



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460


SEP 19 2017

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Office of
International and
Tribal Affairs

MEMORANDUM

SUBJECT: Indian Environmental General Assistance Program Guiding Principles

FROM: Jane Nishida 
Acting Assistant Administrator, OITA

TO: Regional Administrators and Assistant Administrators

As FY 2017 draws to a close, the Office of International and Tribal Affairs looks forward to continuing our collective efforts to advance EPA's mission to protect human health and the environment in Indian country as we focus on the new EPA Administration's strategic priorities. These priorities are to (1) deliver real results to provide Americans with clean air, land and water (i.e., core mission); (2) rebalance the power between Washington and the states and tribes to create tangible environmental results for the American people (i.e., cooperative federalism); and (3) administer the law, as Congress intended, to refocus the Agency on its statutory obligations under the law (i.e., rule of law and process). These EPA priorities and Administrator Pruitt's "Back-to-Basics Agenda" align well with the critical support EPA provides to tribal governments through the Indian Environmental General Assistance Program.

EPA provides GAP grant funds to tribal governments and intertribal consortia to assist tribes in planning, developing, and establishing the capacity to implement federal environmental programs administered by the EPA and to assist in implementation of tribal solid and hazardous waste programs in accordance with applicable provisions of law, such as the Solid Waste Disposal Act. Beginning in FY 2018, to ensure national consistency in approach, communication, and application, OITA will work with regions to carry out the GAP guiding principles set forth below through all of EPA's actions related to soliciting, awarding and overseeing GAP financial assistance agreements. To implement this memo, OITA's American Indian Environmental Office will work with the regions to develop boilerplate language for all GAP grant solicitation packages to promote national consistency with these guiding principles. AIEO will update OITA's FY 2018-2019 DRAFT National Program Manager Guidance to clearly reflect the GAP guiding principles and further describe the process for AIEO review of draft GAP grant solicitation packages that include region-specific guidance.

EPA will apply the following guiding principles in awarding GAP grants to tribes and intertribal consortia:

1. Ensure tribal governments have the opportunity to build the capacity to:
 - a. Implement federal environmental programs through EPA delegations, authorizations, and primacy designations; and

- b. Meaningfully participate and engage in environmental protection activities that inform, support, or enhance direct implementation under federal environmental statutes administered by EPA.
2. Promote tribal self-governance by working closely with tribes to:
 - a. Accomplish tribal environmental program goals in EPA-Tribal Environmental Plans that reflect federal environmental program areas of need to protect human health and the environment;
 - b. Support tribes' development of strong core environmental program capacities for media-specific programs administered by EPA; and
 - c. Foster tribes' capacity to assume the authority to implement programs administered by EPA (e.g., Treatment as a State status or through Direct Implementation Tribal Cooperative Agreements).
3. Promote intergovernmental collaboration and cooperative federalism among EPA, tribes, states and other partners, and focus EPA financial and technical assistance to protect human health and the environment.
4. Support implementation of established solid and hazardous waste regulatory programs in accordance with the purposes and requirements of applicable provisions of law, including the Solid Waste Disposal Act (commonly known as the Resource Conservation and Recovery Act).
5. Maintain strong national program management practices to produce compelling results that align with EPA's statutory authorities.

These guiding principles underscore GAP's role in fostering partnerships between EPA and federally-recognized Indian tribes through collaboration and shared accountability. In addition, they clarify how activities funded under GAP will support EPA's priorities consistent with the Indian Environmental General Assistance Program Act of 1992, *EPA Policy for the Administration of Environmental Programs on Indian Reservations* (1984), EPA's national guidance on the award and management of GAP financial assistance agreements for Tribes and Intertribal Consortia, and the forthcoming FY 2018-2022 EPA Strategic Plan. EPA's management of GAP will continue to strive to support all federally recognized tribes that are building capacity to implement the full spectrum of environmental regulatory programs administered by the EPA.

We look forward to working with you on implementation of this memorandum. Should you have any questions regarding the GAP guiding principles, please contact Felicia Wright (wright.felicia@epa.gov or 202-566-1886) or have your staff contact Rebecca Roose (roose.rebecca@epa.gov or 202-566-1387).

cc:

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