

Response to Comments from Tribal Review of the 2008 Draft OSWER Tribal Strategy
OSWER PROGRAM RESPONSE TO TRIBAL COMMENTS TO FINALIZE STRATEGY
JANUARY 30, 2009

Instructions:

Original Language in Strategy Referenced in the Comment	Comment	Commenter (s)	Response	Change to draft (Y,N, N/A)	Modification.
Issue Area - Divide comments into general issue areas					
	<i>Reproduce comment verbatim or in summation, as appropriate</i>	<i>Organization of Commenter</i>	<i>The general response to the comment.</i>	<i>Indicate whether a specific change was made..</i>	<i>Specify changes made in response to comments and identify all locations in the final strategy (e.g., page numbers, sections, etc)</i>

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Issue Area: IPCO (General document issues and IPCO section issues)					
Under Introduction (Section I):	The last sentence of the first paragraph refers to areas of focus the Agency intends to support during the next five years. This statement appears to align this strategy with the Agency Strategic Plan cycle,	Tribal Lead EPA Region	Ok	Y	1 st sentence last paragraph Intro: The OSWER Tribal Strategy covers the five year period of 2009 – 2014,

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	<p>which makes sense. It may be of value to state that and use the actual dates for the Agency’s Strategic Plan (2009 – 2014).</p> <p>The third paragraph makes a reference to report annually on measures and indicators. A suggestion would be to report semi-annually and to clarify to whom the report would be made or how it may be viewed.</p> <p>Last paragraph seems to support the first comment that the alignment of this strategy with the Agency’s Strategic Plan and tri-annual update period should be made clear. It would seem less useful to have this strategy cover the period from 2008 – 2012, when the Agency Strategic Plan will be revised this year to cover 2009 – 2014.</p>		<p>OSWER believes that the information will not be available to report on a semi-annual basis. OSWER will clarify how the annual report can be viewed.</p> <p>Yes, see above.</p>	<p>Y</p> <p>Y</p>	<p>consistent with the EPA Strategic Plan.</p> <p>Insert end sentence to third paragraph: An Annual Report on the OSWER Tribal Strategy Measures will be available on our website www.epa.gov/oswer/tribal around December of each fiscal year.</p>

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increase the use of Direct Implementation Tribal Cooperative Agreements (DITCAs) and circuit riders, as appropriate.	should be taken in this area and circuit riders should be only for a specified short duration with the focus of their involvement in assisting tribes to acquire DITCAs.		supporting circuit riders. Will also continue to evaluate utility and quality of circuit riders, by Region.		of sentence highlighted in strategy.
Promote opportunities for raising cultural awareness within OSWER; OSWER intends to encourage all staff and managers to participate in the Working Effectively with Tribal Governments (WETG) training (available through the internet or in the classroom).	A good idea for headquarter representatives and regions with few tribes. This training should also be extended to other federal, state and local agencies that may have service involvement with tribal governments.	Hualapai Nation	EPA worked with the White House Office of Intergovernmental Affairs to tailor this training and make it available government-wide. The training is now on http://www.golearn.gov .	N	
Improve OSWER tribal data systems.	A way to improve would be to look at tribal accomplishments in other media programs that may provide another layer of data, because there seems to be overlaps of the different media and their responsibilities.	Hualapai Nation	Yes, OSWER will work with our Office of Environmental Information to address this issue as part of their tribal strategy and across EPA programs through the IPPC.	N	

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	<p>Its important to note that this OSWER Tribal Strategy is the guiding document used by EPA OSWER programs during the implementation of the EPA Strategic Plan and the Administrator’s and OSWER’s Action Plan. It’s an internal EPA document. Success for tribes as defined in this document is limited completely by funding and by the way the goals are measured. This document should not be utilized to circumvent Government-to-Government consultation as is EPA’s federal trust responsibility.</p>	<p>Salt River Pima-Maricopa Indian Community</p>	<p>OSWER will keep this concern in mind as we work with tribes to develop an implementation plan for the activities in the strategy. We will adjust goals and how they are measured based on tribal feedback, and acknowledge and promote tribal successes in our forum meetings and publications.</p>	<p>N</p>	
<p>Section IV, page 7 addressing the five major goals:</p>	<p>It is good to see the words “environmental stewardship” used in goal 5. Some may argue, and we among them, that environmental stewardship should be added to each goal. Then for instance, goal 1 would read: “Clean Air, addressing Global Climate Change and Environmental Stewardship”</p>	<p>Leech Lake Band of Ojibwe</p>	<p>The scope of this comment is beyond OSWER’s ability to change for the EPA Strategic Plan, but OSWER supports stewardship as a part of all of our work.</p>	<p>N</p>	
	<p>Add a list of acronyms.</p>	<p>Salt River Pima-</p>	<p>Ok</p>	<p>Y</p>	<p>Add a list of acronyms used in the</p>

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		Maricopa Indian Community			strategy.
Page 6:	Development of Tribal Strategy should be structured and developed with EPA trust responsibility as a foundation.	Santa Clara Pueblo	Agree and will add a clarifying paragraph at beginning of document.	Y	Add as first sentence to the document (p.1): EPA's Office of Solid Waste and Emergency Response (OSWER) is committed to protecting human health and the environment in Indian country while supporting tribes' self government, acting consistent with the federal trust responsibility, and strengthening the government-tp-government relationships between tribes and EPA. For more than 20 years, EPA has been

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					fulfilling these commitments by providing financial and technical assistance to tribal governments to build capacity in OSWER programs. The OSWER Tribal Strategy provides a basic framework for continuing to fulfill these commitments.
<p><i>Ensure appropriate consultation and communication with tribes in all OSWER programs.</i> Strategies to Achieve these Outcomes (Shorter-term Goals): Pg. 13</p>	<p>OSWER intends will ensure that tribes are engaged in policy discussions as early as practicable and that tribal concerns are considered incorporated as EPA develops and implements nation policies and decisions</p>	<p>Salt River Pima-Maricopa Indian Community</p>	<p>The wording “intends to” versus “will” is based on legal defense. No change.</p> <p>OSWER cannot unconditionally guarantee that all tribal concerns will be directly incorporated into policies and decisions.</p>	<p>N</p>	<p>No change.</p>
<p>Page 13, 4th paragraph:</p>	<p>An added component to “facilitate</p>	<p>Santa</p>	<p>ok</p>	<p>Y</p>	<p>Under #2 of this</p>

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	communication, coordination and cooperation within EPA on tribal issues” would be to encourage continuity within regions regarding program administration with maximum flexibility for all activities.	Clara Pueblo			section insert the words, after tribal program: “and seek program flexibility to”minimize burdens on tribes, (3)
Page 14, 2 nd paragraph:	taking the extra step in getting input from the RTOC’s is an excellent step and needs to happen on a regular basis.	Santa Clara Pueblo	ok	N	
Build Tribal Capacity.	<i>This is a good goal but one that is extremely limited by funding. There is only minimal funding or no funding levels at all for some of OSWER programs. There is not enough specific training or technical assistance available to tribes.</i>	Salt River Pima-Maricopa Indian Community	We are trying to improve specific training and technical assistance through a new tribal support grant with Northern Arizona University (ITEP) to set up a tribal framework. We invite tribes to participate in this process.	N	N
Activities to Implement these Strategies: Pg. 14	(First paragraph) The framework would also promote information exchange on OWER program	Salt River Pima-Maricopa	Ok, add suggested language	Y	See Strategy

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	actions, encourage cross-program efficiencies, and facilitate capacity building of tribal waste, source reduction and recycling programs.	Indian Community			
Second paragraph: RTOC –	<i>SPRMIC prefers direct communication with the EPA. Although RTOC may be a venue used by EPA to disseminate information, it should always provide direct information to each Tribe.</i>	Salt River Pima-Maricopa Indian Community	Ok , add new sentence to this paragraph.	Y	Change second sentence to read: “OSWER continues to communicate directly with tribal governments and other groups, such as the NTOC, but intends to.....”
<i>Establish and maintain an OSWER Tribal Programs website.</i>	<i>Website should also post solid waste/recycling training opportunities</i>	Salt River Pima-Maricopa Indian Community	Ok. ORCR (formerly OSW) is working with other federal agencies to link to all federal agency training, esp. solid waste/recycling on the EPA website.	N	N
<i>Coordinate outreach planning.</i>	OSWER intends to evaluate its current outreach efforts to reach out to tribes and identify opportunities to integrate and better will coordinate its outreach efforts across programs.	Salt River Pima-Maricopa Indian Community	Accept suggested edits and also delete the word, “will”. Also, this topic was	Y	See suggested text.

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	<i>How will OSWER evaluate outreach planning and will Tribes be able provide comments on evaluation?</i>	y	included on the agenda for the Dec 2 – 4, 2008 OSWER Tribal Forum to discuss in more detail.		
<i>Identify opportunities across OSWER’s programs to increase the use of Direct Implementation Tribal Cooperative Agreements (DITCA’s) and circuit riders.</i> p. 14	<i>OSWER should review tribal DITCA’s from other media to determine the best approach for implementation (the Nez Perce Tribe located in Region 10 has a smoke management DITCA). Region 10 also has a Pesticide Circuit Rider that has federal credentials and works with the tribes in WA, OR and ID that responds to FIFRA related complaints would be good to draw from those experiences. Increase education to EPA staff and Tribes on the intent and goals of DITCA. Availability of DITCA should be readily accessible to Tribes that are interested in this process.</i>	Salt River Pima-Maricopa Indian Community	Ok, add clarifying language.	Y	Insert in last sentence, after consultation on effective DITCA approaches, “increased education to EPA and tribes on the intent and goals of DITCAs and circuit riders”...analyzing results from “other EPA” DITCA and circuit rider activities....
<i>Promote opportunities for raising cultural awareness within OSWER.</i>	<i>Field trips should be taken to actual Tribal sites. Over the years, each region should be visited to allow</i>	Salt River Pima-Maricopa	ok	Y	Delete “other sites of interest” and replace it with, “

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	<i>EPA staff to better understand the unique and vast diversity among Tribes.</i>	Indian Community			and tribal sites in Indian country, when feasible.”
<i>Increase the level of understanding of the concept of risk and clarify EPA’s approach to risk in Indian Country.</i>	<i>It is important for EPA to understand the tribal specific situations and cultural traditions that may affect risk. EPA staff should be trained effectively on risk communication. Additionally this training should also be made available to Tribes.</i>	Salt River Pima-Maricopa Indian Community	Yes, risk communication will be an important component of this effort under the strategy.	N	
<i>Improve OSWER tribal data systems. Ensure that codes used to delineate tribal data exist and establish program-specific guidance for regions so that data fields are populated consistently.</i>	<p><i>How will this be accomplished? Will there be QA/QC checks are there SOP and Quality Assurance Project Plans? Is the data defensible?</i></p> <p><i>Will Tribes be able to access data system to review and confirm accuracy of data maintained within as it may relate to their specific tribe or regionally?</i></p>	Salt River Pima-Maricopa Indian Community	These are important considerations that can be factored into the guidance development process. OSWER is working with our data people to ensure that federally-established tribal identifier codes are incorporated into our databases, following EPA quality control	N	

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			<p>protocols. We will work with EPA’s Office of Environmental Information to promote the use of data exchange nodes, where feasible, so that as we work to improve getting tribal data, we can work with tribes in accessing, reviewing and confirming the data. We are starting with establishing a code so that we can recognize tribal data separately from non-tribal data.</p>		
<p><i>Explore ways to measure the effectiveness of EPA’s outreach, consultation, and communication efforts with Tribes.</i></p>	<p><i>This seems redundant similar to the short term goals on pg.13 - maybe all three goals could potentially be combined</i></p>	<p>Salt River Pima-Maricopa Indian Community</p>	<p>Agree that we should clarify the different focuses of outreach in the strategy, and to have them in</p>	<p>Y</p>	<p>Combine Activities bullets to read:</p> <p><i>Coordinate outreach planning and explore ways to measure the</i></p>

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			<p>sequence. This language is focused on measuring the effectiveness of EPA’s efforts versus activities to improve or make it easier to communicate/coordinate. (combine bullets from p.14 and p.15)</p>		<p><i>effectiveness of EPA’s outreach, consultation, and communication efforts with Tribes. OSWER intends to evaluate its current efforts to reach out to tribes and identify opportunities to integrate and better coordinate its outreach efforts across programs. In addition, OSWER intends to find ways to measure the effectiveness of OSWER communication activities, both at the regional and national level, and considering both EPA and tribal perspectives.</i></p>
<p>Ensure appropriate consultation and</p>	<p><i>The “measure of effectiveness of OSWER communication activities”</i></p>	<p>Salt River Pima-</p>	<p>Agree. The “how” part will be decided</p>	<p>Y</p>	<p>Change made in above bullet, with</p>

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communication with tribes in all OSWER programs, Facilitate communication, coordination and cooperation within EPA on tribal issues and cultural awareness	<i>should be completed nationwide and regionally. Will Tribes be able to evaluate OSWER's communication activities? How?</i>	Maricopa Indian Community	as part of the strategy's implementation plan. This topic was included in the December 2008 OSWER Tribal Forum.		the addition of the words, "both at the regional and national level, and considering both EPA and tribal perspectives".
<i>Increase headquarters' participation in regional tribal meetings.</i>	<i>This strategy could be combined with the RTOC goal (2nd paragraph pg. 14) OSWER should not solely utilize RTOC/NTOC meetings as tribal meeting participation; they should attend Regional conferences and make an effort to meet with Tribes in each region.</i>	Salt River Pima-Maricopa Indian Community	Agree, however OSWER wanted to specifically emphasize an effort to directly coordinate with RTOCs, recognizing them as an important part, albeit not the only avenue, of EPA's framework in working with tribes. We will place the two improved bullets together in sequence so that it is more clear.	Y	Insert new language into this bullet from page 15, and move the bullet to follow the RTOC bullet on page 14: <i>Increase headquarters' participation in regional tribal meetings. Attending regional meetings with tribes (e.g., annual tribal meetings, tribal summits, and RTOC meetings) should enhance headquarters'</i>

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					understanding.....
<i>Ensure that Tribes are able to provide ongoing input into OSWER policies to consider climate change effort.</i>	<i>EPA must be consider that specific concerns of climate change as it relates to traditional values and culture for tribes should also be incorporated into the policy, especially in regard to clean up and waste management programs.</i>	Salt River Pima-Maricopa Indian Community	ok	Y	Insert into bullet on page 15: ...it is important to fully understand and consider the impact on Native American communities and their traditional values and culture, particularly as EPA invests in cleanup and waste management.....
Indicators to Track: <ul style="list-style-type: none"> • % of OSWER staff that have completed the WETG Training 	<i>Indicators should track long term internal statistics to ensure that all staff within OSWER have completed the training so that when staff change over occurs, new staff can be immediately trained.</i>	Salt River Pima-Maricopa Indian Community	Tracking all staff within OSWER will have to be a longer term goal; however we will track the total number of people who take the training versus a percent so that we can transition towards this goal more easily.	Y	Change the indicator from percent to number of OSWER staff trained.
<ul style="list-style-type: none"> ▪ Number of tribal 	<i>A method to allow for a Tribal</i>	Salt River	We think this is a	Y	This is a topic to

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<i>circuit riders in all OSWER programs.</i>	<i>evaluation on the usefulness of the circuit rider including commenting on the progress of circuit rider to achieve goals is needed. EPA must make effort to keep Tribal dialogue open and not rely on circuit rider for all tribal information and input.</i>	Pima-Maricopa Indian Community	valuable comment, and will work on refining this indicator over the next year, based on figuring out how we can obtain information from the Regions and tribes evaluating circuit riders.		include in the implementation plan. Delete the indicator for now.
Page 13: OSWER-wide (IPCO)	Throughout the document, outreach efforts to Indian nations are discussed. The term outreach implies that the EPA will be imparting knowledge to the tribes. This is definitely a necessary exchange; however, I feel that it is important to reflect in a document such as this that Indian nations possess a significant amount of knowledge that has been obtained over hundreds of years in these areas in which they live. Therefore, there is much that EPA can be informed of by tribes. This is even more evident, as we are continually discovering	Ysleta del Sur Pueblo	Ok, modify language in the document to reflect greater “information exchange and dialogue.”	Y	Page 13: 3rd short-term strategy: (4) delete “ ensure information is shared ” and insert “ engage in information sharing ” with the appropriate EPA groups.... Page 14, First paragraph, last sentence, change: “an avenue” to: “ a two-way avenue ”

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	that “western” science and development does not have all of the answers. I would like to see more of a dialogue reflected in this document, as opposed to the one-way conversation the document reflects right now.				
Page 14, fifth paragraph: Circuit riders	The circuit rider position in Region 6 is virtually non-existent; the duties performed by the person in this position are vague and of little assistance to tribes. If there are EPA regions with successful circuit rider positions, EPA oversight should ensure the position is performing in the desired way in all regions. Otherwise, at least in Region 6, I feel the money would be better spent by enhancing the GAP funding or providing Project Officers the opportunity to make site visits to the tribes they work with.	Ysleta del Sur Pueblo	Ok	Y	<p>On page 14, insert new language in bullet about DITCAs and Circuit Riders: <i>Identify opportunities to increase the use of DITCAs and improve the quality of service by circuit riders...</i></p> <p>Insert, in 5th sentence of bullet: Past use of DITCAs and circuit riders has been limited, and OSWER intends to evaluate ways to encourage the use,</p>

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					and improve the effectiveness of, DITCAs and circuit riders in its programs.
Page 14, sixth paragraph: Cultural Awareness within OSWER	I recommend requiring in-class training for the Working Effectively with Tribal Governments course. Web training is not effective for an issue as critical as this; it is too easy to skim through the material and/or copy test questions from co-workers. Employees of EPA should be required to take a classroom course (preferably developed with tribal input and conducted with tribal assistance) on working with tribes. Additionally, project officer visits to tribal sites will enhance the project officer’s effectiveness in working with the tribe, as well as assisting the tribe in developing the program required by that particular tribal nation.	Ysleta del Sur Pueblo	Ok, OSWER will consider this comment in deciding whether to make the class “required” for all OSWER employees or a subset in the future. We will begin this effort by addressing the current commitments for training given our limited resources.	N	
Page 15, first full paragraph: Concept of Risk	Tribal input should be a part of the development of any risk training course. Often, tribes and EPA view risks differently, as is reflected in the	Ysleta del Sur Pueblo	Yes, tribal input is part of the planned course development.	N	

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	statement that there are different ways people look at risk.				
Page 15, fourth and fifth full paragraphs: HQ participation in regional tribal meetings & tribal input on climate change policies	This is an excellent goal to strive for. This will increase understanding for everyone involved and result in more effective policies and environmental protection.	Ysleta del Sur Pueblo	Agree.	N	
Page 15: Indicators to Track	How will OSWER measure the effectiveness of the training? It is one thing to measure the number of employees taking the training, but that does not guarantee that the training was effective. I recommend coming up with an indicator to track effectiveness.	Ysleta del Sur Pueblo	Similar to the indicator to measure the effectiveness of circuit riders, OSWER will work on developing a measure that addresses training effectiveness. This idea will be shared with the OSWER tribal grantee working on training.	N	
Page 10 –Part V, first bullet point:	While it is necessary to help build “tribe’s capacity to implement environmental programs and removing barriers for tribal program implementation” it is unclear how this will be done. Tribes find the	Eight Northern Indian Pueblos Council	This is an important issue, and it was discussed in more detail as an agenda item at the December 2008	N	

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	biggest barrier to implementing and maintaining a tribal solid waste program is the lack of adequate funding through either OSWER or the IGAP.		OSWER tribal forum, for potential follow-on actions.		
Section V, page 11, in reference to the third cross-program measure: “Ready for Anticipated Use Measure”.	We support emphasis on cleanup goals that achieve “reasonably anticipated future land uses” in Indian Country.	Leech Lake Band of Ojibwe		N	
Page 12 – Second paragraph.	What is the purpose of continuing to improve how EPA can capture the progress of tribal capacity building? What would seem more important is how many Tribes are implementing and maintaining viable Tribal Solid Waste Programs.	Eight Northern Indian Pueblos Council	OSWER agrees that this is an important outcome to begin measuring. We have included this topic in our recommendations for the next EPA strategic plan. As we explore strategies of how to measure progress of tribes implementing programs, we will update the OSWER tribal strategy with a new measure. In	N	

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			<p>the interim, OSWER’s funding must be accounted for and the focus is still in capacity building activities (e.g., our EPA Strategic Plan measure on the number of integrated solid waste management plans), so we will continue to measure them as indicated.</p>		
<p>Page 12 – Last Paragraph –</p>	<p>This may be one of the most important aspects in the strategy if it can be done. Tribes are continually seeking methods to leverage and coordinate activities, but funding remains the key. Programs within EPA, and other federal agencies, need to coordinate in an effort to help understaffed tribal programs with limited resources.</p>	<p>Eight Northern Indian Pueblos Council</p>	<p>This is a focus of the December 2008 OSWER tribal forum, which is intended to kick-off implementation of the OSWER tribal strategy. The agenda is set up to identify actions that directly address this concern.</p>	<p>N</p>	

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Page 14 – First Paragraph –	While it is commendable OSWER has developed ideas on how to receive tribal input there appears to be limited consideration for working with NTEC and NCAI. Engagement of Tribal Leaders in development of the dynamic living document is very important.	Eight Northern Indian Pueblos Council	Agree, We have invited NCAI and tribal leaders to the forum, and have built this consideration into our tribal support grant workplans. Tribal organizations, including NTEC and NCAI, are regularly included in our outreach and communication efforts.	Y	Page 13, add, “tribal leaders” into first sentence under, Establish OSWER Tribal Framework. OSWER intends to establish a tribal framework that will enhance dialogue among tribes, tribal leaders , OSWER managers.....
Page 14 – Fifth Paragraph –	While DITCAs may be an important tool in Indian Country, the lack of use of DITCAs, in the past, by Tribes, may be a result of EPA presenting them as tools for “tribes to assist EPA” rather than an opportunity for Tribes and EPA to partner.	Eight Northern Indian Pueblos Council	Improve sentence	Y	Delete the sentences: DITCAs allow tribes to assist EPA as EPA implements a program in Indian country. They are an important tool for building tribal capacity and for helping EPA to

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					<p>accomplish program implementation.</p> <p>Replace with language below as a second sentence of DITCA bullet: DITCAs allow tribes to engage in programmatic work under federal authority to help EPA implement a program in Indian country. DITCAs may be an effective tool to allow EPA to partner with tribes and provide tribes the opportunity to develop staff capacity and expertise in a program at their own pace, while at the same time helping EPA to meet Strategic Plan goals</p>

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					and measures, and its mission in Indian country.
Page 14 – Last Paragraph –	It may not be enough to “encourage” staff and managers who work with Tribes to attend WETG training, it should be mandatory. Also, the best way to get to know how Tribes get things done is to visit tribal programs on tribal lands. As staff and Managers attend Regional Tribal Operations Committee meetings, these visits should coincide with RTOC meetings in Indian Country. Unfortunately, a trip to the American Indian Museum will do little to raise cultural sensitivity.	Eight Northern Indian Pueblos Council	OSWER will consider making the training mandatory, as stated in an above response. Re-work language to better reflect getting staff and managers out into Indian country.	Y	<p>Page 15, new language: ...WETG training during Native American Heritage Month each November, as well as organize other events to raise cultural awareness. OSWER intends to encourage its managers and staff to plan visits to tribal programs on tribal land in conjunction with travel to regional meetings, where feasible.</p> <p>Delete reference to American Indian Museum.</p>
Page 15 – First Paragraph –	It would benefit the OSWER to work with the Tribal Science Council at they continue to evaluate	Eight Northern Indian	Agree	Y	Last sentence under the risk paragraph on page 15:

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	and define Tribal Risk Assessment. This would be the best benefit, both fiscal and programmatic, to Tribes and to the OSWER Strategy.	Pueblos Council			OSWER also communicates and coordinates risk efforts across EPA (e.g., EPA-Tribal Science Council), and at non-EPA venues.
Page 15 – Third Paragraph –	Will the ways to measure effectiveness be from a tribal viewpoint or an EPA viewpoint? Perhaps it could be both. Often, what EPA perceives as effective outreach, communication, and, especially consultation, is perceived entirely different by Tribes. If the contractor, whose work IPCO intends to build on, does not understand this concept, then the work will have to start anew.	Eight Northern Indian Pueblos Council	Ok, added language to address this comment on page 15, 3rd paragraph	Y	See above comment that also includes this change. Add: ...considering both EPA and tribal perspectives.....
Page 15 - Indicators to Track, first bullet –	Completion of the WETG training is one thing, <u>understanding</u> the training is another concept entirely. What tracks success?	Eight Northern Indian Pueblos Council	This is a topic to pursue outside the finalization of the strategy.	N	
Page 35 – Entire Table –	There are definitely more capacity building activities when tribal environmental outcomes are so	Eight Northern Indian	This can be a future focus of an OSWER Tribal Forum	N	

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	important. The table requires a re-examination in order to better investigate what is capacity building and what isn't.	Pueblos Council	meeting and tribal co-regulator workgroup. In developing this chart, there were many differences of opinion among EPA and tribes on what constitutes “capacity building” and “environmental outcomes”. We establish definitions of environmental outputs and outcomes in the strategy, but EPA does not have a formal definition of capacity building. We are starting at a fundamental level, and intend to work towards more outcome related measures as we gain understanding of		

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			what we can measure and how to get the data.		
Section V, page 11, in reference to the third cross-program measure:	“Ready for Anticipated Use Measure”. We support emphasis on cleanup goals that achieve “reasonably anticipated future land uses” in Indian Country.	Leech Lake Band of Ojibwe		N	
	Continue to seek more formats for engaging tribes considering the different styles of governance among tribes, and interactions with tribes in remote areas. Cross program leveraging for tribal programs is important because there are various people working in many different programs. This creates opportunities for shared input and synergistic actions across programs which can be targeted to more fully address an issue.	Oneida Tribal Practitioner Verbal comments	Yes, this item should be a part of all our communication strategies. We will discuss this more fully at the December 2008 OSWER tribal forum agenda for further discussion and followup.	N	
	Work more closely with tribes in establishing tribal measures as part of a grant. Project Officers can work more closely with tribes up front to determine what information a tribe may have and reflect that in	Oneida Tribal Practitioner Verbal comments	This can be more fully addressed with EPA’s Grants Administration Division and should be shared with the	N	

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	an appropriate measure. Tribal recipients could be encouraged to take training on the “environmental scorecard” approach.		new Tribal Grants Council. OSWER will incorporate these ideas as part of its implementation plan for the strategy.		
	Focus on enforcement capacity. Tribes have different inherent authorities and that has implications for how enforcement is handled among tribes.	Oneida Tribal Practitioner Verbal comments	As discussed in the draft Strategy, OSWER will work closely with OECA and their Tribal Priority, which will be focused more closely on enforcement in Indian country in carrying out this Strategy. We will share this comment with OECA and focus on understanding the different inherent authorities in our joint enforcement-	N	

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			related activities.		
	Stress education of tribal staff. Capacity building should include a “needs and skills assessment” for the tribal position, and improved skills in using software programs to conduct the work.	Oneida Tribal Practitioner Verbal comments	This is an important aspect to include in an implementation plan for the Strategy, and could be built into “toolbox kits” for skills development.	N	
Under OSWER Tribal Program...(Section V): Cross Program Measures	Unclear as to the use of the three cross-program (within OSWER) measures, without baselines these appear to only capture activity not progress.	Tribal Lead EPA Region	Currently, OSWER is working to establish baselines for the cross program measures. These activities are being conducted according to guidance in each program. As we collect the data to support baselines, we will be able to more clearly communicate progress towards cleaning up sites, and report cleaup	N	

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			progress in Indian country.		
	Continued references to improving tribal data and delineating tribal specific data will certainly lead to more accurate representation of the progress in Indian country.	Tribal Lead EPA Region		N	
P. 36	Page 36 – suggest inserting the word “national” in front of “tribal issues” as a charge of the IPPC.	Tribal Lead EPA Region	Ok	Y	Insert the word “national” in front of tribal issues, p. 36
Appendix	The charts showing Potential Funding Sources would be even more useful to understand where funds could come from within OSWER to sustain/implement programs versus building capacity with GAP funds.	Tribal Lead EPA Region	In the components charts at the end of the strategy, we try to show which sources of funding can be used for “implementing” a program. In the case of solid and hazardous waste, GAP funds can be used for implementation activities.	N	
Issue Area: OSW – Solid and Hazardous Waste					
	OSWER and the Regions should	Region 6	OSWER supports the	N	

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	work with tribal partners to assist in inputting data into w/STARS. Currently those tribes that have IHS compacted programs already enter their data directly into IHS databases. EPA has partnered with tribes to develop capacity to inventory open dumps. Tribes also directly submit data into EPA's other environmental data systems (AQS, STORET, WQX, etc). Tribes are also working on innovative ideas through EPA's Exchange Network to share open dump data.	Tribal Office	Indian Health Service (IHS) enabling tribes to enter data into w/STARS.		
	The Region 6 tribal solid waste coordinator will be working with the IHS offices and tribal consortia located in Oklahoma and New Mexico to explore ways to allow the tribal consortia to directly input consortia member open dump data into w/STARS.	Region 6 Tribal Office	OSWER appreciates Region 6's comment.	N	
Under EPA's Strategic Plan... (Section IV):	<ul style="list-style-type: none"> - The number 2 strategic target discusses the establishment of a zero Baseline. It would be more meaningful to start with an accurate inventory of 	Tribal Lead EPA Region	OSWER agrees with the Lead EPA Region's comments and making improvements to	Yes	Change footnote 9 on page 9 to read as follows: EPA has established a zero baseline as of FY

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	<p>open dumps as of a specific year and measure the number of dumps closed, cleaned up, or upgrade relative to that number.</p> <ul style="list-style-type: none"> - Statement in the last paragraph of this Section appears to support the above comment by the mention of “improving data” as a priority in the OSWER Action Plan leading to a better demonstration of progress and results for its tribal program. 		w/STARS. We appreciate the Lead Region’s support to complete this data collection effort.		2006 for counting the number of open dumps in Indian country that have been cleaned up, closed, or upgraded, since this was a new performance measure, starting in FY 2007. Thus, the measure will count progress from FY 2007 onward
Page 9	The two strategic targets, for 2011, outlined on the bottom of the page seem quite modest considering several Tribes have developed, or are developing IWMPs or SWMPs.	Eight Northern Indian Pueblos Council	OSWER appreciates the comment and continued support in assisting EPA with our efforts to meet the Strategic Goals. We are pleased that we have exceeded the past two annual goals.	N	
Section V, B.2, page 16, regarding EPA’s strategic	As part of the strategy to achieve this objective, we support an EPA	Leech Lake	OSWER appreciates the idea but is not	N	

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Plan Goal, Objective 3.1, specifically the words “Reduce adverse effects to land by reducing waste generation...”:	led cross-program, multi-agency pilot project to internalize package and container costs.	Band of Ojibwe	conducting any efforts on this issue at this time.		
Section IV, number 2, page 9 and Section V, B.2, page 17:	Both of these have discussions of cleaning up open dumps. We understand EPA’s definition of open dump to be quite narrow. We suggest consideration of criteria such as the dump proximity to surface and groundwater in defining open dumps. Many small dumps near water may have substantially more hazard potential than a large dump in an arid region.	Leech Lake Band of Ojibwe	OSWER uses the IHS definition of open dumps. IHS’s w/STARS database considers multiple factors when assessing an open dump.	N	
Strengthen federal agency partnerships on solid waste management.	Review and compare Tribal Solid Waste Interagency Workgroup to other interagency work groups, like the drinking water/waste water work group to capture best practices and approaches from each other as well as other established entities similar in nature.	Hualapai Nation	OSWER appreciates the comments and is currently working with other Interagency Workgroups such as the Infrastructure Workgroup.	N	
<u>2. Solid and Hazardous Waste</u> Page 16.	<i>Funding associated with this goal is limited and Tribes must compete to secure the few grant programs</i>	Salt River Pima-Maricopa	OSWER appreciates the comment and is working to improve	N	

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	<i>offered under this program. The need is so great in Indian Country that the funding limits the progress of cleanup efforts. Tribes must have an opportunity to review and verify data collected and stored regarding solid and hazardous waste on tribal lands by federal agencies, including an opportunity to correct any data discrepancies.</i>	Indian Community	assistance to tribes. EPA and other federal Agencies are working with tribes to collect and enter accurate data. Tribes can review and verify their data by contacting their EPA regional office.		
	First paragraph, pg. 17, second bullet: What does “upgrade open dump mean”. A footnote or brief explanation would be helpful.	Salt River Pima-Maricopa Indian Community	OSWER has added a footnote to the document with a definition.	Yes	Upgrade an open dump means: “to meet 40 CFR Part 258 standards.”
<i>“..strengthen federal agency partnerships to take a more holistic approach to waste management.”</i>	<i>Enhance cross agency Federal communication internally at the headquarters and regional levels, and especially at the local level.</i>	Salt River Pima-Maricopa Indian Community	OSWER agrees with the comment and is working to enhance cross-Agency federal communications between headquarters and regional levels.	N	
<i>Work with IHS Division of Sanitation Facilities Construction (DFSC), to</i>	<i>Provide opportunities for Tribes to review database information to confirm accuracy of reporting.</i>	Salt River Pima-Maricopa	Tribes can review and verify their data by contacting their	N	

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<i>update the web Sanitation Tracking and Reporting System (wSTARS), specifically the Operation and Maintenance Data System (OMDS) database.</i>	<i>Increase training to Tribes to understand definition of “open dumps” as tracked in this database.</i>	Indian Community	EPA regional office. OSWER is currently working to develop training to address solid and hazardous waste management in Indian Country.		
<i>Support integrated waste management training.</i>	Training options that EPA intends analyze include partnering with other federal agencies, external tribal associations organizations <i>The training should be tribally relevant and EPA should consider on-line training, as an option, for those unable to attend training or is a hardship to travel.</i>	Salt River Pima-Maricopa Indian Community	OSWER agrees with the comment and is partnering with external tribal organizations to ensure that the training is tribally relevant. OSWER will look into offering on-line training.	N	
Page 16 – Desired Environmental Outcomes -	There may be a bullet added to provide technical assistance for the proper disposal of construction and demolition waste.	Eight Northern Indian Pueblos Council	OSWER agrees with the comment and has added a bullet to the Strategy.	Yes	<ul style="list-style-type: none"> technical assistance for the proper disposal of construction and demolition waste.
Page 17: Bulleted priority areas	Recycling and prevention should be included in the priority areas. These are two key components that will minimize the need for clean up of	Ysleta del Sur Pueblo	OSWER agrees with the comment and believes that the mentioned priority	Yes	<ul style="list-style-type: none"> Promote the development of integrated waste management plans

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	open dumps, in addition to minimizing the space needed for new solid and hazardous waste sites.		areas can be a component of an Integrated Waste Management Plan (IWMP). Change bullet.		(IWMPs).
Page 17: Enhance partnerships to close, clean up, or upgrade open dumps	This is a great idea. It needs to be coordinated in a way that will be useful to tribes. For example, instead of just listing the agencies that deal with closing, cleaning up and upgrading open dumps, a useful tool would be examples of how to utilize these agencies and the funding at different steps in the process to compliment the desired end goal.	Ysleta del Sur Pueblo	OSWER agrees with the comment. OSW is currently working with other federal Agencies to develop a website that will include detailed funding information.	N	
Page 17 – First Paragraph –	For Tribes to improve waste management and disposal practices and achieve sustainable programs, there needs to be adequate follow-up, by EPA, on actions supporting closing, clean-up, or upgrades to open dumps, and sustainable funding for programs.	Eight Northern Indian Pueblos Council	OSWER promotes the concept of sustainability throughout all our programs.	N	
Page 18, second full	The additional cooperation,	Ysleta del	OSWER agrees with	N	

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paragraph	coordination and accountability among federal agencies are great goals and would be very useful to tribes. Please pursue this vigorously.	Sur Pueblo	the comment.		
Page 18 – Fourth Paragraph –	IHS has had several years to work with EPA and Tribes to keep the OMDS database updated. This has not always been an effective tool for Tribes, and, in many cases, the database has proved useless. EPA may want to consider having the database turned over to National and/or Regional Tribal organizations and Intertribal Consortia to collect, update, and track data. It will be more cost-effective.	Eight Northern Indian Pueblos Council	OSWER appreciates the comment, however IHS owns and manages the database.	N	
Page 18 – Fifth Paragraph –	The draft document is not final yet and already OSWER has partnered with IHS, to hire a contractor, to provide integrated waste management training. See comment above.	Eight Northern Indian Pueblos Council	This training is meant to be a complement to the strategy and not dependant upon the strategy	N	
Page 19 – First Paragraph –	While Circuit Riders have proven to be cost effective, have they been effective and useful to Tribes overall?	Eight Northern Indian Pueblos	In general, OSWER believes that the Circuit Rider program is cost	N	

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		Council	effective and useful.		
Page 19: Performance Measures	Including a measure to track the federal partnership that are developed and maintained effectively would be useful. Often, agencies have a partnership on paper that is not effective in reality.	Ysleta del Sur Pueblo	OSWER is committed to maintaining and improving partnerships with other federal Agencies. The impacts of these activities will be reflected in our performance on our existing measures.	N	
Page 21, second and sixth full paragraphs	Excellent. Integration of tribal perspectives in the remediation process, as well as considering tribal cultural impacts in the characterization of risks are much needed. Culture and environment are inseparable concepts for Indian nations.	Ysleta del Sur Pueblo	OSWER agrees with the comment.	N	
Page 18	Integrated Waste Management Plans are key for tribes, but then there is a reduction from 06 to 07 of funds for OSW – seems inconsistent if this is an area of focus.	Tribal Lead EPA Region	OSWER agrees with the comment and appreciates the continued Regional support despite the constrained		

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	Mentioned on page 18 of working with IHS to update the wSTARS/OMDS is very worthwhile and necessary if there is to be an updated inventory of open dumps.		resources.		
Issue Area: CERCLA OSRTI					
Performance Measures: (pg.19) <u>3. Superfund</u>	Using CERCLA authorities, the tribal priorities of EPA’s Superfund Remedial office are: <ul style="list-style-type: none"> to improve data integrity, collection, quality control and quality assurance on Superfund sites in Indian country to provide, within available resources, opportunities to increase involvement of tribes in the Superfund Remedial program 	Salt River Pima-Maricopa Indian Community	We will make change to first bullet. We will not delete the”within available resources” phrase, because that is a big factor in our activities and we want to make sure there are no false expectations.	Y to first bullet, N to second bullet	See strategy
Page 20 – No. 3 Superfund –	Will the Tribal Superfund Group be reconvened?	Eight Northern Indian Pueblos Council	OSWER does not plan to reconvene the Superfund Tribal Working Group in the exact form as in the past. However, there is a new opportunity for tribes	N	

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			<p>interested in, or working on Superfund issues to become involved in Superfund research and discussion. OSWER has awarded the Institute for Tribal Environmental Professionals at Northern Arizona University a new cooperative agreement which includes conducting hazardous substance research, together with tribes, and convening a tribal steering committee on OSWER program topics, which may include Superfund.</p>		
<p>Section V, B.3, page 20, regarding Superfund Remedial office tribal priority bullet point 4:</p>	<p>We support the revision of risk exposure criteria to include tribal specific natural resource uses and cultural activities such as those</p>	<p>Leech Lake Band of Ojibwe</p>	<p>This is an agency-wide issue. We do not believe this comment warrants a</p>	<p>N</p>	

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			<p>specific strategy commitments.</p> <p>Tribes can review non-confidential documents and databases maintained in CERCLIS through our EPA website. OSWER continually seeks to improve public access to information, as appropriate.</p>	N	
Page 21, 4 th , 5 th and 6 th paragraphs:	OSWER should examine, with tribes, the effectiveness of these excellent first steps in enhancing tribal involvement with the superfund remedial process and discuss and implement additional strategies that build upon these initial efforts.	Santa Clara Pueblo	We can add a modified version of this to the strategy: OSWER will discuss with tribes at meetings and with EPA regional staff on regular conference calls (i.e., NPL, tribal forum and cooperative agreement groups), the effectiveness of	Y	See strategy p. 21: OSWER will discuss the effectiveness of these activities in enhancing tribal involvement with the Superfund Remedial process and ways of building upon these initial efforts with tribes at meetings and with EPA Regions on

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			these activities in enhancing tribal involvement with the superfund remedial process and ways of building upon these initial efforts.		regular NPL, tribal forum and cooperative agreement calls.
Section V, B.3, page 21:	We commend EPA for their production of the document “Consulting with Indian Tribal Governments at Superfund Sites”	Leech Lake Band	Thank you	N	
Activities to Implement these Strategies: <i>Continue to share information among regions about ways to improve the effectiveness of EPA’s tribal efforts. (pg.22)</i>	Paragraph 4 (pg.21): This is a concise paragraph clearly stated strategies. <i>An annual summary report available to Tribes to evaluate success or provide input would assist EPA in information sharing.</i>	Salt River Pima-Maricopa Indian Community	We don’t have the resources to commit to a Tribal/Superfund-specific annual summary report, but we will provide information to OSWER accomplishment reports and similar efforts in EPA’s overall tribal program that are shared with	N	

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			tribes and the public. We will also share information in our calls with regions and welcome discussions with tribes at joint meetings.		
Page 22, 1 st paragraph:	The Tribal Superfund Workgroup should be reestablished and convened at the minimum twice a year. This would give the Superfund Tribal Forum a better understanding of Superfund issues in Indian Country. Participation into the forum by tribal led group would provide the direct information needed to gain a realistic picture of Superfund issues. The Tribal Superfund Workgroup would also be able to provide input into all the strategies proposed by OSWER to enhance the tribal role in Superfund. In addition to this role of helping OSWER, Tribal Superfund Workgroup meetings also serve as mentoring sessions to tribes new to the Superfund process. This was evident	Santa Clara Pueblo	Similar to the response above regarding the Tribal Superfund Working Group. OSWER believes that tribal participation in Superfund issues as part of the ITEP effort is essential, and OSWER will share the concept of, and results from the Superfund Tribal Workgroup with ITEP. OSWER will participate in the activities planned under this effort.	N	

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	in past meetings as the tribal interaction was able to increase tribal capacity in Superfund exponentially.				
	<p>Indicators to Track:</p> <ul style="list-style-type: none"> • Documentation of the incorporation of tribal lifeways HRS guidance • Documentation of consultation with tribal governments (method used and number of tribes consulted) 	Salt River Pima-Maricopa Indian Community	We will consider these suggestions as work progresses in this area. We intend to identify and discuss these activities at conferences and in calls with regions. It may be difficult to track every form of consultation nationally from each region, given resources, but we encourage tribes to contact either regions or HQ if they believe consultation efforts are not being pursued or adequately addressed.	N	
General Comment	Many American Indian nations have	Ysleta del	This is an important	N	

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	ties to lands that they no longer own. EPA should be aware of this when addressing Superfund sites and soliciting input on these properties. These nations have an interest and a cultural tie to the land and should be included as such.	Sur Pueblo	issue and we will convey this to regional Superfund staff on our tribal forum calls.		
Issue Area: Brownfields					
<p>4. Brownfields Page 24 <i>Continue to provide funding to tribes through section 128(a) grants for tribal response programs and 104(K) competitive grants for assessment, revolving loan fund, cleanup, and job training, and research, training and technical assistance, subject to the availability of funds. Continue regional Targeted Brownfields Assessment of sites identified by tribes, upon request by Tribes, as resources allows.</i></p>	<p><i>Increase direct outreach to Tribes on the Brownfields program opportunities.</i></p>	Salt River Pima-Maricopa Indian Community	This comment is already supported through several activities listed in the Strategy. These activities-- including the two assistance agreements to provide training and technical assistance to tribes, and the activities to provide Regional direct assistance and tribal brownfields workshops-- develop and improve support for tribal	N	

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			participation, and include the provision of direct assistance to tribes.		
<i>Provide funding and technical assistance over a three-year project period to support the development of a train-the-trainer- program for tribal response programs.</i>	<i>This should be nationwide and be accessible to all interested Tribes. Information about the status of this project should be made available to tribes at least once annually. Tribes should have the opportunity to evaluate the success of the project and have an avenue to report concerns to EPA during the three-year period.</i>	Salt River Pima-Maricopa Indian Community	The grantee is currently working with several tribes who are previous 128a funding recipients in order to develop a product that will be suitable and available to all interested tribes.	N	
<i>Improve support for tribal participation and achievement in Brownfields.</i>	<i>EPA Regional tribal conferences, National Tribal Environmental Council Annual Conference, NCAI, and direct tribal visits.</i>	Salt River Pima-Maricopa Indian Community	Yes – we will consider these venues as we continue our outreach efforts.	N	
Last paragraph on pg. 24	<i>Include a footnote that explains AAI rule.</i>	Salt River Pima-Maricopa Indian Community	Have added a web link for more information regarding AAI	Y	(Information on AAI is available at http://www.epa.gov/brownfields/regneg.htm .)
	Page 25, Second line from the top:	Salt River	This proposes to	N	

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	insert at end of sentence- as may be applicable.: opportunities to support tribes in implementing this rule, <u>as may be applicable.</u>	Pima-Maricopa Indian Community	support tribes who are implementing the rule.		
Section V, B.4, regarding building tribal capacity through Brownfields grants:	Building tribal capacity works but may not be swift. EPA's strategies to achieve capacity building objectives must consider this.	Leech Lake Band of Ojibwe	Agree, the long-term challenges of building tribal capacity will continue to be considered.	N	
Regarding All Appropriate Inquiries (AAI):	Encourage EPA-sponsored training to include consideration for BIA elements of AAI. Currently there are two different trainings for two different standards. It would also be helpful to consider regulatory compliance more broadly so that tribes can better understand the other liabilities outside CERCLA.	Oneida Tribal Practitioner Verbal comments	EPA offers AAI training tailored to tribes. It was developed in conjunction with BIA.	N	
Page 24	Good to see action to continue the Brownfields State and Tribal Measures workgroup. Continue to make allowances for tribal voices; tribes are sometimes hesitant to speak up.	Oneida Tribal Practitioner Verbal comments	We very much appreciate the feedback.	N	
Indicators:	<i>Indicate number of Tribes applying for each grant and how many were</i>	Salt River Pima-	This can be considered for	N	

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	<i>awarded/actually funded.</i>	Maricopa Indian Community	competitive brownfields grants as a potential indicator as part of the Phase III Measures workgroup effort. All requests for 128a funding by eligible applicants are considered; total funding is allocated as per the State and Tribal Response Program Guidance.		
Page 24, third full paragraph: Improve support for tribal participation and achievement in Brownfields	The tribe I work for has a Brownfields Assessment (Hazardous) grant. We have not received much support that is focused on tribal participation and needs. Obviously, we do not have the same resources as city and states, but we are lumped together at the regional partner’s forum and many of the conferences. Enhancing the support for tribes in the Brownfields program is a necessary step in order for tribes to be successful throughout	Ysleta del Sur Pueblo	We will continue to strive to improve support for tribes. A Project Officer is assigned to each grant; he or she will be able to work with you to obtain the support you are seeking.		

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	the Brownfields process (from assessment to redevelopment).				
	OBLR appears to have the most funds available. Is this funding available to implement programs after a tribe has established capacity? How does it work for a state?	Tribal Lead EPA Region	128(a) funds are available to eligible States and Tribes for the establishment and enhancement of their response programs.	N	
	Would be great to have a web site for the AAI rule.	Tribal Lead EPA Region	Please see http://www.epa.gov/brownfields/regneg.htm	N	
Issue Area: Underground Storage tanks.					
<p><u>5. Underground Storage Tanks (USTs)</u> <i>Land and water are protected from underground storage tank releases in Indian country.</i> First paragraph (pg. 26) Tribes also play a significant role in helping to prevent and clean up UST releases.</p>	<p><i>How have tribes assisted in prevention of UST releases? Provide a couple of successful examples.</i></p>	Salt River Pima-Maricopa Indian Community	The intent of the OSWER tribal strategy is to identify key forward looking strategies and activities rather than provide reflective case studies and success stories. As such there are other documents and forums where success stories are	N	

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			<p>highlighted. Currently, there are several examples of how tribes have assisted in the prevention of UST releases in the August 2007 Report to Congress on the UST program in Indian country. Tribal success stories are also periodically shared at the National Tanks Conference, the annual tribal/EPA UST meeting, and other meeting and information sharing forums.</p>		
<p><i>Continue LUST cleanup in Indian Country.</i></p>	<p><i>Increase funding to Tribes and also technical guidance and training as requested.</i></p>	<p>Salt River Pima-Maricopa Indian Community</p>	<p>LUST funding for cleanup work in Indian country is based on yearly Congressional appropriations so we cannot forecast any</p>	<p>Y</p>	<p>The activity description on page 27 of the strategy was modified to reflect both the anticipated funding and technical support.</p>

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			potential funding increases. However we do anticipate continuing to allocate available funding for LUST cleanup and UST leak prevention activities in Indian country. The strategy though could indicate more clearly that we anticipate providing both funding and technical assistance.		
<p><i>Continue to provide assistance to tribes and UST owners and operators regarding release detection and prevention requirements.</i></p>	<p><i>What type of technical assistance was provided for 2008 and what is being planned for the upcoming fiscal year? Due to limited EPA funding this assistance is often not readily available because of time constraints and accessibility of Tribal lands.</i></p>	<p>Salt River Pima-Maricopa Indian Community</p>	<p>Technical assistance in 2008 was provided by EPA regional staff and tribal grantees such as ITCA, ITEC, and ENIPC. The forms of technical assistance varies based on needs and capabilities and the list of upcoming activities is too detailed for the</p>	<p>N</p>	

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			OSWER tribal strategy. As such, OUST will look into producing a separate document that provides this information.		
Continue to allocate part of EPA’s LUST trust fund appropriate.....	<i>EPA should consider and take into account the traditional and cultural value of tribal lands for priority cleanup.</i>	Salt River Pima-Maricopa Indian Community	There are multiple factors that EPA takes into account when setting the priority of LUST cleanups in Indian country including threats to human health and the environment. We will add a notation about recognizing the traditional and cultural value of tribal lands as well.	Y	An additional sentence highlighting this consideration was added on page 27.
	Find ways to better communicate tribal opportunities with UST funding.	Oneida Tribal Practitioner – verbal comments	Tribal funding opportunities are currently communicated to tribes through yearly	N	

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			needs assessments conducted by the regions, the OUST tribal website, the National Tanks Conference, the annual tribal/EPA UST meeting, and other meeting forums. There could be more creative and effective ways though to communicate UST activity and funding opportunities for tribes. OUST will look into producing an additional document that communicates this information in a new way.		
Page 27 – Fifth Paragraph –	A 3% allocation of EPA’s trust fund for LUST clean-up is not adequate considering the number of abandoned LUSTs on Tribal Lands and the fact Tribes, generally, do not	Eight Northern Indian Pueblos Council	Currently, about 4% (\$2.5 million) of the annual LUST Trust fund appropriation is used for Indian	N	

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	have access to state LUST trust funds.		country sites and less than 1% of tanks and releases are in Indian country. Funding has increased from about \$500,000 in the mid-1990's to approximately \$2.5 million in recent years. LUST funding for cleanup work in Indian country is based on yearly Congressional appropriations, so we cannot forecast potential funding increases. However, we will continue to allocate as much funding as possible as provided in the Congressional appropriations for LUST cleanup work in Indian country.		
Page 35 – Goal/Objective 3.1	This is not really a Tribal Capacity	Eight	We agree that the	Y	The check box was

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–	building indicator/activity since Tribes will be inspecting on behalf of the federal government. It may be considered, however, a tribal environmental outcome.	Northern Indian Pueblos Council	more appropriate indicator category is “Tribal Environmental Outcome Activity”.		changed on page 36 and the language was changed slightly to make it clear that these are federal credentials to conduct federal inspections.
Page 28 – Goal 3.2.2 –	Shouldn’t the goal be to increase the number of LUST clean-ups in Indian Country to reduce sites which exceed risk based standards? Also, the number of clean-ups is actually the same (30 clean-ups per year) for years 2007 – 2011. Isn’t then the goal to reduce the number of LUST sites in Indian Country which exceed risk-based standards?	Eight Northern Indian Pueblos Council	The measure in the original draft strategy was miswritten. Similar to the annual budget performance plans, the goal should read, “The number of LUST cleanups in Indian country that meet risk based standards...”	Y	The language was changed in the performance measure section on page 29.
Performance Measures: (pg. 28)	Other indicators to track: <ul style="list-style-type: none"> • Total number of inspections completed by tribal staff • List of training opportunities and certification process <i>Tribal review of the training and certification should be sought out.</i>	Salt River Pima-Maricopa Indian Community	Currently it is difficult to accurately measure the number of inspections completed by tribal staff as there is not a reporting mechanism in place to capture this information.	N	

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			<p>OUST will look into the possibility of collecting this information in the future.</p> <p>A list of training opportunities and certification process is more of an output than an indicator. As mentioned previously, OUST will look into producing a separate document that provides this information.</p> <p>We anticipate that there will likely be a tribal review/input component as part of the new tribal training and compliance assistance grant that</p>		

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			is currently being competed by OUST, and is anticipated to be in place in 2009.		
P. 27	Page 27, would be interesting to know where the 2600 USTs are by region.	Tribal Lead EPA Region	The list of 2600 USTs by region and tribe can be found in the 2007 Report to Congress on the UST Program in Indian Country (which can be found at http://www.epa.gov/oust/fedlaws/final_trtc.htm). This list is updated annually and provided at the annual tribal/EPA UST meeting.	N	
P. 27	Also on page 27, reference to continuing to allocate part of EPA's LUST trust funds for Indian country. The recent difficulty experienced by Region 4 regarding competition of funds for Solid Waste work points to the need for clarification from OSW to ensure these funds are secured for	Tribal Lead EPA Region	OUST continues to ensure that LUST trust funds allocated for Indian country are used for their intended purpose.	N	

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	their intended purpose.				
P. 28	Page 28 show chart with percentage of UST facilities in Ic as 67% in 07. Didn't the recent report to Congress show the SOC in Ic at less than 50% and the rest of the country at 60+%?	Tribal Lead EPA Region	The chart on page 28 shows the SOC goal for the program, not the actual reported results. The goal though has recently changed slightly since the original draft. For FY 2009, OMB and EPA agreed to revise the target for significant operational compliance to 65% for FY09 and a 0.5 percent increase each year thereafter.	Y	Page 28 has been modified to reflect the new SOC goal approved by OMB.
Issue Area: OEM					
<u>6. Emergency Management</u>	<i>EPA's role in emergency management is very little and more in an advisory training support capacity. EPA's role has been refined further by changes in FEMA and Homeland Security. Although Strategies 6 & 7 are long standing objectives improvements can be</i>	Salt River Pima-Maricopa Indian Community	The Emergency Planning and Community Right-to-Know Act (EPCRA) was created to help communities plan for emergencies involving hazardous substances. EPCRA has four major	Y	Added footnote on page 28, and expanded discussion of EPCRA in Appendix C of the Strategy.

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	<p><i>made in communication methods with all Tribes on these activities. In addition to communicating with Tribal emergency services departments (police and fire), EPA must communicate with Tribal leaders and tribal environmental professionals as well. In the first paragraph, there is mention of EPCRA provisions; it might be useful to add a footnote at the bottom the page with brief description of EPCRA as it was last mentioned on pg. 3 of the draft document</i></p>		<p>provisions: one deals with emergency planning and three with chemical reporting. EPCRA establishes requirements for Federal, state and local governments, Indian Tribes, and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.</p>		

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Page 29 – <i>Increase tribal awareness of emergency planning and prevention.</i> -	The activities to achieve this strategy aren't exactly clear on how this will be done.	Eight Northern Indian Pueblos Council	Agree. Provide additional examples.	Y	Page 28, last bullet added.
Page 30. <i>Collect additional data on emergency management activities in Indian Country.</i>	<i>How will tracking efforts be achieved? Will Tribes be able to access data to verify information? Will there be mechanisms for changing information?</i>	Salt River Pima-Maricopa Indian Community	As OSWER begins to implement the tribal strategy, we intend to compile information on EPA tribal activity including training and inspections. We can post this information on our website, and will accept tribal comments on the information to improve quality control.	N	
Page 30 – First Paragraph –	It is unclear how Tribes can increase Capacity to develop oil spill prevention and awareness if there are not AST or other programs, or funds, to provide technical assistance or long term sustainability.	Eight Northern Indian Pueblos Council	SPCC is an EPA program. EPA can not fund tribes to start their own programs; however EPA will not discourage tribes from establishing their own programs. Tribes are invited to participate in SPCC training to assist them in developing	N	

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			their own plans or for doing inspections.		
Page 30 – Second Paragraph –	The collection of data on emergency management activities in Indian Country does not assure if, or make clear how, Tribes can develop Emergency Management Programs.	Eight Northern Indian Pueblos Council	It is the responsibility of the tribes to contact regional EPA OEM staff to seek assistance on developing EPCRA activities. EPA can provide information on how to develop Emergency Management programs. Tribes are invited to attend RRT/AP meetings.	N	
P. 30	Page 30, first paragraph, last sentence – should the sentence read, “...Area and Sub-area Contingency Planning Committees...”?	Tribal Lead EPA Region	Agree	Y	See Strategy
P. 31	Page 31, in may be beneficial to check with IHS regarding emergency response, they do quite a bit for the tribes and it may not be limited to natural disasters.	Tribal Lead EPA Region	OEM will encourage IHS to participate.	N	
<i>Establish regular communication among EPA staff and tribes.</i>	<i>EPA should provide periodic updates to Tribal leaders and tribal Communities</i>	Salt River Pima-Maricopa Indian	OEM will make additional efforts to post updates on the OSWER web pages,	N	

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		Community	and at tribal venues throughout the year.		
<i>Increase tribal participation in training.</i>		Salt River Pima-Maricopa Indian Community	OEM is already taking specific actions to increase tribal participation in training, and will continue to make this a priority.	Y	Bullet on page 29, increase tribal participation in training.
Page 31. <i>Strengthen relations with FEMA, DHS and DOT.</i>	<i>EPA should enhance its ability to communicate with Tribes by improving coordination with other federal agencies that work with Tribes on emergency management. This should be completed the national, regional and local levels. EPA might consider training nontribal agencies regarding tribal government and protocols when dealing with Tribes during emergency management situations.</i>	Salt River Pima-Maricopa Indian Community	OEM will utilize meetings of the National Response Team to explore coordination among agencies on tribal issues. OEM can encourage nontribal agencies to take the “Working Effectively with Tribal Governments” training that is now available to the entire federal government at www.tribalgov.gov/learnportal.org .	Y	Last bullet, page 30.
	Indicators to track:	Salt River	OEM will consider	Y	We can only commit

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	<ul style="list-style-type: none"> • Number of tribal emergency response plans completed • Number of tribal trainings held 	Pima-Maricopa Indian Community	working with tribes and the regions to obtain these numbers and possibly report on them in future updates to the Strategy.		to tracking EPA-led training. Page 30, last bullet: Number of EPA-led trainings offered and the number of tribal staff trained for emergency management-related purposes.
Page 31 – First Paragraph –	EPA can also enhance coordination through the use of State, County, and local government systems and programs which the federal government may not provide.	Eight Northern Indian Pueblos Council	Yes, especially as part of Regional Response Teams and AP meetings.	N	
	Stress “outside of EPA” focus for addressing emergency response issues. EPA’s message is getting out through NIMS training; emphasize funding opportunities under Department of Homeland Security and Federal Emergency Management Agency.	Oneida Tribal Practitioner Verbal Comments	Agree.	N	
Page 29: Strategies to Achieve these Outcomes	Cooperation with the Department of Homeland Security is most likely necessary. The Ysleta del Sur	Ysleta del Sur Pueblo	OEM will open a line of communication with DHS. See last	N	

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	Pueblo’s Emergency Management Department is funded solely by DHS. DHS likely has quite a few of the statistics EPA is interested in generating. Coordination between the federal agencies is essential to the Emergency Management OSWER program.		bullet on page 30 in the Strategy.		
7. Federal Facilities Restoration and Reuse					
	Indicators to track: <ul style="list-style-type: none"> • Percent of tribal involvement in advisory boards and ,community groups and munitions workgroups and other response efforts • Documentation of improved data for BRAC and Superfund facilities 	Salt River Pima-Maricopa Indian Community	These indicators would be difficult to track nationally, as expanded.	N	
Page 33. <i>Improve data quality of BRAC and Superfund federal facilities in Indian Country.</i>	<i>Provide training or information dissemination to Tribes on how they can access this information. If any tribal data is on the database, Tribes should have an opportunity to verify</i>	Salt River Pima-Maricopa Indian Community	FFRRO can address this topic when meeting with tribes. Clarify that this information is	Y	Expanded bullet on page 32.

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	<i>the information.</i>	y	available for viewing in CERCLIS.		