

Chippewa Cree Tribal Water Resource Department

Water Rights ~ Safety of Dams/O & M ~ Chippewa Cree Construction Company
Environmental Protection ~ Tribal Historic Preservation Office ~ G.I.S.
Rocky Boy's/North Central Regional Water System
On Reservation MR&I Future Water Project

December 30, 2013

United States Environmental Protection Agency
Wetlands Division-Office of Wetlands, Oceans and Watersheds
Attention: David Evans, Director
Washington, DC 20460

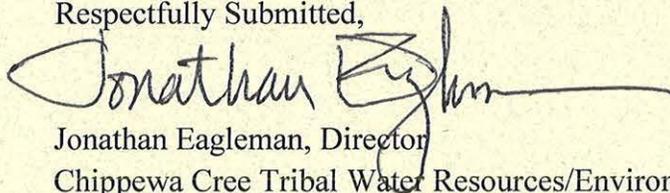
RE: Chippewa Cree Tribe Five Year Wetland Program Plan Endorsement Letter

Dear Sir,

The Tribe is proud to present a “**Five Year Wetland Program Plan**” fully endorsed by the Chippewa Cree Tribe of the Rocky Boys Indian Reservation. This management tool is designed to further tribal wetland goals and objectives aimed at preserving and protecting key wetland areas for the future generations. This document will serve as guide to both of our governments concerning the effort to fulfill the “*No net loss of wetlands*” philosophy our respective agencies have adopted.

The wetlands program developed by the tribe does provide outstanding service throughout the seven major drainages that encompass the reservation. Please consider our historical accomplishments to date while evaluating this plan. Also, please consider provided detailed recommendations’ that may strengthen this planning document. Our tribe appreciates the support your Agency has provided to our tribal wetlands program. We look forward to working with you and your accomplished staff for many years to come.

Respectfully Submitted,



Jonathan Eagleman, Director
Chippewa Cree Tribal Water Resources/Environmental Protection Department

c.c. Keith Gopher, Tribal Wetlands Coordinator
Toney Ott, Region 8, E.P.A
Jennifer Wintersteen, Region 8, E.P.A Montana Office

CHIPPEWA CREE TRIBE WETLAND PROGRAM PLAN

2010-2014



**THE CHIPPEWA CREE TRIBE WETLANDS PROGRAM MISSION:
FURTHER DEVELOP THE TRIBAL WETLAND PROGRAM TO FULFILL THE
TRIBES' DESIRE OF NO NET LOSS OF WETLANDS OR WETLAND FUNCTIONS
AND VALUES.**

Contact Information for the Chippewa Cree Tribe's Wetland Program

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INTRODUCTION

The 2010-2013 was revised to address the natural disasters and loss of staff that impeded the completion of the proposed wetland program plan actions and activities. The Revised plan includes a review of the Wetland Program Plan process and the completion of planned activities

The Chippewa Cree Tribe recognizes that the EPA has identified four core elements that the Tribe must consider while developing a comprehensive wetland program plan.

The incorporation of these four core elements will be addressed throughout this program plan. (http://water.epa.gov/grants_funding/wetlands/cefintro.cfm#what)

- 1. Monitoring and Assessment**
- 2. Regulatory activities (including 401 certifications)**
- 3. Voluntary restoration and protection**
- 4. Water quality standards for wetlands**

In 2006, the Chippewa Cree Tribe developed a Reservation-wide Wetland Conservation and Mitigation Strategy. The purpose of the conservation and mitigation strategy is to establish a framework to guide and facilitate protection, conservation, and management of wetlands for present and future generations. The strategy is based on the recognition that healthy wetlands are important to the Chippewa Cree Tribe and that maintaining fully functioning wetlands is a conservation priority.

In 2007, the Chippewa Cree Tribe enacted a Tribal Wetlands/Aquatic Lands Protection Ordinance (Resolution 35-07), was enacted pursuant to the Constitution and Bylaws of the Chippewa Cree Tribe of the Rocky Boy Indian Reservation, Article 5, approved by the Secretary of the Interior on December 13, 1935. The legislative intent of this ordinance is to prevent the degradation of Reservation waters and aquatic lands (including wetlands) by regulating construction or installation or projects upon aquatic lands whenever such projects may cause erosion, sedimentation, or other disturbances adversely affecting the quality of Reservation waters and aquatic lands.

The Wetland Conservation and Mitigation Strategy is a guide for use by wetland managers, landowners, private industry and others to foster responsible wetland stewardship and wetland conservation on the Rocky Boy's Indian Reservation. The

Strategy recommends specific wetland conservation activities and sets priorities for implementation. The strategy has been developed with the following guiding principles:

- Wetlands provide important functions and should be considered for future generations
- Wetland conservation efforts should be practical, flexible and creative, while allowing for economic growth and development
- Wetlands education and public outreach should provide information and increase public awareness of wetlands issues
- The best scientific information available will be used to promote understanding of wetlands and to improve wetland decision making
- Cooperative voluntary conservation efforts will be promoted to conserve, protect, restore, enhance and manage wetlands.
- Where avoidable impacts to wetlands occur, wetland replacement and/or restoration will be implemented and monitored to ensure that lost wetlands functions and values are compensated
- Existing native wetlands will be conservation priority over restored, enhanced, or created wetlands because native wetlands have higher biological diversity than restored, enhanced or created wetlands
- Wetland conservation efforts will be promoted to prevent additional losses, and wetlands restoration and creation should be implemented to compensate to losses.

In 2009, the Chippewa Cree Tribal Water Resources Department developed a Watershed Management Plan. This Watershed Management Plan coupled with the Tribal Wetlands Conservation and Mitigation Strategy serves to protect and restore major watersheds on the Rocky Boy's Indian Reservation including: Box Elder, Beaver, Lower Big Sandy, Gorman, Camp, Gravel and Big Sandy Creeks. This plan identified and prioritized activities and projects for the Chippewa Cree Tribal Waters Resources Department and Tribal Watershed Stakeholders to address natural resource related management strategies as part of a comprehensive plan. This plan is a working document that identifies wetland management strategies for the Chippewa Cree Tribe.

In 2005, the Tribal Wetlands Program sponsored a wetland plant identification workshop. During the course of the workshop and after consulting with the local tribal plant experts, the Tribal Wetlands Program identified that the populations of sweetgrass, a culturally significant plant, on our lands were declining and of limited distribution. The Bear Paw Mountain range and surrounding foothills are a unique mountain island range environment that is geographically isolated and therefore supports unique, isolated populations of plants. The Tribe has identified that populations of sweetgrass are unique in the fact that the plants are non-flowering. This makes populations on Rocky Boy's Indian Reservation vulnerable drastic environmental changes. Restoration efforts initiated on existing sweetgrass sites beginning in 2006 have resulted in successful enhancement of existing populations. These factors have led us to develop a sweetgrass restoration plan and reintroduction effort on a broader scale.

1) Overall Goal Statement and Timeframe for Plan:

The overall goal of the Chippewa Cree Tribal Wetlands Program Plan from 2010-2014 is described as follows:

“Further develop the Tribal Wetland Program to fulfill the tribes’ desire of no net loss of wetlands or wetlands functions and values.”

The Tribal Wetlands Program intends to fulfill the overall goal of no net loss by carrying out the following activities based on a four-year time frame.

Protect Tribal Wetlands Identified Specifically As Traditional Cultural Places

Identify Unique and High-Quality Wetlands

Improve the Wetlands Knowledge Base

Complete Baseline Wetland Inventory

Establish Protocol to Track Losses and Gained Wetlands

Establish Wetland Monitoring Program

Secure Additional Funding Sources for Voluntary Restoration

Utilize Tribal Functional Assessment Methodology

Identify Functions and Values Feasible with Mitigation

2) Action and Activities Supporting Overall Goals, with Schedule:

Year One (2010)

Action:

For FY 2010, the Chippewa Cree Tribe Wetlands Program shall accomplish the following action's that will continue to incorporate the EPA's Four Core Elements of a Comprehensive Wetland Program: Create a contemporary Wetlands Permitting System by revising the Wetlands Aquatic Lands Protection Ordinance and cross reference the newly passed Water Quality and Wetlands Standards for the Reservation, Draft a Watershed Management Plan for the Box Elder Creek Drainage that will also incorporate a 5 year plan for Best Management Practices, Conduct a Fen Wetlands Pilot Project that shall assess, monitor and protect vulnerable fen wetlands on the Reservation, and Further refine the CCT Rapid Assessment Methodology (CCT/RAM) to include a broader spectrum of wetlands on the entire Reservation. Begin the planning of the development of a full scale sweetgrass (*Hierochloe hirta*) reintroduction demonstration project. Core elements of a comprehensive wetlands program addressed by each activity are listed in parenthesis.

Activities:

- Revise the Wetlands/Aquatic Lands Protection Ordinance to include just isolated wetlands and other isolated waters/wetlands and further the wetlands permitting program. **(Core Element 2. Regulatory Activities). Status: Completed**
- Amend current Reservation wide Watershed Management Plan to include more wetland specific criteria/restoration, management goals and high quality wetlands within the Box Elder Creek Drainage. **(Core Element 3. Voluntary Restoration and Protection). Status: Completed**
- Utilize Global Information Systems to determine the locations of all potential fen wetland areas on the Reservation. Identify plant species composition, measure depth of peat accumulation and depth of inorganic substrates; measure electrical conductivity and pH of fen water and assess the condition of fens and risks to ecological integrity **(Core Element 1. Monitoring and Assessment). Status: Completed, all fen locations are mapped and stored for future planning purposes within the Tribes GIS database.**
- CCT/RAM will be tested on a broader scale, to improve the capability of identifying stressors and most importantly cultural values at various sites on a reservation wide basis. **(Core Element 4. Water Quality Standards for Wetlands). Status: Ongoing, the CCT/RAM will be tested on different wetland types throughout the next 3-4 years.**
- Begin the plan, design and reintroduction process through TWRD and other entities for a Sweetgrass reintroduction demonstration project at sites that historically produced this most important culturally significant plant. Historic harvesting sites will be evaluated and prioritized based on a monitoring protocol that has been developed and tailored to unique plants in isolated environments. Project partners will include: Dr. Joe Elliott, Tara Luna, CCT Natural Resources Department, Cultural Resources Department, local Tribal plant specialists and the

National Fish and Wildlife Federation. The Tribe will also seek other funding sources and technical assistance to supplant this strategy. **(Core Element 3. Voluntary Restoration and Protection)**. *Status: Completed but monitoring of sweetgrass sites, utilizing the sweetgrass monitoring protocol, will continue for the duration of the Wetland Program Plan.*

Year Two (2011):

Action:

For FY 2011 a Sweetgrass reintroduction demonstration project will be undertaken within sites that were monitored in the previous year (FY10). The focus of the demonstration project will take place at historical harvest sites on the Rocky Boy's Indian Reservation. Monitoring and Assessment will continue in the Box Elder Creek Drainage, which was previously monitored in FY04. Continued development of the Wetlands Water Quality Standards and an Antidegradation Policy will be developed. The Tribal Reservation wide Wetlands Conservation and Mitigation Policy will be revised and presented to the Business Committee for approval. Core elements of a comprehensive wetlands program addressed by each activity are listed in parentheses.

Activities:

- Based on using a restoration suitability screen tool, we will determine potential sites for sweetgrass reintroduction. A monitoring protocol will be designed specifically for reintroduction success. **(Core Element 3. Voluntary Restoration and Protection)**. *Status: Completed. All sites were monitored and ranked based off of land use, sweetgrass percent spread and wetland functional assessment criteria.*
- Monitor wetlands within the Box Elder Creek Drainage; revisit previous wetland monitoring sites within the drainage **(Core Element 1. Monitoring and Assessment)**. *Status: Completed. All wetlands within the Box Elder Creek Drainage were assessed using the 1987 Manual for Wetland Delineations and the CCT/RAM.*
- Draft Antidegradation Policy **(Core Element 4. Water Quality Standards for Wetlands)** *Status: Completed*
- Review and update the Tribes draft Reservation wide Conservation plan and Mitigation Strategy and present to the Chippewa Cree Tribal Business Committee for review and codification. **(Core Element 2. Regulatory Activities)**. *Status: Ongoing. The Wetlands Coordinator moved this activity into the 2013/2014 WPDG as a workplan objective.*

Year Three (2012):

Action:

Continued monitoring of sweetgrass reintroduction sites. Develop an educational and outreach program based off tribal harvesting techniques, using local tribal plant experts. Monitoring and Assessment will continue in the Beaver Creek Drainage, which was previously conducted in FY05. An Antidegradation policy will be developed with an emphasis on Outstanding Tribal Resource Waters. The Chippewa Cree Tribe Rapid Assessment Method will be reviewed for final approval into the Tribal Wetlands QAPP, Wetlands Aquatic Lands Protection Ordinance (WALPO), WQS and Mitigation Strategy. The wetlands program will assist in developing plans for wetland conservation, restoration and maintenance plans for restoration areas involving wetlands. Core elements of a comprehensive wetland program addressed by each activity are listed in parenthesis.

Activities:

- Continue to monitor sweetgrass reintroduction sites, using previously developed monitoring/ restoration protocols. **(Core Element 3. Voluntary Restoration and Protection). Status: Completed. The 319 Non Point Source implemented BMP's at tribal sweetgrass sites.**
- Monitoring and Assessment of Beaver Creek Drainage **(Core Element 1. Monitoring and Assessment). Status: Ongoing. This activity will be moved to the 2015 field monitoring season.**
- Develop a GIS/GPS data collection Quality Assurance Project Plan for projects on the Reservation. **(Core Element 1. Monitoring and Assessment). Status: Ongoing. The Chippewa Cree Tribal Planning Department has since hired a GIS Coordinator which will be tasked with developing GIS/GPS collection principles such as a QAPP.**
- Update and Revise the Tribal EPA GIS database. **(Core Element 1. Monitoring and Assessment). Status: Ongoing. The GIS database is a living database where files are constantly being updated or removed.**
- Develop conservation and maintenance plans for existing restoration areas. **(Core Element 3. Voluntary Restoration and Protection). Status: Completed. Sweetgrass restoration plans have been completed and have been implemented by the Tribal 319 NPS program.**
- Incorporate Outstanding Tribal Resource Waters (OTRW) into Antidegradation Policy. **(Core Element 2. Regulatory Activities). Status: Ongoing. The Chippewa Cree Tribe has identified numerous OTRW but is currently developing a nomination process within the Antidegradation Policy.**
- Incorporate CCT/RAM as selected method of assessment for Tribal Mitigation Policy, WALPO, Water Quality Standards, and Tribal Conservation Strategy. **(Core Element 4. Water Quality Standards for Wetlands). Status: Ongoing. The CCT/RAM is currently being tested on wetlands types and on different scales of impairment.**

Year Four (2013):

Action:

Continue monitoring sweetgrass reintroduction sites that will include measuring the overall plant health, vigor, height and distribution. Monitoring and Assessment will take place in the Upper Big Sandy Creek Drainage, which was previously monitored in FY07. A Tribal Wetlands curriculum will be developed for local educational institutions that will include wetland monitoring techniques, on the ground restoration of wetlands and wetland plant identification. A penalty matrix and enforcement criteria will be presented for amendment to the WALPO for violations to permits or non-permitted construction activities in wetland/aquatic areas on the Reservation. Wetlands designated uses will be re-evaluated by specific watersheds. Designated uses will be based from elements of the CCT/RAM and include evaluation of OTRW candidate wetlands and waters. Core elements of a comprehensive wetland program addressed by each activity are listed in parenthesis.

Activities:

- Continue to monitor sweetgrass reintroduction sites, using previously developed monitoring/restoration protocols. **(Core Element 3. Voluntary Restoration and Protection)**. *Status: Completed. All monitoring was conducted during the 2013 field season. A sweetgrass monitoring report is available.*
- Monitoring and assessment of Upper Big Sandy Creek Drainage. **(Core Element 1. Monitoring and Assessment)**. *Status: Ongoing. This activity will be addressed during the 2016 field season.*
- Develop a curriculum for wetlands education and wetland restoration. **(Core Element 3. Voluntary Restoration and Protection)**. *Status: Completed. A draft curriculum was developed and shared with the local schools for further development and implementation.*
- Develop penalty matrix for WALPO. **(Core Element 2. Regulatory Activities)**. *Status: Ongoing. The WALPO revisions which includes, the WALPO penalty matrix will be addressed in the 2014 grant period.*
- Evaluate designated uses for wetlands/water quality standards. **(Core Element 4. Water Quality Standards for Wetlands)**. *Status: Ongoing*

Year Five (2014):

Action:

The Chippewa Cree Tribal Wetlands Program will perform a regulatory review of projects that may affect wetlands on the Reservation. Also, the Chippewa Cree Tribe will continue to monitor reservation wetlands, using the rotating basing approach, which will include sweetgrass harvesting wetland sites.

Activities:

- The Tribal Wetlands Coordinator will assist the Tribal Courts to assure the newly revised WALPO will be enforced, which includes set back requirements and baseline water quality sampling within the proposed development area (**Core Element 1. Regulatory Activities**). *Status: Ongoing*
- Obtain baseline water quality data on wetlands that may be potentially impacted by development projects (**Core Element 2. Monitoring and Assessment**). *Status: Ongoing*
- Review proposed Tribal Environmental Checklist sheets to determine if they will impact wetlands (**Core Element 1. Regulatory Activities**). *Status: Ongoing*
- Evaluate and enforce wetland mitigation performance standards for impacted wetlands within Tribal Watersheds. Collaborate with Army Corps of Engineers, Helena Office (**Core Elements 1,2,3,4. Regulatory Activities, Monitoring and Assessment, Protection and Restoration, Water Quality Standards**). *Status: Ongoing*
- Conduct inspections on approved WALPO permit application sites and enforce regulations as needed (**Core Element 1. Regulatory Activities**). *Status: Ongoing*
- Assist with 401 Certifications for any CWA 404 activities that require them on the Reservation. Collaborate with U.S. EPA Montana Office (**Core Element 1. Regulatory Activities**). *Status: Ongoing*
- Monitoring of wetlands within the Box Elder Creek Drainage, using the Chippewa Cree Tribe Rapid Assessment Method (CCT/RAM). Monitoring will occur at sites which were previously monitored (**Core Element 2. Monitoring and Assessment**). *Status: Ongoing*
- Monitor sweetgrass producing wetlands in the Box Elder Creek Drainage, using the Tribal Sweetgrass Monitoring Protocol (**Core Element 2. Monitoring and Assessment**). *Status: Ongoing*
- Attend or Host a Wetland Delineation Training that is specific to the regional supplements (**Core 1 and 2, Regulatory Activities, Monitoring and Assessment**). *Status: Ongoing*
- The Chippewa Cree Tribe will evaluate the Tribal Wetland Program Plan and determine if the plan will be updated or revised for another 4-5 years. (**Core Elements 1,2,3,4. Regulatory Activities, Monitoring and Assessment, Protection and Restoration, Water Quality Standards**). *Status: Ongoing*

Conclusion:

The development of a comprehensive Wetland Program on the Rocky Boy's Indian Reservation has afforded the Chippewa Cree Tribe an increased level of environmental protection through wetlands regulation, water quality/wetland standards, wetlands education, riparian wetland protection and restoration of wetland areas. The wetlands data from monitoring and assessment efforts support regulatory actions that are a necessity to an effective wetlands regulatory program. The wetlands permitting process instituted from wetlands protection ordinances on the Reservation allow the Tribe to protect wetlands to a standard specific to the Chippewa Cree Tribe.

The Tribe's Wetlands program will continue to build technical capabilities and enhance the comprehensive wetland program through objectives aligned with the four core elements. There are a number of permitting, technical assistance and coordination efforts included in the Tribal wetlands program, which are inherent responsibilities not mentioned in the four year plan. Collaboration with departments on watershed planning, construction impacts to wetlands, gazing planning, 404 permitting consultations, housing developments, mitigation planning, road development, timber sales, mapping requests and cultural references to wetland are all duties employed by the Tribal Wetlands Program.

The Chippewa Cree Wetlands Program envisions perpetuating a conservation strategy focused on protecting, restoring and increasing wetlands through a watershed based approach to resource management. The five year program plan outlined in this document will address the needs to further protect wetlands and ensure the goals of sustaining no net loss of Tribal Wetlands are achieved along with maintaining the cultural values and traditions of the Chippewa Cree Tribe as they pertain to wetlands resource management.