



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 20 2012

Office of Enforcement and
Compliance Assurance

Re: Notification of Indigenous Stakeholder Outreach on developing EPA's Tribal and Indigenous Peoples EJ Guiding Principles/Policy

The U.S. Environmental Protection Agency (EPA) is conducting outreach to Native Hawaiians, state-recognized tribes, indigenous community-based grassroots organizations, tribal colleges, tribal members and other interested indigenous stakeholders to obtain input on how EPA can best address the unique challenges to implementing the Agency's environmental justice (EJ) priorities in Indian country, Alaska, Hawaii, and in other areas of interest to indigenous peoples. The Agency is also initiating, through a separate process, tribal consultation with federally-recognized tribes in accordance with its *Policy on Consultation and Coordination with Indian Tribes*.

This notice provides background information on EPA's plans to develop a tribal and indigenous EJ policy, and presents the schedule for conducting public outreach and obtaining input on the Agency's plans for developing the policy. EPA invites you and your associates to participate in this public comment period. EPA's anticipated timeline for conducting the outreach and obtaining input is from February 27, 2012 through September 15, 2012.

EPA takes seriously its commitment to providing for the public's meaningful involvement in its decision-making processes, particularly for overburdened communities and individuals living in these communities when the Agency is developing policies to address their environmental and public health concerns.

Enclosed is an outreach plan for this action that includes a description of the Agency's plans for its tribal and indigenous peoples EJ guiding principles/policy, background on this initiative, and the process EPA intends to follow, including a timeline for the outreach period and information on how you can provide input on this action. *This information is also available on EPA's EJ website: <http://www.epa.gov/environmentaljustice>.*

The official EPA contact person for this outreach process is Danny Gogal, Office of Environmental Justice. Please do not hesitate to contact Mr. Gogal, Gogal.Danny@epa.gov, 202-564-2576 should you have any questions about this action

I look forward to hearing from you on this important matter.

Sincerely,


Lisa Garcia,
Associate Assistant Administrator for
Environmental Justice

Background Information

EPA's objectives for developing a tribal and indigenous peoples environmental justice (EJ) set of guiding principles and/or policy are to:

- ▶ Address questions regarding how EPA does, or should, respond to tribal governments' and indigenous peoples' EJ concerns,
- ▶ Provide greater consistency in how EPA's program and regional offices respond to and address tribal and indigenous peoples EJ issues, and
- ▶ Assist EPA's program and regional offices to better understand how EPA's Plan EJ 2014 and Administrator Jackson's priorities for EJ (e.g. support for community-based action programs, fostering of Administration-wide action on EJ, build strong state and tribal partnerships, etc.) can be more effectively implemented in Indian country and for indigenous peoples.

To develop the guiding principles/policy, EPA has formed two work groups:

- NEJAC/Indigenous People Work Group (external/non-EPA)-comprised of tribal and indigenous EJ stakeholder representatives tasked with providing advice and recommendations to EPA on addressing tribal and indigenous EJ issues. The National Environmental Justice Advisory Council (NEJAC) is a federal advisory committee to the EPA.
- EPA Tribal and Indigenous Peoples Environmental Justice Work Group (internal/EPA staff only) - comprised of EPA staff tasked with developing the guiding principles/policy.

Related to the development of EPA's tribal and indigenous peoples EJ guiding principles/policy are two documents developed by the NEJAC that provide advice and recommendations to EPA on how it should consult with tribes, provide for indigenous stakeholders' public participation, and work with tribes to provide for meaningful involvement and fair treatment, which may be found useful. They are:

- [Guide on Consultation and Collaboration with Indian Tribal Governments and the Public Participation of Indigenous Groups and Tribal Members in the Environmental Decision Making \(PDF\)](#) - November 2000 (59 pp, 1.2MB)
- [Meaningful Involvement and Fair Treatment by Tribal Environmental Regulatory Programs \(PDF\)](#) - October 2004 (68 pp, 408K)

Content of Guiding Principles/Policy

EPA is considering addressing four focus areas in the guiding principles/policy:

- 1) How EPA is to incorporate EJ into its environmental capacity building and implementation policies and programs for federally-recognized tribes;
- 2) How EPA is to incorporate EJ into its direct implementation of federal environmental programs in Indian country;
- 3) How EPA is to effectively work with tribal community-based organizations, state-recognized tribes, tribal members, and other indigenous peoples to address their EJ concerns, within or outside Indian country; and

4) How EPA is to work with other federal agencies to address federally-recognized tribes, state-recognized tribes, tribal community-based organizations, tribal members, or non-members on reservations environmental justice issues.

Input EPA is Seeking

As the Agency begins the process of developing its tribal and indigenous peoples EJ guiding principles/policy, the EPA would appreciate input from the public on the following questions:

- Are there other “focus areas” EPA should consider including in the guiding principles/policy?
- What other issues should EPA be sure to address in its guiding principles/policy?
- If applicable, what processes does your government or organization use to effectively address tribal or indigenous EJ issues?

Indigenous Environmental Justice Stakeholders Outreach Process & Timeline

Indigenous Stakeholders Outreach Timeline

Date	Event	Time/Contact Information
April 10, 2012	Webinar outreach	Registration: https://epa.connectsolutions.com/e2j3kq1n1o8/event/ Conference Number: 1-866-299-3188 Access code: 2025642576 Meeting Time: 1:30 PM - 3:00 PM EST EPA Contact: Danny Gogal,202-564-2576
April 12, 2012	Webinar outreach	Registration: https://epa.connectsolutions.com/e9lyoripaan/event/ Conference Number: 1-866-299-3188 Access code: 2025642576 Meeting Time: 1:30 PM - 3:00 PM EST EPA Contact: Danny Gogal,202-564-2576 Danny Gogal, 202-564-2576
April 27, 2012	Interim public comment period ends	Submit written comments to: indigenous-ej-policy@epa.gov
July 2012	EPA releases Draft Guiding Principles and/or Policy for public input	To view a copy of the Draft Guiding Principles and/or Policy: http://www.epg.gov/Indian/
September 15, 2012	End of public comment period	Submit written comments to: indigenous-ej-policy@epa.gov

All outreach efforts, including a copy of this outreach plan and future drafts of the Agency’s tribal and indigenous peoples EJ guiding principles and policy that are made available for review and comment will be available on EPA’s environmental justice website:

<http://www.epa.gov/environmentaljustice/indigenous/>