



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

AUG 06 2012

Office of
International and
Tribal Affairs

VIA EMAIL TRANSMISSION [OIRA_Submission@omb.eop.gov]

Cass R. Sunstein
Office of Information & Regulatory Affairs
Office of Management and Budget
Washington, DC

Dear Administrator Sunstein,

As U.S. EPA's Designated Consultation Official, I am pleased to transmit this letter as our progress report per President Obama's November 5, 2009 memorandum on tribal consultation. This report describes EPA's progress to-date and anticipated next steps related to EPA's Plan of Action on tribal consultation, submitted to the Office of Management and Budget on February 3, 2010.

Progress To-Date

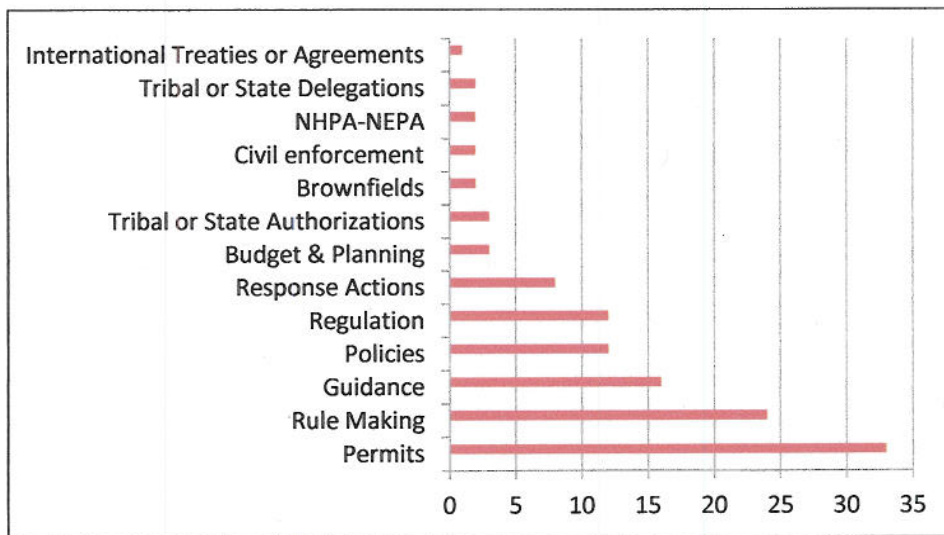
Implementation of EPA's Tribal Consultation Policy - The primary action specified in EPA's Plan of Action was the development of a tribal consultation policy. The *EPA Policy on Consultation and Coordination with Indian Tribes* ("Policy") was finalized on May 4, 2011 after extensive consultation and coordination with tribes and a public comment period. The Policy is designed to fulfill the Agency's obligation to consult with tribes in accordance with Executive Order 13175, but importantly establishes a broader standard regarding the type of Agency actions and activities that may warrant consultation. Once a determination has been made to consult with tribes, EPA lists these tribal consultation opportunities on our Indian Tribal Portal Consultation webpage, <http://www.epa.gov/indian/consultation/>. This web page also provides all the information necessary to make an informed decision to participate. In addition to formally notifying tribal governments of consultation opportunities by US postal mail, EPA created a listserv for tribal environmental directors and staff to provide an early alert of EPA's intent to consult. This action was in direct response to a recommendation by tribes during the development of the Policy.

Finally, pursuant to EPA's FY2011–2015 Strategic Plan, all Agency employees will be required to take the *Working Effectively with Tribal Governments* training course by September 29, 2012. The training supports the Agency's top priority of building strong tribal partnerships.

Consultation Activity—From August 2011 to August 2012, EPA has initiated 121 consultations and completed 98 with tribal governments, with 79% of the consultations being held by teleconference. EPA currently has 29 on-going consultations. The chart below summarizes the types of activities EPA consulted on with tribal governments during the past year. To view all of EPA's past consultation to date please visit:

<http://yosemite.epa.gov/oita/TConsultation.nsf/TC?OpenView> and view the archive section.

Consultation Activity with Tribes:



Anticipated Next Steps

EPA will continue to solicit feedback from tribes on the effectiveness of our consultation process, both directly from tribes during actual consultations and through our tribal partnership groups. We are exploring the feasibility of a national call or in person meeting with elected tribal leaders to help identify improvements to the Agency's consultation process. Over the past year, implementation of EPA's Consultation Policy has remained our top priority for EPA. In the spring of 2012 EPA's Executive Management Council (EMC) conducted a review of EPA's progress in implementing the Consultation Policy. The EMC identified several areas of improvement for to achieve successful implementation of this Policy and in Fiscal Year 2014 the Office of International and Tribal Affairs will work with tribes, managers and staff to implement these improvements.

Should you have any questions or comments, please contact JoAnn Chase, Director, EPA American Indian Environmental Office, on chase.joann@epa.gov or 202-564-0878.

Sincerely,

A handwritten signature in cursive script that reads "Michelle DePass". The signature is written in dark ink and is positioned above the printed name.

Michelle DePass
Assistant Administrator