



October 2020

# EPA GRANTS TO TRIBES

## Additional Actions Needed to Effectively Address Tribal Environmental Concerns

Highlights of GAO-21-150, a report to congressional requesters

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### Additional Actions Needed to Effectively Address Tribal Environmental Concerns

#### Why GAO Did This Study

Hundreds of tribal environmental programs operate across the nation to protect human health and safeguard the environment. Many of these programs are supported, at least in part, by EPA grants. Some tribes have raised concerns that a lack of resources threatens their ability to operate tribal environmental programs.

GAO was asked to review EPA grants to tribes. This report examines (1) the amount and types of grants EPA awarded to tribes for fiscal years 2014 through 2019; (2) how tribes used these grants; and (3) challenges EPA and tribes identified in addressing environmental concerns through grants, and EPA's actions to address these challenges. GAO reviewed laws, policies, and grant documentation; assessed EPA data on the types and amount of grants provided to tribes; and interviewed EPA officials as well as 10 tribes and one intertribal consortium selected to highlight different EPA regions and grant types, for nongeneralizable information about EPA grants and related challenges.

#### What GAO Recommends

GAO is making five recommendations to EPA, including that EPA update guidance on PPGs. EPA agreed with three recommendations and disagreed with two, noting that it believes it has already taken actions that address these recommendations. GAO continues to believe the recommendations are warranted, as discussed in the report.

View GAO-21-150. For more information, contact J. Alfredo Gomez at (202) 512-3841 or [gomezj@gao.gov](mailto:gomezj@gao.gov) or Anna Maria Ortiz at [ortiza@gao.gov](mailto:ortiza@gao.gov).

#### What GAO Found

The Environmental Protection Agency (EPA) awarded over \$985 million to Indian tribes through 43 different grant programs from fiscal years 2014 through 2019, according to agency data from EPA's Integrated Grants Management System. For example, EPA awarded grants for the Indian Environmental General Assistance Program—which assists tribes in developing their environmental programs—and for programs to prevent air and water pollution directly to tribes.

Tribes used EPA grants to support a variety of activities. For example, the Southern Ute Indian Tribe in Colorado told GAO it has used EPA grant funding to monitor methane emissions and help reduce this greenhouse gas. The equipment on the tribe's vehicle, shown below, identifies methane leaks from broken pipes. The Jicarilla Apache Nation in New Mexico uses an EPA grant to educate its community and others across the country about the dangers of radon—a naturally occurring radioactive gas that can cause cancer—and how to mitigate exposure. Jicarilla Apache officials told GAO that radon exposure is a priority for the tribe because of above-average cancer rates.

Mobile Methane Detection Equipment Funded by an Environmental Protection Agency Grant to the Southern Ute Indian Tribe



Source: Southern Ute Indian Tribe. | GAO-21-150

EPA and tribal officials whom GAO interviewed identified financial, staffing, and communication challenges to addressing tribal environmental concerns through EPA grants. The most common challenge identified by EPA and tribes was stagnating or declining amounts directed by congressional committees or allocated by EPA for certain grants. EPA has taken some actions to address this challenge, such as by promoting the use of Performance Partnership Grants (PPG). These allow tribes to combine grant awards, thus providing greater flexibility to address financial gaps. However, EPA best practices guidance on PPGs is limited and outdated. EPA staff in some regions restricted the movement of funds between grants in a PPG, although the regulation allows for such movement. EPA officials said they are studying the use of PPGs but did not have plans to update the agency's best practices guidance. Updating this guidance could help ensure EPA staff more consistently allow the movement of funds between grants in a PPG, thereby increasing funding flexibilities for tribes to address their environmental concerns.

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## Abbreviations

AIEO	American Indian Environmental Office
CFDA	Catalog of Federal Domestic Assistance
EPA	Environmental Protection Agency
GAP	Indian Environmental General Assistance Program
IGMS	Integrated Grants Management System
OCIR	Office of Congressional and Intergovernmental Relations
OGD	Office of Grants and Debarment
OIG	Office of the Inspector General
OITA	Office of International and Tribal Affairs
OMB	Office of Management and Budget
PM	particulate matter
PPG	Performance Partnership Grant
QAPP	quality assurance project plan
RTOC	Regional Tribal Operations Committee
STAG	State and Tribal Assistance Grant
TAS	treatment as a state

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U.S. GOVERNMENT ACCOUNTABILITY OFFICE

441 G St. N.W.  
Washington, DC 20548

October 20, 2020

Congressional Requesters:

Tribal environmental programs are critical in protecting human health and safeguarding the environment in the United States, and hundreds of tribal environmental programs operate across the nation. For example, according to tribal officials in Minnesota, the Red Lake Band of Chippewa Indians and the Leech Lake Band of Ojibwe have water programs that monitor around 400 lakes, hundreds of miles of streams and rivers, and over 400,000 acres of wetlands, which account for about 20 percent of surface waters within the state boundaries of Minnesota. In addition, the Southern Ute Indian Tribe in Colorado operates a work vehicle with air monitoring equipment attached to detect methane leaks that are invisible to the naked eye.<sup>1</sup> If leaks are detected, the tribe works with operators to ensure the leaks are repaired, thereby reducing emissions of a significant greenhouse gas. These tribes' monitoring efforts are a small part of the tribal programs that address environmental concerns about the air, water, and land across the United States.

Grants from the Environmental Protection Agency (EPA) are a significant source of support for tribal environmental programs.<sup>2</sup> EPA awards and manages grants at multiple levels across the agency, including through the American Indian Environmental Office (AIEO) in the Office of International and Tribal Affairs (OITA), eight other national program offices in headquarters, and regional program offices in EPA's 10

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<sup>1</sup>The National Aeronautics and Space Administration identified southwest Colorado as a methane hotspot. According to the Environmental Protection Agency, methane—a greenhouse gas—impacts climate change 25 times more than carbon dioxide when compared pound to pound, although methane emissions are one-eighth the volume of carbon dioxide emissions.

<sup>2</sup>EPA provides financial assistance to recipients through various agreements, such as grants and cooperative agreements. With grants, EPA is not expected to have substantial involvement with the recipient in carrying out its activities. In contrast, with cooperative agreements, EPA is expected to have substantial involvement. For the purposes of this report, we refer to EPA grants and cooperative agreements as grants and refer to all recipients as grantees, unless specified otherwise. GAO has previously reported on EPA grants in GAO, *Grants Management: EPA Could Improve Certain Monitoring Practices*, [GAO-16-530](#) (Washington, D.C.: July 14, 2016) and on EPA grants management personnel in GAO, *Grants Management: EPA Partially Follows Leading Practices of Strategic Workforce Planning and Could Take Additional Steps*, [GAO-17-144](#) (Washington, D.C.: Jan. 9, 2017).

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regions.<sup>3</sup> EPA's Office of Grants and Debarment (OGD) develops national grant policies and guidance, and it oversees EPA's administrative grants management agency-wide.

EPA administers several environmental grant programs that are exclusively for federally recognized tribes and, in some cases, intertribal consortia.<sup>4</sup> In addition, Indian tribes and other tribal entities are eligible to apply for other grants administered by EPA.<sup>5</sup> However, some tribes have expressed concern that a lack of resources may threaten their ability to operate tribal environmental programs.

You asked us to review EPA's grants to tribes.<sup>6</sup> This report examines (1) the amount and types of grants EPA awarded to tribes for fiscal years 2014 through 2019; (2) how tribes have used these grants; and (3) challenges tribes and EPA identified in addressing environmental concerns through grants, and EPA's actions to address these challenges.

To examine the grant amounts and types EPA has awarded tribes, we worked with EPA OGD officials to gather information on all grants awarded to Indian tribes and other tribal entities for fiscal years 2014 through 2019 from EPA's Integrated Grants Management System

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<sup>3</sup>The nine national program offices in headquarters are the offices of the Administrator; Mission Support; Air and Radiation; Chemical Safety and Pollution Prevention; Enforcement and Compliance Assurance; International and Tribal Affairs; Land and Emergency Management; Research and Development; and Water. The 10 regional offices are Region 1 (Boston); Region 2 (New York City); Region 3 (Philadelphia); Region 4 (Atlanta); Region 5 (Chicago); Region 6 (Dallas); Region 7 (Kansas City); Region 8 (Denver); Region 9 (San Francisco); and Region 10 (Seattle).

<sup>4</sup>As of October 8, 2020, there are 574 federally recognized tribes in the United States. An intertribal consortium is a partnership between two or more tribes that is authorized by the governing bodies of those tribes to apply for and receive assistance under an EPA grant program.

<sup>5</sup>For purposes of this report, other tribal entities include intertribal consortia; nonprofits created by corporations established pursuant to the Alaska Native Claims Settlement Act; and tribal housing authorities, among others. These other tribal entities have self-reported as an "Indian Tribe" in their EPA grant applications.

<sup>6</sup>For purposes of this report, we use the term "grants to tribes" to indicate any grants and cooperative agreements awarded directly to federally recognized Indian tribes and other tribal entities, unless specified otherwise. These are awards provided directly from EPA to a federally recognized tribe or other tribal entity, not through other parties such as states or other federal agencies.

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(IGMS).<sup>7</sup> To assess the reliability of the data, we reviewed documentation, such as the IGMS database dictionary; interviewed EPA OGD officials about the database, including how data are entered into the system and quality controlled; and conducted logic testing to identify any obvious errors. Through this assessment and based on conversations with EPA OGD and other EPA offices, we determined that these data were sufficiently reliable for our purposes of identifying the grant amounts and types EPA has awarded directly to tribes.<sup>8</sup>

To examine how tribes have used these grants, we obtained documentation and interviewed officials from 10 tribes and one intertribal consortium. We selected these tribes based on geographic location, diversity of grant types and award amounts received, and size and capacity of the tribal environmental program. We spoke in-person or over the phone with, or obtained written responses via email from, the Augustine Band of Cahuilla Indians in California; Big Pine Paiute Tribe of the Owens Valley in California; Colorado River Indian Tribes in California and Arizona; Morongo Band of Mission Indians in California; Red Lake Band of Chippewa Indians in Minnesota; Leech Lake Band of Ojibwe in Minnesota; Tohono O'odham Nation in Arizona; and the Northwest Indian Fisheries Commission, which consists of 20 tribes in Washington. We also conducted site visits to observe projects and programs with the Pueblo de San Ildefonso and Jicarilla Apache Nation in New Mexico and the Southern Ute Indian Tribe in Colorado, which were selected based on their geographic location regarding EPA regions, the diversity of EPA grant types and amounts, and the varying sizes and capacities of the tribal environmental programs.<sup>9</sup> We obtained related documentation from these selected sites, as available, to corroborate testimonial evidence. We also attended the Institute for Tribal Environmental Professionals

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<sup>7</sup>IGMS is EPA's management information system for grant programs. The data on determining applicant type as an "Indian Tribe" is self-reported by the grant recipients. We did not verify whether each recipient was eligible to receive the grant it was awarded.

<sup>8</sup>IGMS tracks grant transactions throughout the life of the grant. On a multiyear award, funding may only be awarded in specific years, especially the first year. We identified all grants awarded by EPA directly to tribes for fiscal years 2014 through 2019 where at least one grant action occurred during that time frame. IGMS does not track any activities associated with interagency agreements, such as agreements with the Indian Health Service to transfer money for the Drinking Water Tribal Set-Aside program from EPA to the Indian Health Service. EPA, based on a previous GAO recommendation in [GAO-16-530](#), is working to update interagency agreement tracking and expects a new system to be implemented by December 2020.

<sup>9</sup>The Bureau of Indian Affairs lists the name of the Pueblo de San Ildefonso as the Pueblo of San Ildefonso, New Mexico.

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Annual Conference in Palm Springs, California, in August 2019, and the Annual Region 9 Tribal Operations Committee Meeting and Conference in Maricopa, Arizona, in October 2019. The tribal activities discussed in this report are a sample of the ongoing efforts we heard about in interviews and at conferences, and the results of our interviews with selected tribes or the intertribal consortium are not generalizable but provide examples of different uses of EPA grants.

To examine challenges EPA and tribal officials identified in addressing environmental concerns through grants as well as EPA's actions to address these challenges, we obtained documentation from and interviewed EPA officials from the Office of Air and Radiation, the Office of Congressional and Intergovernmental Relations (OCIR), the Office of Chemical Safety and Pollution Prevention, OITA, the Office of Land and Emergency Management, the Office of Water, and all 10 EPA regions. We obtained documentation and interviewed officials from the 10 selected tribes and the intertribal consortium discussed above about challenges in using EPA grants and actions EPA has taken to assist tribes in addressing these challenges. We also gathered information from tribal officials who presented on challenges at the two conferences we attended in order to identify tribes for future interviews and to inform our set of semistructured questions we asked to the selected tribes and intertribal consortium. To review the actions EPA has taken, we also assessed EPA's policies, procedures, and guidance against federal standards for internal control.<sup>10</sup> Appendix I presents a more detailed description of our objectives, scope, and methodology.

We conducted this performance audit from July 2019 to October 2020, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>10</sup>GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G (Washington, D.C.: September 2014).

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## Background

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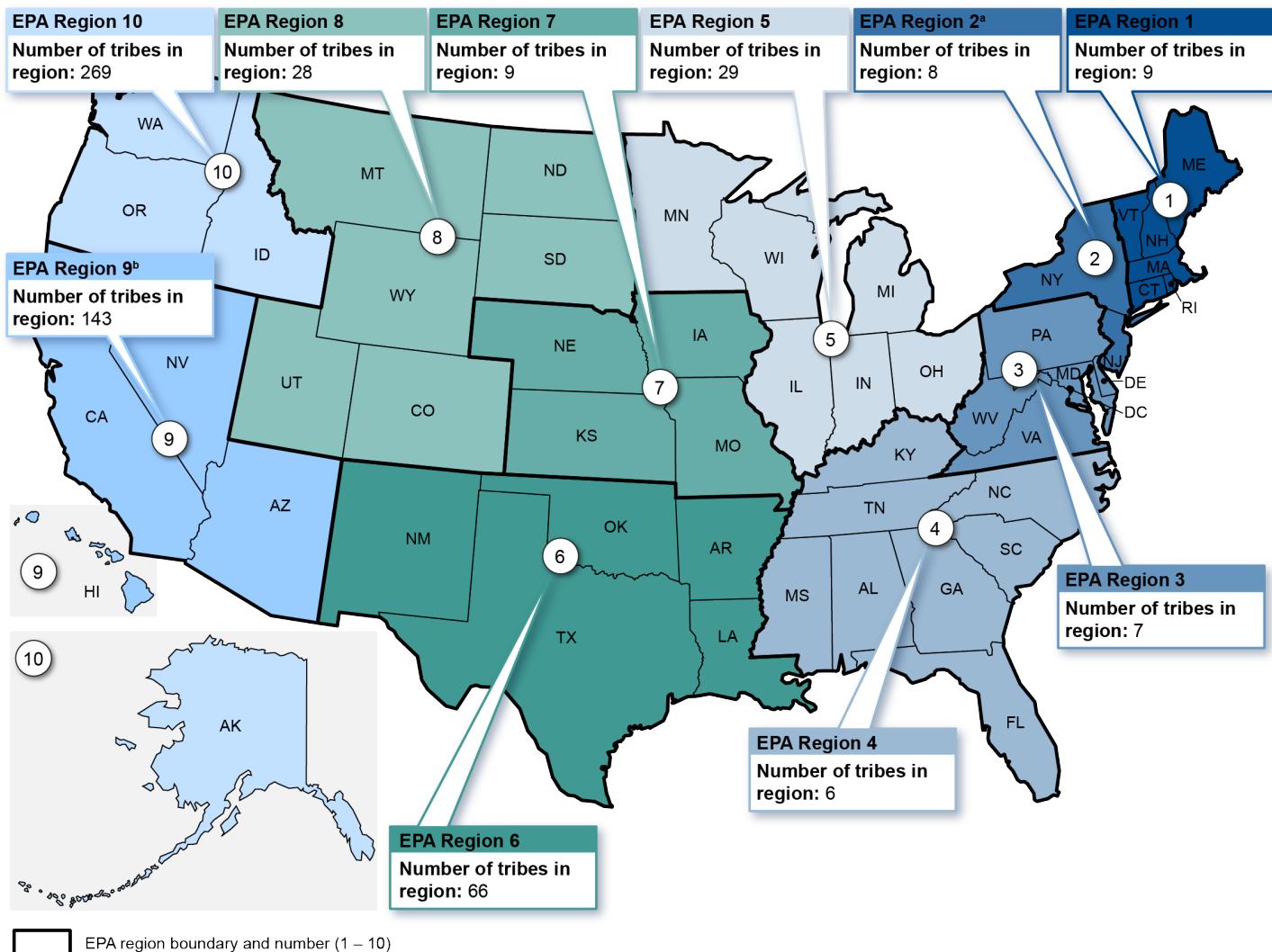
### Relationship between Federally Recognized Tribes and EPA

The federal government recognizes Indian tribes as distinct, independent political entities that possess certain powers of self-government. As of October 8, 2020, there were 574 federally recognized Indian tribes.<sup>11</sup> The federal government has a government-to-government relationship with Indian tribes and a trust responsibility to tribes and their members based on treaties, federal laws, and court decisions. EPA works directly with tribes and uses grants and cooperative agreements to help protect human health and safeguard the environment. Each fiscal year, EPA awards grants to tribes for projects, such as conducting environmental research and developing regulatory programs. The figure below highlights the locations of EPA regions and the number of federally recognized tribes in each region, as of October 8, 2020.

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<sup>11</sup>85 Fed. Reg. 5462 (Jan. 30, 2020).

**Figure 1: Environmental Protection Agency (EPA) Regions and Number of Federally Recognized Tribes in Each Region**



Sources: GAO analysis of EPA data and information. Map Resources (Map). | GAO-21-150

<sup>a</sup>Region 2 also serves Puerto Rico and the U.S. Virgin Islands.

<sup>b</sup>Region 9 also serves American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Guam, the Marshall Islands, and the Republic of Palau.

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## EPA Administration of Grant Programs

Awarding and managing grants involves numerous offices across EPA, including nine national program offices in headquarters and 10 regional

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offices.<sup>12</sup> National program offices in EPA headquarters in Washington, D.C., develop national policies for grant programs and implement and oversee the technical and program-specific aspects of grants administered at the headquarters level.<sup>13</sup> Regional offices award most grants and provide administrative, technical, and program-specific oversight for grants administered at the regional level. According to EPA officials, two key staff positions perform most grants management activities:

- **Grant specialists.** Grant specialists typically manage the administrative aspects of grants on a full-time basis. For example, they review grant application budgets, prepare grant awards and any amendments for official signature, and monitor grants for compliance with administrative requirements. They are also responsible for, among other things, providing administrative guidance and direction to grantees and project officers. For example, grant specialists may interpret and clarify agency policies and regulations and provide advice and counsel on payment procedures and other administrative matters.
- **Project officers.** Project officers are assigned to individual grants according to their subject matter expertise, and they typically manage the programmatic and technical aspects of grants. In addition to managing grants, project officers may have non-grant-related responsibilities, such as managing aspects of EPA programs. The grant-related responsibilities of project officers include providing technical assistance to grantees and overseeing grantees to ensure they meet the programmatic goals of the grant. For example, project officers may negotiate work plans with grantees. These work plans outline EPA's and grantees' agreed-upon goals; objectives; activities; time frames; and contributions to program results, among other things. Project officers may work with grantees to clarify or further refine the discussion of environmental results in their work plans and ensure that the work plans link to EPA's strategic goals.

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<sup>12</sup>Grant awards are a large part of EPA's budget. For example, in 2015, EPA awarded roughly \$3.9 billion—about 49 percent of its budget—in grants to states, local governments, tribes, and other recipients.

<sup>13</sup>For example, Office of Air and Radiation officials said they provided a grant directly to the Pala Band of Mission Indians in California in 2016 that did not go through the Region 9 Office.

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## Laws and Regulations Governing EPA Grants to Tribes

Multiple laws, such as the Clean Water Act and Safe Drinking Water Act Amendments of 1996, authorize EPA to award grants. Each law has different eligibility requirements for grant recipients and activities. Examples of laws authorizing EPA grants to tribes are described in table 1. For more information on EPA grant programs, see appendix II.

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**Table 1: Examples of Laws Authorizing Environmental Protection Agency (EPA) Grants to Tribes**

Law	EPA grant examples
Clean Air Act, section 105	Authorizes EPA to award grants to tribes for implementing programs for the prevention and control of air pollution or implementation of the national ambient air quality standards. These grants are known as the Air Pollution Control Support Program Clean Air Act section 105 grants.
Clean Water Act, section 106	Authorizes EPA to award grants to tribes to assist them in administering programs for the prevention, reduction, and elimination of pollution. These grants are known as Water Pollution Control Grant Program (Clean Water Act section 106) grants.
Comprehensive Environmental Response, Compensation, and Liability Act, section 128(a)	Authorizes EPA to award grants to tribes to, among other things, establish or enhance programs to respond to the release, or threatened release, of hazardous substances. These grants are known as State and Tribal Response Program grants.
Energy Policy Act of 2005, section 792	Authorizes EPA to award grants to eligible tribal agencies to achieve significant reductions in diesel emissions. These grants are known as Diesel Emissions Reduction Act tribal grants.
Federal Insecticide, Fungicide, and Rodenticide Act, section 23(a)(2)	Authorizes EPA to award cooperative agreements to Indian tribes to train and certify pesticide applicators. These grants are known as Pesticide Applicator Certification and Training grants.
Indian Environmental General Assistance Program Act of 1992	Authorizes EPA to award grants to tribes for planning, developing, and establishing environmental protection programs as well as development and implementation of solid and hazardous waste programs for Indian lands. These grants are known as Indian Environmental General Assistance Program grants.
Omnibus Consolidated Rescissions and Appropriations Act of 1996 and Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1998	Authorizes Performance Partnership Grants, which enable tribes to combine eligible grant funds from more than one environmental program grant into a single grant with a single budget. A Performance Partnership Grant is not an independent source of funding but rather a means of providing certain grants authorized by other laws to tribes.
Toxic Substances Control Act, section 306	EPA regulations state that Indoor Radon grants may be awarded to tribes and intertribal consortia to assist in the development and implementation of programs for the assessment and mitigation of radon under section 306 of the Toxic Substances Control Act.

Source: GAO analysis of laws and regulations. | GAO-21-150

Note: Other tribal entities, such as intertribal consortia, may be eligible to receive some of these grants in addition to federally recognized tribes. These examples of EPA grants to tribes are not a comprehensive list of grants that tribes are eligible to receive.

The Office of Management and Budget (OMB) is responsible for developing government-wide policies to ensure that grants are properly

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managed.<sup>14</sup> EPA has issued regulations to implement those policies for the grants it administers and has also issued regulations to govern the administration of various grant programs.

All EPA grants have an associated listing in the Catalog of Federal Domestic Assistance (CFDA), which identifies eligibility requirements and the authorizing statute.<sup>15</sup> For example, the CFDA identifies whether a grant has a matching requirement—the nonfederal share of costs that is required to receive the grant—and, if so, what percentage of the total grant amount must be provided by the tribe. The CFDA also identifies the type of EPA grant—formula, categorical, or discretionary—which is a factor in determining grant amounts. Formula grants are awarded noncompetitively in amounts according to statute or regulation. Categorical grants are, with limited exceptions, also noncompetitive, and EPA determines the amount each grantee receives based on program-specific factors or agency-developed formulas. Discretionary grants can be competitive or noncompetitive, and EPA national program or regional offices determine award amounts based on the specific project.

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## EPA Grant Life Cycle and Award Process

The grant life cycle at EPA generally has four main stages: (1) preaward, in which EPA announces a grant opportunity, applicants apply, and EPA reviews and selects grant applications;<sup>16</sup> (2) award, in which EPA makes obligations for grants and notifies recipients of the award; (3) implementation, in which EPA disburses payments to the grantee and the grantee conducts the work; and (4) closeout, in which EPA ensures the grantee has completed all required technical work and administrative requirements, such as submitting progress reports. The figure below

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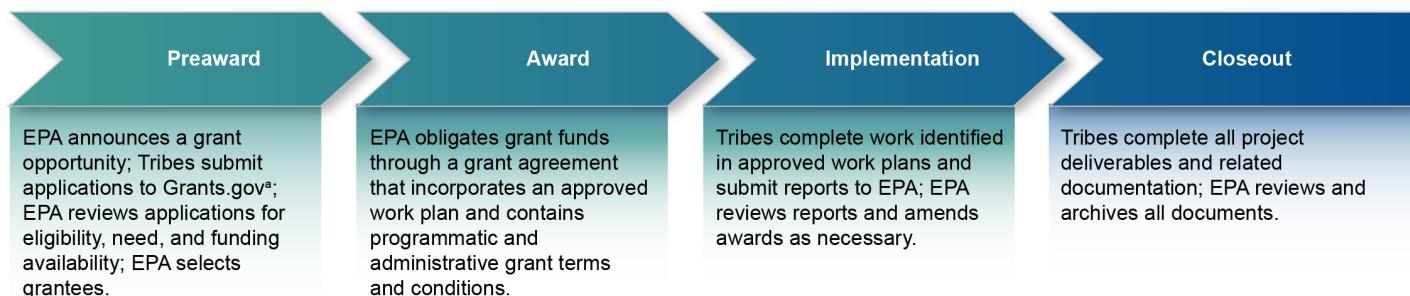
<sup>14</sup>The *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (known as the Uniform Guidance) streamlines OMB's guidance to promote consistency among grantees and reduce administrative burdens on nonfederal entities. 78 Fed. Reg. 78,590 (Dec. 26, 2013) (codified at 2 C.F.R. pt. 200). The Uniform Guidance consolidated eight OMB grants management circulars, including A-21, *Cost Principles for Educational Institutions*; A-50, *Audit Follow-up*; A-87, *Cost Principles for State, Local and Indian Tribal Governments*; A-89, *Federal Domestic Assistance Program Information*; A-102, *Grants and Cooperative Agreements with State and Local Governments*; A-110, *Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations*; A-122, *Cost Principles for Non-Profit Organizations*; and A-133, *Audits of States, Local Governments and Non-Profit Organizations*.

<sup>15</sup>The CFDA is the single authoritative, government-wide compendium and source document for descriptions of federal programs that provide assistance or benefits to the American public. It is maintained by the General Services Administration.

<sup>16</sup>EPA regulations require competitive grant opportunities to be posted on a government-wide website for finding and applying for federal financial assistance.

demonstrates the responsibilities of EPA and tribal grantees throughout this life cycle.

**Figure 2: Environmental Protection Agency (EPA) Grant Life Cycle**



Source: GAO analysis of EPA information. | GAO-21-150

<sup>a</sup>Grants.gov is the publicly accessible, searchable, government-wide website managed by the Department of Health and Human Services that serves as the central repository and clearinghouse for over 1,000 grant programs funded by 26 federal grant-making agencies. Grants.gov was established in response to the Federal Financial Assistance Management Improvement Act of 1999, which requires the Director of the Office of Management and Budget to direct, coordinate, and assist federal agencies in establishing a common system where, among other things, nonfederal entities can apply for federal financial assistance. Pub. L. No. 106-107, § 6(a)(1)(B), 113 Stat. 1486, 1488 (1999) (classified at 31 U.S.C. § 6101 Note). Grants.gov can be accessed at <http://www.grants.gov/>. Not all applications for EPA grants go through grants.gov, because tribes can request waivers to bypass the system.

During the preaward stage, EPA either notifies the public of the grant opportunity or notifies eligible tribes about available grants, and applicants must submit applications to the agency for review. EPA also reviews applications to verify that applicants meet eligibility requirements and assigns project officers and grant specialists to oversee the implementation stage of the grants. In the award stage, EPA notifies the tribe they received the award. The implementation stage includes grant work being conducted, such as developing water quality standards by the end of the year. It also includes payment processing, agency monitoring, and tribes reporting on the results. Tribes submit information on grant results to EPA through performance reports and progress reports. The closeout phase includes preparation of final reports and financial reconciliation.

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## EPA Awarded Over \$985 Million to Indian Tribes and Other Tribal Entities through 43 Diverse Grant Programs for Fiscal Years 2014 through 2019

EPA awarded over \$985 million to tribes through 43 diverse grant programs for fiscal years 2014 through 2019, according to our analysis of grant data from IGMS.<sup>17</sup> These grants were awarded directly by EPA to 539 federally recognized tribes<sup>18</sup> and 45 other tribal entities, according to the IGMS data. About 92 percent of these grants were from 10 grant programs (see fig. 3 below). EPA awarded the largest amount—\$331.9 million—through Performance Partnership Grants (PPG) to 197 federally recognized tribes and one other tribal entity. PPGs enable tribes to combine funds from more than one grant into a single grant with a single budget; however, PPG is not an independent source of funding. IGMS does not track which grants are combined in PPGs; therefore, the PPG award total comprises funds from many grant programs. According to EPA officials, awards commonly combined in a PPG include Indian Environmental General Assistance Program (GAP) grants; Water Pollution Control Grant Program (Clean Water Act section 106) grants; Nonpoint Source Implementation Clean Water Act section 319 grants; Air

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<sup>17</sup>These totals do not include any EPA funds that are provided to tribes by other entities, such as another federal agency or a state, or used by those entities for projects that benefit tribes because IGMS does not include data about interagency agreements or grant subrecipients. For example, the Clean Water Indian Set-Aside Grant Program data in the total above include the \$3.6 million in grants provided by EPA directly to tribes; however, according to EPA officials from the Office of Water, the program also transferred approximately \$180 million to the Indian Health Service through interagency agreements for fiscal years 2014 through 2019. These funds were used to undertake sanitation projects selected by EPA in coordination with the Indian Health Service and tribes. Similarly, EPA provided approximately \$103.4 million for fiscal years 2014 through 2019 to the state of Alaska's Department of Environmental Conservation to award grants to tribes under the Alaska Native Villages and Rural Communities Grant Program, according to EPA officials from the Office of Water; this is not included in the total or the figure below because it was not provided from EPA directly to tribes.

<sup>18</sup>The Integrated Grants Management System data on determining applicant type was self-reported by grant recipients as "Indian Tribe." The number of federally recognized Indian tribes changed between 2014 and 2019. In fiscal year 2014, there were 566 federally recognized Indian tribes; at the end of fiscal year 2019, there were 573 federally recognized Indian tribes. The grants reported here were awarded to 527 federally recognized Indian tribes as well as to 12 bands or political subdivisions of federally recognized Indian tribes. Specifically, six bands of the Minnesota Chippewa Tribe (Bois Forte Band (Nett Lake), Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band), four bands of the Te-Moak Tribe of Western Shoshone Indians of Nevada (Battle Mountain Band, Elko Band, South Fork Band, and Wells Band); and the two political subdivisions of the Passamaquoddy Tribe (Indian Township Reservation and Pleasant Point Reservation).

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Pollution Control Support Program Clean Air Act section 105 grants; and State and Tribal Response grants, among others.<sup>19</sup>

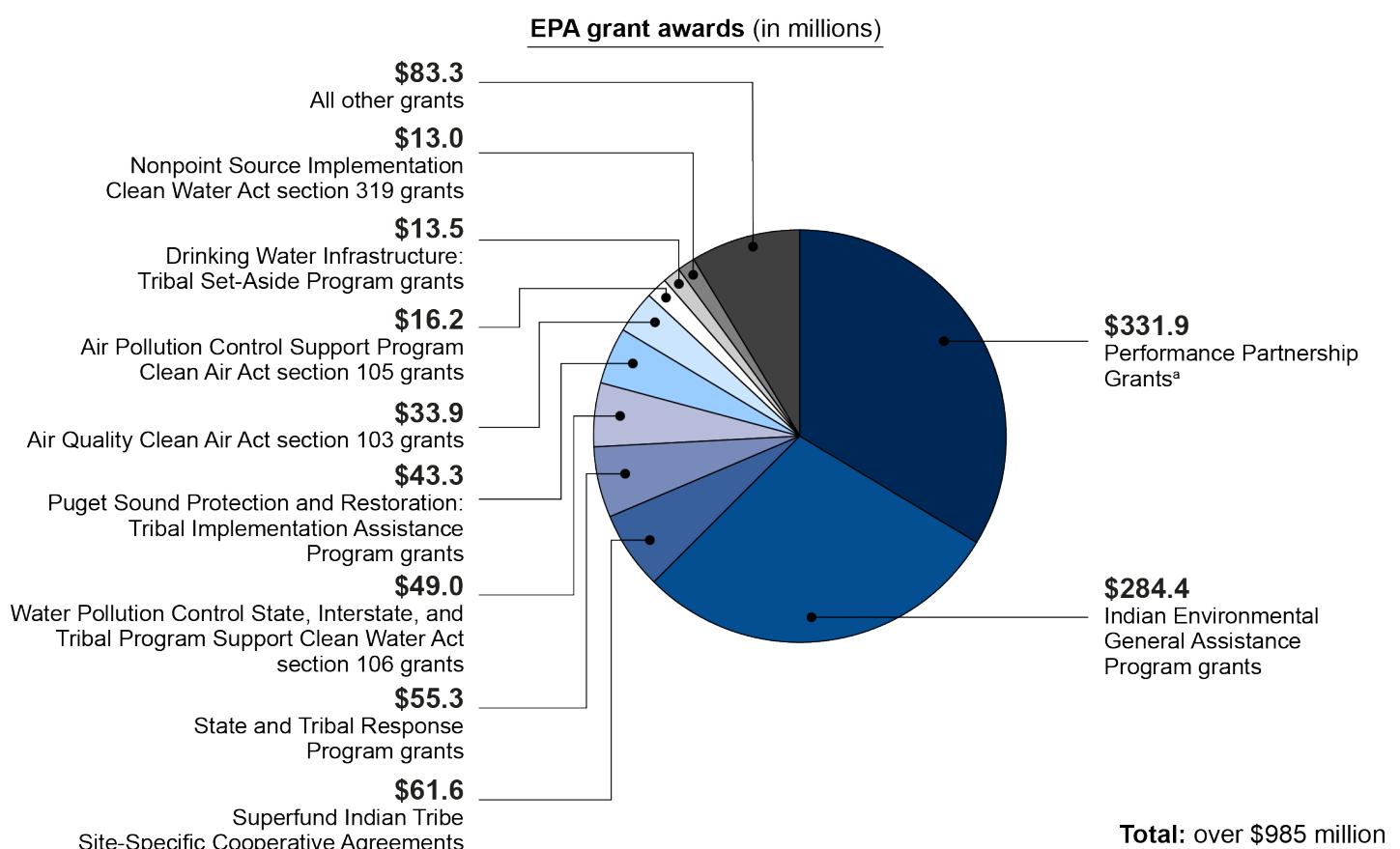
EPA awarded the second-largest amount—\$284.4 million—through grants under the Indian Environmental General Assistance Program (GAP).<sup>20</sup> This was the most commonly awarded type of grant to tribes for fiscal years 2014 through 2019, with EPA awarding this type of grant to at least 377 federally recognized tribes and 31 other tribal entities. GAP provides financial assistance to help tribes build capacity to administer their environmental programs. Appendix II lists the 43 EPA grant programs with direct awards to tribes and other tribal entities for fiscal years 2014 through 2019, with a description of each program and the total amount directly awarded to tribes and other tribal entities.

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<sup>19</sup>The grants eligible for inclusion in a PPG are discussed below. Nonpoint source refers to natural and human-made pollution that comes from diffuse sources and travels into waterways through runoff due to precipitation, snowmelt, and other factors.

<sup>20</sup>As discussed above, these figures on total award amounts and total awards for the Indian Environmental General Assistance Program are partial amounts, since GAP grants can be included in PPGs.

**Figure 3: Environmental Protection Agency (EPA) Grant Amounts Awarded Directly to Tribes and Other Tribal Entities for Fiscal Years 2014 through 2019**



Source: GAO analysis of EPA Integrated Grants Management System data. | GAO-21-150

**Notes:** The Integrated Grants Management System (IGMS) data on determining applicant type was self-reported by grant recipients as "Indian Tribe." Recipients include federally recognized tribes as well as 12 bands or political subdivisions of federally recognized Indian tribes and other tribal entities, which include intertribal consortia; nonprofits created by corporations established pursuant to the Alaska Native Claims Settlement Act; and tribal housing authorities, among others. We did not verify whether each recipient was eligible to receive the grant it was awarded. These totals do not include any EPA funds that are provided to tribes by other entities, such as another federal agency or a state, or used by those entities for projects that benefit tribes because IGMS does not include data about interagency agreements or grant subrecipients. For example, the Drinking Water Infrastructure: Tribal Set-Aside Program grant data in the figure include the \$13.5 million in grants provided by EPA directly to tribes; however, according to EPA officials from the Office of Water, the program also transferred approximately \$107.9 million to the Indian Health Service through interagency agreements for fiscal years 2014 through 2019. These funds were used to undertake drinking water infrastructure projects selected by EPA in coordination with the Indian Health Service and tribes. Similarly, EPA provided approximately \$103.4 million for fiscal years 2014 through 2019 to the state of Alaska's Department of Environmental Conservation to award grants to tribes under the Alaska Native Villages and Rural Communities Grant Program, according to EPA officials from the Office of Water; this is not included in the figure above because it was not provided from EPA directly to tribes.

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<sup>a</sup>The Integrated Grants Management System reports dollar amounts of individual grants enrolled in a PPG as a total aggregate value, so figures for PPGs are a combination of awards from other grant programs. PPGs enable tribes to combine funds from different EPA grant programs, such as Indian Environmental General Assistance Program grants; Water Pollution Control Clean Water Act section 106 grants; Nonpoint Source Implementation Clean Water Act section 319 grants; Air Pollution Control Clean Air Act 105 grants; and State and Tribal Response grants into a single grant with a single budget.

For fiscal years 2014 through 2019, the three largest individual grants were to a single tribe for Superfund Indian Tribe Site-Specific Cooperative Agreements in Region 6. The grants totaled about \$20 million and were used to conduct response planning and implementation actions to clean up a site contaminated with hazardous substances that poses hazards to human health. Superfund site cleanup activities can vary and can take a considerable amount of time and money to complete, depending on the nature of the contamination and other site-specific factors.<sup>21</sup> The fourth- and fifth-largest individual grant actions were to an intertribal consortium under the Puget Sound Protection and Restoration Program grant that assists tribes in Region 10 in protecting and restoring the Puget Sound. These grant actions were for \$4 million each. The intertribal consortium used the grants for different projects among their 20 member tribes in Region 10.

The number of grantees and grants awarded varied by EPA region. For example, EPA Region 10 has the most federally recognized tribes, and it had the most grantees (278) and the highest total amount of grants (\$334.5 million) awarded for fiscal years 2014 through 2019.<sup>22</sup> Likewise, EPA Region 3 had no federally recognized tribes until fiscal year 2016, and it had the fewest grantees (2) and lowest total amount of grants (\$300,000) awarded for fiscal years 2014 through 2019. Table 2 shows the total amount of grants awarded to tribes by EPA region and fiscal year.<sup>23</sup> As shown in the table, the overall total amount awarded by region remained nearly the same for fiscal years 2014 through 2019, while the number of grantees slightly increased. Specifically, in fiscal year 2014, there were 511 grantees, and in fiscal year 2019, there were 529 grantees.

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<sup>21</sup>For more information about Superfund sites on tribal property, or that affect tribes, see GAO, *Superfund: EPA Should Improve the Reliability of Data on National Priorities List Sites Affecting Indian Tribes*, GAO-19-123 (Washington, D.C.: Jan. 23, 2019).

<sup>22</sup>The number of grantees is the count of grant recipients who received a new grant award for fiscal years 2014 through 2019.

<sup>23</sup>This may include new grants or amendments to active grants during this time period.

**Table 2: Total Dollar Amount (in millions) of Environmental Protection Agency (EPA) Grants Awarded Directly to Tribes and Number of Grantees by EPA Region for Fiscal Years 2014 through 2019**

Fiscal Year	Region 1	Region 2	Region 3 <sup>a</sup>	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Total	Number of grantees <sup>b</sup>
2014	3.4	3.3	0	2.9	15.1	16.7	2.1	17.2	41.1	53.8	<b>155.6</b>	511
2015	3.3	2.5	0	2.8	14.4	23.1	3.9	14.3	39.4	55.9	<b>159.6</b>	506
2016	3.3	4.1	0	5.5	16.0	25.6	3.2	16.3	42.0	55.5	<b>171.5</b>	528
2017	3.0	3.5	0	2.0	16.5	27.2	2.9	16.3	40.8	55.3	<b>167.5</b>	508
2018	2.8	3.3	0.1	1.5	14.1	22.3	2.3	15.9	41.6	56.4	<b>160.3</b>	529
2019	2.8	3.9	0.2	1.8	13.4	24.6	3.0	15.8	48.0	57.6	<b>171.1</b>	529
<b>Total</b>	<b>18.6</b>	<b>20.6</b>	<b>0.3</b>	<b>16.5</b>	<b>89.5</b>	<b>139.5</b>	<b>17.4</b>	<b>95.8</b>	<b>252.9</b>	<b>334.5</b>	<b>985.6</b>	
Number of grantees	10	5	2	7	38	68	8	27	141	278		

Source: GAO analysis of EPA Integrated Grants Management System data. | GAO-21-150

Notes: The Integrated Grants Management System (IGMS) data on determining applicant type was self-reported by grant recipients as “Indian Tribe.” Recipients included federally recognized tribes, 12 bands or political subdivisions of federally recognized tribes, and other tribal entities. The number of federally recognized Indian tribes changed between 2014 and 2019. At the beginning of fiscal year 2014, there were 566 federally recognized Indian tribes; at the end of fiscal year 2019, there were 573 federally recognized Indian tribes.

The 12 bands and political subdivisions include six bands of the Minnesota Chippewa Tribe (Bois Forte Band (Nett Lake), Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band); four bands of the Te-Moak Tribe of Western Shoshone Indians of Nevada (Battle Mountain Band, Elko Band, South Fork Band, and Wells Band); and the two political subdivisions of the Passamaquoddy Tribe (Indian Township Reservation and Pleasant Point Reservation). Other tribal entities include intertribal consortia; nonprofits created by corporations established pursuant to the Alaska Native Claims Settlement Act; and tribal housing authorities, among others.

We did not verify whether each recipient was eligible to receive the grant it was awarded. The totals include new grants and amendments to active grants during this time period. These totals do not include any EPA funds that are provided to tribes by other entities, such as another federal agency or a state, or used by those entities for projects that benefit tribes because IGMS does not include data about interagency agreements or grant subrecipients. For example, the totals above include, for the Clean Water Indian Set-Aside Grant Program, the \$3.6 million in grants provided by EPA directly to tribes; however, according to EPA officials from the Office of Water, the program also transferred approximately \$180 million to the Indian Health Service through interagency agreements for fiscal years 2014 through 2019. These funds were used to undertake sanitation projects selected by EPA in coordination with the Indian Health Service and tribes. Similarly, EPA provided approximately \$103.4 million for fiscal years 2014 through 2019 to the state of Alaska’s Department of Environmental Conservation to award grants to tribes under the Alaska Native Villages and Rural Communities Grant Program, according to EPA officials from the Office of Water; this is not included in the totals above because it was not provided from EPA directly to tribes.

<sup>a</sup>Region 3 did not have any federally recognized tribes in the region until 2016.

<sup>b</sup>The number of grantees is based on new grants awarded for fiscal years 2014 through fiscal year 2019.

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## Tribes Have Used EPA Grants to Address Numerous Tribal Environmental Concerns

Tribes have used EPA grants to support capacity building for developing their environmental programs and to implement these programs that address numerous environmental concerns. Tribes' capacity-building activities include those related to planning and developing tribal environmental protection programs. For example, the following tribes have used EPA grants to support capacity-building activities:

- **The Big Pine Paiute Tribe of the Owens Valley.** The Big Pine Paiute Tribe of the Owens Valley in California has received EPA grants since 1998, when they used an EPA GAP grant to create a tribal office of environmental protection. More recently, the tribe has used GAP and Clean Air Act grants to develop an air monitoring program, among other activities. According to one tribal official we interviewed, air quality is an environmental priority for the tribe because of their proximity to Owens Lake in California, which is the greatest source of inhalable particulate matter (PM<sub>10</sub>) pollution in the United States.<sup>24</sup> Owens Lake used to cover about 100 square miles, until water was diverted from the Owens River in 1913 to bring water to the city of Los Angeles. The diversion caused large portions of the lakebed to dry out. Because of the makeup of the lakebed and winds in the area, the area around Owens Dry Lakebed is prone to dust clouds containing particulate matter, cadmium, chromium, chlorine, and iron, according to EPA (see fig. 4). Setting up air monitoring stations around the reservation allows tribal staff to track pollution levels and warn residents to take precautions when levels become unsafe.

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<sup>24</sup>PM<sub>10</sub> describes inhalable particles, with diameters that are generally 10 micrometers and smaller, that, according to EPA, can be harmful, especially for sensitive populations such as the elderly, children, and other individuals with respiratory issues, including asthma and emphysema. Because Owens Lake is a dry lake, the area has more PM<sub>10</sub> than elsewhere.

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**Figure 4: Dust Clouds Rising from Owens Lake in California**

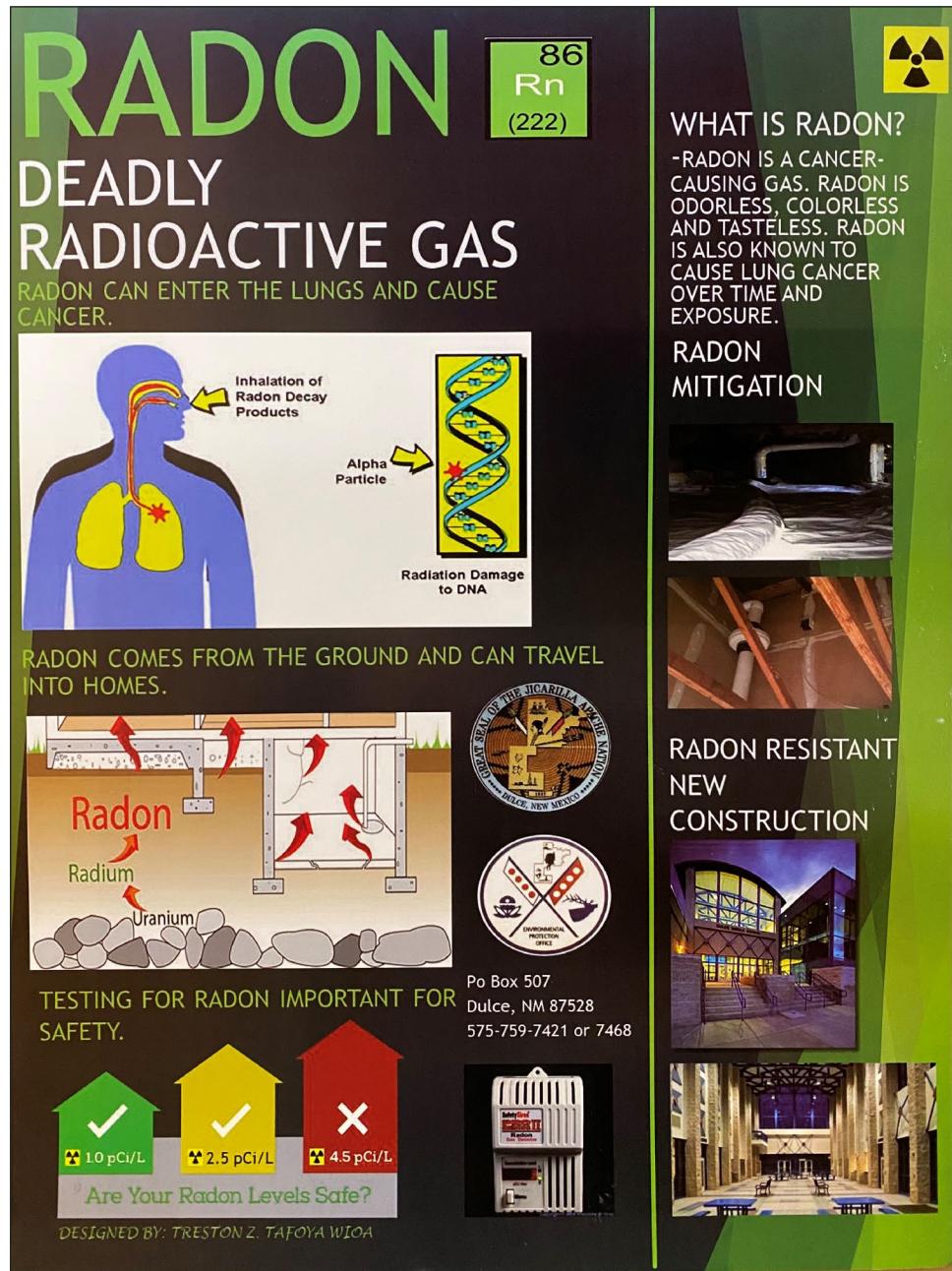
Dust from the lake can be harmful if inhaled.



Source: Great Basin Unified Air Pollution Control District. | GAO-21-150

- **The Jicarilla Apache Nation.** The Jicarilla Apache Nation in New Mexico has used an Indoor Radon grant from EPA to educate their community about radon, a naturally occurring radioactive gas that can cause cancer. Tribal leadership has identified high levels of cancer as a priority concern. To inform tribal members about the dangers of radon and assist them in taking actions to mitigate exposure, the Jicarilla Apache Nation holds outreach events, such as classes in schools and homes. Tribal officials also distribute informational materials on radon, such as the poster shown in figure 5 below. According to tribal officials, these efforts have led to increased testing in homes and to the use of radon-resistant materials in new construction, such as the local high school.

**Figure 5: Educational Poster on Radon Funded with a Grant from the Environmental Protection Agency**



Source: Jicarilla Apache Nation Environmental Protection Office. | GAO-21-150

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- **The Leech Lake Band of Ojibwe.** The Leech Lake Band of Ojibwe in Minnesota has used EPA GAP and Clean Water Act section 106 grants to develop an application for treatment as a state (TAS) and approval of water quality standards for lands under the tribe's jurisdiction. TAS is the delegation of authority to a tribe to operate a federal environmental program in lieu of EPA. According to tribal officials we interviewed, receiving TAS and water quality standards approval from EPA is an environmental priority for the tribe, whose 865,000 acre reservation has 270 fishable lakes and holds about 10 percent of Minnesota's surface water. Tribal officials said they are concerned about many water pollution sources, including an upstream septic facility that has caused harmful algal blooms.<sup>25</sup>
  - **Tohono O'odham Nation.** The Tohono O'odham Nation in Arizona receives many different grants from EPA that the tribe uses to address environmental concerns. One tribal concern is hazardous materials, such as asbestos and lead in community businesses and homes. Tribal officials have been using a Tribal Response Fund 128(a) grant to train staff about brownfields and conduct outreach to businesses and the community on the process for assessing and cleaning up hazardous materials.<sup>26</sup>
  - **Northwest Indian Fisheries Commission.** The Northwest Indian Fisheries Commission is an intertribal consortium of 20 federally recognized tribes in Washington State.<sup>27</sup> While individual member tribes are also eligible for EPA grants, the intertribal consortium uses its GAP grant to support and coordinate efforts among its member tribes, including by hosting trainings and coordinating watershed

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<sup>25</sup>Harmful algal blooms are overgrowths of algae in marine or freshwater environments that can produce toxins that hurt the environment and local economies. For more information, see GAO, *Environmental Protection: Information on Federal Agencies' Expenditures and Coordination Related to Harmful Algae*, GAO-17-119 (Washington, D.C.: Oct. 14, 2016).

<sup>26</sup>EPA often refers to these grants as Tribal Response Program grants. Brownfields are properties that may have hazardous substances, pollutants, or contaminants. Brownfield sites may also be contaminated by controlled substances or petroleum.

<sup>27</sup>According to commission officials, the Northwest Indian Fisheries Commission is an intertribal consortium with the following tribes as members: Hoh Tribe; Jamestown S'Klallam Tribe; Lower Elwha Klallam Tribe; Lummi Nation; Makah Tribe; Muckleshoot Tribe; Nisqually Indian Tribe; Nooksack Tribe; Port Gamble S'Klallam Tribe; Puyallup Tribe of Indians; Quileute Indian Tribe; Quinault Indian Nation; Sauk-Suiattle Tribe; Skokomish Tribe; Squaxin Island Tribe; Stillaguamish Tribe; Suquamish Tribe; Swinomish Tribe; Tulalip Tribes; and Upper Skagit Tribe.

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meetings.<sup>28</sup> Through the GAP grant, the commission also provides support to its member tribes by applying for grants and providing the award money to their member tribes for implementation efforts. The commission also provides subawards to its member tribes through the EPA Puget Sound Protection and Restoration Program grant for projects to advance tribal priorities, including treaty rights, and protect or restore Puget Sound.

Tribes have also used EPA grants for implementation activities, including those related to managing and administering environmental programs. For example, the following tribes have used EPA grants for implementation activities:

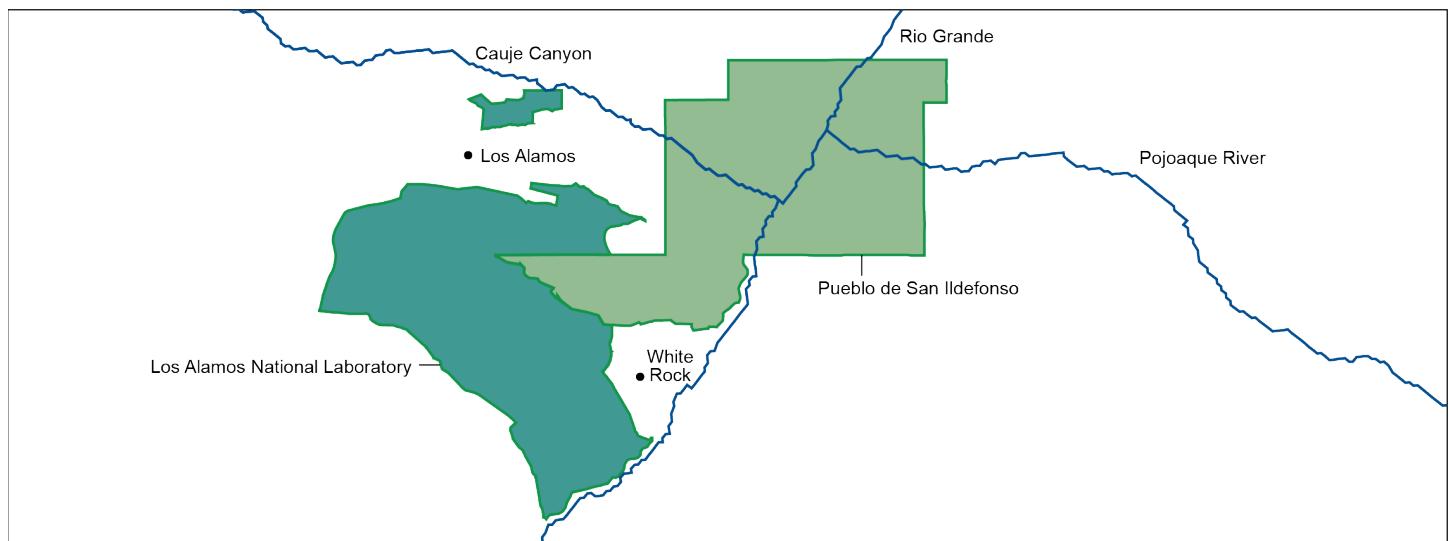
- **The Morongo Band of Mission Indians.** The Morongo Band of Mission Indians in California has used National Clean Diesel Emission Reduction grants to help address air quality concerns. According to tribal representatives we interviewed, the tribe's primary environmental concern is air pollution coming from freeways, industrial quarry operations, and the Los Angeles region. To help address air pollution issues, tribal officials said they used these grants to purchase an energy-efficient dump truck and an eco-friendly refuse truck in 2017 and two clean diesel buses and two backhoe loaders in 2019 to replace older, high-emission vehicles.
- **Augustine Band of Cahuilla Indians.** The Augustine Band of Cahuilla Indians in California uses Clean Water Act section 106 grants to monitor tribal waterways and groundwater for contaminants. Tribal officials also conduct outreach and education for tribal community members to educate them on water usage and identified concerns.
- **Pueblo de San Ildefonso.** The Pueblo de San Ildefonso in New Mexico borders the Los Alamos National Laboratory (see fig. 6), where radioactive materials, such as uranium, are used, and high explosives are created and tested.<sup>29</sup> Pueblo officials have been using Clean Water Act section 106 grants to train technicians; monitor water run-off from the mesas above the Pueblo, where the lab does explosives testing; and monitor the water in the Rio Grande.

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<sup>28</sup>Watersheds are areas that drain into a common body of water.

<sup>29</sup>For more information on uranium, see GAO, *Nuclear Waste: DOE Needs to Improve Cost Estimates for Transuranic Waste Projects at Los Alamos*, GAO-15-182 (Washington, D.C.: Feb. 18, 2015). For more information on high explosives, see GAO, *Nuclear Weapons: Additional Actions Could Help Improve Management of Activities Involving Explosive Materials*, GAO-19-449 (Washington, D.C.: June 17, 2019).

**Figure 6: Boundary Map of the Pueblo de San Ildefonso and Los Alamos National Laboratory**



Sources: Pueblo de San Ildefonso; U.S. Census Bureau for Tribal Area and Places; National Map of the United States for Los Alamos Laboratory; and U.S. Geological Survey National Hydrological Data for Rivers. | GAO-21-150

- **Colorado River Indian Tribes.** The Colorado River Indian Tribes, whose reservation stretches along the Colorado River on both the Arizona and California sides, have a cooperative agreement with EPA to conduct pesticide inspections and enforcement, among other things.<sup>30</sup> The tribe, which has agricultural businesses on its reservation, uses the money provided by this cooperative agreement to train and pay tribal inspectors who work to ensure that agriculture on the reservation is safe for human consumption and agricultural workers. The tribe has developed a pesticide tracking system to provide inspectors with the information needed to proactively address pesticide issues. The system helps the tribe to identify and track pesticide applications in its 85,000 agricultural acres.
- **The Southern Ute Indian Tribe.** The Southern Ute Indian Tribe in southwestern Colorado uses multiple EPA grants to manage and administer environmental programs on its reservation. For example, using an EPA Clean Air Act section 103 grant, the tribe has developed and implemented a Title V Operating Permit Program for major air

<sup>30</sup>Pesticide inspections are the core of the Federal Insecticide, Fungicide, and Rodenticide Act compliance monitoring program. Pesticide inspections are conducted by federal, state, and tribal inspectors to monitor compliance, detect violations, and collect evidence to take appropriate enforcement actions.

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pollution sources, according to tribal officials. Under this program, they have the authority to issue Clean Air Act Title V operating permits for the 35 major pollution sources located on their reservation as well as to inspect those sources and bring enforcement actions for noncompliance. The Southern Ute Indian Tribe also uses Clean Air Act section 105 grants to operate and maintain three state and local ambient air quality monitoring stations, some of the only air monitors in the region. Data from these stations are submitted to the EPA Air Quality Systems database for evaluating regional compliance with the national ambient air quality standards. Tribal officials said that clean air is a priority for the tribe, since ozone levels on the reservation have been increasing and are close to surpassing the national ambient air quality standard.<sup>31</sup> The tribe also used a Clean Air Act section 105 grant to purchase vehicle-mounted methane detection equipment, paired with a special camera, to identify methane leaks invisible to the naked eye (see fig. 7). This equipment has been used to identify multiple large methane or natural gas leaks from underground pipelines that would have otherwise gone undetected and continued to emit methane into the atmosphere, according to tribal officials.

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<sup>31</sup>Real-time air quality data from the three air monitoring stations are available on the Southern Ute Indian Tribe website at <https://www.southernute-nsn.gov/justice-and-regulatory/epd/air-quality/ambient-monitoring/>.

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**Figure 7: Methane Detection Equipment Funded with a Grant from the Environmental Protection Agency Identifies Methane Leaks from Underground Pipes**



Source: Southern Ute Indian Tribe. | GAO-21-150

The tribe has also used grant awards to conduct extensive work to implement its water programs. For example, through base (noncompetitive) and competitive Nonpoint Source Implementation Clean Water Act section 319 grants, the tribe has addressed stream bank erosion (see fig. 8), which can affect water quality and threaten infrastructure, such as homes and roads.

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**Figure 8: Stream Bank Restoration Efforts on Spring Creek in Colorado**



The photo on the left demonstrates the steep banks and sharp turns on Spring Creek before restoration efforts. The photo on the right demonstrates how additional vegetation and bank sloping have reduced erosion and bank angles, allowing for better flood control to protect agriculture and infrastructure.

Source: Southern Ute Indian Tribe. | GAO-21-150

- **Red Lake Band of Chippewa Indians.** The Red Lake Band of Chippewa Indians in Minnesota combines several grants together in its Performance Partnership Grant, including a Clean Water Act section 106 grant, base Clean Water Act section 319 grant, competitive Clean Water Act section 319 grant, Clean Air Act section 105 grant, Tribal Response Program section 128(a) grant, and GAP grant. Tribal officials whom we interviewed said that the PPG allows for funding flexibility, through which the tribe may shift money around as needed. These officials also said that combining grants reduces the matching requirement for some grants. In combination with grants from other agencies and groups, the EPA PPG assists the Red Lake Band of Chippewa in their efforts to monitor the air and water for 1 million acres of trust land, as well as to conduct cleanup activities, according to tribal officials.

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## EPA and Tribal Officials Identified Several Challenges in Using Grants, and EPA Has Taken Some Actions to Address Them

EPA and tribal officials we interviewed identified financial, staffing, and communication challenges related to using EPA grants to address tribal environmental concerns.<sup>32</sup> First, EPA and tribal officials we interviewed stated that stagnant and declining funding levels in EPA grants have been a key challenge affecting tribal environmental programs. Second, high turnover in both EPA and tribal staff has been a challenge, according to EPA and tribal officials we interviewed. Finally, EPA and tribal officials we interviewed identified several communication challenges, such as technology issues and unclear or outdated guidance, which make using EPA grants to address tribal environmental concerns difficult. EPA has taken some actions to address these ongoing challenges, such as encouraging funding flexibility, developing training materials, and consistently contacting and working with tribes.

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### EPA and Tribal Officials Identified Ongoing Financial Challenges, Which EPA Has Taken Some Actions to Address

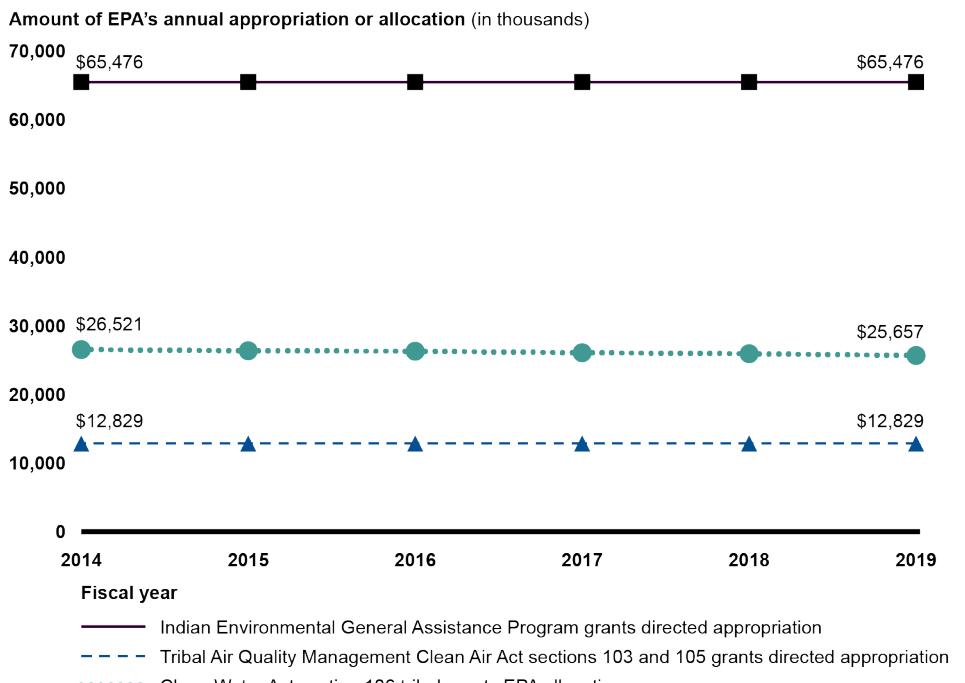
According to EPA and tribal officials we interviewed, stagnant and declining funding levels have been a key challenge affecting tribes' ability to address their environmental concerns through EPA grants. This challenge was identified by officials from nine EPA regions, the five EPA headquarters offices that issued grants, and each of the 10 tribes and the intertribal consortium we interviewed that received grants for fiscal years 2014 through 2019.<sup>33</sup> For example, the amounts of EPA's annual appropriation directed by congressional committees to GAP and Clean Air Act sections 103 and 105 grants and the amounts EPA has allocated annually for Clean Water Act section 106 tribal grants have stagnated or declined for fiscal years 2014 through 2019, as shown in figure 9.

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<sup>32</sup>We interviewed 10 tribes and one intertribal consortium as well as each of the 10 EPA regions and six EPA headquarters offices.

<sup>33</sup>As discussed above, Region 3 officials issued their first tribal grant in fiscal year 2018, and the region is therefore not included in this count for this time frame.

**Figure 9: Amounts of Environmental Protection Agency's (EPA) Annual Appropriation Directed to the Indian General Assistance Program and Tribal Air Quality Management and EPA's Annual Allocation for Clean Water Act section 106 Tribal Grants, Fiscal Years 2014 through 2019**



Source: GAO analysis of EPA data and committee reports accompanying EPA's annual appropriation bills. | GAO-21-150

Note: These amounts are not adjusted for inflation and are reported in nominal values. Congressional committee reports and explanatory statements accompanying EPA's annual appropriation acts have directed EPA to use specified amounts of the State and Tribal Assistance Grant (STAG) appropriation for the Indian General Assistance Program and Tribal Air Quality Management. Tribal Air Quality Management includes both Clean Air Act section 103 and section 105 grants to tribes. The committee reports and explanatory statements also direct EPA to use a specified amount of the STAG appropriation for all Clean Water section 106 grants to both states and tribes; the figure presents the amount EPA has allocated for Clean Water Act section 106 tribal grants for fiscal years 2014 through 2019.

At the same time that amounts available for grants have declined or stagnated, the number of tribes receiving EPA grants has increased, according to EPA and tribal officials we interviewed. In 2014, there were 566 federally recognized tribes. By fiscal year 2019, that number had risen to 573. The increase in tribes resulted in less for individual tribes at the same time that the costs to operate programs were increasing, according to officials from two EPA regions and three selected tribes. For example, Region 10 officials we interviewed said that GAP grants have been stagnant for a decade, while the number of tribes applying has increased and tribes have seen an erosion in buying power due to

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inflation. These officials said that in fiscal year 2016, GAP grants were \$128,000 per tribe in Region 10; however, in fiscal year 2019, they were \$120,000.<sup>34</sup> According to officials from the Leech Lake Band in Minnesota, grant awards have not allowed the tribe to ensure that staff wages rise to match increases in the cost of living, in part because additional tribes have become eligible to apply for these grants in recent years, reducing individual grant amounts.

Furthermore, officials from six EPA regions and six tribes we interviewed said that funding levels are not adequate to sustain certain programs. For example, officials from Region 9 highlighted that awards for Clean Water Act section 319 grants have never been adequate to run a Nonpoint Source program because a tribe typically receives \$30,000 annually, which is not enough to support a staff member and program operations. Officials from the Red Lake Band of Chippewa Indians in Minnesota stated that several tribes in their region do not apply for Clean Water Act section 319 grants because the grant amount does not offset the administrative costs of applying.

According to officials from nine EPA regions and all 10 tribes and the intertribal consortium whom we interviewed, there have been stagnating and declining funding levels, which create negative effects, such as tribes having to reduce their environmental protection efforts by delaying projects and cutting staff hours. For example, the Southern Ute Indian Tribe in Colorado told us they operate a brownfields program that can only conduct one large project every 2 or 3 years because the award amount per year is not enough to hire contractors and dispose of hazardous materials. When projects have been delayed because the grant amount is not enough to dispose of lead and asbestos, the tribe has had to use limited resources to redo building assessments because the assessments become invalid over time, even if nothing has changed.

In addition, the Environmental Manager for the Tohono O'odham Nation told us that declining awards for air programs have affected the number of hours staff can work. The Environmental Manager also said the decline has resulted in cuts to projects that are tribal environmental priorities, such as indoor air quality, which is critical for a desert nation. Officials we interviewed from the Red Lake Band of Chippewa Indians in Minnesota

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<sup>34</sup>According to officials from Region 10, in fiscal year 2020, the region was able to increase funding levels from the 2019 level to \$125,000.

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told us that the reduction of award amounts over time for Clean Water Act section 106 grants—around a 40 percent decrease since 2004, according to the tribe—has caused them to reduce staff and cut programs that are tribal environmental priorities.<sup>35</sup> According to these officials, while threats to natural resources have increased, water resources staff have been cut by about a third, resulting in the tribe seeking competitive grants to monitor its 1 million acres. As a result of working through competitive grants, the tribe must use those resources only for work prioritized by those grant sources and not necessarily the highest-priority tribal needs, such as mercury testing for fish, or in supporting programs that have existed for over 20 years, such as monitoring programs for establishing tribal water quality standards.

EPA has taken some actions to respond to stagnating and declining funding levels. For example, EPA officials said they promote the use of PPGs, which provide tribes with flexibility to direct funds where they are most needed. As noted earlier, for fiscal years 2014 through 2019, 197 federally recognized tribes and one other tribal entity used PPGs. According to officials we interviewed from four tribes, funding flexibility under PPGs is critical to leverage limited resources. In addition to using PPGs to increase funding flexibilities, tribes, including three we interviewed, use PPGs to reduce the matching requirement on certain grants, since the matching requirement for a PPG is low: 5 to 10 percent.<sup>36</sup> For example, the Leech Lake Band of Ojibwe in Minnesota has combined an Indoor Radon grant and Clean Air Act section 105 grant in its PPG to reduce its required Indoor Radon match from 40 percent to 5 percent. Grants with high matching requirements can be cost prohibitive for tribal programs because they require tribes to provide additional resources from resource limited tribal governments, according to tribal officials we interviewed.

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<sup>35</sup>Red Lake Band of Chippewa officials said they started tracking grant awards in 2004 for Clean Water Act section 106 grants when it was \$420,000, and now, adjusted for inflation, the tribe receives about \$250,000.

<sup>36</sup>Grants with a cost share greater than 5 percent have that cost share reduced to 5 percent for the first two years the grant is included in a PPG. After the first two years, the Regional Administrator must increase the cost share up to a maximum of 10 percent of the allowable costs of the work plan budget for each grant with a cost share greater than 5 percent if the Regional Administrator determines through objective assessment that the PPG recipient meets socio-economic indicators that demonstrate the ability to provide a greater cost share. 40 C.F.R. § 35.536(c). The Regional Administrator is authorized to waive the cost share requirement in certain circumstances. 40 C.F.R. § 35.536(d).

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According to EPA officials and PPG regulations, the purpose of a PPG is to combine funds from more than one grant into a single grant with a single budget, and the program is designed to provide tribes with flexibility to direct resources where they are most needed and provide savings by streamlining administrative requirements. However, EPA regions implement PPGs differently, with some regions allowing for funding flexibility and others restricting the movement of funds between grants in a PPG. More specifically, in some regions, EPA requires tribes with PPGs to track each grant included with separate budgets and work plans, which justify the eligibility of each activity. According to tribal officials we interviewed in two EPA regions, EPA project officers require GAP awards to be tracked separately in a PPG and used only for GAP-eligible activities, which typically do not include implementation activities. For example, according to EPA regional officials, under a GAP grant, awards can be used to test homes and businesses for radon but cannot be used to mitigate or remediate radon issues when they are found. However, according to EPA's OCIR, which oversees PPGs, and EPA's AIEO, which oversees GAP, if a GAP grant is combined in a PPG with a grant that allows for implementation activities, any activities eligible under either grant are eligible for any funding in the PPG.

When asked about the discrepancy between what some project officers are requiring of tribes and the funding flexibilities provided in the PPG program, EPA AIEO and OCIR officials noted that EPA formed a PPG Work Group in 2017 to study the use of PPGs. According to these officials, the Work Group has issued an internal report to clarify PPG goals and to provide findings and recommendations for improvements. Additionally, OCIR officials said they are developing training for project officers about the proper use of tribal PPGs and expect the training to be available in 2021. According to EPA officials, the current guidance available to tribes and project officers working with tribes is a best practices document from 2011 that does not clarify funding flexibility when a GAP grant is included in a PPG.<sup>37</sup> By clarifying in its best practices guidance that PPGs should combine grants into a single budget with flexible funds to support tribal environmental concerns, EPA could help address inconsistencies between EPA regions, as well as address challenges caused by funding shortfalls and reduce administrative burdens for EPA and tribes.

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<sup>37</sup>EPA, *Best Practices Guide for Performance Partnership Grants with Tribes*, EPA 140-B-11-001 (Washington, D.C.: March 2011).

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In addition to unclear guidance on funding flexibility in a PPG, we identified inconsistencies in documentation on which grants are eligible for inclusion. EPA provided us with or referenced four different sources for lists of eligible grants during interviews, none of which were comprehensive or up to date. Specifically:

- EPA regulations, which were last updated in 2009, identify nine grants that are eligible for inclusion in PPGs but say the EPA Administrator may describe subsequent additions, deletions, or changes to eligibility in guidance or regulation.<sup>38</sup> Since 2004, EPA has published Federal Register notices announcing that five additional grants are eligible for inclusion.<sup>39</sup>
- EPA's 2011 PPG best practices guidance lists 19 eligible grants, but this list does not include some of the grants the Federal Register notices announced were eligible, such as the 2016 notice announcing that Multipurpose Categorical grants were eligible for inclusion.
- EPA's OCIR provided us with a list with 18 eligible grants that is similar to a list on the EPA.gov website; however, the 18 do not include three grants listed as eligible elsewhere, such as the Pesticide Applicator Certification and Training grant and Pesticide Program Implementation grant which are included in the EPA regulation and the 2011 PPG best practices guidance. EPA officials said they updated the eligibility list on their website in April 2020, but the list is incomplete as of October 1, 2020.
- EPA's OCIR also directed us to the General Services Administration's CFDA website, which says 20 grants are eligible in some places and 19 in another and provides a link to the list on the OCIR website.

Additionally, one grant program that EPA announced in a Federal Register notice as eligible for PPG inclusion, Multimedia Sector Program

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<sup>38</sup>40 C.F.R. § 35.533.

<sup>39</sup>69 Fed. Reg. 51756 (Aug. 20, 2004) (adding Environmental Information Exchange Network grants, Multimedia Sector Program grants, and Brownfields CERCLA section 128(a) grants); 80 Fed. Reg. 65224 (Oct. 26, 2015) (adding Beaches Environmental Assessment and Coastal Health Act grants); 81 Fed. Reg. 22262 (Apr. 15, 2016) (adding the Multipurpose Categorical grants, which were established by the Consolidated Appropriations Act, 2016).

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grants, is not included in any of these lists.<sup>40</sup> Furthermore, according to EPA officials, the regulation identifying the list of grants eligible for PPG has a typo.<sup>41</sup> Specifically, the regulation references grants identified in 40 C.F.R. § 35.101(a)(2)-(10) as eligible for inclusion in a PPG. According to EPA, this regulation should instead reference 40 C.F.R. § 35.501(a)(2)-(10), which includes an additional grant, the Water Quality Cooperative Agreement (Clean Water Action section 104(b)(3)), that is not listed in 40 C.F.R. § 35.101(a)(2)-(10) or on OCIR's website, but is listed in the 2011 best practices guidance as eligible for inclusion in a PPG. When EPA issued the regulation in 2001, it referenced 40 C.F.R. § 35.501 but EPA changed this regulation in 2009, without explanation, to reference 40 C.F.R. § 35.101 instead.<sup>42</sup> An EPA OCIR official told us they plan to revise this regulation to restore the reference 40 C.F.R. § 35.501(a)(2)-(10). Once the regulation is revised, EPA will need to add Water Quality Cooperative Agreements to the list of grants eligible for inclusion in a PPG on OCIR's website so that the website is comprehensive and up to date.

These inconsistencies can impact which grants tribes apply for if they are not aware of which grants can be included in their PPGs and could also require EPA and tribal staff to spend additional time identifying which grants are eligible for inclusion. For example, officials from one tribe we interviewed said that they would like to have an Indoor Radon grant, but because that type of grant was not eligible for inclusion in a PPG, the matching requirements made it unfeasible. However, we found that Indoor Radon grants are listed as eligible for PPGs in three of the four sources EPA provided or referenced; therefore, we believe the tribe was misinformed.

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<sup>40</sup>In October 2020, EPA noted that the Multimedia Sector Program was not included in the OCIR list because the program ended. However, although the program has not received an appropriation in recent years, the program could receive an appropriation in the future and all the lists of eligible grants except the 2011 PPG best practices guidance include Multipurpose grants, which have not received an appropriation every year since being established in fiscal year 2016.

<sup>41</sup>40 C.F.R. § 35.533(a).

<sup>42</sup>74 Fed. Reg. 28443, 28444 (June 16, 2009). This rule added the State Response Programs and Tribal Response Programs under section 128(a) of the Comprehensive Environmental Response, Compensation and Liability Act as among grants eligible for inclusion in a PPG. *id.* at 28443.

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EPA's mission statement states that EPA works to ensure that tribal governments have access to accurate information sufficient to effectively participate in managing human health and environmental risks.<sup>43</sup>

According to Standards for Internal Control in the Federal Government, agency management should internally and externally communicate the necessary quality information to achieve the entity's objectives.<sup>44</sup> Without EPA publishing an accurate and up-to-date list of eligible grants for PPGs that is easily accessible to tribes and project officers, tribes may not be able to take full advantage of the funding flexibility of PPGs to help them participate in managing human health and environmental risks on tribal lands.

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### EPA and Tribal Officials Identified Ongoing Staffing Challenges, Which EPA Has Taken Some Actions to Address

EPA and tribal officials we interviewed also identified ongoing staffing issues, related to EPA and tribal staff turnover and workloads, as key challenges for tribes in addressing their environmental concerns through EPA grants.

According to officials from eight of the EPA regions and eight of the tribes we interviewed, turnover of EPA grants staff and heavy workloads for these staff have created additional work for already overworked tribal staff. For example, officials from the Pueblo de San Ildefonso said that when EPA staff change, grant documents are often lost and need to be resubmitted. According to 2019 EPA workforce data, EPA is understaffed for grant specialists—who process the administrative side of grants—across the agency by about 15 percent.<sup>45</sup> In addition, EPA officials said that a 2019 agency realignment moved staff into different positions, which created additional work for existing staff, who had to train staff new to working with tribes. According to EPA regional officials, training grant specialists in regions with a high number of tribes and grants is especially taxing for existing staff because of their high workload relative to other regions. For example, Region 10 grant specialists said they might work with 30 tribes and have 140 grants to manage, while Region 8 grant

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<sup>43</sup>According to EPA.gov, the mission statement of EPA includes ensuring access of accurate information to tribal governments, as seen here: <https://www.epa.gov/aboutepa/our-mission-and-what-we-do>

<sup>44</sup>GAO-14-704G.

<sup>45</sup>This was also recently found by an EPA Office of the Inspector General (OIG) report that stated grant specialists' workload and staff shortages prevented goals from being met and that this management challenge is consistent with findings and recommendations from EPA OIG and GAO-17-144. EPA OIG, *EPA Did Not Accurately Report Under the Grants Oversight and New Efficiency Act and Needs to Improve Timeliness of Expired Grant Closeouts*, Report No. 20-P-0126 (Washington, D.C.: Mar. 31, 2020).

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specialists said they work with an average of around four to five tribes and manage about 60 grants. According to EPA officials in two regions, their regional offices have started to develop onboarding materials for grant specialists new to working with Indian tribes in order to help them acquire the necessary knowledge and skills to become proficient in their positions more quickly and efficiently, such as checklists that will help grant specialists as they work through the grant process. However, according to EPA regional officials, not all regions have these materials or are planning to develop them. The Region 10 grants management officer—the senior EPA representative who oversees grant specialists—said that while there is interest in developing these materials, the workload of individual grant specialists, who are the experts for these grant programs, inhibits working on special projects, such as developing onboarding tools.

Additionally, 2019 EPA workforce data on grant project officers—who oversee the programmatic and technical aspects of grants—indicate similar workload and turnover challenges. From 2018 to 2019, the number of staff serving as project officers declined from 806 to 776 for all EPA grants. Because of EPA staff turnover in Region 6, the Pueblo de San Ildefonso worked with four different project officers and two different grant specialists assigned for one grant in fiscal years 2014 through 2017. Officials in Region 10 said that the heavy workload in their region is due to EPA staff turnover and the high number of tribes and tribal grants. Officials said that in fiscal year 2019, each Region 10 project officer had an average of about 13 PPGs, while project officers in other regions had six or fewer. This relatively high number of PPGs is challenging because PPGs may include between three and seven grants that require deliverables to be separately tracked, although PPGs only appear to be one grant in workload tracking documents, according to Region 10 staff.<sup>46</sup> According to EPA regional officials, materials for onboarding project officers exist or are under development in some, but not all, regional offices.

EPA's strategic plan for fiscal years 2018 through 2022 includes an objective that the agency improve efficiency and effectiveness, including to alleviate challenges associated with fluctuating levels of expertise

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<sup>46</sup>According to Region 10 officials, this is in addition to the between 17 and 22 grants each project officer manages with GAP grants.

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across agency programs.<sup>47</sup> Additionally, Standards for Internal Control in the Federal Government state that management should design control activities to achieve objectives and respond to risks; effective management of an entity's workforce is essential to achieving results and an important part of internal control.<sup>48</sup> The standards further state that only when the right personnel for the job are on board and are provided with the right training and tools, among other things, is operational success possible. By developing and nationally distributing onboarding materials to grant specialists and project officers new to working with Indian tribes and tribal grants, EPA can better meet its objective to improve efficiency and effectiveness, by alleviating challenges associated with fluctuating levels of expertise among grant staff.

According to officials from nine EPA regions and five of the tribes we interviewed, staff turnover in tribal environmental program offices is also high. Some of these officials said that hiring and training new staff can be a time-consuming process in part because of the remote location of these positions or the complex and technical work being performed. For example, officials in one EPA region explained that due to the low pay and remote locations, tribal staff turnover can result in the hiring of applicants with limited experience, which results in EPA providing time-consuming, one-on-one training. Some EPA offices and regions have developed or are working on materials to more efficiently train new tribal staff and reduce the impact of tribal turnover. For example, the Office of Air and Radiation has developed training on grants management that is specifically for tribal professionals working with air media and funds this training annually. In addition, Region 9's grant specialists have developed a grants management handbook for tribal staff. Furthermore, according to officials in Region 7, they are developing onboarding materials, including a checklist for new tribal air technicians. However, many of these onboarding materials are region specific or exist only for some environmental media, such as air, but not for others, such as water or hazardous waste.

EPA's strategic plan for fiscal years 2018 through 2022 includes a goal to have more effective partnerships, with a long-term goal of increasing the number of grant commitments—planned actions with measurable

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<sup>47</sup>EPA, *Working Together: FY2018-2022 U.S. EPA Strategic Plan* (Washington, D.C.: February 2018).

<sup>48</sup>GAO-14-704G.

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performance indicators and deadlines—achieved by tribes, while reducing the burden on tribes.<sup>49</sup> By developing and nationally distributing onboarding materials to new tribal staff specific to the environmental media with which they work, EPA and tribal environmental programs can more efficiently train new hires and reduce training burdens on tribal staff, thereby helping tribes and EPA better fulfill their grant commitments.

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### EPA and Tribal Officials Identified Ongoing Communication Challenges, Which EPA Has Taken Some Actions to Address

EPA and tribal officials we interviewed also identified communication challenges related to technology and deadlines, and EPA regional officials have been working to address these challenges in several ways. However, EPA and tribal officials we interviewed also identified ongoing communication challenges related to outdated and unclear guidance, which have created inconsistencies in EPA grant requirements and eligibility determinations.

Regarding technology, officials we interviewed in six EPA regions said that a tribe's connectivity, such as internet and phone access—sometimes due to the tribe's remoteness—can create communication challenges. In addition, officials from five EPA regions and seven of the tribes we interviewed said that they faced issues with the Grants.gov website and the functionality of applying and receiving grant applications through that system, which has caused some tribes to have to submit grant documentation multiple times. For example, officials from one tribe in Region 6 said that EPA often reports that it did not receive all the necessary documents from Grants.gov, and requires the tribe to resubmit them. One tribal official in Region 10 explained that the time-out function of the Grants.gov system is frustrating because the system does not save progress in completing applications, and uploading a completed application can take an entire day because the tribe has to restart its application multiple times. An official we interviewed from a tribe in Region 9 said that Grants.gov is not user friendly and that the search bar is not always helpful in finding EPA funding opportunity numbers, which are required for any grant application.

In response to these technology challenges, EPA regional officials have been working to improve communication with Indian tribes in several ways. For example, EPA regional officials said that being persistent and using multiple channels of communication can help address some of the issues with connectivity when communicating with tribes. To address issues with Grants.gov, in some situations, EPA has provided waivers for

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<sup>49</sup>EPA, *Working Together: FY2018-2022 U.S. EPA Strategic Plan*.

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tribes to apply directly to EPA outside of the Grants.gov system. In addition, after hearing that some tribes had difficulty searching for EPA grants on the Grants.gov website, Region 9 officials said they updated their grant application guidance to bypass the website's search engine. Region 9 officials said that they are now working to disseminate, to all tribes in their region, guidance on how to avoid the Grants.gov search bar issue, as well as other grant application guidance.

Regarding deadlines, officials from one EPA region and six of the tribes we interviewed said EPA sometimes provides information about grant or consultation opportunities too late for tribes to effectively act on it. For example, according to tribal officials, state and local officials started an effort supported by EPA to map wetland toxicities in areas around the Pueblo de San Ildefonso. However, the grant award specified that testing could not be conducted on tribal lands. By the time EPA informed the Pueblo of a separate grant they could apply for to do the same mapping on tribal lands and add it to the larger study, it was too late to apply, and the study ultimately resulted in maps with no data for tribal land areas. To address this communication issue, EPA regional officials said that in addition to frequent communication with individual tribes, they also hold Regional Tribal Operations Committee (RTOC) meetings that bring all tribes, or tribal representatives, in a region together to discuss issues. Tribal officials from three tribes we interviewed said that they rely on RTOC meetings to hear not only from EPA but also from other tribes in the region about what EPA grants are available and what is involved in applying for the grants. RTOC meetings are held regularly, which helps address deadline concerns as tribes and EPA frequently connect and discuss upcoming opportunities. For example, Jicarilla Apache officials we interviewed said they were able to take advantage of a grant opportunity after learning about it from another tribe at a RTOC meeting; the grant they received was used to remove 6,000 used tires from their reservation.

Although EPA has taken some steps to improve communication with tribes, challenges remain because of outdated and unclear guidance. Officials from eight of the nine tribes we interviewed that use EPA's guidance documents for quality assurance project plans (QAPP)—written documents that describe the tribe's plans for collecting and using environmental data—and GAP highlighted challenges with outdated and

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unclear guidance.<sup>50</sup> For example, tribal officials from the Pueblo de San Ildefonso explained ongoing concerns over the QAPP guidance in communicating EPA's documentation requirements. Pueblo officials said that one project officer requested Standard Operating Procedures with specific action levels for chemicals in a water quality assurance project plan, but another project officer wanted action levels for different chemicals, and when the tribe added them, the project officer then requested the information in a different format.<sup>51</sup> According to the tribe, the rewriting and back and forth took months before the tribe's QAPP was approved by EPA. The current guidance for EPA QAPPs is from 2002 and 111 pages long; however, according to Pueblo officials, it does not cover all the documentation that EPA would like to see included in a QAPP for approval.<sup>52</sup>

In another example of challenges caused by unclear guidance, the Southern Ute Indian Tribe has had difficulty determining activity eligibility under GAP. According to these tribal officials, their understanding is that maintenance activities are allowable under GAP, and AIEO officials told us they agreed. However, what is considered a maintenance activity is unclear because "maintenance" is not defined in the GAP guidance, and this ambiguity can create inefficiencies. For example, officials from the Southern Ute Indian Tribe said they spend a lot of time trying to determine eligibility based on project officer interpretations; their efforts include writing memorandums with legal citations and rewriting and redeveloping work plans. These officials said they recently requested using part of their GAP award for air monitoring maintenance—a request that was initially denied by a Region 8 project officer. In contrast, tribal officials in Region 9 said they have been encouraged to use GAP for air monitoring support because of the declining air grants in that region. After 3 weeks of communication back and forth, EPA approved the funding

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<sup>50</sup>These are commonly used guidance documents. EPA awarded at least 610 new grants under Clean Water Act section 106 and Clean Air Act sections 103 and 105 that require QAPPs and at least 645 new grants under GAP for fiscal years 2014 through 2019. Because these grants can be included in a PPG, we were unable to determine the exact number based on IGMS data, but the reported numbers are the minimum amount of new grant awards for those grant programs.

<sup>51</sup>Action levels for chemicals are toxicity measures to indicate when certain actions must be taken to protect human health if a certain concentration amount is reached.

<sup>52</sup>EPA, *EPA Guidance for Quality Assurance Project Plans*, EPA QA/G-5 (Washington, D.C.: December 2002). According to EPA QAPP guidance, Standard Operating Procedures may be in an appendix or the procedures may be referenced if they are easily accessible to reviewers.

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request by the Southern Ute Indian tribe to have GAP support maintenance activities, according to tribal officials.

Officials we interviewed from six EPA regions also said that the eligibility definitions in the current GAP guidance are unclear, with some officials elaborating that the guidance is contradictory and has redundant requirements causing administrative burdens. EPA officials said that AIEO is in the process of developing new GAP guidance but did not provide any documentation on the effort or an estimated time frame for completing the guidance. AIEO officials we interviewed said that they are reluctant to define the term “maintenance” in any updated guidance because doing so may restrict currently eligible activities. However, under the current guidance, maintenance activities are already restricted because of narrow interpretations of the unclear guidance. For example, an official from a tribe in Region 9 said the tribe was told that activities to maintain technical capacity are ineligible for GAP. Furthermore, according to officials from the Pueblo de San Ildefonso of Region 6, they have been told that vehicle maintenance is prohibited as an eligible activity under GAP. According to EPA regional officials, however, the eligibility prohibition on vehicles is that vehicles cannot be leased from the General Services Administration through EPA grants. Other vehicle maintenance is allowable, according to these officials, yet this is not clear in GAP guidance.<sup>53</sup>

EPA’s strategic plan for fiscal years 2018 through 2022 includes a goal to develop more effective partnerships, which includes initiatives to clarify the agency’s statutory roles and responsibilities and reduce burdens on tribes.<sup>54</sup> Standards for Internal Control in the Federal Government state that agency management should internally and externally communicate the necessary quality information to achieve the entity’s objectives.<sup>55</sup> By developing and distributing updated guidance for project officers and tribes for QAPPs and GAP that clarifies documentation requirements and grant eligibility definitions, EPA could more effectively communicate with tribes regarding requirements and eligibility, thereby helping EPA meet its goal of developing more effective partnerships.

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<sup>53</sup>EPA officials told us that OMB’s Uniform Guidance (2 C.F.R. pt. 200) informs grantees of allowable costs.

<sup>54</sup>EPA, *Working Together: FY2018-2022 U.S. EPA Strategic Plan*.

<sup>55</sup>GAO-14-704G.

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## Conclusions

EPA provides a wide variety of grants to Indian tribes to address environmental concerns and works closely with tribes to protect human health and the environment. However, financial, staffing, and communication challenges can complicate tribes' efforts to address their environmental concerns through grants. Tribes and EPA use Performance Partnership Grants to enhance funding flexibility and reduce administrative burdens, but PPG best practices guidance and grant eligibility are unclear. In some regions, EPA grant project officers require tribes to track PPG grants separately or do not allow tribes to move funds between grants when needed. By clarifying in best practices guidance that PPGs should combine funds into a single budget with flexible funds, EPA could help address challenges caused by funding shortfalls, increase funding flexibility, and reduce administrative burdens for tribes and EPA. We also identified inconsistencies in documentation on which grants are eligible for inclusion in PPGs. There is no current, accurate list available for reference. Without an accessible and accurate list of grants eligible for PPG inclusion, tribes may not be able to take full advantage of the funding flexibility of PPGs to help them manage human health and environmental risks on tribal lands.

The workload and staffing levels for EPA grant staff, especially in regions with a high number of tribes and grants, can make it difficult for staff in those regions to train new staff when there is high turnover. According to EPA grant staff, to mitigate this challenge, some EPA regions have developed or are developing onboarding materials for staff who are new to working on tribal grants, but such materials do not exist in every EPA region. By developing and nationally distributing onboarding materials to grant specialists and project officers new to working with Indian tribes and tribal grants, EPA can address the challenges associated with fluctuating levels of expertise among grant staff and better meet its objective of improving the efficiency and effectiveness of tribal grant programs. According to EPA and tribal officials we interviewed, staff turnover for tribes is also high, and retraining new staff is time consuming. Some EPA regions have onboarding materials for new tribal staff, including checklists for grants for specific environmental media, such as air; however, other regions do not. By developing and nationally distributing onboarding materials to new tribal staff specific to the environmental media with which they work, EPA and tribal environmental programs can more efficiently train new hires and reduce training burdens on tribal staff, thereby helping tribes and EPA better fulfill their grant commitments.

In addition, commonly used EPA guidance documents for quality assurance project plans and the Indian Environmental General

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Assistance Program are outdated and unclear. In practice, outdated or redundant documentation requirements and unclear guidance for eligibility have created administrative burdens and resulted in inconsistent eligibility restrictions, according to several tribal and regional officials we interviewed. By developing and distributing updated QAPP and GAP guidance for project officers and tribes that clarifies documentation requirements and eligibility definitions, EPA could more effectively communicate with tribes regarding requirements and eligibility, thereby helping EPA meet its goal of developing more effective partnerships.

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## Recommendations for Executive Action

We are making the following five recommendations to EPA:

The Associate Administrator of EPA's Office of Congressional and Intergovernmental Relations should update Performance Partnership Grant (PPG) best practices guidance for tribes to clarify, for EPA and tribal staff, how PPGs operate, including that tribes may use PPG funds for any activity that is eligible under any grant eligible for inclusion in PPGs. (Recommendation 1)

The Associate Administrator of EPA's Office of Congressional and Intergovernmental Relations should update the list of grants eligible for inclusion in a Performance Partnership Grant so that all grants the office has determined eligible, including those identified under current or any revised regulation as eligible, are listed and ensure the list is publicly available on the EPA website. (Recommendation 2)

The Director of EPA's Office of Grants and Debarment, working with each region's grant management office, should develop and nationally distribute onboarding materials for grant specialists and project officers new to working with Indian tribes that includes guidance specific to working with tribes and tribal grants. (Recommendation 3)

The Assistant Administrator of EPA's Office of International and Tribal Affairs, working with national program offices that oversee grants to tribes, should develop and nationally distribute onboarding materials for grants management, such as initial checklists, grant application guidance, or other materials related to specific environmental media (e.g., air, water, hazardous waste) to assist new tribal staff in applying for grants and conducting grant work. (Recommendation 4)

The Principal Deputy Assistant Administrator of EPA's Office of Air and Radiation, the Assistant Administrator of EPA's Office of Water, and the Director of EPA's American Indian Environmental Office should update

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and nationally distribute guidance for project officers and tribes that clarifies documentation requirements and eligibility definitions for quality assurance project plans and the Indian Environmental General Assistance Program. (Recommendation 5)

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## Agency Comments

We provided a draft of this report to the Environmental Protection Agency for review and comment. EPA provided written comments, which are summarized below and reproduced in appendix III. EPA also provided technical comments, which we incorporated, as appropriate.

In its written comments, EPA stated that it agreed with certain aspects of our findings, conclusions, and recommendations and disagreed with other aspects. EPA noted that it disagrees with any implication in the report that it is not adequately supporting tribal environmental programs through its grant awards to tribes and tribal entities, and believes the considerable success in tribes' implementation of delegated federal programs is an indication of this success; EPA also noted it believes the report's conclusion that stagnant funding equals inadequate funding is not supported by the findings. The report provides multiple examples of how tribes have used EPA grants to support capacity building for developing their environmental programs and to implement these programs that address numerous environmental concerns, including examples of delegated federal programs. At the same time, as stated in the report, EPA officials from nine EPA regions and the five EPA headquarters offices that issued grants told us that stagnant and declining funding levels have been a key challenge affecting tribes' ability to address their environmental concerns through EPA grants. As described in the report, the overall total amount awarded by region remained nearly the same for fiscal years 2014 through 2019, while the number of grantees slightly increased. In addition, officials from six EPA regions said that funding levels are not adequate to sustain certain programs. As our recommendations indicate, we believe EPA can take further actions to support tribes in addressing their environmental concerns through EPA grants.

Regarding the recommendations, EPA disagreed with the first and second recommendations because it believes the agency has already taken the actions we recommend. Specifically, for the first recommendation, EPA stated that OCIR's National Program Guidance, which is updated every two years, adequately addresses the recommendation that EPA update PPG guidance for tribal and EPA staff to demonstrate how PPGs operate, including on eligible activities. We agree that OCIR's National Program Guidance contains the correct

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information on eligible activities in PPGs. However, as stated in the report, EPA and tribal officials told us that they consult EPA's PPG best practices guidance, not the OCIR guidance, to determine activity eligibility and develop PPG applications. We adjusted the language of the recommendation to clarify that it is EPA's PPG best practices guidance that is the focus of the recommendation. For the second recommendation, EPA stated that it has updated the list of grants eligible for PPGs for tribes on its website, and therefore disagrees that the recommendation is needed. However, as detailed in the report, several grants are still missing from the OCIR website list. Therefore, we continue to believe that updating the list of eligible grants in the PPG best practices guidance and OCIR website will help ensure that tribes can take full advantage of the funding flexibility of PPGs to reduce administrative burdens.

EPA agreed with the last three recommendations and described actions it plans to take in response to these recommendations. For example, EPA plans to update documentation requirements and eligibility definitions in its new QAPP guidance as part of the regional review process, which is expected to be completed in September 2021.

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As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies of this report to the appropriate congressional committees and the Administrator of the Environmental Protection Agency. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

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If you or your staff members have any questions about this report, please contact us at (202) 512-3841 or [gomezj@gao.gov](mailto:gomezj@gao.gov) or [ortiza@gao.gov](mailto:ortiza@gao.gov). Contact points for our Office of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to the report are listed in appendix IV.

A handwritten signature in black ink, appearing to read "J. Alfredo Gómez".

J. Alfredo Gómez  
Director, Natural Resources and Environment

A handwritten signature in black ink, appearing to read "Anna Maria Ortiz".

Anna Maria Ortiz  
Director, Natural Resources and Environment

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*List of Requesters*

The Honorable Bernie Sanders  
Ranking Member  
Committee on the Budget  
United States Senate

The Honorable Thomas Udall  
Vice Chairman  
Committee on Indian Affairs  
United States Senate

The Honorable Raúl M. Grijalva  
Chairman  
Committee on Natural Resources  
House of Representatives

The Honorable Ruben Gallego  
Chairman  
Subcommittee for Indigenous Peoples of the United States  
Committee on Natural Resources  
House of Representatives

The Honorable Peter Aguilar  
House of Representatives

The Honorable Donald S. Beyer, Jr.  
House of Representatives

The Honorable Tony Cárdenas  
House of Representatives

The Honorable Yvette D. Clarke  
House of Representatives

The Honorable William Lacy Clay  
House of Representatives

The Honorable Jared Huffman  
House of Representatives

The Honorable Daniel T. Kildee  
House of Representatives

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The Honorable Derek Kilmer  
House of Representatives

The Honorable Ann Kirkpatrick  
House of Representatives

The Honorable Alan S. Lowenthal  
House of Representatives

The Honorable Ben Ray Luján  
House of Representatives

The Honorable Betty McCollum  
House of Representatives

The Honorable Gwen Moore  
House of Representatives

The Honorable Grace F. Napolitano  
House of Representatives

The Honorable Frank Pallone, Jr.  
House of Representatives

The Honorable Lucille Roybal-Allard  
House of Representatives

The Honorable Raul Ruiz, M.D.  
House of Representatives

The Honorable Linda T. Sanchez  
House of Representatives

The Honorable Mark Takano  
House of Representatives

The Honorable Norma J. Torres  
House of Representatives

# Appendix I: Objectives, Scope, and Methodology

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You asked us to review the Environmental Protection Agency's (EPA) grants to tribes. This report examines (1) the amount and type of grants EPA awarded to tribes for fiscal years 2014 through 2019; (2) how tribes have used these grants; and (3) challenges tribes and EPA identified in addressing environmental concerns through grants, and EPA's actions to address these challenges.

To examine the grant amounts EPA has awarded tribes, we worked with officials from EPA's Office of Grants and Debarment (OGD) and American Indian and Environmental Office (AIEO) to gather information about grants that EPA awards directly to tribes. We compared grant award data from EPA's Integrated Grants Management System (IGMS), which OGD manages, and data gathered by AIEO for fiscal years 2014 through 2019. Based on conversations with OGD, we determined that data from IGMS, which includes information for grants awarded directly to tribes and other tribal entities during our time frame, was the best data to use for our purposes, because it did not include double-counting and is the official database of record for EPA.<sup>1</sup> IGMS included information such as the amount and type of the grant and grantee name.<sup>2</sup> To learn more about the grant types EPA has awarded tribes, we reviewed descriptions of the grants in the Catalog of Federal Domestic Assistance for each grant type awarded to tribes and other tribal entities.<sup>3</sup> To assess the reliability of the data, we reviewed documentation, such as the IGMS database dictionary; interviewed EPA OGD officials about the database, including how data are entered into the system and quality controlled; and conducted logic testing to identify obvious errors. We determined that these data were sufficiently reliable for our purposes of identifying the grant amounts and types EPA has awarded directly to tribes.

We then analyzed the data to determine the total number of new grants, types of grants, and grant amounts awarded directly to tribes and other

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<sup>1</sup>IGMS is EPA's management information system for grant programs. Funds that were not awarded directly to tribes by EPA and funds included in interagency agreements, which transfer funds to other federal agencies to use for the tribes' benefit or provide to the tribes, were not included in these data. We did not verify whether each recipient was eligible to receive the grant it was awarded.

<sup>2</sup>The data for determining an applicant type as an Indian Tribe are self-reported by grant recipients.

<sup>3</sup>Other tribal entities include intertribal consortia; nonprofits created by corporations established pursuant to the Alaska Native Claims Settlement Act; and tribal housing authorities, among others.

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tribal entities for fiscal years 2014 through 2019.<sup>4</sup> For the purpose of our analysis, we considered tribes to be the grant recipients that received EPA grant awards for fiscal years 2014 through 2019 who self-reported as “Indian Tribe” in the IGMS data. This included 539 federally recognized Indian tribes, including 12 bands or political subdivisions of federally recognized Indian tribes, and 45 other tribal entities. We treated the 12 bands or political subdivisions of federally recognized tribes as additional tribes because they received grants and self-reported to EPA as an Indian tribe. These include the six bands of the Minnesota Chippewa Tribe (Bois Forte Band (Nett Lake), Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band); the four bands of the Te-Moak Tribe of Western Shoshone Indians of Nevada (Battle Mountain Band, Elko Band, South Fork Band, and Wells Band); and the two political subdivisions of the Passamaquoddy Tribe (Indian Township Reservation and Pleasant Point Reservation). In total, this added 12 tribes to our analysis. Other tribal entities included intertribal consortia and tribal housing authorities that self-identified as “Indian Tribe” in the IGMS data.

To examine how tribes have used EPA grants, we obtained documentation and interviewed officials from 10 tribes and one intertribal consortium, and conducted site visits with three of the 10 tribes. Specifically, using IGMS data, we selected a nongeneralizable sample of tribes and an intertribal consortium with a range of (1) geographic locations, (2) amount and type of EPA grants received, and (3) size and capacity of the tribal environmental programs.<sup>5</sup> The tribes and intertribal

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<sup>4</sup>IGMS tracks all grant transactions throughout the life of the grant. On a multiyear award, funding may only be awarded in specific years, especially the first year. To determine the most accurate grant amounts available, we identified all grants for fiscal years 2014 through 2019, with at least one action taken during that time frame. EPA, based on a previous GAO recommendation in GAO, *Grants Management: EPA Could Improve Certain Monitoring Practices*, GAO-16-530 (Washington, D.C.: July 14, 2016), is working to update interagency agreement tracking and expects a new system to be implemented by December 2020.

<sup>5</sup>We selected tribes in different EPA regions and who have different environments, such as desert or mountain land bases. We also selected tribes with a range of EPA grant amounts and grant program types from a tribe who received only one small EPA grant from one EPA grant program to a tribe who receives over a million dollars annually in EPA grant funding from a number of EPA grant programs. We selected tribes with a range of land sizes, and the type and range of work they do from a tribe who has focused on water management for around 500 acres to a tribe that monitors the air, water, and land for about 1 million acres.

consortium we spoke with in-person or over the phone, or obtained written responses via email, are:

- Augustine Band of Cahuilla Indians, California;
- Big Pine Paiute Tribe of the Owens Valley in California;
- Colorado River Indian Tribes of the Colorado River Indian Reservation, California and Arizona;
- Jicarilla Apache Nation, New Mexico;
- Leech Lake Band of Ojibwe in Minnesota (a band of the Minnesota Chippewa Tribe);
- Morongo Band of Mission Indians, California;
- Northwest Indian Fisheries Commission, which consists of 20 tribes in Washington;
- Pueblo de San Ildefonso, New Mexico;<sup>6</sup>
- Red Lake Band of Chippewa Indians, Minnesota;
- Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; and
- Tohono O'odham Nation of Arizona.

We selected six of these tribes and the intertribal consortium listed here using the sample criteria to conduct in-depth interviews using a standard set of questions and reached out to them. Four tribes, the Augustine Band of Cahuilla Indians in California, the Big Pine Paiute Tribe of the Owens Valley in California, the Colorado River Indian Tribes in California and Nevada, and the Morongo Band of Mission Indians in California, contacted us after learning about our review through our outreach efforts and fit within our selection criteria. We conducted interviews using the same standard set of questions for these four tribes.

To help identify tribes for site visits and interviews, and to gain a broader understanding of the tribal use of EPA grants, we attended two conferences where we informed tribes about our review and gathered interested tribal contacts. The conferences also helped us understand what information EPA shares with tribes about EPA grants, and tribal questions and concerns about EPA grants. We attended the Institute for Tribal Environmental Professionals Annual Conference in Palm Springs,

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<sup>6</sup>The Bureau of Indian Affairs lists the name of the Pueblo de San Ildefonso, New Mexico, as the Pueblo of San Ildefonso, New Mexico.

California, in August 2019, and the Annual EPA Region 9 Tribal Operations Committee Meeting and Conference in Maricopa, Arizona, in October 2019. The tribal activities discussed in this report are only a sample of the ongoing efforts we heard about in interviews and at conferences.

We also conducted site visits to three tribes in Colorado and New Mexico in January 2020. We selected these tribes for our site visits to ensure variation in geographic location and EPA region, diversity of grant types and amounts of EPA grants received, and different sizes and capacities in the tribal environmental programs. During our site visits, we interviewed tribal officials, such as tribal environmental program directors, program coordinators, and technical specialists. We observed projects and programs with the Southern Ute Indian Tribe in Colorado, Jicarilla Apache Nation in New Mexico, and the Pueblo de San Ildefonso in New Mexico. We toured air and water monitoring sites in New Mexico and observed logistical difficulties, such as distances between monitoring sites, faced by tribal officials while they are working on EPA grant programs. In Colorado, we also toured three brownfields sites and met with technical specialists in every media program area (i.e., air, water, brownfields, etc.). We obtained related documentation, as available, from tribal and EPA officials familiar with tribes' work at these selected sites. The results of our site visits and interviews with selected tribes are not generalizable to all tribes and tribal entities that have received EPA grants.

To examine challenges EPA and tribal officials identified in addressing environmental concerns through grants, as well as EPA's actions to address these challenges, we obtained documentation from and interviewed EPA officials with the Office of Air and Radiation; the Office of Congressional and Intergovernmental Relations; the Office of Chemical Safety and Pollution Prevention; the Office of International and Tribal Affairs including the American Indian Environmental Office; the Office of Land and Emergency Management; the Office of Water; and all 10 EPA regional offices. We received written responses from EPA's Office of the General Counsel. We also obtained documentation from and interviewed officials from each of the 10 selected tribes and the intertribal consortium discussed above about the challenges they face in using EPA grants and the actions EPA has taken in addressing these challenges. We also gathered information from tribes that presented on challenges related to EPA grants at the two conferences we attended. We used the information gathered at the conferences to inform our question set for in-depth interviews and to connect with and identify tribes for future interviews. After conducting all the interviews, we analyzed the responses to identify

the most frequently cited challenges, which are discussed in the third objective.

To assess the actions EPA has taken, we compared EPA's policies, procedures, and guidance with Standards for Internal Control in the Federal Government.<sup>7</sup> We determined that the information and communication, and control activities components of internal control were significant to this objective, along with the underlying related principles that management should internally and externally communicate necessary quality information to achieve its objectives and that management should design control activities to achieve objectives and respond to risks. We assessed the content of EPA's policies, procedures, and guidance against these principles. We also reviewed actions EPA has taken and compared them to EPA's current strategic plan for fiscal years 2018 through 2022.<sup>8</sup>

We conducted this performance audit from July 2019 to October 2020, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>7</sup>GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G (Washington, D.C.: September 2014).

<sup>8</sup>EPA, *Working Together: FY2018-2022 U.S. EPA Strategic Plan* (Washington, D.C.: February 2018).

# Appendix II: EPA Grant Awards to Federally Recognized Tribes and Other Tribal Entities, Fiscal Years 2014 through 2019

For fiscal years 2014 through 2019, the Environmental Protection Agency (EPA) awarded grants to federally recognized tribes and other tribal entities through 43 grant programs. This includes grant programs that are exclusive to federally recognized tribes and, in some cases, intertribal consortia, and general grant programs for which federally recognized tribes, other tribal entities, and others are eligible to apply. Table 3 shows the total amount of grant awards to tribes and other tribal entities for each of these 43 grant programs, during this time frame, based on data from EPA's Integrated Grants Management System (IGMS).<sup>1</sup>

**Table 3: Environmental Protection Agency (EPA) Grants Awarded Directly to Federally Recognized Tribes and Other Tribal Entities, Fiscal Years 2014 through 2019**

Grant program <sup>a</sup> name (Catalog of Federal Domestic Assistance code)	Grant program description	Total grant awards to tribes and other tribal entities, <sup>b</sup> fiscal years 2014 through 2019 (dollars)
Performance Partnership Grant Program (66.605)	Assistance to states, territories, tribes, and intertribal consortia through a grant delivery tool that allows these recipients to combine eligible State and Tribal Assistance Grants into a single grant with a single budget. A Performance Partnership Grant can reduce administrative transaction costs, provide the flexibility to direct resources toward the highest priority environmental problems, and support cross-media approaches and initiatives.	331,900,000

<sup>1</sup>IGMS is EPA's management information system for grant programs. We identified all grants awarded by EPA directly to tribes for fiscal years 2014 through 2019 where at least one grant-related action occurred during that time frame. The data for determining applicant type as an "Indian Tribe" are self-reported by grant recipients. These totals do not include any EPA funds that are provided to tribes by other entities, such as another federal agency or a state, or used by those entities for projects that benefit tribes because IGMS does not include data about interagency agreements or grant subrecipients. For example, the Clean Water Indian Set-Aside Grant Program data discussed in the table include the \$3.6 million in grants provided by EPA directly to tribes; however, according to EPA officials from the Office of Water, the program also transferred approximately \$180 million to the Indian Health Service through interagency agreements for fiscal years 2014 through 2019. These funds were used to undertake sanitation projects selected by EPA in coordination with the Indian Health Service and tribes. The Drinking Water Infrastructure: Tribal Set-Aside Program grant data in the table include the \$13.5 million in grants provided by EPA directly to tribes; however, according to EPA officials from the Office of Water, the program also transferred approximately \$107.9 million to the Indian Health Service through interagency agreements for fiscal years 2014 through 2019. These funds were used to undertake drinking water infrastructure projects selected by EPA in coordination with the Indian Health Service and tribes. Similarly, EPA provided approximately \$103.4 million for fiscal years 2014 through 2019 to the state of Alaska's Department of Environmental Conservation to award grants to tribes under the Alaska Native Villages and Rural Communities Grant program, according to EPA officials from the Office of Water; this is not included in the table because it was not provided from EPA directly to tribes. We did not verify whether each recipient was eligible to receive the grant it was awarded.

**Appendix II: EPA Grant Awards to Federally  
Recognized Tribes and Other Tribal Entities,  
Fiscal Years 2014 through 2019**

<b>Grant program<sup>a</sup> name (Catalog of Federal Domestic Assistance code)</b>	<b>Grant program description</b>	<b>Total grant awards to tribes and other tribal entities,<sup>b</sup> fiscal years 2014 through 2019 (dollars)</b>
Indian Environmental General Assistance Grant Program (66.926)	Assistance to tribes and intertribal consortia to build tribal capacity to administer environmental regulatory programs and provide technical assistance in the development of multimedia programs. Supports activities such as planning, developing, and establishing the capability to implement programs administered by EPA, including the development and implementation of solid and hazardous waste programs.	284,400,000
Superfund State, Political Subdivision, and Indian Tribe Site-Specific Cooperative Agreement Program (66.802)	Assistance to states, territories, tribes, and intertribal consortia to conduct site characterization activities at potential or confirmed hazardous waste sites, undertake response planning and implementation actions at sites on the National Priorities List—which includes some of the most seriously contaminated sites—to clean up hazardous waste found to pose hazards to human health and effectively implement the statutory requirements of the Comprehensive Environmental Response, Compensation, and Liability Act, section 121(f).	61,600,000
State and Tribal Response Grant Program (66.817)	Assistance to states and tribes to enhance response programs, such as by establishing and maintaining a public record of sites, inventorying brownfield sites, <sup>c</sup> establishing legal authorities for environmental programs, and addressing contaminated brownfield sites through assessment and cleanup, hiring and training staff, creating procedures for meaningful community involvement and for site-specific work and conducting activities to reduce the number of and revitalize contaminated sites. Activities can also support capacity to inventory underground storage tank sites, develop an integrated solid waste management plan, and develop and implement oversight and enforcement of the tribe's environmental programs.	55,300,000
Water Pollution Control - Clean Water Act section 106 Grant Program (66.419)	Assistance to states, tribes, intertribal consortia, and other groups to establish and maintain adequate measures for prevention and control of surface and ground water pollution from both point and nonpoint sources.	49,000,000
Puget Sound Protection and Restoration Tribal Implementation Assistance Grant Program (66.121)	Assistance to tribes and intertribal consortia of the Greater Puget Sound Basin to protect and restore the Puget Sound. This work includes activities such as efforts to support salmon recovery plans.	43,300,000
Air Quality - Clean Air Act section 103 Grant Program (66.038)	Assistance to tribes to support tribal efforts to understand, assess, and characterize air quality and to design methods and plans to protect and improve air quality on tribal lands through surveys, studies, research, training, investigations, and special-purpose activities.	33,900,000
Air Pollution Control - Clean Air Act section 105 Grant Program (66.001)	Assistance to states, tribes, intertribal consortia, and other groups to plan, develop, establish, improve, and maintain adequate programs for the continuing prevention and control of air pollution and for the implementation of national primary and secondary air quality standards.	16,200,000
Drinking Water Infrastructure: Tribal Set-Aside Grant Program (66.468)	Assistance to states, territories, and tribes to finance infrastructure improvements for public drinking water systems.	13,500,000

**Appendix II: EPA Grant Awards to Federally  
Recognized Tribes and Other Tribal Entities,  
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<b>Grant program<sup>a</sup> name (Catalog of Federal Domestic Assistance code)</b>	<b>Grant program description</b>	<b>Total grant awards to tribes and other tribal entities,<sup>b</sup> fiscal years 2014 through 2019 (dollars)</b>
Nonpoint Source Implementation - Clean Water Act section 319 Grant Program (66.460)	Assistance to states, tribes, and intertribal consortia for implementing EPA-approved nonpoint source water pollution management programs.	13,000,000
Environmental Information Exchange Network Grant Program (66.608)	Assistance to states, tribes, and other groups to foster better environmental management and decision-making through increased access to timely and high-quality environmental information.	10,800,000
National Clean Diesel Emissions Reduction Grant Program (66.039)	Assistance to states, tribes, and other groups to support retrofits to reduce emissions for buses (including school buses), medium heavy-duty or heavy heavy-duty diesel trucks, marine engines, locomotives, or nonroad engines or diesel vehicles or equipment used in construction, handling of cargo (including at ports or airports), agriculture, mining, or energy production.	8,800,000
Great Lakes Restoration Initiative Grant Program (66.469)	Assistance to states, tribes, and other groups to restore and maintain the chemical, physical, and biological integrity of the Great Lakes Basin ecosystem.	7,500,000
Direct Implementation Tribal Cooperative Agreements (66.473)	Assistance to tribes and intertribal consortia to work with EPA to directly implement federal environmental programs required or authorized by law in the absence of an acceptable tribal program.	7,100,000
Underground Storage Tank Prevention, Detection, and Compliance Grant Program (66.804)	Assistance to states, territories, tribes, and intertribal consortia to develop and implement underground storage tank programs and for leak prevention, compliance, and other activities.	6,800,000
Brownfields Assessment and Cleanup Cooperative Agreement Program (66.818)	Assistance to states, tribes (except in Alaska), and other groups to inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites, capitalize a revolving loan fund and provide subgrants to carry out cleanup activities at brownfield sites, and carry out cleanup activities at brownfield sites that are owned by the grant recipient.	5,800,000
Consolidated Pesticides Enforcement Cooperative Agreement Program (66.700)	Assistance to states, territories, and tribes to participate in a cooperative agreement program to support and strengthen their pesticide compliance programs, including pesticide compliance monitoring, inspection, and enforcement activities.	5,400,000
State Public Water System Supervision Grant Program (66.432)	Assistance to states and tribes with primary enforcement responsibility for the public water system supervision program to implement a public water system supervision program.	5,200,000
Clean Air Act Surveys, Studies, Research, Investigations, Demonstrations, and Special Purpose Activities Grant Program (66.034)	Assistance to state, local, tribal governments, intertribal consortia, and other groups to support surveys, studies, research, investigations, demonstrations, and assistance relating to the causes, effects (including health and welfare effects), extent, prevention, and control of air pollution. This includes topics such as air quality, acid deposition, global programs, indoor environments, radiation, mobile source technology, and community-driven approaches to transportation and emissions reduction.	3,800,000

**Appendix II: EPA Grant Awards to Federally Recognized Tribes and Other Tribal Entities, Fiscal Years 2014 through 2019**

<b>Grant program<sup>a</sup> name (Catalog of Federal Domestic Assistance code)</b>	<b>Grant program description</b>	<b>Total grant awards to tribes and other tribal entities,<sup>b</sup> fiscal years 2014 through 2019 (dollars)</b>
Clean Water State Revolving Funds Capitalization Grant Program (66.458)	Assistance to states and tribes to plan, design, and construct wastewater treatment facilities; provide low-cost financing to eligible entities within tribal lands for water quality projects, including all types of nonpoint source, watershed protection or restoration, and estuary management projects; as well as to conduct more traditional municipal wastewater treatment projects.	3,600,000
Leaking Underground Storage Tank Trust Fund Corrective Action Program (66.805)	Assistance to states, territories, tribes, and intertribal consortia to oversee and correct actions associated with petroleum releases from federally regulated underground storage tanks, as well as for enforcement activities related to such corrective action.	2,600,000
Regional Wetland Program Development Grant Program (66.461)	Assistance to states, tribes, intertribal consortia, and other groups to build wetland programs. A secondary focus is to build local (e.g., county or municipal) programs.	2,400,000
Science To Achieve Results Research Grant Program (66.509)	Assistance to states, tribes, and other groups to stimulate and support scientific and engineering research that advances EPA's mission to protect human health and the environment. Science To Achieve Results supports research on the environmental and public health effects of air quality, environmental changes, water quality and quantity, hazardous wastes, toxic substances, and pesticides.	1,700,000
Surveys, Studies, Investigations, Demonstrations, and Training - section 1442 of the Safe Drinking Water Act Grant Program (66.424)	Assistance to states, territories, tribes, and other groups to support water protection programs, operator certification programs, tribal capacity development programs, and for the administration of drinking water system infrastructure.	1,600,000
Hazardous Waste Management for Tribes Grant Program (66.812)	Assistance to tribes and intertribal consortia for developing and implementing hazardous waste programs; building capacity to improve and maintain regulatory compliance; and developing solutions to address hazardous waste management on tribal lands.	1,500,000
Congressionally Mandated Projects Grant Program (66.202)	Assistance to states, territories, tribes, and other groups to implement special congressionally directed projects or programs identified in EPA's annual appropriations act, committee reports incorporated by reference into the annual appropriations act, and other statutes mandating that EPA provide financial assistance agreements to designated recipients for projects or programs.	1,400,000
Superfund State and Indian Tribe Core Program Cooperative Agreements (66.809)	Assistance to states, territories, and tribes to conduct Comprehensive Environmental Response, Compensation, and Liability Act activities that are not assignable to specific sites but that support a recipient's site-specific response program. Examples include developing procedures for emergency response actions and remediation of environmental and health risks, establishing legal authorities and enforcement support, hiring and training staff, and activities to support EPA and recipient interaction.	1,000,000
Beach Monitoring and Notification Implementation Grant Program (66.472)	Assistance for coastal and Great Lakes states, territories, and tribes to develop and implement monitoring and notification programs for coastal recreation waters adjacent to beaches or similar points of access that are used by the public.	1,000,000

**Appendix II: EPA Grant Awards to Federally  
Recognized Tribes and Other Tribal Entities,  
Fiscal Years 2014 through 2019**

<b>Grant program<sup>a</sup> name (Catalog of Federal Domestic Assistance code)</b>	<b>Grant program description</b>	<b>Total grant awards to tribes and other tribal entities,<sup>b</sup> fiscal years 2014 through 2019 (dollars)</b>
State Indoor Radon Grant Program (66.032)	Assistance to states, territories, tribes, intertribal consortia, and other groups to promote radon risk reduction through activities to increase radon testing, mitigation, and radon-resistant new construction through Title III of the Toxic Substances Control Act, the Indoor Radon Abatement Act, section 306.	980,000
Research, Development, Monitoring, Public Education, Outreach, Training, Demonstrations, and Studies Grant Program (66.716)	Assistance to states, territories, tribes, and other groups to support research, development, monitoring, public education, training, demonstrations, and studies relating to the protection of public health and the environment from pesticides and potential risk from toxic substances. Also supports projects for safer use of pesticides, including worker protection, certification and training of pesticide applicators, protection of endangered species, tribal pesticide programs, integrated pest management, and environmental stewardship.	820,000
Pollution Prevention Grant Program (66.708)	Assistance to states, territories, tribes, and intertribal consortia to implement pollution prevention technical assistance services for businesses and to promote training in pollution prevention and source reduction techniques.	620,000
Toxic Substances Control Act Title IV State Lead Certification of Lead-Based Paint Professionals Grant Program (66.707)	Assistance to states, territories, and tribes to develop and implement authorized programs that can certify contractors engaged in lead-based paint remediation activities and accredit training programs for lead-based paint activities; certify contractors engaged in renovation, repair, and painting activities that disturb painted surfaces in most target housing; and require distribution of lead-hazard information prior to renovation (prerenovation education program).	490,000
Southeast New England Coastal Watershed Restoration Grant Program (66.129)	Assistance to states, territories, tribes, intertribal consortia, and other groups to develop and support the Southeast New England Program for coastal watershed restoration. The program is geographically based and intended to serve as a collaborative framework for advancing ecosystem resiliency; protecting and restoring water quality, habitat, and ecosystem function; and developing and applying innovative policy, science, and technology to environmental management in southeast coastal New England.	460,000
State Underground Water Source Protection Grant Program (66.433)	Assistance to states, territories, and tribes to foster the development and implementation of underground injection control programs under the Safe Drinking Water Act.	450,000
Surveys, Studies, Investigations, Demonstrations, and Training Grant Program and Cooperative Agreements - section 104(b)(3) of the Clean Water Act (66.436)	Assistance to states, territories, tribes, intertribal consortia, and other groups to support the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes and elimination of water pollution.	410,000
Multipurpose Program Grants to States and Tribes (66.204)	Assistance to states, territories, and tribes eligible under Clean Water Act 518(e) to implement high-priority activities, including the processing of permits, which complement programs under established environmental statutes. These grants are awarded to assist with the implementation of environmental programs.	300,000

**Appendix II: EPA Grant Awards to Federally Recognized Tribes and Other Tribal Entities, Fiscal Years 2014 through 2019**

<b>Grant program<sup>a</sup> name (Catalog of Federal Domestic Assistance code)</b>	<b>Grant program description</b>	<b>Total grant awards to tribes and other tribal entities,<sup>b</sup> fiscal years 2014 through 2019 (dollars)</b>
Environmental Policy and Innovation Grant Program (66.611)	Assistance to states, territories, tribes, and other groups to support analyses, studies, evaluations, workshops, conferences, and demonstration projects designed to reduce the generation of pollutants and to conserve natural resources.	280,000
Environmental Justice Small Grant Program (66.604)	Assistance to tribes and other groups to support communities dealing with environmental justice concerns through projects designed to empower and educate communities to better understand environmental and public health issues and to identify ways to address environmental justice issues at the local level. The long-term goals of the program are to help build the capacity of the affected communities and create self-sustaining, community-based partnerships that will continue to improve local environments in the future.	230,000
Healthy Communities Grant Program (66.110)	Assistance to states, tribes, intertribal consortia, and other groups to support activities that provide education, outreach, or training in the Target Program Areas: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	220,000
Environmental Education Grant Program (66.951)	Assistance to states, territories, tribes, and other groups to support projects to design, demonstrate, and disseminate practices, methods, or techniques related to environmental education and teacher training.  As required by Public Law 101-619, this grant program provides financial support for environmental education projects implemented by tribal education agencies to increase public awareness and knowledge about environmental issues and provide the skills that participants need to make informed environmental decisions and take responsible actions toward the environment.	60,000
Urban Waters Grant Program (66.440)	Assistance to states, territories, tribes, and other groups to protect, manage, and restore urban waterways.	56,000
Gulf of Mexico Grant Program (66.475)	Assistance to states, tribes, and other groups to develop, implement, and demonstrate innovative approaches related to the causes, effects, extent, prevention, reduction, and elimination of water pollution in the Gulf of Mexico.	25,000
Solid Waste Management Assistance Grant Program (66.808)	Assistance to states, territories, tribes, intertribal consortia, and other groups to characterize and assess open dumps; develop waste management plans and tribal codes and regulations; develop and implement alternative solid waste management activities and facilities (including equipment acquisition); and develop and implement cleanup, closure, and postclosure programs for open dumps in Indian Country.	11,000

Source: GAO analysis of Catalog of Federal Domestic Assistance Code grant program listings and EPA Integrated Grants Management System data. | GAO-21-150

<sup>a</sup>For the purposes of this report, the term “grant program” includes grants and cooperative agreements awarded to federally recognized Indian tribes; other tribal entities; and other eligible groups.

<sup>b</sup>Other tribal entities include intertribal consortia; nonprofits created by corporations established pursuant to the Alaska Native Claims Settlement Act; and tribal housing authorities, among others. These are included in grants to tribes because these grant recipients self-reported as an “Indian Tribe” in the Integrated Grants Management System data on applicant type. GAO did not verify whether each recipient was eligible to receive the grant awarded.

<sup>c</sup>Brownfield sites are properties that may have hazardous substances, pollutants, or contaminants. Brownfield sites may also be contaminated by controlled substances or petroleum.

# Appendix III: Comments from the Environmental Protection Agency



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

OFFICE OF  
INTERNATIONAL & TRIBAL AFFAIRS

October 1, 2020

Mr. Alfredo Gomez  
Director  
Natural Resources and Environment  
U.S. Government Accountability Office  
Washington, DC 20548

Dear Mr. Gomez:

Thank you for the opportunity to review and comment on GAO's draft report, *EPA Grants to Tribes: Additional Actions Needed to Effectively Address Tribal Environmental Concerns*. This letter provides the U.S. Environmental Protection Agency's (EPA) response to GAO's draft findings, conclusions and recommendations. The draft report: (1) the amount and types of grants EPA awarded to tribes for fiscal years 2014 through 2019; (2) how tribes used these grants; and (3) challenges EPA and tribes identified in addressing environmental concerns through grants, and EPA's actions to address these challenges.

The purpose of this letter is to provide the EPA's response to the draft reports findings, conclusions, and recommendation(s) and to supply technical corrections suggestions noted since reviewing the Statement of Facts previously provided to EPA.

The Environmental Protection Agency agrees with certain aspects and disagrees with other aspects of the GAO's findings, conclusions, and recommendations. In general, EPA disagrees with any implication in the report that it is not adequately supporting tribal environmental programs. Regarding the recommendations, EPA generally agrees with three GAO recommendations, and disagrees with two GAO recommendations based on our recognition that EPA has already taken the actions suggested by the GAO. These details are described below.

EPA awarded over \$985 million to Indian tribes through 43 different grant programs for fiscal years 2014-2019. The grants were awarded to 539 tribes and 45 other tribal entities. GAO interviewed a large number of EPA personnel, 10 tribes and one intertribal consortium and drafted its report based upon these interviews, information submitted to GAO, and GAO review of EPA laws, policies, and documentation. The report highlights the use of EPA grants by tribes to successfully address numerous environmental concerns, but also highlights financial, staffing and communications challenges that complicate these efforts. The report highlights actions EPA has taken to address these challenges, and concludes that financial, staffing and communications issues continue to be present and form the basis for the recommendations made by the GAO.

EPA disagrees with an implication that it is not adequately supporting tribal environmental programs through its grant awards to tribes and tribal entities. Considerable success in tribes'

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### **Appendix III: Comments from the Environmental Protection Agency**

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implementation of delegated federal programs, not stated in the draft report, are an indication of this success. The report's conclusion that, in GAO's term, "stagnant" funding equals inadequate funding is not supported by the findings. We do thank GAO for identifying several processes and procedures, mostly focused on making available and communicating documentation, that will beneficially assist EPA and tribes in future grant making. As EPA's disagreement with several recommendations below shows, several of these suggested actions are already in place. Finally, EPA works with tribes on a government-to-government basis, and views its commitments as providing materials to tribal governments for them to decide how they use the materials for their onboarding of tribal staff and deciding tribal staffing priorities.

Technical comments and error corrections on the draft report are provided as an enclosure to this letter.

**GAO Recommendation 1:**

The Associate Administrator of EPA's Office of Congressional and Intergovernmental Relations should update Performance Partnership Grant (PPG) guidance for tribes to clarify, for EPA and tribal staff, how PPGs operate, including that all proposed activities under a PPG are eligible to be supported as long as they are eligible under one of the grants included in the PPG.

**EPA Response:**

- EPA disagrees with the recommendation.
- PPG guidance covering these topics is found in the OCIR's National Program Guidance which is updated every two years.

**GAO Recommendation 2:**

The Associate Administrator of EPA's Office of Congressional and Intergovernmental Relations should update the list of grants eligible for inclusion in a Performance Partnership Grant to include all grants the office has determined eligible, and ensure the list is publicly available on the EPA website.

**EPA Response:**

- EPA disagrees with the recommendation.
- An up-to-date and accurate list of PPG eligible programs is provided on the Agency's website at [www.epa.gov/nepps](http://www.epa.gov/nepps).

**GAO Recommendation 3:**

The Director of EPA's Office of Grants and Debarment, working with each region's grant management office, should develop and nationally distribute onboarding materials for grant specialists and project officers new to working with Indian tribes that includes guidance specific to working with tribes and tribal grants.

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### **Appendix III: Comments from the Environmental Protection Agency**

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#### **EPA Response:**

- EPA generally agrees with the recommendation.
- As the National Program Manager for Grants, the Office of Grants and Debarment (OGD) will work with the EPA grants community (regional grants management officers, program managers, and the Office of Indian and Tribal Affairs) to conduct a needs assessment for grants specialists and project officers new to working with tribal grants and will supplement existing onboarding tools/training materials for use nationally. (Completion Date: June 30, 2021)

#### **GAO Recommendation 4:**

The Assistant Administrator of EPA's Office of International and Tribal Affairs, working with national program offices who oversee grants to tribes, should develop and nationally distribute onboarding materials for grants management, such as initial checklists, grant application guidance, or other materials related to specific environmental media (e.g., air, water, hazardous waste), to assist new tribal staff in applying for grants and conducting grant work.

#### **EPA Response:**

- EPA generally agrees with the recommendation to make available exiting relevant materials in the manners listed immediately below.
- EPA plans to build upon its existing grant information activities to include a grant competition/general grant webinar for a tribal audience. Existing materials will be adapted to the tribal audience as necessary. (Completion Date: June 30, 2021)
- OITA plans make available, using exiting materials adapted as necessary for a tribal audience, general onboarding materials for tribal grants management. EPA recognizes that this material may be used voluntarily by tribes to develop specific onboarding information for their staff. (Completion Date: December 31, 2021)

#### **GAO Recommendation 5**

The Principal Deputy Assistant Administrator of EPA's Office of Air and Radiation, the Assistant Administrator of EPA's Office of Water, and the Director of EPA's American Indian Environmental Office should update and nationally distribute guidance for project officers and tribes that clarifies documentation requirements and eligibility definitions for quality assurance project plans and the Indian Environmental General Assistance Program.

#### **EPA Response:**

- EPA generally agrees with the recommendation.
- EPA will continue its current Quality Assurance Project Plan (QAPP) review process led by the EPA Regions who are responsible for QAPP implementation. (Completion Date: September 30, 2021)
- EPA will use the results of the QAPP review to update documentation requirements and eligibility definitions as necessary for data activities identified in tribal work plans. (Completion Date: December 31, 2021)
- EPA will nationally distribute this information to EPA project officers and tribes. (Completion Date: March 30, 2022)

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**Appendix III: Comments from the  
Environmental Protection Agency**

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- EPA will better clarify documentation requirements and eligible definitions for the Indian Environmental General Assistance Program. (Completion Date: June 30, 2021)
- EPA will nationally distribute this information to EPA project officers and tribes. (Completion Date: September 30, 2021)

**Closing**

EPA is very proud of its success in working with tribal governments and is always seeking ways to improve. We want to express thanks to the GAO for assisting us in these efforts and the opportunity to review the draft report. Please feel free to contact Scott Mason, Director of the American Indian Environmental Office, at [Mason.Scott@epa.gov](mailto:Mason.Scott@epa.gov) or 202 564-3194, in case GAO has questions or needs further information.

Sincerely,



W.C. McIntosh  
Assistant Administrator

Enclosure: technical comments

cc:     Scott Mason, AIEO  
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# Appendix IV: GAO Contact and Staff Acknowledgments

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## Staff Acknowledgments

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