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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEPUTY ADMINISTRATOR

AUG 01 2006

MEMORANDUM

SUBJECT: Performance Partnership Agreements and Tribal Concerns

FROM: Marcus Peacock *MP*
Deputy Administrator

TO: Regional Administrators
Deputy Regional Administrators

The U.S. Environmental Protection Agency and states have been negotiating and implementing Performance Partnership Agreements (PPAs) for more than a decade as part of the National Environmental Performance Partnership System. These agreements foster joint planning and priority setting between EPA regions and their states. More than 30 states have elected to participate in the process, and I strongly encourage use of this tool and the joint planning efforts that are part of the PPA process.

I would like to reiterate an important aspect of this process. Consistent with EPA's Indian Policy, which was reaffirmed by the Administrator in September 2005, I would like to remind you that, as you negotiate future PPAs and related agreements, any potential effects on tribal lands should be taken into account. This may mean that consultation with tribes should take place. I expect that you will exercise your judgment on whether and how to consult with relevant tribes. Likewise, as tribal environmental programs are maturing and you are increasingly utilizing mechanisms such as Tribal Environmental Agreements and Tribal Performance Partnership Grants to negotiate priorities and work plans with tribal governments, similar consideration should be given to potential impacts of these agreements on bordering states.

Finally, consistent with the Administrator's Action Plan, I encourage you to continue your efforts to build collaborative partnerships among states and tribes in your regions so that we can accelerate environmental protection while maintaining our nation's economic competitiveness.