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U.S. Environmental Protection Agency
Pacific Southwest / Region 9



Serving Arizona, California, Hawaii, Nevada, the Pacific Islands and 148 Tribes

Land Division
Tribal Section • October 2016

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U.S. EPA Pacific Southwest Tribal Section Newsletter

EPA Announces Initiatives to Advance Tribal Sovereignty, Expand Environmental Observer Network

WASHINGTON – On September 26, 2016, the U.S. Environmental Protection Agency (EPA) announced an interagency agreement on tribal treaty rights and other initiatives designed to advance tribal sovereignty and self-determination. EPA Administrator Gina McCarthy announced this and other initiatives to improve human health and the environment on Indian reservations in remarks at the White House Tribal Nations Conference in Washington.

“The Obama Administration has worked hard to foster an abiding culture of respect for Tribal sovereignty and self-determination across the federal government,” said Administrator McCarthy. “The initiatives we are announcing today will help institutionalize the great progress we’ve made in recent years.”

Under the Constitution, treaties are part of the supreme law of the land, with the same legal force and effect as federal statutes. That’s why EPA announced a Memorandum of Understanding on interagency coordination and collaboration to advance protection of tribal treaty and similar rights related to natural resources affected by agency decisions. This MOU stems in part from EPA’s recent “Guidance for Discussing Tribal Treaty Rights,” an effort to encourage consideration of treaty rights in the agency’s consultation policy. The memorandum will be available for signature by federal agencies on a rolling basis. The U.S. Department of Agriculture, the U.S. Department of Commerce, the U.S. Department of the Interior, the U.S. Department of Justice and the Advisory Council on Historic Preservation have so far signed the MOU, in addition to EPA.

EPA also announced the expansion of the Local Environmental Observers Network program, a concept of tribal communities initiated and championed, beyond its current reach in Alaska and the Arctic region, and into the lower 48 states. This expansion will develop a lower-48 LEO network hub at Northwest Indian College in Bellingham WA; and create a model for the other 35 tribal colleges and universities in the lower 48 to replicate across the U.S.

The LEO network is a network of local observers and topic experts who share on-the-ground knowledge about unusual animal, environmental and weather events. The network uses valuable traditional and local knowledge to help observe and report changes in the local environment. Available Android and iPhone mobile apps give users a powerful reporting tool to use in the field.

Administrator McCarthy also reiterated EPA’s commitment to help close the gap in water quality protections on Indian reservations. Last week, the administrator signed an advance notice of proposed rulemaking to invite comments on whether to extend water quality standards effective under the Clean Water Act to all tribes with reservations. Fewer than 50, out of more than 300 tribes with reservations, currently have such water quality standards. Last week, Administrator McCarthy also signed a rule that significantly streamlines requirements for tribes to receive treatment as a state (TAS) to administer Clean Water Act regulatory programs.

The administrator also recently signed a rule to establish procedures for eligible tribes to obtain the authority, under the Clean Water Act section 303(d) program, to identify impaired waters on their reservations; and to establish total maximum daily loads of contaminants that can be discharged into those waters. This will allow each tribe to meet their own water quality standards.

For more information:

<http://www.bia.gov/WhoWeAre/AS-IA/WHCNA/index.htm>

<https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>

<https://leonetwork.org/en/leo/about>

<https://www.epa.gov/tribal/clean-water-indian-country>

EPA Seeks Input on Whether and How to Address the Gap of Water Quality Standards Coverage in Indian Reservation Waters

On September 19, 2016, Administrator McCarthy signed an advance notice of proposed rulemaking (ANPRM) requesting public comment on the establishment of federal baseline water quality standards (WQS) under the Clean Water Act (CWA) for Indian reservation waters that currently do not have EPA-approved WQS to protect water quality. This ANPRM is one of several initiatives that recognize the importance of protecting waters on which tribes rely and its publication in the Federal Register is forthcoming.

Currently, fewer than 50 of over 300 tribes with reservation lands have WQS effective under the CWA. In advance of any potential rulemaking to address this gap of coverage, EPA invites comments for 90 days on whether to establish such federal baseline WQS for Indian reservation waters that do not yet have WQS under the CWA and, if so, what those WQS should be and how they should be implemented. Federal baseline WQS – which could include designated uses, narrative and numeric criteria, antidegradation requirements, and other WQS policies such as a mixing zone policy, a compliance schedule authorizing provision, and a WQS variance procedure – would define water quality goals for unprotected reservation waters and serve as the foundation for CWA actions to protect human health and the environment.

During the public comment period, EPA intends to hold two public webinars on the contents of the ANPRM and to provide an opportunity for interested participants to ask clarifying questions. Session details and registration information will be announced on the ANPRM website as they become available.

More information, including a pre-publication version of the ANPRM, can be found at: <https://www.epa.gov/wqs-tech/advance-notice-proposed-rulemaking-federal-baseline-water-quality-standards-indian>

Passage of Nevada Native Nations Land Act

The U.S. Senate passed the Nevada Native Nations Land Act on September 29, 2016. Legislation's final stop is the President's desk.

BACKGROUND: The Nevada Native Nations Land Act conveys more than 71,000 acres of land currently administered by the federal government over to six federally recognized tribes in Nevada to expand housing, provide economic development opportunities and promote cultural activities. Nearly every acre of this land is currently managed by either the Bureau of Land Management or the U.S. Forest Service. The six tribes that benefit from this legislation are the Duckwater Shoshone Tribe, the Reno-Sparks Indian Colony, the Shoshone Paiute Tribes of Duck Valley, the Pyramid Lake Paiute Tribe, the Summit Lake Paiute, and the Ft. McDermitt Paiute and Shoshone Tribe.

For more information: <http://www.indian.senate.gov/news/press-release/senate-passes-nevada-native-nations-land-act>

The EPA Announces a \$2 Million Grant for Technical Assistance to Tribal Communities

The EPA anticipates the award of a cooperative agreement to support tribal communities addressing brownfields-related issues. The cooperative agreement awarded under the Technical Assistance to Tribal Communities Addressing Brownfields announcement will help tribal communities tackle the challenge of assessing, cleaning up, and preparing brownfield sites for redevelopment. The focus of the technical assistance will be the following subject areas: developing a forum to share ideas and support the development of training and peer network learning related to brownfields; assisting tribes in understanding and building Tribal Response Programs; providing science and technology-related assistance to brownfields assessment, remediation, and site preparation; helping tribes develop integrated approaches to brownfield cleanup and reuse; and helping tribes develop brownfields financial and planning strategies. The maximum amount for the cooperative agreement is \$2,000,000. **The proposal deadline is October 31, 2016.**

For more information and to access the RFP, please visit our website at: <https://www.epa.gov/brownfields/apply-brownfields-grant-funding>

EPA Offers up to \$80,000 to Communities to Develop Air Sensor Data Best Practices: Smart Cities Air Challenge Information

Application Deadline: October 28, 2016

Announcement of Winners: Around December 1, 2016

Initial award: Up to \$40,000 each to two communities to deploy air sensors, share data with the public, and develop data management best practices from sensors.

Additional funding: Up to \$10,000 each to the winning communities in 2017 based on their accomplishments and collaboration. See more information using the website below regarding the Rules for Eligibility. Must include a governmental party (state, local or tribal) as part of the application team. The geographical extent can range from neighborhoods to counties. Tribes in the U.S., governmental, non-profit and for-profit organizations are eligible.

To learn more, visit the [Smart City Air Challenge](https://www.challenge.gov/challenge/smart-city-air-challenge/) website.
<https://www.challenge.gov/challenge/smart-city-air-challenge/>

EPA Seeking Water Quality Input from Tribes on Reissued Army Corps of Engineers General Permits

The Corps issues Clean Water Act (CWA) permits for placing dredged or fill material in most waterways ("404 permits"), including seasonally dry creek beds or wetlands that are common on tribal lands in the West. These permits are often needed for building roads, utility lines and other structures, or even for ecosystem restoration or flood control.

The "Nationwide" Permits (NWP) are one type of 404 general permit that the Corps uses to streamline certain low-impact fill activities (for example, a quarter acre of fill or less). These NWPs are reissued every 5 years and currently expire in March of 2017. On June 1, 2016, the Corps published in the Federal Register its proposal to reissue the 50 existing NWPs and issue two new NWPs.

These permits must include water quality protections for everyone. On most tribal lands, EPA has responsibility under Section 401 of the CWA to evaluate and certify water quality protections for any federal permit or license, (rosetti.leana@epa.gov or 415-972-3070).

including the NWP. As we did in 2012, EPA Region 9 is currently evaluating the proposed 2017 NWPs for conditional water quality certification of the entire NWP program (a “programmatic” approach, rather than project-by-project). We welcome input from the public, and especially affected tribes!

At the EPA Region 9 Annual Tribal Conference we will provide an overview of the NWPs and our proposed approach to CWA 401 programmatic certification for tribes that do not yet have “Treatment As a State” and approved Water Quality Standards. Please see important dates below and contact Leana Rosetti with any questions (rosetti.leana@epa.gov or 415-972-3070).

Important Dates:

- **October 2016:** Letter to Region 9 Tribes providing opportunity to request consultation. Tribes will have 90 days from receipt of letter to comment or request consultation.
- **March 19, 2017:** New Nation Wide Permits go into effect

New DOE \$3 Million Tribal Funding Opportunity

The U.S. Department of Energy (DOE) Office of Indian Energy announced the availability of up to \$3 million to initiate the first steps toward developing and sustaining renewable energy facilities and energy efficiency on Tribal lands.

Under this funding opportunity announcement, the Office of Indian Energy is soliciting applications from Indian Tribes, including Alaska Native villages, Alaska Native Regional Corporations and Village Corporations, and Tribal Energy Resource Development Organizations, under the following topic areas:

1. Conducting energy options analyses
2. Establishing baseline energy use and efficiency options
3. Developing energy organizations
4. Conducting climate resiliency planning
5. Establishing policy, regulations, and codes to reduce energy use or promote energy development
6. Obtaining skills and training related to energy use and development.

Applications are due Oct. 20, 2016. To apply for the FOA (DE-FOA-0001621), visit the [EERE Exchange website](#).

National Tribal Waste Management Peer Matching Program – Fact Sheet

This fact sheet, Building Sustainable Tribal Waste Management Programs Through Collaboration, describes EPA’s Peer Matching Program, which aims to strengthen tribal capacity building and develop sustainable waste management programs: <https://www.epa.gov/tribal-lands/fact-sheet-epas-national-tribal-waste-management-peer-matching-program>

EPA’s New Webpage – Promoting International Human Rights, Rights of Indigenous Peoples and Environmental Justice

EPA’s Office of Environmental Justice has a new webpage to share information on the Agency’s efforts to promote international human rights, rights of indigenous peoples and environmental justice. It includes a list of the blog posts written for EPA’s EJ in Action Blog, on the work we and others are doing around international human rights. Please feel free to share with your colleagues and others who you think would be interested: <https://www.epa.gov/environmentaljustice/epas-role-promoting-international-human-rights-rights-indigenous-peoples-and>

Free Tribal Training: The Mining Lifecycle in Phoenix

The Nez Perce Tribe received an EPA Grant to facilitate the development of a National Tribal Mining Workgroup (NTMW) to develop a curriculum and technical presentations for a three-day “Mining Lifecycle: Tribal Engagement and Environmental Responsibility Training” to be held in Phoenix, Arizona on November 2-4, 2016 for approximately 75+ attendees from various tribes, government, and public and private organizations. The NTMW includes tribal members, EPA staff across multiple EPA Regions, private industry experts, and other stakeholder.

November 2-4, 2016

Doubletree Hilton Phoenix

www.ntmw.org

EPA Releases Final FY 2017 Exchange Network Grant Solicitation Notice

The FY 2017 National Environmental Information Exchange Network (EN) Grant Program Solicitation Notice is now available at <https://www.epa.gov/exchangenetwork/exchange-network-grant-program>. Applications are due to EPA by November 18, 2016.

In FY 2017, EPA expects to award about \$9 million for 30-40 assistance agreements for Exchange Network projects. Most awards will be in the \$50,000 to \$300,000 range. Awards to a single applicant cannot exceed \$300,000. EPA may make a limited number of awards to collaborative partnership assistance agreements. Budgets for these projects cannot exceed \$500,000. The exact number of assistance agreements will depend on the final amount of EPA's appropriation for the EN grant program, the number of applications submitted to EPA by the application deadline, the amounts of proposed budgets, and the outcome of application reviews.

The primary outcome expected from EN assistance agreements is improved access to, and exchange of, high-quality environmental data from public- and private-sector sources. With this outcome in mind, applications should demonstrate support for and results toward EN program priorities.

EPA only accepts project proposals for EN assistance agreements submitted electronically through Grants.gov, unless applicants have a waiver. EPA anticipates that it will announce selection decisions in or around April 2017, and plans to issue awards by July 31, 2017.

For more information, please contact EPA's Salena Reynolds at reynolds.salena@epa.gov. The FY 2017 National Environmental Information Exchange Network Grant Program Solicitation Notice is now available at: <https://www.epa.gov/exchangenetwork/exchange-network-grant-program>.

E-Enterprise for the Environment Announces Launch of New Website

E-Enterprise for the Environment has launched the new website: <http://e-enterprisefortheenvironment.net/>

The E-Enterprise Website features three user-based information pages for citizens, co-regulators, and the regulated community; an “About E-Enterprise” section with governance body rosters and a description of the E-Enterprise joint governance model; and a section focused on E-Enterprise projects.

For more information, to ask questions, or provide feedback, contact ECOS' Owen McAleer at omcaleer@ecos.org

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Two-Day Community Workshop

The Local Foods, Local Places program will provide selected communities planning assistance that centers around a two-day community workshop. At the workshop, a team of experts will help community members develop an implementable action plan that promotes local food and neighborhood revitalization. This assistance is not a grant, and the program does not provide money directly to communities. **The application deadline is 11:59 p.m. Eastern Time on November 6, 2016.** For more information check out the website: <https://www.epa.gov/smartgrowth/local-foods-local-places-2016-2017-application>. To see examples of action plans from past community workshops organized through assistance, click here: <http://www.usda.gov/wps/portal/usda/knowyourfarmer?navid=kyf-community>

Eligible applicants include local governments, Indian tribes, and nonprofit institutions and organizations proposing to work in a neighborhood, town, or city of any size anywhere in the United States. We expect that many of the communities we select will be economically challenged and in the early phases of their efforts to promote local foods and community revitalization. We also expect that at least two of the selected communities will be designated colonias in the United States-Mexico border region.

Note: CA and AZ each have a few HUD designated colonias in the border region.

<http://portal.hud.gov/hudportal/HUD?src=/states/california/groups/coloniascalifornia>

<http://portal.hud.gov/hudportal/HUD?src=/states/arizona/groups/coloniasarizona>

Looking Ahead...

USDA News & Events from the USDA Office of Tribal Relations

Application Deadline: December 31, 2016 – Water & Waste Disposal Technical Assistance & Training Grants

[The Water & Waste Disposal Technical Assistance & Training Grants](#) help provide technical assistance and training to (a) identify and evaluate solutions to water and waste problems; (b) assist applicants in preparing applications for water and waste disposal loans/grants; and (c) assist associations in improving operation and maintenance of existing water and waste facilities in eligible rural areas.

Application Deadline: December 31, 2016 – Solid Waste Management Grants

[Solid Waste Management Grants](#) help reduce or eliminate pollution of water resources through funding for organizations that provide technical assistance or training to improve the planning and management of solid waste sites. Applications may be submitted to Grants.gov.