


## Introduction to the Section 319 Program

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Tetra Tech

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### NPS Program Goals

The primary goal of the NPS management program is to control NPS pollution through implementation of management measures and practices to reduce pollutant loadings resulting from each category or subcategory of nonpoint sources identified in the Tribe's NPS assessment report developed pursuant to section 319(a).

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### NPS Program Priorities

- Focus on the watershed approach
- *Implement* watershed-based plans to achieve water quality results
- Evaluate and measure results




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## Watershed Approach

A framework for environmental management that focuses on using sound science and data to identify and prioritize water quality problems and building partnerships to address the highest priority problems within hydrologically-defined geographic areas, taking into consideration both ground and surface water flow.

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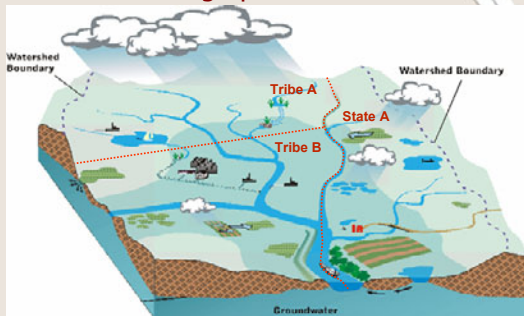
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## Geographic Focus



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## Partnerships



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**Sound Science**

- Assessment of the nature and source of problem (ID stressors and sources)
- Development of specific management options and action plans to address the problem (link BMPs to problems)
- Evaluation of effectiveness and revision of plans, as needed (adaptive management)

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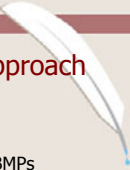
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**Implementing the Watershed Approach**

**Watershed-based plans:**

- Identify stressors & sources to be controlled
- Estimate water quality goals expected from BMPs
- Describe mgmt measures & targeted critical areas
- Estimate TA, \$\$, & source required for implementation
- Describe info & education needed to promote BMPs
- Develop schedule for implementation of BMPs, assign tasks
- Describe interim, measurable milestones
- Identify criteria to measure progress
- Develop monitoring component

2006 Draft Guidelines for Awarding Section 319 Grants to Tribes.  
[www.epa.gov/owow/nps/tribal.html](http://www.epa.gov/owow/nps/tribal.html)

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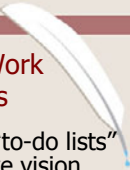
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<p><b>Watershed-based Plans</b></p> <ul style="list-style-type: none"> <li>• Strategic Plan for long-term success</li> <li>• Foundation for preparing annual work plans</li> </ul>	<p>vs.</p>	<p><b>Other Work Plans</b></p> <ul style="list-style-type: none"> <li>• Specific "to-do lists" to achieve vision set in watershed-based plan</li> <li>• Plan for implementing specific portions of the watershed-based plan</li> </ul>
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### Integrating Watershed-based Planning into Tribal Programs

- Build from existing plans
  - \*Assessment Reports
  - \*NPS Management Plans
  - \*Other plans (EPA *or* other related)
- Added flexibility for Tribes
  - \*Water quality based goals
  - \*Reference existing information

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### EPA Support for Implementing the Watershed Approach

- NPS workshops
- Competitive grant funds
- Watershed Planning Handbook

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### Clean Water Act and 319 Funding

- Section 319
  - Provides grants to states, territories, and Tribes to address the problems caused by NPS pollution
- Section 518
  - Authorizes EPA to treat federally recognized Indian Tribes in the same manner as states and extend grants funded through Section 319

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**Funds Available to Tribes**

- Section 518 sets a cap on funding to Tribes of 1/3 of 1 percent of available 319 funds.
- Congress eliminated the cap in annual appropriations and funding for the Tribal NPS Program was increased
  - To \$330,000 in FY 1997
  - To \$6 million in FY 2001, 2002, and 2003.
  - To \$7 million in FY 2004, 2005, and 2006

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**Grant Funds Available Under Section 319**

- Base Funding
  - \$30,000 for Tribes with 1,000 square miles or less
  - \$50,000 for Tribes with more than 1,000 square miles
- Competitive Funding
  - Up to \$150,000 to implement on-the-ground water quality improvement projects

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**Eligibility for 319 Funding**

Tribe must have approved by Region:

- NPS Assessment Report
- NPS Management Plan
- Documentation of tribal eligibility (TAS)

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## Program Facts

- From 1997 to 2005, participating Tribes have increased from 11 to 111
- Participating Tribes represent over 75 percent of all tribal land (approx. 40 million acres)
- In 2004, 12 new Tribes joined the program
- In 2005, 16 new Tribes joined the program
- Approval of additional programs is expected in 2006



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## How do I get TAS status?

A Tribe must demonstrate:

- Federal recognition
- Substantial governmental duties
- The capability to carry out grant duties
- Legal authority and jurisdiction

→ Essentially the same as CWA Section 106 TAS.

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## 1. Federal Recognition

- Tribe must be Federally recognized by the Secretary of the Interior.

46326 Federal Register / Vol. 67, No. 134 / Friday, July 17, 2002 / Notices

**DEPARTMENT OF THE INTERIOR**  
**BUREAU OF INDIAN AFFAIRS**  
**Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**  
AGENCY: Bureau of Indian Affairs, Interior.  
ACTION: Notice.  
SUMMARY: Notice is hereby given of the current list of 562 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. This notice is published pursuant to Executive Order 13176 of December 17, 2001, which requires that, when changes to the list of Indian entities are made, the tribe's former name is included with the new tribal name. We will continue to list the tribe's former name for several years before dropping the former name from the list. We have also made several corrections. To aid in identifying corrections, the tribe's previously listed name is included with the tribal name. The listed entities are acknowledged to have the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes. We have updated the notice to include the following changes:

Big Sandy Rancheria of Mono Indians of California  
Big Valley Band of Pomo Indians of the Big Valley Rancheria, California  
Blackfoot Tribe of the Blackfoot Indian Reservation of Montana  
Blue Lake Rancheria, California  
Redgeoppt Palate Indian Colony of California  
Rumsa Vista Kuroharia of Mo-Wuk Indians of California  
Rumsa Palate Tribe of the Rumsa Palate Indian Colony of Oregon  
Cohoson Band of Cowlitz Nation Indians of the Cohoson Reservation, California  
Cachil Delfe Band of Wintun Indians of the Cohoson Indian Community of the

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## 2. Tribal Government

– Narrative statement describing how the governing body carries out its duties and powers.

- Constitution
- Articles of Incorporation
- Codes
- Ordinances
- Resolutions



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## 3. Capability

– Narrative statement describing the Tribes capability to administer programs.

- Previous and current general managerial experience
- Existing environmental or public health programs
- Description of existing and proposed staff resources (include resumes of staff)
- Description of accounting and procurement systems

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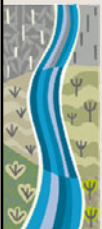
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## 4. Tribal Jurisdiction

– Possible documents to include:

- Maps showing the boundaries of the reservation or tribal lands and the waters within those boundaries
- Executive Orders, Treaties, and/or Acts of Congress which established the reservation or tribal lands
- Statement from tribal attorney describing tribal laws concerning water resources
- Ordinance documents which demonstrate authority comparable to Section 504 of the Clean Water Act



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