



ENVIRONMENTAL PROTECTION

Tribal peoples maintain strong physical, cultural, spiritual, and other interdependent relationships with their homelands and natural resources. As a result, tribal peoples directly and often disproportionately suffer the impacts of environmental degradation. Federal funding to support environmental protection for Indian reservations was not forthcoming until more than 20 years after the passage of the Clean Water and Clean Air Acts. Tribal nations strive to achieve equity, but significant gaps remain.

Almost 40 years after the passage of the Clean Air and Water Acts, only 45 tribal nations have Environmental Protection Agency (EPA)-approved water quality standards, which are a cornerstone of the Clean Water Act (P.L. 92-500) (CWA). Nearly all states have been implementing the CWA through approved water quality standards for decades. As indicated above, approximately 12 percent of tribal homes lack access to safe drinking water and basic sanitation, a figure that is nearly 20 times higher than the national average and one that illustrates the unsafe living conditions facing many Native families. Significant gaps in environmental protection still remain in many areas of Indian Country that should be closed through the implementation of monitoring, regulatory, and on-the-ground activities.

Fulfilling the EPA's Indian policy goals remains a challenge. The federal government must ensure tribal nations have fair and equal opportunities to preserve and enhance the environmental quality of Indian Country for present and future generations and to sustain tribal cultures. In the recommendations below, NCAI requests that EPA tribal programs receive adequate resources to achieve parity with states through sustainable targeted base funding.

Key Recommendations

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Indian Environmental General Assistance Program (IGAP)

- Increase funding for Indian Environmental General Assistance Program (IGAP) to \$99.5 million.

Program capacity-building is a top environmental priority identified by tribal nations as part of the EPA National Tribal Operations Committee National Tribal Caucus. IGAP is unique among federal programs in that it provides a foundation which tribal nations can leverage to support other greatly-needed programs, such as planning for climate change and natural resource

management, energy efficiency activities, and small-scale renewable energy projects. IGAP funding is particularly critical to Alaska Native villages, where it provides 99 percent of the overall funding to address their fundamental and often dire needs – such as safe drinking water and basic sanitation facilities – and an on-the-ground presence to help confront profound climate change impacts, such as eroding shorelines, thawing permafrost, threats to subsistence resources, and the permanent relocation of Alaska Native communities.

This increased collaborative leveraging potential makes IGAP a wise investment of federal dollars. However, IGAP funding has not kept pace with the growth of tribal environmental programs over the years, forcing tribal nations to perform the expanded duties of growing programs with fewer funds. Furthermore, the average cost for tribal nations to sustain a basic environmental program was set at \$110,000 per tribal nation in 1999 and has not been adjusted for inflation since that time. Tribal demand for program implementation includes the pressing need to establish climate change adaptation plans. A \$175,000 per tribal nation distribution, totaling approximately \$99.5 million, reflects an equitable adjustment.

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Tribal Drinking Water

Safe Drinking Water State Revolving Fund

- *The tribal set-aside for the Safe Drinking Water State Revolving Fund (SRF) should be increased to five percent of the national Drinking Water SRF.*

The lack of access to safe drinking water and basic sanitation in Indian Country continues to threaten the public health of American Indian and Alaska Native communities. Approximately 12 percent of tribal homes do not have safe water or basic sanitation facilities. This is twenty times higher than the 0.6 percent of non-Native homes in the U.S. that lacked such infrastructure in 2005, according to the U.S. Census Bureau. The fundamental inequity in the quality of tribal water systems must be addressed.

Recognizing the severity of these circumstances, memoranda of understanding signed by EPA, IHS, DOI, and USDA resulted in the creation of an inter-agency Infrastructure Task Force. This group's mission is to address lack of access to clean and safe drinking water in tribal communities.

Tribal compliance with drinking water standards is consistently below those of other community water systems because tribal nations lack funding for operations and maintenance. The tribal set-aside from the Safe Drinking Water SRF should be increased to five percent.

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Clean Water Act State Revolving Fund (Tribal Waste Water Facilities)

- *Increase the national Clean Water Act (CWA) State Revolving Fund (SRF) Tribal Set-Aside to \$46.5 million.*
- *Permanently lift the funding cap on the CWA SRF Tribal Set-Aside for wastewater facilities.*

In a report titled *Drinking Water and Wastewater Infrastructure: Opportunities Exist to Enhance Federal Agencies Needs Assessment and Coordination on Tribal Projects*, the GAO found that in FY 2016, according to IHS, \$3.2 billion was needed to address existing tribal drinking and wastewater needs. Similarly, for FY 2016, the EPA estimated a \$2.4 billion need for future infrastructure requirements over the next 20 years. Basic human health and environmental protection for thousands of tribal homes could be achieved with increased funding for sewage treatment construction programs.

ENVIRONMENTAL PROTECTION AGENCY**Interior - Environment Appropriations Bill****Tribal Water Pollution Control, Clean Water Act Section 106**

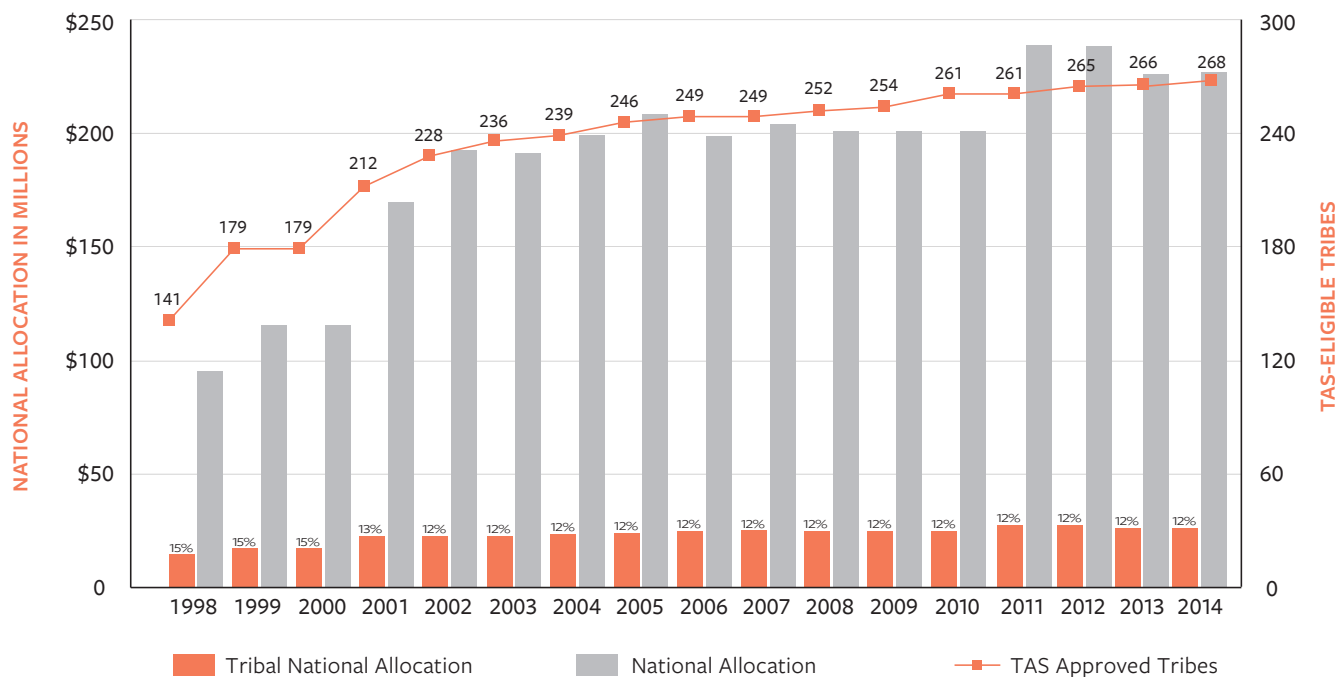
- Increase the tribal allocation to 20 percent.

CWA Section 106 grants are vital to tribal efforts to control water pollution, including water quality planning and assessments; developing and implementing water quality standards and total maximum daily loads; ground water and wetland protection; and nonpoint source control activities. The number of eligible tribal nations to receive CWA Section 106 funding increased from 141 in 1998 to 257 in 2010. Tribal recipients are now required to submit their water quality data through the Water Quality Exchange (WQX) as part of their Section 106 reporting requirements without any increase in Section 106 program funding. The national CWA 106 allocation to tribal nations has flat-lined and – in certain cases – decreased in some years during the same time period (e.g., 15.49 percent in 1998 to as low as 11.55 percent in 2005). The current tribal allocation of approximately 12 percent is still too low; successful tribal CWA implementation requires at least 20 percent of the national CWA Section 106 allocation to keep pace with the expansion of tribal programs.

Figure 3 shows the historical disparity between tribal and state allocations for Section 106 grants. The graph shows that the number of tribal nations developing their water quality programs has far outpaced the funding available to tribal nations to maintain water quality programs. The lack of adequate and continuous funding for implementation and enforcement hinders the effectiveness of tribal water programs.

FIGURE 3**TRIBAL PROGRAMS: CLEAN WATER ACT SECTION 106**

Total Allocation vs. Tribal Allocation*



*Tribal percentage of national allocation

ENVIRONMENTAL PROTECTION AGENCY**Interior - Environment Appropriations Bill****Nonpoint Source Pollutant Control – Clean Water Act Section 319**

- *Permanently eliminate the percent cap on tribal funding for Nonpoint Source Pollutant Control.*
- *Provide \$13 million for the Tribal Nonpoint Source Pollutant Control.*

CWA Section 319 provides tribal nations with grants to develop and implement polluted runoff and other nonpoint source control programs that address critical water quality concerns identified in the Section 106 program and other monitoring programs. Only 45 of the 574 federally recognized tribal nations have such EPA-approved Water Quality Standards (WQS). This is compared to 96 percent of states that have WQS programs. WQS are the necessary foundation to engage in water pollution control activities, making this program critical, particularly as climate change will significantly affect water quality and collaboration across jurisdictions will be required. As tribal demand for this competitive funding exceeds availability, tribal nations request a permanent elimination of the one-third of one percent cap placed on the tribal allocation to help close the vast inequity in funding and programmatic implementation compared to states.

ENVIRONMENTAL PROTECTION AGENCY**Interior - Environment Appropriations Bill****Information Exchange Network**

- *Set aside a minimum of 10 percent of Environmental Information Exchange Network funding for tribal nations, without restrictions for start-up or basis infrastructure development.*

The EPA Environmental Information Exchange Network is an innovative partnership among tribal nations, states, and the EPA to provide better access to high-quality data and facilitate data management and the efficient submission of data. Beginning in 1998, states assisted in the development of the Information Exchange Network and received several million dollars to develop the requisite information technology infrastructure. Tribal nations were brought in years later, with limited capacity and unequal access to resources. Both tribal nations and the EPA have recognized the importance of improving the flow of tribal data and environmental information. Tribal nations have been able to take a more active role in improving data collection as a result of tribal grants offered as part of the Information Exchange Network.

Tribal nations urge sustained funding for tribal access to the Information Exchange Network, with a minimum of a 10 percent tribal set-aside from overall Information Exchange Network funding, without restrictions for providing development and implementation support for tribal nations that are just coming on board and operations and maintenance funding to tribal nations with operating programs.

ENVIRONMENTAL PROTECTION AGENCY**Interior - Environment Appropriations Bill****Great Lakes Restoration Initiative**

- *Maintain funding at \$3 million for tribal nations as part of the Great Lakes Restoration Initiative.*

Tribal nations in the Great Lakes region have joined together to establish a tribal-federal-state collaboration, which stands as a model for replication across the country. The Great Lakes Restoration Initiative is the largest investment in the Great Lakes in two decades. More than 2,000 projects have been funded since its inception. An Inter-agency Task Force led by EPA has developed action plans to implement the Initiative. The most recent action plan covers fiscal years 2020 through 2024 and targets the most significant threats to the Great Lakes ecosystem. These threats include aquatic invasive species, nonpoint source pollution, and toxic substances. This Initiative received an overall allocation of \$475 million in FY 2010 for restoration activities in the Great Lakes region. Of this amount, \$3 million was allocated to tribal nations. Funding for tribal nations under the Great Lakes Restoration Initiative should be funded in FY 2021 at the FY 2010 enacted level.