

## **Clean Water Act Workgroup Report**

### **Region 9 Tribal Operations Committee**

February 24, 2012

CWA 401 certifications – Primer and update on EPA Region 9’s certification of the US Army Corps’ Nationwide Permit Program (NWP) . The Workgroup was provided a brief review and update of the CWA 401 certification program, including EPA’s role in certifying federal licenses and permits on behalf of tribes without Treatment as a State for the CWA 401 program for projects that may result in a discharge to tribal waters. EPA R9’s Wetlands Office provided information on its draft certification of the USAC’s Nationwide permit program renewal and schedule for obtaining input from tribes.

GAP Guidebook for Building Tribal Environmental Capacity: Workgroup co-chair, Ken Norton, provided the group with an update of the comments being submitted by the National Tribal Water Council (NTWC) to EPA relative to water programs. The NTWC’s comments were as follows:

The National Tribal Water Council (NTWC) has reviewed the draft Guidebook for Building Tribal Environmental Capacity and has provided comments to EPA. The NTWC feels the Guidebook places an undue emphasis on using GAP funds for building baseline environmental program capacities and less focus on long-term program sustainability. For example, once a Tribe has received TAS eligibility under CWA Section 518(e) to administer certain CWA programs, the support for the delegated authority would transfer to a CWA media-specific program (i.e. CWA Section 106 program) for Tribal program development. Many Tribes feel GAP funds should not be limited to achieving delegated authorities or developing baseline capabilities as end points for funding. GAP funds are needed throughout the Tribal program development and building capacity is an ongoing process as their scientific and technological capabilities evolve over time. Limiting GAP funds to just interim capacity building will have a detrimental effect on many Tribal programs.

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