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# Fiscal Year 2011 Tribal Accomplishments Report

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# OEI Fiscal Year 2011 Tribal Accomplishments Report



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## List of Acronyms

AIEO	American Indian Environmental Office
ANV	Alaska Native Village
BIA	Bureau of Indian Affairs
ITEP	Institute for Tribal Environmental Professionals
NCAI	National Congress of American Indians
NTAA	National Tribal Air Association
NTC	National Tribal Caucus
OCSP	EPA Office of Chemical Safety and Pollution Prevention
OEI	EPA Office of Environmental Information
OSWER	EPA Office of Solid Waste and Emergency Response
RENC	Regional Exchange Network Coordinators
RIC	Regional Indian Program Coordinator
TGG	Exchange Network Tribal Governance Group
TRI	Toxics Release Inventory
TCU	Tribal Colleges and Universities
TSC	National EPA Tribal Science Council

# Introduction



The U.S. Environmental Protection Agency's (EPA) Office of Environmental Information (OEI) Tribal Strategy maximizes the quality and utility of information and analytical tools available for making well-informed decisions in Indian country<sup>1</sup> and other tribal lands. This Accomplishments Report is a compilation of OEI tribal accomplishments that details efforts and activities conducted in support of the OEI Tribal Strategy during fiscal year (FY) 2011. OEI is committed to the goals and objectives outlined in the OEI Tribal Strategy, and to continued outreach and consultation with tribal partners. The annual Accomplishments Report may be used to identify needed changes or updates to the OEI Tribal Strategy, so that OEI can evaluate and refine the Tribal Strategy over time as a living document.

The OEI Tribal Strategy is intended to support:

- EPA's mission to protect human health and the environment, while recognizing the unique needs of Indian Tribes (including Alaska Native Villages (ANV));
- OEI's work with EPA programs, regional offices and tribes on the importance of environmental data and how these data can be used to support tribal priorities;
- Tribal self-governance; and
- Strengthening government-to-government relationships between EPA and tribes.

The purpose of the FY 2011 Accomplishment Report is to provide an update on the progress OEI achieved towards meeting goals and objectives outlined in the OEI Tribal Strategy. This Accomplishments Report highlights program-specific accomplishments and provides information and successes related to OEI initiatives. The Report also serves as a tool to foster communication between EPA and tribal governments; to facilitate cooperative agreements between them; and to provide valuable outreach and technical assistance to tribal governments.

## 2011 – A Year in Summary

In 2011, OEI continued to make progress on several of the goals and objectives outlined in the OEI Tribal Strategy and provided outreach and technical assistance to tribal governments to build capacity throughout its programs. OEI increased awareness and understanding of the unique relationship between the federal government and federally recognized tribes and strengthened the commitment to engage tribal governments and tribal partners in OEI's relevant program activities. In addition, OEI worked with tribes to strengthen tribal capacity to collect, analyze, and share environmental data. Through consultation and coordination with tribes and tribal partners, OEI helped identify tribal data needs and barriers and developed recommendations for improving the use of existing and new tools.

In the coming years, OEI will continue to expand and strengthen its collaboration with groups that broadly represent tribal governments and tribal interests—continuing its progress towards the goals outlined in the OEI Tribal Strategy, and providing tribes with the support they need to fully develop environmental data and information management capabilities.

<sup>1</sup> "Indian country, as defined in 40 CFR 71.2, means: "(a) 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; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same."



# Tribal Accomplishments by Goals



To meet the four established goals of the OEI Tribal Strategy, OEI is using new and existing tools and services to consolidate information, report cross-jurisdictional information, analyze constituent information, and publish data that provide a better understanding of environmental conditions across Indian country as well as the United States. In FY 2011, significant progress was made toward meeting the goals of the OEI Tribal Strategy. These accomplishments are discussed in detail below.

## Goal 1: Strengthen Government-to-Government Relationships with Tribes and Tribal Partners

OEI management and staff increased awareness throughout OEI by engaging tribal governments and tribal partners in relevant program activities. OEI also continued to expand staff awareness and understanding of the unique legal relationship between the federal government and federally recognized tribes, particularly in the context of OEI's programs and efforts. OEI's accomplishments towards meeting Goal 1 of the OEI Tribal Strategy are listed below.

### OEI Tribal Program Coordination

- OEI's Tribal Program Coordinator increased awareness among management and staff of the commitment to engage tribal governments in OEI's relevant program activities to ensure program efforts meet the needs of tribal communities.
- The OEI Tribal Program Coordinator briefed management and staff on the requirements for consultation as established in EPA's Policy.
- In accordance with EPA's Policy on Consultation and Coordination with Indian Tribes (May 2011), OEI designated a Tribal Consultation Advisor to identify and coordinate OEI-wide tribal efforts appropriate for consultation. The Tribal Program Coordinator was designated with responsibility for this function.

### Strengthen Tribal Partnerships

- Through the development of: (1) the OEI Tribal Strategy; (2) the proposed rule on Toxics Release Inventory (TRI) Reporting for Facilities Located in Indian country and Clarification of Additional Opportunities Available to Tribal Government under the TRI Program; and (3) the TRI National Conference and TRI Discussion Forum on Potentially Broadening the Scope of Industry Sectors Covered by the TRI; OEI forged new relationships and expanded communication with tribal environmental media partnership groups and broader tribal organizations, including the:
  - National Tribal Air Association,
  - Tribal Waste and Response Assistance Program National Tribal Steering Committee,
  - Tribal Toxics Council,
  - National Tribal Water Council,
  - United South and Eastern Tribes,
  - Environmental Information Exchange Network<sup>2</sup> (Exchange Network) Tribal Governance Group (TGG), and
  - Institute for Tribal Environmental Professionals (ITEP).

<sup>2</sup>Environmental Information Exchange Network – a partnership among states, tribes and EPA that is revolutionizing the exchange of environmental information, by sharing data efficiently and securely over the Internet ([www.exchangenetwork.net](http://www.exchangenetwork.net)).





# Goals and Objectives (continued)



- In January 2011, The National Congress of American Indians (NCAI) convened a meeting of the TGG with OEI's Tribal Program Coordinator. This meeting introduced OEI's Tribal Program Coordinator to the TGG and provided the opportunity to discuss the benefits and challenges related to the Exchange Network grants program. The TGG also met with JoAnn Chase, Director of the American Indian Environmental Office (AIEO), to introduce the TGG and their activities in support of tribal participation in the Exchange Network.
- In January and May 2011, OEI expanded discussions with the TGG on overall OEI Tribal Program activity.
  - TGG promoted the participation of tribal officials and tribal consortia representatives on the Exchange Network governance boards and workgroups throughout FY 2011, adding breadth to conversations and approaches to the development of information exchange. The nature and character of this information exchange and the availability of information from knowledgeable and technically competent tribal representatives helped bridge gaps in systems development.
- In June 2011, OEI presented EPA data tools at an EPA sponsored workshop, *Building TCU, EPA & Tribal Partnerships*, to find opportunities to build partnerships with Tribal Colleges and Universities (TCUs). OEI highlighted environmental tools and data available to the public through EPA.gov, EPA's Library Network, Data Finder, MyEnvironment, TRI in Envirofacts, myRTK and more. TCUs had many ideas for ways in which EPA could partner with them including EPA sponsoring graduate teaching fellows to teach at TCUs for a term, developing online course modules on EPA's data and programs that TCU faculty could use in their classes, and EPA scientists and TCU faculty collaborating on joint research projects. The workshop allowed OEI to collaborate with TCUs to find these and other opportunities to develop partnerships, increase outreach, and exchange information.

## Tribal Outreach and Consultation

- OEI expanded outreach to the National Tribal Caucus (NTC), National-EPA Tribal Science Council (TSC), Regional Indian Program Coordinators (RICs), tribes and other tribal partners on several TRI rulemakings and OEI's Draft Tribal Strategy.
- **OEI's Draft Tribal Strategy Consultation (June - August 2011)** – OEI offered opportunities for tribal leaders or their delegates to consult with OEI on OEI's Draft Tribal Strategy. Activities included:
  - Distributing consultation packages containing the Draft Tribal Strategy to tribal leaders, tribal environmental directors, NTC, National Congress of American Indians (NCAI), TGG, and EPA RICs.
  - **July 14 and 27, 2011** – Convened two consultation calls with tribes and tribal partners.
  - **July 28, 2011** – Convened an informational call, at the request of the National Tribal Air Association (NTAA), to discuss and obtain feedback on the purpose, goals, and objectives of the Draft OEI Tribal Strategy.



# Goals and Objectives (continued)



## Goal 2: Strengthen Tribal Capacity to Collect, Analyze and Share Data and Information

OEI management and staff worked with tribes to strengthen tribal capacity through OEI's relevant program activities. OEI's accomplishments towards meeting Goal 2 of the OEI Tribal Strategy are listed below.

### Exchange Network

- **2011 Exchange Network National Meeting (Denver, Colorado – April 26-28, 2011)** – This annual meeting of Exchange Network stakeholders from EPA, states, tribes and territories brought attendees together to learn about the latest advances in the Network, meet and interact with other stakeholders, and share successes in using the Network. The meeting strengthened Exchange Network communication and outreach efforts to increase tribal capacity to collect, analyze and share information.
  - The TGG assisted in tribal representation and participation.
  - TGG member Bruce Jones facilitated panel discussions.
- **Exchange Network Tribal Users Meeting – hosted and coordinated by NCAI and the TGG (Palm Springs, California – May 4-5, 2011)** – This meeting provided tribal Exchange Network stakeholders with a better understanding of the Exchange Network among current and potential Network partners and provided the opportunity for participants to share technical expertise and other information. Several tribes and tribal partners presented on their current efforts to collect, manage, analyze, and disseminate environmental information. Tribal presenters discussed how these efforts benefit tribes and provided key information to EPA. Tribes and the TGG also discussed the benefits of sharing best practices, lessons learned, and peer networks to assist in knowledge and technology transfer. During this annual meeting of tribal Exchange Network users, OEI staff gave presentations on:
  - The Exchange Network Grant Program,
  - The current status and direction of the Exchange Network, and
  - How tribes can participate.

In addition, at the invitation of NCAI and TGG, OEI's Tribal Program Coordinator provided an overview of OEI's Tribal Program, discussed the purpose of OEI's Tribal Strategy development and described the various goals and objectives, and invited the TGG to review and provide feedback on the draft Strategy when released for tribal comment in June 2011. OEI informed participants about recent and upcoming opportunities for tribes to consult with EPA as well as opportunities to expand the dialogue between the Exchange Network, TGG, tribal partners, and OEI's Tribal Program Coordinator.

- **Additional TGG Participation in the Exchange Network** – In addition to the above references, the TGG participated in the following meetings to discuss how tribes can utilize and benefit from the Exchange Network:
  - **NCAI Mid-Year Conference (Milwaukee, Wisconsin – June 2011)** – The TGG facilitated discussions among members of the Exchange Network and Tribal Governance Group.
  - **Indigenous Summit on Energy & Mining between U.S. Tribes and Canadian First Nations (Niagara Falls, New York – July 2011)** – The TGG facilitated discussion on the critical need for environmental monitoring and reporting for energy economic development, and how the Exchange Network technology infrastructure can be used in that process.



# Goals and Objectives (continued)



- **National Tribal GIS Conference (Albuquerque, New Mexico – October 2011)** – The TGG attended and participated in the Tribal GIS Conference. This conference was hosted by Southwestern Indian Polytechnic Institute (SIPI) and showcased workshops and greater networking opportunities to support the utilization of Geospatial Information Technologies within Indian country.
- The TGG also identified tribal agencies for recruitment into the Exchange Network and shared unique uses of the Network through reporting tribal environmental priorities. In August 2011, NCAI recruited additional talented tribal environmental professionals to join the TGG to enhance tribal representation on the various Exchange Network governance boards.
- The TGG conducted a series of conference calls throughout the year to:
  - Share information;
  - Develop strategies and comment on Exchange Network activities and document; and
  - Develop technical assistance responses on hardware acquisition, grant applications, and other inquiries from tribal environmental program managers.
- **Cooperative Agreement with NCAI** – OEI provided assistance through a cooperative agreement under which OEI and NCAI work together on issues related to tribal participation in the Exchange Network. This cooperative agreement has a five-year period of performance (October 1, 2007 to September 30, 2012). This collaboration has increased tribal participation in the Exchange Network through communications and outreach, and by developing a strategy to address issues and barriers that hinder tribal participation. As a result, over 93 tribes are now using the Exchange Network to share environmental data.

## TRI Program

- **2010 National Training Conference on the TRI and Environmental Conditions in Communities (Washington, DC – November 1-4, 2010)** – The 2010 conference expanded on previous TRI National Training conferences to include sessions on environmental information and data associated with the conditions and trends in ecological and human health that support environmentally related decision-making in communities. OEI provided travel scholarships to tribal representatives interested in attending the conference; travel scholarships were requested and provided to the Kickapoo Tribe in Kansas and the Winnebago Tribe of Nebraska.

OEI was pleased to have the following tribally relevant presentations as part of the 2010 conference in the *Water and Toxic Releases Session*:

- A representative of the Kickapoo Tribe in Kansas presented “**Impacts of Toxic Herbicides on Kickapoo Stream Water Quality.**” The presentation focused on the Kickapoo’s major water quality issues in the selected study area, and the results and conclusions of the study to understand impacts of herbicides to the tribe’s water quality.
- A representative of the Winnebago Tribe of Nebraska presented “**TRI Data Provides Clues in Unlocking Local Environmental Mysteries.**” Winnebago Water Quality staff and OEI staff co-presented on mercury contamination on the tribe’s land and how TRI tools were used to narrow the focus of the investigation onto the source of the problem.
- A representative from the University of Alaska, Anchorage presented “**Knowledge of TRI in Alaska**” to promote community engagement. This presentation featured feedback from the Environmental Departments of several Alaska Native Villages in the discussion on awareness of TRI in Alaska.





# Goals and Objectives (continued)



- TRI Program Introduction and Update at 2011 Tribal Lands and Environment Forum (Green Bay, Wisconsin – August 22-25, 2011) – OEI staff presented at the 2011 Tribal Lands and Environment Forum, an annual national gathering of tribal professionals and their colleagues from various federal agencies. The conference was co-sponsored by ITEP, the Tribal Waste and Response Assistance Program National Tribal Steering Committee, the Oneida Tribe of Indians of Wisconsin, and EPA's Office of Solid Waste and Emergency Response (OSWER). OEI provided background on the TRI Program, demonstrated various data analysis tools, and explained important details of proposed TRI regulations and their relevance to tribal communities. In addition, the proposed Mining Rule, the TRI Reporting for Facilities in Indian Country proposed rule, and the anticipated Sectors Expansion rule were discussed.
- EPA, State, and Tribal Half-Day Session at the National Training Conference on the TRI and Environmental Conditions in Communities (Washington, DC – November 4, 2011) – Representatives from the Winnebago Tribe, the Kickapoo Tribe, various states, EPA Regions and EPA Headquarters participated in the closing session of the conference to discuss upcoming EPA efforts, obtain tribal and state feedback, and explore issues and concerns under the purview of the TRI Program.

## Goal 3: Facilitate the Collection and Analysis of Quality<sup>3</sup> Tribal Data<sup>4</sup>

OEI, in collaboration with the TGG and EPA Regions, identified tribal data needs and barriers to tribal participation in the Exchange Network. OEI also worked with the NTC and EPA Regions to discuss recommendations for improving the use of EPA's proven and new data tools. OEI's accomplishments towards meeting Goal 3 of the OEI Tribal Strategy are listed below.

### Exchange Network

- **Tribal Participation in Exchange Network Governance** – OEI strives to increase tribal participation in the Exchange Network by working with the TGG to understand the barriers to tribal participation, how these barriers can be addressed, and how to increase the flow of environmental data between EPA and tribes. In addition, the TGG works across the Exchange Network governance bodies to identify and address tribal needs and concerns, and ensures that those concerns are considered when developing strategies, filling gaps, and developing policies and procedures that facilitate tribal participation.

### TRI Program

- **Reducing Data Gaps in Spatial Data Associated with TRI Data** – The purpose of this activity is to improve the completeness of results when filters are used in TRI tools to obtain facility listings and analyses of chemical releases on or near tribal lands and ANVs. Generally, the association between EPA data on chemical activities, tribal lands, and ANVs is based on spatial data (latitude and longitude). When spatial data are not associated with a facility, that facility becomes "invisible" during most analyses of tribal lands. OEI prioritized this data cleanup to improve the utilization of data already within EPA and facilitate the collection of spatial tribal data. In May 2011, approximately 437 TRI facilities did not have associated spatial data; by July 2011, this number was reduced to 290, with the potential to be reduced to 230 after additional facilities have been identified for resolution.

<sup>3</sup> *Quality*: Sufficient, relevant, appropriate, reliable and desired data.

<sup>4</sup> *Tribal Data*: Data on environmental conditions on tribal lands and surrounding areas that affect tribal lands.



# Goals and Objectives (continued)



- **Metal Mining Proposed Rule** – The TRI Program is considering modifying TRI reporting requirements that apply to metal mining operations. In 2010, EPA consulted with interested tribes to discuss current considerations of this proposed action and obtain tribal feedback. The proposed rule is currently under review by the Office of Management and Budget (OMB). Stakeholders can find background information on the issues relevant to this action at: <http://www.epa.gov/tri/programs/mining/index.htm>.

## Cross-Office Support

- **Cross-walk of Federally Recognized Tribe Names** – In 2003, EPA created a tribal identification data standard based upon the Bureau of Indian Affairs' (BIA) list of federally recognized tribes. BIA periodically updates this list with recent additions, deletions and name changes. EPA tracks the changes to support grants management and created a cross-walk (i.e., mapping) of federally recognized tribe names over time to record the changes. EPA's cross-walk, which is maintained by OEI, spans from 2002 to the present. This cross-walk helps facilitate the collection and analysis of tribal data.

## Goal 4: Expand the Use of Tribal Data and Analytical Tools

OEI continued to expand and strengthen its collaboration with groups that broadly represent tribal governments and tribal interests. In coordination with EPA Regions and tribes, OEI identified training needs and suitable approaches in the areas of quality assurance and/or quality management, and collaborated to identify data elements and tools that are vital to sound tribal decision-making. OEI's accomplishments towards meeting Goal 4 of the OEI Tribal Strategy are listed below.

### Exchange Network

- **Tribal Data Flows** – Tribes are using the Exchange Network to report data to EPA and share data with tribes and other network partners. In 2011, tribal data flow expanded the amount and quality of tribal data in EPA's data systems, increasing the sharing of data among tribes and other network partners. As of 2011, 93 tribes were flowing data to the Exchange Network. This effort expanded data quality and timeliness, increased data volume, improved understanding of tribal environmental problems and issues, and enhanced environmental decision-making in Indian country.
- **Shoshone and Northern Arapaho Tribes (Wind River Environmental Quality Council (WREQC))** – In 2011, WREQC became the first tribe (and second agency) in the nation to include biological data in its Water Quality Exchange (WQX) submissions. This required that the tribe make a physical reference collection of species, prepare database tables, enter biological data that meet taxonomy standards, and match species level identification with the Integrated Taxonomic Information System (ITIS). The project resulted in the development of an innovative way of classifying surface water sites that allows easy database queries generating background chemical parameter values for WREQC's anti-degradation policy.

### TRI Program and Analytical Tools

- **TRI National Analysis: Profile for Indian Country and Alaska Native Villages (December 2010)** – OEI developed an analysis of TRI data for Indian country and ANVs that included quick facts and graphics with information on toxic chemical releases, as reported by facilities for the Reporting Year 2009. This effort demonstrated the relevance of the TRI Program and associated data to tribes. In addition, it provided another resource for tribes to use and access when considering environmental and health conditions

# Goals and Objectives (continued)



among their people or on their lands. The effort incorporated an analysis of TRI data and its relevance to lands of interest to tribes in an annually updated national report. OEI provided an updated analysis of TRI data in mid-December 2010.

- **Tribal Consultation – Proposed Rule: TRI Reporting for Facilities Located in Indian Country and Clarification of Additional Opportunities Available to Tribal Governments under the TRI Program** – OEI invited interested tribes to consult with EPA on the possibility of developing a proposed rule to address TRI reporting for facilities in Indian country and to clarify additional opportunities for tribal governments under the TRI Program. These activities included:
  - Mailing consultation packages, including a fact sheet explaining EPA's current considerations (as well as a list of TRI facilities currently reporting in Indian country) to tribal leaders; and emailing courtesy copies to tribal environmental directors.
  - Convening two teleconferences (February 7 and February 28, 2011) with tribal representatives—as part of the consultation process—to discuss and obtain feedback on the possibility of developing a proposed rule to clarify tribal participation in the TRI Program.
  - Launching an electronic discussion forum in the form of a blog to facilitate discussion on the various aspects under consideration for a proposed rule.
  - Leading two webinars (on March 17 and March 30, 2011), at the request of NTAA, to discuss and obtain tribal feedback on current considerations for the proposed rule.
  - Publishing the proposed rule in the Federal Register (September 30, 2011) and providing a 60-day notice and comment period.

## Cross-Office Support

- **2011 Alaska Forum on the Environment (Anchorage, Alaska – February 1-11, 2011)** – The Alaska Forum is the premier annual event to reach the full range of participants concerned with environmental issues in Alaska. The Forum was well attended by representatives of ANVs and was the first public event to include the reconvened Federal Interagency Working Group on Environmental Justice (EJ IWG). The Forum offered an opportunity for stakeholders from ANVs and Alaskan tribes to learn more about the TRI Program and provided exposure to available data access and analysis tools. OEI also used the Forum to demonstrate how TRI access and analysis tools can be used:
  - In support of environmental justice (EJ) efforts;
  - To show the meshing of TRI data with EJ data using built-in analysis capabilities of TRI.NET, TRI Explorer, and my Right to Know (known as myRTK); and
  - To increase awareness of availability and benefits of TRI to ANV and tribal stakeholders.

Through the Alaska Forum, OEI became more aware of the cultural sensitivity needed when working and communicating with ANVs due to the unique physical conditions and cultural differences within Alaska.



# Looking Forward



EPA has increased its focus on decision-making and activities by using sound science, considering community perspectives, and supporting a strong partnership with tribes and tribal partners. OEI will further examine these areas in FY 2012 to determine whether new strategies on these topics should be developed and included in the OEI Tribal Strategy.

Fundamental to the Tribal Strategy is OEI's recognition, through word and action, that EPA's programs are stronger and more protective of human health and the environment when they meet the needs of a broad, diverse universe of partners. This requires raw data from the broad, diverse partnership; which, when transformed into information, allows all parties to make stronger, more inclusive decisions. OEI will continue to use these Tribal Accomplishments Reports to maintain conversations with tribes to identify needed changes or updates to the OEI Tribal Strategy, discuss information efforts and concerns of tribes and tribal partners, and expand coordination among OEI and Agency-wide tribal program activities and efforts.

