

# Highlights: 2022 GAP Guidance

## Expanded Scope of Allowable Activities and Related Flexibilities

2013 GAP Guidance	2022 GAP Guidance
Scope largely focused on capacity building activities aligned with administering an EPA regulatory program	Broader scope of what Tribes and intertribal consortia can do with GAP funding, including meaningfully participate in EPA programs and maintain capacity (GAP Guidance Section 2.1)
Tribes could not implement with GAP funding, but “implementation” not defined	Implementation is defined: Once a Tribe is delegated a program, GAP funding cannot be used for implementing those program activities. Exceptions to this are outlined (GAP Guidance Section 2.1.1)
Included 4-year limited test drive for program evaluation	Allowable activities include planning, developing, establishing, and maintaining capacity to implement programs consistent with EPA authorities under Tribal laws, codes, and regulations. There is no time limit. This eliminates the need for a test drive option (GAP Guidance Section 2.1.1)
Included non-exclusive examples of allowable activities and restrictions	Does not include examples or list of allowable activities/restrictions. This allows flexibility for EPA Project Officers and Tribes to determine approvable work plan activities. A flowchart is included to assist the applicant and EPA Project Officer in determining the eligibility of a proposed activity (GAP Guidance Section 2.1.1)
	Enhanced recognition of how GAP can be used to support unique Tribal considerations, including Treaty Rights, Traditional Ecological Knowledge/Indigenous Knowledge, and Climate Change (GAP Guidance Sections 1.3.1 and 2.1.1)
	Includes available benefits to including GAP work plans in a Performance Partnership Grant (PPG) to achieve additional flexibility interests identified by Tribes (GAP Guidance Section 3.4.1)
	Recognizes that building environmental program capacities may not be a linear process and encourages EPA Regional Offices to utilize available flexibilities, such as EPA’s Streamlining Tribal Grants Management Policy (GAP Guidance Section 3.2)

## Reduce Administrative Burden and Added Flexibilities for Solid and Hazardous Waste

2013 GAP Guidance	2022 GAP Guidance
Established required prioritization sequence for waste management program activities	The prioritization sequence is no longer required but remains strongly encouraged (GAP Guidance Section 2.1.1)

Cleanup activities were last action in the priority framework and required AIEO Director approval for all cleanups	Cleanup activities remain eligible. Where Tribe's have an established or developing waste management program, EPA Regional Offices may approve cleanup requests (GAP Guidance Section 2.1.1)
Most Guidance on waste management activities included in Guidebook, limited in Guidance	Complete, concise waste management information included in the Guidance (GAP Guidance Section 2.1.1)
Congressional authorization for service delivery (collection, transportation, backhaul, and disposal) activities was not made permanent until 2018, so it was not included in Guidance	Incorporates solid waste and recovered materials collection, transportation, backhaul, and disposal activities into the Guidance. Additional criteria apply, with flexibility to include components of an Integrated Waste Management Plan into an ETEP (GAP Guidance Section 2.1.1)
	Service delivery may be provided to for-profit businesses and populations outside of Indian country with justification and appropriate award terms and conditions (GAP Guidance Section 2.1.1)

## Clarity, Flexibility, and Streamlining of Performance Management, ETEPs, and Capacity Indicators

2013 GAP Guidance	2022 GAP Guidance
Relied on priorities in ETEPs and capacity indicators in work plans to track and report program results, but intent is not clear	Provides clarity that EPA is responsible for performance management and that EPA will use existing resources (ETEPs, indicators, GAP work plans and progress reports) to meet performance management responsibilities (GAP Guidance Section 2.2)
Over 200 capacity indicators that were largely interpreted and used as a list of activities GAP will fund	Reduces number of indicators by more than half. Defines capacity indicators as measurable milestones (not activities) used for performance management. Most indicators can be repeated. (GAP Guidance Section 2.2)
Capacity indicators linked to activities in GAP work plans	Capacity indicators are included in ETEPs. Activities in GAP work plans do not need to directly link to an indicator but should support environmental priorities identified in the ETEP. There is a five-year timeframe to phase the use new indicators into ETEPs (GAP Guidance Section 2.3)
Four components of an ETEP	Reduced to three ETEP components; the Mutual Roles and Responsibilities component is a regulatory required work plan element and was duplicative (GAP Guidance Section 2.3.1)
Capacity Indicators in Appendix, Guidebook	2022 GAP Capacity Indicators are in a separate, linked document. This provides flexibility to update indicators as needed, including the addition of tribally-developed indicators

	Many Tribes found the Guidebook information a useful roadmap for developing tribal environmental programs. The Guidance has been repurposed as a Technical Assistance Handbook that can be used to support the development of GAP work plans and identify priorities and long-term development goals in ETEPs. The Handbook is available at <a href="http://www.epa.gov/tribal">www.epa.gov/tribal</a> .
Process for tribally-developed indicators undefined	Nationally consistent process for identifying tribally-developed indicators (GAP Guidance Section 2.2)

## Flexibility for Intertribal Consortia Documentation

2013 GAP Guidance	2022 GAP Guidance
Consortia must meet regulatory requirements to demonstrate eligibility for GAP grant, including adequate documentation that all GAP-eligible member Tribes authorize the consortia to apply for the grant. Guidance required documentation with each funding action	Documentation of member Tribes' authorization required with each new application (GAP Guidance Section 3.5)
Adequate documentation not defined	There are options for types of documentation submitted (GAP Guidance Section 3.5)
Guidance required documentation as coming from Tribal Leadership	The Tribe determines who their duly authorized representative is (GAP Guidance Section 3.5)
Consortia were advised to develop documentation of how their work plan activities support priorities identified in ETEPs of GAP-eligible member Tribes	Consortia are expected to document how their GAP work plan activities support priorities identified in ETEPs of GAP-eligible member Tribes (GAP Guidance Section 3.5.1)

## Clear and Accessible Guidance

2013 GAP Guidance	2022 GAP Guidance
2013 Guidance is 86 pages, including 7 chapters and 5 appendices, and supplemented by guidance on solid waste and	<ul style="list-style-type: none"> <li>Necessary supplemental guidance is incorporated into one document</li> <li>GAP Guiding Principles incorporated as GAP National Priorities</li> </ul>

<p>recovered materials implementation (2016), FAQs (2016), Guiding Principles memo (2017), and funding announcement boilerplate text (2017).</p>	<ul style="list-style-type: none"> <li>• Plain language, with streamlined text and graphics to convey important concepts</li> <li>• Fewer footnotes, more white space, Tables, and bulleted lists for improved readability</li> </ul>
	<p>Technical Assistance included as a primary component of the GAP National Framework (GAP Guidance Section 2.4)</p>
	<p>New Appendices for Acronyms (GAP Guidance Appendix 1) and Reference Links (GAP Guidance Appendix 2)</p>