

Highlights of **GAO-06-95**, a report to congressional requesters

Why GAO Did This Study

The Clean Water, Safe Drinking Water, and Clean Air Acts authorize the Environmental Protection Agency (EPA) to treat eligible Indian tribes in the same manner as a state (referred to as TAS) for implementing and managing environmental programs on Indian lands. Some states are concerned that tribes receiving authority to manage these programs may set standards that exceed the state standards and hinder states' economic development. GAO was asked to report on the (1) extent to which EPA has followed its processes for reviewing and approving tribal applications for TAS and program authorization under the three acts, (2) programs EPA uses to fund tribal environmental activities and the amount of funds provided to tribes between fiscal years 2002 and 2004, and (3) types of disagreements between parties over EPA's approval of TAS status and program authorization and methods used to address these disagreements.

What GAO Recommends

GAO recommends EPA develop a written strategy, including estimated time frames, for reviewing tribes' TAS applications for program authority and updating the tribes on the review status. In commenting on a draft of this report, EPA agreed with GAO's findings and emphasized its commitment to addressing the issues raised in the report.

www.gao.gov/cgi-bin/getrpt?GAO-06-95.

To view the full product, including the scope and methodology, click on the link above. For more information, contact John B. Stephenson at (202) 512-3841 or stephensonj@gao.gov.

INDIAN TRIBES

EPA Should Reduce the Review Time for Tribal Requests to Manage Environmental Programs

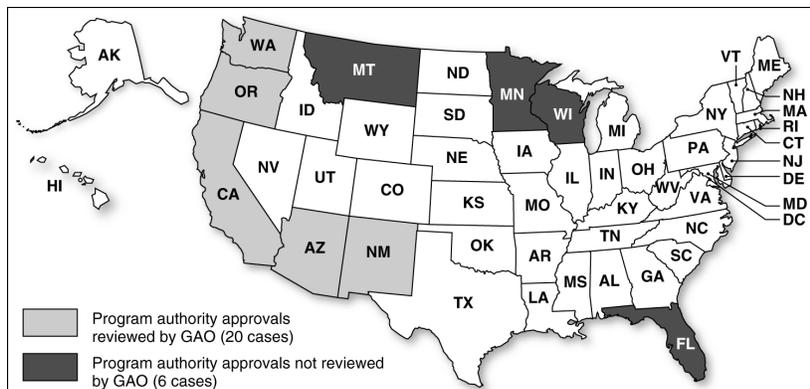
What GAO Found

EPA generally followed its established processes for reviewing and approving tribal requests for TAS and program authority under the three acts, according to GAO's analysis of approved requests. However, the review time for approving these requests generally took from about 1 year to more than 4 years. In addition, nearly all of the requests currently under review were submitted more than 1 year ago. Key factors contributing to the lengthy reviews include the multiple reviews required by the agency's regional and headquarters offices, a lack of emphasis within the agency to complete the reviews in a timely manner, and turnover of tribal and EPA staff. Moreover, EPA has not developed a written strategy that establishes overall time frames for reviewing requests. EPA officials agreed that more could be done to improve the timeliness of the review process but said that complex issues—including evolving Indian case law and jurisdictional issues—may have contributed to the lengthy reviews. Furthermore, EPA's review process is not always transparent on the status of tribes' TAS requests. Lack of transparency limits tribes' understanding of what issues may be delaying EPA's approval and what actions, if any, may be needed to address the issues.

EPA provided Indian tribes about \$360 million in grants to fund a broad range of tribal environmental activities from fiscal years 2002 through 2004. About half of these funds were distributed through two acts: the Indian Environmental General Assistance Program Act (about \$114 million)—to help build capacity to administer environmental programs—and the Clean Water Act (about \$66 million)—to help prevent and reduce water pollution.

Since 1986, when Congress began amending the three environmental acts to allow TAS for tribes, disagreements over land boundaries and environmental standards have arisen between tribes, states, and others. Disagreements have been addressed through litigation, collaboration, and federal laws.

States Where Tribes Are Approved for Program Authority, as of June 2005



Source: GAO presentation based on EPA data.