

## **EPA/Tribal 319 Equity Workgroup**

### Summary of Discussions & Suggestions for EPA 319 Program Actions to Better Support Tribal NPS Programs

June 2022

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## Executive Summary

In fiscal year (FY) 2022 EPA's national Nonpoint Source (NPS) program is engaging State, Territory and Tribal §319 grantees, as well as the broader NPS community, to identify and discuss opportunities to advance equity and environmental justice in the program.<sup>1</sup> This EPA/Tribal workgroup was formed to discuss potential actions to address key challenges facing Tribal NPS programs in their efforts to build and sustain program capacity. The workgroup, comprised of four EPA staff and 12 Tribal representatives, met between April and June 2022 to identify options EPA could consider to better support Tribal NPS programs, as well compile information on current Tribal NPS program approaches for addressing key challenges. Workgroup suggestions to EPA are listed below.

Recognizing the value of workgroup discussions in spring 2022 and the need to develop more fully some of the suggestions below, workgroup members suggested EPA continue convening a national EPA/Tribal NPS workgroup to guide implementation of NPS program actions to better support Tribal NPS programs.

### **Part I. Tribal 319 Funding – Building and Sustaining NPS Programs**

#### ***Topic #1: Changes to the base grant allocation formula***

1. Increase base grant funding levels for all 319-eligible Tribes so that each Tribe can support 1 full time equivalent (FTE) position to lead NPS program work. Then, consider allocating any additional remaining base grant funds using a formula that incorporates Tribal-specific factors that estimate the relative NPS program need (e.g., population, land use, land area).

#### ***Topic #2: Increase availability of state 319 funds for Tribes***

2. Establish a national NPS program policy where unspent state 319 funding returned to EPA be committed to the Tribal 319 program.
3. If EPA removes or adjusts the Tribal 319 competitive grant allocation in order to increase base grant funding levels, create a mechanism for Tribes to better access state 319 grants for watershed projects (e.g., scoring preference for Tribes, require states commit a % of their funds to Tribes).
4. Require or provide state NPS programs flexibility to accept an EPA-approved Tribal NPS management plans as an alternative to a nine-element WBP, in order for Tribes to be eligible for state CWA 319 watershed project grants.

#### ***Topic #3: Tribal 319 grant policies and requirements***

5. Explore opportunities to reduce Tribal 319 grantee administrative burden, including through development of cross-program (e.g., 106 and 319) QAPPs, a reduction in the frequency of required reporting, waiver of the 319 required match, and streamlining of NPS planning documents (e.g., combining NPS management plans with watershed plans).
6. Revise the EPA NPS program policy to allow BMP operation & maintenance as an eligible activity to be supported by 319 grants.

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<sup>1</sup> EPA recognizes the diversity of terms that Tribal partners use to self-identify, particularly in the context of working with the US federal government and other external partners. For the purposes of this document, Tribe is used as a collective term encompassing federally recognized Tribes, Nations, Pueblos, and other entities currently eligible under CWA §319.

## **Part II. Tribal 319 Funding – Implementing NPS Projects**

1. Increase the Tribal 319 competitive grant project cap (currently \$100K/project) to increase the scope of BMP work possible. Members suggested a minimum of \$150K-\$200K/project.
2. Consider adding new eligible project types to the Competitive Grant Request for Applications, such as NPS project planning grants and BMP operation & maintenance grants.
3. Revise the Request for Applications, including evaluation criterion e (Watershed Approach), to set more realistic expectations for Tribes in adopting a watershed approach, given the challenges facing many Tribal NPS programs.
4. Explore opportunities to provide a scoring advantage to Tribes who have not yet or not recently received a competitive grant.

## **Part III. NPS Partnerships & Leveraging Opportunities**

Workgroup members emphasized the need for increased funding to support additional Tribal NPS staff time to pursue NPS partnerships and leveraging opportunities. In addition:

1. Develop an inventory of other programs that could support Tribal NPS work by providing technical or financial assistance.
2. Develop case studies that highlight examples of successful Tribal NPS partnerships.
3. Compile examples and case studies of Tribal codes that could help achieve Tribal water quality program goals, for example by providing income from permitted entities that could provide funding support for Tribal water quality projects.
4. Increase coordination between EPA's NPS program and other key partners, including other federal agencies, at the national and regional scale to better support Tribal NPS partners (see Table III.A for workgroup brainstorm list). For near-term actions, the workgroup identified the following priority prospective program partners:
  - US Department of Agriculture – Natural Resources Conservation Service, Farms Services Agency
  - Federal Emergency Management Agency
  - US Department of Interior – Bureau of Indian Affairs, US Fish & Wildlife Service, US Geology Survey, Bureau of Land Management
  - EPA Clean Water and Drinking Water State Revolving Funds & Indian Health Service
  - EPA Brownfields Grant Program

## **Part IV. NPS Training & Technical Support**

### **Topic #1: Adopting a Watershed Approach**

1. Provide technical resources and funding support for Tribal NPS programs to pursue an incremental watershed planning approach, wherein planning elements can be incrementally completed while implementation work begins.
2. Provide technical guidance and flexibility to Tribal NPS programs interested in integrating watershed planning in the development of NPS assessment reports and NPS management plans.

### **Topic #2: Monitoring/Assessing Waters**

3. Provide Tribes technical assistance and flexibility to better integrate CWA 106 and 319 programs, specifically in developing cross-program QAPPs and joint 106/NPS assessment reports to meet program requirements.
4. Develop or highlight existing web-based tools and databases that Tribal staff could use to find and compile existing water quality data in their area.

5. Provide technical training on interpreting water quality and assessment information for NPS planning, covering topics like statistical analysis for hypothesis testing, water quality assessment tools, etc.

**Topic #3: NPS Project Planning, Design & Implementation**

6. Collaborate with Tribes to develop a national Tribal NPS project database that contains structural and non-structural BMP project information that can be searched by NPS issue (e.g., source, pollutant), region, etc.
7. Host Tribal NPS peer-to-peer exchanges within and across EPA regions to provide Tribal staff the opportunity to share experiences and expertise.

## Introduction

In fiscal year (FY) 2022 EPA's national Nonpoint Source (NPS) program is engaging State, Territory and Tribal §319 grantees, as well as the broader NPS community, to identify and discuss opportunities to advance equity and environmental justice in the program.<sup>2</sup> This national program dialogue provides an opportunity to have a broad discussion about the challenges facing Tribes and Indigenous communities, how these challenges impact Tribal NPS programs working within these communities, and how EPA can help address these challenges through action in the CWA §319 program.

EPA hosted eight listening sessions with §319 grantees from January 25 – Feb 16, 2022, including four sessions with all grantees (States, Tribes, and Territories) and four sessions with Tribal grantees. The purpose of the Tribal §319 grantee listening sessions was to (1) provide Tribal §319 grantees with an opportunity to share their experiences, including successes and challenges, building, and sustaining Tribal NPS program capacity, and (2) help EPA identify specific actions the national NPS program could consider to better support Tribal §319 grantees. There was a total of 94 participants in these sessions, including 55 Tribal grantees and 32 EPA Regional staff.

Following these listening sessions, this EPA/Tribal workgroup was formed to discuss potential actions to address key challenges facing Tribal NPS programs in their efforts to build and sustain program capacity, specifically focusing on the following emerging themes raised during Tribal §319 Grantee listening sessions: (1) Tribal §319 funding and grant guidelines, (2) Securing NPS partnerships and leveraging opportunities, and (3) Addressing technical capacity needs to support NPS management work.

The workgroup met for five 1.5-hour sessions between April and June 2022. During these sessions Tribal workgroup members shared their expertise and experiences, including best practices and key challenges, leading Tribal NPS programs. EPA workgroup members shared perspectives based on their work with Tribal NPS partners. During each session the workgroup aimed to identify options EPA could consider to better support Tribal NPS programs, as well compile information on current Tribal NPS program approaches for addressing key challenges (e.g., best practices in building NPS partnerships).

This report includes a summary of workgroup discussions and suggestions for EPA's consideration to advance equity in the Tribal NPS Program.

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<sup>2</sup> See EPA's NPS program policy memorandum, [Near-term Actions to Support Environmental Justice in the Nonpoint Source Program](#) (issued September 2021) for more information.

## Workgroup Roster

EPA Region	Member	Affiliation	Email
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10	Kelsey Payne	Snoqualmie Indian Tribe	<a href="mailto:kelsey.payne@snoqualmientribe.us">kelsey.payne@snoqualmientribe.us</a>

Other EPA HQ staff attendees: Cyd Curtis, Margot Buckelew, Adrienne Donaghue, Ellie Flaherty

## Part I. Tribal 319 Funding – Building and Sustaining NPS Programs

### Introduction

EPA awards base grants consistent with the current [Guidelines for Awarding Clean Water Act Section 319 Base Grants to Indian Tribes](#). Base grants are awarded using a formula based on Tribal land area held in trust by the federal government (reservation plus non-reservation trust lands).<sup>3</sup> Tribes with less than 1,000 sq. mi. (less than 640,000 acres) of land receive a base amount of \$30,000/year, and Tribes with over 1,000 sq. mi. (over 640,000 acres) receive a base amount of \$50,000/year.<sup>4</sup> These base grant funding levels were established in fiscal year (FY) 2002. In FY2022, there are 191 Tribes eligible at the \$30,000 base funding level and 19 Tribes eligible at the \$50,000 base funding level (Table I.A).

**Table I.A.** Count of 319-eligible Tribes at \$30K and \$50K base 319 funding levels in FY2022.

EPA Region	Count of Tribes at \$30K base grant level	Count of Tribes at \$50K base grant level	Total Count of 319-eligible Tribes
1	5	0	5
2	1	0	1
3	0	0	0
4	6	0	6
5	19	1	20
6	20	1	21
7	5	0	5
8	8	8	16
9	99 <sup>5</sup>	5	103
10	28	4	32
<b>Total</b>	<b>191</b>	<b>19</b>	<b>210</b>

Base grants serve as the primary source of support for Tribal NPS management programs. These funds may be used for a range of activities that implement the Tribe’s approved NPS management program. Base grants are primarily used to fund a portion of a Tribal staff position to lead NPS program work. Common staff-led activities include NPS monitoring activities, NPS project planning, conducting NPS training and outreach activities, and establishing NPS program priorities (e.g., via regular updates to NPS management program plans). Tribes may also implement on-the-ground projects with these funds, if available.

At current funding levels, base grants support a portion of a Tribal staff position, typically less than 0.25 full time equivalent (FTE) (Table I.B). The most common and greatest challenge cited by Tribal

<sup>3</sup> CWA section 319 Tribal guidance does not cite a data source for Tribal land area data. Section 106 Tribal grant program allocation formula uses Tribal land areas reported through the US Census.

<sup>4</sup> According to EPA’s *FY2011 Guidelines for Awarding Clean Water Act Section 319 Base Grants to Indian Tribes*, “EPA continues to rely upon land area as the deciding factor for allocation of funds because NPS pollution is strongly related to land use; thus, land area is a reasonable factor that generally is highly relevant to identifying Tribes with the greatest needs (recognizing that many Tribes have needs that significantly exceed available resources).”

<sup>5</sup> The Klamath Water Quality Consortium, located in EPA Region 9, is currently the only intertribal consortium eligible for CWA §319 grants. Per current Tribal 319 base grant guidelines, an intertribal consortium may not apply for a base 319 grant if the consortium member Tribes have also applied for base grants.



participants in all four 319 equity listening sessions was that current base grant funding levels are inadequate to support Tribes’ efforts to build and sustain their NPS programs, leading to staffing challenges (e.g., staff jointly funded by and thus supporting multiple programs, staff turnover), lack of funding for on-the-ground NPS projects, etc.

A recent survey of Tribal environmental programs conducted by the EPA Region 5 Tribal Caucus also emphasized the need for more funding support. As part of the survey, Region 5 Tribes reported that, on average, the unmet financial need within Tribal water quality programs is \$262,111.<sup>6</sup> Region 5 Tribes reported additional funding needs for staff, new equipment, equipment repair, travel and training, and resources to increase water quality sampling efforts.

**Table I.B.** Workgroup member estimates of current base 319 grant funding/staff time available to support NPS program work, after accounting for other costs (indirect, admin costs, fringe, etc.)

Response	Current Base Funding Level	Direct \$ Available	Staff FTE/Hours Available
R4 Tribal Workgroup Member	\$30K	\$17,580	703 hours
R6 Tribal Workgroup Member	\$30K	\$18,000	
R7 Tribal Workgroup Member	\$30K	\$15,532	0.205 FTE / 426 hours
R9 Tribal Workgroup Member	\$30K	\$17,250	0.2 FTE / 416 hours
R9 Tribal Workgroup Member	\$30K	\$5K-\$28K	0.8 FTE
R10 Tribal Workgroup Member	\$30K	\$22,000	
R10 Tribal Workgroup Member	\$30K		0.15 FTE
Estimate from EPA R8 Member <sup>7</sup>	\$30K		0.25 FTE / 520 hours

Summary of Workgroup Discussion

**Discussion Question #1: What is the minimum funding level needed to sustain Tribal NPS program work?**

Workgroup members agreed that the current base grant funding levels, particularly \$30K/year, is inadequate to fully support Tribal NPS program work. Workgroup members agreed that funding to support 1 FTE is the minimum funding level needed to sustain Tribal NPS program work. Eight workgroup members provided a specific estimate of the minimum funding level needed (direct + other costs); the average amount was \$82,000 (min: \$45K, max: \$124K). One member noted that the cost of administering a NPS program is the same, regardless of Tribal land area.

Workgroup members shared several examples of how additional base grant funding could be used to support Tribal NPS program work. Examples included:

- Additional Tribal staff hours to lead NPS program work
- Additional Tribal staff time to research/apply for other (non-CWA 319) NPS-related funding sources

<sup>6</sup> Source: EPA Region 5 Tribal Caucus presentation, entitled ‘Budget and Programmatic Outreach Results’ (March 2022)

<sup>7</sup> EPA Region 8 staff person provided this estimate, based on Tribal 319 grantees in EPA Region 8.

- Training/travel for Tribal staff
- NPS outreach programming
- Demonstration NPS projects
- Community partnership-building activities
- NPS monitoring activities. One member noted that laboratory analysis costs have increased significantly since base funding levels were established in 2002; costs can be \$400/sample to analyze a full suite of water quality parameters (metals, anion, TSS, nutrients).

***Discussion Question #2: Should EPA change the Tribal 319 base grant allocation approach?***

Consider the following alternative base grant allocation approaches (see Table I.C and I.D below)

- **Base + Variable Allotments:** Several workgroup members emphasized the need for an increased base grant funding floor for all Tribal NPS programs. One member suggested adopting the CWA Tribal 106 grant formula model to determine annual Tribal grant amounts based on an equal base allotment for all eligible Tribes (e.g., \$50K/year) + a variable allotment that varies per Tribe, depending on water quality-related factors (e.g., land area, land use, surface water area).
- **Tribal-specific NPS program factors:** Two workgroup members suggested that EPA award Tribal 319 base grants based on specific aspects of each Tribe's NPS program. For example, one member suggested EPA determine base grant amounts on the extent of NPS problems and funding needs documented in the Tribe's NPS assessment report and NPS management plan. Another workgroup member suggested establishing base funding levels specific to the NPS work a Tribe has capacity to lead (i.e., NPS planning vs. NPS implementation work).
- **Increase EPA Regional roles in base grant allocations:** Two workgroup members suggested that EPA HQ allocate a total Tribal 319 grant amount to each EPA Region, then each Regional office determine Tribal-specific award amounts. These members suggested equally distributing the funding to eligible Tribes in each Region.

Base vs. Competitive Grants

Workgroup members emphasized that the greatest need in the Tribal NPS program is to increase base 319 grant funding levels in order to provide more sustained, year-to-year support for Tribal programs. However, members also noted the important role that competitive grants play in supporting implementation projects. Members shared different perspectives about whether to remove the Tribal 319 competitive grants (currently ~1/3 of the annual Tribal 319 set-aside) in order to increase base grant levels. In general, members expressed frustration with the potential need to choose between competitive grants and increased base grants, instead asking EPA to increase the overall Tribal 319 set-aside.

- One workgroup member suggested allocating a portion of the Tribal 319 competitive grants to increase base grant levels.
- One workgroup member suggested EPA establish separate base and competitive Tribal 319 set-asides from the total annual 319 appropriation.
- One workgroup member suggested that if EPA removes the Tribal 319 competitive grants in order to increase base grant levels, there should be a mechanism for Tribes to better access state 319 grant funds for watershed projects (e.g., scoring preference for Tribes, require states commit a % of their funds to Tribes).

### Commit Unspent State 319 funding to Tribes

Two workgroup members suggested EPA establish a policy where unspent state 319 funding returned to EPA be committed to the Tribal 319 program.

### Reduce grants administration burden

EPA should consider opportunities to decrease Tribal grantee administration responsibilities, such as:

- **Decreasing the frequency of required reporting.**
  - Quarterly status reporting should not be the standard (understanding that there is a need with some quarterly reporting for some grantees, quarterly should be the minority and not the majority.) (States that incorporate 319 funds into their PPG only have annual reporting requirements.)
  - If Tribes are required to submit quarterly reports, then a final/annual report should be waived.
- **Provide training and program flexibilities, where needed, to support the development of cross-program quality assurance project plans (QAPPs).**
- **Reduce multiple grant applications for small pots of funding.** There is a grant application for base funding (\$30,000) and grant application for Tribal competitive 319 grants. There should be one application for all Tribal 319 funds (Just like the states.)
- **Eliminate Tribal 319 required match**, as tracking match is time intensive.
- **Identify opportunities for streamlined NPS planning.** For smaller Tribes, a NPS Management Plan and Watershed Based Plans should be combined into one document.
- **Grants Reporting and Tracking Database (GRTS) requirements:** Tribal competitive 319 grant-funded BMP work should not have to be reported again in a final/annual report.

### Workgroup Suggestions to EPA

#### ***Topic #1: Changes to the base grant allocation formula***

1. Increase base grant funding levels for all 319-eligible Tribes so that each Tribe can support 1 full time equivalent (FTE) position to lead NPS program work. Then, consider allocating any additional remaining base grant funds using a formula that incorporates Tribal-specific factors that estimate the relative NPS program need (e.g., population, land use, land area).

#### ***Topic #2: Increase availability of state 319 funds for Tribes***

2. Establish a national NPS program policy where unspent state 319 funding returned to EPA be committed to the Tribal 319 program.
3. If EPA removes or adjusts the Tribal 319 competitive grant allocation in order to increase base grant funding levels, create a mechanism for Tribes to better access state 319 grants for watershed projects (e.g., scoring preference for Tribes, require states commit a % of their funds to Tribes).
4. Require or provide state NPS programs flexibility to accept an EPA-approved Tribal NPS management plans as an alternative to a nine-element WBP, in order for Tribes to be eligible for state CWA 319 watershed project grants.

#### ***Topic #3: Tribal 319 grant policies and requirements***

5. Explore opportunities to reduce Tribal 319 grantee administrative burden, including through development of cross-program (e.g., 106 and 319) QAPPs, a reduction in the frequency of

required reporting, waiver of the 319 required match, and streamlining of NPS planning documents (e.g., combining NPS management plans with watershed plans).

6. Revise the EPA NPS program policy to allow BMP operation & maintenance as an eligible activity to be supported by 319 grants.

**Table I.C:** Potential Alternative Base Grant Allocation Approaches

Option	Description	Workgroup Member Input	
		Advantages	Limitations
A.1	Keep two current Tribal land area-based funding tiers.	<ul style="list-style-type: none"> <li>Know from year-to-year what your funding will be.</li> </ul>	<ul style="list-style-type: none"> <li>The current base funding just doesn't support enough of an FTE.</li> <li>Current base funding may not support desired on-the-ground project work.</li> <li>Land base acreage is not an effective predictor of NPS issues.</li> </ul>
A.2	Create additional (>2) land area funding tiers.	<ul style="list-style-type: none"> <li>Provides more flexibility to better target funding amounts to relative NPS need.</li> </ul>	<ul style="list-style-type: none"> <li>Could make funding formula complicated.</li> <li>Still wouldn't ensure that base funding level could support one FTE</li> </ul>
B	Include additional factors, beyond Tribal land area, in a revised base allocation formula. <i>*See Table I.D below for potential factors</i>	<ul style="list-style-type: none"> <li>Provides more flexibility to better target funding amounts to relative NPS need, since land area is not the only factor influencing of NPS pollution.</li> </ul>	<ul style="list-style-type: none"> <li>Guess, this would be which additional factors are the best.</li> </ul>
C	Award the same funding amount to all 319-eligible Tribes.	<ul style="list-style-type: none"> <li>Know from year-to-year what funding would be.</li> <li>Reduces competition for funds between Tribes (more equitable)</li> </ul>	<ul style="list-style-type: none"> <li>May need more or less funding pending project.</li> </ul>
D	Establish a two-part base allocation formula: an <b>equal base allotment</b> for all Tribes + a <b>variable allotment</b> , specific to each Tribe based on Tribal land area and/or other relevant factors.  <i>*See Table I.D below for potential factors</i>	<ul style="list-style-type: none"> <li>Provides more flexibility to better target funding amounts to relative NPS need.</li> <li>This is a more equitable distribution of funds to Tribes.</li> <li>Provides an additional mechanism to take into consideration extra NPS risks/issues to a Tribe (and grants them extra \$).</li> <li>Depending on \$ amounts, the variable allotment portion could provide Tribes additional support for program activities, which vary year-to-year.</li> </ul>	<ul style="list-style-type: none"> <li>The variable allotment should NOT be based only on land base, but rather the factors in Table I.D.</li> </ul>

E.1	HQ provides a total Tribal 319 grant allocation per EPA Region, then Regions determine individual award amounts <b>based on proposed 319 workplans.</b>	<ul style="list-style-type: none"> <li>• Again, provide more flexibility by getting available funds where needed based on project.</li> <li>• Similar mechanism to Tribal CWA 106 funding procedures, so may be easier for Tribes to plan around since they are familiar with structure.</li> <li>• This would allow Tribes the opportunity to have variations in proposed activities from year to year.</li> </ul>	<ul style="list-style-type: none"> <li>• This form of allocation would need to be clearly defined so funds could be allocated fairly. Almost becomes a competitive grant process.</li> </ul>
E.2	HQ provides a total Tribal 319 grant allocation per EPA Region, then Regions <b>award \$ equally among all eligible Tribes in Region.</b>	<ul style="list-style-type: none"> <li>• Know from year-to-year what your funding will be.</li> <li>• Reduces competition for funds between Tribes (more equitable)</li> </ul>	<ul style="list-style-type: none"> <li>• May lose the flexibility.</li> <li>• Needs are different from Tribe to Tribe.</li> </ul>

**Table I.D.** Potential factors to consider in Tribal 319 base grant allocation formula (see Options B and D in table above)

Factor	Potential Data Source	Workgroup Member Input	
		Advantages	Limitations
Surface waterbody area on Tribal lands	National Hydrography Dataset (NHD)	<ul style="list-style-type: none"> <li>Provides more flexibility to better target funding amounts to relative NPS need.</li> </ul>	<ul style="list-style-type: none"> <li>Some limitations for Tribes in Arid SW, where not all waterbodies show up in NHD</li> </ul>
River/stream miles on Tribal lands	NHD, Tribal Water Atlas developed by each Tribe	<ul style="list-style-type: none"> <li>Provides more flexibility to better target funding amounts to relative NPS need.</li> </ul>	<ul style="list-style-type: none"> <li>Some limitations for Tribes in Arid SW, where not all waterbodies show up in NHD / blue-lined creeks</li> </ul>
Wetland area on Tribal lands	National Wetland Inventory	<ul style="list-style-type: none"> <li>Provides more flexibility to better target funding amounts to relative NPS need.</li> </ul>	
Waters of cultural importance to Tribe	Tribal programs		
Current population on Tribal lands	US Census	<ul style="list-style-type: none"> <li>Population contributes to water quality issues.</li> </ul>	<ul style="list-style-type: none"> <li>Determining who that population consists of and the degree to which they contribute to water quality issues.</li> </ul>
Current population in watershed(s) draining to Tribal lands	US Census	<ul style="list-style-type: none"> <li>Population contributes to water quality issues.</li> <li>More accurately provides estimate of local population driving NPS pollution issues, particularly for checkerboard reservation situations, where NPS loading from off Tribal lands contributes to water quality problems/threats in the watershed(s).</li> </ul>	<ul style="list-style-type: none"> <li>Not only need to look at population but at quantity and types of dischargers as well.</li> <li>Should include surround land uses, as well as population #'s, to more accurately identify potential NPS issues for Tribes</li> </ul>
Total land area draining to Tribal lands	NHD, National Elevation Dataset	<ul style="list-style-type: none"> <li>Amount of NPS pollution is driven by the land area draining to waters.</li> </ul>	<ul style="list-style-type: none"> <li>Does not consider land use/land type, which influences NPS pollution loading.</li> <li>Should also include land area that Tribal land drains TO, so that Tribes can conduct projects that protect downstream (off-reservation) resources as well.</li> </ul>

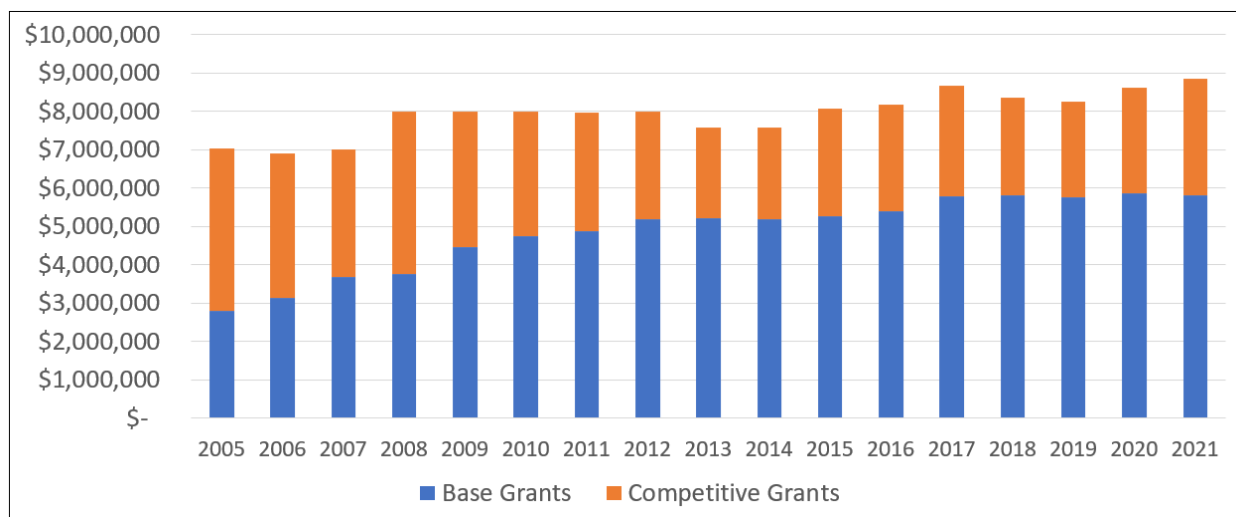
# Jurisdictions in Tribal Watersheds	Tribal NPS management plans	<ul style="list-style-type: none"> <li>• This would benefit those Tribes that have a checkerboard reservation.</li> <li>• Accounts for cases where it takes the Tribe a lot of additional coordination and agreement to manage NPS pollution.</li> </ul>	<ul style="list-style-type: none"> <li>• By just counting # jurisdictions, this factor does not consider whether Tribes have a strong working relationship with these other jurisdictions.</li> </ul>
Current Tribal land use/land cover (e.g., varying weights for different land uses)	National Land Cover Dataset	<ul style="list-style-type: none"> <li>• Consider this to be one of the most important factors. Water quality is a reflection of the land use in the watershed.</li> </ul>	<ul style="list-style-type: none"> <li>• How accurate is the NLCD Dataset on Tribal lands? Perhaps there's a way to use internal Tribal GIS land use database as well?</li> <li>• Upstream (off-reservation) land use would also be very important to consider.</li> </ul>
Projected future land use/land cover (e.g., varying weights for different land uses)	EPA Integrated Climate and Land-Use Scenarios (ICLUS)	<ul style="list-style-type: none"> <li>• This would be good during times of urban development, taking cropland out of production.</li> </ul>	<ul style="list-style-type: none"> <li>• Don't see land use changing much in some areas and predicting what changes may occur in the future.</li> <li>• This may not be information that Tribes are willing to share.</li> </ul>
Does Tribe have a current, up-to-date NPS management program plan?	EPA	<ul style="list-style-type: none"> <li>• Plan addresses identified water quality issues. It provides for 'Public Notice' that can be reviewed by other jurisdictions and entities.</li> </ul>	



## Part II. Tribal 319 Funding – Implementing NPS Projects

### Introduction

In addition to awarding non-competitive Tribal 319 base grants, each year EPA manages a national competitive grant process to solicit applications from 319-eligible Tribes for on-the-ground projects that will directly protect or restore water quality from NPS pollution. In recent years, EPA has awarded approximately one-third of annual Tribal 319 funding set-aside via competitive grants (Figure II.A).



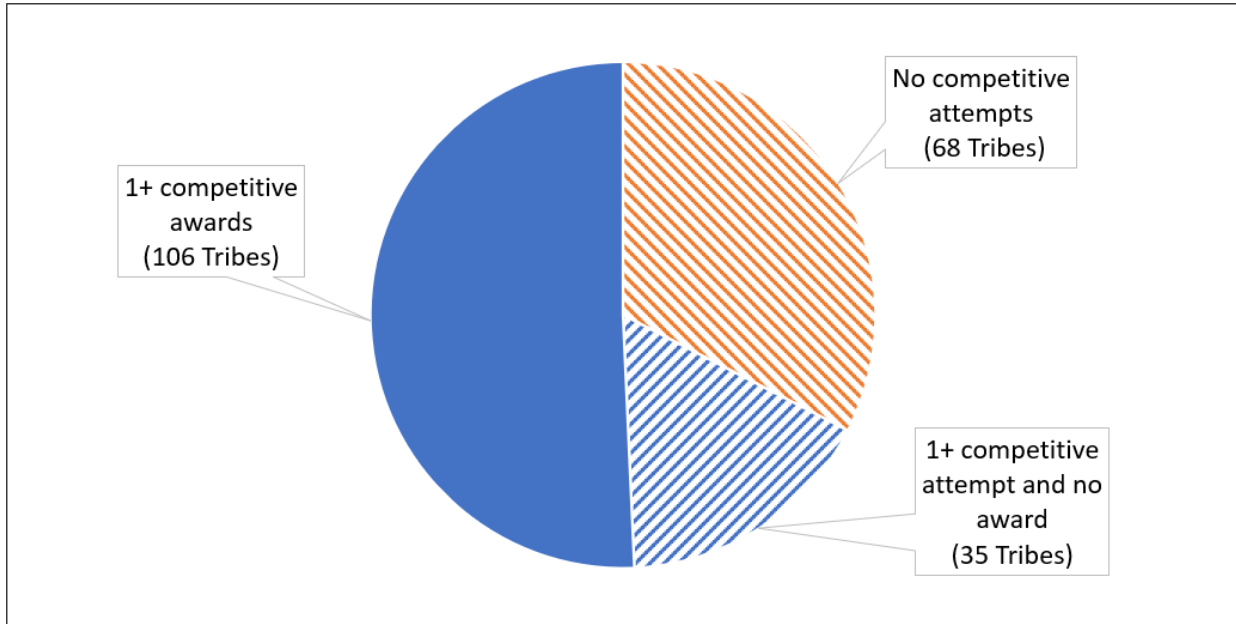
**Figure II.A.** Annual Tribal 319 grants awarded as base grants (blue bars) and competitive grants (orange bars), FY2005 – 2021.

From FY2005 to 2021 approximately two-thirds of all §319-eligible Tribes applied for at least one competitive grant. Over this time period 106 Tribes were successful in receiving one or more competitive grant (Figure II.B). Among these 106 Tribes, 35 Tribes received one competitive grant, 42 Tribes received two to five competitive grants, and 29 Tribes received six or more competitive grants (Figure II.C).

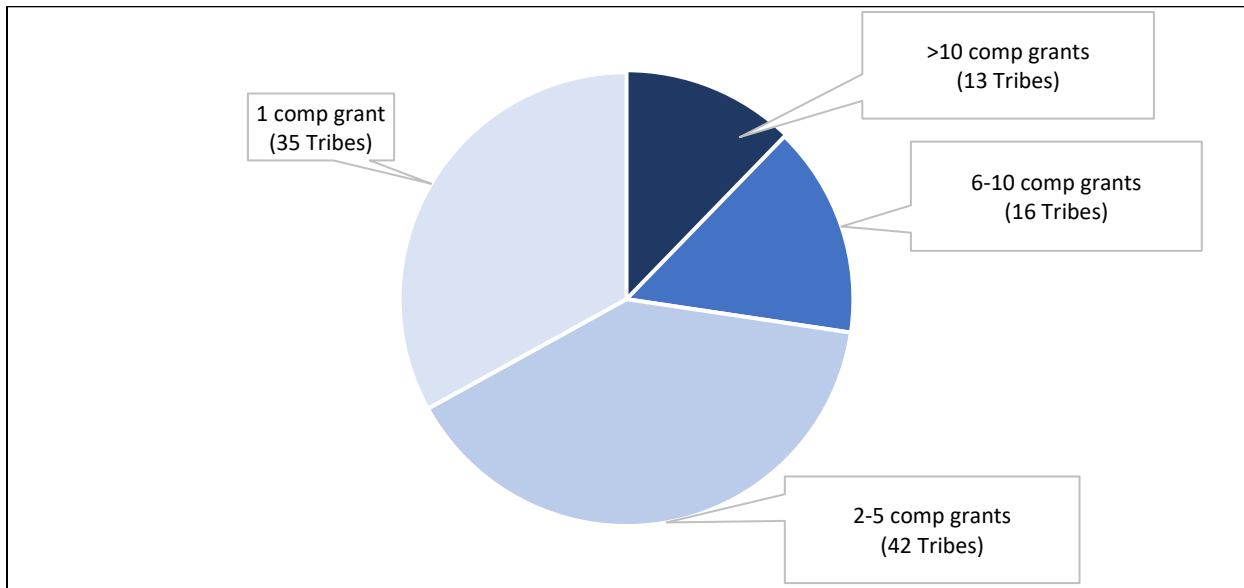
Currently, the primary focus of competitive grant projects must be on implementing best management practices that will directly protect or restore water quality from NPS pollution. In addition, applicants may include other eligible activities that support BMP implementation work, such as watershed-based planning and NPS monitoring activities. Prior to FY2014, Tribes could apply for up to \$150,000 in competitive grant funding. Beginning in FY2014, the competitive grant project cap was decreased to \$100,000 in order to increase the number of Tribes receiving grants each year. From FY14-21 EPA awarded, on average, 29 Tribal competitive grants per year (Figure II.D).

Tribal participants in all four 319 equity listening sessions described challenges associated with planning and implementing NPS projects, including the need to address NPS pollution through multi-phase projects, challenges associated with project planning and design, lack of funding for BMP operation & maintenance, the need for training on meeting permitting requirements associated with on-the-ground projects, and challenges completing NPS projects in the typical 1-3 year project period. Tribal participants in one listening session requested that EPA increase the competitive §319 grant cap above

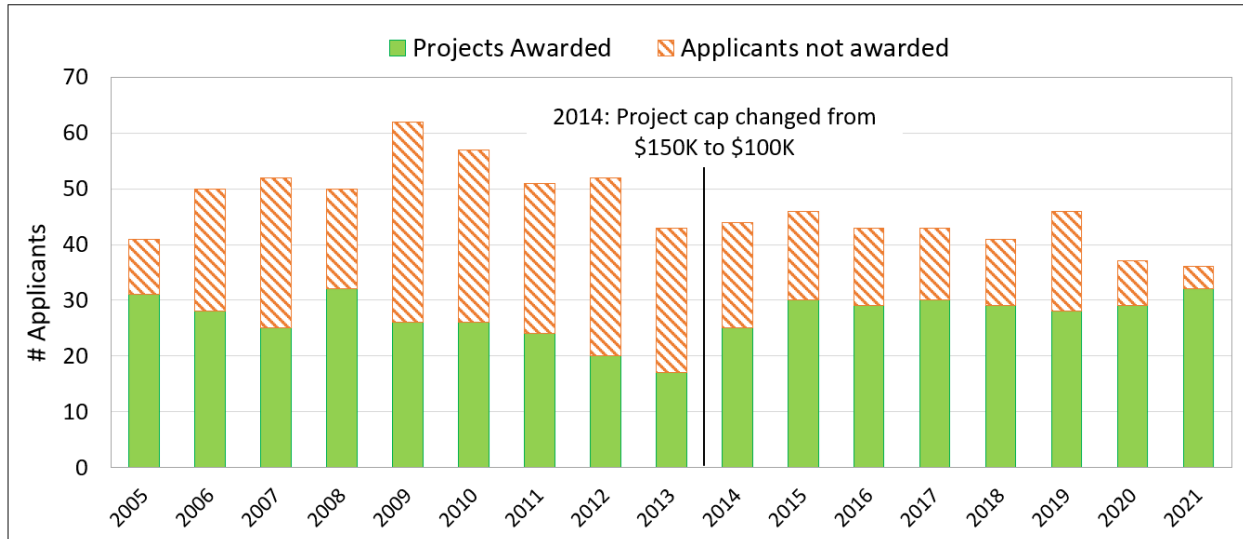
\$100K in order to support larger-scale projects. Tribes said grants in the range of \$300K+ would allow them to address larger-scale restoration needs (e.g., projects to address legacy mining issues).



**Figure II.B.** Tribal 319 competitive grant applications and award distribution, FY2005 – 2021. 209 §319-eligible Tribes included in analysis.



**Figure II.C.** Number of Tribes that received one or more competitive grant awards from FY2005 – 2021. A total of 106 Tribes received one or more competitive grant over this time period.



**Figure II.D.** Number of Tribal 319 competitive grant applications received (green + orange hash bars) and applications selected for award (green bars), FY2005 – 2021.

### Summary of Workgroup Discussion

#### **Discussion Topic #1: The role of competitive grants**

*Questions: Should EPA continue awarding a portion of the Tribal 319 set-aside via competitive grants? If yes, should there be changes to the eligible activities and/or the \$ project cap?*

#### **Base vs. Competitive Grants**

As described in Part I of this report, workgroup members emphasized that the greatest need in the Tribal NPS program is to increase base 319 grant funding levels in order to provide more sustained, year-to-year support for Tribal programs. Depending on the total Tribal 319 set-aside funding level, members supported decreasing the competitive grant funding in order to increase base grant amounts. However, members also noted the important role that competitive grants play in supporting implementation projects. Because of this members were reluctant to endorse removing the competitive grants altogether, unless there were new alternative sources of funding to support Tribal NPS BMP implementation work (e.g., opportunities through state 319 grant programs).

#### **Competitive Grant Project Types**

Workgroup members discussed the possibility of expanding the types of projects eligible for competitive grants, for example by creating multiple tracks corresponding to each project type in the Request for Applications. Members discussed the following project types:

##### 1. BMP implementation projects

Members emphasized the important role of competitive grants in supporting BMP projects, which is not currently possible at base grant funding levels. However, members noted that the current cap of \$100,000/project limits the scope of BMP work possible. Two workgroup members suggested increasing the project cap to \$150K - \$200K/project.

2. NPS project planning

Workgroup members discussed the idea of providing competitive grants solely focused on supporting NPS project planning. These grants could be helpful for Tribes that need additional funding, beyond base grants, to plan and design potential NPS projects that could be supported in a future year by a competitive grant or outside assistance programs. One member suggested providing \$50K/planning project.

3. BMP operation & maintenance

Several Tribal workgroup members discussed their struggles securing funding sources to conduct operation and maintenance (O&M) on existing BMPs. EPA's current NPS program policy is that O&M of NPS implementation projects is not eligible for CWA 319 grant funding (see [page I-3 of the Tribal NPS Handbook](#)). Members noted that other funding programs do not typically support O&M. If O&M becomes eligible, members noted that base grant funding would be a better source of support, given the uncertainty of whether an applicant will receive a competitive grant in a given year. However, members also discussed the possibility of EPA providing competitive grants to support O&M. Members discussed two types of O&M:

- **Regular O&M**, including routine inspections, maintenance, cleaning of installed BMPs. Funding is typically needed to support staff conducting O&M work. One member estimated their current O&M costs at \$2,500/year for a floating treatment wetland installed in a stormwater pond. Another member described the need for ongoing work to maintain progress in removing invasive plant species and/or replacing restoration plant material that may have failed during the initial year's work.
- **BMP retrofits**. For example, one member described the need to adapt to climate change by retrofitting BMPs to ensure their continued performance under future conditions.

**Discussion Topic #2: Competitive Grant Application Process**

*Question: If EPA keeps competitive grants, should any changes be made to: (1) scoring criteria, (2) the application 15-page limit, and/or (3) the frequency of competition (every 1 or 2 years)?*

**Competitive Grant Application Scoring Criteria**

Four workgroup members noted past confusion with the Watershed Approach (criterion e) competitive grant scoring criterion, specifically that they expected they needed a nine-element WBP in place to score well. Members also noted that adopting a watershed approach to NPS management can be particularly challenging for Tribal NPS programs (see Part IV of this report for more information). One member noted the internal perception among Tribal staff that "We don't have jurisdiction over the entire watershed so we don't really have a watershed approach." One member suggested reducing this criterion from 10 point to 5 points, then increasing Criterion C by 5 points.

**Frequency of Competitive Grant Solicitation:**

Two workgroup members suggested EPA keep the competitive grant solicitation on an annual basis. One member noted that a Tribe may encounter unexpected challenges in a given year (e.g., staff turnover, COVID response). In such cases, it would be helpful knowing that there is another opportunity to apply for funding the next year.

### **Discussion Topic #3: Competitive grant selection process**

*Question: If EPA keeps the competitive grants, should any other factors beyond application score be considered in making competitive grant selections? For example: EPA Region, Applicant's past success in applying for Tribal 319 competitive grants, Other?*

#### **Scoring preference for new Tribal 319 competitive applicants**

Three workgroup members were interested in providing an advantage to Tribes who have not yet or not recently received a competitive grant. One member suggested awarding these applicants a few additional points in the final scoring, which would encourage new Tribes to apply and make things more equitable.

#### Workgroup Suggestions to EPA

1. Increase the Tribal 319 competitive grant project cap (currently \$100K/project) to increase the scope of BMP work possible. Members suggested a minimum of \$150K-\$200K/project.
2. Consider adding new eligible project types to the Competitive Grant Request for Applications, such as NPS project planning grants and BMP operation & maintenance grants.
3. Revise the Request for Applications, including evaluation criterion e (Watershed Approach), to set more realistic expectations for Tribes in adopting a watershed approach, given the challenges facing many Tribal NPS programs.
4. Explore opportunities to provide a scoring advantage to Tribes who have not yet or not recently received a competitive grant.

## Part III. NPS Partnerships & Leveraging Opportunities

### Introduction

Clean Water Act section 319 emphasizes the importance of partnerships in efforts to manage NPS pollution. When developing an EPA-approved NPS program to become eligible for CWA 319 grant funding, Tribes must identify other programs and partners key to achieving NPS program goals. As described in the [EPA Tribal NPS Handbook](#), a Tribe's **NPS Assessment Report** must include: "A description of any existing Tribal, state, federal, and other programs that might be used for controlling NPS pollution." Additionally a Tribe's **NPS management program plan** must include:

1. "Identification of programs that can help you to implement your NPS management program. These could include, as appropriate, nonregulatory or regulatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects.
2. Identification of all potential sources of federal and other financial assistance programs and funding that might support your NPS program. You may use the information from the assessment report.
3. Identification of local and private experts (e.g., range conservationists, fish and wildlife staff, hydrologists, agricultural experts) to be used in developing and implementing a management program."

The [EPA Tribal NPS Handbook](#) includes a "Leveraging Funding Resources" section (see page II-52) that provides a partial list of EPA (Tribal CWA 106 Program, CWA 104(b)(3) Wetlands Program, Solid Waste, Drinking Water & Clean Water State Revolving Funds, GAP Funding, State CWA 319 Programs) and other federal programs (USDA-NRCS Environmental Quality Incentive Program (EQIP), US Fish & Wildlife Service, Bureau of Land Management, US Forest Service) that could help support Tribal NPS program work. More recently, EPA has developed funding tools and resource guides to help highlight leveraging opportunities relevant to NPS program work. For example:

- [US EPA Tribal NPS Management Resource Guide: Leveraging Opportunities with USDA Natural Resources Conservation Service](#) (2022)
- [US EPA Clean Water State Revolving Funds Best Practices Guide for Financing Nonpoint Source Solutions](#) (2021)
- [US EPA Funding Integration Tool for Source Water \(FITS\)](#) (2022)
- [US EPA Clearinghouse for Environmental Finance](#)

Tribal participants in all four 319 equity listening sessions emphasized that partnership-building efforts requires Tribal staff, funding, and time to achieve results. Participants described several challenges in their efforts to build partnerships and secure assistance beyond §319, including inadequate Tribal resources (e.g., staff time) to invest in these efforts, uncertainty about which programs and partners can help advance Tribal NPS work, and resistance from partners unwilling to partner with Tribes. Tribes identified several ways in which EPA could help address these challenges. Some participants shared examples of key ingredients to building successful partnerships, such as long-term commitment from multiple partners, including funders, and formal partnership structure. Participants made several requests to EPA to help support Tribal NPS partnership-building:

- Increase Tribal 319 funding levels,
- Notify Tribes of state-funded NPS projects in their area,
- Highlight key Tribal NPS partnership opportunities and funding sources, and
- Better integrate the CWA 319 with other EPA programs.

## Summary of Workgroup Discussion

*Question: What other programs have you identified in your NPS assessment report and management plan that could support your program goals? Which programs have you had success building relationships with? Where have you encountered challenges?*

Tribal workgroup members shared examples of other Tribal government departments, state agencies, federal agencies, and other organizations with whom they have coordinated on NPS work (see Table III.A below). Members shared the following successes/best practices and challenges related to partnership-building:

### **Successes/Best Practices:**

- Successful partnerships often start with identifying joint priorities among partners. It is helpful to have a current NPS management plan with program goals to share with prospective partners.
- There may be opportunities to develop working relationships with other Tribal government departments and outside agencies (e.g., USDA-NRCS) whose offices are co-located with your Tribal environmental program.
- It can help to think ‘outside the box’ when considering NPS partnership opportunities. One member said their program has staff with diverse backgrounds, which helps brainstorm new partnership opportunities.
- Pursue leadership positions in partnership groups. One member noted that their Tribe sits on the board of directors for their local watershed council, which provides an important opportunity to help inform the Council’s work, build partnerships, and secure outside assistance for watershed projects.
- In addition to directly applying for outside funding, consider opportunities to develop partnerships with other programs and organizations with whom you may coordinate in pursuing assistance for NPS work. One member noted their work with a local Tribal college, who provides technical assistance and has also pursued grants together with the Tribal NPS program.
- Scheduled, recurring meetings can be an important ingredient for successful partnerships. Creates accountability and regular connections among partners.

### **Challenges:**

- It can be challenging working on NPS management issues with neighboring jurisdictions, particularly those that may have different priorities or program approaches. For example, one member described difficulty working with a neighboring local government who was not properly enforcing septic system requirements.
- Funder organizations and agencies vary, in terms of their grantee requirements (e.g., reporting, match). As a result, it takes a lot of Tribal staff time to identify the best funding sources, apply for assistance, then manage different grants. It is difficult to do this work at current Tribal 319 base grant funding levels.

## **Discussion Topic #2: EPA’s role in Tribal NPS partnership-building**

*Question: How can EPA better support Tribes in building external partnerships to help achieve Tribal NPS program goals?*

Tribal workgroup members proposed the following actions EPA could take to better support Tribes in building external partnerships (see ‘Workgroup Suggestions to EPA’ below for more details):

1. Coordinate with other EPA programs, such as the Brownfields Program, to identify opportunities for Tribal grantees to better work across NPS and other programs.
2. Explore opportunities to establish formal agreements with other federal agencies to coordinate in supporting Tribal NPS work. For example, see [memorandum of understanding between BIA, NRCS and FSA](#).
3. Develop Tribal case studies of successful NPS partnerships that include information about how the partnership formed, partnership goals, NPS outcomes, etc.
4. Develop an inventory of other programs that can help advance Tribal NPS work.

During the discussion, Tribal workgroup members provided the following suggestions specific **EPA Brownfields Grant Program**:

- Provide flexibilities and highlight opportunities for grantees to better coordinate between the EPA CWA 319 and CERCLA 128(a) programs to address environmental challenges that relate to both programs, such as managing NPS pollution from nuisance properties (e.g., hydrocarbons, heavy metals and solvents from dismantled vehicle parts, batteries and tires). A
- Within the Brownfields program, provide opportunities for grantees to more quickly receive funding support from EPA to complete Phase 1 and 2 assessments of potential environmental damages from recently discovered problem sites (usually identified through enforcement complaints).
- Within the Brownfields program, provide opportunities for grantees to obtain clean-up funds to allow them to begin restoring critical problem site(s) while they work to meet program requirements to build their program through regulation, documentation, public outreach, etc. This change would help secure support from Tribal leadership for developing new Tribal rules and outreach programming.

#### Workgroup Suggestions to EPA

Workgroup members emphasized the need for increased funding to support additional Tribal NPS staff time to pursue NPS partnerships and leveraging opportunities. In addition:

1. **Develop an inventory of other programs that could support Tribal NPS work by providing technical or financial assistance.** Information that would be helpful to include about each program:
  - **Eligible Tasks** (e.g. planning grant, implementation activities, does it cover O&M activities, etc.)
  - **Types of NPS issues and/or BMP's that can be covered (or are not eligible)**
  - **Match Requirement** and whether this can be met in-kind. Also list potential match partnerships and/or other resources (e.g. state funding sources that could be used as a match to a federal grant)
  - **How do you secure the funding?** e.g., where do you apply, how competitive is it? Who is the grant open to (e.g. federally recognized Tribe, state recognized, Tribal entity/consortium, or nonprofits only, etc.). General due dates, or if this is a re-occurring grant opportunity
  - **Program-specific requirements** that could pose barriers to Tribal applicants: e.g., some CA state programs require Tribes to waive sovereign immunity, or provide access to project sites post-grant, or provide Tribal financial records ahead of time.
  - **Examples of partners you could work with in applying for the funding opportunity**, wherein the partner secures the grant and sub-grants with the Tribe. For example, conservation districts are great to work on with this model.
  - **Education/Training opportunities**
  - **Examples of NPS outcomes resulting from the partnership**



- **Are other Tribal departments eligible to be listed as project partners?**
- 2. **Develop case studies and highlight examples of successful Tribal NPS partnerships.** In these case studies, provide information on how the partnership was formed, how partners work together, partnership goals, etc. Include the type of NPS issue and BMPs implemented, where applicable, so Tribal users can search by topic.
- 3. **Compile examples and case studies of Tribal codes that could help achieve Tribal water quality program goals,** for example by providing income from permitted entities that could provide funding support for Tribal water quality projects. Include examples of forms, standard operating procedures, and guidelines developed by Tribes to enforce these codes.
- 4. **Increase coordination between EPA’s NPS program and other key partners, including other federal agencies, at the national and regional scale to better support Tribal NPS partners** (see Table III.A for a workgroup brainstorm list). For near-term actions, the workgroup identified the following priority prospective program partners:
  - US Department of Agriculture – Natural Resources Conservation Service, Farms Services Agency
  - Federal Emergency Management Agency
  - US Department of Interior – Bureau of Indian Affairs, US Fish & Wildlife Service, US Geology Survey, Bureau of Land Management
  - EPA Clean Water and Drinking Water State Revolving Funds & Indian Health Service
  - EPA Brownfields Grant Program

**Table III.A. Workgroup Brainstorm List – Other Programs that Support Tribal NPS Work**

Partner Category	Agency/Organization	Sub-Agency/Program	Examples of existing partnerships or opportunities for better coordination with CWA 319, provided by Tribal workgroup members
Federal	US EPA	CWA section 106	<ul style="list-style-type: none"> <li>• CWA 106 and 319 programs are closely connected, such as 106 water quality monitoring and assessment info being used to target NPS projects.</li> </ul>
Federal	US EPA	CWA section 104(b)(3) Wetland Program Development Grants	
Federal	US EPA	CERCLA/RCRA/Hazardous Waste	<ul style="list-style-type: none"> <li>• I think there is a lot of opportunity to coordinate NPS and Brownfields program work, including on enforcement. For example, we have issues with abandoned vehicles, unlabeled storage drums, and people residing on vacant, abandoned lands.</li> <li>• EPA’s Hazardous Waste grant can be used to address NPS issues, such as disposal of household hazardous waste from community collection events/illegal dumpsite cleanups, and education on the topic.</li> <li>• NPS implementation can be supplemented by the Brownfields and Haz Waste as they can assess problem sites and clean up special materials that can impact surface water. Lands impacted by illegal dumping, transients on areas adjacent wetlands and rivers, hazards such as syringes dumped onto the ground or in water bodies.</li> </ul>
Federal	US Department of Agriculture	Farm Services Agency	<ul style="list-style-type: none"> <li>• Our Tribal NPS Action Plan identifies key partners to work with. We’ve worked with our local conservation district, for example to use the CREP program to address agricultural waste</li> </ul>
Federal	US Department of Agriculture	Natural Resources Conservation Service	<ul style="list-style-type: none"> <li>• We have received technical assistance from NRCS, as well as funding support from EQIP.</li> <li>• Our Tribe shares an office with an NRCS staff person, so they are readily accessible.</li> <li>• NRCS can provide technical support and training. NRCS trained staff from various tribal departments on building rock and log dams. They can examine land areas and identify problem plant species within the watershed. NRCS views post NPS project areas to provide feedback and give information on potential future project locations.</li> </ul>

<b>Federal</b>	US Department of Agriculture	US Forest Service	<ul style="list-style-type: none"> <li>• Many tribal lands in NM are surrounded by Federal Lands such as BLM and Forest Service. Access agreements are vital to gain access to the entire watershed. Forest Service can become supporting partners to NPS comp applications as they recognize the NPS BMPs are beneficial for the entire watershed. Also in our specific case both the Pueblo and Forest Service lands have been drastically impacted by fires and subsequent flooding which annihilated the watershed so it was mutually beneficial for Forest Service to support our work through access and projects such as replanting, thinning and habitat restoration. Pueblo has worked to establish a partnership with the U.S. Forest Service under the Tribal Forest Protection Act to address the long-term health of Forest Service lands around our reservation. These efforts are founded on the desire to strengthen tribal sovereignty and advance land management practices for the protection of our resources and community.</li> </ul>
<b>Federal</b>	US Geological Survey		<ul style="list-style-type: none"> <li>• We have found the <a href="#">USGS circulars</a> very helpful in providing relevant technical information and research findings.</li> </ul>
<b>Federal</b>	Department of Interior	US Fish and Wildlife Service	
<b>Federal</b>	Department of Interior	Bureau of Indian Affairs	<ul style="list-style-type: none"> <li>• We have secured BIA grant funds from the BIA Water Resources Program, which are particularly helpful if they can be used as 638 contract \$. We've worked with the Endangered Species program on invasive species removal &amp; creek restoration projects. Also the Solid Waste program has supported work on illegal dumpsite cleanups. We have also worked with the Climate Change program. The BIA Forestry Program has supported some of our work on fire management, restoration, and plant/invasive species inventory.</li> <li>• Our Tribe has partnered with the BIA Water Resources Program.</li> <li>• If necessary, BIA can assist with EAs and Archeology clearances for project sites. BIA funds and staff can support NPS work through technical review and templates for invasive removal.</li> </ul>
<b>Federal</b>	Bureau of Reclamation		<ul style="list-style-type: none"> <li>• Our Tribe has secured both funding and technical assistance from BOR.</li> </ul>
<b>Federal</b>	Federal Emergency Management Agency	Hazard Mitigation Program	<ul style="list-style-type: none"> <li>• Our Tribe has received support from FEMA to address flooding and erosion-related projects.</li> </ul>

			<ul style="list-style-type: none"> <li>• Tribes impacted by an emergency can request support through the Natural Disaster Recovery Framework. FEMA used the NDRF to create a comprehensive federally-led strategy for the Pueblo to identify all possible actions that would build the community's resiliency to future flooding and to effectively develop recovery strategies for our respective areas. There is also an avenue through the Stafford Disaster Relief and Emergency Assistance Act. The Act was amended in 2013 to allow tribal governments the option of dealing directly with the federal government.</li> </ul>
<b>Federal</b>	Indian Health Service		<ul style="list-style-type: none"> <li>• Our Tribe submitted needs to the IHS Sanitary Deficiency List, which helped address septic system issues via EPA grant funding.</li> <li>• SDS can also be used to determine costs to address identified items that impact surface water such as illegal dumpsites, septic replacements, lagoon repair.</li> </ul>
<b>Federal</b>	Housing and Urban Development		
<b>Federal</b>	Americorps Program		<ul style="list-style-type: none"> <li>• Our Tribe has had Americorps volunteers supporting Tribal work.</li> </ul>
<b>State</b>	Natural Resources Department		<ul style="list-style-type: none"> <li>• Our state natural resource program has funded on-the-ground projects.</li> </ul>
<b>State</b>	Emergency Management Agency		<ul style="list-style-type: none"> <li>• In my experience, state emergency offices can sometimes fund projects that be classified as mitigation actions for emergency/disasters.</li> </ul>
<b>State</b>	Environmental Agency/Department		<ul style="list-style-type: none"> <li>• CalRecycle has provided funding for solid waste cleanup.</li> <li>• State 319 programs can be key partners and a funding source.</li> </ul>
<b>State</b>	Department of Forestry		<ul style="list-style-type: none"> <li>• We have worked with CalFire work crews.</li> </ul>
<b>Local Government</b>	Public Health Districts		<ul style="list-style-type: none"> <li>• We work with our local public health district on septic-related issues.</li> </ul>
<b>Local Government</b>	Supplemental Environmental Projects		<ul style="list-style-type: none"> <li>• In our area, Supplemental Environment Project funds come from local county or state funding sources that originate from environmental fines issues to a polluter, which then go into a fund that can be given out to those who apply.</li> </ul>
<b>Local Government</b>	Conservation Districts		<ul style="list-style-type: none"> <li>• Our Tribal NPS Action Plan identifies key partners to work with. We've worked with our local conservation district, for example to use the CREP program to address agricultural waste. That's been a successful</li> </ul>

			<p>partnership. That relationship grew because NRCS provided leadership and valued the importance of partnership. They had staff come meet with us. Their focus areas line up well with our NPS interests. We've also worked with the CD on urban issues – for example, how to use GI in the yard as part of a homeowner workshop series. The CD is a good fit and staff are willing to work with us. Example project with CD: helping farmers remove livestock access to streams. We also work with them on a Pollutant Identification &amp; Control (PIC) program.</p>
<b>Tribal Government</b>	Public Works Department		<ul style="list-style-type: none"> <li>We have partnered with our PW department to construct surface water detention basins, which increases groundwater percolation/retention for our Utilities Department, &amp; provides erosion control / reduction of sediment for our NPS program.</li> </ul>
<b>Tribal Government</b>	Parks Department		<ul style="list-style-type: none"> <li>Tribal Parks Dept helps us ID illegal dumping on lands.</li> </ul>
<b>Tribal Government</b>	Forestry Department		<ul style="list-style-type: none"> <li>We partner with ours to inventory/remove invasive species, creek/habitat restoration &amp; re-vegetation, floodplain revegetation, etc.</li> <li>Forestry has heavy equipment, staff and in our particular case the office had an established and council approved cost list for soil, rock and lumber which we use to determine in-kind contribution amounts based on the tracked number of resources used for NPS projects.</li> </ul>
<b>Tribal Government</b>	Engineering Department		
<b>Tribal Government</b>	Tribal Administrator		<ul style="list-style-type: none"> <li>The Tribal Administrator is able to coordinate tribal departments and direct resources from one department to another. This reduces turf wars and the administrator serves as a conduit to communicate project work to Governor's office.</li> </ul>
<b>Tribal Government</b>	Special Projects		<ul style="list-style-type: none"> <li>Special Projects oversees most construction projects in the Pueblo. This type of office may be referred by a different name in other tribes. Though Special Projects does not oversee the 319 projects, their knowledge of NPS projects is important for overall project inventory and possible resources such as heavy equipment.</li> </ul>
<b>Other</b>	Universities and Colleges		<ul style="list-style-type: none"> <li>We've partnered with a 2-year Tribal college for technical capacity ideas for protecting waters, wetlands management assistance. They have also sought grants to help us as well.</li> </ul>

			<ul style="list-style-type: none"> <li>• We have had graduate student partnerships and graduate student interns work with the Tribe.</li> </ul>
<b>Other</b>	Watershed Groups		<ul style="list-style-type: none"> <li>• Our Tribe sits on the board of directors of our local Watershed Council, which provides an important opportunity to help inform the Council's work and build partnerships.</li> </ul>
<b>Other</b>	Tribally-permitted businesses		<ul style="list-style-type: none"> <li>• Our Tribe worked with an aquaculture company, who was permitted to work on Tribal lands; the permitting funds supported NPS work.</li> </ul>
<b>Other</b>	Commercial Developers		<ul style="list-style-type: none"> <li>• We have worked with a local commercial developer on water quality projects.</li> </ul>
<b>Other</b>	<a href="#">Conservation Corps</a>		<ul style="list-style-type: none"> <li>• Tribal workgroup members mentioned partnerships with the California Conservation Crew and Arizona Conservation Corps.</li> </ul>
<b>Other</b>	Non-profit organizations		<ul style="list-style-type: none"> <li>• Our Tribe has worked with local nonprofits, who then apply for (state/other) grant funds where our project is just a portion of the overall grant-funded project.</li> <li>• Local climate science group – our work with them is not NPS-specific, but it has been a great partnership that provides access to local scientists. Our partnership has resulted in the Tribe helping shape research projects that can be useful to our community.</li> <li>• Sometimes private/foundation funding can be easier to obtain, with fewer restrictions on how \$ is spent. This can include funding from businesses looking to improve their PR on environmental issues (but it's usually smaller pots of money).</li> <li>• Other smaller environmental groups that might have small grant funds available (e.g.: <i>Xerces Society</i> recently provided the Tribe plants for pollinator plants &amp; reducing pesticide/herbicide use; <i>Alliance for Water Efficiency</i> provided funds for outreach program on water &amp; NPS-related topics, etc.)</li> <li>• We have done work with <i>The Nature Conservancy</i>.</li> </ul>

## Part IV. NPS Training & Technical Support

### Introduction

The workgroup discussed three program areas related to NPS training and technical support: (1) adopting a watershed approach, (2) monitoring and assessing waters, and (3) NPS project planning, design, and implementation. Within each program area, workgroup members shared experiences, identified existing challenges, and identified key training/support needs.

#### **Topic #1: Adopting a Watershed Approach**

For years EPA has promoted the watershed approach to engage communities and stakeholders in identifying water quality goals, then identify NPS management strategies to implement in critical areas throughout the watershed that will achieve the greatest water quality benefits. Tribal **NPS assessment reports** and **NPS management plans** provide a foundation for working at the watershed scale. In addition, Tribes can elect to develop **watershed-based plans** (e.g., 9-element plans, which are not required by EPA, but are typically a prerequisite when applying for state 319 funding) to guide NPS work. Tribal participants in the 319 equity listening sessions identified the following challenges related to adopting a watershed approach:

- Significant resources are needed to fully address NPS problems stemming from historic and current activities across watersheds.
- Inadequate resources to develop watershed-based plans. Additionally, there was confusion amongst listening session participants about when these plans are required.
- Depending on the implementation project, it can be challenging to divide large-scale projects into multiple phases, where there is inadequate funding available to fully implement the project at one time.

#### **Topic #2: Monitoring/Assessing Waters**

Water quality monitoring and assessment information helps guide NPS management work by helping to answer questions like: Where are there water quality problems/threats? Which nonpoint source(s) are causing the problems? And is a completed NPS project helping to improve/protect water quality? Among Tribal water quality programs, there is a close connection between CWA 106 and 319 program work. Many Tribes rely on monitoring and assessment work conducted under the CWA 106 program to help inform NPS program work. Further, most Tribal water quality staff lead both CWA 106 and 319 program work in their departments. Tribal participants in the 319 equity listening sessions highlighted opportunities to better coordinate across the 106 and 319 programs, in addition to several other challenges related to NPS monitoring and assessment:

- Some Tribes find it challenging to fully understand and meet EPA QAPP requirements. Participants requested additional EPA technical guidance on QAPPS, including QAPP templates and the ability to combine 106 and 319 into a single QAPP.
- It can be challenging for Tribal water quality programs to keep their monitoring programs updated to address emerging contaminants, like PFAS.
- There is a need for Tribal training on how to assess and describe impact of NPS pollutants on water quality and beneficial uses.

#### **Topic #3: NPS Project Planning, Design & Implementation**

NPS implementation projects generally refer to structural or non-structural projects that will directly protect or restore waters from NPS pollution. Within the Tribal 319 program, competitive 319 grants

provide the primary source of support for implementing on-the-ground NPS projects. Tribal NPS programs pursue financial and technical assistance from outside programs and agencies to support NPS projects. Key technical questions related to NPS project work include: What are the best management strategies to address the nonpoint sources? How should we design a structural practice? How will climate change impact BMP performance? And how do you plan for unexpected changes during implementation (e.g., budget changes, design changes)? Tribal participants in the 319 equity listening sessions identified the following challenges related to NPS project work:

- It can be a challenge to find qualified, affordable contractors (e.g., hydrologists, engineers) to support NPS project planning and implementation work. EPA could support Tribes by providing technical assistance to support BMP design work, which would allow Tribes to target funding on implementation.
- There is interest in resources to help assess climate change impacts on NPS pollution and management strategy selection and design.
- There is interest in Tribal NPS case studies that spotlight successful NPS projects.
- There is interest in additional training on permitting associated with NPS project work.

### Summary of Workgroup Discussion

#### **Discussion Topic #1: Adopting a Watershed Approach**

*Has your Tribe/Nation developed or participated in development of a watershed-based plan? What was your experience? Should EPA change expectations around watershed-based planning in the Tribal NPS program?*

##### ***Watershed planning experiences***

Five Tribal workgroup members shared their experiences developing watershed plans to guide NPS management work. Three of these members developed 9-element watershed-based plans, primarily to become eligible for state 319 grants and other funding sources. Two members used the 9-element planning framework as a guide to develop plans that covered Tribal lands, but that did not incorporate all nine elements. These two members said they developed watershed plans to help them strategically target water quality restoration work and to avoid a “piecemeal approach” to NPS management.

All five members noted the challenge of engaging non-Tribal stakeholders in the watershed planning process, in cases where Tribal lands encompass part of the watershed. One member noted their experience of surrounding jurisdictions omitting Tribal lands from their planning efforts and the Tribe only learning about these plans after they were complete. Members requested EPA training on other jurisdictional planning types (e.g., county, state, other federal plans) to help Tribal staff identify how Tribal programs integrate watershed planning with these other efforts.

Two members discussed the tension between needing to rely on consultants for watershed planning support vs. Tribal staff leading planning efforts. One member said they prefer to do planning work internally, as Tribal staff do not have the opportunity to learn technical skills when plan development work is outsourced to consultants. Another member noted that working with a consultant can still be a time-consuming process, as Tribal staff must be engaged to educate the consultant about the Tribal government and priorities, help connect with other stakeholders, etc.



### ***Pursuing an incremental watershed planning approach***

Several workgroup members supported the idea of a phased watershed planning approach, wherein planning elements can be incrementally completed while implementation work begins. Members described watershed-based planning as an intimidating and challenging undertaking, particularly when trying to fully complete a plan before implementation begins. One member said a phased approach makes practical sense; for example, you need to first develop partnerships (e.g., with public works and maintenance departments) before moving on to develop joint watershed goals and a milestone implementation schedule. One member referred the group to the Kansas Watershed Restoration and Protection Strategy (WRAPS) development process, which is a phased approach.

### ***Opportunities to integrate watershed planning in other NPS program documents***

Several workgroup members expressed interest in finding opportunities to better integrate watershed planning in the development of NPS assessment reports and NPS management plans, particularly given the overlap between these three planning documents. Members suggested EPA require or provide state NPS programs flexibility to accept an EPA-approved Tribal NPS management plan as an alternative to a nine-element WBP, in order to be eligible for state watershed project CWA 319 grants.

### **Discussion Topic #2: NPS Monitoring/Assessment**

*Is the WQ monitoring/assessment info you collect under CWA 106 and other sources helpful in your NPS program? How can EPA better support Tribes in NPS monitoring/assessment work?*

Workgroup members discussed the importance of training opportunities and technical support for Tribal staff on the following NPS monitoring/assessment topics:

- **NPS monitoring design** – covering topics such as NPS effectiveness monitoring to assess water quality changes resulting from BMP work. Members also expressed interest in opportunities to develop QAPPs that cover monitoring work supported under multiple programs (e.g., CWA 106 and 319).
- **Gathering existing water quality data and assessment information** – members noted that much of the data and assessment information collected under CWA 106 can help inform NPS work. There are likely opportunities to integrate 106 assessment reports and NPS assessment reports, given the overlap between them. Members also expressed interest in web-based tools and databases that Tribal staff could use to find water quality data in their area. One member noted that it is cumbersome to compile water quality data around their reservation, which intersects two states and three counties.
- **Interpreting water quality and assessment information for NPS planning** – covering topics like statistical analysis for hypothesis testing, water quality assessment tools, etc.

### **Discussion Topic #3: NPS Project Planning, Design & Implementation**

*What are 'best practices' for planning, designing, and implementing Tribal NPS projects? How can EPA better support Tribes in NPS project planning, design and implementation?*

Workgroup members discussed two opportunities to better support Tribal NPS staff working to plan, design and implement NPS BMP projects:

1. ***Tribal NPS Project Database*** – members noted that USDA-NRCS develops conservation practice guides that include BMP engineering specifications and other helpful information. In addition, members expressed interest in EPA working with Tribal partners to develop a Tribal NPS project database that contains structural and non-structural BMP project information that can be searched by NPS issue (e.g., source, pollutant), region, etc. Incorporating Tribal contact information would be helpful to allow users to follow-up to learn more about a project. Members emphasized that this database should be developed collaboratively by both EPA and Tribal partners. Tribes should also have the ability to input their own project information, including key lessons learned (i.e., what worked, what didn't work).
2. ***Tribal NPS Peer-to-Peer Exchanges*** – EPA Regional workgroup members noted that they host regular meetings (e.g., monthly, quarterly) with Tribal water quality programs. These meetings serve as an important space for Tribal staff to share experiences and expertise. These meetings are most effective when Tribal staff lead the discussion and have the space to ask questions and share ideas. EPA should explore opportunities to host cross-EPA Regional meetings to provide Tribal staff an opportunity to learn from peers they do not regularly work with.

#### Workgroup Suggestions to EPA

##### **Topic #1: Adopting a Watershed Approach**

1. Provide technical resources and funding support for Tribal NPS programs to pursue an incremental watershed planning approach, wherein planning elements can be incrementally completed while implementation work begins.
2. Provide technical guidance and flexibility to Tribal NPS programs interested in integrating watershed planning in the development of NPS assessment reports and NPS management plans.

##### **Topic #2: Monitoring/Assessing Waters**

3. Provide Tribes technical assistance and flexibility to better integrate CWA 106 and 319 programs, specifically in developing cross-program QAPPs and joint 106/NPS assessment reports to meet program requirements.
4. Develop or highlight existing web-based tools and databases that Tribal staff could use to find and compile existing water quality data in their area.
5. Provide technical training on interpreting water quality and assessment information for NPS planning, covering topics like statistical analysis for hypothesis testing, water quality assessment tools, etc.

##### **Topic #3: NPS Project Planning, Design & Implementation**

6. Collaborate with Tribes to develop a national Tribal NPS project database that contains structural and non-structural BMP project information that can be searched by NPS issue (e.g., source, pollutant), region, etc.
7. Host Tribal NPS peer-to-peer exchanges within and across EPA regions to provide Tribal staff the opportunity to share experiences and expertise.