

US EPA ARCHIVE DOCUMENT



U.S. EPA

Final Policy on Consultation & Coordination with Tribal Governments



Tribal Stormwater Workshop
August 30, 2011

Goals of the National Policy

Final Policy on Consultation & Coordination with Tribal Governments

- Implement E.O. 13175
- National guidelines
- Strengthen consultation and coordination
- Meaningful and timely input on actions that may affect tribal interest

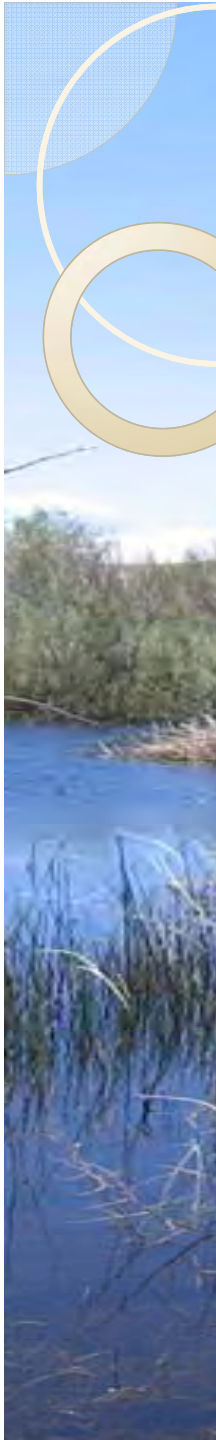


Salt River Reservation

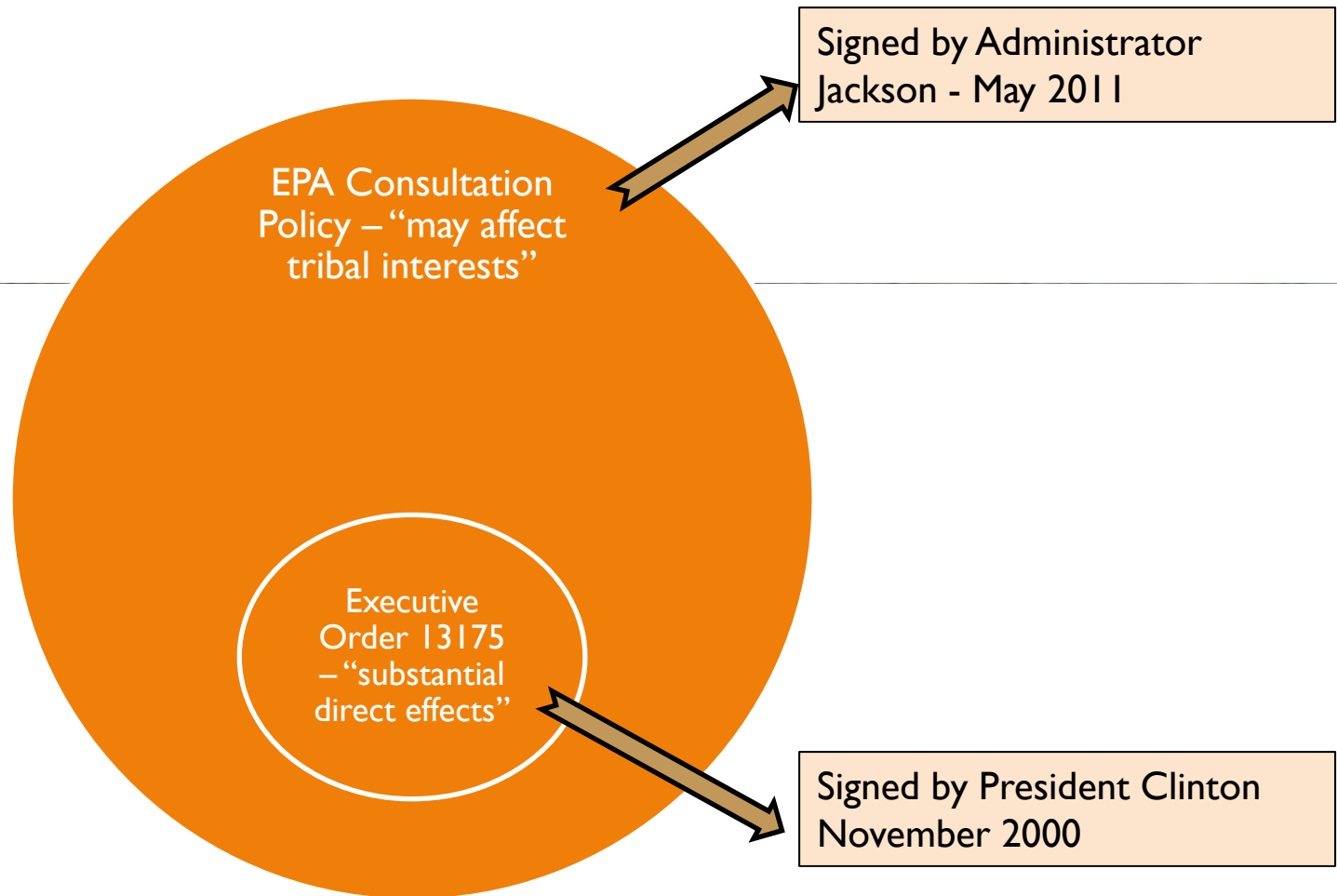
Background

- 1984 – EPA Indian Policy
- 2000 - Executive Order 13175 – Consultation and Coordination with Tribal Governments
- 2009 - Obama Memorandum
- 2011 – EPA Consultation Policy





Activities Covered by the EO are a Subset of those Covered by the EPA Consultation Policy



Region 9 Indian Lands



Background: Region 9 Tribes

- **147** federally recognized Tribes located in Region 9
- Number of Tribes Participating in EPA Programs
 - **130** - General Assistance
 - **101** - Water Quality
 - **85** - Nonpoint Source



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Consultation

“A process of meaningful communication and coordination between EPA and tribal officials *prior* to EPA making decisions that affect tribes”

Four Phases:

1. Identification
2. Notification
3. Input
4. Follow-Up

Identification

- EPA Identifies activities that *may be* appropriate for consultation
 - Should include:
 - Determination of Complexity of Activity
 - Potential Implications for Tribes
 - Time/Resources Constraints

- Activities that may require consultation (not limited to):
 - Regulations or Rules
 - Policies, guidance documents, directives
 - Budget and priority planning
 - Legislative Comments
 - Permits
 - Enforcement
 - Emergency Response Activities

Notification

- EPA notifies the tribes of activities that may be appropriate for consultation
 - Options:
 - Letters/Mass Mailing
 - Telephone and Conference Calls
 - Meetings
 - Other methods agreed upon with Tribes
- Start early!
 - Provide sufficient time for Tribal Officials to make informed decisions
 - Make sure Tribal Officials know the process for providing input

Input

- Tribes provide input to EPA on the consultation matter via:
 - Telephone and/or Conference Calls
 - Meetings (group or one-on-one)
 - Letters
 - Other agreed upon methods
- There may be multiple “rounds” of input

Follow-Up

- EPA provides feed-back on how Tribal input was considered in the final action to tribes that participated in consultation
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- Formal, Written Communication from a senior EPA Official to the most senior Tribal Official involved

How, When & Who

- **How** EPA or Tribe identifies matters for Consultation
 - Tribally Requested Consultation
 - National & Regional Offices
 - National and Regional Tribal Partnership Groups
- **When** in the process to consult
 - Early enough for Tribes to give informed input
- **Who** is in charge of this process?
 - **Tribal Consultation Advisor** – Nate Lau in Region 9
 - **Senior Managers in Program Offices**

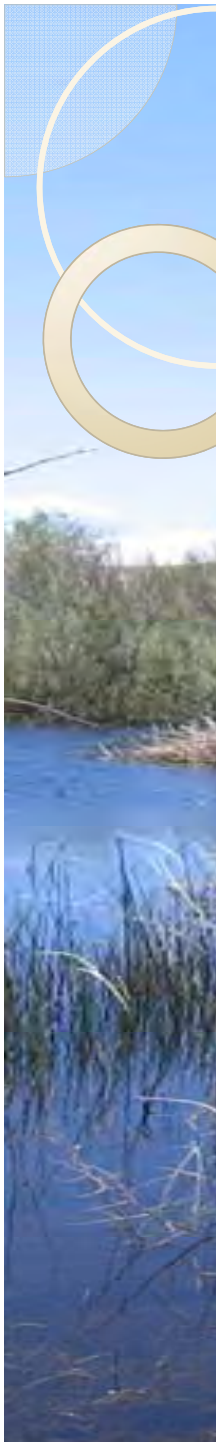


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Questions?