



CWA SECTION 106 TRIBAL GUIDANCE REVISION PROJECT STATUS #2 CONSULTATION OPPORTUNITY

EPA Office of Water

January 2021

Background

The *Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act* Section 106 Tribal Guidance has been in use since Fiscal Year 2007 as the primary Guidance for tribal Section 106 grant recipients and internal and external grant project officers.

EPA's internal work group has been developing recommendations for the revision of the Guidance. The revision is necessary to update links and out-of-date information, reflect advances in the program over the last 15 years, and continue to effectively support tribes as they develop, maintain, and expand their water quality programs and increase staff capacity.

What is happening?

EPA is initiating the consultation and coordination opportunity with federally recognized Indian tribes to inform the revision of the Section 106 Tribal Guidance. The consultation and coordination opportunity will include two comment periods and will remain open for the duration of this effort.

The **first comment period** invites tribal comments on the work group recommendations, which can be found in the Consultation Letter and Supplement on [EPA's TCOTS](#) and are briefly summarized below.

- Establish foundational activities and options for tribes to grow their programs
- Update the structure to reflect how tribes implement their programs
- Retain and add information on other EPA programs and topics
- Increase flexibility for meeting reporting requirements

This first comment period will remain open from January 13, 2021 - March 15, 2021. In addition to the work group recommendations, the revision will include an overall update to the grant, programmatic, scientific, and technical content. Tribes may submit comments on any aspect of the current Guidance that they believe EPA should consider during the revision.

A **second comment period** will be held to solicit comments on the draft revised Guidance sometime in mid to late 2021 as part of the open consultation and coordination opportunity.

Informational Webinars

EPA will host an informational webinar on February 2, 2021, and again on February 11, 2021, to walk through the work group's recommendations, explain how tribes can provide comment on the Guidance and request government-to-government consultation, and answer questions. The webinar will be offered at two different times and will cover the same material.

- Register for the February 2 2:00-3:00 PM EDT) Webinar at: <https://attendee.gotowebinar.com/register/7089753642674520332>
- Register for the February 11 2:00-3:00 PM EDT) Webinar at: <https://attendee.gotowebinar.com/register/7236517554261788684>

How to Comment

Mail comments on the Guidance and work group recommendations in the **first comment period** to EPA at the address below.

CWA Section 106 Tribal Program
U.S. EPA
1200 Pennsylvania Ave, NW MC 4201M
Washington, DC 20460

Comments can also be submitted online using this [link](#).

Contact Information

For questions, please contact Jennifer Wintersteen, EPA's official representative for this consultation and coordination opportunity.

Wintersteen.Jennifer@epa.gov
406 457-5006

For More Information

Tribes may access consultation information on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) located at <https://tcots.epa.gov>.

Goals for the Tribal Guidance Revision

- Develop clear, comprehensive, updated, and succinct language that is relevant and applicable to tribes
- Describe the Section 106 program and provide context around the CWA generally
- Describe the benefits of water quality program development and implementation
- Provide practical guidance in program implementation
- Provide consistent messaging on national program requirements to help tribes more effectively negotiate workplans with EPA