for EPA's national Climate Change Adaptation Plan.

Participate with USEPA Region 9 to develop a regional Climate Change Adaptation Implementation Plan.

Continue to gather information and document impacts of climate change on Tribal communities.

Facilitate the inclusion of Tribal representation in local, state, and federal multi-agency working groups addressing climate change issues.

Identify tribal access to funding sources to support resource management and mitigation strategies to address impacts of climate change on tribal communities.

Provide information to Tribal representatives and facilitate Tribal input on any climate change regulations that may impact Tribal communities.

Promote the inclusion of Tribal access to resources in any regulations, policy and/or guidance documents issue by EPA, and other federal agencies.

  ***Long Term Activities (Within 3-5 Years)***

Provide information to Tribal representatives and facilitate Tribal input on any climate change regulations that may impact Tribal communities.

Promote inclusion of Tribal access to resources in any regulations, policy and/or guidance documents issue by EPA, and other federal agencies.

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| **Goals (desired results) & Strategies (pathways to get there)** | **Specific Tasks** | **Time Frames** | **Leads** |
| Supporting Tribal needs through budget process on regional and national levels | Provide input into NTC budget and regional budget request | Annually | Budget Workgroup / SI, Air, Tribal Science Workgroups |
| Document climate change impacts from R9 Tribes | Continue gathering climate change impacts from R9 Tribes (by filming of Tribal climate change stories such as:* Adaptive gardening and landscaping by Bridgeport Indian Colony
* Sustainable Housing by Pinoleville Rancheria
* Climate Change and Water Loss by Big Pine Tribe
 | Ongoing | Tribal Science Workgroup / others TBA |
| Document climate change impacts on habitats, culturally sensitive plants needed to support traditional lifeways (Traditional Ecological Knowledge) | Ongoing | Tribal Science Workgroup / others TBA |
| Collaborate with all appropriate agencies to promote andensure Tribal involvement in climate change policy development and decision-making as well as their implementations | Suggest more comprehensive multi-agency discussions, and adequate tribal consultation, prior to policy development and decision-making | Ongoing | TBA |
| Coordinate with other organizations (i.e., NCAI, NTSC) |  |  |
| Obtain tribal seats at Intergovernmental Panel on Climate Change, other national and regional organizations |  |  |
| Promote the recognition of federally recognized Tribes as “Domestic Dependent Nations” and equivalency to “Developing Nations” status for trading of carbon offset credits in the global markets per Kyoto Protocols. Tribes can use these generated incomes to finance climate change mitigation and adaptation activities such as purchasing degraded forest lands for carbon storage and natural resource improvement projects. |  |  |
| Facilitate tribal access to resources that support mitigation and adaptation planning  | Continue to communicate and discuss climate change issues at RTOC breakout sessions and workshops at EPA conferences | Ongoing | Tribal Science Workgroup / others TBA |
| Sponsor and/or facilitate Tribal specific events such as Tribal climate change workshop, sustainable infrastructure resource fair (locally such as San Diego, Santa Rosa) |  |  |
| Create collaborative understandings of climate change with:* Traditional Ecological Knowledge (TEK),
* Permaculture
* Sustainable infrastructure (e.g. straw bale house, solar & wind energy in arid southwest region)
 |  |  |

**Border Workgroup**

**Protect the Tribal Environment in the U.S. Mexico Border Area**

OBJECTIVES: A. Ensure Border Tribes have access to adequate funding to address their environmental protection needs

B. Achieve greater flexibility in the use of existing funding to ensure Tribal environmental priorities can be addressed

C. Ensure Border programs, plans and policies reflect Tribal input and incorporate Tribal environmental priorities and needs

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| **Strategies** | **Tasks** | **Time Frames** | **Leads** |
| Support need for adequate funding from EPA, BECC and other sources, as well as flexibility regarding allowable uses | Regional budget requests | Annually |  |
|  | Input into national budget requests | Annually |  |
|  | Coordination with other tribal organizations that research for tribal environmental funding | Annually |  |
|  | Gather info re need; achievements; disparity between tribes and non-tribal communities | Ongoing |  |
| Identify and work to remove barriers that limit or prevent Border Tribes from accessing funding | Assess funding criteria and scope Border Tribes to gather info regarding barriers |  |  |
|  | Identify future tasks to remove barriers based on results of assessment and scoping |  |  |
| Education and outreach to resource providers and policy-makers regarding tribal needs, including advocating for greater focus on funding environmental needs and results, rather than academic research | Sponsor multi-agency meetings |  |  |
|  | Prepare briefings, comment letters, correspondence to decision-makers as appropriate | As needed |  |
| Education and outreach to border tribes regarding available resources | Sponsor multi-agency meetings |  |  |
|  | Prepare and regularly update resource matrix |  |  |

**Sustainable Development Workgroup**

**Improve Tribal Access to Resources that Support the Development of Sustainable Infrastructure in Tribal Communities**

**Background**

In 1996, Congress passed the Native American Housing and Self Determination Act (NAHASDA). From this Act, tribes gained the authority to manage their building programs and adopt building codes; however, they were not given sufficient resources or technical assistance toward program development nor to develop or adopt codes. One consequence of this has been that the majority of tribes have not incorporated sustainable building practices into their infrastructure development projects, nor have adopted building or energy codes. Consequently, homes on tribal lands continue to be built poorly, especially in terms of energy efficiency and healthy indoor air quality.

**OBJECTIVES:**

A. Maintain communication between EPA, Tribes & other federal agencies

B. Increase the number of tribal homes that are weatherized and/or powered by renewable energy

C. Increase the number of tribes covered by tribally developed sustainable building codes.

***Known Barrier:*** *Tribal housing departments often face housing shortages and are reluctant to incorporate more sustainable building practices due to perceived and/or actual increases in cost.*

D. Work from the existing Resources Fair model that is used by HUD and EPA to develop a Tribally-controlled Resources Fair in each state within Region 9.

**Relevant provisions in EPA’s strategic planning documents**

TBD

**Key past activities & accomplishments of the Region 9 RTOC**

1. In February 2009, a Green Building Strategy was completed. This Strategy was drafted by US EPA and guided by input from RTOC representatives. The Strategy outlines EPA’s role in assisting tribes as they pursue sustainable infrastructure development. This is a living document and will be reviewed throughout each year to ensure it reflects the development goals of tribes and appropriately outlines the role of US EPA and the RTOC Sustainable Infrastructure workgroup.
2. In response to guidance from the SI workgroup, EPA compiled a list of funding opportunities for tribes. This included federal and state resources, and non-profit organizations. These resources are on the EPA website at [Funding Resources for Green Building](http://www.epa.gov/region9/greenbuilding/funding.html) (<http://www.epa.gov/region9/greenbuilding/funding.html>)
3. Two draft tribal green building codes have been developed and circulated for comment, and a workshop on code development has been held (see below).
4. to be inclusive of tribes and created a new webpage [Green Building: Building and Energy Codes](http://www.epa.gov/region9/greenbuilding/building-codes.html) (<http://www.epa.gov/region9/greenbuilding/building-codes.html>) that lists and describes greener building and energy codes.
5. In FY11, EPA, tribes and contractors began developing a model code template to provide technical assistance to tribes that are adopting green building codes. This has become a national effort including tribes, federal agencies and organizations from across the country. To date, 2 tribes receiving direct technical assistance have adopted green building codes (Pinoleville Pomo Nation and Kayenta Township within Navajo Nation). The codes template will be published on the web in late summer, 2012.
6. In FY11, members of this workgroup started the National Tribal Green Building Code Workgroup which includes several tribes, federal agencies and non-profit, private sector organizations that work on sustainable building. **The goal of this national workgroup is to advance tribal goals in developing, implementing and enforcing culturally relevant green building codes, policies and programs leading to healthier, more sustainable communities.**
7. In late 2011, the Tribal Green Building Codes Workgroup webpage was also made available online and will be continuously updated with codes resources for tribes. (<http://www.epa.gov/region9/greenbuilding/tribal-workgroup.html>)

**Renewable Energy Efforts**

1. Since early 2009, EPA, and tribes in the region coordinated with DOE which conducted 4 3-day workshops in Region 9. The first workshop was held in Mendocino County and included participation from **6** tribes in the region. The second workshop was January 2010 at the Tohono O’odham Nation and included participation from tribes in Arizona. The third workshop was February 2010 at the Bishop Paiute Reservation and included participation from 6tribes. The forth workgroup was held in Nevada and included participation from 9tribes.
	1. Networking through the workgroup has helped several tribes access Grid Alternatives, a non-profit organization that assists low-income homeowners, leading to installations of roughly 3 kW systems on dozens of homes and counting.

**Resource Fair**

1. In April 2011, the Sustainable Infrastructure workgroup submitted a FY13 budget proposal through RTOC to support tribal staff needed to achieve this objective.

**Recommended Activities**

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| **Goals (desired results) & Strategies (pathways to get there)** | **Tasks** | **Time Frames** | **Leads** |
| Research funding needs | Annual budget request |  | TBD |
| Increase partnerships with other federal agencies | Annual sustainable infrastructure resource fair |  | Michelle, Rob Roy,  |
| Increase awareness of tribes’ interest and efforts in green building. Increase tribal networks. | Participate on National Tribal Green Building Code Workgroup | Ongoing | EPA |
| Provide information and outreach to tribes | Template green building codes | Summer 2012 | EPA  |
|  | Web resources for funding green building, energy efficiency and renewable energy |  | EPA |
|  | Presentations at RTOC meetings, EPA conferences |  | TBD |
|  | Annual sustainable infrastructure resource fair |  | TBD |

***Long-Term Activities (Within 3-5 years)***

TBD

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| **Goals (desired results) & Strategies (pathways to get there)** | **Tasks** | **Time Frames** | **Leads** |
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**FOCUS AREA #9**

**Other Cross-Media Issues**

1. **PESTICIDES WORKGROUP**

**Background**

* Coordinating outreach and/or efforts in reducing risks to health and the environmental in Indian Country from pesticides;
* Increase tribes’ ability and capacity to manage pesticide issues and concerns that impact Indian Country;
* Advance tribes’ understanding of the pesticide program;
* Provide information about Integrated Pest Management (IPM) and promote mechanisms that enable tribes to adopt IPM in Schools programs;
* Promote tribal participation in pesticides issues at a regional and national level; and,
* Promote health care providers’ awareness of potential pesticide poisoning and/or pesticide related illnesses.

**Relevant Provisions in EPA’S Strategic Planning Documents**

* EPA Strategic Goal 4: \*Ensuring the Safety of Chemicals and Preventing Pollution
* OCSPP Strategic Goal 3: Increase Tribal Program Coverage. Objective 2: Fund innovative approaches for delivering various OCSPP program services to interested tribes.
* OCSPP Strategic Goal 4: \*Ensuring the Safety of Chemicals and Preventing Pollution
* Goal 3: Increase Tribal Program Coverage.

Objective 1: Reduce Tribal Risks from Pesticides

Objective 2: Strengthen Integrated Pest Management (IPM) Practices

Objective 4: Leverage other funding mechanisms and sources and simplify administrative requirements associated with various programmatic activities.

* OCSPP Strategic Goal 5: Improve Tribal Partnership, Outreach, Communication and Consultation Objective 3. Empower tribal organizations through information sharing, training and outreach.
* OCSPP Cross Cutting Fundamental Strategy 4: Strengthening State, Tribal, and International Partnerships.
* Administrator Jackson Priority 7: Building Strong State and Tribal Partnerships.

**Key Past Activities & Accomplishments of the Region 9 RTOC:**

* Pesticide Assessment conducted by Pesticide Workgroup
* Maps showing Region 9 tribes and impairments to water from pesticides (R9)
* Webinars and presentations on pesticide issues (NPDES permits, C & T) and increased feedback from tribes to OPP regarding these issues
* Region 9 Tribal Pesticide Inspector Workshop, with attendance by tribes without pesticide inspection and enforcement programs (2011 and 2012)

**Recommended Activities**

***Short-Term Activities (Within 1-3 years)***

* Identify and support development of IPM in Schools programs for tribes (The R9 Pesticides Office has selected a contractor to provide IPM in Schools Training for tribes in FY13. IPM in Schools template will be developed and provided to tribes (at training and via EPA website).
* Improve communication and cooperation between tribes, states, counties and EPA. (In FY13, the R9 Pesticides Office is sponsoring Working Effectively with Tribal Governments for DPR and CalEPA.) Cooperation between tribes, states, counties and EPA will improve.
* Facilitate communication among tribes so that tribes that want copies of existing tribal pesticide ordinances can get them. Awareness of tribal regulatory schemes for pesticides will improve.
* Increase tribes’ understanding of pesticide issues and FIFRA by providing outreach to tribes that don’t have tribal pesticide programs. Identify topic and provide 1-2 focused outreach webinars to tribes on pesticide issues.
* Provide Tribal Pesticide Inspector Training in FY13 (funded by EPA and organized by ITCA).
* Increase awareness of and make available EPA’s Recognition and Management of Pesticide Poisonings to tribes and health care providers for tribes. Identify and share information about similar additional resources (such as information available from state programs).

***Long –Term Activities (Within 3-5 years)***

* Continue to provide outreach and education to tribes so that tribes can better protect their communities from risks associated with pesticides.
* Increase tribes’ knowledge and awareness of pesticide issues by working with individual tribes, as requested.
* Increase tribal program coverage where possible by leveraging or providing funding and/or technical support.
* Provide training to health care providers in Indian country on recognizing potential pesticide poisoning and or pesticide related illnesses.

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| **Goals (desired results) & Strategies (pathways to get there)** | **Specific Tasks** | **Time Frames** | **Leads** |
| Increased number of IPM programs for tribes, including support for School IPM | - Provide IPM in Schools training- Provide IPM in Schools template | 1-5 years | R9 Pesticides Office;RTOC Pesticide Workgroup |
| Reduce risks to health and the environment from pesticides, including reducing exposure at collection sites | - Provide focused outreach to tribes (including community members and health care providers) that can be used to protect the health of kids and communities from pesticides- Provide Recognition and Management of Pesticide Poisonings to tribes and health care providers- Provide training to health care providers in Indian country | 1-5 years | R9 Pesticides Office ; RTOC Pesticides Workgroup |
| Improve tribal participation and communication on pesticide issues | - Increase outreach and education to all R9 tribes dealing with pesticide issues- Provide tribal access to resources, information, outreach materials, webinars and training | Ongoing and as requested | R9 Pesticides Office; RTOC Pesticides Workgroup  |
| Support tribal capacityto minimize and manage pesticides and prevent pesticide exposure | * - Provide copies of existing Pesticide Ordinances and Pesticide Plans to interested tribes.

- Help tribes develop their own templates (including Pesticide Plan templates) | -As requested- IPM in Schools template (FY13) | - R9 Pesticides Office; RTOC Pesticides Workgroup |
| Increase cooperation and communication with EPA and other agencies/entities (such as IHS), including states.  | - Work with tribal and state contacts to increase awareness of issues, including jurisdiction. - Inform tribes of opportunities for participation and feedback on pesticide issues* - Look for and participate in national dialogue with other groups on pesticide issues.
 | - At present – 5 years- Ongoing- Ongoing | - R9 Pesticides Office; RTOC Pesticides Workgroup |
|  Identify and overcome barriers to increasing pesticide program capacity and coverage in Indian country | * - Provide feedback to EPA HQ’s on tribes’ funding needs
* - ID available grant funding from EPA (including GAP) and other potential sources (such as HUD, BIA, IHS,APHIS, USDA, Western IPM) to support pesticide objectives
 |  | - R9 Pesticides Office; RTOC Pesticides Workgroup |