

**Tribal Grantee Clean Water Act §319 Equity Listening Sessions**  
**DRAFT Combined Commentary and Notes**  
**January - February 2022**

In fiscal year (FY) 2022 EPA's national Nonpoint Source (NPS) program is engaging State, Territory and Tribal §319 grantees<sup>1</sup>, as well as the broader NPS community, to identify and discuss opportunities to advance equity and environmental justice in the program.<sup>2</sup> This national program dialogue provides an opportunity to have a broad discussion about the challenges facing Tribes and Indigenous communities, how these challenges impact tribal NPS programs working within these communities, and how EPA can help address these challenges through action in the CWA §319 program.

EPA hosted eight listening sessions with §319 grantees from January 25 – Feb 16<sup>th</sup>, 2022, including four sessions with all grantees (States, Tribes, and Territories) and four sessions with Tribal grantees. Tribal listening sessions were held with grantees in EPA Regions 5, 6 and 7 (January 26), Regions 8 and 10 (February 3), Region 9 (February 8), and Regions 1, 2 and 4 (February 10). There was a total of 94 participants in these sessions, including 55 Tribal grantees and 32 EPA Regional staff.

The purpose of the Tribal §319 grantee listening sessions was to:

1. Provide Tribal §319 grantees with an opportunity to share their experiences, including successes and challenges, building, and sustaining Tribal NPS program capacity, and
2. Help EPA identify specific actions the national NPS program could consider to better support Tribal §319 grantees.

Participants were invited to provide responses to five discussion questions via a virtual whiteboard that allows participants to provide comments anonymously via 'sticky notes' and/or via the Zoom meeting room chat. Participants were also invited to unmute their microphone/telephone during the session to share perspectives. This document provides a summary of discussion themes and perspectives shared during the four Tribal §319 grantee listening sessions.

The Tribal §319 grantee perspectives and requests to EPA shared during these listening sessions will inform EPA/Grantee work group efforts in spring 2022 to prepare options and recommendations to EPA on specific actions the national NPS program can take to better support Tribal §319 grantees.

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<sup>1</sup> For the purposes of this document, Tribe is used as a collective term encompassing federally recognized tribes, nations, pueblos, and other entities currently eligible under CWA §319.

<sup>2</sup> See EPA's NPS program policy memorandum, [Near-term Actions to Support Environmental Justice in the Nonpoint Source Program](#) (issued September 2021) for more information.

**Discussion Question #1: What are the main challenges you face in working to manage NPS pollution? What NPS projects are you unable to pursue with the resources and capacity currently available? What change(s) would you recommend EPA's §319 program make to better support Tribes?**

**Challenge #1: Inadequate base §319 funding to support tribal NPS programs**

The most common and greatest challenge cited by Tribes in all four listening sessions was that current §319 funding levels are inadequate to support Tribes' efforts to build and sustain their NPS programs. Specifically, Tribes emphasized the following during these discussions:

Staffing Challenges

- After accounting for indirect and other costs, base grants (currently \$30K or \$50K/year, depending on tribal land area) support a portion of a tribal staff position, in some cases as little as 0.3 full time equivalent (FTE). As a result, tribal staff must balance a range of tasks across multiple programs, which limits the time available to plan and implement NPS work.
- In addition to NPS work, Tribes indicated during the listening sessions that they are also responsible for supporting one or more of the following programs within their tribal government: CWA 104(b)(3) (wetlands), CWA 106, Air Quality, Pesticides, Wildfire Management, Climate Change Planning, Infrastructure, Zoning, Wildlife/Fisheries Management, Safe Drinking Water Act programs, CERCLA, Brownfields, TSCA, Shoreline Restoration, FERC licensing, NPDES permitting, Stormwater Management, and COVID-19 response.
- Several Tribes noted that base grant funding levels have not increased since they were established in 1997, despite increases to cost-of-living over that time period.
- Increased base grants would allow Tribes to dedicate additional staff hours, and depending on the funding increase potentially hire a full-time staff person, to lead NPS program work (see also Question 2 below).
- One participant noted that his Tribe has historically hired consultants to do NPS work (e.g., to develop or update the tribal NPS management plan), but would prefer to hire tribal staff do this work to build in-house program capacity.

Lack of funding for NPS projects

- After supporting tribal staff, most Tribes do not have base grant funding available for NPS projects (e.g., best management practice implementation). As a result, tribal staff spend a significant portion of time exploring opportunities to support NPS project work through programs outside §319.
- Among the few Tribes that are able to dedicate a portion of base grant funds for NPS projects, the limited funding available only allows for small-scale projects. Several Tribes emphasized the need for more funding to make meaningful progress in addressing NPS problems.

Other funding-related challenges

- Several Tribes noted the challenge of meeting the §319 program match requirement.
- Costs have increased in recent years for water quality monitoring supplies and third-party water quality laboratory analyses, while base grant funding levels have remained the same. As a result, Tribes are unable to conduct as much NPS monitoring compared to previous years.
- Some Tribes struggle with finding qualified, affordable contractors (e.g., hydrologists, water quality labs) to support NPS work. This is a particular challenge in some rural areas. Tribes also noted that contractor costs have increased the last two years during COVID-19.

- One participant noted the challenge of developing monitoring programs and management strategies to address new environmental contaminants, such as PFAS.
- One participant suggested that tribal NPS programs should be eligible to receive state §319 funds that are not spent and returned to EPA.

### **Challenge #2: Implementing on-the-ground NPS projects**

Tribes in all four listening sessions described challenges associated with planning and implementing NPS projects. Specifically, Tribes discussed the following challenges:

#### Addressing NPS pollution through multi-phase projects

- The majority of NPS problems facing Tribes are the result of multiple pollution sources stemming from historic and current land management activities across the watershed. As a result, there are often significant costs associated with NPS projects needed to address these problems.
- Several Tribes emphasized the challenge of dividing large-scale restoration projects into multiple phases, in cases when a single grant cannot fully address the problem. For example, tribal §319 competitive grants are capped at \$100K, which often supports one phase of a project.
- Because of limited funding, some Tribes expressed frustration with the inability to pursue large-scale restoration projects that are logistically difficult to divide into multiple phases (e.g., in-stream restoration, stormwater management practices, invasive species management).
- Tribes noted the challenge of maintaining progress between project phases, particularly when there is uncertainty about if/when future phases of the project will be implemented. For example, some Tribes described the regrowth of invasive plants in previously treated areas as a barrier to achieving water quality outcomes.

#### Project Planning and Design

- Several Tribes expressed a need for training on how to assess and describe the impact of specific NPS pollutants on water quality and different beneficial uses.
- Several Tribes asked for tribal NPS case studies of BMPs and NPS management strategies that have been successful.
- One participant noted that at current §319 funding levels (i.e., \$100K competitive grant), their Tribe has difficulty completing both the design and implementation of the project. As a result, the Tribe chooses to implement less expensive BMPs designed to passively treat NPS pollution. The participant requested that EPA consider opportunities to provide technical assistance to Tribes to support BMP design, which would allow Tribes to target grant dollars on implementation.

#### Operation & Maintenance

- Several Tribes emphasized the constraints of EPA's policy that §319 funds cannot be used for operation & maintenance of BMP projects. One participant described the effect as a "vicious cycle" in which their Tribe implements BMPs, struggles to secure outside funding to maintain the practices, and then is forced to repair/replace BMPs that have not been maintained.

#### Permitting

- Several Tribes noted that it can be difficult to obtain permits for NPS restoration projects, particularly within the §319 grant project period.
- Several Tribes requested EPA training on CWA §404 permitting, as it relates to NPS projects.

### Project Periods

- Several Tribes noted the challenge of completing NPS projects within the typical project period of 1 to 3 years. For example, unexpected events, such as natural disasters (e.g., wildfires) and the COVID-19 pandemic, have caused project delays.
- In such cases, one participant asked EPA for additional flexibility to carry over unexpended §319 funds into a new grant period.

### **Challenge #3: Adopting watershed-based strategies to manage NPS pollution**

Tribes in all four listening sessions described the challenge of adopting watershed-based strategies to holistically address NPS problems, and in some cases other water resource concerns. Specific challenges included the following:

#### Inadequate resources to address the scope of the NPS problem

- Several Tribes described the challenge of making meaningful progress towards water quality outcomes with the resources available, given the scope of many NPS pollution problems across tribal lands and in the surrounding watersheds. For example, Tribes described the challenge of prioritizing efforts to address NPS problems stemming from current land management activities, as well as legacy NPS issues (e.g., channelization).

#### Addressing NPS problems originating off Tribal lands

- Several Tribes described the challenge of managing sources of NPS pollution off Tribal lands that lead to water quality problems within Tribal waters. For example, pollutant loadings (e.g., nutrients, heavy metals) from upstream areas.
- Several Tribes expressed frustration with EPA's restriction on §319 funding that requires Tribes to limit NPS work within the reservation or other Trust lands.<sup>3</sup>
- Tribes with checkerboard land ownership noted the challenge of adopting a watershed approach, given the difficulties of coordinating across multiple jurisdictions (e.g., lands held by local, state, federal entities) within the watershed. This leads to varying degrees of water quality protection across the watershed (e.g., differences between Tribal and State WQS).

#### Watershed Planning

- Several Tribes noted the challenge of developing and finalizing watershed plans (e.g., 9-element watershed-based plans) with the current staff and funding resources available.
- Several Tribes asked EPA about specific §319 program requirements regarding watershed-based plans. EPA clarified that a watershed-based plan is not required for Tribe to be eligible for §319 base or competitive grants.

#### Working across EPA programs

- Several Tribes noted the challenge of working across multiple EPA programs to develop comprehensive strategies to manage water pollution. For example, one participant noted the burden of working with different EPA programs to address groundwater, surface water, NPS,

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<sup>3</sup> As described in EPA's [FY22 Tribal 319 Competitive Grant Request for Applications](#), "Activities upstream or downstream of reservation waters may be eligible for [§319] funding if they pertain to waters within a reservation and are consistent with the applicant's NPS assessment report and management program. The application must clearly demonstrate the impacts of the upstream or downstream project on tribal lands and waters." EPA will work to clarify this eligibility with Tribal §319 grantees.

and NPDES stormwater issues. Tribes asked EPA if there were more efficient ways to work across programs to develop comprehensive watershed strategies.

- One participant expressed frustration with EPA's requirements that grantees align their activities to achieve national program goals, which do not always align with tribal program goals. They noted that EPA programs should be designed to support tribal program goals to meet the federal trust responsibility.

#### **Challenge #4: Building partnerships to manage NPS pollution**

Tribes noted the following challenges with building partnerships to manage NPS pollution:

- It can be difficult for Tribes with new NPS programs or Tribes with new staff leading the NPS program to build relationships with partners, such as NRCS or local conservation districts. Relationship-building with outside partners can be a difficult, slow process, particularly if the partners do not have experience working with Tribal programs. Tribes asked for EPA assistance helping to build relationships with key partners, like NRCS.
- Several Tribes emphasized the importance of flexibility in how §319 funds can be used to support partnerships, for example to support tribal staff time spent coordinating with watershed partners and applying to outside assistance programs to implement NPS work.
- One participant said they encountered barriers building relationships with external stakeholders who were resistant to working with the Tribal government.
- One participant asked EPA to provide more incentives or requirements to state NPS programs for partnering with or funding tribal NPS work.

***Discussion Question #2: Should EPA consider changes in how base §319 grants are currently allocated to eligible Tribes? e.g., Should EPA consider additional land area funding tiers, and/or incorporate additional factors (e.g., water area, Tribal population) in the base allocation formula?***

#### **Consideration #1: Inadequate base §319 funding to support tribal NPS programs**

Tribes across all listening sessions stated that different allocation methods would not meet the fundamental need for increased §319 base funding to support Tribes' efforts to build and sustain their NPS programs. One Tribe said, "You are asking us about allocating funding, how should funding be reallocated. We all just need more funding." Specifically, Tribes emphasized the following during these discussions:

- Ten Tribes from all listening sessions stressed the need for one FTE in order to hire and retain an NPS staff person. The cost of one FTE varies across the United States. For one Tribe, an environmental scientist salary would be \$45K/year plus indirect costs totaling \$60K to maintain one FTE.
- Several Tribes recognized that the cost of living/inflation has increased over the last 25 years but that §319 base funding levels have not.
- One Tribe stated that the available §319 funding does not adequately fund hiring a contractor to complete implementation activities and that they must supplement with §106 funds in order to do so.
- One Tribe discussed how geographic/other isolation also limits the amount of funds a Tribe can access to leverage §319 funds into larger sums.

#### **Consideration #2: Maintain existing base §319 funding levels for all Tribes**

Multiple Tribes requested that EPA ensure that changes to the Tribal §319 allocation formula not result in any Tribes receiving less funding than they receive now. Specifically, Tribes emphasized the following during these discussions:

- Several Tribes indicated that it was important to maintain existing funding levels for Tribes and they supported increasing base funding in order to do under a new allocation formula.
- Several Tribes discussed that any reduction in funding could jeopardize the current staffing situation for Tribes. Some Tribes could lose the only staff §319 program oversight they currently have. Losing that staff person also loses experience, knowledge, and effective collaboration with other programs and entities.
- Tribes are currently making recommendations regarding the GAP formula and the same concern is foremost in those discussions.
- How will EPA maintain funding levels as more Tribes acquire eligibility?

### **Consideration #3: Allocation options for base §319 funding**

Tribes provided a wide variety of input regarding the allocation of base §319 funds, including:

- Four Tribes stated that NPS pollution load should be accounted for in the base §319 allocation formula.
- Three Tribes stated that population size should be part of the allocation formula
- Three Tribes stated that surface water area (include wetlands and streams) is a very important factor to consider in the allocation formula.
- Existing formula means that most Tribes only receive \$30k, at least three regions do not have a single eligible Tribe that receives \$50k.
- One Tribe would like to know how rollover §319 funds are handled.
- Ensure that the existing formula is being applied appropriately and consistently across all eligible Tribes. One Tribe state that they qualify under the existing formula for \$50k but only receive \$30k.
- Do not change the allocation formula unless base §319 funding is increased.
- The §319 base allocation should be a set dollar amount for all Tribes and not allocated differently based on any metric like the §106 program.
- Land use should be part of the allocation formula
- Consult with the GAP program regarding allocation formula if additional funds were provided because Tribes have already provided feedback to that program over the same issue.
- EPA should focus changes on the competitive funding criteria
- Data from the 106 program should factor into the base §319 allocation formula.
- Water program maturity should be a considering factor for increase §319 funding.
- Ground water and recharge areas should be considered in the base §319 allocation formula because Tribes in drier climates do not have as much surface water area.
- The existing larger \$50k allocation can allow for more project implementation than the \$30k but at the scale of land size large Reservations have, the level of implementation is not adequate to the scale of need.
- The current allocation formula has a cut off 1,000 sq miles between base grants that is difficult to accept for those Tribes whose land base is within 100sq miles of that criterion.
- The allocation formula should be based upon proposed projects/activities/needs put into workplan.
- EPA should change the land size requirement attached to §319 base funding.

### **Consideration #3: Administrative burden:**

Two Tribes discussed the administrative burden of having the manage multiple EPA grants in order to run their environmental programs. They are looking for the ease and flexibility that the BIA §638 funding

pathway allows. Is there a way EPA can reduce the administrative burden of workplan development, grant writing, and other administration?

***Discussion Question #3: Should EPA consider changes to the Tribal competitive §319 grants? E.g., Should EPA keep the competitive funding or allocate all Tribal §319 funds via base grants? Or should EPA make any changes to the competitive grants? (e.g., change the scoring criteria; award competitive grants to support NPS planning/capacity-building; or award some competitive grants each year to Tribes that have not recently received one).***

Tribes shared different perspectives on whether to retain the Tribal §319 competitive grants and, if so, whether to make any changes to the process. Tribes in all four listening sessions emphasized the need for increased base §319 funding levels, while also describing the important role of larger grants to support on-the-ground NPS projects.

#### Base vs. Competitive Grants

- Tribes in all four listening sessions expressed concern with the question of whether EPA should reduce the competitive §319 grant funding in order to increase base §319 grants. Tribes emphasized the importance of both funding types and the need for an overall increase to the tribal §319 set-aside.
- Several Tribes in three listening sessions said that, in the absence of an increase to the tribal §319 set-aside, EPA should consider reducing/eliminating the competitive grant funds in order to increase base grant funding levels. For example:
  - One Tribe said that while their program would benefit greatly from significant increases in NPS project funding, it is more important to have sustainable funding for tribal program staff. The described the challenge of continually losing staff and having to rehire and retrain new staff, which causes them to focus on building their program rather than improving the environment. The year-to-year consistency in increased funding would be very helpful.
  - One Tribe said it would be helpful to have a staff person working on NPS issues in a more holistic way, for example engaging the public on NPS issues. Currently, they are working via a piecemeal approach of implementing individual NPS projects across the reservation.
  - One Tribe said they have been successful receiving some competitive §319 grants, but if forced to choose they would prefer an increase in base funds to support staff work securing outside partnerships and funding to support NPS work.

#### Increase the competitive project cap

- Tribes in one listening session requested that EPA increase the competitive §319 grant cap above \$100K in order to support larger-scale projects. Tribes said grants in the range of \$300K+ would allow them to address larger-scale restoration needs (e.g., projects to address legacy mining issues).

#### Change to EPA Regional-based competitions

- Tribes in two listening sessions asked EPA to consider awarding competitive §319 grants on an EPA Regional basis, like EPA's Wetland Program Development Grants. This would provide more opportunities for Tribes in each Region and would motivate more Tribes to apply for funding.

#### Expand the list of eligible activities

- Two Tribes requested that EPA provide competitive §319 grants to support NPS planning activities, rather than only projects with an on-the-ground component.

- One participant requested that EPA provide competitive §319 grants to support the development of Tribal water quality standards and other related activities.

#### Increase the project period length

- Several Tribes noted that it can be a challenge to complete the design and implementation of NPS BMP projects within the typical one to three year project period (see also Question 1). Tribes asked EPA for flexibility to extend the project period to three or more years.

#### Revise the competitive grant scoring criteria

- Two Tribes requested that EPA remove the requirement that Tribes complete a nine element watershed-based plan in order to be eligible for competitive §319 funding.<sup>4</sup>
- One participant suggested that EPA factor the maturity of a Tribal §106 or §319 program in competitive grant scoring.

#### Remove Match Requirement

- Several Tribes requested that EPA remove the cost-share/match requirement for §319 competitive grants.

### ***Discussion Question #4. What EPA §319 program requirements feel confusing, unclear, duplicative, or onerous?***

#### **Challenge #1: Inadequate base §319 funding to support tribal NPS programs**

Tribes across all listening sessions stated that different allocation methods would not meet the fundamental need for increased §319 base funding to support Tribes' efforts to build and sustain their NPS programs. Specific details included:

- Additional base §319 funding would allow Tribes to develop more in-house program capacity and staff expertise to develop plans as well as ease the overall administrative burden. In-house staff build experience, knowledge, capacity, and save money.
- Clarify guidance to reflect actual base funding amounts and list Tribes that qualify based on current formula. Provide more details and justification regarding funding decisions
- Tribes must charge time to other programs, like GAP, in order to complete NPS program work – no programs are awarding enough funding which causes “musical chairs” across funding
- Multipurpose grants have been used in the past to make-up for grants that were short, but funding levels vary from year to year.
- Multipurpose grants that don't have specified end dates and project requirements are very useful for larger projects like preventative measures or non-native removal.

#### **Challenge #2: Plans**

Four Tribes indicated that watershed-based plans, NPS Management Plans, and NPS Assessments presented challenges to successful NPS program management. Specific details included:

- Two Tribes stated that watershed-based plans are a challenge. Factors included having to navigate multiple jurisdictions with multiple priorities, limitations on effective engagement off Reservation, and limited downstream improvements.

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<sup>4</sup> EPA does not require that Tribes have a completed nine element watershed-based plan to apply for Tribal competitive §319 grant funds. EPA will work to clarify this misconception among Tribal §319 grantees.



- Two Tribes described the need for more flexibility within NPS Management Plans and NPS Assessments. The five-year planning period is too long to be effectively adaptive when sudden changes occur but more frequent revisions would be burdensome. They also stated that the specific information required by NPS Management plans were not useful and that the format is constrained.

### **Challenge #3: Workplans**

Three Tribes stated that the annual workplans presented challenges to operating a successful §319 program. Specific details included:

- One Tribe expressed desire to be able to combine §106 and §319 into a single workplan. The Tribe stated that in some cases a PPG has more restrictions.
- One Tribe stated that the overlap between §106 and §319 was confusing.
- One Tribe stated that the requirement to tie project implementation back to water quality improvements was difficult because in drier climates, most surface water bodies are ephemeral and cannot always be sampled on an annual basis.

### **Challenge #4: Partnerships**

One Tribe discussed the difficulty in building partnerships across a checkerboard landscape and to pool resources (e.g., funding) to complete project implementation.

### **Challenge #5: QAPPS**

Tribes stated that completing QAPPs have been a challenge:

- Combining the 106 and 319 QAPP has reduced the burden and workload.
- QAPP templates from EPA that can be tailored to specific projects would be very helpful
- Requested more collaboration with the QAPP reviewer including providing advice or strategies for various sampling needs. There is no real space to share an idea and discuss instead of receiving right or wrong feedback.
- Receiving more technical guidance from EPA would be helpful.
- One Tribe recommended that EPA create a QAPP database so Tribes could build a QAPP from other QAPPs.

### **The importance of EPA Regional staff**

Four Tribes expressed that the EPA 319 contact within their regions is a helpful and knowledgeable resource and helps Tribes to navigate the requirements of the program.

***Discussion Question #5: What successes or challenges have you experienced in building partnerships and securing assistance beyond §319 grants to address NPS pollution? How can EPA better support these efforts?***

Tribes in all four listening sessions emphasized the need to build partnerships and secure assistance beyond §319 grants to achieve NPS program goals. Tribes emphasized that this work requires Tribal staff, funding, and time to achieve results. For example, one participant said that even when NPS partnerships are in place, it can take one or more years of coordination to plan an on-the-ground project that involves multiple partners.

As described below, Tribes described several challenges in their efforts to build partnerships and secure assistance beyond §319, including inadequate Tribal resources (e.g., staff time) to invest in these efforts, uncertainty about which programs and partners can help advance Tribal NPS work, and resistance from partners unwilling to partner with Tribes. Tribes identified several ways in which EPA could help address these challenges.

Tribal examples of successful NPS partnerships

Tribes share the following examples of successful NPS partnerships:

- One Tribe described a coalition with 60+ entities, including federal agencies (US Army Corps, USDA, EPA), state agencies, non-profit organizations, and agricultural partners. The coalition is led by a 12-person board. The coalition's efforts have been supported by the §319 program.
- One Tribe described the role of §319 funds in supporting their efforts to build partnerships with the US Forest Service, Trout Unlimited, Great Lakes Restoration Initiative, and others.
- One Tribe described their involvement in an advisory committee established with external stakeholders to holistically manage water that flows through/onto Tribal lands.
- One Tribe described their partnership with a local community college, Tribal interest groups and businesses on Tribal land to address NPS issues. This Tribe has raised been successful raising community awareness about NPS pollution during annual Earth Day events.
- One Tribe described their participation in the Rio Puerco Watershed Group, which worked to develop a watershed-based plan that was approved by New Mexico Environment Department and EPA. The group, comprised of Tribes/Pueblos, federal and state agencies, non-governmental organizations, and private citizens, has also completed numerous watershed projects.
- One Tribe emphasized the importance of coordinating funding and efforts with stakeholders, for example when developing or implementing water quality standards.

Working with state programs

Tribes shared successes and challenges working with state NPS programs.

- One Tribe said their state NPS program, which has a funding set-aside for Tribes, reached out to discuss opportunities to work together on NPS projects.
- One Tribe said they had success working with their state NPS program to identify external stakeholders with whom the Tribe could coordinate on NPS work.
- Several Tribes expressed frustration with the lack of parity in §319 funding levels between Tribal and state NPS programs. Tribes requested that EPA allocate a portion of state §319 funding to Tribes and/or add requirements for state NPS programs to partner with Tribes on NPS projects.

Request to EPA: Increase Tribal §319 funding levels

Tribes in all four listening sessions emphasized the need for increased §319 funding levels in order to better support Tribal efforts to build NPS partnerships. Specifically, Tribes cited the need for more staff time to meet with partners, pursue assistance opportunities, etc.

- Several Tribes described the impact of Tribal NPS staff turnover as a barrier in building and sustaining NPS partnerships.
- One Tribe expressed concern that would likely not have the staff available to pursue new federal funding opportunities available to advance Tribal NPS work (e.g., Bipartisan Infrastructure Law funding).

#### Request to EPA: Notify Tribes of state-funded NPS projects in their areas<sup>5</sup>

- Several Tribes requested that EPA notify Tribes when state NPS programs fund projects within Tribal watersheds or in locations that may affect waters flowing onto Tribal lands.

#### Request to EPA: Highlight Tribal NPS partnerships & funding sources

- Several Tribes requested that EPA provide information to Tribes about partners and funding sources that can be used to advance Tribal NPS work. Tribes said it would be helpful to learn from Tribes that have had success building partnerships and pursuing external funding sources.

#### Request to EPA: Provide Tribes flexibility in meeting §319 match requirements

- Several Tribes requested that EPA provide flexibility in how Tribes can meet the §319 match requirement. For example, one participant asked that Tribes be allowed to count other external funding sources towards match. Another participant asked that Tribes be allowed to use in-kind work to meet the match requirement.<sup>6</sup>

#### Request to EPA: Identify opportunities to better integrate §319 with other EPA programs

- Several Tribes emphasized the need for better coordination across EPA programs (see also Question 1).
- One participant described the close connections between NPS work and EPA's Resource Conservation & Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation & Liability Act (CERCLA, also known as Superfund) programs. For example, runoff from contaminated sites has contributed to water pollution problems in the watershed.

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<sup>5</sup> Note: In February 2022 EPA released a new 'NPS Watershed Projects Data Explorer' tool, which allows users to explore state-funded NPS projects across the US: <https://www.epa.gov/nps/grants-reporting-and-tracking-system-grts>.

<sup>6</sup> As required in 40 CFR 31.24, the cost share/match requirement can be satisfied by any of the following: allowable costs incurred by the grantee, subgrantee, or a cost-type contractor, including those allowable costs borne by non-Federal grants; by cash donations from non-Federal third parties; or by the value of third party in-kind contributions. EPA will work to clarify match requirements for Tribal §319 grantees.