Overview of Tribal Water Infrastructure Funding Application Processes and Recommended Paperwork Streamlining Opportunities

Prepared by the
Streamlining Preconstruction Paperwork Workgroup
As Requested by the
Infrastructure Task Force on Access

US Environmental Protection Agency

Indian Health Service

US Department of Agriculture

Department of Housing and Urban Development

U.S. Department of Interior Bureau of Reclamation

Alaska Native Tribal Health Consortium

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The Streamlining Preconstruction Paperwork Workgroup
charged by the Federal Infrastructure Task Force on
Tribal Access to Safe Drinking Water and Basic Sanitation

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EXECUTIVE SUMMARY

In an effort to improve access to safe drinking water and basic sanitation in Indian Country and achieve the commitments made by the United States in 2002 under the United Nations Millennium Development Goals, an Infrastructure Task Force (ITF) was assembled in 2007 by a group of federal agencies. The agencies involved in the ITF include the U.S. Environmental Protection Agency (EPA), the U.S. Department of Health and Human Services Indian Health Service (IHS), the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Agriculture (USDA) and the U.S. Department of Interior Bureau of Reclamation (USBR).

An opportunity for improving the efficiency of infrastructure services lies in streamlining the pre-construction requirements of Tribes seeking federal funding. The Streamlining Preconstruction Paperwork Workgroup was charged by the ITF to present a plan of action with all the possible recommendations for streamlining the multi-agency requirements placed on Tribes in order to receive federal funding for water and wastewater infrastructure construction projects.

Following an overview of each ITF agency's policies, procedures, and regulations as they provide support for water and sanitation projects to Tribes, and of their National Environmental Policy Act (NEPA) processes, this document presents a series of recommendations for streamlining the funding application process for Tribes. The recommendations were developed based on preliminary conversations with ITF members, as well as a series of over 35 interviews of agency staff and Tribal representatives, and discussions between ITF workgroup members. The interviews were conducted to provide greater insight to funding processes, and allow for the refining of the streamlining recommendations. The proposed ten recommendations are as follows:

1. Agency Grant Funding Cycles
2. Improved Online Application Website
3. Online Tribal Resources and Training
4. Additional Use of IHS Sanitation Deficiency System Priority List by All Federal Partners
5. Funding Optimization
6. Funding for Operation and Maintenance of Sanitation Facilities
7. Memoranda of Understanding and Agreement, and Interagency Agreements
8. Develop a Standard Environmental Review Process
9. Cross Training
10. Variations in Regional Funding Processes

These recommendations were then further discussed and prioritized during the ITF Streamlining Preconstruction Paperwork Workgroup meeting held in Washington D.C. on January 26 and 27, 2011. A meeting summary of the meeting discussions was prepared separately from this document.

1.0 INTRODUCTION

In 2007, a group of federal agencies assembled an Infrastructure Task Force (ITF) and signed two Memoranda of Understanding (MOUs) to achieve the commitments made by the U.S. in 2002 under the United Nations Millennium Development Goals to improve the access to safe drinking water and basic sanitation in Indian Country. Specifically, the U.S. committed to reduce the number of Tribal homes lacking access to safe drinking water and sanitation by 50% by 2015, moving toward the Congressional policy of providing drinking water and sanitation services to all Tribal communities and homes.

The agencies involved in the ITF include the U.S. Environmental Protection Agency (EPA), the U.S. Department of Health and Human Services Indian Health Service (IHS), the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Agriculture (USDA) and the U.S. Department of Interior Bureau of Reclamation (USBR).

One way to improve the efficiency of infrastructure services provided in Indian Country is through streamlining the pre-construction requirements of Tribes seeking federal funding for the construction of water and wastewater infrastructure projects on Tribal lands. It has been acknowledged that in the past Tribes have been required to comply with and report back on multiple sets of criteria and standards, funding requirements, or environmental review processes, from multiple federal agencies funding different parts of the same project. Inherently, the need for compliance with duplicative or conflicting requirements for the same project creates confusion and inefficiencies, as well as an undue burden on the part of the Tribes, who are partners with the federal government in increasing access to safe drinking water and basic sanitation.

The purpose of this report is to provide an overview of each ITF agency's policies, procedures and regulations pertaining to their support for water and sanitation projects to Tribes; and a series of recommendations for streamlining the funding application process for Tribes. The report focuses primarily on the following issues:

- Purpose and use of funds from each agency;
- Eligibility requirements for support;
- Application process required from the Tribes;
- Agency processes for awarding funding;
- Schedule for funding applications;
- Opportunities for partnerships and leveraging of funds between agencies;
- Existing interagency agreements that guide the funding processes;
- Level of project planning or design needed prior to funding an application;
- Environmental review process each agency uses to comply with the National Environmental Policy Act (NEPA); and
- Recommended process streamlining opportunities.

The assessment provided here is based on documents provided by ITF members and found through research on agency and other websites. It is also based on conversations with ITF

members from IHS, USDA and HUD which were held to confirm agency procedures.

A research summary for each agency is provided below, based primarily on the outline described above. However, as each funding process is somewhat different, the format and particular details for each agency description differ slightly. The EPA Drinking Water Infrastructure Grant - Tribal Set-Aside (DWIG-TSA) and Clean Water Indian Set-Aside (CWISA) programs are described individually. The description of how the environmental review process is approached within and between each agency is described in its own section of the report as this initially appears to be an area for continued evaluation on how to streamline the environmental reporting process for Tribal infrastructure projects.

Based on this research, a series of initial streamlining suggestions were developed and provided for review by the ITF. Candidates from each funding agency and Tribal representatives were identified for interviews on streamlining funding processes, and for discussing some of the preliminary suggestions. The interviews were conducted to provide greater insight to the process, and allow for the refining of the streamlining recommendations, provided in this report. Appendix A provides a summary matrix of interview findings, organized by ITF agency and interview topic. Appendix B lists the names of ITF agency staff and Tribal members interviewed as part of this process.

2.0 OVERVIEW OF EPA DWIG-TSA PROGRAM

Established in 1996 under the Safe Drinking Water Act (SDWA), the DWIG-TSA program provides grant funding for the planning, design, and construction of water infrastructure to Indian Tribes and is implemented by the EPA Office of Ground Water and Drinking Water (OGWDW) in consultation with IHS and Indian Tribes. Under the SDWA, EPA is authorized to make direct grants for capital improvements to public water systems that serve Indian Tribes using up to 1.5% of each year's appropriation for state capitalization grants.

2.1. Purpose and Use of Funds

The DWIG-TSA program funds the planning, design, and construction of water infrastructure projects for existing public water systems to serve Tribal populations in need of safe drinking water. These grants can only be awarded to:

- Tribes that are recognized by the Bureau of Indian Affairs (BIA);
- The State of Alaska for projects for Alaska Tribes; or
- IHS when a Tribe requests that IHS design, construct, or administer construction of a project funded by the program.

Funds cannot be awarded directly to individual water systems or homeowners. They are awarded to either BIA-recognized Tribes, the State of Alaska, or IHS for the benefit of an existing public water system and its customers. Projects for both Tribally- and non-Tribally-owned water systems are eligible for full or partial funding as long as the funded project will serve a Tribe. The program may provide partial funding for a project based on the population served by the project (e.g., Tribe vs. non-Tribe), with additional funds requested from the non-

Tribal community. Projects can be funded for all public water systems (i.e., for-profit/non-profit, community/noncommunity systems) except for for-profit non-community water systems (i.e., nontransient and transient).

While most projects are for existing public water systems, a DWIG-TSA grant could be awarded for the creation of a new system to serve Tribal customers if the following conditions are met:

- Upon completion of the project, the entity created must meet the Federal definition of a community water system;
- The project addresses an actual public health problem where serious risks exist;
- The project is limited in scope to the specific geographic area affected by the health risk;
- The project is sized to accommodate only a reasonable amount of growth expected over the life of the facility (i.e., growth cannot be a substantial portion of the project); and
- The system, upon completion, must have adequate technical, financial, and managerial capacity.

DWIG-TSA Final Guidelines specify that funds can only be used for public water system projects that EPA determines will:

a) Facilitate compliance with the National Primary Drinking Water Regulations (NPDWR); or
b) Significantly further the health protection objectives of the SDWA.

Projects to address existing health risks or to prevent future violations of the rules and regulations are both eligible for funding. The SDWA specifically disallows projects for monitoring, operation and maintenance (O&M), and land acquisition, unless the land is integral to the project and is from a willing seller. The SDWA also disallows other types of projects including, but not limited to, dams, water rights, reservoirs, and projects intended mainly for fire protection or future growth.

2.2. Application Process and Project Selection

The DWIG-TSA program allocates funds for Tribal projects to each EPA Region according to a formula based on needs identified through the IHS Sanitation Deficiency System (SDS) and the EPA Drinking Water Infrastructure Needs Survey (DWINS). After annual allocation of available DWIG-TSA to the EPA Regions, the Regional offices are responsible for the management and oversight of the grants and funded projects. Each EPA Region develops a method for identifying water system projects and prioritizing them, and shares the developed methodology with the Tribes and other interested parties to allow the opportunity to comment. Regions have flexibility for project identification and prioritization, but must give priority to projects that:

- Address the most serious risk to human health (e.g., acute health risks should be resolved before non-acute health risks, and known threats should be addressed before potential threats);
- Are necessary to ensure compliance with the requirements of the SDWA; and
- Assist systems most in need on a per household basis.

Project readiness cannot be a factor in determining a project's ranking. The application process varies across EPA Regions and was not reviewed for all nine Regions funding Tribal projects, but each process requires communication with Tribes and coordination with IHS.

2.3. Application and Funding Award Timing

EPA calculates the funding allocation twice in each fiscal year:

1. For a tentative allocation based on the President's budget request to Congress (historically in late January or early February of each year) to provide EPA Regions with a planning estimate on which to base their potential funding decisions for the coming fiscal year; and
2. For a final allocation when EPA receives its appropriation for the year (typically in late summer or early fall).

Final allotments will be different from tentative allocations only if a final appropriation is different from the requested budget. This calculation is based on costs for projects on the IHS SDS list, updated annually in December, and on EPA DWINS data, updated every four years.

The grant award process allows for Regions to identify and fund "emergency" projects that may include system repairs for unanticipated failures ahead of other projects as long as the types of situations constituting an "emergency" are identified ahead of time and the Tribe(s) whose project(s) are by-passed are informed about the decision and its rationale.

Separate from the annual appropriation process, the 2009 American Recovery and Reinvestment Act (ARRA) provided an additional $30 million of funding for "shovel-ready" Tribal water projects that needed to be obligated by September 30, 2010. The ARRA funds were transferred to IHS, through an Interagency Agreement. IHS will manage the 46 projects selected by EPA Regions in consultation with IHS and Tribes.

2.4. Partnerships with Other Agencies and Funding Restrictions

EPA Regions are responsible for managing grant awards and for administering and tracking project progress after an award, or for transfer of any funds to IHS through an Interagency Agreement. The Interagency Agreement is used when the Tribe requests that IHS manage the project funds for them.

The DWIG-TSA program does not require matching funds from Tribes, except to fund components of the project that are not allowable under the program. It also encourages the leveraging of funds from other programs agencies, but does not allow a Tribe to combine DWIG-TSA funds with State Revolving Loan Funds on the same project.

2.5. Level of Design Needed for Application and/or Award

The DWIG-TSA process for project identification by EPA Regions does not require a proposed design prior to requesting funds.

3.0 OVERVIEW OF EPA CWISA PROGRAM

Established in 1987 under the Clean Water Act (CWA), the CWISA grant program provides grant funding for the planning, design, and construction of wastewater infrastructure to Tribes and is implemented by the EPA Office of Wastewater Management (OWM) in cooperation with IHS. Under the CWA, EPA is authorized to make direct grants for capital improvements to public water systems that serve Tribes using up to 1.5% of each year's appropriation for State capitalization grants.

3.1. Purpose and Use of Funds

The CWISA grant program funds the planning, design, and construction of wastewater infrastructure projects to serve Tribal populations. These grants can only be awarded to the following recipients when they have jurisdiction over disposal of sewage or other wastes to help meet the enforceable requirements of the CWA:

- Federally recognized Tribes[1] with control over reservation[2] land;
- Alaska Native Villages (as defined in the Alaska Native Claims Act); or
- Tribes on former reservations in Oklahoma.

The beneficiaries of the project can include non-Tribal populations living in the service area, and the program provides no limit on the service provided to these populations.

CWISA grants can fund the following costs for planning, design, and building of a wastewater treatment facility to meet existing needs:

- Interceptor sewers;
- Wastewater treatment facilities (conventional or alternative);
- Infiltration/inflow correction;
- Collector sewers;
- Major sewer system rehabilitation; and
- Correction of combined sewer overflow.

[1] Section 518 of the CWA defines the term "Indian Tribe" as "Any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a federal Indian Reservation."

[2] According to Section 518 of the CWA a "reservation" includes "all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation."

Certain costs are not allowable under the CWISA grant program, including but not limited to:

- Preliminary activities to identify a project or prepare an application;
- The acquisition of land for a right-of-way, the site where the treatment plant will be built, or a landfill site;
- The ordinary expenses of a local government; and
- O&M costs.

3.2. Application Process and Project Selection

The CWISA program allocates funds for Tribal projects to each of 12 IHS Areas based on the percentage of total wastewater needs identified by the IHS SDS priority list within each IHS Area. Tribes who wish to have projects added to the SDS priority list should contact their IHS Area office at least one year in advance of the year the SDS list is updated. After notification to the Administrator, Congressional delegations, Regions, and Tribes, EPA will allocate funds to the EPA Regional offices, who will contact the Tribes. After EPA has notified the Tribe that their project is sufficiently high on the SDS list, the Tribe will prepare and submit an application for grant assistance to the EPA Regional Office. Grant funds can also be transferred from EPA to IHS to manage if the Tribe chooses.

3.3. Application and Funding Award Timing

Similar to the DWIG-TSA, CWISA funding depends on each year's appropriations, and follows the congressional budget calendar, with a funding amount released in late summer or early fall for the following year.

Separately from the annual appropriation process, ARRA provided an additional $60 million of funding in 2009 for "shovel-ready" Tribal wastewater projects that needed to be obligated by September 30, 2010. The ARRA funds were transferred to IHS, through an Interagency Agreement, and IHS will manage the 96 projects selected by EPA Regions in consultation with IHS and the Tribes.

3.4. Partnerships with Other Agencies and Funding Restrictions

EPA Regions are responsible for managing grant awards and for administering and tracking project progress after an award, or for transfer of any funds to IHS through an Interagency Agreement. An Interagency Agreement between IHS and EPA is used when the Tribe requests that IHS manage the project funds for them.

The CWISA program does not require matching funds from Tribes, and encourages the leveraging of funds from other programs and agencies. Unlike the DWIG-TSA program, state Revolving Loan funds can be combined with CWISA funds on the same project.

3.5. Level of Design Needed for Application and/or Award

The CWISA process of project identification using the IHS SDS priority list does not require a proposed design prior to requesting funds. The program includes three steps. Requirements must be met by the Tribe at each step prior to moving onto the following step:

- Planning - Preparation of a facility plan to determine the type and extent of project that should be constructed;
- Design - Preparation of detailed design and specifications (includes construction drawings, specifications, and other contract documents); and
- Construction.

4.0 OVERVIEW OF IHS PROGRAM

The mission of IHS is to raise the health status of the American Indian and Alaska Native people to the highest possible level, and to carry out this mission, IHS provides comprehensive primary health care and disease prevention services. The Sanitation Facilities Construction (SFC) Program is the environmental engineering component of the IHS health delivery system. The SFC Program provides technical and financial assistance to Indian Tribes and Alaska Native Villages for the cooperative development and continuing operation of safe water, wastewater, and solid waste systems, and related support facilities.

The SFC Program was created in 1959 by Public Law 86-121. Public Law (P.L.) 86-121 gives the SFC Program the authority for providing essential water supply, sewage, and solid waste disposal facilities for American Indian and Alaska Native homes and communities. This authority was reaffirmed by Congress in the Indian Health Care Improvement Act (P.L. 94-437, as amended).

In partnership with the Tribes, the SFC Program provides the following services:

1. Develops and maintains an inventory of sanitation deficiencies in Indian and Alaska Native communities for use by IHS and Congress;
2. Provides environmental engineering assistance with utility master planning and sanitary surveys;
3. Develops multi-agency funded sanitation projects, accomplishes interagency coordination, assistance with grant applications, and leveraging of IHS funds;
4. Provides funding for water supply and waste disposal facilities;
5. Provides professional engineering design and/or construction services for water supply and waste disposal facilities;
6. Provides technical consultation and training to improve O&M of Tribally owned water supply and waste disposal systems;
7. Advocates for Tribes during the development of policies, regulations, and programs; and
8. Assists Tribes with sanitation facility emergencies.

4.1. Purpose and Use of Funds

In general, an IHS SFC project can provide water supply, water treatment, water storage, water distribution, sewage collection, sewage treatment, and sewage disposal facilities. As part of a regular SFC project, IHS can furnish indoor plumbing, kitchen sink, and bathroom fixtures for existing homes, provided any structural improvements to the house (e.g., a separate room) are furnished by the homeowner. IHS can provide funds for service connection fees and other tie-in or buy-in costs on a negotiated pro-rated basis, when those fees are included as part of an SFC project.

As part of an SFC project, IHS can provide the following:

- Solid waste containers;
- Solid waste collection vehicles;
- Solid waste transfer stations;
- Solid waste landfills;
- Landfill closure;
- A Tribally owned community washeteria (a facility with a water point, showers, and laundry);
- Drainage improvements;
- Engineering studies associated with providing the above facilities; and
- Tools, equipment, supplies (generally, up to a year's supply), and training necessary for start-up for all the above facilities.

In the course of designing a new water system, IHS can design for fire-fighting capability provided there is an organized fire department in the community. However, IHS is not bound by the International Organization for Standardization (ISO) criteria. IHS cannot fund a project solely to upgrade an existing water system for fire-fighting capability.

IHS does not have funds for the day-to-day O&M of sanitation facilities, but the Indian Health Care Improvement Act (P.L. 94-437, as amended 25 U.S.C. 1602 et seq.), states that IHS may provide for "operation and maintenance assistance for, and emergency repairs to, Tribal sanitation facilities when necessary to avoid a health hazard or to protect the federal investment in sanitation facilities" (25 U.S.C. § 1632: Safe water and sanitary waste disposal facilities (b)(2)(C)). All IHS constructed sanitation facilities are either owned by or transferred to the Tribe upon completion.

IHS cannot serve commercial, industrial, or agricultural establishments including office buildings, nursing homes, health clinics, schools, hospitals, and hospital quarters with IHS SFC funds. These facilities can be included in an SFC project if they pay their own cost.

None of the funds appropriated to IHS may be used for sanitation facilities construction for new homes funded with grants by HUD's housing programs.

4.2. Application Process and Project Selection

IHS is charged by Congress to prepare and submit an annual report to Congress on the sanitation needs of Indians by degree of need and to prioritize those needs. In accordance with the intent of Congress, IHS funding and services are allocated based on needs. Sanitation needs of different reservations, IHS service units, and IHS Areas vary considerably. In addition, sanitation needs at the same location can change over time. The needs can be created gradually as a result of population growth or suddenly, as a result of a natural disaster, equipment failure, or a change in federal regulations. Needs are defined in terms of a project to meet those needs, and a project is defined in terms of total cost and number of homes to be served. IHS reassesses these needs every year and, with Tribal input, updates the priority list of projects to meet those needs. IHS then proceeds to fund projects on the priority list with resources appropriated by Congress.

A Tribe can request funding for a sanitation facilities construction project through a written request to the IHS Area office. The IHS Area office should acknowledge this request in writing and will assess the eligibility and feasibility of the project when it is entered into the IHS SDS inventory of all proposed SFC projects within one of the 12 IHS Areas.

In general, only deficiencies which can be corrected by projects or project phases eligible for funding under the current eligibility policies of the SFC program can be included in the SDS. Once the project request is received by the IHS Area, the project is entered into the SDS and prioritized based on eight factors: health impact, existing deficiency level, previous service, capital cost, O&M capability, contributions, local Tribal priority, and local conditions. SFC projects are funded in priority order based on the SDS priority list; therefore, the number of projects that are funded in a given year is based on the amount of appropriated funding that IHS receives.

4.3. Application and Project Funding Timing

As with the EPA DWIG-TSA and CWISA, IHS funding depends on each year's appropriations, and follows the congressional budget calendar, with the funding amount usually released in the second quarter of the fiscal year.

The sanitation deficiencies of existing Indian homes and communities are determined and reported annually by IHS in terms of projects to meet these needs. These projects form the basis of the SDS inventory. IHS annually prioritizes, with Tribal input, these needed projects by Area and funds these projects in priority order with Congressional appropriations. The SDS was established to ensure comparable Area criteria and procedures for identifying deficiencies and for planning and prioritizing projects.

Once the SFC appropriation is received, IHS HQ allocates and distributes the funds to each Area based on the relative needs identified by each IHS Area's feasible project cost and homes factors in SDS and in the IHS Sanitation Tracking and Reporting System (STARS).

The allocation and distribution method is applied consistently to all IHS Areas; however, some minor adjustments may be made to ensure adequate funds for completion of construction of all

funded projects and equitability between Tribes and Areas. In each Area, each project is funded in the order of their priority on the official IHS Area SDS inventory.

4.4. Partnerships with Other Agencies

The IHS policies and practices have long reflected a principle that IHS funding is a supplemental resource and that IHS considers and advocates for all non-IHS resources available to Indian communities. Funds appropriated for sanitation facilities construction often have maximum flexibility and therefore, are used when and where other funds are not available to meet eligible Tribal sanitation needs. IHS does not require matching funds from Tribes, except to fund components of the project that are not allowable under the program.

It is not uncommon for Tribes to transfer funds from other agencies to IHS for project and construction management. In addition, other agencies transfer funds directly to IHS to manage projects including EPA, the Department of Energy, USDA Rural Utility Service (RUS), HUD, individual states, etc. Projects funded with contributions are a direct result of IHS's ability to develop workable projects with multiple funding sources. Other agencies are more likely to participate because of IHS's local presence to ensure that the project does not become delayed.

4.5. Level of Design Needed for Application and/or Award

The use of IHS's SDS priority list to identify individual projects does not require a Tribe to have a proposed design in place prior to making a request for funds. IHS often works with the Tribe in the design process.

5.0 OVERVIEW OF USDA PROGRAM

5.1. Purpose and Use of Funds

The USDA administers a series of grant and loan programs for which Tribes can apply, including the following 12 programs.

Water and Waste Disposal Direct Loans and Grants: This program funds construction, land acquisition, legal fees, engineering fees, capitalized interest, equipment, initial O&M costs, project contingencies, and any other cost that is determined by USDA RD to be necessary for the completion of the project.

Water and Waste Disposal Guaranteed Loans: This program guarantees loans made by private lenders for the construction or improvement of water and waste disposal projects serving financially needy communities in rural areas.

Emergency Community Water Assistance Grants: These grants are limited to $500,000 and can be used for construction of a water source up to and including the drinking water treatment plant. Examples include new wells, reservoirs, transmission lines, treatment plants, and/or other sources of water. Grants under $150,000 are awarded for distribution waterline extensions,

breaks or repairs on distribution waterlines, and O&M type items that remedy an acute shortage or significant decline in the quantity or quality of potable water.

Water and Waste Revolving Fund Grants: This program can finance pre-development costs of water and wastewater projects or short-term small capital improvement projects that are not part of the regular operations and maintenance of current water and wastewater systems. Grants are given to organizations with a revolving loan fund to administer and receive applications for funding.

Solid Waste Management Grants: This program provided technical assistance and training to reduce or eliminate pollution of water resources and improve planning and management of solid waste sites.

Section 306C Water and Waste Disposal Grants to Alleviate Health Risks: This program funds the construction of basic drinking water, sanitary sewer, solid waste disposal and storm drainage, and also provides grant assistance directly to individuals to install necessary indoor plumbing like bathrooms and pay other costs of connecting to the system. These grants are capped at $1 million each.

Section 306D Water and Waste system Grants for Alaskan Villages, including technical assistance: This program funds the development and construction of water and wastewater systems in rural Alaskan Villages.

Section 306E Grants for the Construction, Refurbishment, and Servicing of Low or Moderate Income Individual Household Water Well Systems (HWWS): This program provides technical and financial assistance to eligible individuals to remedy household well problems through a grant that is given to a non-profit entity.

Technical Assistance and Training Grants for Rural Waste Systems: This program identifies and evaluates solutions to water and waste disposal problems, improves O&M of existing water and waste disposal facilities, and assists associations in preparing applications for water and waste disposal facilities in rural areas.

Circuit Rider - Technical Assistance for Rural Water Systems: This program provides funding to an organization to provide technical assistance to rural water system operations.

Predevelopment Planning Grants: This program assists in paying costs associated with developing a complete application for a proposed project and requires a 25% match. The total grant amount is limited to $25,000.

Special Evaluation Assistance for Rural Communities and Households (SEARCH) Grants: This grant program is for communities or tribes with a population of fewer than 2,500 for a 100% grant to pay for the preliminary work on an application such as the engineering or environmental report.

5.2. Application Process for Tribes and Project Selection

Generally loans and/or grants will be made, processed, and serviced in accordance with RUS Instruction 1777, 1780, and 1794, and include, but are not limited to:

- One copy of a completed Standard Form (SF) 424.2;
- One copy of the state intergovernmental comments or one copy of the filed application for state intergovernmental review;
- Two copies of the Preliminary Engineering Report (PER) for the project;
- Written certification that other credit is not available;
- Supporting documentation necessary to make an eligibility determination such as financial statements, audits, organizational documents, or existing debt instruments. The processing office will advise applicants regarding the required documents. Applicants that are indebted to RUS will not need to submit documents already on file with the processing office; and
- For those actions listed in §§1794.22(b) and 1794.23(b), the applicant shall submit, in accordance with RUS Bulletin 1794A–602, two copies of the completed Environmental Report.

The Rural Development State Director in each state will determine the office and staff that will be responsible for delivery of the program (processing office) and designate an approving office. Applications will be accepted by the processing office. Specific state office locations can be found at http://www.rurdev.usda.gov/recd_map.html.

5.3. Application and Funding Award Timing

The grant and loan programs have an open application process whereby Tribes can file an application at any time. Revolving loan fund, solid waste management, technical assistance and training, and the household well program have a grant window within which an application must be filed. The specific timing for each identified grant is provided below:

- Water and Wastewater Disposal Direct Loans and Grants - Open application process, submitted in accordance with RUS Instruction 1780;
- Water and Waste Disposal Guaranteed Loans - Open application process, submitted in accordance with RUS Instruction 1779;
- Emergency Community Water Assistance Grants - Open application process, submitted in accordance with RUS Instruction 1778;
- Water and Waste Revolving Fund Grants - Applications due May 25, 2010, submitted in accordance with Revolving Fund Program 2010 Grant application Guide;
- Solid Waste Management Grants - Application window is October 1st through December 31st of each fiscal year, submitted in accordance with RUS Instruction 1775;
- Section 306C Water and Waste Disposal Grants to alleviate health risks - Open application, submitted in accordance with RUS Instruction 1777;
- Section 306D Water and Waste System Grants for Alaskan Villages, including technical assistance - Open application, submitted in accordance with RUS Instruction 1780;

- Section 306E Grants for the Construction, Refurbishment, and Servicing of Low or Moderate Income Individual HWWS - Open application, submitted in accordance with Notice of Funds Availability (NOFA) dated January 28, 2008;
- Technical Assistance and Training Grants for Rural Waste Systems - Application window is October 1st through December 31st of each fiscal year, submitted in accordance with RUS Instruction 1775;
- Circuit Rider - Technical Assistance for Rural Water Systems - managed through Rural Development Procurement;
- Predevelopment Planning Grants - Open application, submitted in accordance with RUS Instructions 1780 and RUS Staff Instruction 1780-5; and
- SEARCH grants - Open application, submitted in accordance with RUS instructions 1780.

Each of the 12 programs described above has a unique set of priorities and scoring criteria or rating factors (e.g., Is the project leveraging other funding sources? Does the Tribe qualify for a loan application?) that are described in the applicable RUS instructions.

5.4. Partnerships with Other Agencies

The ability of an applicant to leverage other funding sources is scored favorably during the selection process. USDA funds can be used as matching funds. USDA works with other agencies, and has signed Memoranda of Understanding (MOUs) with certain States and Memoranda of Agreement (MOAs) for specific projects to facilitate implementation.

5.5. Level of Design Needed for Application and/or Award

A PER is required by USDA for projects involving water, wastewater, stormwater, and solid waste facilities. The level of effort required to prepare and the report's depth of analysis are proportional to the size and complexity of the proposed project. Information provided in the PER is used to process the funding request, therefore completeness and accuracy are essential for timely processing of the application. The PER and an Environmental Report are prepared by the project engineer as separate documents, but submitted jointly for USDA review (see environmental review requirements under Section 8).

6.0 OVERVIEW OF HUD PROGRAM

6.1. Purpose and Use of Funds

HUD maintains two main grant programs for Tribal housing and associated infrastructure projects, the Indian Community Development Block Grant (ICDBG) and the Indian Housing Block Grant (IHBG). These are described below:

ICDBG Single Purpose Grants: These competitively-awarded grants provide funds for activities designed to meet a specific community need, primarily benefiting low or moderate income persons. Eligible activities include, but are not limited to: acquisition of property for public

facilities (water and wastewater), land clearing and/or demolition for public facilities, non-federal share matching, and assistance to privately owned utilities.

ICDBG Imminent Threat Grants: These noncompetitively awarded grants provide a solution to a problem of urgent nature (e.g., a grant to respond to a mud slide that damaged a sewer system serving low income housing residents).

IHBG: Activities eligible for this program include housing development, assistance to housing developed under the Indian Housing Program, housing services to eligible families and individuals, crime prevention and safety, and model activities that provide creative approaches to solving affordable housing problems.

The following Tribal entities are eligible to receive HUD grants:

- Federally Recognized Indian Tribes and Alaskan Natives;
- Tribal Organizations - Tribal organizations must be eligible under Title I of the Indian Self-Determination and Education Assistance Act; and
- Alaska Native Claims Settlement Act - Village Corporations and Regional Corporations eligible under Title I of the Indian Self-Determination and Education Assistance Act.

6.2. Application Process for Tribes

The application process begins with the publishing of a NOFA by HUD. The NOFA provides all information necessary to complete an ICDBG application. To be eligible, a project must show how it fits in with a Tribe's short or long term community plan and addresses the community's needs (e.g., water, wastewater). In each annual publication, the NOFA defines the current year's award criteria. The ICDBG application format and requirements may change from year-to-year. The NOFA may be found on HUD's webpage or at www.grants.gov.

For fiscal year 2008 the ICDBG Application Checklist included the following items:

- A Narrative responding to all five rating factors used for award evaluation;
- A complete SF-424, Application for Federal Assistance;
- A complete SF-424 Supp, Supplemental Survey on Ensuring Equal Opportunity for Applicants;
- A complete HUD 2880, Applicant/Recipient Disclosure Report;
- A complete HUD-2993, Acknowledgement of Application Receipt;
- A Resolution from the Tribe that the Tribal organization is applying on the Tribe's behalf;
- A complete HUD-4125, Implementation Schedule;
- A complete HUD-4123, Cost Summary;
- A Tribal resolution documenting that the Tribe has met citizen participation requirements;
- A map showing the proposed project;
- Low- and moderate-income benefit documentation;
- Demographic data;

- Project-specific thresholds;
- A commitment to housing for land acquisition to support new housing projects;
- A code of conduct; and
- Disclosure of any lobbying activities.

6.3. Application and Funding Award Timing

Announcement of grant opportunities are published in the NOFA. For example, in 2009 ICDBG grants were announced in the following manner:

- General information was announced in December 2008;
- The 2009 NOFA was published in May 2009;
- Applications were due on August 9, 2009; and
- Notifications of awards were made in December 2009.

Applicants compete against others from within their Office of Native American Programs (ONAP) Area. There are six ONAP Areas across the U.S. Each application is rated using the following five rating factors:

- Capacity of the Applicant - Tribes must document the administrative infrastructure and staff knowledge, skills, and experience to manage the project and funds successfully;
- Need/Extent of the Project - Tribes must demonstrate the extent of the documented problem, illustrate the applicant's understanding of the problem, and its impact on the target population, and demonstrate the applicant's ability to address the problem successfully;
- Soundness of Approach - A description of, and rationale for, the project, budget, and cost estimates, HUD policy priorities, and commitment to sustained activities must be provided;
- Leveraging Resources - Points for leveraging resources are awarded based on the percentage of non-ICDBG resources that make up the proposed total project cost; and
- Comprehensiveness and Coordination - Tribes must describe the intra- and inter-organizational coordination that led to the design and development of the project.

6.4. Partnerships with Other Agencies

The ability of an applicant to leverage other funding sources is a rated factor in the application process, as is coordination with other agencies.

6.5. Level of Design Needed for Application and/or Award

The level of design should be mature enough to address applicable rating factors. Applicants are encouraged to submit as complete an application as possible. Applications that are technically closer to implementation (e.g., existing plans) receive higher ratings and are more likely to be funded.

7.0 OVERVIEW OF USBR PROGRAM

7.1. Purpose and Use of Funds

The USBR implements water supply projects in the western U.S. that have been approved and funded by Congress. The recent Rural Water Supply Program provides grant funding to evaluate the feasibility of future water supply projects prior to Congressional Approval. The Interim Final Rule for implementing the Rural Water Supply Program was published in the Federal Register on November 7, 2008. The Interim Final Rule establishes programmatic criteria for the Rural Water Supply Program, including criteria governing prioritization, eligibility, and the evaluation of appraisal investigations and feasibility studies.

The Rural Water Supply Program was authorized by Title I of P.L. 109-451, the Rural Water Supply Act of 2006. This Program allows USBR to be involved in the planning, design and prioritization of projects to develop and deliver potable water supplies to rural communities in the Western U.S. Under the Program, states (or a political subdivision of a state), Indian Tribes, and entities created under state law with water management authority can seek financial and technical assistance to undertake appraisal investigations and feasibility studies to explore potable water supply needs and options for addressing those needs.

While the Act provides USBR the authority to undertake appraisal investigations and feasibility studies, it does not provide authority to undertake the construction of water delivery facilities recommended for development under the Program. Those require a specific Act of Congress.

A rural water supply project is defined as a project that is designed to serve a community or group of communities, including Indian Tribes and Tribal organizations, each of which has a population of no more than 50,000 people, with domestic, industrial, municipal, and residential water. It does not include commercial irrigation or major impoundment structures.

Eligible entities can participate in the Program in three ways:

- They can work with USBR to complete an appraisal investigation or feasibility study;
- They can seek a grant or enter into a cooperative agreement with USBR to complete an appraisal investigation or feasibility study themselves or through their own contractor (both in cooperation with USBR); or
- They can submit an appraisal investigation or feasibility study prepared without any financial or technical support from USBR for review and inclusion in the Program.

7.2. Application Process and Project Selection

Appraisal investigations will provide a recommendation on whether a feasibility study should be initiated. A feasibility study is generally conducted following the completion and recommendation of an appraisal investigation. It is a detailed investigation requiring the acquisition of primary data and an analysis of a reasonable range of alternatives, including a preferred alternative. A technical and economic analysis is also completed. Funding for feasibility studies is cost-shared. USBR will pay 50% and the non-Federal entity will pay 50%.

Based upon a determination of financial hardship, USBR's share of the feasibility study may be increased. However, the Rural Water Supply program has limited funding for appraisal and feasibility studies. Approximately $1 million was appropriated in the fiscal year 2009 budget.

Based upon the findings of the appraisal investigation and feasibility studies, USBR will make a recommendation to Congress for the funding of each potential project. This recommendation includes information regarding whether the project should be authorized and the appropriate non-Federal share of construction costs.

7.3. Partnerships with Other Agencies and Funding Restrictions

In general, the non-federal project entities must pay 100% of all costs to operate, maintain and repair constructed projects. Further, under the Act, the non-federal entities will pay a minimum of 25% of the capital construction costs and could pay more as determined in an analysis of their capability to pay. Tribal project beneficiaries may have all or part of their non-federal construction costs deferred based upon their capability to pay.

For both appraisal investigations and feasibility studies, project sponsors should describe partnerships with other state, federal, tribal, and local entities; and include coordination with other entities for planning, technical and financial assistance. Project investigations should include plans to leverage resources with other entities.

7.4. Level of Design Needed for Application and/or Award

As this program is set up to support the feasibility of future water programs, no design is needed to obtain a grant.

8.0 FUNDING AGENCY NEPA PROCESSES

NEPA and related federal environmental laws, regulations, and executive orders including the National Historic Preservation Act (NHPA) including the Native American Graves Protection and Repatriation Act (NAGRA), the Endangered Species Act (ESA), and the Clean Air Act, require federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. These apply to a wide range of federal actions that include, but are not limited to, federal construction projects, plans to manage and develop federally owned lands, and federal approvals of non-federal activities such as grants, licenses, and permits.

To implement these environmental policies, Congress prescribed a procedure, commonly referred to as the "NEPA process," and for purposes of this document, referred to as the "environmental impact assessment process." Each federal agency in the executive branch has the responsibility to implement the environmental review and has established specific requirements to fulfill applicable requirements. Activities under the environmental review can be categorically excluded, require an Environmental Assessment, or require an Environmental Impact Statement (EIS).

This summary identifies the requirements under NEPA; and describes the NEPA process for the EPA, IHS, USDA RUS, HUD, and USBR.

8.1. EPA NEPA Process

EPA's policy is to participate early in environmental compliance efforts of other Federal agencies to the fullest extent practicable in order to identify EPA matters of concern with proposed agency actions and to assist in resolving these concerns at the earliest possible stage of project development.

The Environmental Review Coordinator (ERC) and the other Federal agency will determine the lead agency status, taking into account any relevant MOU which EPA has executed with the federal agency in question.

EPA may also request that the lead agency designate the EPA as a cooperating agency. The ERC is then responsible for determining whether the EPA will become a cooperating agency. The ERC is encouraged to accept cooperating agency status as often as possible.

EPA also provides guidance as a cooperating agency. Information and/or guidance should be given to the lead agency in those areas where the EPA has special expertise as related to EPA's duties and responsibilities and in those subject areas. Specific guidance will be given in those areas where the EPA intends to exercise regulatory responsibility.

Selection of the lead agency should be made at the earliest possible time. If the EPA is the lead agency, EPA will not review the EIS under the Environmental Review Process.

8.2. IHS NEPA Process

Any IHS activity that may change or alter the environment will require an environmental review by the appropriate IHS Area program and Area NEPA Coordinator. The NEPA Coordinator is assigned for the Area to provide technical assistance to program, facility, and project managers and coordinate with regulatory and other federal agencies.

IHS developed the Environmental Information and Documentation Checklist to assist its programs in complying with environmental requirements. This Checklist is a reminder to each IHS program person or employee that they must review the Checklist items to determine if permits are required, consultations (informal or formal, but documented in writing) with other agencies must occur, and additional information or data must be obtained, before IHS proceeds with the Program's proposed action.

The ultimate purpose of the IHS environmental review process is to determine if the proposed IHS action is a major federal action that will have a significant impact on the environment. The Checklist consists of 36 questions, each of which requires a 'yes' or 'no' answer and supporting documentation. Once completed, the Checklist is submitted to the Area NEPA Coordinator for review, discussion, and approval prior to the final determination by the IHS

Area's responsible federal official. Specific procedures and requirements are further detailed in the 'Environmental Review Manual for Indian Health Service Programs (2007).'

Should a categorical exclusion be deemed appropriate, it must then be determined if any exceptional or extraordinary circumstances exist (listed in the aforementioned Environmental Review Manual) that would make a categorical exclusion determination inappropriate. This, however, does not exclude the project from complying with the requirements of other laws, including the Clean Water Act, ESA, NHPA, and SDWA.

8.3. USDA RUS NEPA Process

In applying for financial assistance from the RUS Water and Environmental Program, the applicant's engineers are required to prepare a PER and an Environmental Report (ER) to support RUS's environmental review process as required by NEPA and related federal environmental laws, regulations, and executive orders. The ER and PER will be reviewed and approved concurrently by the Rural Development State Environmental Coordinator and State Engineer.

An ER must include:

- Purpose and need of the proposal;
- Alternatives to the proposed action;
- Affected environment/environmental consequences;
- Summary of mitigation;
- Correspondence;
- Exhibits; and
- List of preparers.

The significance of environmental impacts identified in the ER will determine whether the project is categorically excluded or whether a higher level of environmental review is required (EA or and EIS). To minimize duplication of effort, it is sufficient to reference environmental information from the ER in the PER. This is necessary, as the environmental documentation must be a stand-alone document for public input requirements. If it is determined that an EIS is necessary, USDA will be responsible for overseeing the preparation of the document, typically under contract at the applicant's expense. It should be noted that EIS are very seldom done on infrastructure projects; and USDA may also adopt, or adopt with modification, other agencies' ER.

If important farmlands, wetlands, floodplains, or historic properties are affected, a 30-day public notice and review period is required, as well as the publication of a final notice, as detailed in the RUS Bulletin 1794A602, Guide for Preparing the Environmental Report for Water and Environmental Program Proposals.

8.4. HUD NEPA Process

For IHBG and ICDBG funds received, the Tribe is the "responsible entity" and may not delegate authority to sub-recipients. Sub-recipients can provide environmental information and even prepare an EA, but the Tribe must independently evaluate the information and make the appropriate determination. All documentation must be filed with an Environmental Review Record (ERR), which ensures compliance with the Flood Insurance/Flood Disaster Act.

If USDA RUS funds are involved, the appropriate Rural Development Specialist should be contacted to ensure compliance with USDA's environmental review process. If an EA is required, applicants must complete USDA's Form RD 1940-20.

HUD has established thresholds for an EA and EIS. An EA is required for projects involving less than 2,500 housing units, while an EIS is required for projects involving more than 2,500 housing units. The vast majority of projects funded through ICDBGs are limited in scope and therefore these projects only require the EA.

Applicants document an "Exempt Activity" by completing the Determination of Exemption Form. These are generally activities that are studies, planning, and public services with no physical impact, administrative needs, inspections/testing, engineering or design.

Activities that are categorically excluded from the environmental review requirements receive this designation because they do not individually or collectively have a significant impact on the environment. "Categorically Excluded Activity" under HUD fall into two categories: those not subject to 24 CFR Part 58 Section 58.5 (Environmental Review Procedures for Entities Assuming HUS Environmental Responsibilities) and those subject to 24 CFR Part 58 Section 58.5.

Activities not subject to Section 58.5 include activities such as rental assistance, supportive services for healthcare, housing, etc., and economic development activities not associated with construction or expansion of existing facilities. If an activity is determined to be a "Categorically Excluded Activity" not subject to Section 58.5, a Determination of Categorical Exclusion Form should be completed and no "Request for Release of Funds" is required. The Tribe may undertake the activity immediately.

Activities subject to Section 58.5 include acquisition, repair, or rehabilitation projects where the property or activity is in place and will be retained in the same basic capacity. If an activity is determined to be a "Categorically Excluded Activity" subject to Section 58.5, a Determination of Categorical Exclusion Form and the Statutory Worksheet should be completed. The Tribe must determine if the proposed activity complies with each item on the Statutory Worksheet and must provide proper documentation. If the proposed activity receives "no effect" on all compliance items or does not require any mitigation, the project converts to an 'Exempt Activity" and no "Request for Release of Funds" is required and the Tribe may undertake the activity immediately. If the project receives a "no adverse effect" through consultation or mitigation on the Statutory Worksheet, a notice of intent to "Request Release of Funds" must be published consistent with Sections 58.43 and 58.45.

If a project is not exempt or categorically excluded, an EA Form must be completed. Projects involving the acquisition for development of housing or capital improvements, new construction, or conversion from current use or major reconstruction will require the completion of an EA. A completed EA Form must be submitted to the Department Director with a request for review under NEPA and related federal environmental laws, regulations, and executive orders, leading to a Finding of No Significant Impact (FONSI). A FONSI notice must be disseminated and advertised consistent with Section 58.43. Once the comment period has expired, a "Request for Release of Funds" can be submitted. An "Authority to Use Grand Funds" will then be issued and the project can commence.

8.5. USBR NEPA Process

Under the Reclamation Rural Water Program, both appraisal investigations and feasibility studies are required to address NEPA and related laws, regulations, and executive orders. The level of attention for each is described below:

Appraisal Investigations: Appraisal investigations should include a discussion of the likely environmental effects of each of the alternatives identified. Since an appraisal investigation is prepared on the basis of available data, no additional studies or data collection is required for the purposes of this discussion.

Feasibility Studies: Feasibility Studies are used to support a USBR recommendation for Congress to fund the project. Feasibility studies will normally be integrated with compliance under NEPA, Fish and Wildlife Coordination Act, ESA, NHPA, and other related environmental and cultural resources laws, regulations, and Executive Orders. Feasibility studies should also address state, Tribal, and local environmental and cultural resource laws and ordinances.

8.6. MOUs and Interagency Agreements

There are a significant number of MOUs and Inter-agency Agreements (IAs) that have implications for the environmental review process. A brief summary of some of these agreements is provided in Table 1.

Table 1. MOUs and IAs

Agencies	Applicability	Summary
IHS/EPA (2008)	ARRA Funds	IHS is lead agency on ARRA funded clean water and drinking water projects as identified in the IA
IHS/EPA (1996)	SDWA, where EPA has primacy	Provide a coordinated approach and eliminate unnecessary duplication of program efforts; encourage IHS area offices and EPA regional office to negotiate MOUs/IAs at the regional IHS Area level
IHS/USDA RUS (2000)	Services provides to Tribes	Environmental review documents may be jointly prepared or prepared by the agency designated as the lead agency
USDA RUS Water and Waste/EPA CW/DW SRF/HUD CDBG (1997)	Financial assistance programs for rural communities to meet water and wastewater needs	Cooperate on the preparation of environmental review documents on jointly funded projects; the goal is to have one environmental document per project that meets all three agencies' requirements

These MOUs serve to guide the environmental review processes as Tribes apply for funding from more than one agency. The designation of a lead agency for a jointly funded project is helpful and further evaluation of how these MOUs simplify the Tribal application process would be valuable.

9.0 RECOMMENDED STREAMLINING OPPORTUNITIES

A series of recommendations were developed to begin a discussion regarding opportunities to streamline, or simplify the process through which Tribes obtain funding for infrastructure projects. These initial options were developed based on the overview of agency funding requirements and through a few preliminary conversations with ITF members. A series of interviews with ITF agency staff and Tribal representatives were then conducted to discuss funding processes and streamlining opportunities. Appendix A provides a summary matrix of interview findings, organized by ITF agency and interview topic.

The revised recommendations below are based on the initial recommendations, opportunities, and revisions identified during the interview process, and revisions suggested by ITF workgroup members. These recommendations were used as the basis for conversations during the ITF Streamlining Preconstruction Paperwork Workgroup meeting in Washington D.C. held on January 26 and 27, 2011.

9.1. Agency Grant Funding Cycles

Funding applicants are encouraged to leverage other funding sources to meet the financial needs of water or wastewater projects. In fact, leveraging is a rated factor when competing for a HUD ICDBG. Applicants often use multiple funding sources to finance these projects. Each funding

agency has a unique timeline for the announcement of funding opportunities, the application process, and the award notification. For example, an ICDBG will not be fully approved until the applicant can demonstrate that all other funding is either in place or approved. The final approval can be quite lengthy due to the difference in agency funding cycles. Where possible, funding or funding commitment from different agencies should be made available at the same time.

Pros

- Aligned funding cycles would make it easier for Tribes to apply for multiple funding sources at the same time.
- Speed up funding award: the lack of funding commitment by any agency can delay award of other funding sources; aligned funding cycles could speed up the process.
- Increased inter-agency collaboration: Agencies working towards a parallel funding calendar may be able to support additional collaboration.

Cons

- Limits opportunities for other sources: Funding cycles on separate calendars can enable Tribes who do not receive funding under a certain program to apply for another funding source that same year.
- Funding cycles are dependent on funding sources and timing adjustments may be difficult for some agencies.
- This may require pro-active efforts from all agencies, and continuous communications, and for agency staff to look across multiple funding years, requiring staff continuity.

Value to Tribes

- Funding availability: discrepancies in funding timing and delays in funding approval can cause Tribes to lose certain sources of funding (e.g., ICDBG) if other funds are not committed on time.
- Potential to apply for multiple sources simultaneously.
- Reduce duplication of effort if funding requests can be made and approved simultaneously.

Examples

Federal agencies and the State of Alaska have been pro-actively analyzing funding opportunities around a scoring committee, and looking at projects on a two to three-year timeframe. This has helped get around the issue of varying funding cycles.

9.2. Improved Online Application Website

Several interviewees have commented that the www.grants.gov website is difficult to use for application submission. Problems arise when the applicant does not have a reliable internet connection and through inherent shortfalls in the website software. One interviewee commented that if the applicant was successful in entering their application through www.grants.gov there would be a good chance the agency would never see it. In addition, the potential for overlap or duplicate efforts would be substantially reduced through the use of a SharePoint-style website for electronic collaboration between federal, state, and Tribal agencies involved in a grant process.

This involves having the grant and/or loan applications input through a web portal for review by each relevant agency. Information developed by Tribes to apply for grants could be easily shared, and comments between agencies could be organized.

An improved online application website accessible by, and transparent to, all agencies could be developed. This would enable agencies to view applications to other agencies for the same project or Tribe, and could encourage inter-agency cooperation. Alternatively, this website could be developed so as to pre-populate agency applications based on a single online application (e.g., series of questions for applicant), and on the applicant's selection of funding sources requested. For example, the applicant could select funding sources upfront, and be required to fill out a single application customized for the relevant agencies.

It should be noted that this website would need to be developed, implemented, advertised, and maintained. This could be the effort of a single federal partner, or could result from collaboration, and cross-agency funding.

Pros

- Multiple applications completed at once.
- Inter-agency cooperation.
- Potential to fund larger projects: Tribes noted that overall funding is insufficient, particularly for larger projects that a single agency cannot fund alone, this could help agencies to group their funding.

Cons

- Projects from Tribes with limited or non-existent internet access may have less visibility.
- Not all Tribes have adequate internet access to fill out online applications (waivers are available and apparently readily granted to allow for paper application submission).
- Personal relationship between Tribe and agency representative would be reduced. This could translate in reduced contact and direct cooperation with Tribes, which may, in turn, lead to reduced Tribal funding applications (e.g., less incentive and encouragement).
- This revised application process may need to be reviewed to ensure it does not conflict with agency Tribal consultation policies.
- The website would require funds and commitment for development, update, and maintenance.

Value to Tribes

- Duplication effort is reduced when applying for multiple funding sources; Tribes may be able to submit a single application.
- Funding opportunity increases for larger projects due to increased inter-agency collaboration.

Examples

- Existing www.grants.gov website should be reviewed to identify required changes and added functionality, and explore the possibility of a new separate Tribal-only website.
- IHS staff mentioned that similar efforts are being led by a solid waste workgroup.
- The EPA Tribal portal could provide a starting point.

9.3. Online Tribal Resources and Training

Tribes and ITF agency staff were interviewed about existing Tribal training for funding applications, as well as education opportunities. Tribes felt that in-depth training for funding applications should not be required if the application process is streamlined and easy enough to understand and complete. Regardless, Tribes wished to see eligibility criteria, flowcharts, and timelines for each agency to clearly facilitate the application and avoid confusion.

ITF agency staff also recommended that a user-friendly Tribal funding website be developed to help the Tribes identify funding opportunities based on answers to simple questions, or on checkboxes. This website could lead to the application website described under 9.2 or be developed separately.

This website could be developed along the lines of the webMD "symptom checker" website which takes the user through a series of questions to identify potential ailments. A similar structure could be developed to identify Tribal funding needs and ultimately point the Tribe to relevant funding sources, with descriptions of eligibility criteria, and a flowchart and timeline of each funding process.

Pros

- A Tribal-funding-specific website could become a reference for Tribes seeking federal funding, if appropriately designed and maintained.
- This could provide a valuable opportunity for training on application processes (e.g., eligibility requirements, application flowchart, and timeline)
- The website could be accessible to other funding agencies and provide additional opportunities for collaboration.

Cons

- Some Tribes with limited internet access could not benefit from the resource, unless a stand-alone CD could be developed in parallel (e.g., funding decision tree model). This CD would enable Tribes without internet access to review the resource.
- A process for updating and maintaining the website would need to be determined.
- The website could potentially reduce communication between Tribes and funding agencies.
- Care may need to be taken to ensure the website and its resources do not conflict with agency Tribal consultation policies.

Value to Tribes

- Single site for funding opportunities.
- Online training opportunities.
- If linked to the relevant application(s), this could remove duplication of effort.

Examples

- The Washington State Infrastructure Assistance Coordinating Council (IACC) Searchable Database (http://www.infrafunding.wa.gov) enables quick access to relevant funding

programs based on a number of user-defined criteria (e.g., drop-downs and checkboxes), and could be used as a working example of funding website.

- In 2006 EPA published the "Tribal Resource Directory for Drinking Water and Wastewater Treatment" for Tribes, providing a list of programs by agency, a matrix to be used as a quick reference, program fact sheets, and Tribal success stories.
- EPA also created an online, searchable catalog of over thirty federal and non-federal programs offering funding and technical support for Tribal drinking water and wastewater systems. The online database is currently available at: http://www.epa.gov/owm/mab/indian/tribal-resource-directory.htm. It can be searched using a number of criteria, including: agency and program name, infrastructure type (e.g., drinking water, wastewater, both drinking water and wastewater), funding type (e.g., grants, loans, technical assistance and training), and purpose (e.g., planning, design, construction, operation and maintenance, management and administration).

9.4. Additional Use of IHS SDS Priority List by All Federal Partners

Some grant funding agencies use the IHS SDS priority lists to identify and select projects for funding, whether regularly or not, including IHS, EPA, and USDA. Further changes to the SDS database appear to be in the works, including closer coordination with the IHS Housing Support Funds database. EPA uses the SDS priority rankings as part of the grant allocation process, particularly for the CWISA Program. In most states, the USDA office also reviews the SDS list.

Some IHS Areas use the optional SDS contribution scoring factor to assign additional points to projects where additional funds are contributed to the project by a Tribe or another federal agency. Some IHS Areas chose not to use this scoring factor for various reasons; each Area develops its own policy on how they will apply the factor. The interview process revealed that Tribes can offer to provide funding at the time of application to increase their project's priority, but the Tribe sometimes finds it difficult to raise the funds. If other agencies participate in the SDS process, or in a potential scoring committee, the Tribe may have the opportunity to apply for funds from other agencies directly.

It was also indirectly suggested that this could facilitate the transfer of funds at the headquarters level and simplify the funding process. For example, in the case of the EPA CWISA program, EPA funds projects directly from the SDS priority list, and the question was raised as to whether those funds could be directly awarded at the headquarters level.

Pros

- Easier identification of projects for other agencies: The IHS field engineers have close relationships with each Tribe.
- Updated information: The STARS database is updated at least annually, more frequently than other agency databases.
- The IHS STARS database allows for online monitoring of project progress, which would be valuable to agencies co-funding projects. IHS can provide access to the STARS system to other agencies on a case-by-case basis.
- This would represent a potential tool for promoting inter-agency cooperation and co-funding.

Cons

- Some Tribes object to the SDS list because they feel certain projects can never rank high enough to be funded.
- The IHS priority system feasibility threshold can be an issue for remote homes, which are labeled as "unfeasible" and for which the projects do not get funded.
- Other agencies may have different missions than IHS, so the priority list may not match their priorities. For example, the STARS database identifies homes, not water systems, which the EPA DWIG-TSA program is concerned about. IHS focuses on the current need, while USBR is more interested in the long-term need.
- The Tribe may not support a feasible project proposed on the SDS priority list and prefer a higher cost alternative (e.g., the Tribe may perceive the higher cost alternative as easier from an O&M standpoint).
- Other agencies may need to adjust the information from the system to conform to their authorities, policies, and procedures. The data are currently reviewed by IHS based on IHS authorizing legislation, and other agencies that use the data need to be aware of the limitations, and basis and standards used by IHS for the STARS data.
- The IHS priority list funding is not a competitive funding process.
- IHS currently prepares cost estimates for all SDS projects, with more detailed cost and feasibility analyses for higher priority projects. Increasing funding from the SDS list could place a potential additional workload on IHS staff to ensure more SDS projects are ready to be funded.

Value to Tribes

- The priority list helps Tribes understand where their needs stand relative to other Tribes and when they may be addressed.
- With funding available from agencies other than IHS, SDS projects in addition to IHS-funded projects could be funded, and Tribes with lower SDS priorities could receive funding.
- An SDS priority system could also serve to identify Tribes in need of technical assistance, which could be sponsored by USDA or other agencies.

Examples

The State of Alaska and its funding partners have established a project scoring committee including the State, USDA Rural Development, EPA, IHS, and the Alaska Native Tribal Health Consortium (ANTHC). They meet at least annually to review the SDS priority list for the State, and identify and prioritize projects that should be funded. While the situation in Alaska is unique and requires inter-agency collaboration to address high project costs related to harsh weather conditions, a limited construction season, and other factors, increased use of the SDS list by other areas could also facilitate inter-agency cooperation and co-funding.

9.5. Funding Optimization

While ITF agencies are already making efforts to optimize the use of agency funds and ensure that available funding addresses Tribal needs efficiently, the interview process revealed additional steps that some staff took to optimize funding so as to improve drinking water and

sanitation for the maximum number of people. These steps were all worth noting, and could be part of an overall recommendation to identify opportunities to optimize funding allocation, or could be shared with the ITF workgroup charged with identifying underutilized funding and leverage existing programs. For further information, the workgroup developed a report to *Identify Underutilized Funding and Leverage Existing Programs*. Overall, funding optimization efforts focus on allocating funds to ensure they are spent either more efficiently, more rapidly, or reach more Tribal members.

The first example of funding optimization opportunity is the use of project phasing to fund more projects and provide funding faster. Some of the funded projects, particularly larger projects, may take years to complete, and can tie up funding over multiple years. Rather than award funding to a handful of multi-year projects, some ITF agency staff have funded projects by phasing a larger number of high-priority projects such that subsequent phases could be funded in subsequent years. This has enabled funds to reach more Tribes upfront.

A second opportunity is the early funding of project components or funding requirements known to delay an application or project. Two examples are a detailed project description and cost (e.g., feasibility study or PER), and the environmental review process. Initial funding could be provided to support the development of a feasibility study, or a PER to expedite future funding. The environmental review process can also delay a Tribal project, particularly in areas with important environmental resources or with limiting environmental conditions (e.g., harsh winter with small window of opportunity for application process and funding award before it is too late to start construction). Some ITF agency staff recommended allocating some funds upfront for completion of the environmental review ahead of other application or funding requirements; however, federal agencies must re-evaluate those reviews prior to starting construction and some requirements have regulatory time limits, so phasing the environmental review may not always be an advantage.

Staff resources are limited and funding optimization may involve focusing efforts on projects that will be funded. IHS often assists the Tribes in completing their funding application processes and much work can be done for projects that will ultimately not be funded. These efforts could have been re-assigned to other higher priority projects. It was recommended that some agencies develop a shortlist of projects to avoid work on projects that will not be selected, and enable IHS to focus efforts and limited resources on high priority projects.

Finally, alternate funding sources or programs may help stretch available funding. For example, when regular funding is limited, USDA may encourage Tribes to apply for disaster funding to get their project funded faster.

<u>Pros</u>

- Increase the number of Tribal members positively impacted by funding opportunities.
- Tribes feel like their needs are heard and addressed, even if potentially at a slower pace.
- Funding optimization for each agency may encourage inter-agency collaboration (e.g., work closely with IHS to assist with upfront environmental review or other process).

Cons

- Competitive funding programs are limited in creating a shortlist of potential projects. All applications must be reviewed concurrently for fairness. Development of a shortlist could be seen as discriminatory.
- This recommendation requires reviewing all funding opportunities to identify inefficiencies and may not apply to all agencies and funding types (e.g., competitive funding).
- There may be limitations to funding flexibility (e.g., some agencies may not be able to fund the environmental review on its own to speed the funding process).

Value to Tribes

- Increased access through improved funding allocation.
- Feeling that needs are being addressed.
- Increased inter-agency cooperation could lead to additional streamlining opportunities.

Examples

See the examples provided in the description of the recommendation above. There may be additional opportunities for piece-meal or gradual funding of projects, and other funding optimization.

9.6. Funding for Operation and Maintenance of Sanitation Facilities

Most agencies cannot use their available funds for long-term O&M of water or wastewater facilities, and Tribes often do not have the financial or technical capacity to fund and maintain continued operations. This causes reduced system life, early replacement needs for parts, and resulting upgrade or repair projects. The ability to adequately fund O&M can make systems run more cost effectively and can reduce future capital costs created by poor maintenance practices. USDA sees an opportunity to build capacity with the Tribes utilizing grant funds for technical assistance to help train operators and manage systems but does not feel they should be paying for operating expenses. This issue was noted as not Tribal-specific, but rather affecting all rural and remote communities.

While the O&M issue is being addressed by another workgroup, the interview process resulted in many valuable recommendations that are provided for reference, or for communicating to the other workgroup and to ensure the information is not lost.

Pros

- Many projects are related to lack of O&M funding (e.g., emergency repair and upgrade), and funding could be allocated to other projects.
- Adequate O&M can extend the life of a system and increase the time available to the utility to accrue funds to replace aging equipment and infrastructure.
- O&M funding over the long run would also provide valuable cost information for the operation and maintenance of water and wastewater infrastructure on Tribal lands. The information is currently limited, but would be relevant to project funding, particularly for the issuance of USDA loans when a revenue stream is required to both repay the loan and pay for O&M.

- This is an opportunity for capacity building, and for helping Tribes become self-sustaining in their infrastructure needs.

Cons

- Funding is unavailable.
- Most agencies currently lack the statutory authority to support long-term O&M.

Value to Tribes

- Increase system life and ensure compliance with relevant SDWA and CWA regulations.
- Create job opportunities for local water/wastewater operator.
- Improved services.

Examples

- To fund O&M, one Tribe had set up an escrow investment account but funds were deposited late and the low interest rates have not kept up with the needs.
- USDA may sometimes fund initial O&M costs until the system is ramped up and can start charging customers for water and/or wastewater.
- USBR and USDA have been working on building technical O&M capacity.

It should be noted that this recommendation was not the focus of the ITF Streamlining Preconstruction Paperwork Workgroup meetings on January 26-27, as O&M funding issues are being addressed by another workgroup.

9.7. MOUs, MOAs, and IAs

Project funding involves agreements at many levels, including MOUs between partnering agencies that spell out partner roles and responsibilities, MOAs between the IHS and the Tribe and its funding partners, and IAs between agencies for certain funding opportunities. Many of these agreements could be streamlined, or agencies could develop templates to expedite the signing process. Some agreements (e.g., IAs) may be valuable at the headquarters level to avoid all agency regions/areas having to sign them individually. There may be value in developing an MOU for streamlining the environmental review process, for developing a preliminary engineering report, and for tracking funding.

The IHS uses an MOA for each project it funds to spell out the roles and responsibilities of the Tribe involved and each funding partner. Use of a single template MOA across multiple agencies may help the streamlining effort. For example, it appears that most Tribes are combining similar grant packages from different agencies to accumulate enough money to fund a project. Standardized agreements could potentially be developed that spell out in more detail how funding from different agencies can be bundled.

Pros

- Cooperation and multi-agency funding agreements at the headquarters level make it easier for area/regional/state offices to work together.
- Standard/template agreements can reduces confusion for staff funding projects.

- Template agreements can expedite the administrative process while ensuring that individual agency requirements are met. These templates should be developed with all future signatory parties to the agreement.
- Funding specificities need to be addressed. For example, loans have specific requirements, such that any delays in project implementation can have financial consequences for the Tribe. The Tribe may be repaying a loan on a project that is not yet complete, and that may prove difficult.

Cons

- Long process: requires all agencies involved to develop agreement template, conduct legal review, and adopt template.

Value to Tribes

- Expedited funding process.
- Simpler agreements.
- Interagency cooperation may translate into opportunities for multi-agency funded projects and the funding of larger projects.

Examples:

- IHS MOAs for projects with EPA funding used to be signed by EPA for each individual project, which could be a lengthy approval process. The EPA no longer signs the MOA under an IA between IHS and EPA.
- This was further streamlined by assigning a single EPA office to process all IAs (Seattle office for IHS IAs). Each project still required an individual IA.
- ARRA projects were funded through two IAs at the headquarters level between IHS and EPA (one for 64 drinking water projects and the other for 96 clean water projects) due to the short time allowed to obligate the funds. Previous planning efforts by IHS enabled EPA to select the projects to be funded prior to receiving funding.

9.8. Develop a Standard Environmental Review Process

All federal agencies are required to comply with the same federal environmental laws, regulations, and Executive Orders, but their guidance is agency-specific, and can differ significantly across agencies. Environmental review forms across multiple agencies request similar information, and certain agencies accept applications submitted to other agencies. A formal review of all environmental review processes and required documentation could help identify specific materials that can be used across agencies. Many agencies use a standard, but different checklist to evaluate environmental issues. It is worth evaluating if these could be consolidated into one document acceptable to all involved. This standard checklist could be developed through an IA. A single checklist could be developed with a first section on common requirements across all agencies, and separate sections relevant to specific funding agencies requirements.

In addition, selecting a lead agency can help the process. It should be noted that a lead agency designation may need be assessed on a project-by-project basis. If a lead agency is not

identified, agencies might be able to can also use other agencies' environmental review documents to make their own determinations.

Pros

- Expedite funding to increase access to safe drinking water and basic sanitation.
- Simplified environmental review for Tribes and their partner agencies.

Cons

- Some agencies have requirements that do not apply to all agencies.
- May require legal counsel review and change of policies.

Value to Tribes

- Simplify application process and focus on fulfilling Tribal needs.
- Expedite funding.
- Avoid duplication of efforts for Tribe and federal agencies.

Examples

- This process may enable the identification of automation and standardization opportunities. For example, a Tribe reported assisting the local DOI Fish and Wildlife Service agency with digitizing and geo-referencing map layers for future use. This now enables the Tribe, and others, to quickly identify certain resources and potential environmental impacts based on project location only.
- Washington State developed a consolidated process using an MOA to coordinate project environmental reviews between multiple agencies, including EPA, HUD, the State, and the State Department of Ecology.
- A separate environmental review process could potentially be developed solely for Tribes.

9.9. Cross Training

One of the biggest obstacles to inter-agency collaboration and to process streamlining is the fact that most ITF agency staff are not always familiar with other agencies' policies, procedures, and funding requirements. The State of Alaska seems to be at the forefront in many of the streamlining opportunities identified in this report, with a strong inter-agency collaboration. This is in part by necessity where projects are expensive to build and environmental conditions are extreme (e.g., weather, short construction season, extreme isolation), in part due to all local agency offices focused solely on the State of Alaska, but more importantly due to staff having worked at multiple agencies. Cross-training is therefore an important streamlining recommendation, and could occur across agency offices, but preferable across agencies with exchange of staff, or staff sent on detail for periods of time at other agencies.

Pros

- Staff can become familiar with other agency processes, but also obstacles and challenges, and be able to improve collaboration.
- Improve inter-agency communication.

- Expedite funding for larger projects for Tribes: if potential funding agency partners are well-versed on other agencies' funding requirements, partnering on lager infrastructure projects becomes more feasible.

Cons

- Geographic locations of office may not be conducive to staff exchange.
- Staff exchange can be difficult logistically and remote training may be less effective.

Value to Tribes

- Simplify application process.
- Expedite funding.
- Improve communication.
- Increase funding opportunities for larger and more complex projects.

9.10. Variations in Regional Funding Processes

Most if not all of the agencies involved in the ITF have portions of the funding processes handled at the regional or state level and there are inconsistencies in how each area or region handles their portion of the work. This is particularly true for EPA DWIG-TSA, which delegates the funding allocation process to its Regions. Each EPA Region has a slightly different process for awarding drinking water and clean water infrastructure grants. It is understood that EPA is investigating this issue and may be evaluating the potential to create a single grants office to process the awards. This is less of an issue for IHS as its 12 Areas are based on Tribal entities, with a Tribe included in a single IHS Area. This issue should be investigated further for all ITF agencies to see how it could support the streamlining process. It is worth discussing during the January 2011 ITF Streamlining Paperwork Workgroup meeting, but may have a lower priority than other streamlining recommendations.

Pros

- Consistent funding processes across an agency's region or area would simplify the process for Tribes and their federal partners.
- Facilitate inter-agency collaboration and co-funding. Agency regional boundaries do not match such that agency staff may need to work with multiple staff at a partner agency to cover a single region or area. USDA for example has 50 state offices, which are beneficial to Tribes because these offices enable direct collaboration with the Tribes. However, these 50 offices make it more difficult for the IHS Areas or EPA Regions to collaborate.
- Increase intra-agency collaboration across regions, areas, and states.
- Expedite the signature process for funding within a single agency if all agency areas have consistent funding procedures and requirements.

Cons

- Geography and remote office locations can be challenging, but meetings could be conducted remotely.

- Legal framework may need to be changed for EPA DWIG-TSA program to be consistent. The program currently allows EPA Regions to develop their own project selection process.

Value to Tribes

- Simpler process.
- Increased intra- and inter-agency collaboration benefits the Tribes through optimized funding and funding of potentially larger projects,

Examples

Monthly meetings involving EPA Headquarters and all EPA Regions are conducted for DWIG-TSA and CWISA ARRA projects. This has helped standardize, and streamline the funding process. It also provides an opportunity for Regions to compare notes, and ask for advice or guidance from other Regions or Headquarters.

REFERENCES

EPA documents reviewed

- DWIG-TSA program
  - Interagency Agreement between the Indian Health Service and the Environmental Protection Agency to Coordinate Assistance to Indian Tribes under the Safe Drinking Water Act, 1996
  - Drinking Water Infrastructure Grants Tribal Set-Aside Program - Final Guidelines, October 1998, EPA 816-R-98-020
  - Amendment to the Interagency Agreement between the Indian Health Service and the Environmental Protection Agency for Drinking Water Infrastructure Grants TSA, American Recovery and Reinvestment Act Funded Projects, 2009
  - Evaluation of the Drinking Water and Clean Water Infrastructure Tribal Set-aside Grant Programs - Draft Evaluation Methodology, March 18, 2010
  - EPA DWIG-TSA program webpage (http://epa.gov/safewater/dwsrf/allotments/Tribes/index.html)
  - DWIG-TSA regional guidelines (Regions 6, 7, and 8)
- CWISA program
  - Memorandum of Understanding between the Indian Health Service Public Health Service Department of Health and Human Services and the Environmental Protection Agency - Policy Agreement for Project and Grant Management, June 29, 1988
  - Guidelines and Requirements for Applying for Grants from the Indian Set-Aside Program, U.S. EPA Office of Water, April 1989
  - Addendum to Guidelines and Requirements for Applying for Grants from the Indian Set-Aside Program, U.S. EPA Office of Wastewater Management, Office of Water, March 1995
  - Clean Water Indian Set-Aside Grant Program - Answers to Frequently Asked Questions, U.S. EPA, March 2007, EPA 832-F-07-001
  - Amendment to the Interagency Agreement between the Indian Health Service and the Environmental Protection Agency for Clean Water Indian Set Aside, American Recovery and Reinvestment Act Funded Projects, 2009
  - Evaluation of the Drinking Water and Clean Water Infrastructure Tribal Set-aside Grant Programs - Draft Evaluation Methodology, March 18, 2010
  - EPA CWISA program webpage (http://epa.gov/owm/mab/indian/cwisa.htm)

IHS Documents Reviewed

- Memorandum of Understanding between the Indian Health Service Public Health Service Department of Health and Human Services and the Environmental Protection Agency - Policy Agreement for Project and Grant Management, June 29, 1988
- Interagency Agreement between the Indian Health Service and the Environmental Protection Agency to Coordinate Assistance to Indian Tribes under the Safe Drinking Water Act, 1996
- Criteria for the Sanitation Facilities Construction Program. Division of Sanitation Facilities Construction – Office of Environmental Health and Engineering, June 1999
- Memorandum and Understanding Between United States Department of Agriculture,

Rural Utilities Service and United States Department of Health and Human Services. USDA Rural Utilities Service. October 2000

- MOA Guidelines for the Public Law 86-121 Sanitation Facilities Construction Program. Division of Sanitation Facilities Construction – Office of Environmental Health and Engineering. June 2003
- Environmental Review Manual – for Indian Health Services. Office of Environmental Health and Engineering. January 2007
- Amendment to the Interagency Agreement between the Indian Health Service and the Environmental Protection Agency for Drinking Water Infrastructure Grants TSA, American Recovery and Reinvestment Act Funded Projects, 2009
- Amendment to the Interagency Agreement between the Indian Health Service and the Environmental Protection Agency for Clean Water Indian Set Aside, American Recovery and Reinvestment Act Funded Projects, 2009

USDA Documents Reviewed

- Farm and Rural Development Act
- Rural Utilities Services Instruction 1780
- USDA Bulletins
    - 1780-2 Instructions for Preliminary Engineering Reports for Water Systems
    - 1780-3 Instructions for Preliminary Engineering Reports for Wastewater Systems
    - 1780-4 Instructions for Preliminary Engineering Reports for Solid Waste Systems
    - 1780-5 Instructions for Preliminary Engineering Reports for Stormwater Systems
    - 1780-26 Guidance to ensure projects are legally sufficient and have reasonable fees
- NEPA
    - 1794A-602 Guide
    - Compliance
    - Flowchart
- RD Forms
    - 400-6 Compliance Statement
    - 1940-Q Restrictions on Lobbying
    - AD-1048 Debarment and Suspension form
    - Temporary Construction Sign

HUD Documents Reviewed

- ICDBG
    - Legislation 1974
    - HUD CDBG Regulations
    - HUD Grant Application (OMB 2535-0116)
    - Application for Federal Assistance (SF-424; OMB 40440-0004)
    - Equal Opportunity Survey (OMB 1890-0014)
    - HUD's FRN of Funding Availability for FY 09
    - Implementation Schedule Form (OMB 2577-0191)
    - Disclosure of Lobbying Activities (OMB 0348-0046)
    - Applicant Disclosure Form (OMB 2510-0011; HUD 2880)
    - HUD eLogic Model Information

    - Improving Future ICDBG Applications
- IHBG
    - Native American Housing Assistance & Self Determination Act, 1996
    - HUD Regulations
    - Various HUD IHBG forms

USBR Documents Reviewed

- Rural Water Supply Program Rule Fact Sheet. U.S. Dept. of the Interior Bureau of Reclamation: Reclamation Managing Water in the West. Last Updated: November 17, 2006
- Federal Register Notice 67778/ Vol. 73, No. 222 / Monday, November 17, 2008 / Rules and Regulations
- Rural Water Supply Program Rule Frequently Asked Questions. U.S. Dept. of the Interior Bureau of Reclamation: Reclamation Managing Water in the West. Last Updated: November 17, 2008

NEPA Documents Reviewed

- EPA
    - Policies and Procedures for the Review of Federal Actions Impacting the Environment (http://www.epa.gov/compliance/resources/policies/nepa/nepa_policies_procedures.pdf)
    - EPA NEPA (http://epa.gov/compliance/nepa/index.html)
- IHS
    - Environmental Review Manual for Indian Health Service Programs, January 2007;
    - IHS NEPA Federal Register Notice. January 6, 1993, Vol. 58, No. 3. page 569
- USDA
    - RUS Bulletin 1794A602, Guide for Preparing the Environmental Report for Water and Environmental Program Proposals. Some states have automated the format with live links on the contacts for critical resources. As an example: WA state has http://www.rurdev.usda.gov/wa/Program%20PDF/NaturalResourcesManagementGuide%2009.pdf
    - USDA Form RD 1940-20
- HUD
    - Environmental Review Process for IHBG, ICDBG and Section 184 Funded Activities
    - HUD Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities (24 CFR Part 58)
    - Manual for HUD Staff to Conduct Environmental Review (http://www.hud.gov/offices/cpd/environment/lawsandregs/compliance/forms/trngmanual/index.cfm)
    - HUD Environmental Review Process: http://www.nls.gov/offices/cpd/affordablehousing/training/web/crosscutting/environmental/

APPENDIX A: INTERVIEW SUMMARY OF KEY FEDERAL AGENCY AND TRIBAL FIELD STAFF

CAUSES FOR DELAY IN APPROVAL PROCESS/MOVING FUNDS						
Tribe or Tribal Organization	**EPA Drinking Water**	**EPA Clean Water**	**IHS**	**USDA-RD**	**HUD**	**USBR**
- Project rating/points may be an issue if Tribal project cannot rate high enough (e.g., small Tribe) - Changes in staff/different interpretation of information - Insufficient funding, larger projects require agencies to collaborate, single agency cannot fund alone - Lack of funding commitment from one agency can make it difficult to get funding from other agencies - Delays in application moving up the chain of decision to get approval at USDA	- Internal processing at EPA, but has recently improved - Direct grants to Tribes (vs. IA) can cause delays (NEPA process) - Some Regions experience delays by going through IHS rather than the Tribe - Tribal response (identifying the right person) - Delays with USDA funding - NEPA requirements, Historical Preservation Act - Incomplete application/deficient scope of work - Tribes sometimes identify projects that are too large or ineligible	- IA agreements with IHS, but single ARRA IA worked well - Direct grants tend to delay process (vs. IA) - Funds received late by Regional office - Incomplete Tribal application - Tribe may offer to participate in funding to increase SDS priority (matching funds) but then has difficulty raising funds - Single IA office in Seattle has created delays (staff have no construction background)	- Some other agency requirements can delay projects (years) - Tribal response time - Receiving funds from IHS headquarters - Timing of other agency funds (most are sent to IHS in last quarter); would be helpful if agencies could come up with some funding earlier, so IHS can start project planning process - Documents IHS and Tribes must sign - Processing IA with EPA	- Lack of planning: no engineering report - Look for Tribal-wide planning (e.g., housing/ business development) and Tribal goals - Tribes are often reluctant to share their long-term plan (e.g., 6-phase development) - Change in scope of project during process - Change in Tribal leadership - Communication barriers - Lack of access to commercial lenders - Make sure Tribe understands it is a partnership between Tribe and agency	- Not getting the funds (competitive process) - NOFA may be slow to get out - Large, expensive projects so require multiple funding sources - Tribe may not get a firm commitment from other agency, but if funds are not released, they can lose ICDBG grant - Timing of funds for leveraging purposes	- Funding availability (getting budget approved by Congress) - Funds contingent on budgets being finalized - Tribes don not always have adequate staffing - Limited staff at USBR
FLEXIBILITIES IN FUNDING REQUIREMENTS						
Tribe or Tribal Organization	**EPA Drinking Water**	**EPA Clean Water**	**IHS**	**USDA-RD**	**HUD**	**USBR**
- One Tribe mentioned USBR as main funder, with annual funding agreement based on scope of work - One Tribe felt IHS process is most closely aligned with Tribal priorities - One Tribe felt EPA was the simplest because they are familiar with it: some homework is required, but the process works - One Tribe described IHS process as "simple" and EPA process as "straightforward" - Another Tribe is more familiar with the USDA-RD process; there are many requirements but they are well understood	- Following the IHS NEPA process simplified things - Ability to fund projects in phases (i.e., small pieces of multiple projects to get things moving) rather than funding a few large projects, with funds unused for years, ability to fund larger number of projects over time	- No real flexibilities	- Single-page checklist for environmental review has simplified the process - IHS staff can apply points to improve project ranking in the SDS system before other agency funds on the same project are authorized	- No real flexibility, loans have different requirements than grants from other agencies (need financial analysis to show that they can/cannot afford loan) - Indian country financing is unique skill set, need dedicated staff with experience - Can use disaster funding when other funds are limited	- Flexibility comes in after award of funds, but cannot skirt regulations	- Limited opportunities to work with other agencies because of different regulations

FUNDING PARTNERS AND AGREEMENTS						
Tribe or Tribal Organization	**EPA Drinking Water**	**EPA Clean Water**	**IHS**	**USDA-RD**	**HUD**	**USBR**
- IHS, EPA, BIA, USDA-RD, USBR, HUD, Denali Commission - Water Infrastructure and Finance Authority of AZ - AK Department of Environmental Conservation (DEC) and DOT - Projects in AK often require 4-5 funding agencies	- IA with IHS for each project - Direct grant to Tribe (infrequent) - 3-party programmatic MOU in AK between EPA, State, and USDA-RD works well for collaboration - WA State has MOU with multiple agencies for cooperation - Single umbrella agreement at headquarters level for all funding partners would be helpful - Since EPA's wastewater funds must use SDS list, why not award them at headquarters level	- EPA no longer signs MOA with Tribe and IHS, which expedites the process, but one Region suggested the Tribe be given the option to include EPA in MOA or in negotiations if they wish - IAs still signed on a project-by-project basis	- IA with EPA, single processing office in Seattle sped things up; Single annual IA (ARRA) would be even better; Template IA is step in right direction - MOA IHS/Tribe (EPA no longer signatory - sped up) - HUD still signatory to 3-party MOA with IHS/Tribe - USDA wants to be part of MOA with Tribe - AK has scoring committee for USDA-RD, State of AK, ANTHC, EPA, IHS - AK also has MOU with USDA-RD, funding agreement with State, and project funding agreement between IHS and ANTHC to help speed process - Streamlining: increase inter-agency communication, create template or agency-wide agreements	- One USDA office has an MOA with IHS to enable transfer of loans and grants to IHS, mixed results - Federal level MOU between IHS and USDA-RD (2002) outlining roles and responsibilities - Project-specific MOA between IHS, USDA, and the Tribe - IHS is a grant agency, may be issues with loans (e.g., loan closed/Tribe paying but project not built) - There should be a single agency with enough money to fund all Tribal projects, that would simplify everything	- No agreements with other agencies at this time, but MOU for environmental requirements would be useful - Tribe signs a grant agreement with basic program requirements	- Economy Act agreement with BLM for surveying on a specific irrigation project - MOA with BIA for transferring school water systems to USBR - Have used IAs with USGS, NRCS, and BIA for fund transfers - Overarching MOA with Navajo Nation - Agency-wide MOA with NRCS to combine USBR's "big picture" view with the NRCS "farming" focus

EXPEDITING FUNDING PROCESS						
Tribe or Tribal Organization	**EPA Drinking Water**	**EPA Clean Water**	**IHS**	**USDA-RD**	**HUD**	**USBR**
- Negotiation of annual funding agreement with USBR (note: Tribe's simple government process helped move the process forward in this case) - Agencies all worked together to address site-specific conditions (e.g., short construction season, extreme isolation) - IHS process is now very streamlined, and agency often completes project paperwork upfront - very helpful for Tribes with no planning department	- Cross training is the biggest benefit for streamlining and cooperating (e.g., assignment at other agency for a few months) - National IA office in Seattle has streamlined IAs - Single annual IA (similar to ARRA) would streamline things further - Accepting applications via email - fast communication with Tribe - Could USDA and HUD also transfer funds to IHS?	- Direct grants could be standardized - Similar to ARRA, monthly (or quarterly) funding meetings led by EPA headquarters would be helpful for standardizing funding - Standardized IA would also be helpful	- Agreement with EPA that IHS is lead agency - Implementation by IHS of electronic project approval system to replace hard-copy documents (process is now <30 days): Tribes can access and sign documents online - Have all agencies work together on scoring committee (AK) - Increased communication would be helpful: IHS often helps Tribes complete applications, including for projects that don't get funded in the end, create a shortlist - Transfer of funds for IHS to manage a project on behalf of Tribe (e.g., EPA) would be simpler	- Can defer architectural survey until after fund obligation, if speeds up process - Can re-use studies and work conducted by other federal agencies	- ICDBG imminent threat funds have non-competitive, fast process; more flexible but under-utilized - During trainings, grantees expressed interest in more interactive on-line application process instead of having to develop and attach their own application format (e.g., design their own responses to rating factors)	- May assign lead for NEPA process and work together - USBR provides technical assistance to Tribes for budget and work plan development
NEPA PROCESS						
Tribe or Tribal Organization	**EPA Drinking Water**	**EPA Clean Water**	**IHS**	**USDA-RD**	**HUD**	**USBR**
- HUD is most comprehensive - It would be nice to have a single process - IHS process is thorough and rigorous but also streamlined and straightforward - All should adopt IHS standard, or be able to designate IHS as lead agency - One Tribe mentioned having digitized and geo-referenced agency maps (e.g., Fish & Wildlife Service) to expedite assessment. Other agencies involved in the process are reluctant to share information (e.g., archeology), but it would be a one-time cost/effort	- IHS does the NEPA review, as specified under the IA - Direct grants are more complicated because the Tribe has to go through the NEPA process themselves - Can result in delays when other agencies want to do their own NEPA review in addition to IHS	- When IHS administers funds, EPA accepts IHS NEPA process and it works well - IHS is in a better position than EPA to lead the NEPA process - Under direct grant, Tribe has to do their own NEPA, and it can result in delays	- Process is expedited when IHS can be lead agency and conduct environmental reviews using its own policies and procedures - EPA, HUD, USDA (sometimes), and State funding have allowed the lead agency approach, others want their particular requirements met - Environmental review process can be a real issue in California; the State houses 2/3 of endangered species, and NEPA reviews can delay projects by over a year	- If the process is already completed by another agency, USDA adopts it and issues their own publication - WA State developed a consolidated environmental process, using an MOA between multiple agencies (State Department of Ecology, EPA, CDBG, and the State) to coordinate environmental reviews - Could there be a separate NEPA process for Tribes? - Concern: flood plain determination in Indian country is limited, concern that box is checked but threat not verified - There is a need for a good MOU on how to complete the NEPA process	- It can be an issue - Tribe is responsible party for NEPA, not HUD - Usually try to coordinate with IHS. IHS process meets ~90% of HUD's requirements, HUD then just asks the Tribe for what is missing - Each agency has their own checklist, Tribe does not always see that it is the same info in a different format	- Typically funds larger project, so different scale from other agencies - Have their own NEPA staff - Can identify a lead agency (typically USBR but can be USDA or IHS), and adopt their NEPA regulations and documents - Having a reservation-wide plan can streamline the NEPA process - Important to start NEPA process as soon as projects are identified for potential funding

SDS PRIORITY SYSTEM - DOES IT WORK WELL?						
Tribe or Tribal Organization	**EPA Drinking Water**	**EPA Clean Water**	**IHS**	**USDA-RD**	**HUD**	**USBR**
- System works for IHS but there is an issue if projects can never rank high enough - Feasibility test can be an issue for very remote homes; they will never be funded - Project ranking sometimes changes and is confusing - Small Tribes do not always get funded because of insufficient cost-effectiveness - SDS is a 2-way street, Tribe has to communicate needs, but some lose patience and stop reporting - SDS list helps Tribes understand where they stand, they can be patient if they know where they stand	- SDS system identifies homes, not water systems - SDS list can help with project identification - IHS has a different mission than EPA and SDS list does not always work for drinking water projects - IHS prefers to fund water and wastewater at the same time, but not always possible	- Are required to use the SDS list - Much easier than to do their own selection, ranking, etc. - IHS has online STARS system that EPA can access to monitor projects	- Process was described as fair: projects are annually reviewed to update scope and budget - IHS works closely with Tribes, and provides useful needs assessment - Good database of needs, ARRA proved its value - But insufficient funding overall - Misunderstanding by Tribes of what can/cannot be funded	- Some staff did not know about it at all, others not until recently - See a funding strategy in the projects Tribes request: Tribes know there are finite funds available so can make project fit the money rather than the reverse - It is helpful to understand what other agencies are doing and funding, especially with enough advance notice to work together	- Not all HUD staff know about SDS - SDS system is a good approach, but is not directly relevant to the competitive process - Tribe identifies priorities (e.g., why a library vs. a water system)	- Not very relevant to USBR or compatible; different scope and scale - IHS focuses on current need (e.g., plumbing), but USBR looks at the big, long-term picture, playing the role of a water supply agency - Sometimes consult SDS list - Are working with IHS to provide water supply for construction of a hospital, which currently has a distant and expensive water source
SDS PRIORITY SYSTEM - SHOULD IT BE EXPANDED TO OTHER AGENCIES?						
Tribe or Tribal Organization	**EPA Drinking Water**	**EPA Clean Water**	**IHS**	**USDA-RD**	**HUD**	**USBR**
- IHS is good at identifying Tribal needs - Already being used by other funding agencies in AK - Some Tribes felt strongly that other agencies should not use the same system, because other agencies are alternate funding sources when project is unfunded through SDS list - IHS must work with the Tribal Council, it would be a challenge to add other agencies to the process	- Advantage of IHS: they have engineering and construction management staff to help the Tribe - It is the best system out there for identifying needs, but Tribes are concerned that not all needs are identified - Tribe may not support the feasible project (e.g., treatment plant vs. pipe extension) because it may be cheaper but result in higher O&M costs. They like having other funding sources - Some Tribes refuse the SDS list for drinking water projects	- List of needs may not be exhaustive (Tribes historically only communicate a fraction of their needs), and small projects can be bogged down in system - Agencies may have different missions, so ranking would not match their priorities	- Some staff reported recent efforts from HUD to coordinate funding - Agencies have different priorities (e.g., health vs. regulatory), and projects at bottom of SDS list have less accurate cost estimates - May not address all agency needs (e.g., no commercial focus that USDA may be seeking to fund) - SDS tries to allocate funds in fair manner across Area, but if other funding agency came to fund projects off list, equity would be difficult	- Good needs-based system, would be valuable to other funders, but not always known - The system could be used as a tool, but not all agencies can make their funding decisions based on the system - It could help with cross-agency communications	- Possibly, but the scoring system may need to change	- Could not rely on the SDS system to fund most projects - Different needs and priorities

TRAINING FOR APPLICATION PROCESS - WHAT IS PROVIDED? WHAT IS NEEDED?						
Tribe or Tribal Organization	**EPA Drinking Water**	**EPA Clean Water**	**IHS**	**USDA-RD**	**HUD**	**USBR**
- Can live with process, just need more funding - Biggest help would be to streamline requirements - should be no need for training - Publication of eligibility criteria would help - A flowchart of the funding process with a timeline would be helpful - Annual refresher is good, but are looking to hire grant administrator - Trainings can be reimbursed by agency, but cash-flow can be an issue (must provide cash up-front)	- Some Regions have annual workshops, or Regional informal trainings - Others have tried, but little participation (maybe try webinars?) - Others mail a letter annually asking about needs	- No formal training - Region 9 hosts an annual Tribal conference with infrastructure and grant workshops, usually good attendance - Tribe invited to meet at EPA Regional office when ask for direct grant	- Mostly informal training, work year-round with Tribes to update SDS - Some areas have Tribal workshops hosted on a state-by-state basis - Presentations to Tribal organizations on regular basis - Close relationship with Tribe (each Tribe is assigned single IHS engineer) - Annual SDS kick-off in AK - Tribal advisory committee meeting	- Informal training through field staff working closely with the Tribes - Technical assistance grants (RCAP, RWA) for assistance to Tribes (e.g., how to hire an engineer, manage a system) - Annual conference with technical and financial workshops	- Every year, NOFA training after NOFA release to explain eligibility and rating criteria - Trainings are well attended and result in increased quality of application received	- No formal training, nothing Tribal-specific - Provide case by case assistance
OPERATION AND MAINTENANCE (O&M) - IS IT AN ISSUE? DOES IT LIMIT FUNDING?						
Tribe or Tribal Organization	**EPA Drinking Water**	**EPA Clean Water**	**IHS**	**USDA-RD**	**HUD**	**USBR**
- Yes, do best they can with what they have - One Tribe had escrow account but funds deposited late and interest rates went down, so insufficient funds - Some Tribes got FTEs for existing infrastructure when switched to self-governance, but issue with new services - Huge investment in system, but then no money for O&M (how can people pay $300 monthly bill in remote areas when there is 75% unemployment?) - Should be considered universal access with cost sharing (e.g., internet access, where denser communities subsidize remote ones) - If rates increase too much, people stop paying - Agencies only want to fund residential access, but need commercial/industrial customers to make rate sustainable - need for collective planning. If a community is developed/nurtured, it increases density and improves service	- Yes, it is a big issue - Not allowed to fund O&M, and have to deal with consequences - The Federal Government should contribute. Highway and BIA are funded for road maintenance - One Region mentioned that they provide training for operators, but then operator may take a job at non-Tribal system - Many projects are related to lack of O&M (e.g., repairs), but it would be much cheaper to fund O&M - May call Tribe to clarify project or propose an alternative that is easier to maintain - In some regions, project will not be disapproved, but it may be delayed until O&M capacity increases, or project is changed	- Has always been a problem, Tribes don not have the financial capacity to operate their system - MOA between IHS and Tribe requires that Tribe establish a revenue stream. A revenue ordinance is created but Tribes have varied success in enforcing it	- O&M capability included in scoring process - IHS authorization (Public Law 437 Section 1632, Subsection E): funds are provided for O&M training only - Try to design systems that require less/minimal O&M - Tribes with casinos have less funding issues - O&M is huge need, Tribes are often economically depressed, and can't charge enough	- O&M capacity factors in, particularly for loans, which can be as long as 40 years - This issue is not specific to Tribes, small rural communities face the same problem - If the Tribe is upgrading an old facility, the project should reduce O&M costs moving forward - Try to find non-water or non-sewer related source of funds (e.g., casino), but in current economy, even other sources can dry up - Require a fund with monthly funds deposited for future replacement - Issue: there are not good cost records on existing systems - USDA can provide limited start-up funds because Tribe cannot bill until people are using service	- Application requires a commitment from non-grant sources to operate - Some Tribes have lost points and did not obtain grant because of O&M - Many Tribes are reluctant to charge for water/wastewater services - It is a concern for Tribes, especially if fees are not collected	- O&M is a big issue for Tribes, some projects can be expensive to operate - Due to scale of projects, nobody has the existing capacity to operate, it must be developed - Ensure there is capital (money invested in a fund) and technical assistance to develop capacity - May fund O&M, but typically do not

ONLINE, WEB PORTAL GRANT APPLICATION PROCESS						
Tribe or Tribal Organization	**EPA Drinking Water**	**EPA Clean Water**	**IHS**	**USDA-RD**	**HUD**	**USBR**
- Exists, in reverse, Tribes go online to find available funding - It would make sense, but how user-friendly will it really be? - Could be an issue for Tribes with limited internet access or bandwidth - Tribe completed fully online application for fiber-optic project, worked well - Possibly if good technical support, but person-to-person is often best	- Would be marginally helpful, still communication and coordination required - May prevent double-dipping for the same project - May not benefit Regions with few Tribes - Some Tribes may not be able to access it - Who would update the information? - Portal for Tribes to direct them to the right funding agency would be more useful; possibly with drop down menus answers to simple questions leading to descriptions of available funding programs (e.g., water/wastewater? quality/quantity? State?)	- May be a digital divide - EPA had tried to put a grant application online but it did not work - Could be helpful for inter-agency coordination	- Not online, need personal relationship, works better - Already have the SDS list accessible to all agencies who request it - Cooperation with other agencies useful, but best done in person if possible - It may save some time/cost on travel for Tribes - There are efforts being made on this by the solid waste workgroup - Would need to be well designed and user-friendly, or will not be used - May require training to use portal	- This may be a great resource to see the Tribal needs, but USDA will never get sufficient information for due diligence - WA State already has this through the Infrastructure Assistance Coordinating Council (IACC) searchable database - Lacks relationship between Tribe and agency staff - May be challenging to get many agencies to work together - Who would be responsible for maintenance and updates to the information?	- Minimally because of competitive process, and request must come from Tribe - Already use www.grants.gov as online portal - Would need to identify programs that are sufficiently similar to have similar rating criteria: need significant inter-agency cooperation - Potential issue with timeliness of publication on portal, and streamlining application requirements	- Possibly, but without USBR because of different scale - All grants are already on www.grants.gov - Unclear how it would work
TIMING OF FUNDING CYCLES						
Tribe or Tribal Organization	**EPA Drinking Water**	**EPA Clean Water**	**IHS**	**USDA-RD**	**HUD**	**USBR**
- Timing can be an issue - Timing is less of an issue if Tribes have good cash-flow (rare) and know funds/reimbursement are coming - Timing is also less an issue when the Tribe has conducted strategic planning in advance - Becomes issue if agency cannot commit to funding	- Yes, can be an issue - Have to keep pushing Tribes to receive applications - Can lead to Tribal frustration - Delays in a single agency can hold up a project for years - Some agencies have no deadline (USDA) but process still takes time - Which agency commits funding first?	- Yes, always an issue, particularly if funds expire - Also issue of matching funds, where some federal funds can't be used	- Yes, can be an issue, but different funding sources and calendars are hard to reconcile - Timing can be everything, particularly for larger projects - Importance of commitment letters by agencies, but issue when commitments are unmet - Tribes are unsure of funding	- Not really an issue: accept applications year-round - Focus is on getting the last piece of the application so funding can be awarded - Working pro-actively with other federal agencies has helped with the issue, sometimes requiring to think 2-3 years ahead	- Yes, can be an issue, particularly if Tribes do not get firm commitment from other agencies, or funding falls through - Tribes get points for leveraging, and HUD is flexible in awarding points, but funding must then materialize	- Not really an issue, because they work on different scales - May be a concern if looking to get points for other funding, but usually not compatible
TRIBAL PRO-ACTIVE STEPS FOR EXPEDITING FUNDING PROCESS *						
- Develop community sanitation facility master plan and associated business plan - Develop comprehensive master plan - Work closely with Tribal government and give recognition to leaders for project completion, translate project into direct benefit to customer - Get flow-charts from funding agencies describing process - Get agencies to sit together to see if project can be split up - Develop health impact document (for USDA) ahead of time						

FUNDING DOCUMENTATION REQUIRED TO COMPLETE *
- Annual funding agreement with annual scope of work - Many - at least one per agency, sometimes up to three - Every agency has different requirements, often tailored to large projects - AK has unique/specific needs due to remoteness, climate, etc. (must make the Spring barge, but competing with other construction projects such as homes, roads) - Health impact study - requires data on unemployment, median income, etc. that is always readily available
BIGGEST PROBLEMS/CONFUSION IN RECEIVING FEDERAL FUNDING *
- Not enough funds, can always figure out process - Competitive process, may not rank high enough - Duplication of effort, agencies should coordinate forms, and review process - Any single agency can stall the process - Agencies not always willing to sit together, they may be able to take a piece of an overall project they cannot fund - Issue with change orders to be approved by all agencies even if they do not fund that piece (e.g., hike in steel price, barge fuel add-on)

** These questions were only asked to Tribes, and are not reported in the Funding Agency question/answer areas.*

APPENDIX B: LIST OF INTERVIEWED ITF AGENCY STAFF AND TRIBAL REPRESENTATIVES

Tribal Representative Interviewed
Bruce Sun Child, Chippewa Cree
Frank Means, Oglala Sioux (and Craig Nowak, who assists Frank with applications)
Gene Wayne Francis, Passamaquoddy Tribe of Pleasant Point
Rex Kontz, Navajo Tribal Utility Authority (NTUA)
Valerie Davidson, ANTHC

IHS Area Directors Interviewed
Mark Calkins, AB (Aberdeen) Area
Denman Ondelacy, AL (Albuquerque) Area
Steve Bolan, AN (Alaska) Area
Craig Morin, BE (Bemidji) Area
Don Brafford, CA (California) Area
Roger Slape, NA (Navajo) Area
Robert Young, IHS OK (Oklahoma) Office
Jim White, IHS OK (Oklahoma) Office
Randy Willard, TU (Tucson) Area

EPA Staff Interviewed
DWIG-TSA Coordinators
- Gerard McKenna, Region 2
- Charles Pycha, Region 5
- Henry Liao, Region 6
- WilliamHDavis, Region 6
- Stan Calow, Region 7
- Minnie Adams, Region 8
- Linda Reeves, Region 9
- Dennisx Wagner, Region 10
- Tony Fournier, Region 10, Interagency Agreement Shared Service Center (IASSC)

CWISA Coordinators
- Muhammad Hatim, Region 2
- Stephen Poloncsik, Region 5
- Nasim Jahan, Region 6
- Don Gibbins, Region 7
- Loretta Vanegas, Region 9

USDA-RD Staff Interviewed
Peter McMillin, WA
Steve Troendle, MT
Terry Louwagie, MN

HUD Staff Interviewed
Tom Carney, Grants Management Director, Seattle
Lori Roget, Grants Team Lead, Denver

USBR Staff Interviewed
Arden Freitag, Dakotas Area Office
Kelly Titensor, Montana Area Office
Richard Dent, Phoenix Area Office