

Data Quality Record for Long-Term Performance Goals

Long-Term Performance Goal Text: By September 30, 2026, consider Tribal treaty rights as part of all EPA Tribal consultations that may affect Tribal treaty rights.

Corresponding Annual Performance Goal: Percentage of EPA Tribal consultations that may affect Tribal treaty rights that consider those rights as part of the consultation.

Goal Number/Objective: Cross Agency Strategy 4

NPM Lead: Office of International and Tribal Affairs (OITA)

1a. Purpose of Long-Term Performance Goal:

This long-term performance goal (LTPG) tracks the appropriate use of the EPA Tribal Consultation addendum tribal treaty rights guidance provisions. These provisions should be used for consultations in which tribal treaty right interests may be affected. EPA recognizes the importance of respecting tribal treaty rights when conducting EPA activities. [The EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights](#) (2016) establishes clear agency standards for conducting tribal consultations when an EPA action or decision may affect tribal treaty right interests.

1b. Performance Measure Term Definitions:

Tribal Consultation: Interaction between EPA and federally recognized tribal governments where an EPA decisions or action may affect tribal interests. Criteria for triggering tribal consultation by EPA is found in [The EPA Policy on Consultation and Coordination with Indian Tribes](#) (2011). This Policy describes how EPA is to consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect tribal interests.

Tribal Treaty Rights Guidance: [The EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights](#) is an agency-wide guidance adopted in 2016 as an addition to [The EPA Policy on Consultation and Coordination with Indian Tribes](#) (2011) specifically to be used when tribal treaty rights are part of the tribal consultation interaction.

1c. Unit of Measure:

The percentage of tribal consultations.

2a. Data Source:

The Agency's web-based Tribal Consultation Opportunities Tracking System (TCOTS) is a publicly accessible database used to communicate upcoming and current EPA consultation opportunities to tribal governments. All National Program Offices and Regions supply additional information about the consultation when making a public posting after the consultation concludes. This additional information is internal, and accessible to OITA for data pulls for this LTPG. TCOTS can document EPA consultations that use the treaty rights guidance.

2b. Data needed for interpretation of (calculated) Performance Result:

This is a performance measure of first impression. No baseline has been established for measurement of consultations using the treaty right guidance, nor for measurement of EPA's use of the guidance. TCOTS will be modified to allow tracking this long-term performance goal and have an established baseline by the end of FY 2022.

3. Calculation Methodology:

EPA tribal consultations are noticed and registered in TCOTS. TCOTS will be adjusted to allow the EPA national program office or region leading the tribal consultation to indicate that tribal treaty rights may be at issue in the consultation and to indicate in TCOTS that *The EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights* was used to guide the consultation.

4. Quality Assurance/Quality Controls:

TCOTS provides a management, oversight, and reporting structure that helps ensure accountability, transparency, and quality control. It was developed and is maintained in accordance with all required EPA quality assurance controls in place.

5. Data Limitations/Qualifications:

This long-term performance goal quantifies the number of tribal consultations using the treaty rights guidance. It is not an evaluation of the need to use the guidance for any particular consultation, nor a measure of consultations that should be using the guidance.

6. Technical Contact:

Measure: Jeff Besougloff (OITA), 202 564-0292

EPA Consultation Activities and TCOTS: Andy Byrne (OITA), 202 564-3836

7. Certification Statement/Signature:

I certify the information in this DQR is complete and accurate.

DAA Signature Original signed by Rafael DeLeon **Date** 5/13/2022