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OITA National Program Managers Guidance Early Engagement Summary Report--November 2016

Purpose

To gain early input from tribes and states on the development of tribal priorities for the Office of International and Tribal Affairs (OITA) FY 18-19 National Program Managers (NPM) Guidance.

OITA receives continual tribal government input on environmental priorities throughout the year. This interaction occurs through established mechanisms such as meetings with the National Tribal Caucus (NTC) and other EPA tribal partnership groups, meetings with tribal leaders and tribal environmental professionals, and attendance and discussion with tribal leaders and staff at meetings and conferences. Through these mechanisms OITA gains information on tribal environmental priorities in the context of OITA's programs and actions.

In addition to these ongoing engagement mechanisms, OITA received input through several specific NPM Guidance early engagement conference calls. The summaries of which are listed in this report. Note that, state early engagement was held with the Environmental Council of States (ECOS) in recognition of the recently developed EPA-National Tribal Caucus-ECOS partnership.

Early Engagement Conference Calls

National Tribal Conference Call: Wednesday, October 19, 2016

EPA Attendees

JoAnn Chase, Director, American Indian Environmental Office

Andrew Baca, Deputy Director, American Indian Environmental Office

Jeff Besougloff, American Indian Environmental Office

Dona Harris, American Indian Environmental Office

Andy Byrne, American Indian Environmental Office

Paige Lieberman, American Indian Environmental Office

Tribal Attendees

Evette Wiley, Iowa Tribe of Oklahoma

Kevin Greenleaf, Kootenai Tribe of Idaho

Gerald Wagner, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana

Lisa Gover, Campo Band of Kumeyaay Indians/Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California

Ashley Jones, Campo Band of Kumeyaay Indians/Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California

Billy Maines, Curyung Tribal Council, AK

Regina Rickart, Tuscarora Nation

Linda Wynn, Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin (non-consultation attendee)

Frank Harjo, Tribal Environmental Exchange Network

Environmental Council of States (ECOS) Conference Call: Thursday, November 10, 2016

EPA Attendees

Jane Nishida, Principle Deputy Assistance Administrator, Office of International and Tribal Affairs

Luke Jones, American Indian Environmental Office

Jonathan Binder, American Indian Environmental Office

Mike Weckesser, American Indian Environmental Office

Mary Powell, American Indian Environmental Office

Stephanie Vuong, EPA Region 8, Lead Region Coordinator

ECOS Attendees

Alex Dunn, Executive Director & General Counsel

Dominic Homic, Project Associate

Montana Department of Environmental Quality:

Tom Livers, Director

James Strait, Environmental Specialist in Public Policy

National Program Managers Guidance Fiscal Year 2018-19 Priority Comments

- Request for basic overview of NPM Guidance process (including OITA process and what OITA NPM Guidance covers), and how EPA offices may institute differing processes. Next notification letter provide background on what the NPM Guidance is and how it fits into Agency's strategic planning process. (tribal comment)
- Include reach out to tribes on border issues if reflected in the NPM Guidance. (tribal comment)
- Increase tribal participation and leadership in Border 2020 workgroups and/or include as part of NPM Guidance. (tribal comment)
- There is a need for enforcement and compliance to be a priority for EPA. Clarify EPA's role for tribes that do not have delegation under federal environmental statutes or where there has been delegation of authority from a state to EPA and state jurisdiction ends. EPA needs to automatically step in and begin environmental regulation when a state's jurisdiction ends. (tribal comment)
- Request for dialogue on implementation funding for tribes. (tribal comment)
- Activities in foreign countries have effects within the United States and may impact tribal nations. OITA is seen as appropriate office to promote environmental defense for tribes and protect tribal sovereignty. (tribal comment)
- NPM Guidance should include a discussion on tribal programs that are "mature" and past the capacity-building stage. (tribal comment)

- How will AIEO/OITA use the consultation policy, Tribal Treaty Rights Guidance and Traditional Ecological Knowledge (TEK) in the NPM Guidance? (tribal comment)
- Enhance federal-tribal-state partnerships. EPA's final FY 2017 Cross-Agency Strategy, "Launching a New Era of State, Local, Tribal, and International Partnerships" action plan includes a commitment to enhance federal-tribal-state partnerships. This collaboration should include working to address emergency response pertaining to solid waste in rural areas. Under E-Enterprise for the Environment, a workgroup is beginning to address a framework for Joint Responses to Multi-Jurisdictional Environmental Incidents and consider where these efforts might intersect. (state comment)
- ECOS and tribal representatives have identified the need to provide opportunities to states and tribes to discuss rural waste management challenges and solutions, and share successes and lessons learned. Communication will help states and tribes identify areas for improving waste management practices. (state comment)
- ECOS and tribal representatives have identified for an EPA developed state and tribal emergency response network to help stakeholders coordinate spill response. EPA currently identifies state emergency contacts on their website, however is not focused on state environmental agency points of contact. (state comment)
- The renewed Governance Charter for E-Enterprise for the Environment recommits ECOS to working together to advance a new model for collaborative leadership to support the environment, public health, and the economy by modernizing the business of environmental protection. This charter signed in fall 2016 adds Tribes to the E-Enterprise for the Environment Leadership Council (EELC). (state comment)
- States encourage greater collaboration across the EPA offices in order to minimize environmental impacts from emergencies on tribal lands that may involve multiple offices, such as water contamination. (state comment)