

Lela Hagan

U.S. Environmental Protection Agency

hagan.lela@epa.gov

202-564-0659

Monday – Friday 6:30 a.m. – 3:00 p.m. Eastern Time



CONTACT:

Robert Daguillard

daguillard.robert@epa.gov

202-564-6618

FOR IMMEDIATE RELEASE

February 22, 2016

EPA Administrator Signs New Policy to Enhance Tribal Treaty Rights

WASHINGTON –Today, U.S. Environmental Protection Agency (EPA) Administrator Gina McCarthy took an important step in helping protect the environment on tribal lands by issuing the EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights (Guidance).

Under the Constitution, treaties are part of the supreme law of the land, with the same legal force as federal statutes. While treaties do not expand EPA's authority, EPA must ensure its actions do not conflict with treaty rights. In addition, EPA programs should be implemented to enhance protection of tribal treaty rights and treaty-covered resources when we have discretion to do so. The new Guidance directs EPA staff to engage Indian tribes in ways that help better ensure EPA actions and initiatives on Indian lands are consistent with Treaty rights.

"This Guidance will further strengthen EPA's close partnership with the tribal community by initiating meaningful discussions with tribes about their treaty rights during consultation." said EPA Administrator Gina McCarthy. "I look forward to this policy's immediate implementation as well as continued efforts to learn from and expand our collaborations with tribes as we work to achieve our shared mission."

EPA's first-ever Tribal Treaty Rights Guidance outlines a process to help navigate treaty rights discussions with tribes during tribal consultations. It is an initial step in EPA's efforts to improve the methods and process in place to meet the commitment to honor and respect tribal treaty rights and resources protected by treaties.

Tribal treaty rights is an ever-growing field of study, with new policy, scientific and legal issues that must be addressed. This Guidance will help provide a starting point for discussing treaties in a particular context.

The Guidance complements EPA's successful tribal consultation efforts, building upon the May 2011 EPA Policy on Consultation and Coordination with Indian Tribes.

EPA is at the forefront of this effort and plans to encourage colleagues throughout the federal family to use the Guidance as a model to do the same.

More information on:

<http://www.epa.gov/tribal/epa-policy-consultation-and-coordination-indian-tribes-guidance-discussing-tribal-treaty>

and on:

<http://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>

[Overview – EPA's Guidance for Discussing Tribal Treaty Rights](#)

[Tribal Treaty Rights Guidance](#)

[Tribal Treaty Rights Response to Comments](#)