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U.S. Environmental Protection Agency  
Office of Environmental Information (OEI)

# FISCAL YEAR 2010 TRIBAL ACCOMPLISHMENTS REPORT

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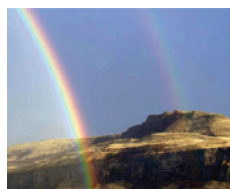
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## List of Acronyms

<b>ANV</b>	Alaska Native Village
<b>EPCRA</b>	Emergency Planning and Community Right-to-Know Act
<b>FRS</b>	Facilities Registry System
<b>HIC</b>	Headquarters Indian Program Coordinators (also known as Tribal Program Coordinators)
<b>IM</b>	Information Management
<b>IPPC</b>	Indian Program Policy Council
<b>IT</b>	Information Technology
<b>ITEP</b>	Institute for Tribal Environmental Professionals
<b>NCAI</b>	National Congress of American Indians
<b>NTC</b>	National Tribal Caucus
<b>OECA</b>	EPA Office of Enforcement and Compliance Assurance
<b>OEI</b>	EPA Office of Environmental Information
<b>QA</b>	Quality Assurance
<b>RENC</b>	Regional Exchange Network Coordinators
<b>RIC</b>	Regional Indian Program Coordinator
<b>TGG</b>	Tribal Governance Group
<b>TRI</b>	Toxics Release Inventory
<b>TRI-CHIP</b>	TRI - Chemical Hazard Information Profiles
<b>TSC</b>	National-EPA Tribal Science Council



Members of the Absentee Shawnee tribe conducting soil sampling activities at a contaminated site.



The "Sleeping Chief" on the Nez Perce Reservation.

# Introduction



The U.S. Environmental Protection Agency's (EPA) Office of Environmental Information (OEI) Tribal Strategy helps EPA fulfill the commitment to protect human health and the environment in Indian country<sup>1</sup> and Alaska Native Villages (ANV). OEI is committed to measure progress toward achieving the goals and objectives outlined in the OEI Tribal Strategy and to continue outreach and consultation with tribal partners. This Accomplishments Report provides an update on the progress OEI has achieved in the first year of implementing the OEI Tribal Strategy. 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 cultural assets and needs on tribal lands
- OEI's work with EPA programs and regional offices on the importance of environmental data and how these data can be used to support tribal priorities
- Tribal self-governance
- Strengthening the government-to-government relationships between EPA and tribes

This Accomplishments Report highlights Program-specific accomplishments and provides information and successes related to OEI initiatives.



## 2010 – A Year in Summary



In 2010, OEI made substantial 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 promoted opportunities for raising cultural awareness within the organization and facilitated data collection and provided support through a cooperative agreement to help identify tribal data needs and barriers to tribal participation in the Exchange Network.



While OEI continues to coordinate with tribal governments, tribal consortia, and tribal-serving organizations to ensure environmental information programs and services are built to maximize tribal benefit and participation, considerable work remains toward this goal. In 2010, OEI created the foundation to build stronger communication with tribes<sup>2</sup> within every applicable OEI program and service.



<sup>1</sup> "Indian country" is defined in 18 U.S.C. Section 1151 as (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 throughout 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 the state; and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same." Indian country includes, among other types of land, lands held in trust by the United States for tribes, Indian pueblos, Indian colonies, and rancherias.

<sup>2</sup> In this report, "tribes" includes federally recognized Indian tribes and Alaska Native Villages, tribal communities, key tribal organizations and tribal stakeholders, including, but not limited to: the National Congress of American Indians (NCAI), Northern Arizona University, Institute for Tribal Environmental Professionals (ITEP), Haskell Indian Nations University, and the National Tribal Caucus.





# Tribal Accomplishments by Goals



To meet the three 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 and information to better understand environmental conditions in a specific geographic location, within certain sectors and regions, across Indian country, or across the United States. In 2010, significant progress was made towards meeting the goals of the OEI Tribal Strategy. These accomplishments are detailed below.

## Goal 1: Increase/Improve Tribal Capacity to Collect, Analyze, and Share Data and Information

Raising tribal cultural awareness. OEI management and staff increased awareness throughout the OEI organization through the commitment to engage tribal governments in OEI's relevant program activities. A list of 2010 accomplishments made towards meeting Goal 1 of the OEI Tribal Strategy follows.

### Environmental Information Exchange Network

- **Conducted Exchange Network National Tribal Capacity Survey** (Survey Period: April 8 – July 16, 2010) – The National Congress of American Indians (NCAI), in collaboration with EPA, conducted a survey to assess tribes' capacity and desire for collecting environmental data and sharing it with tribal, state and federal partners through the Environmental Information Exchange Network<sup>3</sup> (Exchange Network). The data will be used to design a strategy for increasing tribal participation in the Exchange Network and to advocate for equitable funding and technical assistance to tribal governments for collecting and exchanging environmental data.

### Toxics Release Inventory (TRI)

- **Planning Committee for the 2010 National Training Conference on the Toxics Release Inventory and Environmental Conditions in Communities** (Summer 2010 – Fall 2010) – OEI took steps to expand awareness of the conference among tribes and tribal organizations. This effort included discussions with the National Tribal Caucus (NTC) and EPA Regional Indian Coordinators (RICs) regarding how best to generate tribal interest and attendance. The Conference Planning Committee selected environmental conditions on tribal lands and environmental justice concerns faced by communities, as some key focus areas for the conference. In addition, the group acted on the advice of the NTC and determined that travel scholarships should be offered to tribal presenters and attendees, on a first come first served basis.

<sup>3</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)).





### Goal 2: Facilitate the Collection and Analysis of Quality<sup>4</sup> Tribal Data<sup>5</sup>

OEI, in collaboration with the NTC, NCAI and Regions, helped identify tribal data needs and barriers to tribal participation in the Exchange Network and recommendations for improving the use of existing and new tools. A list of accomplishments achieved in 2010 towards meeting Goal 2 of the OEI Tribal Strategy follows.

#### Exchange Network

**Participation in Exchange Network Governance** – OEI strives to increase tribal participation in the Exchange Network by working with NCAI to understand the barriers to participation and identifying where these can be addressed to increase the flow of environmental data from tribes to EPA and of data from EPA to tribes. Tribal representatives formed a Tribal Governance Group (TGG) to work across the Exchange Network governance bodies to identify and address tribal needs and concerns. The Exchange Network governance bodies held regular conference calls throughout the year in addition to annual and semi-annual face-to-face meetings. The four Exchange Network governance bodies contain tribal representation that provides tribal input and incorporates tribal perspective and interests in governance decision-making.

#### TRI Program

- **Metal Mining Proposed Rule** (Spring 2010) – OEI initiated discussions with the NTC and consultation with tribes on current considerations to modify and/or clarify the TRI reporting requirements that apply to the metal mining industry. This effort may involve changes to the information that mining facilities must disclose about their uses, releases, and management of toxic chemicals.
- April 2010 - OEI worked with the American Indian Environmental Office (AIEO) to determine the best approach to initiating consultation with tribal governments. OEI also had an initial discussion with the NTC to inform the group about the rulemaking and to seek feedback on the consultation process.
- May 2010 - OEI discussed the current status of the metal mining proposed rule and proposed next steps with regard to consultation on the NTC monthly call.
- June 2010 - OEI sent a consultation letter and background materials to leaders of potentially affected tribes inviting them to participate in the rulemaking process. EPA Regions, in areas of the country with significant metal mining activity, followed up on this letter by email.
- July 2011 - OEI senior management held a discussion with the NTC on July 13, 2010 informing NTC representatives of ongoing efforts and encouraged tribal officials to share their perspectives on the rulemaking and the consultation process. Tribal representatives who expressed interest in consulting with EPA on the rulemaking arranged for a conference call with OEI management on July 22, 2010. OEI worked with EPA Regions to notify other tribal representatives of the scheduled consultation call. The call was placed on the tribal calendar by EPA's American Indian Environmental Office and an announcement was posted on EPA's Tribal Portal.

<sup>4</sup>Quality Data: *Sufficient, relevant, appropriate, reliable, and desired data.*

<sup>5</sup>Tribal Data: *Data on environmental conditions on tribal lands and surrounding areas that affect tribal lands, or are of interest to tribes.*





- **Feedback from Consultation** - Throughout the process, tribal representatives' contributions were well-received and influenced development of the proposed rule. Five Tribal governments and one inter-tribal agency were represented on the July 22<sup>nd</sup> call. Several tribal representatives provided comments and voiced concerns for EPA consideration. Tribes posed several questions regarding sectors covered under the TRI Program and some of these will be addressed under a separate effort to examine the issue of TRI sector coverage. Several representatives commented that there is a general need for more comprehensive TRI reporting by metal mining facilities and a need for more information on toxic releases at abandoned or inactive mines. Tribal representatives also raised certain concerns that fell outside the scope of EPA's authority under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Tribal representatives also provided feedback on the consultation process.

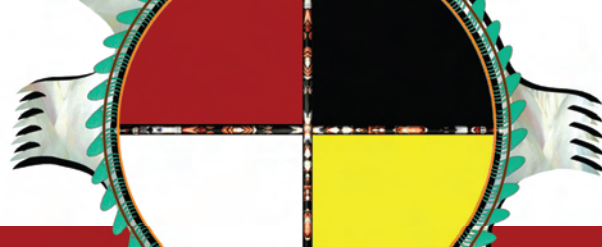
*Lessons Learned/Future Improvements* - Related to process, some tribal representatives stated during and after the call that it would have been helpful to have a technical call in advance of the regulatory policy consultation call. This would have enabled technical staff to be more informed about the rulemaking so that they could better prepare their tribal leaders for the consultation call. OEI will be working with EPA's American Indian Environmental Office to discuss these concerns as part of the Agency's overall tribal consultation process and to improve OEI's future consultation efforts.

### Goal 3: Share/Move 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. A list of accomplishments made in 2010 toward meeting Goal 3 of the OEI Tribal Strategy follows.

#### Exchange Network

- **Establishment of the Tribal Governance Group** (Established January to February 2010; met via conference call or face-to-face during the year) - This advisory group, under the auspices of the NCAI, is supported through the NCAI cooperative agreement with EPA. The TGG is composed of tribal program and policy officials who are members of the Exchange Network governance bodies. The purpose of the TGG is to assist Exchange Network policy, program developments and initiatives, and to share information regarding tribal impact of Exchange Network policies and initiatives with the Exchange Network governance representatives and EPA.
- **Exchange Network Tribal Users Meeting** (May 4-5, 2010 in Palm Springs, California) - OEI delivered a presentation on the current status and direction of the Exchange Network, discussed how tribes could participate, and explained the benefits of participation.
- **Environmental Information Symposium 2010** (May 10-14, 2010 in Philadelphia, Pennsylvania) - OEI invited tribal representatives to present at two conference sessions to share information and communicate the value of the Exchange Network to tribes and share tribal accomplishments with other partners.



- **Outreach at NCAI Mid-Year Conference** (June 15-16, 2010 in South Dakota) – OEI distributed information about the value of the Exchange Network to tribes.
- **Tribal Data Flows** – As a result of these combined efforts, a total of 86 tribes are now reporting data to EPA priority national systems using the Exchange Network: 82 to the Water Quality Exchange; 2 to the Air Quality System; and 6 to the Emissions Inventory System.

## TRI and Analytical Tools

- **Toxic Releases on Tribal Lands Webinar** (September 8, 2010) – OEI conducted the first-ever Toxic Releases on Tribal Lands Webinar to increase the use and awareness in Indian country and ANVs of the tools tribes may use to identify sources of toxic chemical releases in their geographic areas. OEI presented key information regarding releases in or near Indian country, ANVs or other areas of interest to tribes, as well as the “ABCs of TRI” which explained the basics of the TRI Program, such as the types of facilities required to report to TRI, the chemicals covered, and how to find and understand facility and chemical information through several Web-based tools. Approximately 70 people logged onto the webinar, including at least 33 from tribal organizations. The webinar was archived on the Chemical Right-to-Know website: [www.chemicalright2know.org/content/toxic-releases-tribal-lands](http://www.chemicalright2know.org/content/toxic-releases-tribal-lands). Evaluations were positive and users liked the practical application of the TRI tools to a specific environmental problem faced by a tribe.

## Cross-Office Support

- **Outreach at Brownfields 2009 Conference/Luncheon for Tribal Participants** (November, 16 2009 in New Orleans, Louisiana) – OEI staff informed tribal environmental specialists about the TRI Program and provided one-on-one demonstrations of TRI data access and analysis tools. This was OEI's first attempt to educate a tribal audience directly and specifically about TRI data and tools. The event was attended by approximately 120 tribal members. OEI representatives primarily answered questions from those who already participate in the Exchange Network and provided demonstrations of the TRI.NET and the TRI – Chemical Hazard Information Profiles (TRI- CHIP) tools. Members of the Institute for Tribal Environmental Professionals (ITEP) expressed interest in the TRI-CHIP tool.
- **2010 National Tribal Science Forum** (June 6-10, 2010 in Traverse City, Michigan) – OEI contributed to the planning, budgeting and selection of topics and speakers for the Tribal Science Forum, as part of the National EPA-Tribal Science Council's Planning and Budgeting Subcommittees. OEI conducted a 30-minute presentation on “Toxics Release Inventory Data and Tools” and staffed an information booth at the Forum. While attending a session on an investigation by the Winnebago Tribe's Environmental Protection Department, OEI was able to use TRI data and tools to assist in unlocking what the tribe had thought was a dead end with respect to trying to identify the source of contamination on Winnebago land.





- **Added Tribal Queries to TRI Explorer and TRI.NET Tools** (Publically available in TRI.net December 8, 2009 and TRI Explorer on July 27, 1010) – This effort provided the ability for users to search TRI data to determine approximate releases in or near Indian country and/or ANVs. The project demonstrates the relevance of the TRI release data to tribes, tribal organizations and entities interested in activity on or near their lands. In addition, it provided the ability to determine facilities, total toxic releases or toxic releases by type in or near Indian country and/or ANVs to assist tribes or other interested users in activities in or near Indian country and ANVs. The project also provided internal support to OEI and Regions in determining relevance and extent of considerations for the proposed rulemaking to clarify tribal participation in the TRI Program.

### Looking Forward



EPA has increased its focus on decision-making and activities using sound science; considering community perspectives; and supporting a strong partnership with states and tribes. OEI will further examine these areas with tribes in 2011 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 the environment when they meet the needs of a broad, diverse universe of partners. Protection of human health and the environment requires raw data from this broad, diverse partnership, which when transformed into information, can allow all parties to make stronger, more inclusive decisions. In the coming years, OEI will maximize the quality and utility of information and analytical tools available for making well-informed environmental decisions in Indian country and ANVs.



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