



EPA Environmental Justice
Webinar Series for Federally
Recognized Tribes and
Indigenous Peoples

**Meaningful Tribal and
Indigenous Peoples
Community Engagement in
Environmental Programs**

June 22, 2021

Presenters

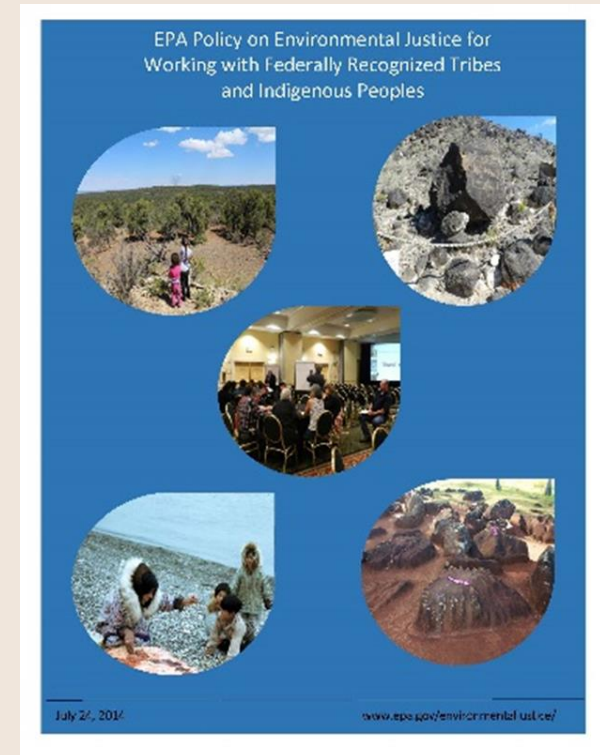
- Kim Varilek, EPA, Region 8, Tribal Affairs Branch Director
- Corbin Darling, EPA, Region 8, EJ Coordinator
- Jean Belille, EPA, Region 8, EJ Program
- Allison Smart, Little River Band of Ottawa, Environmental Division Director
- Kelly Wright, Shoshone-Bannock Tribes, Environmental Waste Program Manager
- John Doyle, Crow Tribal Member, Community Based Organization – NEJAC Member
- (Facilitator) Danny Gogal, EPA, Office of Environmental Justice

Overview

- **EPA's Public Engagement & Involvement**
 - Meaningful Community Involvement – a key principle for Environmental Justice
 - Public Involvement Requirements in Federal Environmental Programs
 - Key Principles of Public Engagement
- **Tribal Environmental Programs' Public Engagement**
 - Key Experiences and Practices
 - Tribes Engaging with Tribal Communities

Environmental Justice

- Environmental justice (EJ) is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.
- Role of the *EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples* & its Principles in Supporting Meaningful Public involvement.



Key Principles on Meaningful Involvement - EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples

- 1. EPA provides meaningful involvement opportunities for indigenous peoples and others living in Indian country.**
- 9. EPA provides advice to federally recognized tribes on procedures designed to ensure fair treatment and meaningful involvement of tribal members and others.**
- 10. EPA assists federally recognized tribes in building capacity to establish public participation, community involvement, education, and communication systems to engage with tribal members and others.**
- 11. EPA seeks to maintain relationships with indigenous peoples and communities based upon mutual understanding and respect.**
- 12. EPA strives for open communication and meaningful involvement with indigenous peoples and communities...**
- 13. EPA strives to identify key points of contact in affected communities to facilitate meaningful involvement and fair treatment on environmental justice issues...**

Public Involvement Opportunity Requirements in Federal Environmental Laws and Regulations

- Clean Air Act (CAA)
- Clean Water Act (CWA)
- Resources Conservation and Recovery Act (RCRA)
- CERCLA (etc.)
- Some statutory or regulatory provisions require compliance with certain public participation requirements before EPA may approve a grant. (See 40 CFR 25.11 and 25.12.)



Environmental Functions with Community Involvement Requirements and Opportunities

Mandatory Functions

- a. National Environmental Policy Act
- b. Permitting
- c. Rulemaking
- d. Cleanup and Redevelopment
- e. Compliance and Enforcement



Public Participation and Meaningful Involvement in Environmental Programs

Why should the environmental process provide for meaningful community participation?

- Communities' health and welfare are directly impacted.
- Community knowledge can support regulatory and enforcement efforts.
- Community participation can help develop creative solutions to solve real problems.

Participation has to make a difference.

- Community members need to know how they have made a difference by their comments or other engagement (i.e. share how input was used, post on social media how the community input made a difference, etc.).



Public Participation and Meaningful Involvement in Environmental Programs -Continued

Ways to Encourage Participation.

- Get to know the communities.
- Gather community information and make it available to communities, industry, and staff.
- Facilitate creative, long-term, multi-party solutions.
- Attend community events and host regular meetings.
- EPA Resources - technical assistance and financial assistance (e.g. GAP Grants, EJ Grants, Environmental Education Grants)



Government Agency Responsibilities for Ensuring Public Participation

- a. **Be transparent, clear, and respectful**
- b. **Seek out and encourage participation**
- c. **Provide appropriate and meaningful avenues for input**
- d. **Listen and learn**
- e. **Change approach when input has merit**
- f. **Be clear on the limitations you have**





Tips for Successful Public Involvement

Know the Community

- Take some time to learn about the community
- Use tools (e.g. EJ SCREEN) to identify some of the polluting sources and potential community environmental issues
- If possible, visit the community to get an understanding of the area (i.e. geography, residential and businesses areas, green space, etc.)

Involve and Consult with Community in Planning Events/Meetings

- Be open to meeting in evenings or weekends to enhance public involvement

Use Easy to Understand Language and Avoid Acronyms

Model Guidelines for Public Participation – National Environmental Justice Advisory Council (NEJAC) Advice

In order to build successful partnerships, interactions must:

- Encourage active community participation
- Foster capacity building in the community and increase technical knowledge
- Institutionalize public participation
- Recognize community knowledge
- Use cross-cultural formats and exchanges
- Maintain honesty and integrity in the process and articulate goals, expectations, and limitations

Other Useful Community Involvement Resources

- [EPA's Public Participation Guide](#)
- [EPA's Superfund Community Involvement Handbook](#)
- [Meaningful Involvement and Fair Treatment by Tribal Environmental Regulatory Programs](#)
– NEJAC Advice & Recommendations

**Roles of
Tribes, States
and Local
Governments
in
Public
Involvement
Efforts for
Environmental
Programs**

- Co-regulators with EPA, and in some cases, they implement authorized, approved or delegated Federal programs, which require public involvement opportunities.
- May run own, but closely-related programs.
- Work closely with EPA as regulatory partners, and EPA will consult them as appropriate when implementing policies.
- Frequently have expertise that can be valuable to EPA in designing public involvement activities.

Roles of Tribes, States, etc. (Continued)

- May be regulated parties when they undertake activities that are subject to Federal laws and regulations and therefore benefit from the application of the EPA's public participation policy, like other regulated parties.
- Tribes, states, regional and local governments often play an active role in making recommendations on policies, rules, plans and recommendations under development, and providing input on EPA's decisions.

Tribes Engaging with Tribal Communities

Little River Band Public Engagement and Involvement Practices and Lessons Learned

Allison Smart

Environmental Division Manager

Little River Band of Ottawa Indians – Natural Resources
Department





LRBOI Reasons
for Public
Engagement

New Projects

Stewardship Plans

Cleanups

Regular Engagement to Update on Department Programs

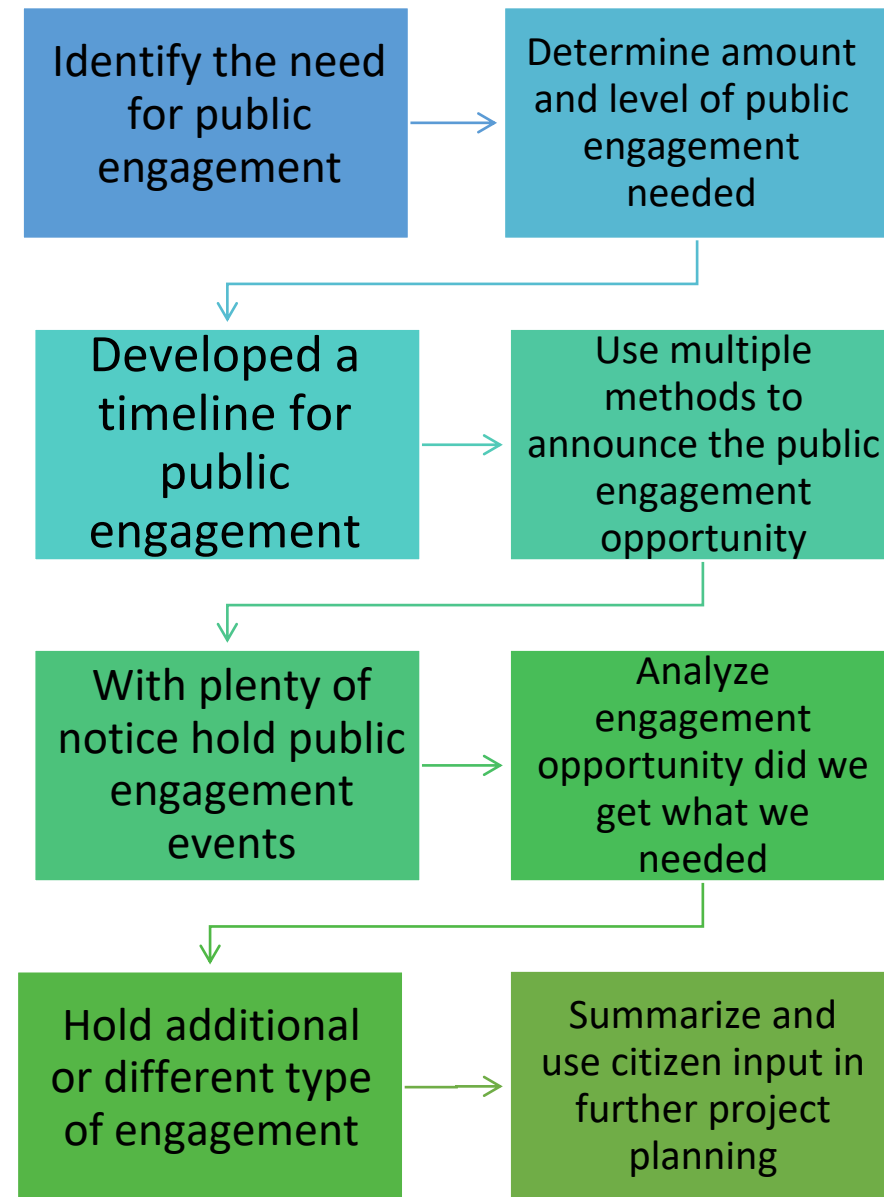
Educational Programing

Citizen input on program activities

Events

New Environmental Rules / Treatment as State

LRBOI
Process for
Public
Engagement



Example Timeline – Stewardship Plan



Determine need for stewardship plan – LRBOI NRD



Determine level of Engagement needed by the public



Determine type of Engagement events – Booth at Sturgeon Release; Tribal Council Work Sessions; Invites to Evening and/or Saturday Meeting to discuss important factors



Send out notice of Engagement Events



Host Engagement Events – Provide Food!



Use information learned to assist with the plan

How do we
notify of
public
meetings



Tribal Newspaper



Tribal Website



Personal Invites to Specific
Tribal Citizens



Membership Meeting

Ways we do Public Meetings and Events

- Open houses
- Invite based events
- NRD Events
 - Stream Clean up
 - Tree Plantings
 - Sturgeon Release
- Tribal Council Meetings
- Membership Meeting
- Powwow
- Youth Camp

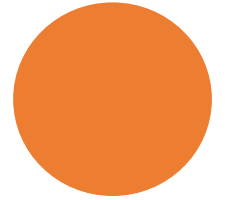


Things we struggle with:

- Our citizens are spread all over the United States
 - ~4000 members with about 500 in Manistee County and 500 in Muskegon County
 - Leaves ~ 3000 citizens where we don't have offices
 - Before COVID we didn't have video capabilities (Zoom, Teams, Google Meets)
 - Surveys are costly and part of the paperwork reduction act
- Citizen participation during working hours
 - Must hold events after 5pm
- Citizen burnout
- A place to hold events in Muskegon County
- Getting early information out so that people can plan
- Scientist getting information to the general public as to why something is important.


What works:

- Early notification
- A citizen champion
- Reaching out directly to some citizens in a good way
- Gift cards or other gifts/ giveaway items
- Food
- Tying meetings together
- Keep Trying





Questions for now and the future

- How do we better reach citizens?
 - How do we increase participation or get voices we don't hear very often to the table?
 - How to include involvement of all citizens?
 - How to better publicize meetings (social media?)?
- 



Miigwech! (Thank You)

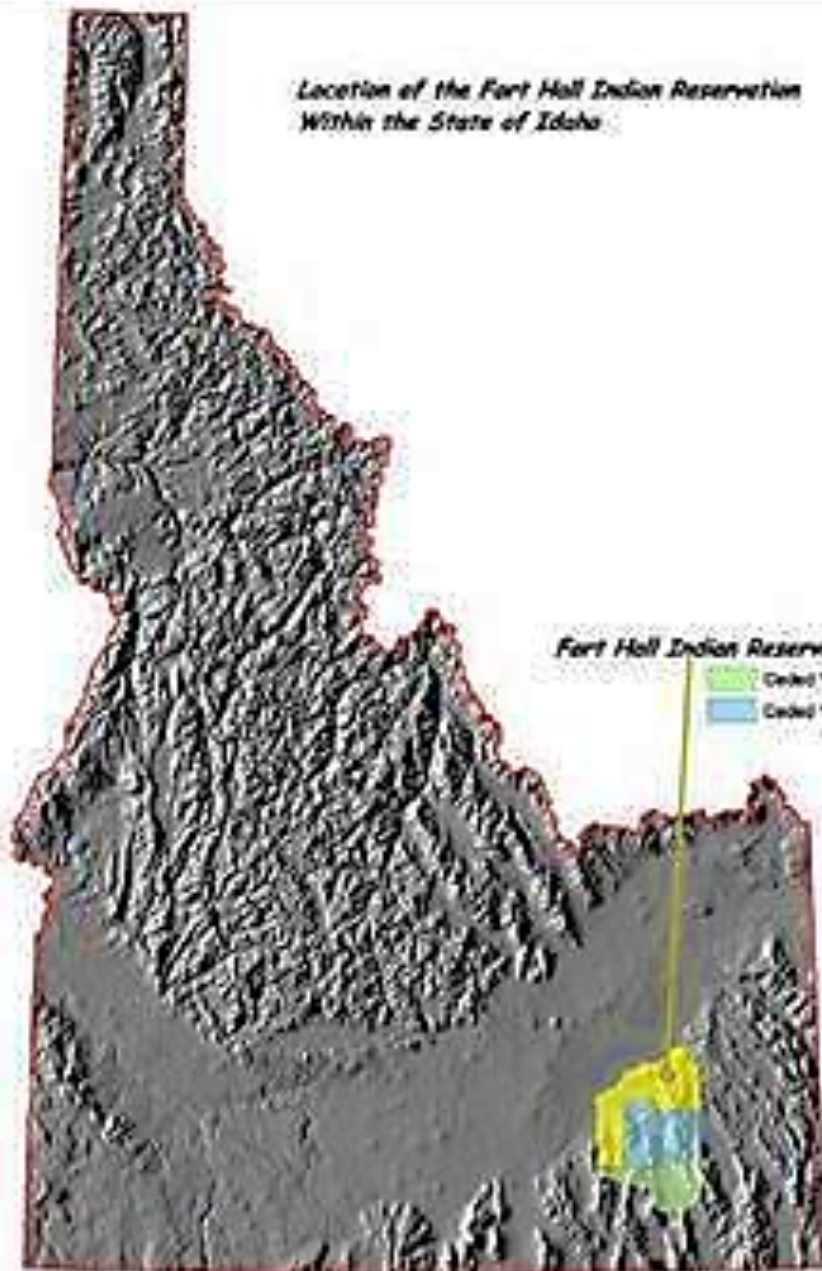


**Kelly Wright,
Shoshone Bannock
Tribes**

**Community
Involvement**



*Location of the Fort Hall Indian Reservation
Within the State of Idaho*



The 5 Districts



Regulatory Requirement for Involvement

- Brownfields
- Superfund (CERCLA)
- Mines

Asbestos, a natural mineral composed of thin fibers, has been used for years to provide strength and heat resistance to cloth and other materials. However, when it's used in increased in the automotive and construction industries after WWII, doctors became aware of the medical dangers of asbestos to humans. After years of exposure to loose asbestos fibers (fibula), people may develop a cancer known as mesothelioma, which forms tumors on the lining of the lungs, abdomen or heart.

Renovation and remodeling of homes built before 1980 could expose Tribal residents and their families to asbestos in cement, ceiling & flooring materials, insulation, dry-wall, heating ducts, pipe insulation, water heaters, window putty, roofing materials, siding & maces, wood-burning stoves & fireplaces, and textured paint such as popcorn textures on ceilings.

When home construction materials made with asbestos are damaged or broken up, asbestos fibers can become friable putting them into the air that tribal members breathe. If you want to remodel your home, you need to know if there are asbestos materials in your home.

Environmental Waste Management Program Awareness: Asbestos in Homes



Do's:

- Avoid any contact with friable asbestos containing materials.
- Take every precaution not to damage any materials that may contain asbestos.
- Talk to the Environmental Waste Management Program about asbestos risks in your home or having your home assessed.
- Only trained professionals can inspect, repair, or remove asbestos safely.
- If you are planning a demolition, renovation or remodel in your home, contact the Environmental Waste Management Program for more information on testing and removal of asbestos.

Don'ts:

- Don't saw, sand, scrape, drill or disturb materials that may contain asbestos.
- Don't sweep, vacuum or dust debris that may contain asbestos.
- Don't perform any work on or near asbestos containing materials. You must be trained and certified to handle disposal of asbestos.
- Don't remove asbestos unless repair or removal is unavoidable.
- Don't dispose of asbestos materials with normal household waste.



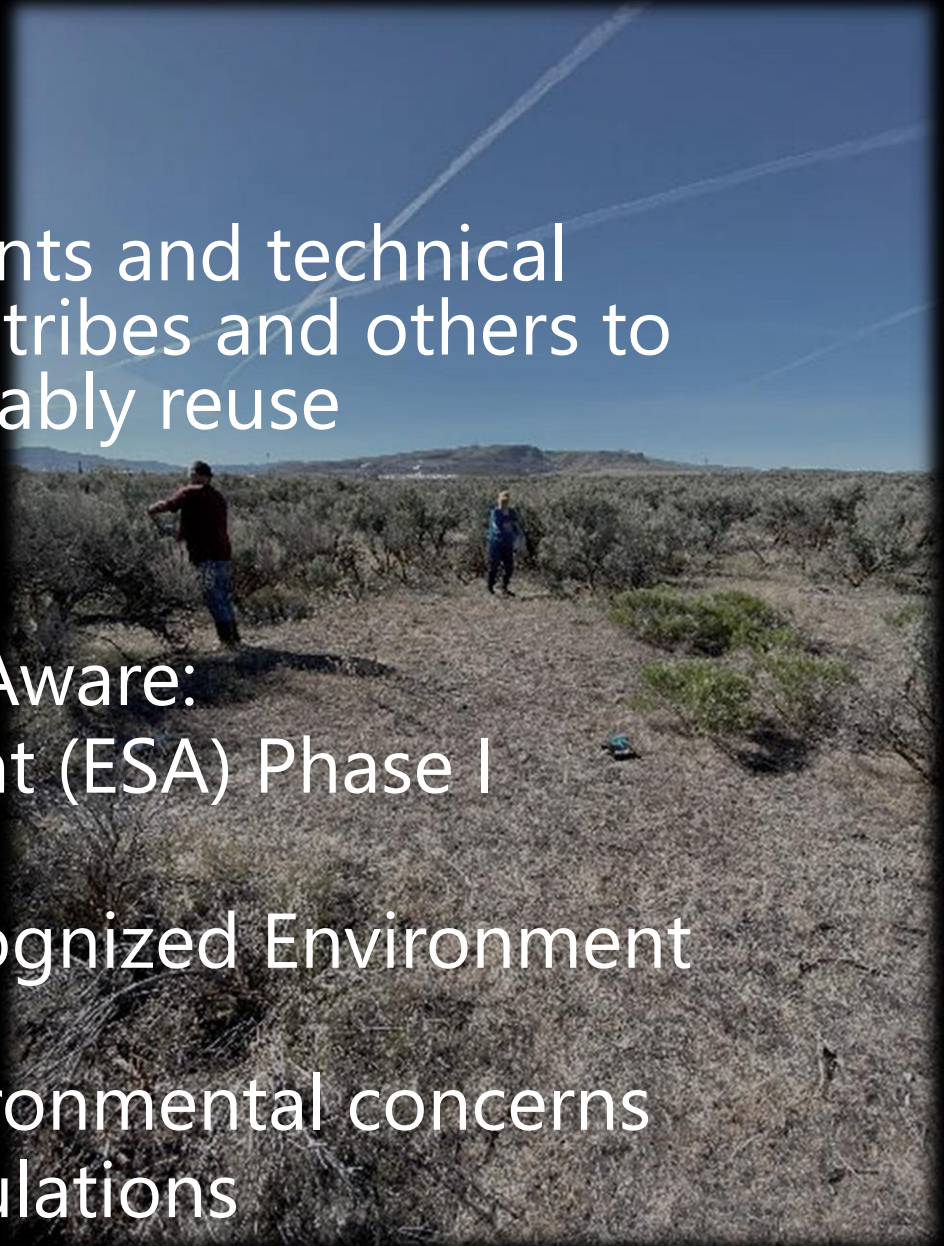
Contact EWMP:

(208) 236-1048
(208) 236-1049
kswm@tribes.com
sls-ewmp.com

▀ BROWNFIELDS

Brownfields Program provides grants and technical assistance to communities, states, tribes and others to assess, safely clean up and sustainably reuse contaminated properties.

- Keeping the Tribal Membership Aware:
 - Environmental Site Assessment (ESA) Phase I
 - ESA Phase II
 - Identifying/Educating on Recognized Environment Conditions
 - Identifying local areas of environmental concerns
 - Preparing Environmental Regulations





SUPERFUND

Thousands of contaminated sites exist nationally due to hazardous waste being dumped, left out in the open, or otherwise improperly managed. These sites include manufacturing facilities, processing plants, landfills and mining sites.

Superfund - formally the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) - is the federal law that allows EPA to clean up contaminated sites. It also forces the parties responsible for the contamination to either perform cleanups or reimburse the government for EPA-led cleanup work.



SUPERFUND – COMMUNITY INVOLVEMENT

- The goal of Superfund community involvement is to advocate and strengthen early and meaningful community participation during Superfund cleanups.
- Superfund community involvement staff at Headquarters and in the regions strive to:
 - Encourage and enable community members to get involved.
 - Listen carefully to what the community is saying.
 - Take the time needed to deal with community concerns.
 - Change planned actions where community comments or concerns have merit.
 - Keep the community well informed of ongoing and planned activities.
 - Explain to the community what EPA has done and why.

SUPERFUND SITES OF INTEREST TO SHOSHONE BANNOCK TRIBES

- Eastern Michaud Flats – 1990
 - FMC Operable Unit
 - Simplot Operable Unit
 - Off-Site Operable Unit
 - Shoshone Bannock Tribes are seeking improved coordination and collaboration with EPA at this site.
 - Enhance community involvement opportunities
 - Engage in more effective government to government collaboration
- Gay Mine - Largest Phosphorus Mine in the US

MINES

- **11 Phosphorus Mines –Off the Reservation**
- **Various Precious Mineral Mines in our Homelands**





Shoshone Bannock Tribes Environmental Waste Mgmt Community Involvement & Communications Efforts

Historically

FACE to FACE

Today, We use:

Brochures

Flyers

Newspaper

Sho-Ban News,
ISJ, and Blackfoot
News

Website:

<https://sbt-ewmp.com/>

FY-2022

Setting up
community
computers to access
our files

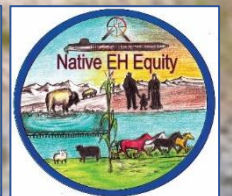
Aishen
(Thank You)

**What?
No
Involvement!**



Community Engaged Research: Crow Water Quality Project

John Doyle
Little Big Horn College
EPA NEJAC



MONTANA
STATE UNIVERSITY

Center for Biofilm
Engineering



2005 Indian Country Environmental Health Assessment Program (ICEHAP - EPA)

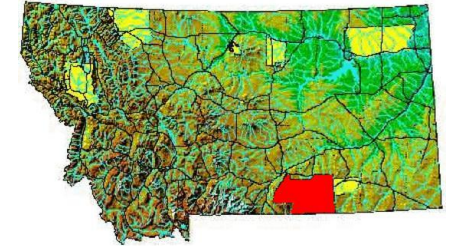


- After a week's work, we prioritized water contamination as our most serious EH issue
- *Communities must set their own research priorities, researchers can support this with data & expertise.*



Crow Environmental Health Steering Committee, 2005 – present

We are still addressing our Tribal EH priority: water & health





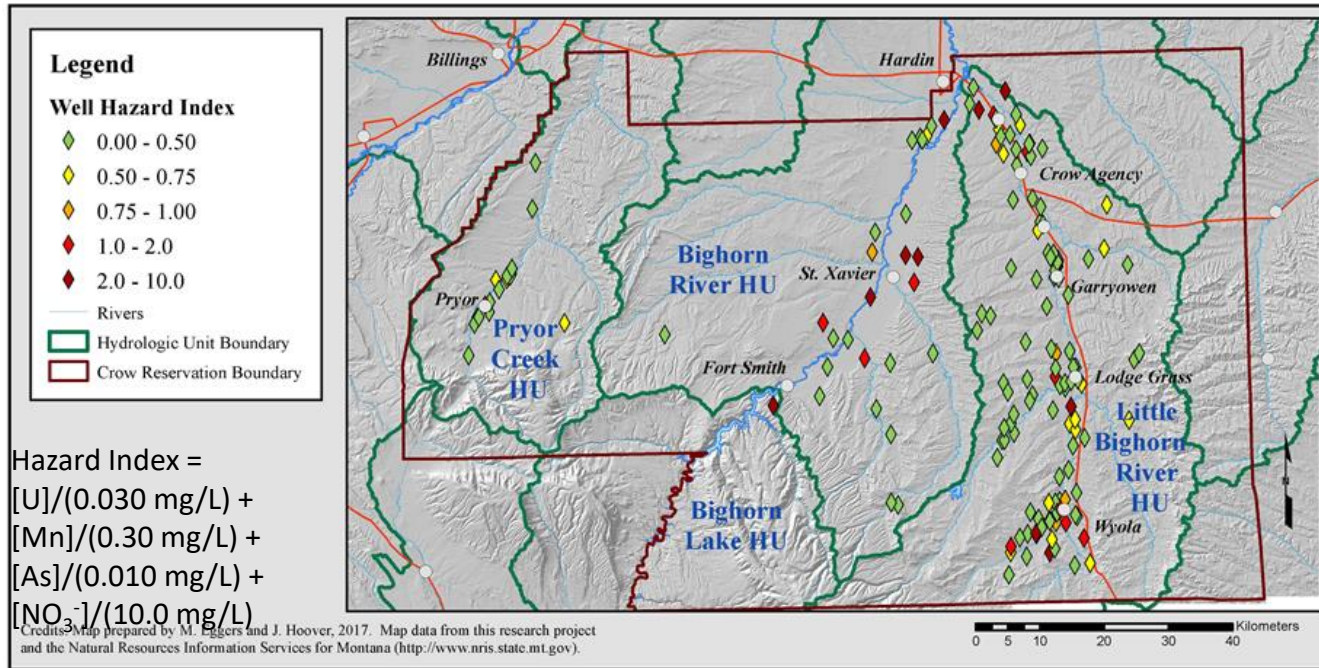
We initially researched river water quality, and now research and mitigate home well water contamination



Involving students builds community capacity



Rural water disparities are distinct from – but just as serious as - urban ones



Free home
water
coolers



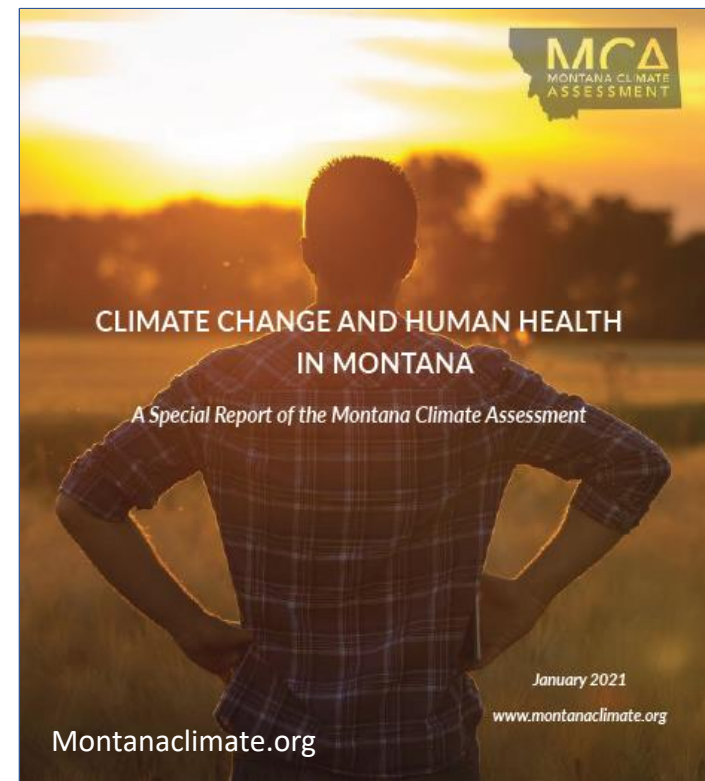
Cumulative risk from U, Mn, As & NO₃⁻ in home well water, Crow Reservation

Intervention research to reduce exposures (mitigation) to seriously contaminated well water & failing septic systems, is badly needed



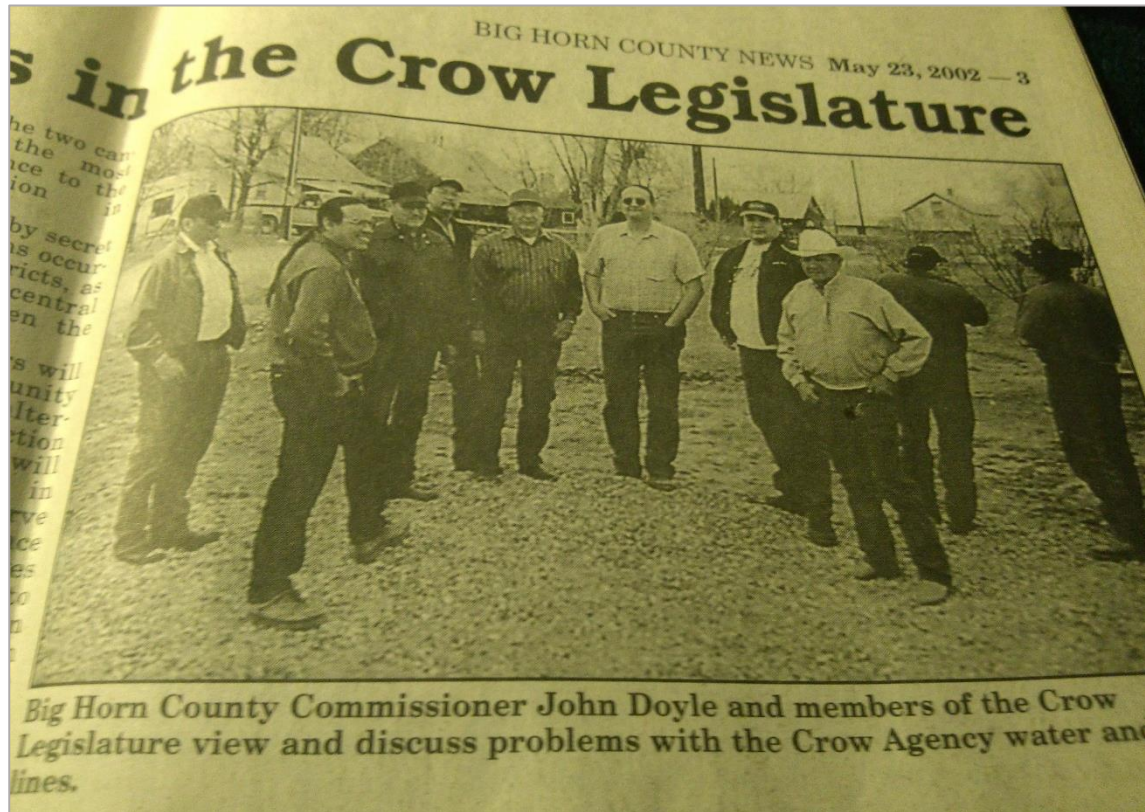
Climate change, water & health

- Traditional Ecological Knowledge (TEK) and Western science concur on many changes in climate.
- TEK includes awareness of additional ecological changes and human impacts, going beyond what Western science has ever measured in our region.
- We must prepare for late summer droughts becoming increasingly worse.



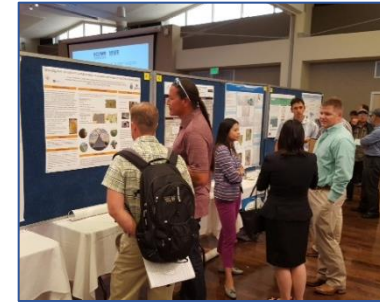
Installing weather station for Crow

CBPR: Maintaining connection to community is vital



(a) Crow Tribal Legislators & Commissioner Doyle review leaking wastewater pipes, (b) John Doyle at Pretty Eagle Point, overlooking the Big Horn River, with Crow "Guardians of the Living Waters" students (Simonds, collaborator)

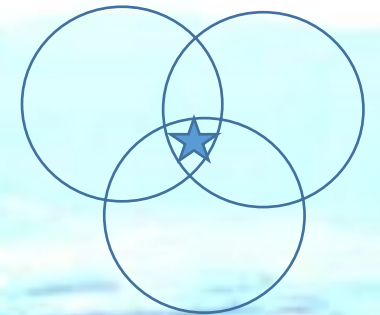
We present and publish as a team



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What have we learned?

- Working together to conduct our initial Reservation-wide environmental health assessment, and concurring that water contamination was our top priority, has made all the difference (EPA ICEHAP).
- Research must serve our communities.
- Data sharing & dissemination agreements are critical.
- Mentoring students -> increasing capacity -> sustainability
- Venn diagram of community priorities, available funding and our capabilities



It takes a whole community and continued contact



Our thanks and appreciation to the many dedicated community members and student interns who have participated or are participating in this project.

Thank you to our collaborators

Crow Environmental Health Steering Committee

John Doyle – EPSCoR, NIH PI/PD Little Big Horn College (LBHC)

Myra Lefthand, MSW – LBHC Program Director

Sara Young, MEd – NAU Tribal research consultant

Christine Martin, MS – USDA PI/PD LBHC

Emery Three Irons, MS – Crow WASH Coordinator, LBHC

Non-voting academic partner – Dr. Mari Eggers

JoRee LaFrance – Mentee, Crow doctoral student at UAZ

Plenty Doors Community Development Corporation

Charlene Johnson, PD Executive Director

Charitina Fritzler, PD Program Director

Little Big Horn College

President David Yarlott PhD, Dean Bullchief, Dean Old Coyote, CFO Aldean Good Luck, CIO Frank Cooper & many dedicated staff

25+ LBHC Science majors over past years

MSU Bozeman Collaborators

Dr. Vanessa Simonds, Health & Human Development

Dr. Ellen Lauchnor, Civil Engineering

Dr. Stephanie Ewing, Land Resources Environmental Science

Dr. Rob Walker, Chemistry & MT EPSCoR team

Dr. Julia Haggerty, Institute on Ecosystems

Dr. Rebecca Mueller & colleagues

MSU Howard Hughes Medical Institute IE3 team: Windchief, Forecki, Stix, Perry, Velazquez-Perez, Claudio, Komlos

Other Principal Investigators/Collaborators

Dr. Johnnye Lewis, Dr. Melissa Gonzales, Dr. Debra Mackenzie et al., NIH P50 Center for NA Environmental Health Equity, University of New Mexico

Dr. Joseph Hoover, Montana State University Billings, NIH P50

Dr. Margaret Hiza Redstter, U Washington Bothell

Dr. Jamie Donatuto, Swinomish Nation

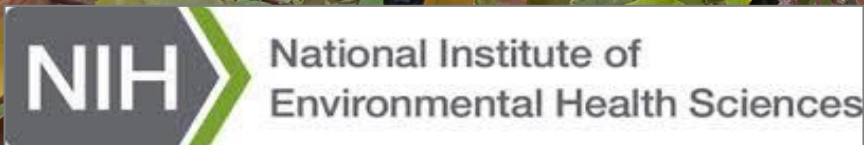
Dr. Douglas Stevens, NEHR Consulting – NIH NARCH

Dr. Timothy Ford, U Massachusetts Lowell

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- **Center for Native Environmental Health Equity Research, NIH Center of Excellence on Environmental Health Disparities Research, National Institute of Environmental Health Sciences, National Institutes of Health (NIH) & EPA (1P50ES026102-01; PIs: Lewis & Gonzales), Subawards to MSU Bozeman (PIs: Keil, Eggers, Doyle, Three Irons)**
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Questions and Answers

&

**Quick Survey
(Please take a minute to
provide your feedback)**

Presenters Contact Information

Kim Varilek, EPA, Region 8, Tribal Affairs Branch
Director
Varilek.Kim@epa.gov

Allison Smart, Little River Band of Ottawa,
Environmental Division Director
allisonsmart@lrboi-nsn.gov

Danny Gogal, EPA, Office of Environmental
Justice
Gogal.Danny@epa.gov

Kelly Wright, Shoshone-Bannock,
Environmental Waste Program Manager
kwright@sbtribes.com

Corbin Darling, EPA, Region 8, EJ Coordinator
Darling.Corbin@epa.gov

John Doyle, Crow Tribal Member,
Community Based Organization – NEJAC
Member
doylej@lbhc.edu

Jean Belille, EPA, Region 8, EJ Program
Belille.Jean@epa.gov