

2014



**National Tribal
Air Association
(NTAA)**

FY2016

**Tribal Air Quality
Budget Analysis**

All Federally Recognized Tribes including Alaskan Native Villages do not necessarily share the views expressed in this document. Furthermore, all Principal Members of the National Tribal Air Association (NTAA) do not necessarily share the views expressed in this document. The NTAA has made a concerted effort in collaboration and peer review in the development of this document. This document will be updated annually.

National Tribal Air Association

The National Tribal Air Association (NTAA) was founded in 2002 with a grant from the US Environmental Protection Agency Office of Air and Radiation.

Mission

The mission of the NTAA is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian Tribes and Alaska Natives.

Goals

1. Advocate and advance tribal environmental, cultural, and economic interests in the development of air policy at all levels of government (tribal, federal, state, local, regional, and international).
2. Promote the development, funding, and capacity building of tribal air management programs.
3. Promote and facilitate air quality policy and technical information that may include research and scientific and medical studies.
4. Advance the recognition and acceptance of tribal sovereign authority by conducting effective communication and outreach to state, local, federal, and international agencies, and the general public.
5. Encourage and support appropriate consultation with all tribal governments in accordance with tribal structures and policies.

The NTAA is an autonomous organization with 80 principal member Tribes and is a resource to all 566 Federally Recognized Tribal Nations. The NTAA's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of Tribes. As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the NTAA always seeks to represent consensus perspectives on any given issue, it is important to note that all Tribes may not agree upon its expressed views. Further, it is important that EPA understands interactions with the NTAA do not substitute for government-to-government consultation, which can be achieved only through direct communication between the federal government and the Tribes.

FY2016 Tribal Air Quality Budget Analysis

Introduction

The National Tribal Air Association (NTAA), utilizing Tribal input, EPA documents and general knowledge has developed a snapshot of air quality funding gaps in Indian Country. Citing the USEPA's FY2011-2015 Strategic Plan, the NTAA believes that by increasing funding to close identified gaps in Indian Country, it will enhance the ability of EPA to strengthen its government-to-government relationships with Tribes in an effort to achieve mutual environmental and human health goals.

This report is a snapshot of air quality programmatic and funding issues in Indian Country, which includes, but is not limited to, information from the three documents listed below and USEPA Staff:

1. FY 2011-2015 EPA Strategic Plan *Cross-Cutting Fundamental Strategy: Strengthening State, Tribal and International Partnerships*
2. OAQPS National Tribal List Report 4/20/2013/2014
3. OAQPS Tribal Air Quality Management Report January 2013/2014

This document identifies three major areas for improvement of air quality in Indian Country by (1) identifying capacity gaps and data gaps within Indian Country; (2) identifying a budget request that will assist federal agencies to begin addressing these gaps to address air quality using a reasonable approach; and (3) to address funding for technical and policy programs that support Tribal Air Quality Program development (NSR, Climate Change Adaptation Planning, etc.).

Current FY 2014 Funding

Total tribal funding for FY 2014 is \$11,431 million. While this is an increase over the FY 2013 budget of \$11,229 million, it is a decrease from the FY 2012 budget of \$12,474 million (Table 1). With Tribes continuing to be denied funding to begin air programs and for Tribes who have had to face air program funding cuts, the whiplash effect of the current funding structure, or lack thereof has not offered what is really needed in Indian Country, and that is real on the ground, equitable, guaranteed funding for Tribes. As some Tribes have stated, "If we have to be recognized as States then fund us as States."

Each year many Tribes who apply for air program funding are denied due to lack of funding. It has been determined that there is also an unknown number of Tribes who do not apply for air grants because they already know that there is not enough funding available for all Tribes in their Region to receive funding. In some cases Tribes only having one person working on all environmental media for their Tribe and there is not enough time allotted to apply for grants that they know they will not get. Possibly worst of all, in many Regions Tribes are told by USEPA Staff not to apply for air grants because there is not enough funding to go around. Some Regions

do not even report funding and grant numbers, etc. to the national database leaving organizations like the NTAA with an unknown unmet need. Without actually knowing how many Tribes want air funding there is no way to develop a true budget request. To be able to develop an accurate budget the NTAA needs to have as much information as possible, we need to know how many Tribes want air grants, what they want them for, and how much funding they need. What we do know is this:

Region	2012 STAG	2013 STAG	2014 STAG
1	657,063	513,927	521,147
2	440,175	327,840	329,646
4	330,964	308,096	314,409
5	1,263,752	1,154,322	1,187,351
6	1,305,009	1,178,038	1,171,513
7	451,078	451,078	502,756
8	2,109,888	1,904,267	1,998,953
9	3,259,737	2,959,350	2,921,915
10 (incl. Alaska)	<u>2,657,197</u>	<u>2,432,197</u>	<u>2,483,379</u>
Total:	\$12,474,863	\$11,229,115	\$11,431,069

Table 1 Regional STAG Allocation for fiscal years 2012, 2013, and 2014.

The following Table shows the types and numbers of grants allocated to each region.

	R1 (10 Tribes)	R2 (8 Tribes)	R4 (6 Tribes)	R5 (35 Tribes)	R6 (66 Tribes)	R7 (9 Tribes)	R8 (27 Tribes)	R9 (148 Tribes)	R10 (42 Tribes/231 Alaska Native Villages)
103 Grants	1	1	2	11	13	5	12	24	15/1
105 Grants	2		1	1			1	4	10
105 PPG Grants	1	1		3		1			
Total	4	2	3	15	13	6	13	28	26

Table 2 FY 2013 Tribal Air Grants (each Region includes the number of Federally Recognized Tribes and Tribal Consortia receiving STAG funding).

Analysis for Future Funding

Currently, EPA funding for Tribal Air Programs does not meet the current needs of Tribes to address serious air quality issues within their communities. In addition, the EPA's annual budget for Tribal air quality activities has not increased over the years despite an ever-growing demand for new program capacity development, and advanced monitoring and regulatory development among Tribes with existing programs.

There are 566¹ Federally Recognized Tribes. STAG funding is allocated to Federally Recognized Tribes and Tribal Consortia throughout the EPA Regions. Currently there are **110 Tribal 103, 105, and 105 PPG grants² issued among all EPA Regions, which indicates a disparity between the number of Tribes in the nation and the number of grants available. In total, 80.5% of all Federally Recognized Tribes DO NOT receive funding for air quality programs.**

While not all Tribes may want to have an air program or an air-monitoring program, any Tribe that does should have the option to apply and receive funding to develop the capacity for an air program and/or to monitor their air shed. Every Tribe has the right to know if their air is clean and to meet the health concerns and needs of their community. Tribes who receive funding need to know that they will retain their funding and that their programs will be able to grow and mature, and not be abruptly cut-off and ended.

Based on a history of stagnate funding levels and the inability to fund new Tribal air programs, the NTAA recommends that EPA review the formula used for funding and make corrections to account for Tribes that wish to begin an air program and to continue mature air programs. The NTAA asks that EPA and other appropriators consider increasing Tribal air program funding as a strong indicator of their trust responsibility and to maintain strong government-to-government relationships. Further NTAA strongly believes that increased funding will begin to fill data gaps and provide valuable information on a regional and national level.

The NTAA strongly suggests to the EPA that it is prudent to increase Tribal Air Program funding by a minimum of \$3.5 million and regulatory and policy change implementation by a minimum of \$8 million over the next five years. This funding request is made in addition to current funding and is requested to NOT be at the detriment or withdrawn from any other programs fiscal support.

- \$1.5 million – to give a few additional Tribes the ability to begin new air programs and build capacity while allowing for current and mature Tribal Air Programs to continue; this would at a minimum begin to fulfill EPA’s strategic plan. Funding utilized by Tribes is money well spent; this statement is based upon the efficiency of each air program that currently operates in Indian Country. Additionally, many Tribes that have established programs are not able to implement more advanced monitoring and/or to develop regulatory programs to address air pollution sources at their current funding levels. New and existing Tribal air programs are in desperate need of additional EPA funding and support in order to monitor and regulate their air sheds in order to protect the health and welfare of Tribal Members.
- \$1 million – for Climate Adaptation Planning to prepare for the impacts of climate change and/or reducing greenhouse gas emissions. Tribes have contributed little to the

¹ Federal Register/Vol. 79, No.19/Wednesday, January 29, 2014/Notices
<http://www.bia.gov/cs/groups/public/documents/text/idc006989.pdf>

² The numbers reported in this document are based on regional reports to the OAQPS Database.

causes of climate change, but have been disproportionately affected by the risks. The impacts of climate change threaten the very ways of life, subsistence, land rights, future growth, culture, resources, and sustainability. Very few Tribes have been able to begin their adaptation planning, but many more will need to start. At this time there is no funding allocated for this purpose and is needed and necessary.

- \$1 million – for Indoor Air and Radon Programs. In the past these programs have been minimally funded or considered unfunded mandates. Recently the funding made available for the Radon Program was removed. These programs are extremely important for Tribes and their community's health. It is time for these programs to be funded and supported by the EPA in an appropriate manner.
- \$8 million – for the NSR Program over the next 5 years as follows: The cost of regulatory and policy changes and implementation to Tribes. While in many cases it is not necessary for Tribes to take on the delegated authority of implementing a program through a TIP, Tribes are opting to take a more active role in the implementing and delegative authority process. This assists the EPA with permitting in a timely manner and the burden of enforcement. For example; the Tribal New Source Review (NSR) Program was promulgated in 2011 without any funding for Tribes to implement the program. Of the Tribes with air grants, based on a survey of the Tribes with air programs and Regional Offices, at this time a minimum of 20 Tribes will develop TIP's and their own NSR programs, 44 Tribes will take delegation of the NSR program from EPA, and 56 Tribes will participate in NSR implementation via permit review and outreach. This is only one of many new and upcoming changes that must be considered before implementation rather than afterward. When EPA decides to implement a new regulation or change a policy, etc. one of the first considerations needs to be how will the work be accomplished?

If you have any questions or comments about this document or the NTAA please contact us.

Respectfully Submitted,

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