

December 2019

EPA Responses to Comments on U.S. Environmental Protection Agency Multipurpose Grant Guidance for Tribes

Introduction

The U.S. Environmental Protection Agency is issuing multipurpose State and Tribal Assistance Grants (STAG) to federally recognized Indian tribes (tribes) who are co-regulator partners. Multipurpose funds are intended to be used for high priority activities to complement co-regulator implementation activities funded under established federal environmental statutes. Co-regulator partners are tribes delegated certain federal regulatory authority through treatment in a similar manner to a state (TAS) and tribes approved for implementation activities through certain non-TAS approval provisions found in federal environmental statutes and regulations to operate environmental regulatory programs.

EPA is awarding \$3,062,100 to eligible tribes to be added to an existing or new Performance Partnership Grant (PPG) or as a standalone grant. This Guidance provides information on: eligibility, use of funding, grant mechanisms, processes for awarding funding, the allocation methodology used for distribution of funding, timelines, and terms for reporting under these grants.

This Guidance is for federally recognized tribes. Guidance for state and territorial agencies is issued separately.

This document summarizes the common issues raised during the tribal consultation period and indicates how those issues were addressed in the Guidance. Similar comments have been consolidated and summarized for clarity and efficiency.

RESPONSE TO COMMENTS

Comment 1 EPA's use of the treatment in a similar manner to a state (TAS) statutory provisions to identify tribes with the legal authority to implement federal environmental programs identifies most of the EPA programs implemented by tribes. EPA should identify other implementation

- programs that tribes are conducting and should make those additional programs eligible for Multipurpose Grant (MPG) funding.
- Response 1 As a result of input received during this consultation, additional programs were identified as being eligible for MPG funding. They are: certain the Clean Air Act– Federal Air Rules for Reservations (FARR) programs, Clean Air Act Class I Designation programs, and certain Federal Insecticide, Fungicide and Rodenticide Act – Restricted Use Pesticides programs.
- Comment 2 When EPA asked whether tribes with regulatory TAS/programs that have an *enforcement component should* be considered for a higher level of funding in consideration of the additional activities needed to implement an enforcement program, tribes responded that EPA should fund tribes with enforcement components at a higher level in recognition of the increased level of effort necessary to implement programs with enforcement provisions.
- Response 2 As a result of input received during this consultation, EPA adjusted the allocation formula to EPA Regions (for distribution to tribes) making available an increased level of funding for tribes with enforcement components to their programs.
- Comment 3 The draft guidance should continue to allow the standalone MPG grant funding mechanism and not require that funding be placed in an Performance Partnership Grant (PPG).
- Response 3 As a result of input received during this consultation, EPA has left the decision on the type of grant mechanism to the tribe in negotiation with the Region. While EPA continues to encourage the use of PPGs as a more effective mechanism in the management of multiple grants, MPG funding is no longer required to be placed into a new or existing PPG.
- Comment 4 Tribes that have regulatory programs with projects that require a large amount of money should get more funds.
- Response 4 The MPG Guidance does not address this comment directly; however, each tribe eligible for an award under the MPG is encouraged to work closely with their EPA regional point of contact in the development of their workplans and the cost of implementing the workplan