

EPA's American Indian Environmental Office (AIEO) United South and Eastern Tribes Presentation



Updates and lessons learned during the first year of the updated GAP Guidance

Update on combined ETEP/GAP work plan

October
2023

Overview of Discussion

- Updates and lessons learned during the first year of the updated 2022 Indian Environmental General Assistance Program (GAP) [Guidance](#)
- Combined EPA-Tribal Environmental Plan ([ETEP](#))/GAP work plan information
- Discussion and Questions



Indian Environmental General Assistance Program (GAP)

- GAP is EPA's largest grant program to federally recognized Tribes (~75M in FY23).
- GAP is a grant opportunity for federally recognized Tribal governments and intertribal consortia.
- The purpose of GAP is for recipients to:
 - Plan, develop, and establish the capacity to implement programs administered by the EPA,
 - Develop and implement solid and hazardous waste programs for Indian lands, and
 - Collect, transport, backhaul, and dispose of solid waste and recovered materials.

EPA-Tribal Environmental Plans (ETEPs)

ETEPs:

- Are a 3 to 5-year environmental strategic plan and a performance management tool.
- Are jointly developed, as detailed in the [2022 GAP Guidance](#), outlining how each Tribe and EPA will work together to accomplish the Tribe's environmental goals in the context of EPA programs.
- Reflect the government-to-government relationship, leading to a shared understanding of the most important federal environmental program issues facing the Tribe.

EPA-Tribal Environmental Plans (ETEPA)

ETEPA help Tribes and EPA plan and manage areas of joint responsibility



Updates and lessons learned during the first year of the updated GAP Guidance

1) GAP Capacity Indicators

- Trying to remain as agile as possible; capacity indicators do not “live” in the GAP Guidance.
- Developed an electronic process for Tribes to submit request for new capacity indicators.
- This website is live.

Updates and lessons learned during the first year of the updated GAP Guidance

2) National Notice of Funding Availability (NOFA)

- Developed a standardized and nation-wide NOFA for GAP in FY23.
- Clarifies common questions; national consistency; streamlines and standardizes.
- Feedback? Did you notice a difference?

Updates and lessons learned during the first year of the updated GAP Guidance

3) Solid Waste

- GAP Guidance lists conditions for reporting if the GAP award includes solid waste and recovered materials collection, transportation, backhaul, and disposal services.
- Lessons learned:
 - Grantees have varying levels of access to waste service delivery data.
 - The four requested items are too broad. (Our team oversaw a work group with Sherry Davis (R10 and Tribal Solid Waste Coordinators (R8/R9). A new solid waste guidance is coming in mid-October.)
- Feedback/thoughts?

Updates and lessons learned during the first year of the updated GAP Guidance

4) “Just in Time” Trainings

- Series of seven videos that highlight changes in the new GAP Guidance from the 2013 GAP Guidance.
 - 100% of Project Officers trained
 - Available to the public [here](#) (internal and external)
- Future: GAP Academy. This will be a series of trainings to support Tribes, intertribal consortia, and the EPA staff that work with them, build and manage environmental protection programs.
- Suggestions for future GAP-related trainings?

Updates and learned during the first year of the updated GAP Guidance

5) ETEPs

- Changed from 4 to 3 required components.
- ETEP fact sheet [here](#)
- Challenges collecting “EPA regulated entities” – need for training and clarity.
- Understanding Direct Implementation (DI) – need for training and clarity
- Feedback/thoughts?

Proposed template for ETEP/combined GAP work plan

- EPA is developing a new template to assist with the creation of ETEP and GAP work plans.
- This new template will provide a simple way to identify and report information that is already outlined in the 2022 GAP Guidance, 40 CFR § 35.507, and 1992 GAP Program Act.
- In the 2022 GAP Guidance, section 2.3, AIEO commits to providing templates to assist tribes considering a streamlined format.
- The template itself does not introduce any new requirements, nor does it limit the information that applicants may submit.

Proposed template for ETEP/combined GAP work plan

- In order to use a template, EPA as a federal agency must follow the Office of Management and Budget (OMB) process that requires EPA to go through the Paperwork Reduction Action information collection request.
- This means that EPA must publish a 60-day notice to the Federal Register for comment, consider the public comments, and then publish another 30-day notice to the Federal Register for public comment and concurrently submit the final package to OMB for review.

Proposed template for ETEP/combined GAP work plan

- Anyone is encouraged to provide comments during the public comment period. The template does not create a new action or decision by EPA, therefore consultation under the EPA Policy on Consultation and Coordination with Indian Tribes is not applicable.
- Although consultation is not applicable, feedback from Tribes is still very much appreciated and EPA would welcome any and all Tribal feedback during or in addition to both public comment periods.
- Additionally, any Tribe can request a government-to-government Consultation on this as well.

Proposed template for ETEP/combined GAP work plan

- We sincerely hope that this template lessens the workload of Tribes, provides consistency and clarity, and aids in working with EPA and project officers.
- Again, the template itself does not introduce any new requirements, nor does it limit the information that applicants may submit.
- The information in the template is already information that Tribes are required to submit as part of an ETEP and GAP work plan.

Feedback/Discussion

Thank you!

For more information:

ETEP Fact Sheet

https://www.epa.gov/system/files/documents/2023-04/ETEP_Fact_Sheet_20APR23.pdf

GAP Guidance

<https://www.epa.gov/system/files/documents/2022-09/2022%20GAP%20Guidance.pdf>

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