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Environmental Protection
Agency

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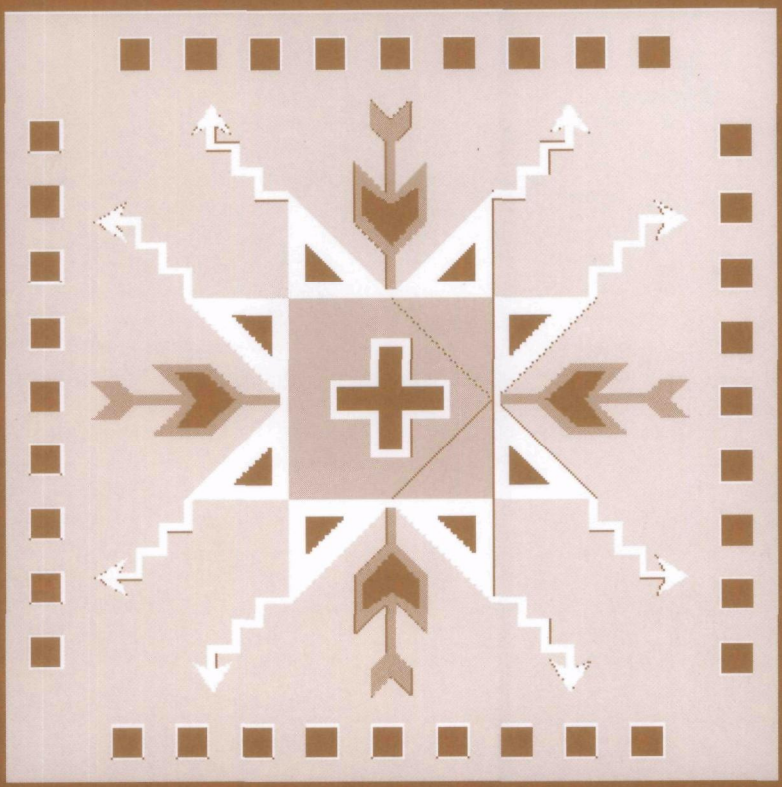
Working Effectively with Federally-Recognized Indian Tribes



A Practical Guide for EPA Employees

The mission of the United States Environmental Protection Agency (EPA) is to protect human health and to safeguard the environment — air, water, and land — upon which life depends. Accomplishing this mission requires EPA to work with federally-recognized Indian tribes (tribes) which are the primary governments responsible for managing environmental programs in Indian country. EPA is committed to maintaining a government-to-government relationship with tribes and considering tribal interests and consulting tribes when making decisions that may affect them.

Why are tribal issues important?

Tribal sovereignty, the federal trust responsibility, federal Indian law, statutes, executive orders, treaty obligations, and reserved rights (e.g. aboriginal hunting, fishing and gathering rights) establish unique responsibilities for accomplishing EPA's mission in Indian country. Each tribe exercises sovereignty over the land and people within its jurisdiction, chooses its form of government, and maintains all of the powers of a sovereign nation, except those inconsistent with their status in the federal system and any limitations imposed by Congress.

The President of the United States directed the EPA Administrator and the other federal agency heads to operate within a government-to-government relationship with tribes. EPA and other federal agencies also have a trust responsibility to tribes.

What policies guide EPA's interaction with tribes?

The federal trust responsibility arises from Indian treaties, statutes, executive orders, and the historical relations between the United States and Indian tribes. There is a general component and a specific component to the trust responsibility. The general component of the trust responsibility informs federal policy and provides that the federal government consult with and consider the interests of tribes when taking actions that may affect tribes or their resources. The specific component of the trust responsibility ordinarily arises only from some formal action of the United States such as a statute, treaty, or executive order.

Presidential memoranda and several executive orders provide guidance to all federal agencies, including EPA, on consultation and consideration of tribal interests. These include: 1) Presidential Memorandum, Government-to-Government Relations with Native American Tribal Governments (1994); 2) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994); 3) Executive Order 13007, Sacred Sites (1996); and 4) Executive Order 13084, Consultation and Coordination with Indian Tribal Governments (1998).

What is the EPA Indian Policy?

In 1984, EPA became the first federal agency to adopt a formal policy governing interactions with tribes. The policy provides guidance to all EPA staff and managers interacting with tribes and responding to environmental, natural resource, and cultural issues in Indian country. In 1994, EPA reaffirmed the policy and announced new steps designed to strengthen EPA's tribal operations program.

The EPA Policy for the Administration of Environmental Programs on Indian Reservations

1. **EPA stands ready to work directly with tribes on a one-to-one basis (the "government-to-government" relationship).**
2. **EPA recognizes tribes as the primary parties for setting standards, making environmental policy decisions and managing programs for reservations, consistent with EPA standards and regulations.**
3. **EPA takes affirmative steps to encourage and assist tribes in assuming regulatory and program management responsibilities for reservation lands.**
4. **EPA takes appropriate steps to remove existing legal and procedural impediments to working directly and effectively with tribes on reservation programs.**
5. **EPA, in keeping with the federal trust responsibility, will assure that tribal concerns and interests are considered whenever EPA's actions and/or decisions may affect reservation environments.**
6. **EPA encourages cooperation between tribal, state, and local governments to resolve environmental problems of mutual concern.**
7. **EPA works with other federal agencies which have related responsibilities on Indian reservations to enlist their interest and support in cooperative efforts to help tribes assume environmental program responsibilities for reservations.**
8. **EPA strives to assure compliance with environmental statutes and regulations on Indian reservations.**
9. **EPA incorporates these Indian policy goals into its planning and management activities, including its budget, operating guidance, legislative initiatives, management accountability system, and ongoing policy and regulation development processes.**

The hallmark of EPA's relationship with tribes is formal consultation and cooperation with elected tribal leaders before taking action that may impact tribal interests.

Does my work affect tribal interests?

Tribal interests are affected by almost every EPA activity. Tribes and Native Americans live and work throughout the United States. Native Americans live in small towns, villages, big cities, on reservations, and off reservations. All types of job and housing opportunities exist in and around Indian country.

A clean and healthy environment is particularly important to tribes and Native Americans because of a traditional reliance on the land and its resources for fishing, hunting, gathering, or other subsistence uses and spiritual strength, such as performing ceremonies or sacred rituals.

Tribes operate environmental and natural resource agencies and programs to protect and restore the quality of tribal health and air, water, land, and other natural resources. In addition, tribes may seek EPA approval to implement federal environmental programs in Indian country in the same manner as states. In either case, tribes have primary responsibility for implementing environmental programs, carrying out day-to-day activities such as issuing permits, conducting compliance and enforcement programs, and monitoring environmental conditions.

Tribes also provide a wide array of services to their populations. These services include: pesticide management; construction and maintenance of roads, bridges and buildings; public safety; public education; solid waste management; wastewater collection and treatment; operation of public water systems; and parks.

Tribes and Native Americans also own, operate, and/or manage a wide range of businesses, farms, and industries. The entire spectrum of non-tribally owned or operated businesses, farms, and industries also exist in and around Indian country. These operations affect the environment and human health of Native Americans.

One example of EPA work affecting tribal interests involves CERCLA risk characterizations. Typical risk characterization involves calculating the ecological and human health exposures and probable toxicity. For tribal communities, however, EPA may also need to assess whether tribal resources and cultures are at risk.

How can I work effectively with tribes and Native American stakeholders?

- **Reach Out Early And Often**
- **Ask Questions**
- **Think Dynamically**

Tribal governments are the primary decision-makers for environmental and human health issues affecting the people and land under their jurisdiction, consistent with federal law. Where a tribe is involved, consultation with the tribal government — not just tribal members — is required.

Remember that Native Americans are generally interested in your efforts to protect human health and the environment.

Reach out early and often to tribes and Native Americans. The success of your work depends upon input and dialogue. This takes time.

- Encourage participation by soliciting input from tribes and Native Americans as your work is developed, implemented, and concluded.
- Engage in a dialogue to ensure that tribal interests are heard and addressed.
- Ensure that tribal interests are considered in your day-to-day activities, including the drafting of regulations, policies, and other documents.

Ask questions.

- Learn about the tribe's governmental structure, community system, history, culture, land, and resources; and
- Understanding tribal issues and interests will help you ensure that EPA better addresses tribal needs and issues.

Consultation.

- Consultation and cooperation with the tribal government is necessary if your work may affect a tribe. A strong and effective tribal-EPA partnership is fundamental to the achievement of EPA's mission.

Think dynamically and take affirmative action to assist tribes.

- Provide financial assistance for capacity building;
- Provide compliance and technical assistance;
- Provide training opportunities;
- Assess environmental conditions in Indian country; and
- Target high priority facilities in Indian country for enforcement actions.

Who can give me information and exchange ideas about tribal issues and needs?

Many people in EPA Headquarters and EPA Regions are knowledgeable about tribal issues. They can provide information and advice about your work's potential implications for Indian country and review and distribute your documents. Information is also available from other federal agencies, tribes, tribal organizations, and academic institutions.

- The American Indian Environmental Office (AIEO) is responsible for coordinating EPA-wide efforts to strengthen public health and environmental protection in Indian country, with a special emphasis on building tribal capacity to administer their own environmental programs. http://www.epa.gov/indian/

- The Assistant Administrator for the Office of Enforcement and Compliance Assurance has a tribal coordinator and tribal coordinating committee composed of people from each office. http://es.epa.gov/oeca/tribal/

- All other Assistant Administrators have tribal coordinators.

- Each EPA Region where federally-recognized tribes reside has a tribal coordinator or program manager. Some Regions also have Indian Program Offices. There are no federally-recognized Indian tribes in EPA Region III. http://www.epa.gov/indian/map.htm

- The National Indian Workgroup (NIWG) works to identify and resolve policy and programmatic barriers to working directly with tribes, implement comprehensive tribal environmental programs, identify priority tribal projects, and perform other services in support of implementing EPA's Indian Policy. The NIWG is comprised of all EPA tribal coordinators and program managers.

- The Office of General Counsel and the Offices of Regional Counsel each have attorneys who specialize in federal Indian law.

- The National Indian Law Work Group addresses legal issues that arise in the course of developing and implementing EPA's Indian program.

- The Tribal Operations Committee (TOC) is comprised of nineteen tribal leaders and environmental program managers (the Tribal Caucus) and EPA's Senior Leadership Team, including the Administrator, the Deputy Administrator, and the Assistant and Regional Administrators. The TOC discusses implementation of environmental protection programs that EPA and the tribes share responsibility as co-regulators. The TOC is an important and effective vehicle for enhancing communications between EPA and tribes. Communication with the TOC is not a substitute for consultation with individual tribes on a government-to-government basis. You should discuss your issues with AIEO before contacting the TOC. http://www.epa.gov/indian/overtoc.htm

- Regional Tribal Operations Committees (RTOC) exist in a number of Regions. RTOCs discuss implementation of Regional-tribal environmental protection programs. You should discuss your issues with a Regional tribal coordinator or program manager before contacting a RTOC.

- The Office of Environmental Justice supports the efforts of EPA to build tribal capacity and is EPA's lead office for working with non-federally recognized tribes and tribal grassroots organizations. http://es.epa.gov/oeca/oej/

- The Indigenous Peoples Subcommittee of EPA's National Environmental Justice Advisory Committee (NEJAC) provides advice to the NEJAC on environmental justice issues facing indigenous peoples, including Native Hawaiians and Alaska Natives, tribal members, urban indigenous peoples, non-federally recognized indigenous communities, or indigenous communities across international boundaries. http://es.epa.gov/oeca/oej/nejac/American Indian

EPA Headquarters Contact List*

American Indian Environmental Office
Tonya Fish (202) 260-0769

Office of Administration and Resource Management
Michelle McClendon (202) 564-5357

Office of the Administrator
Diane Bazzle (202) 260-4057

Office of Air and Radiation
David Laroche (202) 260-7652

Office of the Chief Financial Officer
Vivian Daub (202) 564-6790
Tonya Fish (202) 564-5385

Office of Communications, Education, and Media Relations
Doretta Reaves (202) 260-3534

Office of Congressional and Intergovernmental Relations
Tom Dickerson (202) 260-5417

Office of Enforcement and Compliance Assurance
Ruth Miller (202) 564-4299
Jonathan Binder (202) 564-2516

Office of Environmental Justice
Danny Gogal (202) 564-2576

Office of General Counsel
Jim Havard (202) 564-6906

Office of Policy, Center for Information and Statistics
Wendy Cleland-Hamnet (202) 260-4724

Office of Prevention, Pesticides and Toxic Substances
Caren Rothstein (202) 260-0065

Office of Research and Development
Jason Edwards (202) 564-6906

Office of Solid Waste and Emergency Response
Charlene Dunn (202) 260-9466

Office of Water
Judy Hecht (202) 260-5682

* *Additional information is available in the Headquarters Telephone Directory (April, 1999).*

EPA Tribal Coordinators and Regional Program Managers

EPA Region I

Serving tribes located in Connecticut, Maine, Massachusetts, and Rhode Island

Jim Sappier **617-918-1672**
sappier.jim@epa.gov
http://www.epa.gov/region01/

EPA Region II

Serving tribes located in New York

Christine Yost **212-637-3564**
yost.christine@epa.gov
http://www.epa.gov/region2/nations/indian1.htm

EPA Region IV

Serving tribes located in Alabama, Florida, Mississippi, North Carolina, and South Carolina

Mark Robertson **404-562-9639**
robertson.mark@epa.gov
http://www.epa.gov/region4/reg4.html

EPA Region V

Serving tribes located in Michigan, Minnesota, and Wisconsin

Casey Ambutas **312-353-1394**
ambutas.casey@epa.gov
http://www.epa.gov/reg5oopa/tribes/

EPA Region VI

Serving tribes located in Louisiana, New Mexico, Oklahoma, and Texas

Ellen Greeney **214-665-6778**
greeney.ellen@epa.gov
http://www.epa.gov/earth1r6/6xa/tribal/tribal.htm

EPA Region VII

Serving tribes located in Kansas and Nebraska

Kim Olson **913-551-7539**
olson.kim@epa.gov
http://www.epa.gov/rgytgrnj/

EPA Region VIII

Serving tribes located in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming

Sadie Hoskie **303-312-6343**
hoskie.sadie@epa.gov
http://www.epa.gov/region08/coop/tribe/tap.html

EPA Region IX

Serving tribes located in Arizona, California, and Nevada

Clancy Tenley **415-744-1607**
tenley.clancy@epa.gov
http://www.epa.gov/region09/cross_pr/indian/index.html

EPA Region X

Serving tribes located in Alaska, Idaho, Oregon, and Washington

Scott Sufficool **206-553-6220**
sufficool.scott@epa.gov
http://epainotes1.rtpnc.epa.gov:7777/r10/tribal.NSF/webpage/tribal+office+homepage

Alaska Field Office:

Sandra Borbidge **907-271-3424**
barbidge.sandra@epa.gov
Jean Gamache **907-271-3424**
gamache.jean@epa.gov

Other Federal Contacts

White House Council on Environmental Quality

The Council on Environmental Quality is primarily responsible for overseeing the implementation of the National Environmental Policy Act and coordinating environmental issues affecting tribes and Indian country within the federal executive branch.
www.whitehouse.gov/CEQ/index.html

White House Domestic Policy Council

The White House Domestic Policy Council uses a Working Group on American Indians and Alaska Natives to coordinate within the federal executive branch on issues affecting tribes and Indian country.
www.whitehouse.gov/

Department of Agriculture

The Department of Agriculture (USDA) is responsible for many programs that affect tribes, including agricultural assistance, loan assistance, rural utilities, housing development issues, and the management of certain federal lands in or near Indian country.
www.usda.gov

Department of Defense and Army Corps of Engineers

The Department of Defense (DoD) is responsible for many facilities located in or near Indian country. DoD manages a tribal grant program for the mitigation of environmental impacts in Indian country. The Army Corps of Engineers' activities also impact tribes, including dam construction and the issuance of dredge and fill permits for wetlands within tribal watersheds.
www.defenselink.mil:80/

Department of Health and Human Services

Within the Department of Health and Human Services, the Indian Health Service (IHS) is responsible for providing federal health

services to American Indians and Alaska Natives. IHS also maintains special authority to work with tribes on landfills and waste water and drinking water facilities. The Administration for Native Americans (ANA) manages a grant program to improve tribal capacity to regulate environmental quality.
www.hhs.gov

Department of the Interior

The Department of the Interior maintains significant responsibilities relating to tribes and Indian country. The Bureau of Indian Affairs is the lead within the federal executive branch on general tribal and Indian issues. The Office of American Indian Trust is responsible for overseeing the federal government's trust obligations. The Bureau of Reclamation works with tribes of water resources management. The federal land management agencies are responsible for issues associated with certain federal lands in or near Indian country.
www.doi.gov

Department of Justice

The Department of Justice (DOJ) litigates on behalf of EPA and another federal departments/agencies concerning Indian rights and claims. DOJ can also bring enforcement actions against pollution sources causing harm to tribal environmental resources. The Office of Tribal Justice advises the Attorney General on matters that impact tribes and works to coordinate DOJ's policies and positions on tribal issues. The American Indian and Alaska Native Affairs Desk, within the Office of Justice Programs, enhances access to information by tribes regarding funding opportunities, training and technical assistance, and other relevant information.
www.usdoj.gov

For additional copies or information, contact Jonathan Binder in EPA's Office of Compliance at (202) 260-2516 or binder.jonathan@epa.gov.