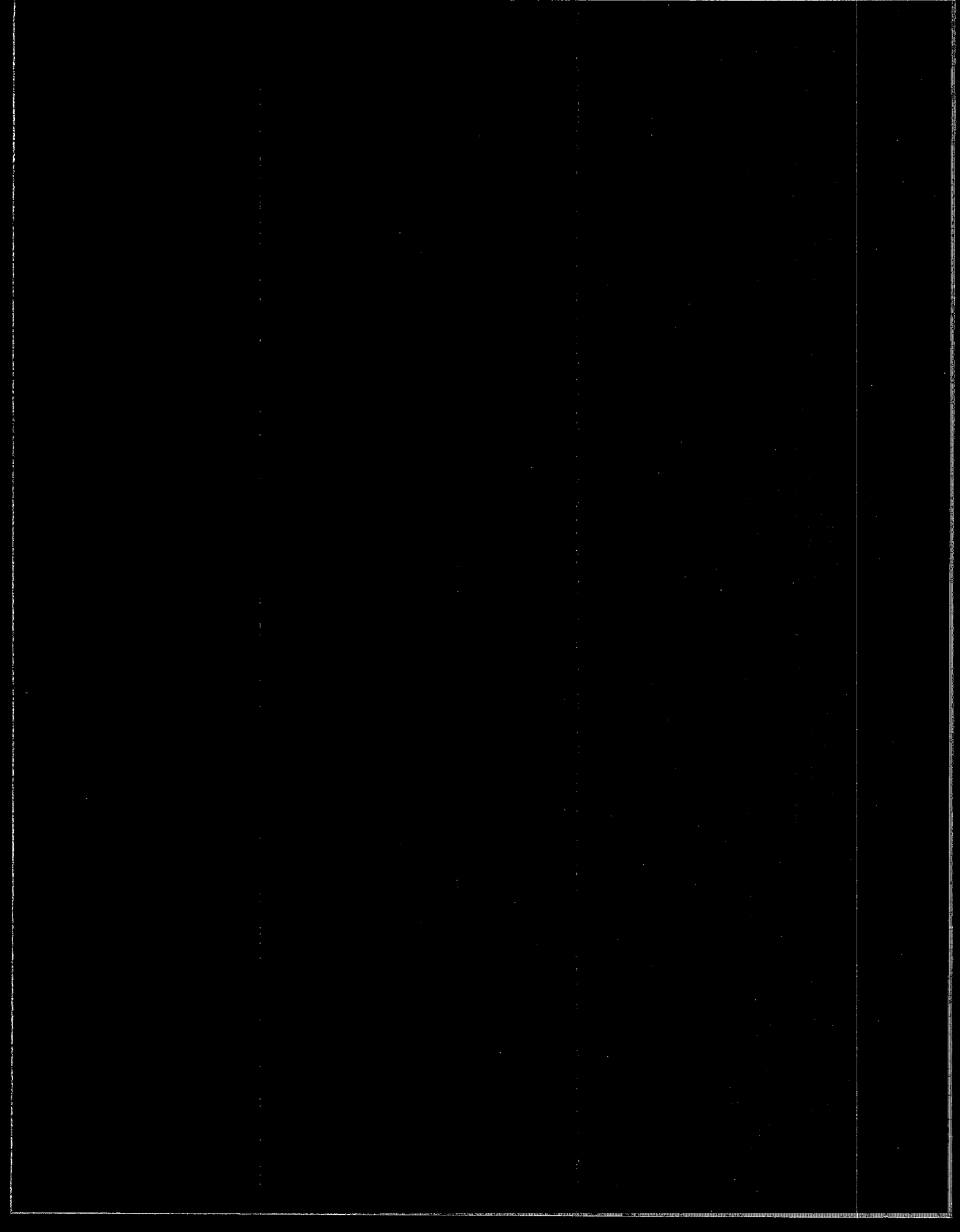




# Tribal Nonpoint Source Planning Handbook



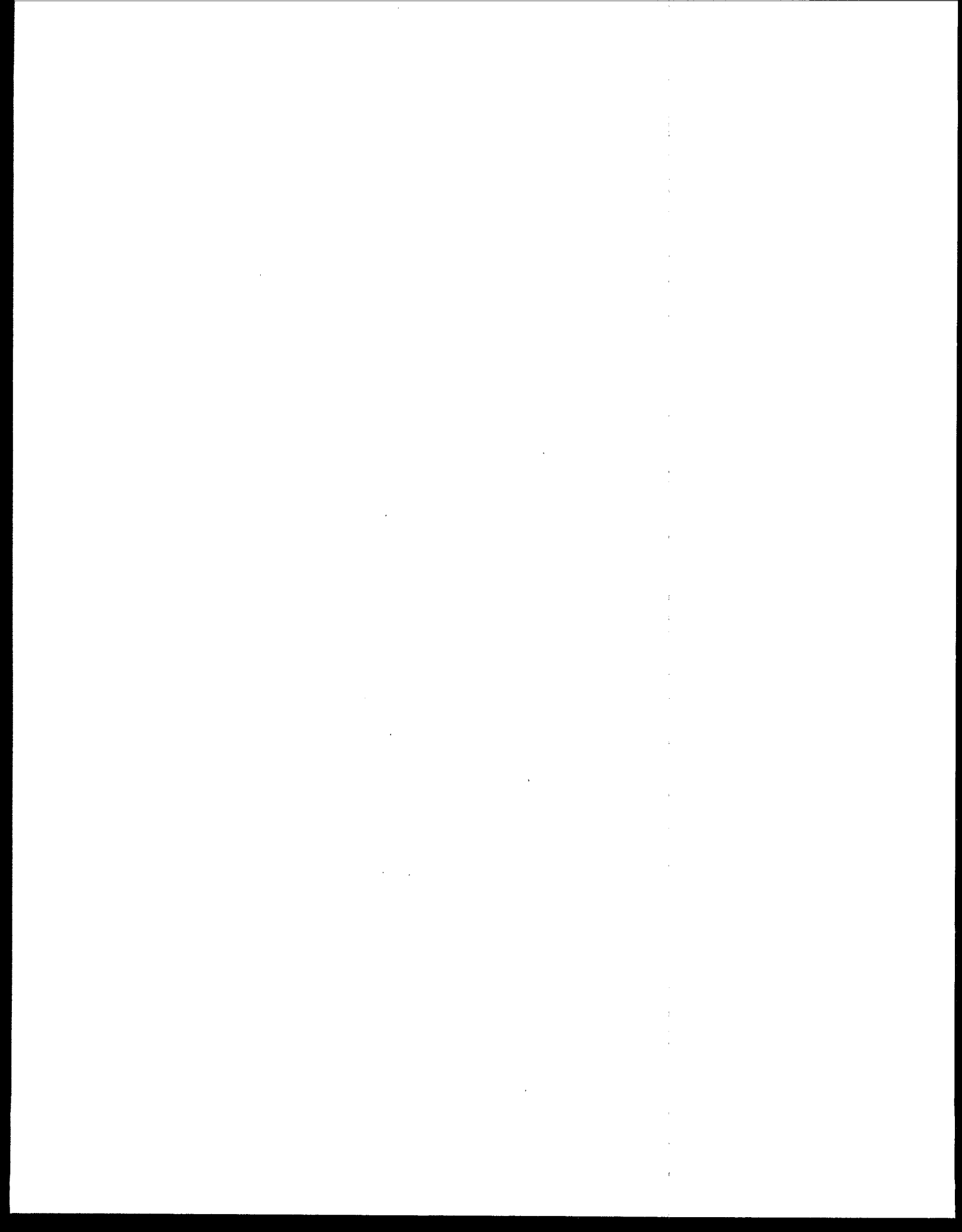


***The images throughout this publication were designed by Turtle Heart, Ojibway artist.***

**Water Woman's Morning Song (cover)**

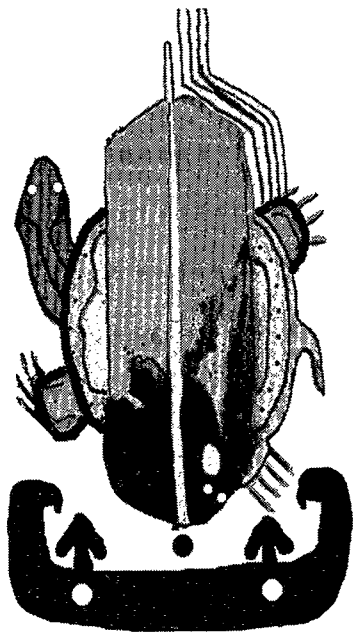
*Eagle is the instrument, the living prayer of our contract with the Creation to live in balance and cooperation with nature. Water Woman, shaped like the Moon, is from the Woodlands teachings passed on by the clan mothers regarding the proper caretaking of water. She pours the river of life from an Eagle Feather, gathering it from the four directions, and it passes over and through every living thing on the earth. The plant life indicates the responsibility we have to the roots—to that which is below the surface of our immediate attention. The River ends where the clouds begin, and there we find the Heart-Dreaming Serpent that is the link between our life close to the earth and the open heart of the Creation, the world of nature. Thunder and Rain, at the end, are symbols of what the elders have called "the waiting world"—perhaps the outstretched hopes of the generations yet to be born. Following the place where the Sun rises, Turtle appears from the disk of the Sun and Moon, exercising patience and deliberate movements in its celebration of life. The image concludes with the partly revealed Turtle, symbol of the earth itself. Turtle is partly revealed to symbolize our incomplete journey through this life, as well as our need to know more and do more to take care of the earth's rich resources.*

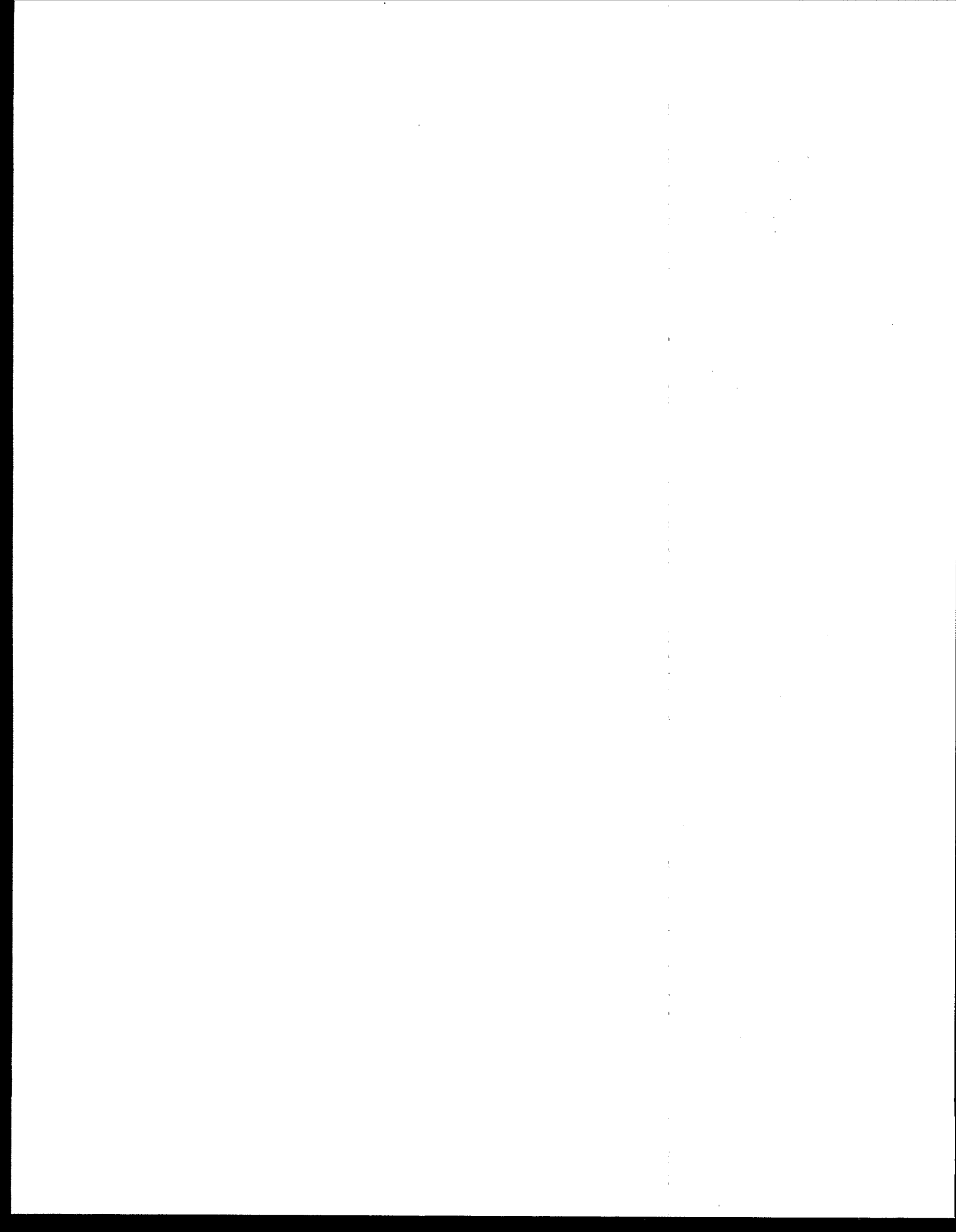
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# Tribal Nonpoint Source Planning Handbook

United States Environmental Protection Agency



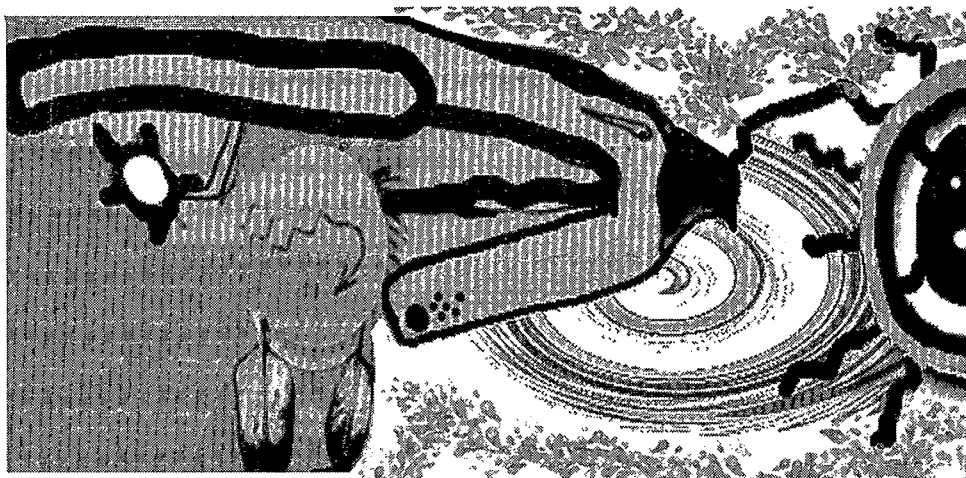


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## Introduction

This document provides guidance and practical templates for tribes interested in obtaining federal funds to manage nonpoint source pollution under section 319(h) of the Clean Water Act. Specifically, it describes the 319(h) process and updates previously released section 319(h) guidance.

### *Overview of Nonpoint Source Pollution*

State, territorial, and tribal reports show that nonpoint source pollution is responsible for more than half of the nation's remaining water quality problems (USEPA, 1995). It occurs when rainfall, snowmelt, or irrigation runs over land or through the ground, picks up pollutants, and deposits them into rivers, lakes, or the ocean or introduces them into ground water.

Though the relative impact from a few nonpoint sources might be small, the cumulative impact from many nonpoint sources degrades water quality (USEPA, 1994b). Major sources of nonpoint pollution include agriculture, unrestricted livestock grazing, poor siting and design of roads, highways, and bridges, forestry, urban runoff, abandoned mines, construction activities, and hydromodification, such as the building and maintenance of dams and levees. Other sources include improper lawn and garden maintenance, faulty septic systems, improper construction of marinas and careless boating habits, and storm drain dumping. Atmospheric deposition of pollutants originating from power plants, factories, trucks, and automobiles is also considered a source of nonpoint pollution.

In 1987, Congress added sections 319 and 518 to the Clean Water Act to enable states, territories, and tribes to address the problems caused by nonpoint source pollution. Section 319 established baseline requirements for state and territorial nonpoint source management programs and authorized national funding to support implementation of approved management programs. Section 518 authorized EPA to treat federally recognized Indian tribes in the same manner as states. (USEPA, 1994b).

1

**Section 319 is an important source of federal funding dedicated to preventing and managing nonpoint source pollution.**

INTRODUCTION



**Tribes are now required to submit a single application, without the need for a separate application for "treatment as a state."**

Section 319(h) of the Clean Water Act is the principal source of U.S. Environmental Protection Agency (EPA) funding dedicated to nonpoint source control. Under section 319(h), Congress appropriates money to EPA for controlling nonpoint source pollution for distribution to eligible states, territories, and tribes based on an allocation formula. Section 518 authorizes EPA to grant up to one-third of 1 percent of national 319(h) program funds for tribes. EPA annually awards section 319(h) grants to tribes that submit approved nonpoint source pollution control programs. Money that EPA does not award during one fiscal year is carried over for use by tribes during the following fiscal year. Each grant awarded under section 319(h) requires a 40 percent nonfederal match. If a tribe demonstrates a special financial need, however, EPA may and frequently does approve a 10 percent nonfederal match.

Examples of tribal projects that have received awards under section 319(h) include the following (USEPA, 1994b):

- *Eastern Band of Cherokee Indians* - Repaired streambank and riparian areas damaged from storm events and riparian vegetation loss.
- *Campo Band of Mission Indians* - Restored lost vegetation and habitat to reduce erosion and improve water quality along Campo Creek.
- *Colville Tribes* - Completed the Buffalo Creek Restoration Project, which restored the stream and returned it to a natural ecosystem.
- *Confederated Tribes of the Umatilla Indian Reservation* - Protected streams and springs from the effects of unrestricted livestock grazing in Umatilla River watershed where salmon are being restored.

Tribes should work with EPA's Regional Nonpoint Source (NPS) Coordinators and Tribal Coordinators, as well as state nonpoint source management agencies, during preparation of nonpoint source assessments and management programs. Refer to the list of contacts at the end of this document for information on the EPA staff who coordinate nonpoint source control programs and tribal programs for EPA. This list also indicates which states are in each of the 10 EPA Regions.

## ***Requirements for a Section 319(h) Grant***

Tribes interested in obtaining section 319(h) funds will need to submit a package containing several documents to the appropriate EPA Regional Office. The documents include:

- (1) **Nonpoint source assessment report.** The nonpoint source assessment report describes existing and potential nonpoint-source-related water quality problems on tribal lands, using existing water quality data. The report identifies the nature, extent, and effect of nonpoint source pollution and the causes of such pollution. It should also describe existing programs and methods used for controlling the pollution (USEPA, 1987). This report has to be approved by the appropriate EPA Regional Office.
- (2) **Management program.** The nonpoint source management program describes how the tribe intends to correct and/or prevent the existing and potential nonpoint source problems identified in the assessment report over the four fiscal years following submission of the program. If the tribe is unable to develop a

nonpoint source management program that addresses all nonpoint source categories, the management program can focus on nonpoint sources identified as priorities. The management program must also be approved by the appropriate EPA Regional Office.

- (3) **Grant application.** The grant application requests funding to support a particular activity or activities described in the approved management program or related to the solution of a nonpoint source problem identified in the assessment report. The application must include a work plan describing how the requested 319(h) funds will be used and establishing dates for accomplishing specific milestones (USEPA, 1994a). EPA evaluates the proposal and work plan.
- (4) **Documentation of tribal eligibility.** A tribe must establish tribal eligibility to obtain a section 319(h) grant. This process was formerly known as qualifying for "treatment as a state." To meet the eligibility requirements, the tribe must:
- Be federally recognized.
  - Demonstrate that it has substantial governmental duties.
  - Demonstrate that it has legal authority or jurisdiction to carry out the purposes of the grant on tribal lands.
  - Demonstrate its *capability* to carry out the activities proposed in the grant application. EPA considers the approved assessment report, management program, and grant application sufficient evidence of the tribe's capability. Necessary documentation of the other elements of tribal eligibility are discussed in greater detail in the "grant process" section of this handbook on pages 32-35.

## Approval by EPA

In addition to reviewing the tribal 319(h) application for approval at the regional level, EPA Regional Offices send the complete tribal section 319(h) application package to the Nonpoint Source Control Branch at EPA Headquarters in Washington, DC, for Headquarters' concurrence if it is the first tribal application for a section 319(h) grant in the Region.

At EPA Headquarters, these complete application packages are reviewed for approval in the Office of Water, the Office of General Counsel, and the Office of Enforcement and Compliance Assurance.

If other tribes in the Region have already received section 319(h) program approval, the portions of the tribal section 319(h) application package relating to tribal eligibility are reviewed and approved in the Regional Office only. The grant application, nonpoint source assessment report, and nonpoint source management program, together with a brief memorandum recommending approval of the grant, are then forwarded by the Region to Headquarters for determination of the final grant amount.

Once a tribe has received an initial 319(h) grant through the process described above, it is automatically eligible for a section 319(h) grant in subsequent years. The tribe need only submit an acceptable grant proposal and work plan to the Regional

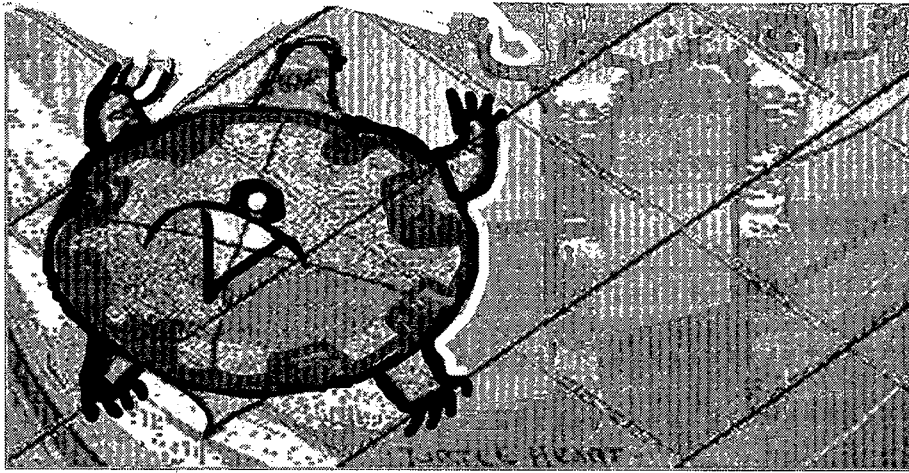
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**Funding awarded through section 319(h) requires a 40 percent nonfederal match.**

INTRODUCTION



Office setting forth what it proposes to accomplish with the new grant. The EPA Region will review the proposal for consistency with the tribe's assessment report and management program and forward the proposal, with its recommendation, to Headquarters for a determination of the final grant amount. Because the amount of funds available for section 319(h) grants to tribes is limited, the tribal funds will continue to be allocated by EPA Headquarters.



## Nonpoint Source Assessment Report

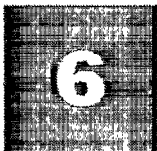
The nonpoint source assessment report should include four categories of information:

- (1) An identification of navigable waters that cannot be expected to attain or maintain tribal water quality standards without the control of nonpoint source pollution. If the tribe does not have water quality standards, state standards can be used for evaluation of water quality.
- (2) An identification of the categories and subcategories of nonpoint source pollution that contribute to the water quality problems for the individual waters identified in paragraph (1). For a listing of major nonpoint source pollution categories and subcategories, refer to the latest *Guidelines for the Preparation of State Water Quality Assessments (305(b) Reports)*, published by EPA.
- (3) A description of how the tribe will identify the best management practices (BMPs) needed to control each category and subcategory of nonpoint source pollution identified in paragraph (2), as well as a description of how the management practices will be used to reduce the level of pollution resulting from these sources. Such factors as public participation and inter/intragovernmental coordination should be included.
- (4) A description of any existing tribal, state, federal, and other programs that might be used for controlling nonpoint source pollution.

### *Model for a Nonpoint Source Assessment Report*

Section 319(a) of the Clean Water Act specifies the information that must be included in tribal nonpoint source assessment reports. To facilitate the preparation of these reports, a detailed guide to nonpoint source assessment report preparation follows.

**Reference Documentation.** Some tribes or states may already have collected data that will assist in developing a nonpoint source assessment report. With this information, tribes can assess nonpoint source pollution problems and determine baseline water quality data without completing additional water quality surveys. States and tribes can also use the data collected with section 106 funds to help identify high-priority problems.



**Components.** The following sections should be included in the nonpoint source assessment report:

- *Cover* - The cover should contain at least a title and the date (month and year) of the assessment.
- *Contents* - The contents should consist of the heading of each major section of the assessment report and its page number.
- *List of tables* - If tables are included in the nonpoint source assessment report, a separate list should identify each table and its page number.
- *List of figures* - If figures are included, a separate list should identify each figure and its page number.
- *List of appendices* - If appendices are included, a separate list should identify each appendix.
- *Main body of report* - The sections that follow serve as a model for the content of each section of the nonpoint source assessment report.

Overview  
Introduction  
Methodology  
Land Use Summary  
Surface and Ground Water Quality Summary  
Results  
Discussion  
Selection of Best Management Practices  
Nonpoint Source Control Programs  
Conclusions  
References  
Appendices (if any)  
Acronym List

# Nonpoint Source Assessment Report

*For the most part, the examples that follow have been drawn from approved tribal nonpoint source assessment reports and management programs.*

## OVERVIEW

In the overview, state the purpose of the report and explain the need for a nonpoint source assessment report for the tribal lands. Also provide a general summary of the analysis that will follow, stressing major conclusions and broad areas of concern. Discuss only significant data and general findings in this section. The section should be concise and ideally should not exceed one page in length.

### *Example (VTNRDEC, 1988a):*

Four statewide water quality assessments completed in 1988 greatly increased the information base for this report. These include assessments of point and nonpoint source pollution influencing rivers and streams; lakes and ponds; ground water; and an assessment of toxic pollutant sources. Some degree of threat was estimated to exist for 908 river miles or 20% of those which fully support their uses at the present time. A higher level of threat (86%) was attributed to the uses of 153,319 acres of lakes which presently fully support their uses.

Nonpoint sources are the most widespread sources of water pollution. The four most common nonpoint types of water quality impairments in rivers are siltation/turbidity, habitat alterations, nutrient enrichment, and flow alterations. Other common problems are thermal modifications and pathogens. The most significant sources of these impairments were agricultural runoff, hydromodification below hydropower dams and erosion from construction sites.

## INTRODUCTION

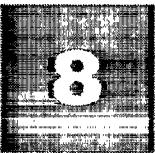
In the introduction, include the goals and objectives of the nonpoint source assessment report. An example of a goal statement is "to identify the nature and extent or threat of nonpoint source pollution on tribal lands and waters." Objectives should be specific, measurable actions or intentions that lead to achievement of the goal(s).

### *Example (CTUIR, 1994):*

The goal of the Assessment and Management Plan is to provide guidance for future efforts to effectively and efficiently address nonpoint sources of water pollution on the Umatilla Indian Reservation and throughout the Umatilla River watershed. The objectives of the Assessment and Management Plan are (1) to document water quality and watershed conditions, (2) to draw linkages between upstream-downstream and channel-upslope conditions, and (3) to elucidate a broad approach (technical, policy, and legal issues) to address currently degraded conditions.

## METHODOLOGY

In the methodology section, describe how and where the data for the analysis of the nonpoint sources of pollution were obtained. Also describe any uncommon software or evaluation techniques. Describe thoroughly how the study was conducted, as well as



any assumptions made in the analysis. In addition, include a listing of all documents referenced and environmental specialists contacted. Details to be included are (FPAST, 1993a):

- Explanations of abbreviations or classifications developed specifically for the assessment (e.g., "Drainage areas were divided into subunits for more precise analysis of the tribal waters").
- Types of sampling and purpose of the sampling (e.g., macroinvertebrates, metal concentrations, nutrient loadings, concentrations of particular toxic substances).
- Assumptions made during the course of the analysis (e.g., "Water quality assessments for each surface waterbody were completed based on the state surface water classification system and the uses designated for each").

***Example (CTUIR, 1994):***

Direct contacts to secure data were made with state and federal agencies. Data were primarily accessed through EPA Region 10's STORET water quality data base. Information obtained from STORET had as its primary sources the USDI-Bureau of Reclamation, USDA-Forest Service, Oregon Department of Environmental Quality, and the USDI-Geological Survey/Oregon Water Resources Department. Information (primarily stream temperature) was also obtained directly from the Pendleton office of the Oregon Department of Fish and Wildlife and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Fisheries Program. Ground water quality data from sporadic sampling (primarily 1987-1990) were obtained from CTUIR Water Resources Program. Summarized data on ground water was also obtained from Oregon's Statewide Assessment of Nonpoint Sources of Water Pollution. Other potential sources which were contacted but from which no data were obtained were the Oregon Department of Forestry, the Columbia-Blue Mountain Resource Conservation and Development Council, the Umatilla County Soil and Water Conservation District, and the USDA-Agricultural Research Service.

Water quality information in STORET is geo-referenced by latitude and longitude and therefore we were able to create a geographic information system (GIS) layer of sampling/monitoring locations. This was overlaid on the 1:100,000 EPA River Reach file obtained from the Oregon State GIS Service Center located in the Oregon Department of Energy in Salem. An additional overlay was created by CTUIR staff of "subwatersheds" based on watershed boundaries, sampling/monitoring stations, and land use. The map of River Reaches, with sampling/monitoring locations and subwatershed boundary overlays, was created at the 1:250,000 scale.

## **LAND USE SUMMARY**

The purpose of this section is to describe in general the existing conditions on the tribal lands. Begin this section with a description of the tribal lands and include a map of the area, as well as a regional location map of the area.



Example (FPAST, 1993a):

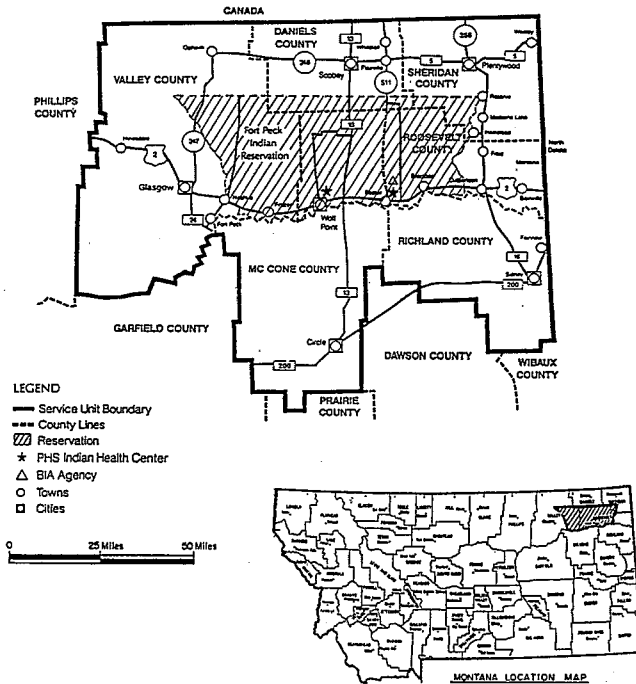


Figure 1. Fort Peck Indian Reservation

A brief description of land uses and socioeconomic conditions is also included in this section.

Example (EBCI, 1993a, cited in USEPA, 1994a):

The Cherokee lands in North Carolina consist of approximately 56,000 acres, of which 48,688 acres are located in Swain and Jackson counties. Since the majority of the land and water resources which comprise the reservation are located in Swain, Haywood, and Jackson counties, this area alone represents the target of this assessment. The remaining lands in Cherokee and Graham counties present a "checkerboard" pattern, and the tribe does not own sufficient tracts of land to have any control over the water quality of the streams involved. These areas will be assessed at a later date, as funding is available, to determine what measures are needed to prevent/correct nonpoint source pollution problems from these lands. Consideration will be given to adopting state water quality standards for these areas in Cherokee and Graham counties.

The Cherokee Indian Reservation is located in the southern Appalachian Mountains of western North Carolina. Thin soils and steep topography characterize the land as highly erodible. Much of the land on the reservation is covered in timber, and tribal members frequently log individual tracts of land. Developed land is utilized for housing, public buildings, and commercial structures associated with tourism (i.e., motels, restaurants, attractions). Other tourist attractions include trout fishing and camping.

## SURFACE AND GROUND WATER QUALITY SUMMARY

The purpose of this section is to thoroughly describe the existing conditions of the tribal waters. A detailed map of the reservation waters and a complete description of the waters are the focus of this section.



*Example (FPAST, 1993a):*

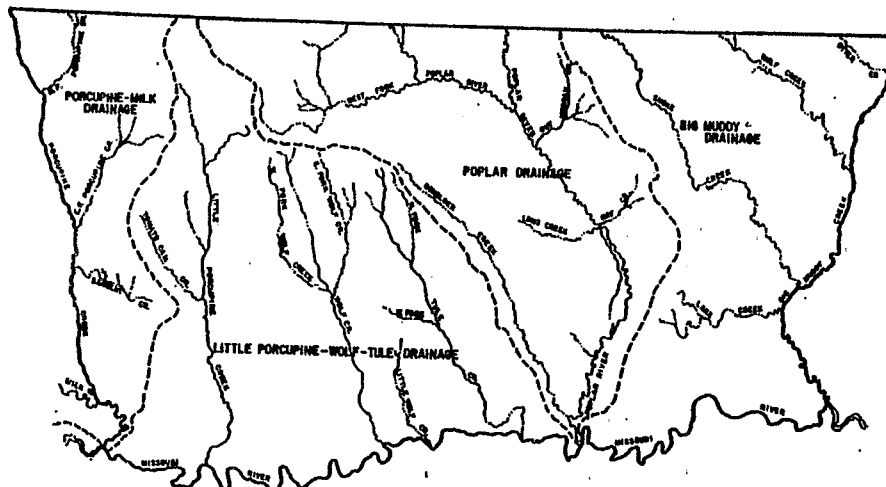


Figure 2. Stream Basins - Fort Peck Indian Reservation

*Example (FPAST, 1993a):*

**Porcupine-Milk River Drainage** - The Porcupine-Milk River Drainage is located on the west side of the reservation. The Porcupine is a C-3 classification. Waters classified C-3 are suitable for bathing; swimming and recreation; and growth and propagation of non-salmonid fishes and associated aquatic life, waterfowl, and furbearers. The quality of these waters is naturally marginal for drinking, culinary and food processing purposes, agriculture, and industrial water supply. The existing land uses are predominantly rangeland, dryland crop agriculture, and limited irrigated lands. The dryland crop agriculture is characterized by strip fallow operations and associated saline seeps common to the northern great plains. Land ownership is a mix of fee title, allotted, trust, and tribal lands.

Biological Condition Values over the past 3 years for this drainage range from 23 (severe) to 50 (moderate). The habitat impairment values on the Porcupine range from 62 to 88 out of total score of 100. The supportability rating ranges from partial support to full support over the past 3 years. Some sections rated full support, but threatened.

Describe all surface water and ground water hydrology and quality. Include appropriate graphics highlighting existing water quality conditions. They should be in chart or tabular form wherever possible for ease of reading and interpretation.

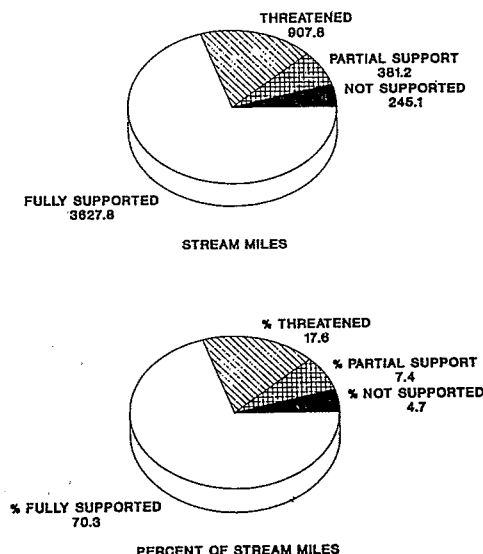
**Example (VTNRDEC, 1988a):**

Figure 3. Use Support Status for Assessed Rivers and Streams - Vermont State Summary

Existing nonpoint source pollution reduction programs for the tribal lands should be identified and generally discussed in this section. These programs may be tribal, local, state, or federal programs used by the tribe that deal with nonpoint source management on tribal lands.

**Example 1 (EBCI, 1993a, cited in USEPA, 1994a):**

The Tribe has a limited number of programs in place to deal with issues related to nonpoint source pollution. The Tribe has begun an environmental education program to alert tribal members to the various types of pollution and to activities that assist in protecting the environment. For erosion and sediment control, a sediment catch basin has been constructed at the Tribal landfill to control sediment loss during storm events.

**Example 2 (VTNRDEC, 1988a):**

Programs for controlling nonpoint sources of pollution continue to evolve and have included initiatives at local, state, and federal levels. A state strategy for identifying and reducing nonpoint source problems was designed as early as February 1975. Nonpoint source control programs that have been developed and are being implemented across Vermont are presented below by nonpoint source category.

**Agriculture** - Federal programs for controlling agricultural nonpoint source pollution in Vermont provide opportunities for landowners to voluntarily cooperate with one of fourteen Natural Resources Conservation Districts throughout Vermont in order to become eligible for federal financial and technical assistance from the USDA's Agriculture Stabilization and Conservation Service and the Natural Resources Conservation Service. Federal programs in Vermont to control agricultural nonpoint sources include the Watershed Protection and Flood Prevention Program, the Resource Conservation and Development Program, the Rural Clean Water Program, and the Agricultural Conservation Program.



## RESULTS

In this section, present the available scientific information related to nonpoint source pollution on the tribal lands. Also provide data tables for surface water and ground water. Include details such as the following:

- Name of the waterbody.
- Size/length.
- Pollutant identified in the segment or cause of impairment (source of pollutant, if possible).
- Severity of impairment.

### *Example (FPAST, 1993a):*

<u>Waterbody</u>	<u>Stream (miles)</u>	<u>Pollutant</u>	<u>Source</u>	<u>Severity</u>
Porcupine/ Sargent Creek	12	NH <sub>3</sub> , Fe, P	Grazing, Roads	Moderate
Porcupine/ Lower Fork	32	Temperature	Agriculture	Moderate

Discuss each major type of water quality parameter or pollutant (e.g., fecal coliform, total suspended solids, phosphorus, toxics) and identify waterbodies moderately or severely impacted by each.

### *Example 1 (CTUIR, 1994):*

**Bacteria** - Either one or both of the state water quality criteria for fecal coliform bacteria and enterococcus are frequently exceeded for the Umatilla River below the Umatilla Indian Reservation, Butter Creek, Birch Creek, McKay Creek, and parts of Wildhorse Creek. Very high levels of coliform bacteria are recorded at the Umatilla River at Rieth station. Sources are municipal wastewater treatment facilities, individual septic/drainfield systems, confined animal feeding areas, soil from surface or streambank/bed erosion.

**Stream Temperature** - This parameter has the best monitoring coverage, both in terms of geographic extent and period of record. The state water quality standard for stream temperature, 68° F (20° C), is exceeded throughout the Umatilla River Basin for an extended period each year, usually mid-June through mid-September. The only exceptions are the North Fork Umatilla River and Buck Creek, both of which are in the North Fork Umatilla Wilderness Area on the Umatilla National Forest; temperatures above 68° F occur infrequently. The primary causes of high stream temperatures are removal of riparian vegetation (habitat alteration), water withdrawal (flow alteration), and irrigation return flow.

### *Example 2 (FPAST, 1993a):*

**Nutrients** - Nutrients of concern on the Reservation are nitrogen and phosphorus. They originate from fertilizers, animal and human wastes, urban runoff, and natural sources. Nutrients may stimulate excessive growth of algae in rivers or nuisance aquatic weeds in lakes and reservoirs, rendering water aesthetically unattractive or unsuitable for recreation. Grazing and farming practices on the Reservation contribute to increased nutrient levels. A "threshold" value of 0.1 mg/L total phosphorus is exceeded for the Umatilla River from below Gibbon to the mouth and in Wildhorse and McKay Creeks. In addition, ground water has been impacted by nitrates.

Summary tables are also effective in documenting the impacts of various pollutants. Tables should include, at a minimum, the information provided in the example below.

**Example (VTNRDEC, 1988a):**

Pollutant	Major Impact (miles)	Minor Impact (miles)
Pathogens	64.2	174.4
Thermal modification	116.3	358.4
Nutrient	205.0	121.6

Analyze the data according to category of nonpoint source pollution (e.g., agriculture, silviculture, urban, construction). Identify the waterbodies affected by each category and the severity of impacts. For each category, identify nonpoint source pollution subcategories if possible. For a listing of major nonpoint source pollution categories and subcategories, refer to the latest *Guidelines for the Preparation of State Water Quality Assessments (305(b) Reports)*, published by EPA.

**Example (EBCI, 1993a, cited in USEPA, 1994a):**

Waterbody	Cause	Source (subcategory)	Degree of Impact
Raven Fork	siltation	silviculture (road maintenance)	moderate
	pH	other (atmospheric deposition)	high
Bunches Creek	organic enrichment,	land disposal (septic tanks)	slight
	siltation	construction (land development)	high
Adams Creek	organic enrichment	agriculture (hog feedlot)	slight

## DISCUSSION

In this section, discuss the information presented in the Results section. Highlight the waters that are impaired by nonpoint source pollution and require nonpoint source control measures. Identify the categories of nonpoint source pollution (e.g., agriculture, silviculture, construction) that are causing the majority of the impaired water uses, and rank them based on the amount of quantifiable impairment. In addition, include a description of the relationship between nonpoint source pollution and specific impaired water quality parameters, as well as any subsequent effects.



*Example (FPAST, 1993a):*

- Excess salts in the water supply due to nonpoint source pollution are impairing water used for livestock watering and irrigation.
- High nutrient levels in drinking water that are generated by agricultural runoff are increasing the risk of human health problems.
- High sedimentation rates caused by upstream construction are destroying vital fish spawning habitat.

## SELECTION OF BEST MANAGEMENT PRACTICES

The purpose of this section is to identify the established process for selecting best management practices (BMPs) on the tribal lands. Include in this section:

- (1) **Core participants.** In addition to listing the agency(ies), organization(s), or task force(s) responsible for BMP selection, briefly describe their mission statements and membership composition.

*Example (VTNRDEC, 1988a):*

The process to identify BMPs has been conducted in conjunction with the Vermont Nonpoint Source Task Force. The Task Force was established by the Secretary of the State Agency of Natural Resources in part to secure public participation in the nonpoint source control planning process. Membership consists of 20 representatives from a broad range of organizations including the Vermont Department of Agriculture, the Natural Resources Conservation Districts, Soil Conservation Service, private consultants, the Home Builders Association of Northern Vermont, and others listed in the Appendix.

The Task Force adopted the following mission statement: "To prepare by August 4, 1988, portions of a four-year management program for nonpoint source pollution in Vermont as required by the 1987 Amendments to the Federal Clean Water Act; specifically, (1) to identify or develop BMPs for controlling each of these sources of nonpoint pollution; (2) to identify most appropriate means of implementing the BMPs; (3) to estimate the relative significance of various sources of nonpoint pollution in Vermont such as agriculture, silviculture, construction, urban runoff, and water course modification; and (4) to solicit public comment on these conclusions."

With the aid of the Vermont Department of Environmental Conservation, the Task Force examined the technical standards for all major nonpoint sources of pollutants identified in Vermont, including agricultural operations, hydropower facilities, and construction sites. Seven were recognized by the Task Force as having water pollution control standards which are either inadequate or which need further study for technical adequacy. Where there were two standards, the Task Force recommended the BMP which should be favored as the "state standard" for a specified source. Although the Task Force is concerned with emerging problems, the highest priority is to assure that appropriate standards exist for the most serious nonpoint sources and to conduct further assessment on those sources which have led to serious impacts.

In addition to Task Force review of technical standards, BMPs are routinely evaluated by the Agency of Natural Resources. The Agency is continually upgrading its own rules and policies and urging other federal and state agencies to do the same with their own standards.

Also identify the level of participation for each agency, organization, or task force. Examples of levels of participation include:

- Technical assistance
- Education
- Demonstration projects
- Financial assistance

- (2) **Public participation and governmental coordination.** In this section, highlight the use of public participation and public comment in the process of selecting BMPs and any inter/intragovernmental coordination.

**Example (FPAST, 1993a):**

Tribal Council procedure provides public participation and public comment. A resolution authorizes submittal of the assessment plan to other federal agencies. Section 319 of the Federal Clean Water Act requires each tribe to describe tribal and local programs for controlling pollution from nonpoint sources. There are numerous programs, administered by a variety of agencies, which aim to control nonpoint source pollution. County conservation districts are designated the nonpoint source management agencies for non-federal lands. The program is intended to encourage adoption and implementation of BMPs. Technical assistance, education, demonstration projects, and financial assistance are used to implement BMPs.

- (3) **Specific programs.** Discuss any specific programs (e.g., U.S. Department of Agriculture cost-share programs) that have been contacted for BMP selection assistance. An example of the appropriate level of detail follows.

**Example (FPAST, 1993a):**

The U.S. Department of Agriculture cost-share programs offer financial incentives for implementation of BMPs on agricultural lands on the Fort Peck Reservation. The Corps of Engineers' 404 Dredge and Fill Permit Program controls nonpoint source pollution resulting from hydromodification activities. The Montana Salinity Control Association, a consortium of conservation districts in dryland farming areas, provides educational and technical assistance to implement agricultural management practices to control saline seep.

The Tribal Water Resource Control Commission conducts water quality monitoring, assesses and prioritizes nonpoint and point source problems, develops solutions, and provides management of these problems. A priority list is kept of stream segments and lakes that have assessed man-caused water quality problems. The list is used to focus and conserve limited management resources.



- (4) **Existing BMPs.** Describe existing BMPs, organized by category of nonpoint source pollution. A table is a straightforward way of listing the existing BMPs.

*Example (FPAST, 1993a):*

*Agriculture BMPs*

<u>BMP</u>	<u>Nonpoint Source Category (subcategory)</u>
Channel vegetation	Dryland crop production
Fencing	Feedlots/animal holding
Crop residue use	Dryland crop production, Irrigated crop production
Windbreak renovation	Dryland crop production
Range seeding	Rangeland/grazing

- (5) **Pollution reduction.** Finally, include a description of the process that will be used to reduce the level of pollution resulting from identified nonpoint sources of water pollution.

*Example (FPAST, 1993a):*

Fort Peck's Section 319 program will emphasize agriculture. The process for identifying BMPs for this category will consist of adopting USDA-Natural Resources Conservation Service Field Office Technical Guide standards.

*Agriculture* - The BMPs selected from the Natural Resources Conservation Service standards and specifications are currently in use by a majority of the producers on the reservation. Additional BMPs addressing pesticide application, fertilizer management, and streambank stabilization may need to be added. One or more BMPs known as a resource management system will be selected for each land use within a targeted watershed. Proper application of a resource management system will ensure the nonpoint source pollution is minimized. Cooperating agencies will develop new BMPs if appropriate ones do not exist to solve a specific problem.

Utilization of agricultural BMPs for nonpoint source water pollution control on Fort Peck is voluntary. Success in solving nonpoint source pollution problems has been limited primarily to smaller streams and projects.

## NONPOINT SOURCE CONTROL PROGRAMS

For each category of nonpoint source pollution (e.g., agriculture, silviculture, urban), identify and describe all available programs for controlling nonpoint sources of pollution regardless of whether they are currently being used on the tribal lands. These should include tribal, local, state, or federal programs that deal with nonpoint source pollution management on the reservation.

*Example (FPAST, 1993a; VTNRDEC, 1988a):*

- Agricultural Conservation Program
- Acceptable Management Practices for Maintaining Water Quality on Logging Jobs
- Corps of Engineers' 404 Dredge and Fill Permit Program
- State Land Use and Development Control Laws



## CONCLUSIONS

This section provides a summary of the key findings of the nonpoint source assessment report and lists special concerns. Identify the category(ies) of nonpoint source pollution that is/are most detrimental and will be targeted through the section 319 program.

### *Example (FPAST, 1993a):*

Four nonpoint source categories are responsible for a significant fraction of the threatened or impaired waterbodies on the reservation: agriculture, hydromodification, mining, and land disposal. BMPs have been developed and are identified in the Fort Peck nonpoint source management plan. Fort Peck's Section 319 program will emphasize agriculture. The process for identifying BMPs for this category will consist of adopting USDA-Natural Resources Conservation Service Field Office Technical Guide standards.

The BMPs selected from the NRCS standards and specification are currently in use by a majority of the producers on the reservation. Additional BMPs addressing pesticide application, fertilizer management and streambank stabilization may need to be added. Cooperating agencies will develop new BMPs if appropriate ones do not exist to solve a specific problem.

## REFERENCES

This section provides bibliographic information on sources cited or referred to in the text of the report.

## APPENDICES

Include in the appendices additional information that is important to the understanding of a certain section of the report, but not significant enough to be included in the body of the text. This material should be supplementary to the information presented in the body of the text.

### *Example (FPAST, 1993a; VTNRDEC, 1988a):*

- Criteria for designated use support classification.
- Documentation of pollution sources affecting tribal rivers and streams.
- Selected portions of toxics assessment reports that are relevant to tribal waters.
- Membership lists for local nonpoint source task forces and member affiliations.
- Current ground water nonpoint source pollution assessment reports.
- Descriptions of Waterbody System information categories.
- Relevant tribal government resolutions relating to nonpoint source pollution.

## ACRONYM LIST

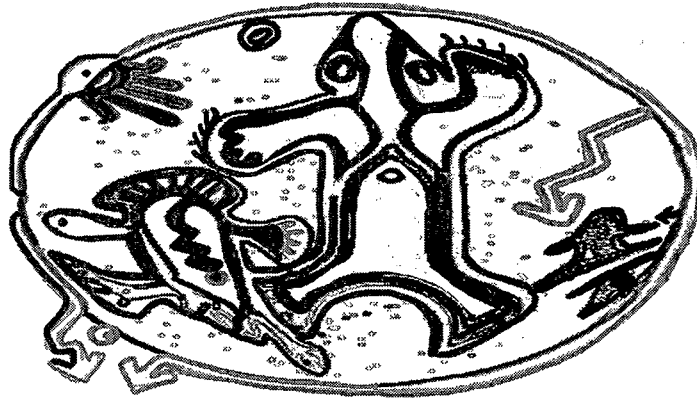
In this section, provide a list of acronyms used throughout the nonpoint source assessment report.



## Sources

Documents that might provide additional assistance during the preparation of a nonpoint source assessment report include:

- *Waterbody System Users Manual (WBS 1996)* - Available from USEPA Regional Offices (August 1995)
- *Supplemental EPA Region VIII Guidance: Water Quality Standards for Indian Tribes* - USEPA, Region 8, Water Management Division (June 1995)
- *Guidelines for the Preparation of the 1996 State Water Quality Assessments (305(b) Reports)* - USEPA, Office of Water (May 1995; updated every 2 years)
- *A Tribal Guide to the Section 319(h) Nonpoint Source Grant Program* - USEPA, Office of Water (September 1994)
- *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* - USEPA, Office of Water (January 1993)
- *Reference Guide to Water Quality Standards for Indian Tribes* - USEPA, Office of Water (January 1990)
- *Nonpoint Source Guidance* - USEPA, Office of Water (December 1987)
- *Surface Water and Wetlands Protection Program Operating Guidance FY 1988* - USEPA, Office of Water (April 1987)



## Nonpoint Source Management Program

The management program is a multiyear strategy document designed to bring nonpoint sources of pollution under control. Based on the findings of the nonpoint source assessment report, the management program becomes the foundation of each tribe's section 319(h) program. The management program identifies reservation-wide activities, as well as watershed-level projects, for implementing management practices for high-priority nonpoint source problems and provides a schedule for their implementation. The six types of information required for the management program are (see section 319(b)):

- (1) A description of BMPs and measures that will be used to reduce pollutant loadings resulting from each category and subcategory of nonpoint source pollution identified in the assessment report. The impact of the practices on ground water should also be discussed.
- (2) A description of the programs that will be used to achieve implementation of the BMPs identified in paragraph (1). These may include, as appropriate, nonregulatory or regulatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects.
- (3) A schedule containing annual milestones for the implementation of the BMPs and programs identified in paragraphs (1) and (2).
- (4) A certification by an independent legal counsel that the laws of the tribe provide adequate authority to implement such a management program, or if there is not adequate authority, a list of additional authorities that might be necessary to implement the management program. There should also be a schedule and a commitment by the tribe to seek such additional authorities as expeditiously as practicable.
- (5) A list and descriptions of any sources of federal and other assistance/funding (other than 319(h)) that will be available for supporting the implementation of the nonpoint source pollution control measures identified in the tribe's nonpoint source management program.
- (6) Identification of any federal assistance programs and development projects to be reviewed by the tribe for their effect on water quality or inconsistency with the tribe's nonpoint source management program.



## ***Model for a Nonpoint Source Management Program***

Several basic components and considerations described previously in the nonpoint source assessment report section should also be included in the nonpoint source management program (refer to page 5 for a detailed description). The assessment report sections that should also be considered for inclusion in the management program are:

- *Cover* - The cover should contain at least a title and the date (month and year) of the management program.
- *Contents* - The contents should consist of the heading of each major section of the management program and its page number.
- *List of tables* - If tables are included in the nonpoint source management program, a separate list should identify each table and its page number.
- *List of figures* - If figures are included, a separate list should identify each figure and its page number.
- *List of appendices* - If appendices are included, a separate list should identify each appendix.
- *Main body of report* - The sections that follow serve as a model for the content of each section of the nonpoint source management program.

Overview  
Introduction  
Management Program Summary  
Management Program  
Existing Authorities and Programs  
References  
Appendices (if any)  
Acronym List

If a tribe decides to prepare the assessment report and management program at the same time, this information need not be included in both. Rather, the information may be submitted as one document with two distinct sections—assessment report and management program.

# Nonpoint Source Management Program

*The sections that follow provide further explanation and examples of the content of each section of the management program.*

## OVERVIEW

In the overview, state the purpose of the document and explain the need for a nonpoint source management program for the tribal lands. Also provide a summary of the major conclusions of the management program. Discuss only significant information from the management program in this section. Keep the section concise—ideally no more than one page in length.

In 1997, EPA's Office of Water and the Association of State and Interstate Water Pollution Control Administrators developed guidance to promote a new partnership with EPA to promote implementation of dynamic and effective nonpoint source programs designed to achieve and maintain beneficial uses of water (USEPA, 1996). To achieve this vision, EPA and state nonpoint source lead agencies agreed on nine key elements that should be included in a management program. Below are examples of some key elements that should be included in tribal nonpoint source management programs:

- Explicit short- and long-term goals, objectives, and strategies to protect surface and ground water.
- An identification of program components that (a) abates known water quality impairments resulting from nonpoint source pollution and (b) prevents significant threats to water quality from present and future activities.
- An identification of waters and watersheds impaired or threatened by nonpoint source pollution and a process to progressively address these waters.
- An identification of federal lands that are not managed consistently with state program objectives.
- A feedback loop whereby the tribe reviews, evaluates, and revises its nonpoint source assessment report and its management program at least every 5 years.

Other examples of information to be included are:

- Priority nonpoint source pollution categories to be addressed by the management program.
- The process used to target impaired waterbodies.
- The process used to select BMPs for abating and/or preventing nonpoint source water pollution.
- Public participation used in the development of the management program.



***Example (FPAST, 1993b):***

The subtle nature of nonpoint source pollution presents significant difficulties to the entities charged with its monitoring and managing. Additional problems result from the large number and variety of agencies, organizations, groups, and individuals involved in managing land, and protecting resources. On the Fort Peck Reservation, most nonpoint pollution is caused by agriculture, hydromodification, land disposal, and resource extraction. Construction and urban nonpoint sources are minor components of the total nonpoint source pollution on the reservation. Nonpoint source pollution can affect both surface and ground water.

Fort Peck Reservation's Nonpoint Source Pollution Management Plan will emphasize prevention to minimize future rehabilitation needs. The prevention portion of the plan will rely heavily upon education. In addition to education, the management plan will emphasize technical assistance and financial incentive for landusers to voluntarily implement BMPs to prevent or mitigate impairment.

The authority of the Fort Peck Water Code and Fort Peck-Montana Compact will be used to control significant quantifiable nonpoint source pollution through the issuance of Tribal water use permits. Education is a major component of the program in order to achieve voluntary compliance. Range tours, brochures, and videos will be made available to producers.

## INTRODUCTION

In the introduction, describe the goals and objectives of the nonpoint source management program. An example goal statement is "to emphasize prevention whenever possible in order to minimize the need for more costly later cleanup of tribal waters." An objective should describe how the goal will be met. An example objective is "to promote available technical assistance and financial assistance for land users in order to increase voluntary implementation of BMPs to prevent or mitigate impairment." Another objective might be "to integrate the nonpoint source program into the overall environmental program for protection of tribal resources."

**Example (CTUIR, 1994):**

The goal of the nonpoint source water pollution management program is to protect and restore water quality, watershed condition, and aquatic/riparian habitat on the Umatilla Indian Reservation and throughout the Umatilla River Basin. This will provide for the beneficial use of surface (and indirectly, subsurface) waters within the Basin. From the perspective of the CTUIR this can administratively be broken into the use for specific beneficial and traditional uses, and the protection and restoration of treaty-reserved resources.

- (1) Beneficial and traditional uses: Develop program to support 18 beneficial uses (Interim Water Code) on the Umatilla Indian Reservation under the administrative and regulatory control of the CTUIR. The program will support beneficial uses and exercise of treaty rights throughout the rest of the Umatilla River Basin in accordance with state of Oregon and federal water laws, codes, and regulations.
- (2) Treaty-reserved resources: Throughout the Umatilla River Basin the Tribes retain treaty rights related to fishing, hunting, pasturing of livestock, and gathering of traditional plants among other rights. Water quality, riparian and watershed condition must be managed to provide the opportunity for the Tribes to exercise those rights. Develop program to provide high quality water as a part of instream, riparian and upland habitat for fish, wildlife, and plants.

The primary objective of the management program is to protect high quality waters and improve substandard water quality conditions in the Umatilla River Basin through:

- (1) Administration, improvement, and enforcement of water quality standards and federal, state, local, and tribal laws, codes, and regulations pertaining to land use and water quality.
- (2) Design and installation of on-the-ground projects to assist water quality protection and restoration and implementation of BMPs where found to support water quality improvements.
- (3) Public involvement and education by various means.
- (4) Monitoring of water quality conditions for detection of trends, determination of beneficial impacts due to projects or implementation of BMPs, location of chronic and acute sources of nonpoint pollution, and compliance with standards and criteria.
- (5) Coordinated efforts in the Umatilla River Basin to ensure a holistic watershed ecosystem approach and reduce redundancy of efforts.

Present a more detailed description/listing of steps used in identifying nonpoint source problem areas, priority waterbodies, and BMP solutions in this section. This information should be a concise summary of the data presented in the assessment report, but more detailed than the general process identified in the overview section.

**Example (VTNRDEC, 1988b):**

A comparative evaluation procedure was developed and applied to each impaired surface waterbody. The following four considerations were used to develop the list of "high priority" waters: severity of the water quality impairment, . . . , public benefit if use is restored. Examples of public benefit considered in the procedure were health-related concerns and recreational activities. Public comments received during workshops were integral to determining "threatened waters."



## MANAGEMENT PROGRAM SUMMARY

This section is intended to provide general information regarding the development of the management program. The section should identify the legal authority for the proposed management program and the designated management agency for the program (e.g., tribal environmental office, tribal nonpoint source task force). Many tribes establish a tribal environmental office that is responsible for the development of the program and coordination with other tribal programs, as well as coordination with federal programs and agencies.

### *Example (VTNRDEC, 1988b):*

The process for identifying BMPs and nonpoint source control programs that will be used during the management program will also be incorporated into the nonpoint source assessment process and the waterbody targeting process to gain broader public input. Over 350 individuals and organizations were contacted during the assessment regarding specific nonpoint sources that they may have observed. Each was asked their opinion of specific BMPs and programs that they felt were appropriate to resolve local problems. Persons attending the regional workshops and the statewide meeting on the management program and targeted waters were also given the opportunity to describe control measures or programs.

In addition to Task Force and public review of technical standards, BMPs are routinely evaluated by the Vermont Agency of Natural Resources. The Agency has continually evaluated and revised its own rules and policies and urges other federal and state agencies to do the same with their own standards.

Also, describe the contents of the management program in the management program summary. An example of information to include is a definition of how the program is partitioned (e.g., "The management plan has been divided into two parts"). Briefly describe the information that will be discussed in each subsection of the plan (e.g., "the administration subsection will discuss the coordination of programs and funding sources for the management program"). In addition, discuss information regarding the administration of the management program, monitoring efforts designed to evaluate the success of BMP implementation, environmental education plans of the program, and funding requirements for each of these components (FPAST, 1993b).

## MANAGEMENT PROGRAM

This section of the report should be organized by the nonpoint source pollution categories (e.g., agriculture, silviculture, construction) that are identified as priorities in the assessment report and will be addressed in the management program. BMPs identified for each category should form subsections. Include milestones for each section/subsection of the plan, presented in tabular form.



*Example (EBCI, 1993b, cited in USEPA, 1994a; FPAST, 1993b; VTNRDEC, 1988b):*

#### Agriculture Milestones

Activity	Year 1	Year 2	Year 3	Year 4
Demonstration - winter grazing and feeding on Wolf Creek	X			
Implement 4 grazing BMPs on range units 9 and 10 on Little Porcupine Creek		X		
Monitor range units 9 and 10 for water quality changes		X	X	X

#### Silviculture Milestones

Activity	Year 1	Year 2	Year 3	Year 4
Stabilize abandoned logging roads		X	X	X

For each nonpoint source pollution category, provide the following:

- Provide a brief introductory paragraph describing the nonpoint source, as well as problems and needs associated with the source. To the maximum extent possible, this paragraph should include information such as the primary pollutants associated with the nonpoint sources, the percent of land use associated with the nonpoint source pollution category, and the percent of nonpoint pollution on the tribal lands attributed to the source.

*Example (FPAST, 1993b):*

**Agriculture** - Agriculture is Fort Peck Reservation's number one industry and is the prevalent land use on nearly 98% of the Reservation's land. Agriculture also generates nearly 99% of the total nonpoint source pollution. The main agricultural pollutants are sediments and nutrients.

The designated nonpoint source management agencies for Montana have adopted Natural Resources Conservation Service (NRCS) standard conservation practices and specifications as Montana's recommended agricultural BMPs. The Assiniboine and Sioux Tribes intend to adopt NRCS recommendations as well. New BMPs addressing pesticide application, fertilizer management, and streambank stabilization will be added as they are developed.

Appropriate BMPs will be selected on a site-specific basis for each agricultural activity producing nonpoint source pollution. Application of agricultural BMPs for nonpoint source water pollution control on the Reservation is basically voluntary.

- Next, identify specific short-term goals and objectives. These may be subdivided by activities (BMPs) proposed to meet each goal.



**Example (EBCI, 1993b, cited in USEPA, 1994a; VTNRDEC, 1988b):**

**Goal -** Reduce nutrient contamination of tribal waters.

**Activities (BMPs) -**

1. *Feedlot waste management.* The tribe will require that the landowner assess the impact to the aquatic environment of a hog feedlot on Adams creek. If the impact is of sufficient magnitude to warrant a waste treatment program, the tribe will consult with the landowner, NRCS, FSA, and EPA on appropriate BMPs to correct this situation.
2. *Establish an annual awards program to recognize the achievements of farmers who have implemented BMPs.* (Supporting text describing the awards program should follow.)

- For each activity (BMP), determine the following (if possible) and include supporting text for each:
  - Lead agency(ies)
  - Cooperating agency(ies)
  - Funding schedule
  - Waterbodies potentially to be improved by the activity (BMP)
  - Any impacts to ground water supplies
  - Implementation schedule and milestones. (These should be presented in tabular form and cover the four fiscal years following management program submittal.)
- Identify any additional, long-term objectives for the nonpoint source category. Examples of long-term objectives are (VTNRDEC, 1988b):
  - To encourage the use of agricultural BMPs by making cost-sharing programs more affordable.
  - To restore minimum flows and regulate impoundments so as to support designated uses such as aquatic biota habitat, swimming, and boating.
  - To reduce septic system failures and ground and surface water contamination and to prolong septic system performance.

## EXISTING AUTHORITIES AND PROGRAMS

This section identifies and describes any tribal or federal laws or programs (in addition to section 319) that address nonpoint source pollution and activities associated with each. Examples of laws or programs that could possibly support nonpoint source pollution control implementation include:

- Clean Water Act Amendments (e.g., sections 303, 314, 404)
- Safe Drinking Water Act Amendments of 1996
- Provisions of the Food and Agricultural Trade Act of 1990

Also include a description of specific programs (in addition to section 319) for financial or technical assistance at the tribal, local, state, or federal level. Examples of federal financial assistance programs include the Intermodal Surface Transportation Act of 1991 (transportation enhancements); the Abandoned Mine Lands Program; and the Environmental Quality Incentives Program (EQIP), Wetlands and Conservation Reserves, and Wildlife Habitat provisions of the 1996 Farm Bill. Examples of state financial assistance programs are state agricultural cost share

programs, state-funded state revolving funds, and regional geographic initiatives such as the Chesapeake Bay Program and the Puget Sound Program.

In addition, define the roles of various agencies in these financial or technical assistance programs.

***Example 1 (EBCI, 1993b, cited in USEPA, 1994a):***

The Bureau of Indian Affairs has responsibilities over all properties held in trust by the U.S. Government for Indian tribes. The Bureau of Indian Affairs will provide technical assistance and resources when available.

***Example 2 (FPAST, 1993b):***

The Extension Service at the U.S. Department of Agriculture level provides support for state Extension organizations by overseeing the distribution of federal funds, by reviewing programs, and by alerting states about federal priorities and programs. Extension Service involvement in the national nonpoint source effort focuses on information and education programs.

This section also identifies any federal assistance programs and development projects to be reviewed by tribes for their effects on water quality or inconsistency with the tribe's nonpoint source control program.

***Example (EBCI, 1993b, cited in USEPA, 1994a):***

*Consistency of Federal Programs* - The Tribal Environmental Office will be responsible for the review of activities and programs conducted by all federal agencies on tribal lands to ensure compliance with the tribal nonpoint source program. This will be one of the duties of the technical assistant in the Tribal Environmental Office. The following is a list of Federal Agencies expected to be conducting activities that would fall within the guidelines of the nonpoint source program: USDA Natural Resources Conservation Service, Bureau of Indian Affairs, Indian Health Service, and Housing and Urban Development.

## REFERENCES

This section provides bibliographic information on sources cited or referred to in the text of the report.

## APPENDICES

Include in the appendices additional information that is important to the understanding of a certain section of the report, but not significant enough to be included in the body of the text. This material should be supplementary to the information presented in the body of the text.



**Example (EBCI, 1993b, cited in USEPA 1994a; VTNRDEC, 1988b):**

- Official certification of legal authority to carry out the nonpoint source management program.
- Membership lists for local nonpoint source task forces and member affiliations.
- Notes from public meetings on the nonpoint source management program.

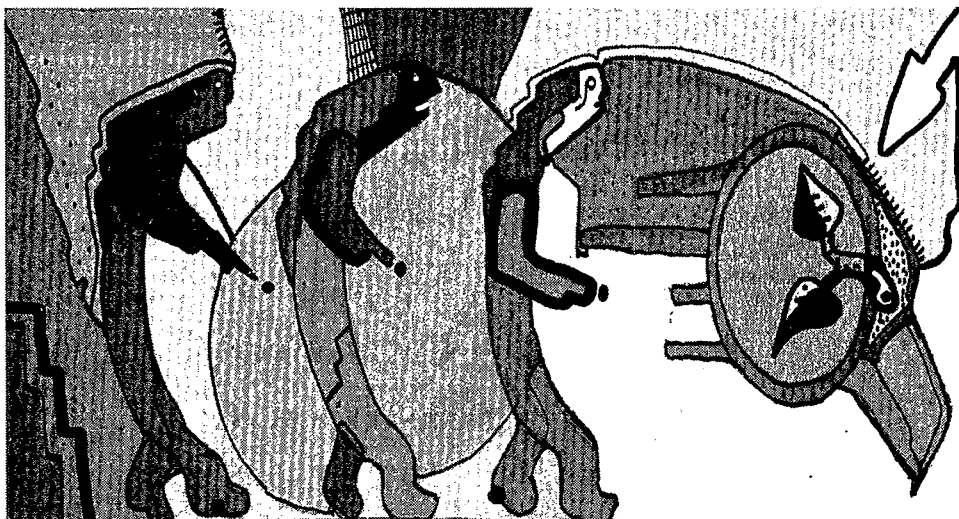
## ACRONYM LIST

In this section, provide a list of acronyms used throughout the nonpoint source management program.

## Sources

Documents that might provide additional assistance during the preparation of a nonpoint source pollution management program include:

- *Section 319 Success Stories* - USEPA, Office of Water (November 1994)
- *Geographic Targeting: Selected State Examples* - USEPA, Office of Policy and Program Evaluation (1993)
- *Selecting Priority Nonpoint Source Projects: You Better Shop Around* - USEPA, Office of Water (1989)
- *Setting Priorities: The Key to Nonpoint Source Pollution Control* - USEPA, Office of Water Regulations and Standards (July 1987)
- *Integrating Quality Assurance into Tribal Water Programs* - USEPA, Region 8, Water Management Division (undated)



## Section 319(h) Grant Application

### *Background*

After completing the nonpoint source assessment report and nonpoint source management program, a tribe can develop a grant application in coordination with the appropriate EPA Region to promote a high-quality, goal-oriented work program consistent with the national section 319 objectives and priorities. Within the grant application, the work plan should describe specific projects the tribe plans to fund for the coming fiscal year.

The four general objectives of a section 319(h) grant are as follows (USEPA, 1994b):

- (1) Support state and tribal activities with the greatest potential to produce early, demonstrable water quality results.
- (2) Encourage and reward effective performance.
- (3) Assist in building the long-term capacity of states, tribes, and local governments to address nonpoint source pollution problems.
- (4) Encourage strong interagency coordination and public involvement.

In addition, each approved grant award requires a tribe to contribute a 40 percent nonfederal match. However, a tribe that demonstrates financial need can qualify for a reduced match requirement of 10 percent (USEPA, 1994b). To demonstrate financial need, a tribe must submit a letter from the tribal chairperson to the program-approving official at the EPA Regional Office. The letter should describe why the tribe is requesting a lesser match and must sufficiently explain the financial situation or condition that warrants a reduction in the match. EPA's Regional Office will review the request and make the determination for hardship exemption based on the explanation provided by the tribe (USEPA, 1994c).



## Key Concepts

The following is a list of key concepts that have traditionally been important in 319(h) grant applications. EPA regional reviewers look for particular key concepts in each grant application (USEPA, 1996) as an indication that states and tribes understand and support the goals and objectives of section 319.

- Emphasize *implementation* of approved nonpoint source management programs (e.g., nonregulatory or regulatory programs for activities such as enforcement, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects that directly result in installation of BMPs or adoption of management actions directly affecting water quality).
- Identify *priority actions* that will be taken and explain how these actions are related to the *priority problems* identified in the nonpoint source assessment report.
- Establish a realistic *schedule* and *milestones* for completing the priority actions identified.
- Emphasize *pollution prevention* mechanisms to control nonpoint sources (e.g., restricting erosion-inducing activities in sensitive areas; improved pesticide storage, handling, mixing, and loading practices to reduce spills).
- Emphasize *watershed-based approaches* to solving nonpoint source pollution.
- Provide for *monitoring* and *evaluation* of program *effectiveness*.
- Emphasize any *interagency coordination* with federal, state, and local agencies and interest groups.
- Describe in detail previous *accomplishments* in addressing nonpoint source pollution with grant funds (if previous grants were received).

## Contents

The following information should be included in each nonpoint source grant application.

- (1) **Cover letter.** The cover letter describes the tribe's interest in managing nonpoint source pollution on its lands and also formally requests funding assistance from EPA.
- (2) **Proof of eligibility.** To be eligible for a 319(h) grant, a tribe must:
  - Be federally recognized.
  - Demonstrate that it has substantial governmental duties.
  - Demonstrate that it has legal authority or jurisdiction to carry out the purposes of the grant.

- Demonstrate its capability to carry out the requirements of the grant program. To meet the capability requirement, a tribe includes in its application packet to the appropriate EPA Regional Office a nonpoint source assessment report, a nonpoint source management program, and a grant proposal and work plan.

(3) **Grant proposal and work plan.** This section of the application identifies priority projects (previously described in the nonpoint source management plan) for which 319(h) funding is sought. Due to limited resources, tribes should focus their initial efforts on a limited number of high-priority surface and ground waters to maximize environmental benefits.

*Additional explanation and examples of the content of each section of the grant application and work plan are provided on the following pages.*



# Nonpoint Source Grant Application

## COVER LETTER

A cover letter must accompany each grant application. The letter states the request for financial assistance and briefly describes the project that the tribe hopes to fund.

*Example (EBCI, 1993c, cited in USEPA, 1994a):*

Date  
Regional Administrator  
U.S. EPA  
Address

Dear Regional Administrator:

Enclosed are an original and two copies of the *(tribe's name)* request for financial assistance under section 319 of the Clean Water Act.

The tribe recently submitted to your office a nonpoint source pollution assessment and management program for consideration. We feel that implementation of this effort is essential to the protection and enhancement of the waters on the *(tribe's name)* reservation.

Specifically, this requested assistance will address *(nonpoint source problem)* associated with the *(primary cause of the nonpoint source problem)*. Through the utilization of technical assistance from the *(cooperating agency)*, the tribe plans to *(primary actions)*.

We look forward to working in partnership with EPA to assess and protect our natural resources. Please feel free to call me or the Tribal Environmental Specialist if you have any questions or need more information.

Sincerely,

*(name)*  
Tribal Chairperson

Enclosures *(number of enclosures)*  
cc: Regional Nonpoint Source Coordinator

## ELIGIBILITY DETERMINATION

### ***Federal Recognition***

A tribe that has not done so may establish that it has been federally recognized by simply stating in its grant application that it appears on the list of federally recognized tribes that the Secretary of the Interior publishes periodically in the *Federal Register* and including as an exhibit a list of federally recognized tribes with the specific tribe's name highlighted.



### **Substantial Governmental Duties and Powers**

A tribe that has not documented its governmental duties and powers in a previous grant application may do so by certifying that it has a government carrying out substantial governmental functions. A tribe will be able to make the required certification if it is currently performing governmental functions to promote the public health, safety, and welfare of its population (e.g., levying taxes, acquiring land by exercise of the power of eminent domain, exercising police power). Provide a narrative description, not copies of specific documents, of the form of tribal government and the types of essential governmental functions currently performed, and identify the legal authorities for performing those functions (e.g., tribal constitutions or codes). Attach the description of duties and powers and label it as an exhibit.

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#### **Example (USEPA, undated):**

The governing body of the (tribe's name) is its Tribal Council. The Council is comprised of seven members, one of whom is the Tribal Chairperson. Elections are held once a year with members holding staggered two-year terms. The Chairperson is also elected for two years.

### **Tribal Authority**

The tribe must submit a statement signed by the Tribal Attorney General or equivalent official explaining the legal basis for the tribe's regulatory authority over its water resources or providing evidence of prior approval for "tribal eligibility." Attach the statement and label it as an exhibit.

#### **Example (USEPA, undated):**

Several provisions of the Tribe's Constitution expressly authorize the American Tribal Council to exercise powers that entail regulation of not only ground water within the Reservation, but use of all waters originating within the Reservation as well: Article I, Section 6, authorizes the protection, conservation, and regulation of Reservation natural resources; Section I(b) authorizes the Council to represent the Tribe in transactions and negotiating agreements with other governments; Section I(c) authorizes the Council to represent the Tribe in litigation; Section I(d) authorizes the Council to manage all unassigned Reservation property and control the use of all unassigned Reservation land; Section I(j) authorizes the protection of the general welfare, health and safety of the Reservation's residents; and Section I(k) authorizes the Tribe to enact laws on the Reservation consistent with its sovereign status.

These specific Constitutional provisions are interpreted broadly to achieve the protection of tribal rights and interests, and to accommodate constant developments in federal law that expand or refine the general scope of tribal jurisdiction. In addition, the Tribe is authorized to exercise any inherent sovereign power not expressly authorized by Congress.

The Tribe's main purpose in regulating the use of Reservation resources generally, and water use and quality in particular, includes protection of the Tribe's federally reserved water rights from environmental degradation and unauthorized interference by outside persons or governments. Tribal authority to regulate these reserved rights necessarily entails the authority to serve the purpose for which the rights exist, which includes subsistence and commercial use of the Reservation's water resources. In addition, tribal regulation of this type fulfills the Council's constitutional obligations to protect the basic health, safety, and welfare of the Tribe and the Reservation community. Ultimately, such regulation promotes the political integrity of the American Tribe.

GRANT PROCESS



EPA will approve tribal applications for only those land areas where the tribe has demonstrated jurisdiction. Attach as an exhibit a map of tribal lands for which the tribe has jurisdiction. In addition, a sample tribal water pollution control ordinance may be attached as an exhibit to document the tribe's authority over its waters.

### ***Tribal Capability***

In most cases, a tribe's approved nonpoint source assessment report and management program will serve as adequate documentation that the tribe has "capability" to carry out the nonpoint source activities proposed for funding. In some instances, however, EPA may request that the tribe provide a narrative statement or other documents showing that the tribe is capable of administering the grant for which it is seeking approval. Even if a tribe does not have substantial experience administering environmental programs, the tribe will still be considered for a 319 grant as long as it shows that it has the necessary management, technical, and related skills or submits a plan describing how it will acquire those skills. In evaluating tribal capability, EPA will consider:

- Previous management experience.
- Existing environmental or public health programs administered by the tribe.
- Mechanisms in place for carrying out the executive, legislative, and judicial functions of the tribal government.
- Accounting and procurement systems.
- Technical and administrative capabilities of the staff to administer and manage the program.

**Management experience.** Examples of general managerial experience include:

- Operation of domestic water system
- Cable TV system
- Solid waste management
- Administrative offices

#### ***Example (EBCI, 1993b, cited in USEPA 1994a):***

The Tribe is currently developing a combined utilities ordinance to better regulate Tribal utilities as well as to provide better services to Tribal members. The Tribe has nearly completed its own Chemical Emergency Response plan, adhering to SARA Title III requirements, as well as an improved Tribal Solid Waste Management Plan, with funding provided by EPA Multi-Media grants. This funding has also allowed the Tribe to hire an Environmental Specialist as part of their administrative staff, to oversee environmental programs, such as a water quality program. The Environmental Specialist manages the resolution of environmental problems on the reservation. The Tribe is also negotiating with national and international firms regarding economic development of Tribal lands adjacent to Interstate 40.

**Existing programs.** Examples of existing environmental or public health programs administered by the tribe include:

- Indian health clinic
- EPA Multi-Media Grants - any preceding fiscal year
- Bureau of Indian Affairs FY 92-94 Rights Protection - Hazardous Waste Grant
- Department of Health and Human Services, Administration for Native Americans - 1985 to present

**Mechanisms for governmental functions.** The following is an example of a brief but acceptable description of tribal mechanisms for carrying out governmental functions.

**Example (USEPA, undated):**

Executive functions of the tribal government are carried out by the Tribal Chairperson. Legislative functions are carried out by the six-member Tribal Council.

**Accounting and procurement systems.** The following example illustrates the appropriate level of detail for this section.

**Example (USEPA, undated):**

The Tribe's general accounting system is maintained by ten Tribal accountants and a private accounting consultant. They handle all Tribal financial activities, including payroll, ledgers, accounts payable and receivables and program disbursements, in compliance with federal accounting regulations. The accountants work with auditors to supply documentation of all financial transactions. Tribal books are audited yearly by a Certified Public Accountant. In addition, the Tribe has under contract an accounting firm, who confirm in a letter, Exhibit X, the breadth and effectiveness of the Tribal accounting system.

The Tribe's procurement system meets the requirements as described in [25 CFR 276.12]. Furthermore, Tribal policy dictates that all purchases and expenditures meet with prior approval from the Tribal Council.

**Technical and administrative capabilities of the staff.** An example of the level of detail expected for this section follows.

**Example (USEPA, undated):**

Existing staff resources include a Grants and Contracts Accountant and an Environmental Specialist. The Tribe has identified the following as a potential inventory of firms and organizations that could provide the necessary technical capability for a water quality assessment/pollution prevention program. We intend to enter into an agreement with one or more of the following should Section 319 funds become available.

- Natural Resources Conservation Service
- U.S. Geological Survey
- U.S. Naval Construction Training Center
- A private environmental consulting firm
- The University of California at Davis' School of Environmental Engineering



### **List of Exhibits**

Exhibits are documents submitted along with the grant application to support the application (e.g., list of federally recognized tribes, statement by the Tribal Attorney General explaining the legal basis for the tribe's regulatory authority).

Label each exhibit attached to the application, and provide a list of the exhibits. Retain copies of the exhibits. Check carefully to make sure that all required items for the eligibility determination have been addressed.

## **GRANT PROPOSAL AND WORK PLAN**

### **Cover Page**

The document cover contains at a minimum the title of the project and the date submitted.

### **Introduction**

The introduction states the purpose of the 319(h) grant application and provides an overview of the proposed nonpoint source pollution management project. The purpose must specifically request funding to control a particular nonpoint source that has been identified as a cause of impairment or threat to the quality of tribal waters. The overview of the management project identifies the method or technology proposed to reduce or prevent the nonpoint source pollution problem. In addition, the introduction identifies the major components of the nonpoint source management project.

#### **Example (CTUIR, 1995):**

A program is needed to provide high quality water as a part of instream, riparian, and upland habitat for fish, wildlife, and plants. In the interest of applying a watershed protection approach and contributing to the improvement of water quality problems related to nonpoint sources, the CTUIR developed a *Nonpoint Sources of Water Pollution Management Program for the Umatilla River Basin*. The CTUIR proposes to continue implementing its management program through:

- administration, improvement, and enforcement of water quality standards and federal, state, local, and tribal laws, codes, and regulations pertaining to land use and water quality;
- design and installation of on-the-ground practices and projects to assist water quality protection and restoration; implementation of best management practices where found to support water quality improvements;
- public involvement and education by various means;
- monitoring of water quality conditions for detection of trends, determination of beneficial impacts due to projects or implementation of best management practices, location of chronic and acute sources of nonpoint pollution, and compliance with standards and criteria; and
- coordination of efforts in the Umatilla River Basin to ensure a holistic watershed ecosystem approach and reduce redundancy of efforts.

Clean Water Act Section 319(h) funds are sought for portions of the Management Program to be implemented in 1995, (i.e., implementation of on-the-ground projects, project and educational monitoring, updating water quality databases and GIS information, wellhead, and other groundwater protection and assessment, and coordination of these efforts with those other entities in the Umatilla River Basin.

The introduction also discusses implementation of the proposed management project or projects by identifying the lead organization and cooperating agencies and defining their proposed roles. The following list identifies potential cooperating agencies. It is not intended to be all-inclusive (VTNRDEC, 1988b).

- Department of Agriculture
  - Natural Resources Conservation Service
  - Farm Service Agency
  - U.S. Forest Service
- Corps of Engineers
- Federal Highway Administration
- Office of Surface Mining
- Department of Transportation
- Department of Energy

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**Example (CTUIR, 1995):**

Potential exists for cooperative projects with the Umatilla Basin Watershed Council; Columbia-Blue Mountain Resource Conservation and Development Council; Umatilla County Soil and Water Conservation District; USDA-Soil Conservation Service; Oregon Departments of Agriculture, Water Resources, Environmental Quality, and Fish and Wildlife; U.S. Environmental Protection Agency; USDI Bureaus of Indian Affairs and Reclamation; the USDE-Bonneville Power Administration; and the local non-governmental citizens and groups.

**Project Location**

Identify the proposed location for implementation of the nonpoint source management project(s). In addition, specify the watershed(s) in which the proposed project(s) are located.

**Project Goals and Objectives**

Describe thoroughly the goals and objectives of the selected project(s) or activity(ies).

**Example (CTCR, 1995):**

Program goal: To improve water quality in impaired watersheds by BMP implementation projects coupled with water quality monitoring/project performance monitoring.

Program objectives:

- 1) To maintain the reservation-wide water quality monitoring network and focus on implementation effectiveness.
- 2) To implement water quality improvement projects in several impaired watersheds.

**Project/Activity Description**

The project/activity description identifies the scope of the project or activity. It details the components of the project/activity and thoroughly describes each component. Project monitoring and evaluation plans, as well as any public education and public participation plans, should be described in this section as well.

GRANT PROCESS



**Example (CTUIR, 1995):**

The on-the-ground projects will continue the focus in the Wildhorse and Middle Umatilla subwatersheds and will add the Tutuilla/Patawa subwatershed. The projects will include riparian and meadow tree, shrub and forb plantings, placing instream structures, fencing riparian corridors, fencing livestock grazing pastures, researching traditional resource uses and conditions (to be used in developing Desired Future Conditions/project objectives), monitoring and evaluation of project outputs, maintenance of project developments, and coordination the projects with local, state, and federal agencies and the public. On-the-ground projects will be installed only as a part of a watershed protection approach.

It is anticipated that project implementation will result in reduced late summer and increased winter stream temperatures, reduced sediment delivery, reduced delivery of nutrients and bacteria, and improved stormwater management. These results will benefit surface and groundwater quality. Project completion will result in improved management of pastures for livestock grazing, more efficient forage utilization by livestock, and improved management of crop agricultural practices. Coincident with these results will be an increase in available information on water quality in the Umatilla River Basin and in increase in awareness of water pollution problems and involvement in their solutions.

**Outputs/Deliverables**

Identify all outputs/deliverables that will be produced by this project/activity (e.g., reports, manuals, meetings). The outputs are often divided by respective task in the proposed work plan.

The following is an example of a list of deliverables (GCPDD, 1995):

- Preproject detailed plans that identify the participants in the public/private partnership, describe where the project/activity will be initiated, and provide a schedule for completion.
- Public outreach plan and materials for educating homeowners and the general public on the care and maintenance of any site-specific facilities that might be involved.
- Quarterly reports detailing the progress of the project.
- Final report detailing the success of the project/activity in controlling or preventing nonpoint source pollution and the cost-effectiveness of any site-specific systems. The report will contain an analysis of all monitoring results.

**Example 1 (CTCR, 1995):**

**Task 1:** Maintain water quality monitoring network and perform effectiveness monitoring.

**Output 1:** Network monitoring will be ongoing. Data and monitoring reports and monthly reports from Environmental Trust programs. Quantitative data will be put on data base.

**Task 2:** Construct implementation projects.

**Output 2:** Completed projects for Frosty Meadows, Northstar Creek, Rebecca Lake, Friedlander Meadows, Rogers Bar, and other projects. Quarterly reports will be prepared for the projects.

**Task 3:** Continue watershed planning.

**Output 3:** Produce operational modules for watershed planning process and select watershed models for GIS/database. Quarterly reports will be prepared on progress. (Planning is not a 319 funded activity and will be funded as in-kind.)

**Example 2 (CTUIR, 1995):**

- Task 1: Continue wellhead protection and farm-assist/home-assist programs.  
 Output 1: Hold public meetings, provide technical assistance, update database. Incorporate groundwater monitoring data into database.
- Task 2: Plan, develop, and implement watershed protection agreements and projects.  
 Output 2: Development of an Implementation Plan to meet requirements of EPA, incorporating any monitoring needs in a QA/QC plan for monitoring, developing project agreements, installing any structural elements of improvement projects, monitoring, and evaluation.
- Task 3: Develop or obtain and provide public information and education on land use and water quality.  
 Output 3: Follow through on gaps identified by public in educational/informational materials/presentations. Propose or develop needed materials/presentations. Present program updates and other information in two public presentations, winter and spring 1996.

**Milestones**

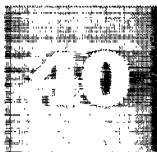
Identify milestones for project implementation (e.g., start date, completion date, reporting dates). Milestones are listed as a schedule of events with due dates by which progress can be evaluated. Regions require that general milestones outlined in the nonpoint source management program be updated and made more specific for submittal in the work plan. Most Regions also require a form and/or criteria for evaluating satisfactory progress in developing and implementing 319 programs or activities (USEPA, 1993).

**Example 1 (GCPDD, 1995):**

<u>Component</u>	<u>Completion Date</u>
Project start	
Develop and implement public outreach program	3 months from start
Design site-specific stormwater management systems	5 months from start
Evaluate project through monitoring	11 months from start
Final report	12 months from start

**Example 2 (CTCR, 1995):**

<u>Component</u>	<u>Product</u>	<u>Completion Date</u>
1. Monitoring (ongoing):	Quarterly Data Report Project Report	Quarterly 10/95 11/95
2. Implementation:	LaFleur Lake Project Frosty Meadows Project Gold Lake Project Northstar Project	12/31/94 12/31/94 12/31/95 12/31/95
3. Watershed plans:	Module Completion Document Models Selected Software Modeling Reports	6/1/95 9/1/95 10/15/95



### ***Budget***

The budget lists the estimated costs for project implementation. Include details such as staff years and funds, equipment, supplies, construction, contracts, and indirect costs. The budget must also fully document nonfederal matching funds and other funds (nonmatching) for the project. For the matching funds, identify the matching agency or in-kind contributors and amounts, as well as the staff years and budget (USEPA, 1995). Tables are an effective way to document the proposed budget.

#### ***Example 1 (CTCR, 1995):***

<u>Description</u>	<u>319 Funding</u>	<u>Tribal In-Kind</u>
Personnel/Fringe	\$X	\$X
Travel/Training	\$X	\$X
Lab Equipment/Facility	\$X	\$X
Monitoring/Implementation	\$X	\$X
Supplies/Materials	\$X	\$X
Utilities/Facilities	\$X	\$X
Indirect Costs	\$X	\$X
TOTAL	\$X	\$X

#### ***Example 2 (GCPDD, 1995):***

##### ***319(h) Funding***

<u>Component</u>	<u>Cost</u>
Staff (X hours at \$X/hour)	\$X
Travel	\$X
Laboratory fees	\$X
Other direct costs	
Reproduction	\$X
TOTAL 319(h) FUNDING	\$A

##### ***Matching Funds***

<u>Component</u>	<u>Cost</u>
Monitoring equipment	\$X
Other direct costs	
Computer use	\$X
Printing/Graphics	\$X
TOTAL MATCHING FUNDS	\$B
TOTAL FUNDING:	\$(A+B)



A brief description of the costs outlined in the budget table is often very helpful to the proposal reviewers.

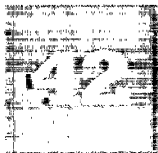
**Example (CTCR, 1995):**

**Direct Costs:**

- Personnel One field technician for implementation, monitoring water quality, and tracking and repairing implementation projects.
- Travel/Training Travel directly related to implementation projects, including on-reservation travel (vehicle expenses) and possible training associated with implementation projects.
- Monitoring/Implementation Costs for labor, materials, and supplies associated with water quality protection projects, the field monitoring of those projects, and other nonpoint source monitoring.

**In-Kind Expenses:**

- Personnel Environmental Trust personnel associated with 319 project including hydrologist's time for modeling, water resource technician's time for water monitoring, and lab technician's time for water analysis (average cost for all personnel \$X/hour for X hours = \$X).
- Lab Equipment Facility Use of lab building and equipment (\$X/month for X months = \$X).
- Utilities/Facilities The Environmental Trust will provide office space, computers, software, phones, fax, and field sampling equipment (\$X/month for X months = \$X).





## List of Contacts

### *EPA HEADQUARTERS*

Nonpoint Source Control Branch  
(4503F)  
401 M Street, SW  
Washington, DC 20460  
(202) 260-7100

American Indian Environmental Office  
(4104)  
401 M Street, SW  
Washington, DC 20460  
(202) 260-7939

### *REGIONAL CONTACTS*

**Region 1** (CT, ME, MA, NH, RI, VT)  
Nonpoint Source Coordinator  
John F. Kennedy Federal Building  
One Congress Street  
Boston, MA 02203  
(617) 565-4426

Tribal Coordinator  
John F. Kennedy Federal Building  
One Congress Street  
Boston, MA 02203  
(617) 565-3485

**Region 2** (NJ, NY, PR, VT)  
Nonpoint Source Coordinator  
Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, NY 10278  
(212) 637-3700



Tribal Coordinator  
Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, NY 10278  
(212) 637-3712

**Region 3** (DE, DC, MD, PA, VA, WV)  
Nonpoint Source Coordinator  
841 Chestnut Building  
Philadelphia, PA 19107  
(215) 597-3429

**Region 4** (AL, FL, GA, KY, MS, NC, SC, TN)  
Nonpoint Source Coordinator  
100 Alabama Street, SW  
Atlanta, GA 30303  
(404) 562-9345

Tribal Coordinator  
100 Alabama Street, SW  
Atlanta, GA 30303  
(404) 562-9345

**Region 5** (IL, IN, MI, MN, OH, WI)  
Nonpoint Source Coordinator  
77 West Jackson Boulevard  
Chicago, IL 60604-3507  
(312) 886-0209

Tribal Coordinator  
77 West Jackson Boulevard  
Chicago, IL 60604-3507  
(312) 353-6424

**Region 6** (AR, LA, NM, OK, TX)  
Nonpoint Source Coordinator  
First Interstate Bank Tower at Fountain Place  
1445 Ross Avenue, 12th Floor  
Suite 1200  
Dallas, TX 75202-2733  
(214) 665-6683

Tribal Coordinator  
First Interstate Bank Tower at Fountain Place  
1445 Ross Avenue, 12th Floor  
Suite 1200  
Dallas, TX 75202-2733  
(214) 665-7457

**Region 7** (IA, KS, MO, NE)  
Nonpoint Source Coordinator  
726 Minnesota Avenue  
Kansas City, KS 66101  
(913) 551-7431

Tribal Coordinator  
726 Minnesota Avenue  
Kansas City, KS 66101  
(913) 551-7367

**Region 8** (CO, MT, ND, SD, UT, WY)  
Nonpoint Source Coordinator  
999 18th Street, Suite 500  
Denver, CO 80202-2405  
(303) 312-6236

Tribal Coordinator  
999 18th Street, Suite 500  
Denver, CO 80202-2405  
(303) 312-6343

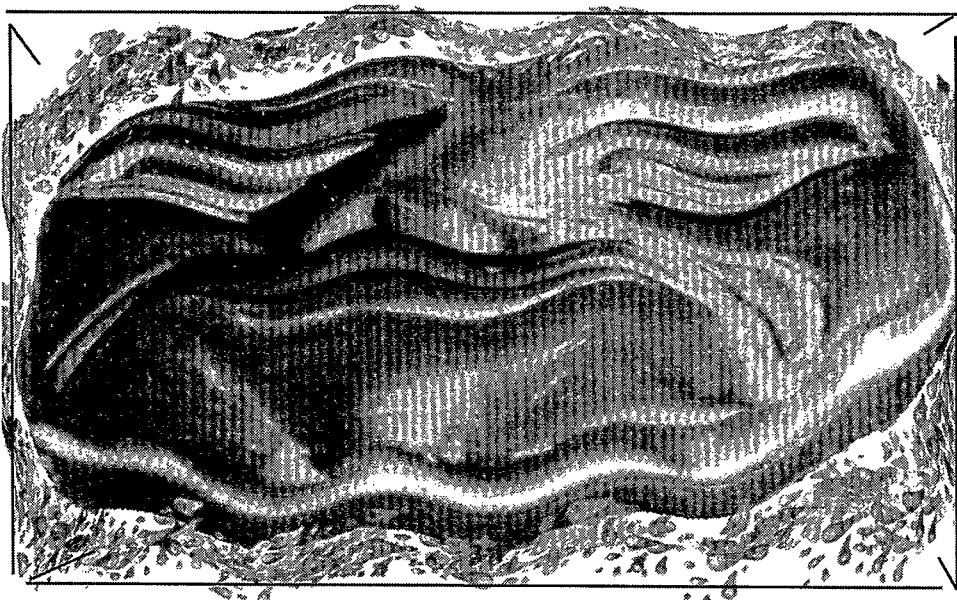
**Region 9** (AZ, CA, HI, NV, AS, GU)  
Nonpoint Source Coordinator  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 744-1990

Tribal Coordinator  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 744-1607

**Region 10** (AK, ID, OR, WA)  
Nonpoint Source Coordinator  
1200 Sixth Avenue  
Seattle, WA 98101  
(206) 553-1601

Tribal Coordinator  
1200 Sixth Avenue  
Seattle, WA 98101  
(206) 553-1983





## References

CTCR. 1995. *Confederated Tribes of the Colville Reservation FY 95 work plan*. Confederated Tribes of the Colville Reservation, Washington.

CTUIR. 1994. *Non-point sources of water pollution assessment and management plan: Umatilla River Basin*. Confederated Tribes of the Umatilla Indian Reservation, Pendleton, OR. August.

CTUIR. 1995. *Confederated Tribes of the Umatilla Indian Reservation Work Program for Clean Water Act Section 319 Grants: Project level proposal for fiscal year 1995 funding*. Confederated Tribes of the Umatilla Indian Reservation, Pendleton, OR.

EBCI. 1993a. *Qualla Reservation section 319(h) nonpoint source assessment report*. Prepared by Fish and Wildlife Associates, Inc., for Eastern Band of Cherokee Indians, Tribal Environmental Office, Cherokee, NC. July. Cited in USEPA, 1994a.

EBCI. 1993b. *Qualla Reservation section 319(h) nonpoint source management program*. Prepared by Fish and Wildlife Associates, Inc., for Eastern Band of Cherokee Indians, Tribal Environmental Office, Cherokee, NC. July. Cited in USEPA, 1994a.

EBCI. 1993c. *Section 319 Nonpoint Source Program Application*. Eastern Band of Cherokee Indians, Tribal Environmental Office, Cherokee, NC. July. Cited in USEPA, 1994a.

FPAST. 1993a. *Fort Peck Tribes nonpoint source assessment plan*. Fort Peck Assiniboiné and Sioux Tribes, Office of Environmental Protection, Poplar, MT.

FPAST. 1993b. *Fort Peck Tribes nonpoint source management plan*. Fort Peck Assiniboiné and Sioux Tribes, Poplar, MT.

GCPDD. 1995. *Development of an innovative stormwater management control for urban areas: A 319(h) grant proposal*. Guilford County Planning and Development Department, Guilford County, NC. May.



USEPA. 1987. *Nonpoint source guidance*. U.S. Environmental Protection Agency, Office of Water and Office of Water Regulations and Standards, Washington, DC. December.

USEPA. 1993. Working paper on regional nonpoint source guidance and supporting tables for section 319(h). U.S. Environmental Protection Agency, Office of Water, Washington, DC. February.

USEPA. 1994a. *A tribal guide to the section 319(h) nonpoint source grant program*. EPA 841-S-94-003. U.S. Environmental Protection Agency; Office of Water; Office of Wetlands, Oceans, and Watersheds; Assessment and Watershed Protection Division; Nonpoint Source Control Branch, Washington, DC. September.

USEPA. 1994b. *Section 319(h) success stories*. EPA 841-S-94-004. U.S. Environmental Protection Agency; Office of Water; Office of Wetlands, Oceans, and Watersheds; Assessment and Watershed Protection Division; Nonpoint Source Control Branch, Washington, DC. November.

USEPA. 1994c. Policy paper #4: 319(h) nonpoint source funding for Indian tribes. U.S. Environmental Protection Agency, Region 8, Denver, CO. July.

USEPA. 1995. *National Water Quality Inventory: 1994 Report to Congress*. EPA 841-R-95-005. U.S. Environmental Protection Agency, Office of Water, Washington, DC. December.

USEPA. 1996. *Nonpoint source program and grants guidance for fiscal year 1997 and future years*. U.S. Environmental Protection Agency, Office of Water, Washington, DC. May.

USEPA. Undated. *The financial assistance and program authorization handbook for Indian tribes water quality planning and management programs of the Clean Water Act*. U.S. Environmental Protection Agency, Region 9, San Francisco, CA.

VTNRDEC. 1988a. *Vermont nonpoint source assessment report and phase I state clean water strategy*. Vermont Agency of Natural Resources, Department of Environmental Conservation, Division of Water Quality, Waterbury, VT. August.

VTNRDEC. 1988b. *Vermont state clean water strategy (phase I): Nonpoint source management program*. Vermont Agency of Natural Resources, Department of Environmental Conservation, Division of Water Quality, Waterbury, VT. August.



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**Know This** (title page)

*This image represents the harmony of the natural world—a world that stretches from the Turtle Island to the Eagle Spirit.*

**Peeps** (repeating page element)

*This image represents the harmony of working together to face the possible and the unknown.*

**Sunrise** (page 1)

*The whirling universe and the waters of creation are greeted by the rising of the sun. The eagle is a sacred tribal symbol.*

**Warning** (page 5)

*The two ancient petroglyph figures represent the time when all people lived carefully and in balance with the natural creation. They are helpers from the vast storehouse of ancestor knowledge maintained by tribal cultures. The turtle is a central figure because many tribal Americans call North America “the Turtle Island.”*

**Rockwater** (page 19)

*Based on old petroglyphs, this image is a story about collecting and understanding, as well as sharing, the rich experiences of a responsible community life.*

**Three Moons** (page 29)

*This image is a study in cooperation. Three tribal people move forward, in the same direction, each carrying equal possibilities and opportunities. They are guided by the eagle, here a symbol of working for the good of all people and all of the creation.*

**Fish** (page 43)

*Mutual dependence is the story of this image. The long trail of the tribal ancestors and of the animal creation have merged into a transformational figure. The “open hand” on this image symbolizes an openness or willingness to work with others. The thunderbolt at the top of the figure symbolizes the immediate and urgent nature of pollution dangers.*

**Wetface** (page 47)

*The old woman in charge of water is an ancient figure. It honors the clan mothers of the tribal community as caretakers of the waters.*

