Tribal Consultation in OSWER

TRIBAL LANDS AND ENVIRONMENT FORUM
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How can OSWER best implement EPA’s (draft) Consultation Policy?

- How should we approach consultation across our programs for national actions?
- What specific consultation actions should we consider?
- How can we meet our consultation obligations without overburdening tribes?
- How can tribes keep track of EPA actions that they may want to be consulted on?
How should we approach consultation across our programs for national actions?

- Should we develop consultation guidelines to help our offices?
  - Consistency
  - Not just “checking the box”
  - Respect for tribal self-government and sovereignty

- One example is our “primer” on Tribal Consultation for the Superfund program
What specific consultation and coordination actions should we consider?

- For OSWER, it is important to clarify the difference between tribal consultation and public participation:
  - We carry out public involvement activities as required by statute and regulations.
  - These efforts typically involve the members of the tribal community directly (as stakeholders).
  - These efforts are normally separate from consultation with tribal governments.
  - Consultation occurs *in addition to* the public participation process.
Consultation vs. Community Involvement: Example: CIP

- Under CERCLA and the National Contingency Plan, EPA uses a Community Involvement Plan to engage and involve communities around a Superfund site.
- Where appropriate, a Community Involvement Plan should be developed in consultation with the tribal government.
- The Community Involvement Plan can then be tailored to use approaches that reflect tribal community practices.
What consultation practices should we consider?

**EXAMPLE: OSWER Tribal Strategy**

- OSWER will be updating our National Tribal Strategy this coming year.
- What consultation actions may be appropriate for this “national” effort?
  - Should they be more “outreach” oriented?
  - Does a website opportunity count?
Managing Consultation

- How can EPA meet consultation obligations without overburdening tribes?
  - Combine topics?
  - National meetings?

- How can tribes keep track of EPA actions that they may want to be consulted on?
  - Should we create a webpage or listserve of upcoming actions?
For more information

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