

Understanding, Developing, and Implementing an EPA-Tribal Environmental Plan (ETEP)

PRESENTED BY:

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Disclaimer

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Presenter Introduction

Joshua M. Simmons

➤ Founding President of Prosper Sustainably

- Assist individuals, organizations, and tribes develop and implement lasting solutions to meet environmental and sustainability needs
 - ETEP Development, Strategic Planning, Grant Writing, Program Development
 - Project Management, Environmental Codes Drafting, Feasibility Studies, Plans

➤ Former SYCEO Director (2007 – 2014)

- Transformed the Santa Ynez Chumash Environmental Office (SYCEO) into a nation leading tribal environmental agency
- Secured 42 grants for \$4.3 million in funding

➤ Code Development & Grant Writing Instructor

- Instructed on behalf of ITEP, FWS, USBR, UCSB



Tribal Consulting Experience

- **Three ETEP Development Consulting Projects**
 - Rincon Band of Luiseño Indians
 - Pala Band of Mission Indians
 - La Jolla Band of Luiseño Indians
- **GAP Work Plan Development**
 - Chemehuevi Indian Tribe
- **Drafting Environmental Codes**
 - Cabazon Band of Mission Indians
 - Air, Water, Waste, USTs, Chemicals & Haz Substances, Env Review
- **DOE Grant Writing Assistance (funding secured)**
 - Pala Band of Mission Indians

Prosper Sustainably's Mission

***TO HELP INDIVIDUALS, ORGANIZATIONS,
AND COMMUNITIES CLARIFY, PURSUE,
AND FULFILL THEIR POTENTIAL***



Presentation Objectives

- Introduction to an EPA-Tribal Environmental Plan (ETEP)
 - What is an ETEP? What is its purpose? What are its benefits?
- Format and Requirements
- ETEP Strategic Work Plan Template
- ETEP Strategic Work Plan ↔ GAP Work Plan
- Steps for Developing an ETEP
- Implementing and Updating an ETEP
- Strategic Planning and ETEPs
- How / If Prosper Sustainably Can Assist
- Questions and Survey (I appreciate your feedback)

NOTE: Please type questions in the Chat Area (bottom left)

I will answer questions at the end of the presentation.



Origins of GAP

Indian Environmental General Assistance Program Act of 1992

➤ 42 U.S. Code § 4368b (see <http://www.epa.gov/tp/gap/>)

➤ Purposes

- To provide GAP grants to tribes to build capacity to administer environmental regulatory programs that may be delegated by the EPA
- To provide technical assistance to address environmental issues

➤ Expenditure of GAP funds

- For the purpose of planning, developing, and establishing the capability to implement programs administered by the EPA
- Development and implementation of solid and hazardous waste programs

What is an ETEP?

2013 GAP Guidance

➤ EPA-Tribal Environmental Plan (ETEP)

➤ ETEP Goals

- Define mutual roles and responsibilities for program implementation
- Establish a joint EPA-tribal planning process to address tribal environmental priorities and ensure federal programs are fully implemented
- Identify tribal plans to manage authorized environmental programs
- Identify need for environmental programs assistance and resources
- Establish intermediate and long-term goals
- Track GAP progress against long-term goals
- Ensure linkage of GAP work plan tasks to long-term goals

ETEP Goals

2013 GAP Guidance

- Improve alignment of GAP work plan activities with long-term goals and priorities
- Better position tribes and EPA to effectively build environmental program capacity through GAP
- Streamlined approach for a long-term planning tool that can be modified as needed
- Intended to be living, usable documents for both tribes and EPA as environmental partners to use in planning and guiding work

ETEP Goals & Benefits

- **Operate department/programs more efficiently and effectively**
 - Accomplish more with less resources and more quickly
- **Identify and secure more resources to accomplish goals / objectives**
More effective anticipate resource needs (funds, staffing, training)
 - Identify and establish collaborative partnerships
- **Create and maintain alignment of efforts with goals**
 - Among staff, leaders, EPA, and other stakeholders
- **Be proactive rather than reactive w.r.t. issues and opportunities**
 - Ability to create opportunities rather than just always respond to issues
 - Avoid chasing funding opportunities that don't meet your highest needs
- **Evaluate issues, opportunities, and activities for alignment with goals**
- **Protection against setbacks due to turnover**
 - Helps to retain staff and easier transition when staff goes
- **Keeps all aspects of Env Dept in proper perspective**



ETEP Requirements / Format

2013 GAP Guidance

➤ Four (4) Required Components:

1. Identification of tribal environmental program priorities, including capacity building and program implementation goals
2. Identification of EPA program priorities and management requirements
3. Inventory of regulated entities
4. Identification of mutual roles and responsibilities

➤ ETEP development and format options are flexible

- Must address four (4) required components
- Length, level of detail, and format will vary

➤ Timeframe

- No more than 5 year timeframe is recommended by EPA
 - 4 year ETEP may be best to align with GAP funding cycles
 - May want to develop a living and continuous 4 year plan

➤ ETEPs to be jointly reviewed at least annually and updated as needed

- Jointly reviewed by tribe and EPA

#1 - Tribal Programs & Priorities

MAIN ELEMENTS REQUIRED:

1. Short description of priority
 - **Recommendation: Use program areas as priorities**
2. Tribe's long-term environmental program goals
 - That address or support priority **or priority program area**
3. Intermediate program development milestones / **objectives**
 - To be accomplished with ETEP timeframe
4. Tribe's plans to manage authorize environmental programs
 - **This means authority to manage delegated EPA regulatory programs**
 - E.g. CAA or CWA TAS (each authority must be officially delegated by EPA)
5. Needed Assistance to achieve goals and milestones/objectives
 - E.g. training, technical assistance, EPA direct implementation actions, financial, etc.

#2 – EPA Program & Priorities

- **Covers Federal Statutory Programs that are EPA's responsibility**
 - If a tribe has not assumed the responsibility
- **EPA to review and document tribal status, intentions, and activities**
 - CAA, CWA, CERCLA, EPCRA, FIFRA, RCRA, SDWA, TSCA
 - Can include EPA implementation w/ tribal participation, TAS, non-TAS delegation, MOUs/MOAs, DITCAS, etc. (available authorities vary)
 - E.g. Tribal New Source Review Training Manual
 - ❖ <http://www.epa.gov/air/tribal/tribalnsrmanual.html>
- **To be done by Regions in coordination with tribes and EPA HQs**
 - **Suggestion for EPA – provide a checklist for each tribe to complete indicating their status and intentions for each regulatory authority**
 - E.g. CWA WQS: Status (Not Applicable, Not Pursuing, In Development, Adopted, Adopted-Revising), Need (High, Medium, Low, None/NA), Goal (Specify), Next Step(s) (Specify), Timeframe (Specify)
 - **Specific goals, steps, and related activities should also be documented in ETEP**
 - See Element #4 from ETEP Required Component #1 (last slide)

#3 - Inventories of Regulated Entities

- EPA will provide a list of known regulated entities to Tribe
 - Regulated under Federal Environmental Statutory Program
 - Look up using Facility Registry System: www.epa.gov/enviro/html/fri/index.html
 - Can be entered as objective/activity in ETEP w/ EPA responsibility
- Tribe will update with additional regulated entities
 - Enter as objective/activity in ETEP w/ tribal responsibility
- Tribes may want to have a more broader inventory
 - That goes beyond Federal Environmental Statutory Regulations
 - E.g. Septic tanks, individual household wells, off-reservation facilities
- Inventory should be update as appropriate
 - Operating Status Changes, New Facilities, etc.
- Presence of regulated entities determines which federal environmental statutes are applicable
 - See ETEP Component #2 (last slide)

#4 Mutual Roles & Responsibilities

- Define activities to be conducted by tribe and EPA, including:
 - What tribe will do to support EPA direct implementation of federal environmental programs
 - What EPA will do to support tribal program development and implementation
 - What tribes will do to either:
 - Apply for program approval/delegation, and/or
 - Build capacities to partner with EPA to implement applicable federal programs
 - Determine through discussion between EPA and tribal staff
- Include Env Program capacity indicators to be established
 - Plus a general time line for establishing each capacity indicator
- Include role for each objective/milestone/activity in ETEP

Additional ETEP Requirements

- **Completion Dates for tribal and EPA activities**
 - To allow progress to be measured
- **Progress / Performance Measurement Indicators**
 - To indicate how tribe and EPA will monitor progress toward goals
- **Annual work plan joint evaluation to include EPA's activities**
- **Alignment of GAP work plans w/ ETEP program priorities and mutual roles and responsibilities**
 - **Recommendations for doing this seamlessly provided later in webinar**
- **Living document to be actively used by Tribe and EPA**
 - Revise as conditions change (e.g. staff turnover, changed tribal priorities, etc.)
- **Support of senior officials of tribe and EPA**

Summary of ETEP Components & Suggested Approach – Strategic Work Plan

STRATEGIC WORK PLAN SPREADSHEET (truly “living” document):

- Priority Program Areas
 - Include all current and proposed program areas
- Description of each Program Area
- Long-Term Program Goals (by Program Area)
- Intermediate Milestones/Objectives/Activities (by Program Area)
 - List by Year (repeat year to year for ongoing objectives)
 - Calendar Year or Fiscal Year – use what makes the most sense for your situation
 - Include responsibility (tribal and/or EPA) per milestone / objective
 - Add EPA Milestones/Objectives/Activities once these are established
 - Include associated Capacity Indicator (from GAP Guidance) per milestone / objective
 - Where/If Applicable - **objectives with associated GAP Guidance Capacity Indicators are not required**
 - Critical Objectives / Milestones to include (can break up into multiple activities):
 - Preparing an Inventory of Regulated Entities
 - Pursuing Authority(ies) to Manage EPA Statutory Regulatory Programs
 - Include Performance Indicators per milestone / objective
 - E.g. outputs, deliverables, performance metrics, performance goals

Summary of ETEP Components & Suggested Approach – Strategic Work Plan

STRATEGIC WORK PLAN SPREADSHEET:

- Indicate needed resources by Goal or Objective/Milestone
 - Some needed resources will be embedded as objectives

SEPARATE FROM SPREADSHEET:

- Inventory of Regulated Entities (develop w/ EPA)
- Status of Federal Env Statutory Programs (develop w/ EPA)
 - AKA - Tribe's plans to assume federal Env regulatory authorities
 - A checklist format is optional (still needs to be addressed by EPA)

Aligning GAP Work Plan & ETEP Strategic Work Plan

GAP Work Plan Element = ETEP Strategic Work Plan Element

- **Work Plan Component = Priority Program & Description**
 - **Priority Program Names can be changed to match Work Plan Components**
- **Long-Term Outcomes = Long-Term Goals**
- **Intermediate Outcome = Intermediate Objectives / Milestones**
- **Commitments = Intermediate Objectives / Milestones**
 - **May want to break up into multiple activities and/or provide add'l detail**
- **Component Capacity Indicators = Objectives Capacity Indicators**

Aligning GAP Work Plan & ETEP Strategic Work Plan

GAP Work Plan Element = ETEP Strategic Work Plan Element

- **Output = Output / Deliverable / Performance Indicator**
- **Roles = Tribal / EPA Role**
- **End Date = Due Date, Year**
- **Responsibilities = Responsibilities (Primary, Secondary, etc.)**
- **Work Years = Estimated Work Years (Primary, Secondary, etc.)**
- **Estimated Commitment Cost = Estimated Cost**

NOTE: GAP Work Plan needs to be prepared separately from ETEP

Steps for Developing an ETEP

➤ Research and Scoping

- Gather, review, and extract information from relevant internal documents, including (but not limited to):
 - TEPs, TEAs, Environmental Inventories, Strategic Plans, Policies
 - Grant Narratives, Work Plans, Budgets, and Reports (past, current, future)
 - ❖ Including recent (or relevant) unsuccessful grant proposals
 - Program Narratives, Work Plans, Budgets, and Reports (past, current, future)
 - Plans, Assessments, Feasibility Studies, Surveys, and related reports
 - ❖ Can include plans from other departments where there is overlap with Env Dept
 - Environmental Codes, Regulations, Resolutions, and Compliance Documents
 - General Tribal Strategy and Land Use documents
 - Interviews and discussion with staff, leaders, and other internal stakeholders

Steps for Developing an ETEP

➤ Research and Scoping continued...

- Gather and Review, and extract information from relevant external documents, including (but not limited to):
 - May 2013 GAP Guidance – focusing on Capacity Indicators
 - ❖ Record relevant capacity indicators number
 - Environmental Grant Funding Announcements
 - Environmental Agency Guidance Documents
 - Interviews and discussion with agency representatives, external stakeholders, etc.
 - Prosper Sustainably knowledge base (from past projects, experience, and ideas)

Steps for Developing and ETEP

- **Develop & Prioritize List of Objectives / Milestones**
 - **Organize by Program Areas (these must be defined)**
 - **Can include Performance Indicators (optional)**
 - **Note high, medium, low, and no priority**
 - Delete any that will definitely never be pursued
 - **Review objectives and priorities w/ staff, leadership, EPA, and other stakeholders (as appropriate)**

Steps for Developing and ETEP

➤ Prepare ETEP Strategic Work Plan

▪ Insert Program Areas, Description, and Long-Term goals

- You may have to define description and long-term goals
 - ❖ Refer to grant work plans and other documents for this information
- It may help to define description and long-term goals after inserting objectives

▪ Insert and organize Intermediate Objectives / Milestones by Year

- For up to 5 years (4 years is recommended)
- Include Capacity Indicators (where applicable)
- For Objectives that you may want to pursue but don't fit within the current timeframe, insert at the bottom with "Possible" instead of a specific year
- Include resources needs as Objectives / Milestones or under "Possible Funding Sources"
- Add EPA's Objectives / Milestones as they are agreed upon

Steps for Developing and ETEP

- **Prepare ETEP Strategic Work Plan continued...**
 - **Insert Plans to Manage Statutory Environmental Regulatory Programs**
 - Discuss and determine leadership, staff, EPA, and other stakeholders
 - **Insert Additional Required Information**
 - Performance Indicators (can be limited to Outputs / Deliverables)
 - Role, Responsibilities, Due Date, Work Years, Estimated Cost
 - ❖ EPA Roles for Objectives / Milestones must be agreed to by EPA
 - **Insert Optional Information**
 - Additional Performance Indicators and/or Goals
 - Area, Category, Urgency, Status, Notes, Links / References
 - Possible Funding Sources, Amount of Funding Secured, Secured Funding Sources
 - And/Or anything else your may want to track

Steps for Developing and ETEP

- **Prepare Inventory of Regulated Entities**
 - This should be developed with EPA GAP project officer / representative
- **Prepare Status of Federal Env Statutory Programs Checklist**
 - This should to involve discussion with tribal leaders, EPA, etc.
 - This is optional and you may choose to address just in the ETEP Strategic Work Plan (spreadsheet)
 - Discuss whether and how to do this checklist with EPA Project Officer

Implementing / Updating an ETEP

- **ETEP = centralized blueprint and performance monitoring system for entire Tribal Environmental Department**
- **Utilize ETEP to develop grant and program work plans**
 - **Especially for GAP / PPG work plan**
- **Review regularly and implement**
 - **Program Managers, Specialists, Technicians, and Assistants should review the program areas they are working on at least monthly**
 - **Keeps track of what needs to be done and ensures continuous progress**
 - **Progress, challenges, opportunities, and concerns can be communicated to Manager and EPA as they arise**
 - **Can be utilized for progress reporting (if performance indicators are updated regularly)**

Implementing / Updating ETEP

- **Review and update each Program Area annually**
 - **Main function of the Environmental Director / Manager**
 - This is a powerful tool to perform essential oversight responsibilities
 - Keeps all goals, objectives, and programs in alignment and moving forward
 - **Update one Program Area at a time and rotate throughout the year**
 - E.g. 6 Total Program Areas → Review and update one Program Area every two months
 - **Add an additional year to the ETEP and archive the year that has passed**
 - E.g. For a 4-Year ETEP – in 2016 archive 2015 and add 2019 milestones/objectives
- **Utilize as a communications tool**
 - **Between staff, other departments, agencies, partners, and other stakeholders**
 - **A clear, organized (yet adaptable) strategy can gain needed support**
 - **Seek stakeholder input during development and updates**
 - **Present the plan as a draft that can be changed (as a “living” plan it always is a draft)**
 - This can lead to greater stakeholder investment and support)

General ETEP Advice

- **Include all programs/activities that are the responsibility or within the scope of your department**
 - **Don't just include what can be funded or regulated by the EPA**
- **The templates can and should be customized to meet your needs**
- **The templates and recommendations shared during this presentation are not the only way to develop an ETEP**
 - **“The specific format and approach to developing ETEPs may vary from tribe to tribe and region to region. Maximum flexibility is provided as to how the ETEPs are developed.” – 2013 EPA GAP Guidance**

Strategic Planning and ETEPs

- **Strategic Planning & ETEPs → Incredibly Powerful if done well**
- ETEPs can be most effective when developed as part of a strategic plan / strategic planning process
- **Strategic Plan Components (basic):**
 - Mission, Vision, and Values
 - Internal / External S.W.O.T.
 - Strengths, Weaknesses, Opportunities, Threats
 - Overall Departmental Goals
 - Priority Program Areas and Goals → Strategic Work Plan
 - Objectives and Critical Performance Indicators → Strategic Work Plan
- **ETEP = Strategic Work Plan**

Strategic Planning Benefits

- **Discerns the department's highest goals and values**
 - Understand the department's why, what, and how
- **Provides overall guidance and alignment for office**
 - For programs, staff, activities
 - For ETEP development and implementation
- **Helps identify and improve departmental culture**
- **Can uncover and breakthrough departmental challenges**
- **Scope of Strategic Plan can go beyond 5 years**
 - Where the ETEP is (rightfully) limited to a 4-5 year timeframe
- **Review and revise less frequently than ETEP**
- **Effectively communicate department's why, what, and how to others**

How Prosper Can Help

1. Research and develop draft list of objectives / milestones
 - Organized by recommended Priority Program Area
 - Can also include draft Performance Indicators, Program Goals, etc.
 - **Or review any of the above and provide ideas and feedback**
2. Prepare draft ETEP Strategy Work Plan
 - This needs to include option #1 (necessary for sufficient understanding)
 - **Or review the ETEP and provide ideas and feedback**
 - This does not need to include option #1

NOTE: Onsite work may not be necessary, reducing costs

How Prosper Can Help

3. Conduct Strategic Planning Process

- Can include an onsite strategic planning retreat
- Can include option #1 and/or option #2 (but doesn't need to)

4. Assistance with ETEP Review and Revision Process

- Facilitate ETEP Review and Revision Process, and/or
- Conduct Research, Obtain Input, and Draft Updates

NOTE: Onsite work may not be necessary, reducing costs

Considering Prosper's Assistance

Need and Fit Factors

HIGH NEED / GOOD FIT

- Limited Staff Time
- Available Funding
- See ETEP as opportunity to be more effective
- Desire Outside Perspective
- Welcome Assistance in completing ETEP and/or Strategic Plan
- Lack Applicable Internal Skills and Experience
- See value in investing in strategy
- Willing to invest necessary time/effort

LOW NEED / POOR FIT

- Abundance of Staff Time
- No Funding
- Only want to check ETEP off list of things to do
- Wary of Outside Perspective
- Strong Desire to complete ETEP and/or Strategic Plan without Assistance
- Possess Applicable Internal Skills and Experience
- Prefer working project to project
- Want to spend minimal time/effort

Benefits of Prosper's Assistance

- Help you Maximize the Value of your ETEP / Strategic Plan
 - Ensure that all ETEP requirements in a useful manner to your Department
- Systematic, Efficient, Effective approach to ETEPs / Strategic Plans
 - Resulting in time and cost savings (short and long-term)
- Ability to Review, Process, and Organize extensive info quickly
- Experienced, Fresh, and Insightful Perspective
- Offers Creativity, Idea Generation, and Innovative Solutions
- Knowledge of Available Resources (funding, trainings, partnerships)
- Works Quickly and Efficiently; Keeps Project on Task and Progressing
- Always Customize Approach to meet Client Goals and Needs
- Passionate, Energetic & Enjoyable to work with (so I have been told)
- Understand how to work with and for Tribes



Prosper's Other Services

- **Drafting Tribal Environmental Laws**
- **Grant Writing**
- **Project Management**
- **Developing Resource Management Plans**
- **Program Planning / Project Planning**
- **Feasibility Studies**
- **Business Planning / Market Analysis**
- **Collaborative Personal Strategy (aka Coaching)**

Final Message

An effective and consistent investment of time and effort into developing and implementing a strategic plan and an ETEP will **save time** in the long-run while providing the straightest path to achieving your department's highest goals. (regardless of whether you work with Prosper)

These are highly important yet low urgency activities that I hope you won't neglect. In my opinion, they are the most effective investment of time and effort you can make in your Department and Program(s).

Thank You! Questions?

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Please complete survey to help me improve

