



## United South and Eastern Tribes, Inc.

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### **USET Resolution No. 2015:025**

#### **SUPPORT FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PROPOSED ACTION ON A CLASS DEVIATION, ELIGIBILITY OF AN INTERTRIBAL CONSORTIUM, FOR THE INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM**

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** the United States Environmental Protection Agency (EPA) implemented the Indian Environmental General Assistance Program (GAP) guidelines which require inter-tribal consortia, such as USET, as a prerequisite for applying for and receiving a GAP grant to obtain approval from all members of the consortium that meet GAP eligibility requirements; and
- WHEREAS,** such a requirement places an unnecessary and onerous burden on USET to obtain individual approval from all member as they are spread across Tribes in EPA Regions 1, 2, 4, and 6; and
- WHEREAS,** GAP funding is administered on a regional basis rather than a national basis; and
- WHEREAS,** current EPA regulation requires USET to obtain approval individually from all 26 of its member Tribes regardless of the scope of work or service to any specific region of Tribal nations; and
- WHEREAS,** EPA is proposing a class deviation from their regulations at 40 CFR §35.504(b)(2) and (c)(2), Eligibility of an Intertribal Consortium, for GAP; and
- WHEREAS,** the class deviation would allow intertribal consortium to receive a GAP award based on the documented approvals it has received from GAP-eligible members provided that only these GAP eligible consortium members can benefit directly from the particular award; and
- WHEREAS,** the class deviation also provides that an intertribal consortium must be able to provide documented proof that, at a minimum, a GAP eligible Tribe has authorized the consortium to apply for and receive the grant; and
- WHEREAS,** the class deviation does not prevent members of an intertribal consortium from imposing other requirements on their consortium to ensure that the consortium cannot act on their behalf without their authorization; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

**RESOLVED** the USET Board of Directors supports the proposed class deviation for Environmental Protection Agency regulations at 40 §335.504(b)(2) and (c)(2) as USET has utilized General Assistance Program funds in the past to support its member Tribes without reducing General Assistance Program funding to other member Tribes that may apply individually; and be it further

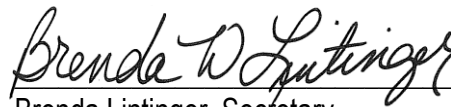
**RESOLVED** the USET Board of Directors will require USET to receive authorization from a subset of its members in order to be eligible for and receive General Assistance Program funding provided this will not take any General Assistance Program funds from a USET Member Tribe.

**CERTIFICATION**

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, February 12, 2015.



Brian Patterson, President  
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary  
United South and Eastern Tribes, Inc.

*“Because there is strength in Unity”*