



OFFICE OF INSPECTOR GENERAL

Catalyst for Improving the Environment

Audit Report

Promoting Tribal Success in EPA Programs

Report No. 2007-P-00022

May 3, 2007



Report Contributors:

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Abbreviations

EPA	U.S. Environmental Protection Agency
OIG	Office of Inspector General
DOI	U.S. Department of the Interior

Cover photo: Wolf River, Wisconsin (EPA OIG photo)



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

At the suggestion of the U.S. Environmental Protection Agency (EPA) Administrator, the Offices of Inspector General for EPA and the U.S. Department of the Interior (DOI) performed a joint audit to identify Tribal positive practices. The detailed joint report is provided separately. The purpose of this additional report is to provide recommendations to assist EPA in better managing Tribal environmental programs.

Background

There are more than 560 Federally recognized Tribes in the United States. Each Tribe is an individual, sovereign government unique in structure and culture. EPA funds tribal core environmental programs through the General Assistance Program.

For further information, contact the EPA Office of Congressional and Public Liaison at (202) 566-2391.

To view the full EPA report, click on the following link:
www.epa.gov/oig/reports/2007/20070503-2007-P-00022.pdf

To view the joint EPA-DOI report, click on the following link:
www.epa.gov/oig/reports/2007/20070503-2007-P-00022JT.pdf

Promoting Tribal Success in EPA Programs

What We Found

Tribes have made progress in overcoming barriers to successful management of environmental programs. Innovation is the key for Tribes to maximize the effectiveness of their programs and overcome barriers. The 14 visited Tribes provided examples of innovative practices, including:

Collaboration and Partnerships. Many of the successful projects result from efforts to foster good communication and positive relationships with others. Tribes work cooperatively with Federal agencies, other Tribes, State and local governments, educational institutions, and the private sector.

Education and Outreach. Tribes educate the community regarding environmental programs. Further, Tribes value community input and understand that project success often depends on community support.

Expanding Resources. Based on its size, capacity, and structure, each of the visited Tribes has its own processes for finding alternative sources of revenue to ensure sustainability of natural resource and environmental programs.

We based our findings and recommendations in this report on the information contained in the joint EPA-DOI report *Tribal Successes: Protecting the Environment and Natural Resources*. That report provides details on specific successful practices implemented by each of the 14 visited Tribes.

What We Recommend

To further help Tribes build on successful practices, we recommend that the EPA Assistant Administrator for Water:

- Work with Tribes to promote collaboration and partnerships.
- Identify and make available relevant education and outreach materials.
- Work with Tribes to identify economic resources and funding alternatives.

The Agency concurred with the recommendations and agreed that the practices outlined will lead to Tribal successes.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

May 3, 2007

MEMORANDUM

SUBJECT: Promoting Tribal Success in EPA Programs
Report No. 2007-P-00022

TO: Benjamin Grumbles
Assistant Administrator, Office of Water

The Offices of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) and U.S. Department of the Interior (DOI) have completed a joint report on Tribal positive practices related to environmental and natural resource programs. We are separately providing a copy of that report, *Tribal Successes: Protecting the Environment and Natural Resources*. This additional report provides recommendations specifically to EPA to assist it in promoting Tribal success.

This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. EPA managers will make final determination on matters in this report in accordance with established audit resolution procedures.

The estimated EPA OIG cost of this report – calculated by multiplying the project's staff days by the applicable daily full cost billing rates in effect at the time – is \$473,283.

Action Required

In accordance with EPA Manual 2750, you are required to provide a written response to this report within 90 calendar days. You should include a corrective actions plan for agreed upon actions, including milestone dates. We have no objections to the further release of this report to the public. This report will be available at <http://www.epa.gov/oig>.

If you or your staff have any further questions, please contact me at 202-566-0847 or roderick.bill@epa.gov; or Janet Kasper, Director, Assistance Agreement Audits, at 312-886-3059 or kasper.janet@epa.gov.

A handwritten signature in black ink, appearing to read "Bill A. Roderick", written over a horizontal line.

Bill A. Roderick
Acting Inspector General

Purpose

At the suggestion of the U.S. Environmental Protection Agency (EPA) Administrator, the Offices of Inspector General for EPA and the U.S. Department of the Interior (DOI) performed a joint audit to identify Tribal positive practices for managing environmental programs. The purpose of this separate report is to provide recommendations to assist EPA in better managing Tribal environmental programs. The findings and recommendations are based on information in the joint EPA-DOI report, *Tribal Successes: Protecting the Environment and Natural Resources*.

Background

There are more than 560 Federally recognized Tribes in the United States. Currently, these Tribes hold more than 50 million acres of land, or approximately 2 percent of the United States. Each Tribe is an individual, sovereign government unique in structure and culture. As a result, each Tribe operates its programs differently. Common differences include varying goals and objectives, administrative systems, funding resources, and the capacity to implement projects.

Land has always had great spiritual and cultural significance for Tribes. To preserve the land, Tribes are committed to implementing environmental and natural resource programs. These programs include internal environmental regulations. Tribes address such issues as solid and hazardous waste management, safe drinking water, sanitation, subsistence hunting and fishing, and cultural heritage preservation.

Within EPA's Office of Water, the American Indian Environmental Office coordinates the Agency-wide effort to strengthen public health and environmental protection in Indian Country, with a special emphasis on building Tribal capacity to administer their own environmental programs.

Scope and Methodology

We performed our work in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States. We identified general activities administered through EPA Program Offices and DOI Bureaus related to Tribal implementation of environmental and natural resource programs. We visited 14 Tribes to gain an understanding of how they implement environmental and natural resource programs. We identified factors that contributed to their success. Further details on our scope and methodology are in the joint EPA-DOI report, *Tribal Successes: Protecting Environment and Natural Resources*.

Results of Audit

Tribes have made progress in overcoming barriers through innovative practices. Innovation is the key for Tribes to maximize the effectiveness of their programs. Innovative practices are consistent with the EPA Administrator's *Principles to Accelerate the Pace of Environmental Protection*. The second principle, *Innovation and Collaboration*, states that meeting today's environmental challenges requires new approaches. It also states that EPA will identify and

foster approaches that promote environmental stewardship and produce results through innovation and collaboration.

The joint EPA-DOI report describes the innovative practices that the 14 Tribes we visited successfully used to implement environmental programs. Common practices the Tribes used to successfully implement their programs included:

- **Collaboration and Partnerships.** Tribes achieve environmental goals by working cooperatively with Federal agencies, other Tribes, State and local governments, educational institutions, and the private sector. One Tribe worked extensively with non-profit organizations, other Tribes, and local municipalities to protect water. Tribal successes increase Tribal influence and enhance their reputation as protectors and stewards of nature and the environment.
- **Education and Outreach.** Tribes educate the community regarding environmental programs. Tribes have produced educational materials, such as booklets, to disperse important information. Education and outreach garner community support and understanding of issues facing the Tribes.
- **Expanding Resources.** Tribes strive for economic sustainability while ensuring a balance between economic development and resource preservation. By developing and cultivating relationships with non-profit organizations, Tribes have used such organizations as alternative funding sources. Tribes are also able to expand the scope and sustainability of environmental programs by applying for grants from multiple sources.

The innovative practices help Tribes overcome barriers to successful management of environmental programs. Common barriers include:

- **Resource limitations.** Tribes are continually looking for funds to initiate and successfully implement programs. Limited funding is especially problematic for Tribes with a limited ability to generate their own funds. Some Tribes consist of only a few thousand people or less.
- **Administrative and Managerial Requirements.** Tribes face the challenge of complying with rules and regulations that vary among Federal agencies. Procedures and processes that Tribes use to meet one agency's requirements may not apply when dealing with another agency.
- **Legal and Regulatory Issues.** Federal program regulations limit the use of funds to particular activities or functions. This limitation may affect Tribes' ability to manage their programs, and in some cases Tribes have refused funding because of it. In other cases, confusion arises when authority overlaps among multiple Federal agencies.
- **Communication and Relationships.** Non-Tribal officials do not always consider unique Tribal cultures. Some Tribes believe that Federal officials do not adequately understand Tribal sovereignty or the Federal trust responsibility. Further, Federal agencies do not always coordinate when they share program oversight.

Tribes are able to overcome barriers and achieve environmental success through innovative practices. EPA can take further actions to assist Tribes in successfully implementing environmental and natural resource programs and overcoming common barriers.

Recommendations

To further help Tribes build on successful practices, we recommend that the EPA Assistant Administrator for Water:

1. Work with the Tribes to promote place-based collaboration and partnerships in line with the Administrator's principle for innovation and collaboration.
2. Identify and make available education and outreach materials relevant to Tribes.
3. Work with Tribes to identify economic resources and alternatives to fund future activities.

EPA Response and OIG Comment

The Agency concurred with the recommendations and agreed that the practices outlined in the report will lead to Tribal successes. The Agency also agreed to perform the following actions related to the recommendations above:

- Continue to promote innovation and collaboration on all levels of the EPA Tribal Program.
- Compile a list of all materials produced at EPA that are relevant to Tribal culture and determine the need for any additional printings or distribution as well as the need for developing any new materials.
- Consider and adopt all recommendations in the Innovative Funding Workgroup report to be completed in 2007, promoting the identification of economic resources and alternative funding sources.

We recognize the Agency's responsiveness to the audit findings and recommendations and its willingness to assist Tribes with their environmental programs. In responding to the final report, the Agency needs to provide dates for completing its proposed actions for recommendations 2 and 3. The Agency's complete response is included in Appendix A.

Status of Recommendations and Potential Monetary Benefits

RECOMMENDATIONS						POTENTIAL MONETARY BENEFITS (in \$000s)	
Rec. No.	Page No.	Subject	Status ¹	Action Official	Planned Completion Date	Claimed Amount	Agreed To Amount
1	3	Work with the Tribes to promote place-based collaboration and partnerships in line with the Administrator's principle for innovation and collaboration.	O	Assistant Administrator for Water			
2	3	Identify and make available education and outreach materials relevant to Tribes.	O	Assistant Administrator for Water			
3	3	Work with Tribes to identify economic resources and alternatives to fund future activities.	O	Assistant Administrator for Water			

¹ O = recommendation is open with agreed-to corrective actions pending;
 C = recommendation is closed with all agreed-to actions completed;
 U = recommendation is undecided with resolution efforts in progress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2007

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Promoting Tribal Success in EPA Programs Assignment No. 2006-302

FROM: Benjamin H. Grumbles
Assistant Administrator

TO: Janet Kasper, Director
Assistance Agreement Audits

Thank you for the opportunity to respond to the draft audit report titled *Promoting Tribal Success in EPA Programs*, Assignment No. 2006-302. It is my understanding that this draft audit is based upon information obtained during development of the Draft Report, *Tribal Successes: Protecting the Environment and Natural Resources* on positive tribal practices related to environmental and natural resource programs which is a joint effort of the Offices of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) and the Department of the Interior (DOI) and which you have also forwarded.

Your three audit recommendations are well received, and I am in agreement that the three successful practices you identify do, in fact, lead to tribal program successes. As your companion Draft Report determined, these practices are currently deeply incorporated within the EPA's Indian Program both at the American Indian Environmental Office (AIEO) and in the EPA program offices working with tribes.

Nevertheless, I recognize that we must continually strive to improve our progress. As National Program Manager for the EPA Indian Program, I therefore concur with the recommendations and suggest several actions to sustain and increase the currently successful practices that the EPA Indian Program utilizes during its interactions with tribes.

IG Recommendation 1: Work with the Tribes to promote place-based collaboration and partnerships in line with the Administrator's principle for innovation and collaboration.

Concurring Response 1: The Administrator's call for innovation and collaboration across the Agency has been long instituted within the EPA Indian Program and in the manner in which tribes conduct business. As the draft audit states, "innovative practices help Tribes overcome

barriers to successful management of environmental programs.” The historical lack of program funding to tribal efforts has resulted in the need to find mechanisms that work.

EPA tribal collaboration occurs on many levels. Within EPA, AIEO and our program offices work with numerous tribal advisory groups including those for toxics, pesticides, air, water, solid waste and the National Tribal Caucus of the National Tribal Operations Committee on budgetary and co-regulator matters. EPA also seeks out other fora for collaboration as appropriate. EPA agrees that success in Indian country requires more than collaboration and partnership with federal partners alone, and so we continue to believe in one of the bedrock principles of the 1984 EPA Indian Policy which is to “encourage cooperation between tribal, state, and local governments.” The 1984 Indian Policy states it best by saying “in the field of environmental regulation, problems are often shared and the principle of comity between equals and neighbors often serves the interests of both.” AIEO has long tracked partnerships and voluntary agreements as one indicator of current and future program success.

As the Draft Audit indicates, to make partnerships work place-based personnel are a necessary component to success. Since 1992 EPA has worked to promote place-based activity through EPA’s Indian General Assistance Program (IGAP) which strives to provide base funding for all tribes to create an environmental presence; this literally means a tribal government staff position in many cases. The program goal has consistently been to provide base funding for all tribes desiring such assistance. Currently approximately 500 tribes receive funding.

Actions under IG Recommendation 1. EPA will continue to promote innovation and collaboration on all levels of the EPA Tribal Program.

IG Recommendation 2: Identify and make available education and outreach materials relevant to Tribes.

Concurring Response 2: As EPA has done in the past, non-tribal materials will be adjusted for the tribal audience as needs arise and program offices will continue to develop tribal culturally relevant materials. EPA will also continue to support tribal efforts to create their own culturally relevant materials by making available EPA funding and EPA staff time as allowable for such activities. As an indication of the effectiveness of EPA’s actions I would note that the award-winning, culturally-relevant lead-based paint educational booklet “How Mother Bear Taught the Children about Lead” highlighted in the draft IG Report, *Tribal Successes: Protecting the Environment and Natural Resources* was developed by the tribe with EPA financial support and the input of several EPA staff members including one of my staff at AIEO.

Actions under IG Recommendation 2. EPA’s Indian Program Policy Council (IPPC) will compile a log of all tribal culturally relevant materials that have been produced at EPA and direct AIEO to review this information to determine the need for additional new materials and/or additional printings or distributions of existing materials. I will ask AIEO to work with the Tribal Caucus of the National Tribal Operations Committee to conduct a separate review and make the same recommendations.

IG Recommendation 3: Work with Tribes to identify economic resources and alternatives to fund future activities.

Concurring Response 3: Historically, the economic conditions of tribes within the United States has hindered the success of environmental programs in Indian country. The EPA Indian Program recognizes this unfortunate fact and works to provide alternatives in positive, innovative ways to accomplish the goal of environmental protection. While much of this interaction is outside the scope of direct EPA staff interaction, tribal personnel funded under the IGAP program make tremendous progress in seeking alternative and supplemental funding. Under the auspices of the IPPC, EPA created a cross-program workgroup to examine innovative and alternative funding sources and ideas. This workgroup has nearly completed its report and the information will be considered by the IPPC for further action.

Action under IG Recommendation 3: Upon completion of the Innovative Funding Workgroup report in 2007, the IPPC will consider all recommendations and adopt those promoting the identification of economic resources and alternate funding sources for environmental activities.

Overall it gives me great pleasure to know that the 20 year EPA-Tribal partnership that was instrumental in the creation of the 1984 Indian Policy, the development of EPA's Indian Program, including AIEO, in the 1990's, and which continues to this day had it right from the beginning. EPA's current role, and my goal as National Program Manager, is simply to continue the successes within this proven framework.

Distribution

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