

Q&A from the Tribal Consultation Informational Webinar for the CWA Section 106 Tribal Guidance Revision

This document provides answers to the questions received during the *Tribal Consultation Informational Webinar for the CWA Section 106 Tribal Guidance Revision* that took place on February 2 and February 11, 2021. The questions are organized by Topic Area (from the Supplement to the Consultation Opportunity Letter). Miscellaneous questions are included at the end of the document. EPA welcomes feedback on these topics as well as any other feedback related to the Guidance revision, through March 15, 2021.

As a reminder, below are the three ways tribes can provide comment.

1. Email [Jennifer Wintersteen](mailto:wintersteen.jennifer@epa.gov) (wintersteen.jennifer@epa.gov)
2. Mail to the following address:
CWA Section 106 Tribal Program
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW (MC 4201M)
Washington, DC 20460
3. [Submit comments online](#)

Update the Content

How will the revised Guidance affect tribes who are applying for CWA Section 106 TAS?

The revised Guidance will not affect CWA Section 106 eligibility. If a tribe applies for CWA Section 106 TAS and meets the criteria found at CWA Section 518(e), the tribe is eligible for CWA Section 106 funds.

Will the revised Guidance discuss how tribes can expand the geographic scope of their CWA Section 106 TAS?

If requested, EPA could consider adding more information about how tribes amend their CWA Section 106 TAS to include new trust lands.

Will the revised Guidance include more information about QAPPs?

EPA intends to include more information about QAPPs and QA in the revised Guidance to clarify national requirements for QAPP development. Another EPA Work Group is currently working to develop nationally consistent information on QAPPs. This information will be included in the revised Guidance.

Will the Guidance support tribes in comparing data across Indian Country?

If requested, EPA could consider adding standard data collection methods for tribes to voluntarily follow to help make data more comparable across tribal programs.

Will the revised Guidance include more information about ATTAINS?

The revised Guidance will include more information about assessment methodologies and the ATTAINS pilot in addendums. This information will be in addendums so it can be updated more frequently than the overall Guidance, if needed.

Topic Area 1: Structural Change to Establish Foundational Activities and Options to Grow Programs

How might the revised Guidance's foundational activities recognize differences in reservation size, stream miles, and water conditions across tribal programs?

EPA plans for the foundational activities to include activities that are common across all tribal programs, regardless of those differences.

Topic Area 3: Retain and Add More Information on Other EPA Programs and Topics

In the revised Guidance, EPA plans to include more information about how other EPA programs can work with CWA Section 106 funds to achieve tribal goals. Will EPA include consistent information in other EPA grant programs guidance?

EPA grant program guidances are each updated on different schedules. EPA intends to include background information on each of the funding programs and information about leveraging EPA grant program funds to support tribal goals in the revised CWA Section 106 Guidance. The revised CWA Section 106 Guidance will provide links to other EPA grant program websites to ensure tribes have access to the most up to date information.

Will the revised Guidance include information on PPGs and work plan templates?

The revised Guidance will include information about PPGs, specifically about how the CWA Section 106 program fits into PPGs. The revised Guidance will include links to more information about the PPG program. Work plan templates are not a CWA Section 106 requirement and will not be discussed in the revised Guidance. However, they may be a regional or PPG requirement.

Topic Area 4: Increase Tribal Flexibility in Meeting Reporting Requirements

Does the requirement to upload data to WQX create issues for tribal programs that want their data to remain private?

If a tribal program uses CWA Section 106 funding to collect a water sample, they are required to report the data to EPA. If a tribe has data on tribal waters that, for ceremonial or other purposes, they want to remain private, the tribe should not collect water samples in those areas using CWA Section 106 or matching funding.

Are tribes still required to be set up as a NODE or NODE CLIENT to submit data?

No. The process has become more straightforward. EPA now has WQX Web for tribes to submit electronic monitoring data directly. You can find more information at <https://www.epa.gov/waterdata/water-quality-data-wqx>. If you have further questions, please email wqx@epa.gov.

Why did EPA change data reporting from STORET to WQX?

WQX is an upgrade from STORET, which is no longer used. WQX is easier to upload data and is more efficient. WQX links to other databases, including USGS, and provides access to other data in your watershed.

Miscellaneous

Will the Regional Tribal Operations Committees (RTOCs) be approached for comment?

EPA recognizes that the Tribal Operations Committees are important partners and we have been providing updates on the Guidance revision to the NTOC. In addition, the revision effort has been a topic on many of the quarterly RTOC meetings. All 10 EPA Regions are represented on the Section 106 EPA Tribal Guidance Revision Work Group and work group members are keeping their RTOCs informed. EPA will develop a “response to comments” document to explain how all comments are being addressed.

Will the revised Guidance advocate for additional funding needs and increase funding for the CWA Section 106 program?

The purpose of the Guidance revision is to provide the most up-to-date programmatic and technical content to support tribal program goals. EPA will continue to support tribal programs through the CWA Section 106 Program.

Additional Questions Unrelated to the Guidance Revision

How are the newly incorporated trust lands handled by the formula?

EPA uses Census data to update the formula for the regional allocation of CWA Section 106 funds. All reservation and trust lands area, population and surface water areas are scheduled to be updated in 2022.

Given the incoming weather and COVID-19, is March 5, 2021 still the final date for FY2021 CWA Section 106 submissions?

That is a region-specific question. Each EPA Region has a different schedule for work plan requirements. You can reach out to your tribal officer to ask about flexibility.