

# Indian Environmental General Assistance Program (GAP)

**Guidance on the Award and Management of  
General Assistance Agreements for  
Tribes and Intertribal Consortia**

**June 2013 – National Webinar**

## Welcome & Purpose of Today's Webinar

- EPA released new GAP Guidance on May 15, 2013. Today's webinar will:
  - Provide an overview of the new GAP Guidance
  - Answer questions about the new GAP Guidance
  - Describe next steps for implementing the new GAP Guidance
- This is the first in a series of GAP Guidance training webinars

## While you're on the webinar...

- Please **mute your phone or computer microphone**
- Please submit questions & comments using the webinar **“Questions/Comments”** box
- After we respond to questions submitted on line, we will open the phone for additional questions
- Please note that **we are recording this webinar.**

# Guidance Overview

- This Guidance provides a consistent national framework for building tribal environmental program capacity under GAP and is designed to improve the management of GAP resources.
- It is designed to strengthen GAP and enhance tribal environmental protection programs.
- The Guidance addresses program deficiencies as identified by OITA and the OIG in their 2008 Audit of the GAP program

# Program Priorities

- Developing core environmental program capacities;
- Engaging with the EPA to negotiate joint EPA-Tribal Environmental Plans (ETEPs);
- Linking GAP-funded assistance agreement work plans to the ETEPs;
- Developing baseline capacities for media-specific environmental protection programs that are related to the needs of the recipient and to EPA statutory programs; and
- Implementing waste management programs.

# EPA-Tribal Environmental Plans

- EPA regional offices will develop ETEPs with tribes that seek GAP funding, to reflect the intermediate and long-term goals of the tribe for building environmental program capacities;
- Approved GAP work plans will contain capacity indicators that are related to accomplishing the goals identified in the ETEPs; and
- EPA and the tribe will measure progress under the GAP work plan and the progress being made toward accomplishing the long-term goals in the ETEPs.

# Core Environmental Capacities...

- Administrative
- Financial Management
- Information Management
- Baseline Needs Assessments
- Community Involvement
- Legal
- Technical and Analytical

# Program-Specific Indicators of Tribal Environmental Program Capacity

- The indicators (Appendix I) help identify capacity development goals and measure the status of tribal environmental program capacity.
- These indicators provide examples of “road-maps” for building a tribal environmental program and will help tribes and EPA identify both short-term and long-term goals and activities.
- Other indicators of capacity may be identified on a tribe-by-tribe basis, reflecting the unique priorities and program development goals of a particular recipient.

# Allowable Activities

- This subsection provides some general guidelines regarding eligible and ineligible activities.
- However, it is not practicable to provide an exhaustive list of activities given the diversity of tribal environmental protection programs being developed across the country.

# Allowable Activities – Example

- Activities related to planning, developing and establishing tribal capacities for implementing environmental protection programs administered by the EPA are allowable.
  - *Establishing an environmental protection program may include performing a “**test drive**” of the program to determine whether the tribe is ready to move into the program implementation phase. “Test drives” of capacity to implement are for evaluating the effectiveness of a program and may be funded for up to four years under GAP.*

# Allowable Activities – Example

- Tribes with limited jurisdiction to implement environmental regulatory programs may use GAP funds to develop program capacities for purposes consistent with the extent of their authorities, such as:
  - evaluating environmental conditions;
  - developing voluntary or partial environmental protection programs;
  - participating in environmental policy making;
  - coordinating with EPA or other federal agencies on the implementation of federal environmental protection programs; and
  - entering into joint environmental protection programs with neighboring tribal, state, or local environmental agencies.

# Allowable Activities – Example

- Activities related to establishing environmental protection programs not administered by EPA, but that are consistent with the laws Congress has given EPA authority to administer, are allowable. For example:
  - Develop a climate change adaptation plan.
  - Identify ambient water and/or air quality parameters that influence exotic plant species threatening the ecosystems or that influence reestablishment of culturally significant native plants.

# Restrictions

- GAP funds cannot be used to fund activities not closely related to and consistent with the programs administered by EPA.
- Examples of unallowable activities:
  - Salaries and expenses of a tribe's chief executive, tribal council, or of the judiciary branch of a tribal government,
  - General costs of government services normally provided to the general public, such as fire and police,
  - Trash collection, transportation, backhaul, and disposal services which are generally outside the scope of programs administered by EPA.

## Restrictions (cont.)

- Goods or services for personal use.
- Planning, designing, constructing, and operating a specific facility.
- Construction activities, including: landfill construction; wastewater treatment facility construction; drinking water system construction; construction related to nonpoint source pollution control; and purchase of construction equipment such as trucks or graders.
- Feasibility studies and NEPA reviews associated with such facility construction, including environmental impact studies and assessments.

# Application Review

1. The extent to which the proposed activities in the work plan support the purpose of the GAP.
2. The feasibility and likely effectiveness of the proposed activities.
3. The extent to which the budget, resources, and requested funds for key personnel are reasonable and sufficient to accomplish the proposed project.
4. The degree to which the work plan identifies the expected environmental results of the proposed project.
5. The degree to which the proposed activities in the work plan support achieving the long-term goals identified in the EPA-Tribal Environmental Plans.
6. Prior performance.

## Next Steps...

- June – September: Develop GAP Guidance training opportunities via national and regionally-sponsored trainings and webinars.
- For additional information, please visit:  
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