



Protecting Waters and Wetlands in Indian Country: **A Guide for Developing Tribal Wetland Management Programs**

EPA Tribal Wetlands Workshop | September 23, 2021

Presenters:

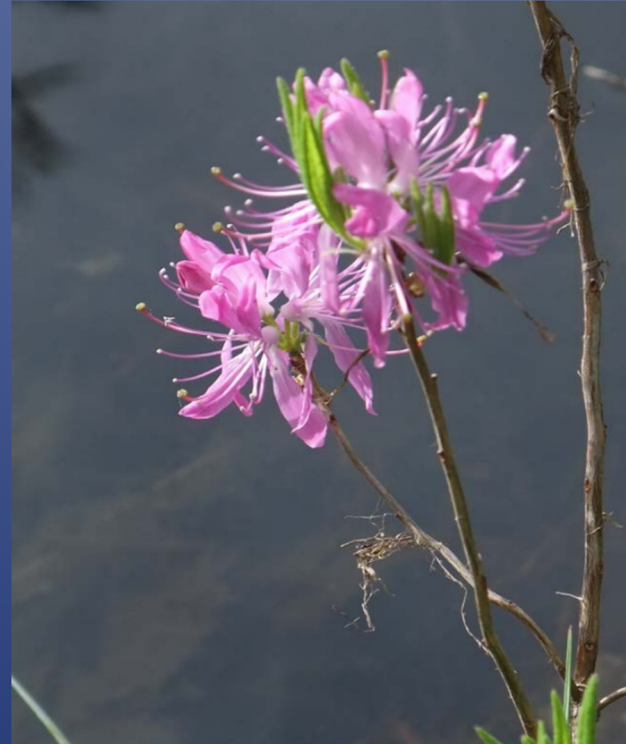
Lucy Moore, Lucy Moore Associates
Doug Thompson, Consensus Building Institute

Why the Guide?

- Now more than ever, there is great need for healthy, sustainable wetlands for all of us
- Many wetlands and important aquatic resources are on Tribal lands
- Tribes requested a guide specific to their needs and situations, and EPA responded
- Wetlands hold a special place in Tribal traditions and culture; their preservation and health is tied to the greater health and wellbeing of the community

ASWM Handbook

- The existing ASWM handbook offers excellent information for both states and Tribes
- This Guide is intended to be complementary to existing ASWM handbook

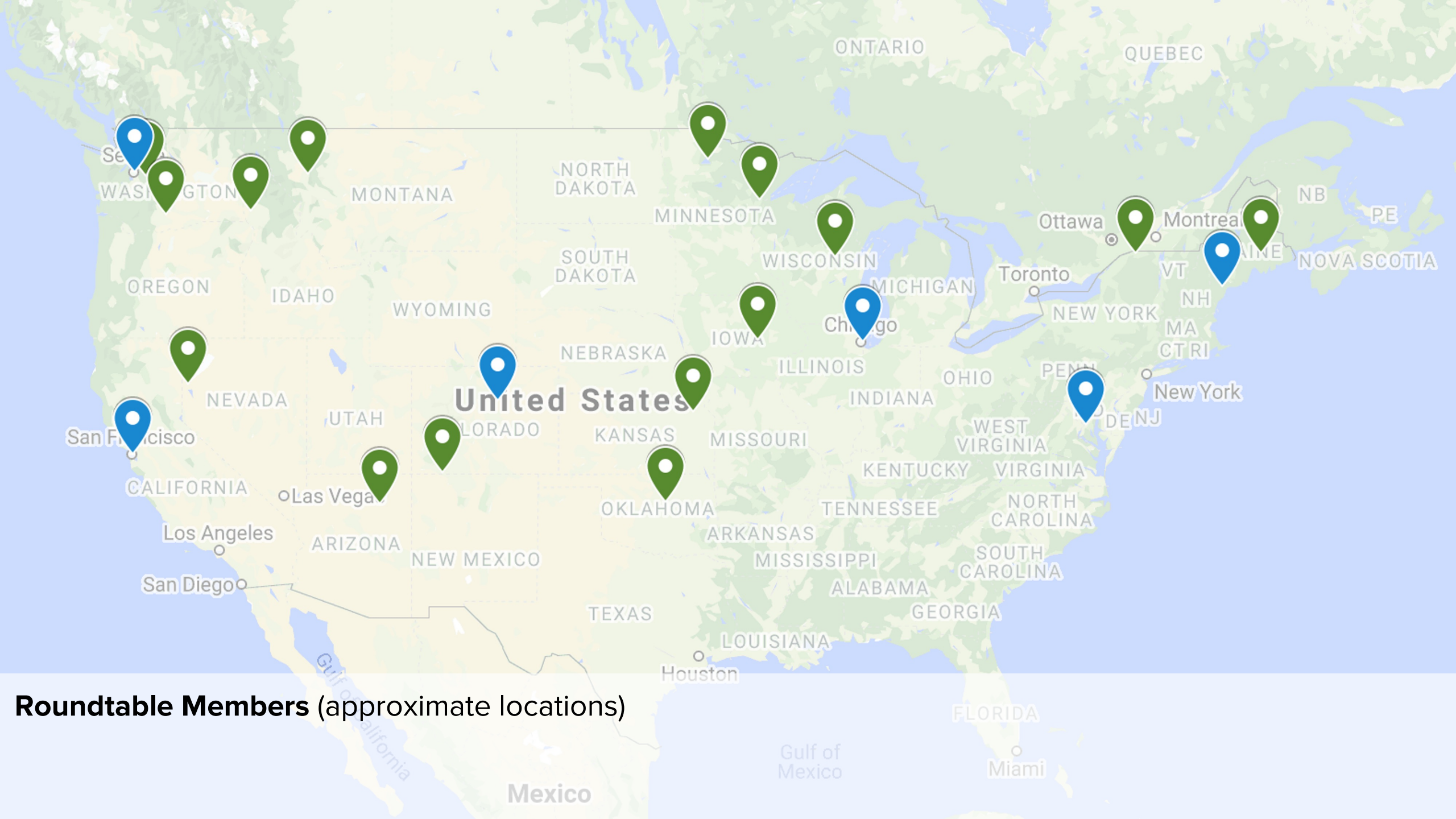


Wetland Program Plans Handbook

A resource to assist states and tribes in developing strategic approaches to achieve comprehensive Wetland Programs

Roundtable Members

- Matt Baerwalde, **Snoqualmie Indian Tribe**
- James Duffield, **Hopi Tribe**
- Tom Elliott, **Yakama Nation**
- Tabitha Espinoza, **Confederated Salish and Kootenai Tribes**
- Rick Gitar, **Fond Du Lac Band of Lake Superior Chippewa**
- Rue Hewett Hoover, **Nez Perce Tribe**
- Mike Jones, **Mohican Nation - Stockbridge Munsee Community Band**
- Kathleen Kutschenreuter, **EPA Headquarters**
- Sarvy Mahdavi, **EPA Region 9**
- Kerstien McMurl, **Iowa Tribe of Oklahoma**
- Robyn Mercer, **Pyramid Lake Paiute Tribe**
- Tyler Orgon, **Red Lake Band of Chippewa**
- Toney Ott, **EPA Region 8**
- Verna Potts, **Prairie Band Potawatomi Nation**
- Kelly Schott, **Meskwaki Nation; Sac & Fox Tribe of the Mississippi in Iowa**
- Benjamin Simpson, **Penobscot Indian Nation**
- Tiernan W. Smith, **St. Regis Mohawk Tribe**
- Marla Stelk, **Association of State Wetland Managers**
- Linda Storm, **EPA Region 10**
- Rachel Vaughn, **Southern Ute Indian Tribe**
- Kerryann Weaver, **EPA Region 5**
- Yvette Wiley, **Iowa Tribe of Oklahoma**



Roundtable Members (approximate locations)

Roundtable & Drafting Process

- The Roundtable has been active since January 2021, meeting 7 times to date
- Many months of drafting, review, discussion
- Where we are now:
 - Final Roundtable meeting on Oct 1, 2021
 - Onboarding Tribal graphic designer
 - Comment period for Roundtable, followed by an EPA-led review process

Direction from the Roundtable

This Guide should be:

- Tribal-centric, show how EPA programs and requirements can include and support TEK and cultural preservation, and vice versa
- Easy to navigate
- Written in clear language
- Graphics-rich with photos, inset boxes, drawings, etc.
- Many Tribal examples, case studies
- Links to references, documents, additional information

What's in the Guide

I. Introduction

- A. Need for This Guide
- B. Development of this Guide: Tribal Roundtable
- C. Organization and How to Use

II. Getting Started: Some Basics

- A. The 2013 ASWM Handbook
- B. The Core Element Framework
- C. Wetland Program Plans
- D. Questions and Answers
- E. Considerations When Working in the Tribal Context

III. Protecting Wetlands: Ingredients for Tribal Programs

- A. Incorporating Cultural Values and Traditional Ecological Knowledge
- B. Mapping, Monitoring, and Assessment
- C. Regulatory Approaches
- D. Water Quality Standards for Wetlands/401 Authority
- E. Voluntary Restoration and Protection
- F. Questions and Answers

IV. Getting Help

- A. Wetland Program Development Grants
- B. Other Sources of Funding
- C. Tribal Collaboration Efforts and Partnerships
- D. Questions and Answers

Appendix A: Roundtable Members

Appendix B: Case Study Summaries

Appendix C: Funding Matrix

Appendix D: Additional Resources

What's in the Guide: Q&A Sections

D. Questions and Answers

Is the CEF and WPP promoted by EPA mainly aimed at less developed Tribal programs?

While EPA support is available to all Tribes, a key focus is on those actively working to further build small or “starter” programs because those often depend the most on EPA funding and technical assistance. However, EPA assists developed programs as well. The core elements framework includes objectives and associated program building activities that can be used to refine more fully developed programs.

Does the CEF have a technical assistance component?

The CEF clearly defines four core elements and outlines a menu of program activities under each. EPA seeks to align its technical assistance, including targeted [trainings](#) and outreach to provide support to interested Tribes. The CEF helps EPA to track specific program building actions and can help the Agency tailor assistance to areas where a significant number of Tribes are working.

When and how will the core elements framework be used in grant decisions?

The Wetland Program Development Grants (WPDG) are EPA's primary source of financial support for Tribal programs. EPA aligns the Wetlands Program Development Grants with the CEF to put more emphasis on program development. EPA uses the CEF to guide program development and asks grantees to reference the core elements framework in their proposed grant activities. See Section IV below for a more detailed discussion of the WPDG program.

What's in the Guide: Examples & WPP Excerpts

CASE STUDY CALLOUT BOX

Confederated Salish & Kootenai Regulatory Program

The CSKT's Wetlands Conservation Plan has had a goal since the late 1990s of achieving "no net loss" of wetland acreage across the reservation. The plan provides for mapping, assessment and monitoring of the reservation's wetland resources. Most notably though, the plan (along with various Tribal Ordinances) is a tool that holds developers accountable for unavoidable impacts to wetlands. The Finley Flats Wetland Preserve is an example where CSKT and Montana Department of Transportation worked together to restore wetlands. CSKT leveraged resources from settlement monies along with funding from MDT and other sources to restore some 200 acres of wetlands, some of which were used as credits to mitigate for impacts of the Highway 93 redesign project. *Read the full case study here.*

Regulatory staff need multiple kinds of expertise. They must be able to apply delineation and assessment tools, exercise sound judgment regarding proposed impacts based on their knowledge of aquatic resources. In addition, staff need to understand legal issues, regulatory criteria, and potentially the handling of enforcement issues. Regulatory personnel often use technical mapping equipment including GIS and GPS to maintain regulatory databases.

Skills in communicating effectively with Tribal members who may be unfamiliar with permit requirements are also important. The success of a regulatory program thus often rests with both the coherence and clarity of its structure and the skills and training of the staff. Where regulatory responsibilities are shared across Tribal agencies, joint training may be advisable. Some Tribes have also linked their regulatory activities to education and public outreach efforts. For example, the Northern Cheyenne Tribe identifies several tasks in its WPP to educate the community about its regulatory efforts:

Perform public education and outreach about wetland protection, regulated waters and activities, and authorization process. The Wetlands Program has a good relationship with the local schools as well as Tribal departments. Numerous presentations were held over the course of the past few years to a variety of audiences from high school students to livestock operators. Presentations are created and presented at agricultural workshops, school career

What's in the Guide: Appendices

Appendices include:

- Roster of Roundtable members
- Roughly 15 case study examples submitted by Roundtable members and others (*still refining with authors*)
- Links to additional resources
- Matrix of potential funding sources (*still under development*)

Hopi Tribe | Wetland Program Development



Categories: Assessment, Water quality standards for wetlands, Wetland Program Plan development

Location: The Hopi Reservation in northeast Arizona lies in the Little Colorado Watershed, Dinnebito Wash, and Moenkopi Wash

Size of Tribal Lands / Reservation acreage: ~ 1.6M acres

Population: ~ 14,041 Tribal Members

Size of Wetlands:

Geography: Arid mesas and canyons

EPA Region: 9

Wetland Program Plan (WPP) Status: WPP developed under a Wetland Program Development Grant for 2015-2019, meeting 4 of 4 core elements

Tribal Website: <https://www.hopi-nsn.gov/>

Case Author: Jim Duffield, Hydrogeologist, Hopi Tribe Water Resources Program

Background & Challenges

In FY 2012 the Hopi Water Resources Program (WRP) applied for and received a Wetland Program Development Grant under Section 104b3 of the CWA. The WRP created a Wetlands Program Plan (WPP) by addressing the components of the Core Elements Framework (CEF) and applying them to the unique culture and waters of the Hopi lands. The CEF consists of four elements: *Monitoring and Assessment*, *Regulation*, *Voluntary Restoration and Protection*, and *WQS for Wetlands*.

Approach

WRP focused first upon *Monitoring and Assessment*, developing a monitoring design from data

What Makes This Guide Different

- Updated information since drafting of 2013 ASWM Handbook
- Incorporating TEK and cultural elements in the EPA Wetland Program Plan context
- Focus on practical, real-world issues and application
- Rich representation of Tribal experience in wetlands management and preservation, with roughly 15 case study examples and additional Tribal stories and contexts shared throughout
- Tribally-focused guidance on supporting resources and potential collaborations

What's Next?

(1) Working with graphic design firm



(2) Roundtable & EPA-led comment & review period



(3) Final revision period



(4) Rollout (digital): Public webinar; distribution to Tribes & EPA Regions

