



National Tribal Caucus of USEPA's National Tribal Operations Committee, Priorities as Presented to the Obama/Biden Transition Team (December 11, 2008)

Since 1983, federally recognized Tribal Nations have been engaged in environmental program design, implementation and evaluation in an attempt to catch up with their State counterparts. Today, significant barriers remain for Tribal governments striving to preserve, protect and restore human health and the environment in Indian Country and Alaskan Native Villages (ANVs). The most important barrier the new Administration needs to address is allowing for re-investments in Tribal environmental programs.

Results of former Administrator Carol Browner's leadership and past investments in USEPA's Indian programs are visible today. Hundreds of Tribal governments have established environmental programs and a growing number have received Primacy approvals. The significance of Tribal governments managing their own environmental matters cannot be understated; nor can meaningful participation of Tribal governments, alongside States and Industry, in tackling complex regional environmental issues lessen. USEPA has a long way to go in facilitating comity and parity among Tribal governments and its other partners.

Since 2000 the budgets for USEPA's Indian programs have remained stagnant or been cut. Notably, USEPA's ability to fund tribes has not kept pace with inflation, resulting in overall reductions in tribal environmental staffing, and severely damaging the ability of Tribal Nations and ANVs to carry out basic duties and provide a meaningful environmental presence on their lands. The National Tribal Caucus (NTC) of USEPA's National Tribal Operations Committee (NTOC) recommends the following actions to rebuild and strengthen tribal environmental programs.

- Commit adequate/consistent State & Tribal Assistance Grant funding for tribes pursuing delegable programs, i.e. capacity building, Treatment As State process, and program implementation; for existing tribal air program needs, so that tribes can participate fully in Climate Change initiatives and begin monitoring Climate Change impacts; to increase Indian General Assistance Program (IGAP) funding to \$110,000,000; for implementation of tribal pesticide regulatory programs (i.e. federal credentials for tribal staff); and for eliminating thousands of open dumps in Indian Country and ANVs. Clean Water Act Programs in dire need of national increases include: Section 106 to \$30 million; Section 319 to \$10 million; and Section 104 3b Wetlands Program to \$7 million.
- Commit significant Environmental Program Management resources for USEPA's direct implementation responsibilities to tribes; and provide Permanent authority/appropriations for Direct Implementation Tribal Cooperative Agreements (DITCAs).
- Seek to expand the use of USEPA's Science & Technology appropriations for Indian programs.
- Review/improve the organizational structure of USEPA Indian programs in Headquarters and the Regions.
- Include provisions in the proposed Economic Recovery Bill (Chapter 2) authorizing additional funds to the Tribal Set Asides under the State Revolving Loan funds (SRF) for both the Clean Water Act and the Safe Drinking Water Act using the following language: "Notwithstanding the allocations prescribed under the Clean Water Act Title VI Sections 51 8(c) and 1285 (c) and the Safe Drinking Water Act Title 42 Sections 300j-12 and 300j-2(a) 1'4, the U.S. Environmental Protection Agency may find high priority drinking water and wastewater infrastructure projects in underserved Tribal communities, and may transfer funds between the Clean Water Act and Safe Drinking Water Act State Revolving Fund Tribal Set Asides for that purpose, as determined by the Administrator."

Past investments in USEPA's Indian programs provided much success for Tribes and the Agency it is time to renew these investments. The NTC looks forward to working with the Obama/Biden Administration to improve human health and the environment for present and future generations.