



Advancing Equity & Environmental Justice in the Nonpoint Source Program

Steve Epting, EPA National Tribal NPS Coordinator

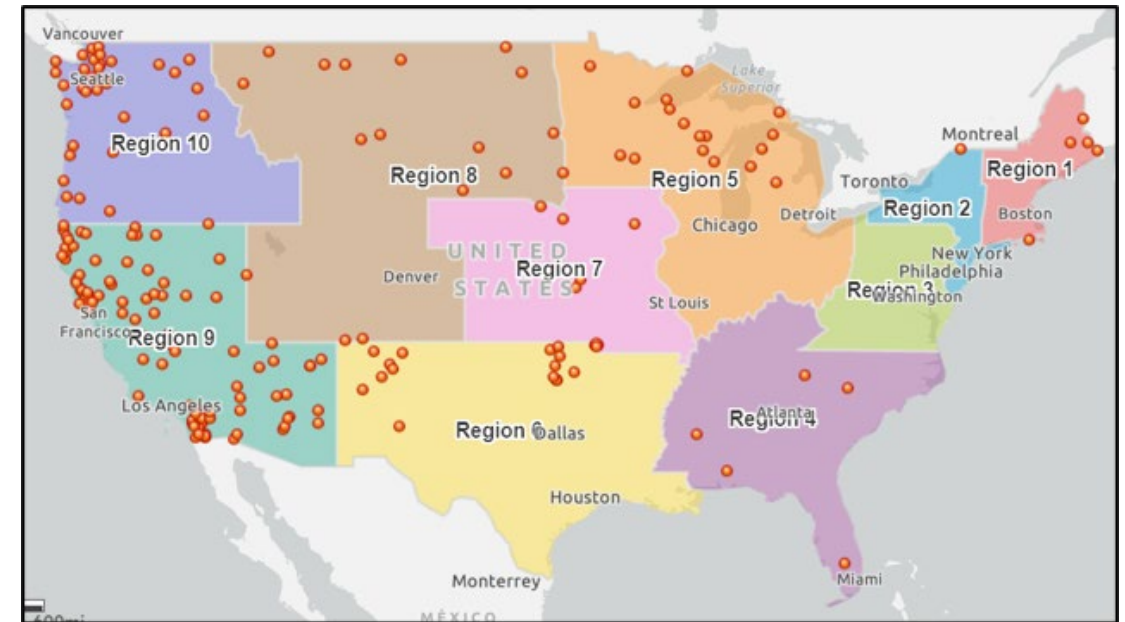
Region 9 Spring RTOC

April 19, 2023

Tribal Nonpoint Source (NPS) Program

- Established in 1987 under Clean Water Act Section 319.
- State, territories, and Tribes (with 'TAS' status) are eligible to receive Section 319 grants from EPA.
- Each year Tribes may apply for:
 - **Base 319 grant** – primarily staff-led activities to implement NPS program. E.g., NPS monitoring, watershed coordination, education/outreach.
 - **Competitive 319 grant** – on-the-ground projects to protect or restore water quality

NPS pollution: Any source of water pollution not defined as a “point source” in the Clean Water Act. E.g., Agriculture, hydromodification, abandoned mines



There are 214 federally recognized Tribes and Nations eligible under CWA Section 319, including 106 Tribes in Region 9.

Defining Equity Goals in the NPS Program

“EPA is committed to ensuring there is equitable and fair access to the benefits of cleaner water provided by the CWA §319 program...**an opportunity for EPA and Tribal partners to discuss the challenges facing Tribal 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.**”

Consultation and Coordination on Potential EPA Actions to Increase Tribal Capacity to Maintain and Expand Nonpoint Source Management Programs (March 29, 2022)

Funding & Equity in the NPS Program

- CWA 319 Appropriation: ~\$175M/year over last 5 years
- CWA Section 518(f): 0.33% annual cap on Tribal funding set-aside
 - Since 2000 Congress has allowed EPA to exceed cap

| | 2000 | 2021 |
|---------------------------------------|---------------|-------------|
| Tribal 319 Funding Set-Aside | \$2.5M (1.3%) | \$8.9M (5%) |
| # Eligible Tribes | 22 | 209 |
| \$/Tribe | \$114,000 | \$42,000 |
| <i>Note: not actual award amounts</i> | | |

- Inequity across EPA Tribal water program funding set-asides
 - CWA 106: ~12%
 - Wetland Program Development Grants: ~10%

Sept 2021: EPA NPS program begins equity work

National NPS Program Policy Memo to states and territories:

Near-term Actions to Support Environmental Justice in the Nonpoint Source Program

- Acknowledged that Section 319 program plays an important role in benefitting communities.
- EPA strongly encouraged state actions in FY22 to assess and advance delivery of NPS benefits to disadvantaged communities.
- EPA committed to take a number of actions to support equity goal, including leading a national dialogue with the NPS community.

National NPS Program Engagement

Sept 21 Dec '21 Jan '22 Feb March April May June July August Sept Oct

National NPS Program Call (Dec 9)

National NPS Program Call (March 10)

National NPS Program Call (June 29)

National NPS Program Call (Oct. 20)

EPA NPS Equity Memo (Sept. 2021)

Regional Listening Sessions (Jan-Feb)

- All Grantees (x4)
- Tribal Grantees (x4)
- 267 participants

EPA/Grantee Workgroups (April-June)

7 EPA Regions
15 States,
15 Tribes

EPA considered FY23 Actions

EPA Memo w/ FY23 equity actions (Sept. 2022)

Local groups/ subrecipients listening sessions

Tribal Consultation:

Comment Period #1 (60 days)

What 319 program changes should EPA consider to better support Tribes?

Comment Period #2 (60 days)

How should EPA allocate 319 grants to Tribes?

Tribal NPS Program Input: Key Challenges & Needs

Tribal Funding – Building & Sustaining NPS Programs

e.g., Inadequate base 319 grant \$

Tribal Funding – Implementing NPS Projects

e.g., O&M of completed projects

NPS Partnerships & Leveraging

e.g., Need help securing assistance outside 319 for NPS work

NPS Training & Technical Support

e.g., Need examples of Tribal NPS projects

Spring 2022 EPA/Tribal NPS Equity Workgroup

Goal:

Provide suggestions on potential EPA actions to address key challenges facing Tribal NPS programs, including those mentioned during 319 equity listening sessions.

| EPA Region | Member | Affiliation |
|------------|-------------------|--|
| HQ | Steve Epting | EPA |
| 1 | Bessie Wright | EPA |
| 4 | Jerry Cain | Mississippi Band of Choctaw Indians |
| 5 | Ryan Siggelkow | Forest County Potawatomi Nation |
| 6 | Dino Chavarria | Santa Clara Pueblo |
| 7 | Ann D'Alfonso | EPA |
| 7 | Denise Jensen | Winnebago Tribe of Nebraska |
| 7 | Kelly Schott | Meskwaki Nation |
| 7 | Nestoria Wright | Kickapoo Tribe in Kansas |
| 8 | Erika Larsen | EPA |
| 9 | Heidi Brow | Pala Band of Mission Indians |
| 9 | Ryan Macintosh | Santa Rosa Rancheria |
| 9 | Gina Mason | Salt River Pima-Maricopa Indian Community |
| 10 | Illeana Alexander | Conf. Tribes of Coos, Lower Umpqua and Siuslaw Indians |
| 10 | Valerie Streeter | Tulalip Tribes |
| 10 | Kelsey Payne | Snoqualmie Indian Tribe |

Sept 2022: EPA issues second NPS equity memo

Memo: *Continued Actions in FY23 to Increase Equity and EJ in the Nonpoint Source Program*

- Renewed EPA's commitment to advancing equity and EJ in national NPS program
- Announced new state and territorial NPS program flexibilities and expected actions to advance equity
- ***New EPA actions to better support Tribal NPS Programs**

Sept 2022: EPA issues second NPS equity memo

New EPA actions to better support Tribal NPS Programs:

- Committed to increasing Tribal 319 grants in FY2023, consistent with President's Budget Request
- Set longer-term Tribal 319 \$ set-aside goal: 12% of total appropriation
- Made it easier for states to award watershed project \$ to Tribes
- Announced FY23 Tribal CWA §319 Competitive Grant changes:
 - Project cap increased from \$100K to \$125K
 - EPA reserving a portion of funds for Tribal applicants that have not received a competitive grant in the last 5 years

Fall 2022 Tribal Consultation

Primary Question:

Should EPA change the way it allocates CWA §319 grants to Tribes?

- Should additional \$ be used to increase base or competitive grants?
- Should EPA change the base grant allocation formula?

FY2023 CWA §319 Funding

- EPA committed +\$4M to Tribal set-aside
 - Tribal set-aside increased from \$9.8M (5.5%) to \$13.8M (7.6%)
 - Funds used to increase base grants via new formula

FY2002 - 2022

| Total Tribal Land Area (sq mi) | # Tribal Grantees in FY21 | Base Grant Funding* |
|--------------------------------|---------------------------|---------------------|
| 0 – 1,000 | 191 | \$30,000 |
| 1,000+ | 19 | \$50,000 |

*FY22: levels increased to \$36K and \$60K



Effective 2023

| Total Tribal Land Area (sq mi) | # Tribal Grantees | Base Grant Funding |
|--------------------------------|-------------------|--------------------|
| 0 – 2 | 66 | \$45,000 |
| 2 – 50 | 69 | \$50,000 |
| 50 – 500 | 44 | \$55,000 |
| 500+ | 31 | \$70,000 |

Reflections on Tribal NPS Equity Work

- Tribal input has been critical
 - How much additional funding is needed? How will this support Tribal NPS program goals?
- This input has helped us begin to address inequities at multiple scales
 - **Across EPA:** Tribal funding set-asides across EPA water programs
 - **Within the Tribal 319 Program:** # Tribes receiving competitive 319 grants
- There are different barriers to advancing equity. Some are easier to address than others
 - E.g., EPA policy vs. Statutory limitations

An aerial photograph of a winding river flowing through a deep, layered desert canyon. The rock walls are reddish-brown with distinct horizontal strata. The river is a dark blue-green color, curving through the center of the canyon. The sky is blue with scattered white clouds.

Thanks!
Steve Epting, epting.steve@epa.gov

www.epa.gov/nps/equity-resources

www.epa.gov/nps/tribal-nonpoint-source-program