



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY 02 2007

OFFICE OF
WATER

Dear Honorable Tribal Leader:

The purpose of this letter is to request any comments you or your staff may have on the enclosed draft strategy for reviewing tribal eligibility applications to administer the U.S. Environmental Protection Agency (EPA) regulatory programs.

As you may know, several environmental laws authorize EPA to treat an eligible federally-recognized tribe in the same manner as a state (referred to as TAS) for implementing and managing certain environmental programs.

In October 2005, the U.S. Government Accountability Office (GAO) released a report entitled "Indian Tribes: EPA Should Reduce the Review Time for Tribal Requests to Manage Environmental Programs" (please see report "GAO-06-95" available at <http://www.gao.gov/new.items/d0695.pdf>). The GAO recommended that "EPA should develop a written strategy, including estimated timeframes, for reviewing tribes' TAS applications for program authority and updating the tribes on the review status." In response, EPA formed a cross-office work group to develop a strategy for improving the timeliness of the TAS process and improving ongoing communication with tribes concerning their TAS requests.

We have recently completed a draft of this strategy. The draft strategy consists of a memorandum from EPA Headquarters to the EPA regions and several attachments related to programs under the Clean Air Act, the Clean Water Act and the Safe Drinking Water Act. This draft already reflects comments received from a tribal work group established by the EPA National Tribal Caucus. This tribal work group provided valuable input during the development of this strategy. The strategy does not revise EPA policy regarding the substance of TAS reviews, but rather the timeliness and effectiveness of the review process.

We have set aside the next two months for any interested tribes and other stakeholders to review and comment on the draft strategy (enclosed). We would like to receive any comments and feedback from you or your staff no later than **July 12, 2007**. I assure you that we will consider each comment received.

To help facilitate the review process, EPA will hold two teleconferences with tribes to answer questions about the draft strategy, explain how it will work, and receive comments. The teleconferences will take place on Wednesday, May 30th and June 20th, 2007, from 2:00 – 3:30 p.m. Eastern Time. The call-in number is 866-299-3188, conference code 5646121.

I want to draw your attention to three of the major elements of the draft strategy:

- The development of tools for tribal applicants to use when preparing a TAS application.
- Open communication with tribes at the start of the TAS process and throughout EPA's review.
- Notification of EPA senior management when an application has remained at the same stage of EPA review for more than one quarter, in order to ensure EPA executive-level involvement where needed to expedite TAS reviews.

Where information was available, the draft strategy provides estimated timeframes for a number of the steps in the TAS review process for the water quality standards and air programs. In approximately three years, our plan is to review the strategy and revise it, if necessary, to include additional estimated time frames for the steps in the TAS review process based on experience gained in implementing the strategy.

After the comment period, the EPA work group will reconvene to review comments and consider revisions to the draft strategy. We anticipate that the final strategy will be released this Fall.


You are invited to send comments on the draft strategy to me at the following address:

Ms. Carol Jorgenson, Director
American Indian Environmental Office
U.S. EPA (4104M)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Comments may also be submitted electronically to Candi Schaedle, on my staff, at schaedle.candi@epa.gov. If you wish to provide comments electronically, you are encouraged to submit them in Microsoft Word[®] format. If you have any questions, please contact Candi Schaedle or me at (202) 564-0303 and we will be happy to assist you.

Thank you for your consideration of this very important effort.

Sincerely,



for Carol Jorgensen, Director

American Indian Environmental Office

Enclosure