

FY 2018-2019 NPM GUIDANCE – OITA RESPONSE TO EXTERNAL COMMENTS

Issue Area	Comment	Commenter	OITA (DRAFT) Response
<p>II.1. Tribal Program (Page 3): Federal-Tribal-State Partnerships</p>	<p>States recommend the list of EPA –Tribal Environmental Plan (ETEP) priorities include details of EPA’s final FY 2017 Cross-Agency Strategy, “Launching a New Era of State, Local, Tribal, and International Partnerships” action plan to emphasize OITA’s commitment to enhancing federal-tribal-state partnerships. ECOS’ <i>Cooperative Federalism 2.0</i> paper similarly emphasizes this cooperative federalism in which states engage tribes and EPA consults with tribes in the implementation of federal programs, policies, and standards.</p>	<p>ECOS</p>	<p>OITA appreciates the comment referencing the FY 2017 Cross-Agency Strategy to continue enhancing federal-tribal-state partnerships. EPA continues to support federal-state-tribal partnerships as an essential part of accomplishing human health and environmental protection in Indian country. For the FY 2018-2019 NPM Guidance, OITA has added a section on GAP guiding principles and cooperative federalism which reads, “Promote intergovernmental collaboration and cooperative federalism among EPA, tribes, states, and other federal partners.” We look forward to more fully addressing cooperative federalism and the EPA tribal program as EPA begins the process of developing the FY 2018 – 2022 Strategic Plan.</p>
<p>Tribal program GAP and Solid Waste</p>	<p>States recommend expanding on the implementation of solid and hazardous waste programs to incorporate rural waste management. Specifically, states seek increased communication and coordination among EPA, state, and tribal waste officials, and an EPA developed state and tribal emergency response network to help stakeholders coordinate responses.</p>	<p>ECOS</p>	<p>OITA appreciates the comment about solid and hazardous waste management in rural areas and enhancing coordination among states and tribes. OITA is supporting federal-state-tribal coordination through a cooperative agreement with ECOS on this topic with the expectation of working with the National Tribal Caucus. OITA recognizes that the implementation of solid and hazardous waste programs will primarily default to rural areas due to the rural nature of most tribes. Please refer to the current grant guidance available at https://www.epa.gov/tribal/indian-environmental-general-assistance-program-gap and https://www.epa.gov/tribal/implementation-activities-related-solid-waste-and-recovered-materials-are-allowable-gap for more in-depth coverage of how the</p>

			<p>Indian Environmental General Assistance Program provides support for tribal waste program implementation.</p> <p>OITA has shared your request for increased EPA/tribal/state emergency response coordination and communication with the Office of Land and Emergency Management and supports such an effort.</p>
<p>GAP / ETEPs</p>	<p>ETEps are developed under GAP grants. GAP is a specific grant opportunity which helps to establish and maintain environmental functions, but is not intended that GAP be the lens for all other Offices under USEPA to operate under and not all Tribes that received funding from USEPA have a GAP grant. ETEps cannot be used to frame the relationship between USEPA and Tribes because it was not designed that intended purpose and falls short of being able to be used in that capacity.</p> <p>... , the Tribes does not support the narrow definition of the uses of GAP funding “to assist tribes in planning, developing and establishing the capacity to implement federal environmental programs administered by EPA.”</p>	<p>Blue Lake Rancheria</p>	<p>OITA appreciates the comment. Although often developed using funding from the OITA-administered Indian Environmental General Assistance Program (GAP)¹, ETEps encompass the full range of EPA tribal programs and the tribe’s human health and environmental priorities and those priorities are not limited to GAP-eligible activities. This is consistent with the description of ETEps in the 2013 GAP guidance, which provides, in part, “the purpose of the ETEP is to develop the complete picture of the particular environmental issues facing the tribe, establish a shared understanding of the issues the tribe will be working on, and a shared understanding of those issues that EPA will address consistent with its responsibility to protect human health and the environment.” By using ETEps to identify priorities and then map how and when the priorities will be addressed and by whom, EPA and tribes can then work together to identify the EPA technical and financial assistance that may be necessary to implement the ETEP. This assistance may be beyond GAP funding. The ETEP joint planning process also identifies areas where EPA may need to prioritize its direct implementation responsibilities and resources for a particular tribe based upon the tribe’s priorities, environmental protection needs, and available</p>

¹ Statutory Authority - Indian Environmental General Assistance Program Act

			resources.
1984 Indian Policy	The Tribe supports the recognition in the NPM Guidance that USEPA's work is guided by the principles described in USEPA's 1984 Indian Policy and encourages the current administration to reaffirm the policy	Blue Lake Rancheria, Pyramid Lake Paiute, Big Pine Paiute Tribe of the Owens Valley	OITA appreciates your interest and is considering your comment as part of EPA's two year NPM Guidance process. Thank you again for your comment
Tribal Measures	Appendix A: NPMG does not contain any performance measures, but indicates OITA is continuing efforts to develop GAP measures that track tribal progress in developing and implementing environmental programs in Indian country. The Tribe requests that Tribal representatives be involved in this effort to provide Tribal input regarding appropriate measures to track progress.	Blue Lake Rancheria	OITA agrees that tribal input will be important as we develop GAP measures that track tribes' progress in developing and implementing environmental programs in Indian country. On August 28, 2017, OITA hosted an outreach call and webinar with tribal environmental program representatives to obtain valuable input into our efforts to improve the GAP Online system. We will continue to engage with tribes on national GAP program activities, including identification of performance measures that track tribal progress under the GAP program toward meeting EPA and tribal goals, especially those found in each tribe's ETEP.
Tribal Program	Why are these priorities being determined by the President's budget? That budget has not been approved by Congress and will likely change. Setting priorities by that budget undermines much of the work that we consider a priority and that we conduct with financial support of the	Makah Tribe	OITA appreciates the comment. The FY 2018-2019 NPM Guidance documents are planning documents that are specifically based on the funding levels requested in the FY 2018 President's Budget given EPA's position as part of the Executive branch of the federal government. The EPA's

	EPA. This guidance document claims the EPA will continue to assist with Tribal Capacity Building, yet the President's proposed budget eliminates or reduces programs that provide support for our environmental staff. Additionally, the President's budget specifically notes that it is cutting funding for infrastructure assistance in Alaska Native Villages; this is also contrary to supporting human health and the environment in Indian Country.		funding levels for FY 2018 will be determined through the annual federal appropriations process and the final funding levels may vary from the President's proposal. If that occurs, EPA will make adjustments to its funding levels and activities.
GAP	What is the FY18 proposed Indian General Assistance Program budget and how does it compare to FY17?	Makah Tribe	EPA's proposed budget outlines EPA's requested funding for fiscal year 2018 (October 1, 2017 to September 30, 2018) and associated resource requirements. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process. For a detail of the FY 18 proposed Indian General Assistance Program Budget, see page 488 of the link below: https://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-congressional-justification.pdf
Transboundary Pollution	We are actively engaged in improving the oil spill prevention, preparedness, and response coordination between the United States and Canada, a major issue in the Pacific Northwest. An oil spill would be catastrophic for a region that relies so heavily on its marine natural resources, why is this type of pollution not mentioned under the "Reduce Transboundary Pollution" section?	Makah Tribe	OITA concurs and forwarded to the Office of Land and Emergency Management Guidance for their consideration.
NEPPS / International	EPA's core mission is not to "restore cooperative federalism among the states" as stated in this guidance document, but to protect human health and the environment. That language should be corrected to accurately reflect the goals of the Environmental Protection Agency. Pollution does not stop at state	Makah Tribe	OITA concurs but believes OCIR / OCFO should address. Draft language derived from an earlier OCIR response, " <i>The National Environmental Performance Partnership System (NEPPS) reflects EPA Administrator Scott Pruitt's positive environmental agenda to fulfill EPA's core mission to protect public health and the environment while restoring cooperative</i>

	<p>borders, as noted in your guidance document about working with international partners, and delegating some of these regulations and enforcements to the states infringes upon their neighboring states' efforts to protect their resources.</p>		<p><i>federalism among the states in order to afford them with the flexibilities necessary to protect and promote both their state's environment and economy."</i></p>
<p>ETEPs</p>	<p>Calling into question EPA's rationale for ETEPs being a "critical nexus of all the work we do as a tribal program." States do not have a EPA-State Env Plan (ESEP); EPA is unfairly and patronizing calling out Tribes to have to abide by such a mechanism, and thus placing an additional administrative and programmatic burden on Tribes that state do not have.</p> <p>We feel that if by "critical nexus" EPA's intent is to force Tribes to roll all environmental programs under one planning mechanism, the ETEP strategy will complicate things rather than streamline things for Tribes. ETEPs may be reasonable prioritization and planning tool for Tribes' GAP programs, but to force such a tool on every EPA-funded program and environmental priority a Tribe has in an inequitable administrative burden and one that states do not have. It is also a redundant exercise. Tribes' other EPA-funded programs already have an ETEP equivalent – their EPA-approved workplans.</p> <p>ETEP should keep the ETEP in GAP where it is required for funding and not make it the nexus of all environmental work, and the ETEP should only be a GAP-related tool for coordination between a Tribe and EPA.</p>	<p>Nez Perce</p>	<p>OITA appreciates the comment and interest in ETEPs. A goal of the ETEP is for each tribe to take a look at their entire environmental program's needs and goals to determine the best use and path for building capacity towards those end goals. GAP may play a significant role in supporting capacity building in this way. This consideration necessarily touches on the full range of EPA tribal programs in which a tribe is interested, in order to determine where GAP funding is best used. The tool is not forced upon every EPA-funded program, but if a tribe decides to include information from other EPA-grant programs in alignment with the ETEP's long-term goals, there is a practical effect of the administrative burden being actually reduced. For example, having a roadmap to where a tribe wants to go, what grants/capacity the tribe currently has, and knowing what EPA's role is in that roadmap will make it easier to write grant workplans that link to the tribe's environmental program development goals, or may enable a tribe to identify needs and available resources to provide consistent funding support to better recruit and retain specialized staff. ETEPs don't necessarily replace workplans, but can be a plan from which to develop workplans. Even if a tribe chooses not to look beyond GAP in developing their ETEP, EPA nonetheless may consider the full range of EPA's program responsibilities for the particular tribe.</p>

<p>ETEPs</p>	<p>ETEPs are intended to frame an amenable relationship between USEPA and Tribes. It is important to note that ETEPs are developed as a deliverable under the GAP grants. ETEPs have not been used to frame the relationship between USEPA and Tribes because it was not designed to do so and if falls short of being used in that capacity. If the USEPA intends to utilize and require ETEPs, it must first follow through with the many tribes that have submitted to the EPA their ETEPs, but have received no response from the agency.</p>	<p>Pyramid Lake Paiute</p>	<p>OITA appreciates the comment and interest in ETEPs. Although often developed using funding from the OITA-administered Indian Environmental General Assistance Program (GAP), ETEPs encompass the full range of EPA tribal programs and the tribe’s human health and environmental priorities, and those priorities are not limited to GAP-eligible activities. This is consistent with the description of ETEPs in the 2013 GAP guidance, which provides, in part, “the purpose of the ETEP is to develop the complete picture of the particular environmental issues facing the tribe, establish a shared understanding of the issues the tribe will be working on, and a shared understanding of those issues that EPA will address consistent with its responsibility to protect human health and the environment.” EPA will continue to encourage the development and completion of ETEPs, and work to follow through with the tribes as a joint effort.</p>
<p>GAP</p>	<p>The Tribe does not support the narrow definition of the uses of GAP funding “to assist tribes in planning, developing and establishing the capacity to implement federal environmental programs administrated by EPA.” It would be more appropriate to describe the use as assisting tribes to plan, develop and establish the capacity to operate environmental protection programs including the implementation of federal environmental programs as administered by EPA.</p>	<p>Pyramid Lake Paiute</p>	<p>OITA appreciates the comment and our aim in managing GAP grants is to strive to support all federally recognized tribes who are building tribal capacity to implement the environmental regulatory programs currently administered by EPA in Indian country.</p> <p>EPA remains focused on the core statutory purpose of GAP, which is to support development of tribal government capacity “to implement programs administered by the EPA” and “the development and implementation of solid and hazardous waste programs for Indian lands” in accordance with the purposes and requirements of applicable provisions of law. For the FY 2018-2019 NPM Guidance, OITA has added a further detail on guiding principles for our administration of the GAP program.</p>

Measures	<p>The Tribe notes in Appendix A does not contain any performance measure to track progress in developing and implementing environmental programs in Indian country. The Tribe requests that Tribal representatives be involved in this effort to provide Tribal input for necessary and appropriate measures to track progress.</p>	Pyramid Lake Paiute	<p>OITA agrees that tribal input will be important as we develop GAP measures that track tribes' progress in developing and implementing environmental programs in Indian country. On August 28, 2017, OITA hosted an outreach call and webinar with tribal environmental program representatives to obtain valuable input into our efforts to improve the GAP Online system. We will continue to engage with tribes on national GAP program activities, including identification of performance measures that track tribal progress under the GAP program toward meeting EPA and tribal goals, especially those found in each tribe's ETEP.</p>
Timelines	<p>The timeline for finalization of the Draft Fiscal Year 2018-2019 NPM Guidances was fast tracked leading to an inadequate time for the Tribe to review, assess and comment.</p>	Big Pine Paiute Tribe of the Owens Valley	<p>NOTE: OCFO has responded to the time-frame issue in their response to tribal requests for an expanded consultation period. Suggest OCFO verify that the following language is still valid.</p> <p>OITA appreciates the comment. The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.</p>
ETEPs	<p>The NPMG contains new language which focuses attention on ETEPs to frame the relationship between USEPA and Tribes. Important to note that ETEPs are developed as a deliverable under GAP grant. GAP is a specific grant opportunity which helps to establish and maintain environmental functions, but it is not intended that GAP be</p>	Big Pine Paiute Tribe of the Owens	<p>OITA appreciates the comment and interest in ETEPs. Although often developed using funding from the OITA-administered Indian Environmental General Assistance Program (GAP), ETEPs encompass the full range of EPA tribal programs and the tribe's human health and environmental priorities, and those priorities are not</p>

	<p>the lens for all other Office under the USEPA to operate under and not all Tribes that receive funding from EPA have a GAP grant. ETEPs cannot be used to frame the relationship between USEPA and Tribes because it was not designed with that intended purpose and falls short of being able to be used in that capacity.</p>	<p>Valley</p>	<p>limited to GAP-eligible activities. This is consistent with the description of ETEPs in the 2013 GAP guidance, which provides, in part, “the purpose of the ETEP is to develop the complete picture of the particular environmental issues facing the tribe, establish a shared understanding of the issues the tribe will be working on, and a shared understanding of those issues that EPA will address consistent with its responsibility to protect human health and the environment.” By using ETEPs to identify priorities and then map how and when the priorities will be addressed and by whom, EPA and tribes can then work together to identify the EPA technical and financial assistance that may be necessary to implement the ETEP. This assistance may be beyond GAP funding. The ETEP joint planning process also identifies areas where EPA may need to prioritize its direct implementation responsibilities and resources for a particular tribe based upon the tribe’s own priorities, environmental protection needs, and available resources.</p>
<p>GAP</p>	<p>The Tribe does not support the narrow definition of the uses of GAP funding “to assist tribes in planning, developing and establishing the capacity to implement federal environmental programs administered by EPA.” It would be more appropriate to describe the use as assisting tribes to plan, develop and establish the capacity to operate environmental protection programs including the implementation of federal environmental programs as administered by EPA.</p>	<p>Big Pine Paiute Tribe of the Owens Valley</p>	<p>OITA appreciates the comment and our aim in managing GAP grants is to strive to support all federally recognized tribes who are building tribal capacity to implement the environmental regulatory programs currently administered by EPA in Indian country.</p> <p>EPA remains focused on the core statutory purpose of GAP, which is to support development of tribal government capacity “to implement programs administered by the EPA” and “the development and implementation of solid and hazardous waste programs for Indian lands” in accordance with the purposes and requirements of applicable provisions of law. For the FY 2018-2019 NPM Guidance, OITA has added a further detail on guiding</p>

Measures	<p>The Tribe notes in Appendix A does not contain any performance measure to track progress in developing and implementing environmental programs in Indian country. The Tribe requests that Tribal representatives be involved in this effort to provide Tribal input for necessary and appropriate measures to track progress.</p>	Big Pine Paiute Tribe of the Owens Valley	<p>principles for our administration of the GAP program. OITA agrees that Tribal input will be important as we develop GAP measures that track tribes' progress in developing and implementing environmental programs in Indian country. On August 28, 2017, OITA hosted an outreach call and webinar with Tribal environmental program representatives to obtain valuable input into our efforts to improve the GAP Online system. We will continue to engage with Tribes on national GAP program activities, including identification of performance measures that track tribal progress under the GAP program toward meeting EPA and tribal goals, especially those found in each tribe's ETEP.</p>
1984 Indian Policy	<p>It is of the utmost importance EPA continue to utilize the longstanding principles outlined in the 1984 EPA Indian Policy. These principles directing EPA to work with Tribal Nations on a government-to-government basis, as well as upholding the principle of Tribal self-governance are central to the federal government's trust responsibility. These principles have been upheld by previous Administrations since their inception. USET SPF expects and requests that EPA Administrator Scott Pruitt and EPA officially recommit to uphold these principles when engaging with Tribal Nations.</p>	USET Sovereignty Protection Fund	<p>OITA appreciates your interest and is considering your comment as part of EPA's two year NPM Guidance process. Thank you again for your comment</p>
Tribal Consultation	<p>USET SPF underscores that previous NPM Guidances, particularly the OITA FY 2016-2017 NPM Guidance, directed the Agency toward a more robust Tribal engagement process that would implement three national focus areas including:</p> <ul style="list-style-type: none"> • Implementation of Federal Environmental Programs in Indian Country; 	USET Sovereignty Protection Fund	<p>OITA appreciates the comment. The FY 2018-2019 NPM Guidance includes the commitment that EPA will "consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect tribal interests" under the <i>EPA Policy on Consultation and Coordination with Indian Tribes</i> and that EPA tribal consultation efforts include discussions of</p>

	<ul style="list-style-type: none"> • Implementation of the Indian Environmental General Assistance Program (GAP); • Implementation of Tribal Consultation. <p>Unfortunately, this level of engagement is not included in the OITA FY 2018-2019 Guidance, and does not encourage consultation beyond tribal treaty rights and treaty-covered resources. This represents a dramatic shift from previous EPA NPM commitments to consultation and is of deep concern to USET SPF member Tribal Nations. We strongly encourage EPA to revisit this section to ensure its language more comprehensively reflects its obligation to consult with Tribal Nations.</p>		<p>tribal treaty rights and treaty-covered resources in accordance with the <i>EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights</i>. This is a level of engagement consistent with previous OITA NPM Guidance.</p>
<p>General Concern - Tribal Consultation</p>	<p>Every NPM should have a section explicitly committing each EPA program toward its consultation and trust obligations to Tribes and a commitment to utilize Traditional Ecological Knowledge (TEK) in its decision making (see comment below).</p>	<p>R10 Tribal Operations Committee</p>	<p>OITA appreciates the comment. OITA works to ensure that all EPA programs protect human health and the environment in Indian country according to principles established through federal Indian law, which includes any and all EPA trust obligations, and as outlined in EPA's 1984 <i>Policy for the Administration of Environmental Programs on Indian Reservations</i> (1984 EPA Indian Policy).</p> <p>The FY 2018-2019 NPM Guidance includes the commitment that EPA will "consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect tribal interests" under the <i>EPA Policy on Consultation and Coordination with Indian Tribes</i>. EPA's consultations with tribes may include discussions and information exchanges on Traditional Ecological Knowledge (TEK).</p>
<p>Implementation of Fed Env</p>	<p>The NPM fails to mention the Advance Notice of Proposed Rulemaking - Federal Baseline Water Quality Standards for Indian Reservations. More than 40 years after the</p>	<p>R10 Tribal Operati</p>	<p>OW to address; OITA forwarded</p>

Programs	<p>adoption of the Clean Water Act, fewer than 50 of over 300 tribes with reservation lands have WQS effective under the CWA, leaving a gap in CWA protection of human health and the environment. Federal baseline WQS—which could include designated uses, narrative and numeric criteria, antidegradation requirements, and other WQS policies such as a mixing zone policy, a compliance schedule authorizing provision, and a WQS variance procedure—can provide an important tool for tribes and EPA to use in making defensible, site-specific decisions that protect reservation waters. The NPM should prioritize completing this rulemaking process.</p>	ons Commi tee	
ETEPS	<p>ETEPS were designed be an approved EPA - Tribal Environmental Plan based upon a tribe’s needs and EPA funding of those programs under the GAP Program. The NPM states that the ETEP is going to the basis of all EPA's funding for all their programs, not just GAP. However, the GAP Guidance provides that ETEPs had to be in place in order to continue to receive GAP funding and GAP funding only. The ETEP was not a tool for the other programs, it was a tool for GAP Grantees to utilize to identify priorities. The NPM should be modified to clarify that ETEPs are not required for obtaining or prioritizing funding under other EPA funding programs.</p>	R10 Tribal Operati ons Commi tee	<p>OITA appreciates the comment and interest in ETEPs. Although often developed using funding from the OITA-administered Indian Environmental General Assistance Program (GAP), ETEPs encompass the full range of EPA tribal programs and the tribe’s human health and environmental priorities, and those priorities are not limited to GAP-eligible activities. This is consistent with the description of ETEPs in the 2013 GAP guidance, which provides, in part, “the purpose of the ETEP is to develop the complete picture of the particular environmental issues facing the tribe, establish a shared understanding of the issues the tribe will be working on, and a shared understanding of those issues that EPA will address consistent with its responsibility to protect human health and the environment.” By using ETEPs to identify priorities and then map how and when the priorities will be addressed and by whom, EPA and tribes can then work together to identify the EPA technical and financial assistance that may be necessary to implement the ETEP. This assistance may be beyond GAP funding; however, OITA’s NPM guidance does not establish any requirements</p>

			associated with other EPA funding programs. The ETEP joint planning process also identifies areas where EPA may need to prioritize its direct implementation responsibilities and resources for a particular tribe based upon the tribe’s own priorities, environmental protection needs, and available resources.
Tribal Capacity Building	EPA previously developed a GAP Guidance document that has presented significant barriers toward the development of tribal capacity and the implementation of solid waste programs (as explicitly allowed by the GAP implementation statute). The NPM should prioritize reexamining the GAP Guidance to increase flexibility for tribal capacity building and solid waste program implementation.	R10 Tribal Operations Committee	<p>OITA appreciates the comment and our aim in managing GAP grants is to strive to support all federally recognized tribes who are building tribal capacity to implement the environmental regulatory programs currently administered by EPA in Indian country.</p> <p>EPA remains focused on the core statutory purpose of GAP, which is to support development of tribal government capacity “to implement programs administered by the EPA” and “the development and implementation of solid and hazardous waste programs for Indian lands” in accordance with the purposes and requirements of applicable provisions of law. For the FY 2018-2019 NPM Guidance, OITA has added a further detail on guiding principles for our administration of the GAP program.</p>
Tribal Consultation	The NPM fails to mention the use of Traditional Ecological Knowledge (TEK). The NPM should clarify EPA’s commitments to solicit and use, in a manner consistent with directions obtained through tribal consultation, TEK in EPA decision-making processes.	R10 Tribal Operations Committee	OITA appreciates the comment. The FY 2018-2019 NPM Guidance includes the commitment that EPA will “consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect tribal interests” under the <i>EPA Policy on Consultation and Coordination with Indian Tribes</i> . EPA’s consultations with tribes may include discussions and information exchanges on Traditional Ecological Knowledge (TEK).

Support for NTC	The NPM contains no mention of support for the National Tribal Caucus (NTC). Other partnership organizations are mentioned, but the NPM needs to explicitly mention EPA's commitment to supporting the NTC.	R10 Tribal Operations Committee	OITA appreciates the comment. The NPM Guidance is a guide to OITA's high-level priorities and areas of emphasis. It is not intended as a comprehensive compendium of activities, requirements, or manners in which OITA will perform its work. Partnership with tribes is, and will continue to be, an important part of EPA's work in Indian country.
Transboundary Water Impact	The NPM fails to mention EPA's ongoing work and commitment to addressing transboundary water issues. There are a significant number of mining proposals in western Canada that threaten tribal resources and communities in Alaska. EPA's ongoing efforts to address transboundary water issues need to be addressed.	R10 Tribal Operations Committee	OITA forwarded this to OLEM for their response / action.
GAP	The tribe offered comments in an earlier consultation process regarding regulatory reform and recommendations. Once again, we would emphasize convert GAP and new GAP guidance <u>back to its former function</u> that was to provide environmental funding to assist tribes with their environmental issues; as was intended by the author of the bill that created GAP, Senator John McCain AZ.	Hualapai Tribe	OITA appreciates the comment and our aim in managing GAP grants is to strive to support all federally recognized tribes who are building tribal capacity to implement the environmental regulatory programs currently administered by EPA in Indian country. EPA remains focused on the core statutory purpose of GAP, which is to support development of tribal government capacity "to implement programs administered by the EPA" and "the development and implementation of solid and hazardous waste programs for Indian lands" in accordance with the purposes and requirements of applicable provisions of law. For the FY 2018-2019 NPM Guidance, OITA has added a further detail on guiding principles for our administration of the GAP program.
GAP On-Line	In addition, eliminate the entire GAP on line process and allow the tribes to use those significant savings and apply them to our nonpoint source pollution programs, the program you are planning to eliminate, in Indian Country.	Hualapai Tribe	OITA appreciates the comment. The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The

			<p>FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.</p> <p>GAP is EPA's largest single tribal funding program with over 500 awards being managed annually. EPA utilizes the GAP Online system to manage GAP grant workplans and reports. On August 28, 2017, OITA hosted an outreach call and webinar with Tribal environmental program representatives to obtain valuable input into our efforts to improve the GAP Online system. We will continue to engage with Tribes on national GAP program activities, including changes to GAP Online to better achieve our goals of reducing administrative burden, providing national summary information, and documenting and archiving program activities. No GAP funds have been used to develop or maintain the current GAP Online system, and no GAP funds will be used to develop or maintain the updated system.</p>
Performance Partnership Grant (PPG)	<p>The Confederated Saish & Kootenai Tribes (CSKT) Performance Partnership Grant currently consists of:</p> <ol style="list-style-type: none"> 1. Indian General Assistance (GAP) 2. Water Quality (CWA 106), 3. Non-point source pollution (CWA 319), 4. Wetlands (WPDG), 5. Air quality (CAA 105), <p>Funding is used in the best possible way to meet goals and any reduction in funds would severely impact the community members and resources.</p>	<i>Keenan Confederated Salish and Kootenai Tribes</i>	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process</p>
GAP	The CSKT Natural Resources Program has successfully	<i>Keenan</i>	The Agency has received comments regarding the funding

	<p>used GAP since 1992 to plan and develop core environmental programs. Planning and development requirements continue to increase in Indian country, due to increasing development and population.</p> <p>Any reduction to GAP would severely impact CSKT's seven administered environmental programs. GAP funds are currently inadequate to cover activities of core environmental programs.</p> <p>The continuation of GAP funds are in alliance with Executive Order The administrative, technical, legal, enforcement, communications, environmental education and outreach structure of core environmental programs will be maintained directly reducing the need for new regulations supporting the <i>FY18 President's Budget: Major Policy and Final resource Decisions</i>.</p> <p>Tribal GAP programs do not inhibit small or large business growth supporting the <i>FY18 President's Budget: Major Policy and Final Resource Decisions</i>. The focus is to protect public health and the environment in predominantly low income and vulnerable of both Native American and non-member populations residing on the Flathead Reservation.</p> <p>GAP programs prevents pollution from impacting our high quality natural resources. Pristine natural resources bring in tourists and businesses boosting the economy while maintaining tribal cultural and traditional practices.</p>	<p><i>Confederated Salish and Kootenai Tribes</i></p>	<p>levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents.</p> <p>The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.</p> <p>NOTE: OITA/AEIO is unclear as to what Executive Order the commenter is referencing.</p>
<p>Solid Waste and Recycling</p>	<p>Gap funds activities which prevent the Flathead Indian Reservation environment, including air, surface and groundwater's, biota, and soils from impacts from improper disposal of waste. Reductions would create an</p>	<p><i>Keenan Confederated Salish</i></p>	<p>The Agency has received comments regarding the funding levels requested for the EPA in the President's Budget for fiscal year 2018 as they relate to the FY 2018-2019 NPM Guidance documents. The FY 2018-2019 NPM Guidance</p>

	increased expense for cleanup and remediation.	<i>and Kooten ai Tribes</i>	documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process.
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