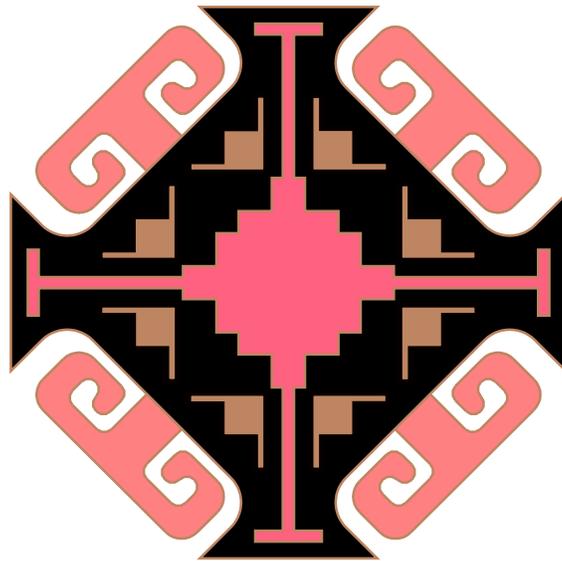


*Protecting Public Health and Water Resources
in
Indian Country*



*A Plan for
EPA/Tribal Partnership
2005-2008*

July 2004 DRAFT

NOTICE

This document, *Protecting Public Health and Water Resources in Indian Country: A Plan for EPA/Tribal Partnership* (“Plan”), is intended to provide internal United States Environmental Protection Agency (EPA) guidance regarding implementation of the National Water Program. It is designed to be consistent with the April 29, 1994 Presidential Memorandum regarding government to government relations with native American tribal governments and the *EPA Policy for the Administration of Environmental Programs on Indian Reservations* (“Indian Policy”), which address working with federally recognized tribal governments on a government-to-government basis. This Plan does not, however, substitute for requirements in federal statutes or regulations, nor is it a requirement itself. It is not intended to create any right or trust responsibility enforceable in any cause of action by any party against the United States, its agencies, or offices, or any person. Thus, it cannot impose legally binding requirements on EPA, and may not apply to a particular situation, based upon the circumstances. EPA may change this Plan in the future, as needed, without public notice. Additionally, terms and interpretations used in this Plan are unique to and consistent with the federal trust responsibility to federally recognized tribes, the need to consult with tribal governments on a government-to-government basis, and the EPA Indian Policy. EPA welcomes public comment on this Plan at any time, and will consider those comments in any future revisions of the document.

PROTECTING PUBLIC HEALTH AND WATER RESOURCES IN INDIAN COUNTRY¹

A PLAN FOR EPA / TRIBAL PARTNERSHIP

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¹ “Indian country” is defined in 18 U.S.C. Section 1151 as (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running throughout the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of the State; and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.” Indian country includes, among other types of land, lands held in trust by the United States for tribes, Indian pueblos, Indian colonies, and rancherias. Under this definition, EPA treats tribal trust lands that have been validly set aside for use by tribes as reservations, and thus, Indian country, even if the trust land has not formally been designated as a reservation.

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PROTECTING PUBLIC HEALTH AND WATER RESOURCES IN INDIAN COUNTRY

A Plan for EPA / Tribal Partnership

PURPOSE: This National Water Program Tribal Plan^{2 3} is designed to create partnerships that protect human health and aquatic ecosystems in Indian country by supporting the development and implementation of clean water and safe drinking water programs. The Plan consolidates, in one document, a nationwide approach to protecting the public health and water resources of tribes. While this document recognizes the benefits of cross funding and cross media operation of tribal environmental protection efforts, it focuses on water programs and issues, which are the direct responsibility of EPA's National Water Program.

I. THE EPA ORGANIZATION

The United States Environmental Protection Agency (EPA) was established in 1970 to protect human health and the environment. Since that time, EPA has been working for a cleaner and healthier environment for the American public. The Office of the Administrator sits at the top of the Agency's hierarchy, with the EPA Administrator directly responsible to the President. Twelve mission specific offices, each headed by its own Assistant Administrator, radiate from the Office of the Administrator, including the:

- 1) Office of Administration and Resource Management,
- 2) Office of Air and Radiation,
- 3) Office of Enforcement and Compliance Assurance,
- 4) Office of Environmental Information,
- 5) Office of the Chief Financial Officer,
- 6) Office of General Council
- 7) Office of the Inspector General,
- 8) Office of International Affairs,
- 9) Office of Prevention, Pesticides, and Toxic Substances,
- 10) Office for Research and Development,
- 11) Office of Solid Waste and Emergency Response, and the
- 12) Office of Water.

² For the purposes of this document, the terms "tribe," "tribal", and "tribal government", refer to federally recognized Indian tribes that are acknowledged by the Secretary of the Interior to exist pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. Section 479a. See 67 Fed. Reg. 46328 (July 12, 2002). These terms also refers to tribal consortia, as appropriate, where tribal governments have authorized consortia to act on their behalf.

³ The current document is called a "Plan" to distinguish it from the Agency's broader *Strategic Plan*.

The Agency also has 10 regional offices. These regional offices are responsible, within the boundaries of their regions, for the execution of Agency programs, and such other responsibilities as may be assigned.

II. EPA'S OFFICE OF WATER: AN OVERVIEW

Two distinct functional areas exist within EPA's Office of Water (OW). These two areas are identified, respectively, as the National Indian Program and the National Water Program.

A. The National Indian Program

The National Indian Program, which is housed in the American Indian Environmental Office (AIEO), in EPA's Office of Water, specifically supports the needs of the tribes for encompassing environmental protection. AIEO differs from the other offices that comprise OW, in that its sphere of responsibility includes, but is not limited to, water issues. The activities of the National Indian Program cross all environmental media, and reach to all federally recognized tribes. AIEO serves as the central contact point between EPA regional and headquarters offices and tribes. It plays a pivotal role in guiding Agency activities associated with the environmental and human health issues and concerns of tribes and provides Agency coordination for high level discussions between EPA and its tribal partners. AIEO is instrumental in the development of EPA's tribal policies, and ensures that offices throughout the Agency establish and maintain respectful, appropriate, government-to-government relationships in their work with tribes.

AIEO also administers the Agency's Indian General Assistance Program (GAP, or IGAP) grant funding for tribes. These monies support basic, cross-media infrastructure building activities that are critical to tribal environmental programs and provide the initial footing upon which many programs, including water programs, are built.

The Office of Water understands that the water programs which are specifically supported by its National Water Program constitute only one piece within a broader context of tribal environmental programs. OW further recognizes that tribal programs generally, including water programs, may draw funding from multiple sources, including from the GAP, from other EPA media offices, and from other federal agencies. The Office of Water supports tribal coordination of multi-media environmental protection efforts, including water quality protection. OW believes that this type of coordination, where appropriate, promotes effective implementation and operation of a full range of environmental protection measures, and may best serve the needs of the tribe.

OW also actively supports cross cutting EPA tribal initiatives such as the Indian Program Policy Council (IPPC), a high level Agency group co-chaired by the Deputy Assistant Administrator for the Office of Water and the Deputy Regional Administrator for the lead region for the National Indian Program. The IPPC is charged with identifying and implementing

collaborative means of addressing those tribal issues that have environmental implications for multiple media areas. In addition, the American Indian Environmental Office, in conjunction with the Office of Ground Water and Drinking Water and the Office of Waste Water Management, has assumed a leadership role in the facilitation of partnership and coordination among federal agencies with responsibilities to tribes, to help ensure that the United Nations Millennium Development Goal commitments made by the United States at the Johannesburg World Summit on Sustainable Development⁴ are met for federally recognized tribes. Federal agencies currently partnering with EPA in this effort include the Department of Housing and Urban Development, the Department of Agriculture, the Department of the Interior, the Department of Commerce, and the Department of Health and Human Services, among others. OW is also represented on the Tribal Science Council, and is at the forefront in working on issues raised by its tribal leadership, including lifeways issues.

While the benefits of cross funding and cross media operation of tribal environmental protection efforts are recognized, and the development, oversight, and leadership role of AIEO in areas such as tribal policy and EPA's implementation of federal trust responsibilities cannot be minimized, this document is limited in scope to issues and activities that are specific to EPA's National Water Program. The scope limitation helps to avoid duplication between this National Water Program plan and strategies and plans prepared by other EPA media programs (such as air, hazardous and solid waste, pesticides and toxics), and by EPA's National Indian Program and the resources and activities it administers. Consequently, several major, EPA-wide tribal activities in which the water program is involved are intentionally omitted. Among these are:

- 1) the Indian Environmental General Assistance Program (GAP) grants,
- 2) the development of Tribal Environmental Agreements (TEAs), and
- 3) the Tribal Enterprise Architecture development project.

The Office of Water recognizes that the programs and activities administered by the National Indian Program provide the foundation for building strong tribal environmental programs, including water protection programs. However, OW believes these cross cutting efforts are better addressed in cross media planning documents rather than in this document, which focuses on water issues and water programs. For further information on National Indian Program activities and EPA's cross media tribal strategy, please see the *American Indian Environmental Office Plan - 2004*. The AIEO tribal plan is included as an appendix to this document. It is also available, along with other information on EPA's National Indian Program, on the web at: www.epa.gov/indian/.

⁴ United Nations. 2002. *Report of the World Summit on Sustainable Development: Johannesburg, South Africa, 26 August - 4 September, 2002*. New York: United Nations.

B. The National Water Program

In addition to housing AIEO and the National Indian Program, EPA's Office of Water is home to the National Water Program, which provides an important structural umbrella for activities that prevent water pollution, provide clean and safe water, reduce global and cross-border environmental risks, and protect the American public and the environment across the United States from risks associated with poor water quality. EPA's National Water Program serves to protect the country's drinking water, and restores and safeguards our ground water and the waters of our streams rivers, lakes, wetlands, estuaries, coasts and oceans. Programs and activities administered by the National Water Program establish minimum acceptable water quality standards (WQS) for the American public, independent of geographic location, economic status, ethnicity, or other social or geopolitical considerations.

Four water media offices are housed within the broader National Water Program. These include:

1) *The Office of Ground Water and Drinking Water (OGWDW)*. The National Water Program's Office of Ground Water and Drinking Water, in partnership with states, tribes, and others, safeguards public health by protecting the country's ground water and ensuring safe drinking water safety for consumers nationwide. OGWDW, along with EPA's regional drinking water programs, oversees implementation of the Safe Drinking Water Act (SDWA), the national law that protects sources of drinking water and requires public water systems to provide drinking water that meets national safety standards. OGWDW develops and helps implement national drinking water standards, oversees, assists, and helps fund drinking water and source water protection programs, supports small drinking water systems, protects underground sources of drinking water through the Underground Injection Control (UIC) Program, and develops and disseminates informational materials for public education and outreach. OGWDW works cooperatively with states, tribes, and EPA's Office of Enforcement and Compliance Assurance to help ensure that public water systems meet national protection standards.

2) *The Office of Science and Technology (OST)*. The National Water Program's Office of Science and Technology is responsible for developing sound, scientifically defensible standards, criteria, advisories, guidelines, and limitations under the Clean Water Act (CWA) and the Safe Drinking Water Act. OST issues health advisories for use by states and tribes, and sponsors extensive research on the effects of pollutants on aquatic organisms, fish and wildlife. This Office is committed to furthering our understanding of the effects of pollutants that are discharged into our nation's surface waters. It focuses on such diverse programs as technology based controls and pollution prevention techniques for industrial dischargers, human health and environmental exposure and risk assessment, and water quality standards. OST works closely with numerous stakeholders, including states, tribes, industries, trade associations, and environmental groups, to develop and manage these programs.

3) *The Office of Wastewater Management (OWM)*. The National Water Program's Office of Wastewater Management is responsible for key programs that contribute to the overall health of our nation's waters and watersheds. Some of its responsibilities include administering the National Pollutant Discharge Elimination Permit Program (NPDES) and the National Pretreatment Program, storm water management and control of combined sewer overflows, management of sanitary sewer overflows, and oversight of concentrated animal feeding operations. OWM supports grant programs for water quality demonstrations, research, and new infrastructure construction, and encourages the development of new technologies, innovative techniques, and improved management of on-site systems. The Office of Wastewater Management works in partnership with states, tribes, and others to attain the nation's water quality goals and to promote safe, effective, and efficient management of community water resources.

4) *The Office of Wetlands, Oceans, and Watersheds (OWOW)*. The National Water Program's Office of Wetlands, Oceans, and Watersheds promotes a watershed approach to management, protection, and restoration of the water resources and aquatic ecosystems of our marine and fresh waters. The adoption of this strategy was based on the premise that water quality and ecosystem problems are best solved at the watershed level, and that local citizens play an integral role in achieving local clean water goals. In conjunction with its many programs, OWOW provides technical and financial assistance to watershed protection efforts and develops regulations and guidance for watershed based approaches to problem solving. The Office provides leadership, policy direction, and technical and financial support to the ten EPA regions as well as to states, tribes, and territories that implement aspects of its programs. OWOW also collaborates with other federal agencies that have similar missions, and with local governments, private sector stakeholders, and non-profit organizations.

EPA employees in the National Water Program's four water media offices work closely with their counterparts in EPA's regional offices to coordinate water policy and program efforts across the country, including in Indian country.

III. THE OW TRIBAL PLAN: HISTORY, TIMING AND PURPOSE

EPA first published its Indian Policy and guidance for Policy implementation in 1984. EPA's Indian Policy, which remains in effect today and is included as an appendix to this document, calls on the Agency to develop and maintain government-to-government relationships with federally recognized tribes as it works to improve environmental protection. The 1984 Indian Policy "recognizes tribal governments as the primary parties for setting standards, making environmental policy decisions, and managing [environmental] programs...consistent with Agency standards and regulations." The Policy also states that:

"Until tribal governments are willing and able to assume full responsibility for delegable programs, the Agency will retain responsibility for managing programs

for reservations (unless the state has an express grant of jurisdiction from Congress sufficient to support delegation to the state government).”

In October 1998, EPA’s National Water Program issued a document called *Protecting Public Health and Water Resources in Indian Country: A Strategy for EPA/Tribal Partnership*. The document was designed to set program specific performance measures to meet the goal of clean water in Indian country. It also identified activities designed to meet goal measures and ensure movement toward the nationwide environmental objectives relative to Indian country that were described in EPA’s then current Strategic Plan. The 1998 National Water Program tribal strategy set 2005 as the target date for achieving its objectives, as did the EPA Strategic Plan.

In October 2003, after extensive outreach to states, tribes, and others, EPA published a new *Strategic Plan* for 2004 - 2008. This new *Strategic Plan* includes five major environmental goals, including:

- 1) Clean Air,
- 2) Clean and Safe Water,
- 3) Land Preservation and Restoration,
- 4) Healthy Communities and Ecosystems, and
- 5) Compliance and Environmental Stewardship.

National Water Program interests, which include programs authorized by the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA), are primarily addressed in *Goal 2: Clean and Safe Water*. However, some areas of interest, especially those surrounding large water body issues, are addressed in *Goal 4: Healthy Communities and Ecosystems*. The complete Environmental Protection Agency *Strategic Plan* for 2004 - 2008 can be found at <http://www.epa.gov/ofcophage/plan/plan.htm>.

In light of the publication of EPA’s new *Strategic Plan*, and because of improvements in EPA’s understanding of tribal environmental issues since 1998, EPA’s National Water Program has developed this new tribal Plan for the years 2005 through 2008. As with the National Water Program’s 1998 tribal strategy, the purpose of this tribal Plan is to consolidate, in one document, a nationwide approach to protecting the public health and water resources of Indian country. This National Water Program Plan identifies measures that will be used to track progress toward reaching relevant goals and objectives, as articulated in the Agency’s *Strategic Plan*. It also identifies key water program activities that EPA believes are particularly important to Indian country and which the Agency intends to support during the next several years.

Consistent with the federal government’s trust responsibility to federally recognized tribes, and in accordance with EPA policy and guidance, the National Water Program intends to continue its work with tribes toward full implementation of water programs in Indian country. Although this Plan is limited in scope to those activities undertaken by tribes and/or EPA to

protect human health and water resources in Indian country,⁵ the National Water Program will also continue its work with tribes in other settings, to protect water resources outside of Indian country where tribes have rights such as treaty guarantees of resource protection.

A. A National Approach to Tribal Water Quality Protection

Congress has delegated authority to EPA to ensure that environmental programs designed to protect human health and the environment are carried out throughout the United States, including in Indian country. In Indian country, the National Water Program's primary goal is to assist in developing and implementing water programs that protect human health and aquatic ecosystems. This goal may be approached in the following ways:

- 1) It may be approached through direct federal implementation of water protection activities,
- 2) It may be approached by building the tribes' capacity to implement their own programs, and/or
- 3) It may be approached through the creation of voluntary partnerships that leverage federal, tribal, and state resources and expertise.

No matter the method, the ultimate intent is to ensure that Indian country is afforded the same water quality protections as are provided to populations in other parts of the United States.

The overall goal structure of the EPA *Strategic Plan* identifies certain areas that are of special interest to the National Water Program because they detail specific water quality and public health sub-objectives for all areas of the United States. These sub-objectives, which are under Goals 2 and 4 of the EPA *Strategic Plan* and will be specifically targeted by Agency efforts between now and 2008, include:

- 1) Water Safe to Drink,
- 2) Fish and Shellfish Safe to Eat,
- 3) Water Safe for Swimming,
- 4) Restored and Improved Water Quality on a Watershed Basis,
- 5) Protect Coastal and Ocean Waters/Estuaries,
- 6) Protect Wetlands,
- 7) Protect Mexico Border Water,

⁵ Although this Plan uses the term Indian country, EPA recognizes that the scope of activities may differ among water programs because of statutory requirements. For example, water program grants authorized under Section 106 of the Clean Water Act may be awarded only to tribes on reservations, whereas EPA water permitting activities may include other areas of Indian country, such as Indian allotments and dependent Indian communities. The scope of an activity will be determined by the appropriate statutory authority.

- 8) Protect the Chesapeake Bay,
- 9) Protect the Great Lakes, and
- 10) Protect the Gulf of Mexico.

As each of these ten sub-objectives is described in the EPA *Strategic Plan*, specific, targeted goals for the year 2008 are identified, and strategies for movement toward their attainment are described. Again, it must be emphasized that these targets and strategies are intended to apply to the entire country, and are not specific to individual population groups or to particular geographic areas.

As part of its efforts to implement the ten sub-objectives of the *Strategic Plan*, EPA's Office of Water has developed *National Water Program Guidance* for fiscal year 2005. A key element of the 2005 *National Water Program Guidance* is the description of a series of program activity measures (PAMs) that identify a minimum number of key program activities common to successful efforts to protect drinking water and water quality. Some of these PAMs are the responsibility of EPA headquarters, while others apply to EPA regions, and/or to states or tribes. The PAMs that are most critical to attaining clean and safe water goals include "target" attainment goals for 2005 and 2008. The *National Water Program Guidance* also identifies "straw targets" for each EPA region, and a defacto "national straw target."

About a dozen of the PAMs described in the *National Water Program Guidance* are applicable to tribes. These measures have been extracted from the "National Water Program FY 05 - 08 Management System Matrix" in the back of the *Guidance* and are included as Appendix B of this tribal Plan. They describe national activities that the Agency believes are most likely to support public and environmental health improvements in Indian country by 2008. Additional actions and approaches toward attainment of these goals may be developed by EPA regions or by individual tribes.

The Office of Water has created an internet site (www.epa.gov/water/waterplan) that provides access to the *EPA Strategic Plan*, the 2005 *National Water Program Guidance*, regional plans, and other information relevant to its strategic planning activities.

B. Specific Targets for Indian Country

Within several of the sub-objectives contained in the *EPA Strategic Plan*, specific, key targets for Indian country have been identified. These targets highlight areas in which EPA is emphasizing a priority need for improved tribal conditions. They indicate the types of outcomes that are expected as a result of Agency efforts to promote human health and water quality for tribes. The five key water issue areas that National Water Program activities specifically target for Indian country include:

- 1) Improved access to basic sanitation and safe drinking water⁶ (*EPA Strategic Plan* - Goal 2, Objective 1),
- 2) Improved drinking water safety (*EPA Strategic Plan* - Goal 2, Objective 1),
- 3) Improved overall water quality (*EPA Strategic Plan* - Goal 2, Objective 2),
- 4) Improved safety of fish for eating (*EPA Strategic Plan* - Goal 2, Objective 1), and
- 5) Improved environmental health of tribal wetlands (*EPA Strategic Plan* - Goal 2, Objective 2).

This document is intended to further a common understanding, by federal, state, and tribal environmental managers, of the nature and importance of effective water programs to the environmental health and protection of Indian country. EPA's National Water Program is committed to implementing this Plan, and to providing the national support that is important for successful outcomes. This commitment includes:

- 1) providing appropriate tools, including training and guidance documents, for implementing needed tribal water programs,
- 2) continuing National Water Program management support and involvement at the highest levels, and
- 3) identifying and focusing resources appropriately to meet the commitments of this Plan.⁷

EPA recognizes that resource constraints experienced by the Agency, the tribes, and others may influence overall success in reaching the goals outlined in this Plan. Therefore, it is important that available resources be focused and used efficiently and effectively.

⁶ This first strategic target reflects support, by EPA and the National Water Program, of global target language that was adopted by participant countries at the World Summit on Sustainable Development, held in Johannesburg, South Africa, in 2002. Attainment of this goal worldwide, including in Indian country, requires close, ongoing coordination among many federal agencies. That interagency coordination requirement sets the first strategic target apart from the other four, where primary federal leadership responsibility rests within EPA's National Water Program.

⁷ Grant funds available to tribes from the National Water Program increased from \$16 million in FY 1992 to \$68 million in the FY 1999 President's Budget. In the same time period, General assistance Program (GAP) grants supporting cross media tribal environmental capacity building increased from \$0 to \$43 million.

C. Tribal Water Programs

A wide range of water protection programs already exists in Indian country and in other tribal areas. Some tribes do not yet have a significant environmental presence. Others have developed environmental programs that are designed to meet specific tribal needs. Some tribes may be interested in assuming full responsibility for administering EPA water programs, while others may be unable or unwilling to do so for a variety of reasons.

The National Water Program will seek to ensure that tribal needs in Indian country are addressed by:

- 1) assisting interested tribes in developing water protection programs,
- 2) helping tribes to further develop and implement their existing water programs, and/or
- 3) conducting direct implementation (DI) of water protection programs in Indian country, in a manner that is consistent with the EPA Indian Policy, in cases where tribes cannot, or choose not to implement their own authorized programs.

In certain cases, a combination of approaches may best maximize program implementation success. For example, an interim EPA presence may be required while a tribal water program is being developed. Or EPA involvement may fill “gaps” in tribal program coverage (for example, where partial program assumption is an option under federal law and Agency policy, and the tribe chooses to assume responsibility only for certain portions of an overall program).

In some instances, tribes may wish to enter into (or have already established) agreements with state and local governments, other agencies, and/or other tribes, to work cooperatively to implement environmental programs in Indian country. These partnerships may be especially useful when developing programs to protect watersheds that cross tribal, local, and state government jurisdictions. In these partnership situations, the National Water Program encourages tribes to formalize their agreements with partners to ensure mutual understanding of obligations and expectations, and protection of the rights of all parties.

When determining appropriate EPA support measures for water protection efforts in Indian country, tribes fall into three general categories:

- 1) The tribe does not plan to assume program implementation responsibilities,
- 2) The tribe will work in partnership with EPA to implement programs, or

- 3) The tribe has, or intends to develop, the capability to conduct its own water programs.

The National Water Program's implementation activities for tribes in the first two categories are expected to be similar. EPA will plan with tribes in category one, that do not wish to assume any program implementation responsibilities, for appropriate, long term mechanisms for program implementation. For tribes in category two, EPA and the tribe will plan for a long-term implementation partnership. Priorities for implementation of water program components for individual tribes (e.g., wetland protection measures, water quality standards, underground injection controls, etc.) will be set on a case-by-case basis, with EPA and the tribe working together during the decision making process.

The National Water Program will work with tribes in category three, that have, or intend to develop, capacity to assume responsibility for full water programs, to help them obtain program authorizations under the Clean Water Act (sometimes referred to as "treatment in a similar manner as a state" or TAS), and to provide them with program approval as quickly as possible once authorization requirements are met. To reach this goal, EPA will provide technical assistance to tribes appropriate to their existing ability levels. In some instances, EPA and the tribe may enter a temporary implementation partnership, with a goal of developing and increasing the tribe's capacity. While awaiting water program approval, high-risk human health and environmental priorities identified by EPA and the tribe are expected to be addressed as necessary by EPA, in accordance with the Agency's responsibility for direct implementation and the EPA Indian Policy. Additional information on the processes tribes should follow to apply for TAS is provided on the internet at: <http://www.epa.gov/indian/laws3.htm>, and <http://wwwlepalgov/indian/treatst.htm>, and <http://epa.gov/waterscience/tribes/auth.htm>.

The EPA National Water Program, consistent with federal law and EPA's 1984 Indian Policy, will continue to play an important role in assisting interested tribes in program areas where tribes may be unwilling or unable to assume tribal authority over delegable water programs. The National Water Program also intends to continue its support for a wide variety of tribal capacity building and technical assistance activities not tied to specific statutory mandates.

D. Plan Purpose and Development

This Plan outlines critical components of tribal water programs and identifies implementation activities that the Agency believes will promote development of tribal programs and advancement strategic target areas. Implementation includes assessing the extent to which projected activities achieve successful results as well as the extent to which they contribute to meeting the Agency's overall goals and objectives.

EPA recognizes that a diversity of water programs now exist in Indian country. This document is intended to accommodate this diversity by providing a framework that can be used,

by EPA and by tribes, across the spectrum of existing water programs, to promote healthier aquatic ecosystems and to improve human health protection as it relates to water resources.

The specific performance measures outlined in this document are designed for building and implementing water programs in Indian country. Baseline information on each performance measure (as of the date of this Plan) is provided when available. The sections entitled “Means of Attaining Strategic Targets and Meeting Program Activity Measures” outline specific activities that are designed to meet associated strategic and performance activity measure targets.

EPA’s National Water Program is committed to full realization of all applicable strategic goals in Indian country, as well as in the rest of the United States. With that in mind, it should be recognized that the targets in this Plan’s performance activity measures are incremental, and are expected to lead to full goal achievement over time. The Plan uses the year 2008 as its first target year, because it is generally consistent with EPA’s Government Performance and Results Act (GPRA) targets, and is used in the *EPA Strategic Plan*.

It is important to emphasize that the tribal strategic targets and PAMs described in this Plan complement the national targets and measures of the *EPA Strategic Plan*. In the case of each tribal strategic target, improvements in Indian country are expected as a direct result of the implementation of the Agency’s overall, nationwide strategy. For example, the National Water Program’s strategic target to reduce the number of water borne diseases attributable to swimming in recreational waters includes Indian country as well as all states and U. S. territories.

Consistent with the federal government’s trust responsibility to federally recognized tribes, National Water Program efforts to attain full implementation of water programs in Indian country are bound by the framework of Agency policy and guidance.

E. Establishing Water Program Priorities

Priority setting is critical to the success of any environmental program. Without it, neither EPA nor the tribe can develop an adequate basis for identifying and justifying an emphasis on key program components. As partners, EPA’s National Water Program and the tribes have a long and varied list of programs available for implementation. Among them are water quality standards implementation, non-point source programs, point source permitting, wetlands protection, public water systems services, and underground injection control programs. EPA also recognizes the right of each tribe to set its environmental priorities. The efforts described in this Plan are intended to assist those tribes that desire assistance in setting water protection priorities, and to highlight areas of national concern.

Both tribal and Agency capacity for environmental program development and implementation must be evaluated in any determination of realistic, attainable, and desired environmental goals for tribes. Based on national and tribal environmental and health priorities, and with due consideration of available and projected resources, the National Water Program

intends to work with tribes to establish priorities for specific tribal water programs. Through tribal environmental agreements (TEAs), or other, similar agreements, the National Water Program and each interested tribe will commit to implementing specific, individual water program activities that, together, will comprise a complete tribal water quality and drinking water protection effort.

Currently, EPA retains authority for directly implementing most existing federal water programs in Indian country. However, direct implementation resources are limited relative to existing needs. Therefore, the National Water Program, in collaboration with the tribes, intends to set priorities for DI based on risks to human health and the environment. These DI priorities will be established in TEAs, or in similar agreements with individual tribes, as was mentioned above. Until such a formal agreement is in place, the National Water Program, together with the tribe, will determine priorities and ensure that Agency resources are used to address the tribe's most significant water related concerns.

EPA's National Water Program recognizes that federal and tribal resource constraints require the establishment of shorter and longer term water program priorities that focus initially on carefully selected key program elements. The National Water Program encourages tribes to use a "three element" watershed approach as an organizing construct wherever practicable. These three elements include:

- 1) monitoring and assessment of water quality,
- 2) implementation of water quality and drinking water standards, and
- 3) infrastructure improvement such as construction, operation, and maintenance of wastewater and drinking water systems.

EPA is not suggesting that other elements can or should be ignored, or that these elements should be carried out sequentially. The National Water Program considers these elements to be basic building blocks that provide an essential foundation for efforts to protect human health and aquatic ecosystems in Indian country.

IV. WATER PROGRAMS IN INDIAN COUNTRY: PRIORITIES AND STRATEGIC DIRECTIONS

The tribal strategic targets that are described in this section of this OW tribal Plan are directly derived from target language that was developed for the *EPA Strategic Plan*. The program activity measure (PAM) language following the targets defines milestones that may be expected when adequate progress is being made toward target goals. It is intended that National Water Program personnel, both in headquarters and in the regions, working in partnership with tribes, will carefully consider these tribal strategic targets and PAMs and work to ensure that the

resources of the National Water Program are used in ways that will allow effective measurement of progress and ultimate attainment of targets.

A. Global Targets with Tribal Impacts

In 2002, participants at the World Summit on Sustainable Development (WSSD), in Johannesburg, South Africa, adopted the United Nations (UN) Millennium Development Goal of reducing the number of people world wide who lack access to safe drinking water and basic sanitation by half, by the year 2015.⁸ Secretary of State Colin Powell and then EPA Administrator Christine Todd Whitman participated as U.S. representatives to the Summit. The U.S. government has committed to supporting UN efforts to achieve this Millennium Development Goal, and EPA has affirmed its support by incorporating Goal language into the 2003 - 2008 EPA Strategic Plan as an Agency target, to be achieved by 2015.

EPA lacks the comprehensive statutory and funding authorities that are necessary to provide all of the infrastructure that will be required to meet the Millennium Development Goal in Indian country. However, in addition to EPA, many other federal agencies, with a variety of statutory and funding authorities, have infrastructure development and service responsibilities in Indian country and elsewhere throughout the U.S. Therefore, EPA is facilitating a collaborative interagency effort to develop a coordinated federal solution to the authorities issue, and provide the infrastructure development that will be needed to meet this Millennium Development Goal in Indian country.

Global Strategic Target One: Access to Basic Sanitation

- By 2015, in coordination with other federal partners, reduce by 50 percent the number of households on tribal lands lacking access to basic sanitation. (2000 Baseline: Indian Health Service data indicating 71,000 households on tribal lands lack access to basic sanitation.)⁹

Program Activity Measures

No PAMs relate specifically to this global strategic target.

⁸ United Nations. 2002. *Report of the World Summit on Sustainable Development: Johannesburg, South Africa, 26 August - 4 September, 2002*. New York: United Nations

⁹ Indian Health Service. 2001. *The Sanitation Facilities Construction Program of the Indian Health Service, Public Law 86-121 Annual Report for 2001*. Bethesda, MD: I. The 2000 baseline number includes Alaska native village households.

Means of Attaining Strategic Targets and Meeting Program Activity Measures

To make progress toward reaching this worldwide basic sanitation strategic target in Indian country, OW and the National Water Program will take the following actions:

- The National Indian Program and the National Water Program will work with other federal agencies (e.g., through the federal infrastructure task force established by the National American Indian Housing Council) to develop a coordinated approach to improve access to basic sanitation. A coordinated interagency strategy is expected to be developed by 2005, with implementation slated to begin in 2006.
- The Office of Wastewater Management in partnership with EPA's regional offices, will continue to support the funding of wastewater treatment systems in Indian country through set-aside funds from the Clean Water State Revolving Fund Program, the Alaskan Native Village and Rural Village Grant Program, and the Border Environmental Infrastructure Fund.
- Region 8 (MT, ND, SD, WY, UT, CO) will continue to support a Utility Support Team to bolster management and operation of tribal public services (drinking water, wastewater treatment, and solid waste disposal). The Utility Support Team initiative is charged with improving tribal utility management by helping create revenue streams, and implement budget planning procedures, and proper operation and maintenance protocols.

Global Strategic Target Two: Access to Safe Drinking Water

- By 2015, in coordination with other federal agencies, reduce by 50 percent the number of households on tribal lands lacking access to safe drinking water. (2000 Baseline: Indian Health Service data indicating 31,000 homes on tribal lands lack access to safe drinking water.)¹⁰

Program Activity Measures

No PAMs relate specifically to this global strategic target.

Means of Attaining Strategic Targets and Meeting Program Activity Measures

To make progress toward reaching this global safe drinking water strategic target in Indian country, OW and the National Water Program will take the following actions:

¹⁰ Ibid

- The National Water Program and the National Indian Program will work with other federal agencies (e.g., through the federal infrastructure task force established by the National American Housing Council) to develop a coordinated approach to improve access to safe drinking water. A coordinated interagency strategy is expected to be developed by 2005, with implementation slated to begin in 2006.

B. Specific Tribal Targets from the National Water Program

DRINKING WATER

Because access to safe drinking water is critical to human health, EPA's National Water Program has the following national drinking water objective:

By 2008, 95 percent of the population served by community water systems will receive drinking water that meets all applicable health based drinking water standards through effective water treatment and source water protection.¹¹ This objective applies across the United States, without exception.

Approximately 560,000 people get their tap water from the 980 public water systems in Indian country. Routine data analyses of the Safe Drinking Water Information System (SDWIS) have revealed a degree of non-reporting of violations of health based drinking water standards and of violations of regulatory monitoring and reporting requirements. As a consequence of these data issues, the baseline compliance statistic may be lower than reported. EPA is currently working to improve the SDWIS data base. Even as this work continues, SDWIS remains the best source of national information on compliance with the requirements of the Safe Drinking Water Act.

Tribal Strategic Target One: Drinking Water

- By 2008, 95 percent of the population served by community water systems in Indian country will receive drinking water that meets all applicable, health based drinking water standards. (2002 Baseline: 91.1 percent of the population served by systems. Year-to-year performance is expected to change as new standards take effect.)¹²

¹¹ *EPA's 2003 Strategic Plan*

¹² Routine data analyses of the Safe Drinking Water Information System (SDWIS) have revealed a degree of non-reporting of violations of health-based drinking water standards and of violations of regulatory monitoring and reporting requirements. As a result of these data problems, the baseline compliance statistic is likely lower than reported. EPA is currently working on improving the SDWIS data base. Even as these improvements are made, SDWIS remains the best source of national information on compliance with SDWA requirements.

Program Activity Measures

- By December 2004, and each year thereafter, all tribal community water systems will have undergone a sanitary survey within the previous 3 years.

Baseline: Not applicable.

2005 national straw target: 80%. 2008 target: 100%.

- Tracking of percentage of tribal water systems that have completed a source water assessment that follows national guidelines will continue.

Baseline, December 2001: Tribal community water systems with source water assessments in place: 21%. As of December, 2001, in the nine EPA regions with federally recognized tribes, tribal community systems with completed source water assessments in place ranged from 84 percent to zero percent.

Means of Attaining Strategic Targets and Meeting Program Activity Measures

Implement Drinking Water Regulations

- Drinking Water Revolving Fund Set-Aside: The Office of Ground Water and Drinking Water (OGWDW) and the EPA regional offices will continue to work together to support the funding of public drinking water systems in Indian country through set-aside funds from the Drinking Water State Revolving Fund Program.
- Direct Implementation: OGWDW and the regional offices will continue to support direct implementation (DI) by the EPA regional offices of the Public Water System Supervision (PWSS) program in Indian country or to assist in building tribal capacity for implementing this program by providing grant funding, technical assistance and training, and informational publications to interested tribes.
- Sanitary Surveys: OGWDW will continue to support ongoing efforts by the EPA regional offices to conduct sanitary surveys in Indian country.

Protect Source Waters

- Underground Injection Control (UIC) Grants: A total of \$997,000 in grant funds will be provided to the regions annually to support direct implementation by EPA of the UIC program in Indian country. This includes \$474,000 to aid efforts to protect ground water based community water systems through identification and permitting/closure of Class V injection wells in source water and other vulnerable areas. It also is used by EPA regions to provide technical support to tribes

through circuit rider programs, workshops, and other vehicles. In addition, EPA regional offices continue to receive funds to directly implement UIC programs for all classes (I, II, III, IV, and V) of injection wells in Indian country as part of their regular, annual budget allotment.

- Funding Support for Public Water System Supervision on Tribal Lands, including Source Water Assessment Programs (SWAP): PWSS funding allotments are provided to EPA regions to support tribal operator certification, capacity development, direct program implementation, drinking water infrastructure (through a special tribal set aside grant program) and source water assessment and protection projects. The total annual tribal PWSS SWAP allotment is approximately \$933,000. This funding may be used by the regions to provide such things as:
 - ✓ Direct grants to tribes to conduct source water assessments,
 - ✓ Information and technical training on conducting assessments, and
 - ✓ Site visits and outreach.

- Tribal Source Water Protection Workshops and Training Materials: Training materials and other resources to assist tribes with their source water protection efforts include:
 - ✓ *Source Water Assessment and Protection Workshop Guide, 2nd Edition*. Ten tribal workshops were held to field test the effectiveness of this *Guide* from the Water Education Foundation. One outcome of this field test was the development of a self-sustaining source water assessment and protection training program. Tribes or tribal organizations may learn more about the training on the Groundwater Foundation’s website, or by contacting the Groundwater Foundation directly.
 - ✓ “Protecting Drinking Water: A Workbook for Tribes”: The Water Education Foundation has developed this tribal source water workbook that provides technical guidelines on conducting source water assessments. A video is also available to tribes that outlines the goal and purpose of source water protection. The workbook may be downloaded from the Water Education Foundation website and the video may be obtained by contacting the Water Education Foundation.
 - ✓ OGWDW has sponsored source water protection training workshops for tribes in several regions, and intends to continue support for this kind of training.

- ✓ The online Drinking Water Academy has resources available to tribes for source water protection and best management practices training. These may be found at <http://www.epa.gov.safewater/dwa.html>
- ✓ The Watershed Academy has resources that are useful to tribes working on protecting surface water sources of drinking water. These resources can be found at <http://www.epa.gov/owow/watershed/wacademy/>
- ✓ In addition, EPA regional offices support tribal efforts to protect source waters by conducting inspections and writing permits, working with other federal agencies to identify Class V UIC wells, and ensuring that those wells comply with federal regulations.

WATER QUALITY

EPA records indicate that 116 tribes have received Section 106 Clean Water Act grant funding¹³ to engage in water quality monitoring activities. However, very few tribes have submitted information for the Agency's report on water quality conditions (305(b)),¹⁴ leaving the Agency with limited information on the status of tribal water quality. The National Water Program believes that comprehensive monitoring, which provides a basis for identifying the current water quality conditions, determining the nature of pollutants, and establishing priorities for water quality protection, is essential to the protection of water resources in Indian country.

As of December 2003, approximately 85 tribes had EPA approved non-point source assessments and management plans, and 23 tribes had water quality standards effective under the Clean Water Act, but no tribes were authorized to implement National Pollutant Discharge Elimination System (NPDES) permitting.¹⁵ EPA is committed to working with tribes to help them identify water quality issues, to develop and implement programs to address areas of concern, and to promote improved surface water environments in Indian country.

Tribal Strategic Target Two: Improved Water Quality

- By 2008, improve water quality in Indian country at not fewer than 90 of the monitoring stations in tribal waters for which baseline data are available (i.e.,

¹³ U.S. Environmental Protection Agency, Office of Water, *Protecting Public Health and Water Resources in Indian Country: Water Program Status as of June 30, 2003*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

show at least a 10 percent improvement for each of four key parameters: total nitrogen, total phosphorous, dissolved oxygen, and fecal coliform). (2002 Baseline: four key parameters available at 900 sampling stations in Indian country.)

Program Activity Measure:

- By 2008, increase the number of tribes with EPA approved water quality standards to 33.

The Office of Wastewater Management has management responsibility for CWA Section 106 grants that fund activities that support the water quality standards PAM, while the Office of Science and technology has lead responsibility for working with tribes to increase the number of tribes with EPA approved water quality standards.

Program Activity Measure:

- By 2008, 40% of tribes currently receiving CWA section 106 funding will have a comprehensive monitoring program strategy.
- By 2008, 20% of tribes currently receiving CWA section 106 funding will have their water quality data in a system accessible for storing in the STORET database.
- By 2008, 10% of tribes that currently receive section 106 funding will be involved in cooperative approaches with states and/or EPA to develop watershed-based plans and/or total maximum daily load allocations (TMDLs) to address polluted water concerns.

The Office of Wastewater Management has management responsibility for CWA Section 106 grants that fund activities that support the monitoring, STORET, and TMDL program activity measures described above. However, the Office of Wetlands, Oceans and Watersheds has lead responsibility for working with tribes to implement these measures.

Program Activity Measure:

- Ninety percent of all National Pollutant Discharge Elimination System (NPDES) permits across the nation are current. Beginning in 2005, 95% of all high priority permits will also be current. Permits for facilities in Indian country will meet the same standard/schedule.

Means of Attaining Strategic Targets and Meeting Program Activity Measures:

- Development of NPDES promotion measures: Currently, no tribes have NPDES permitting authority. EPA regional offices issue NPDES permits in Indian country. According to OWM's most recent analysis of permits in Indian country, as of November 2003, 65% of the 348 existing permits were current. In the Program Integrity Management System (PIMS) analysis which is presently taking place under OWM's Permitting for Environmental Results (PER) Strategy, regional performance on NPDES permitting in Indian country is being examined. The information provided by the analysis will enable OWM to develop measures to promote NPDES permit issuance in Indian country.
- Support for NPDES permitting in Indian country: In FY 2005, OWM intends to give EPA regional offices additional funding to support the issuance of NPDES permits in Indian country.

Develop Monitoring and Assessment Programs

- Technical Training and Assessment: The Office of Wetlands, Oceans, and Watersheds will establish workshops and training programs for tribes to increase their capacity in the areas of water quality monitoring, volunteer monitoring and assessments, and development and implementation of TMDLs.

Develop and Implement Water Quality Standards

- Water Quality Standards Program Authorization: OST will continue to assist tribes in developing applications for authorization for the water quality standards program under Section 303 of the Clean Water Act (generally referred to as "treatment in a manner similar to a state" or TAS).
- Section 401 Certification Authority: OWOW will continue to assist tribes with CWA Section 401 certification procedures and ordinances, including providing sample documents to improve tribal recognition of how this section of the Act relates to water quality standards.
- Technical Assistance and Training: OST will continue to provide technical assistance and specialized training to help tribes develop and receive EPA approval of their own water quality standards.
- Outreach and Consultation: OST will continue outreach and consultation with tribes to discuss approaches for expanding water quality standards coverage in Indian country, including the possible promulgation of federal standards for certain waters in Indian country.

- Direct Implementation: OST will continue to support use of direct implementation tribal cooperative agreements (DITCAs) and other mechanisms to assist in the development of water quality standards that protect human health and the environment in Indian country.
- Informational Materials: OST will continue to highlight the benefits of water quality standards and publicize the experiences of tribes with water quality standards by publishing case studies, success stories, and other informational materials in various venues, including on the web.

Develop and Implement Effective Watershed-based Plans

- Watershed-Based Planning: By 2008, each Indian tribe with a land base of between 100 and 1,000 square miles (64,000 to 640,000 acres) will have developed and begun to implement at least one (1) watershed-based plan. Tribes with land areas of more than 1000 square miles (640,000 acres) will have developed and begun implementing at least two (2) watershed-based plans.

Watershed-based plans consist of nine (9) key components that are necessary to make progress toward remediating waters impaired by nonpoint source pollution. A list of these components can be found in EPA's FY 2004 *Nonpoint Source Program and Grants Guidelines for States and Territories* at <http://www.epa.gov/owow/nps/cwact.html>.

- Training: OWOW continues to provide training support for tribal representatives who are interested in learning how to implement protective TMDLs.

Control Nonpoint Source Pollution

- Funding: The National Water Program continues to manage a contract that enables EPA regions to provide assistance to tribes to develop nonpoint source assessment reports and management plans.
- Non-point Source Control Workshops: OWOW and the regional offices will continue to provide funding support and training to tribes on the development and implementation of nonpoint source management programs and assessments. As tribal expertise in nonpoint source runoff grows, workshops will evolve to include training on the development and implementation of watershed based water quality protection plans.

- Funding: OWOW will support EPA's efforts to permanently remove the Clean Water Act section 518 funding cap on monies associated with the tribal non-point source grant program.

PROMOTING FISHABLE WATERS

Some of the toxic contaminants that enter water bodies move up the food chain and accumulate in fish tissues at levels that make the fish unsafe for human consumption. Nationally, states and tribes report that fish consumption advisories have been issued for some 14 percent of river miles and 28 percent of lake acres. Shellfish can also accumulate disease causing microorganisms and toxic algae. Tribal community members who follow traditional diets and lifeways may face greater risk from locally caught fish than do members of the general population, due to the predominance of these fish and shellfish in their diets. In addition, in keeping with tradition and culture, tribal people may eat internal organs and fatty tissues, where pollutants tend to bioaccumulate and present additional risk.

Tribal Strategic Target Three: Edible Fish

- By 2008, improve the quality of water and sediments to safely allow increased consumption of fish and shellfish.

Program Activity Measure

- Track increases in the number of tribal programs that have adopted and applied the national fish advisory guidance and are making fish advisory determinations for tribal waters.

Means of Attaining Strategic Targets and Meeting Program Activity Measures

Mercury is the most commonly cited contaminant in fish consumption advisories across the country. More than twelve million lake acres and 430 thousand river miles are currently under mercury advisories. The primary source of mercury contamination in fish is deposition of atmospheric mercury, emitted from incinerators, coal fired utilities, and other sources.

- Mercury Emission Regulations: EPA has issued technology-based mercury emission control rules for waste incinerators. These regulations are expected to reduce emissions from medical, municipal, and hazardous waste incinerators by 94%, 90%, and 50% , respectively, and to reduce overall mercury emissions from all domestic sources by 42% from 1990 levels.
- Lifting of Fish Advisories: EPA has assessed the degree to which these emission reductions will alleviate the fish mercury contamination problem in the United

States, including in Indian country, and estimates that three percent of all waters with mercury fish advisories will see those advisories lifted or made less stringent by calendar year 2008. The Agency expects additional positive fish advisory changes in outlying years, as a result of the new incinerator regulations.

- Fish Contaminant Forum and Training Opportunities: OST will continue to invite tribes to attend the Annual National Forum on Contaminants in Fish. Tribal attendees will be encouraged to participate in training opportunities at the Forum, which will next be held in March 2005.
- National Survey of Advisory Programs: OST will continue to include tribes whose waters are under fish consumption advisories in its annual National Survey of Advisory Programs.
- Information Sharing: OST will continue to utilize tribal gatherings such as the National Tribal Conference on Environmental Management, the annual National Tribal Environmental Council conference, regional tribal gatherings, and meetings and conferences sponsored by other federal agencies to provide tribes with up to date information on national progress toward the attainment of EPA's "fishable waters" and "edible fish" goals.

WETLANDS PROTECTION

The United States has lost more than 115 million acres of wetlands nationwide. While many programs have slowed the rate of wetland loss, the U.S. still loses 58,000 acres annually. Many of the wetlands that remain are being degraded by excessive sedimentation, nutrient over enrichment, pesticide run off, invasive species, fragmentation, and increasing development demands. Wetlands provide habitat for fish and wildlife, contribute to biological diversity and productivity, help prevent flooding, and help protect water quality. In Indian country, wetlands are often critical to the life cycles of plants and animals that are central to the cultural and spiritual practices of tribal communities.

Tribal Strategic Target Four: Wetlands

- By 2008, working with all partners (including tribes), achieve a net increase of 400,000 acres of wetlands in the United States, with success determinations focused on biological and functional measures.

Program Activity Measure

- By 2008, 30% of tribes (170 tribes) will have participated in watershed-based wetlands and stream corridor projects.

Means of Attaining Strategic Targets and Meeting Program Activity Measures

Funding of Tribal Programs for Wetland Protection

- GAP and CWA Section 106: EPA will continue to provide GAP and CWA Section 106 funding, both of which may be directed to tribal wetlands assessments as well as to other water resource concerns.
- Funding through the 104(b)(3) Wetland Program Development Grant Program: Each year, EPA issues a request for proposals to develop, enhance, and refine programs to protect and restore wetlands. This annual competition awards nearly \$15 million in grants to state, tribal, and local organizations as well as national non-profits. EPA Regions are encouraged to target 15% of their grant funding for tribes. Typical grant awards range between \$10,000 to \$500,000.
- Funding through the Five Star Restoration Grant Program: EPA works in partnership with the National Fish and Wildlife Foundation, the National Association of Counties, the Wildlife Habitat Council, and the National Oceanographic and Atmospheric Administration on the Five Star Restoration Program. Five Star brings together state, tribal, and local government agencies, students, conservation corps, citizen groups, corporations, and landowners to provide environmental education and training through projects that restore wetlands and stream corridor projects. Funding levels are from \$5,000 to \$20,000, with \$10,000 as the average amount per project.

Technical Assistance

EPA will increase efforts to strengthen tribal efforts to protect wetlands.

- Strengthening tribal wetland programs: EPA endeavors to increase tribal participation in workshops, training, national meetings, and symposia on wetland issues. Increased participation will help foster better wetland protection in Indian country by fostering a tribe to tribe exchange of experiences and by providing opportunities for tribes to share expertise on what does and does not work. The following are examples of opportunities for tribal participation:
 - ✓ National Wetland's Policy Symposium: Two tribal representatives participated in this June 25, 2004 meeting. They and other tribal representatives will be actively included in any subsequent initiatives.
 - ✓ Clean Water Act's section 404 regulatory program training/workshop. EPA hosts this annual training. The 2004 training will be held in Seattle, Washington and tribes are encouraged to attend. Information and

registration materials for the upcoming training can be found at www.epa.gov/owow/wetlands. Future training opportunities will also be posted on the internet.

- ✓ Association of State Wetland Managers (ASWM) national meetings: Tribes will be invited to these semi-annual meetings and are encouraged to attend and participate.
- ✓ EPA will provide scholarship money to The Conservation Fund, to facilitate tribal participation in the National Mitigation Banking conference.
- ✓ Tribal representation is encouraged at EPA's National Wetland Monitoring Meeting. The Agency hopes for strong participation from at least three federally recognized tribes.

V. TRAINING FOR OFFICE OF WATER EMPLOYEES

EPA headquarters and regional offices are responsible for developing and implementing appropriate employee training programs to ensure that managers and staff understand how to promote effective working relationships with tribal governments. These training programs are meant to ensure that EPA employees have the necessary sensitivity, knowledge and understanding of Indian affairs to facilitate good communication between the Agency and tribal representatives.

EPA's Office of Water began its training program in the first quarter of fiscal year 1998. The training utilizes the *Working Effectively with Tribal Governments* training materials developed by the National Indian Program in the American Indian Environmental Office. A four hour intensive course is offered for OW managers and full day training is provided for staff. OW has sponsored several of these training courses. National Water Program personnel have participated in similar training, offered by AIEO and other EPA offices, as well.

OW intends to continue to provide classroom style training for its managers and staff. OW tribal program coordinators, located in the four water media offices (OWM, OGWDW, OWOW, and OST), will also monitor participation and modify training materials as necessary to meet the specific information needs of managers and staff. In addition, OW will begin offering computerized training courses in late 2004, when software development is complete.

VI. NEXT STEPS

The EPA National Water Program believes that activities identified in this document will help protect human health and the environment in Indian country, and contribute to the

attainment of the Agency's goal of clean and safe water throughout the United States. To help ensure that these activities are successfully implemented and completed, and that they contribute, as expected, to meeting the goals and objectives outlined in the Plan, implementation oversight will be incorporated into the EPA Office of Water's ongoing internal processes, including planning, budgeting, and management.

EPA's regional offices and the Office of Water will make annual commitments against, and report on progress towards, the Plan's goals, as part of the National Water Program's management agreement process. Progress against EPA regional and headquarters commitments will be reviewed at mid-year and/or at the end of each fiscal year. A standing committee comprised of EPA headquarters and regional senior management personnel will be responsible for reviewing the Plan's implementation and determining when revision may be needed. Based on committee reviews and determinations, the National Water Program will identify additional steps that may be needed to achieve the Plan's goals, seek ways to focus resources for Plan implementation, refine priorities through the annual commitment process, and revise the Plan as necessary.

This Office of Water tribal plan is intended as a tool for efficient and effective program development. It provides the National Water Program with guidance for integrating and leveraging resources, and will help the Agency to optimize resource impacts and minimize duplication of efforts across programs.

VII. CONCLUSION

This document outlines an ambitious plan for the protection of water quality in Indian country. The National Water Program, in EPA's Office of Water, has a central role in ensuring that appropriate and timely milestones along the path toward clean water and healthy aquatic ecosystems are set, and then met. This Plan sets forth some fundamental goals for water protection efforts in Indian country, and outlines the National Water Program's commitment to the protection of tribal water resources. However, EPA recognizes that the scope of this undertaking is enormous, and beyond the effective capacity of the National Water Program, alone.

The U.S. Environmental Protection Agency is committed to working in close partnership with tribes to protect the waters of their homelands. We know that tribes, with their close ties to the bounty of the earth, have an especially unique stake in the protection of their natural resources. Members of tribal communities exhibit a profound sense of responsibility as guardians of the environment, in ways that others may not. The protection their stewardship affords to our environment extends beyond today, and far into the future.

EPA anticipates the continuation of its discussions with tribes, and the further development and refinement of water protection goals and related activities for Indian country. The Agency believes that a sustained, collaborative federal-tribal partnership will maximize the

effective use of available funding and provide the strongest opportunities for successful water protection for tribal communities.

APPENDIX A: ACRONYMS

Glossary of Terms and Acronyms

EPA	United States Environmental Protection Agency
OW	EPA's Office of Water. OW provides an "umbrella" for the National Indian Program and the National Water Program, which includes four media offices charged with addressing specific, water related environmental concerns, as well as for the cross-agency Indian office. <u>National Indian Program:</u> AIEO American Indian Environmental Office. AIEO is the office that houses EPA's National Indian Program. AIEO functions across environmental media, focusing on major, EPA-wide tribal efforts, including water related efforts. <u>National Water Program:</u> OGWDW Office of Ground Water and Drinking Water OST Office of Science and Technology OWM Office of Wastewater Management OWOW Office of Wetlands, Oceans, and Watersheds
CWA	Clean Water Act
GPRA	Government Performance and Results Act
SDWA	Safe Drinking Water Act
DI	Direct Implementation
DITCA	Direct Implementation Tribal Cooperative Agreement
GAP (or IGAP)	Indian General Assistance Program
IPPC	Indian Program Policy Council
NPDES	National Pollutant Discharge Elimination System
PAM	Program activity measure
PER	Permitting for Environmental Results
PIMS	Program Integrity Management System
PWSS	Public Water System Supervision
SDWIS	Safe Drinking Water Information System
SWAP	Source Water Assessment Program
TAS	Treatment in the same manner as a state
TEA	Tribal Environmental Agreement
TMDL	Total Maximum Daily Load
UIC	Underground Injection Control
UN	United Nations
WSSD	World Summit on Sustainable Development

APPENDIX B

Tribal Management System Matrix

All Applicable FY 2005 - 2008 Targets and Activity Measures

APPENDIX C

Tribal Program Activity Measures with Targets:

Breakout by EPA Region

APPENDIX D

EPA's Indian Policy

APPENDIX E

American Indian Office Plan - 2004

