

WASHOE TRIBE OF NEVADA AND CALIFORNIA WETLAND PROGRAM PLAN

2018-2020 Program Plan



The Upper Clear Creek Parcel is designated as a Washoe Cultural and Nature Preserve. A functional continuous riparian corridor and wet meadows are present on the property, which is part of the Wetlands Inventory. The parcel is 157 acres and is west of Carson City on Clear Creek Road.

July, 2016. WEPD photo.

APPROVALS:

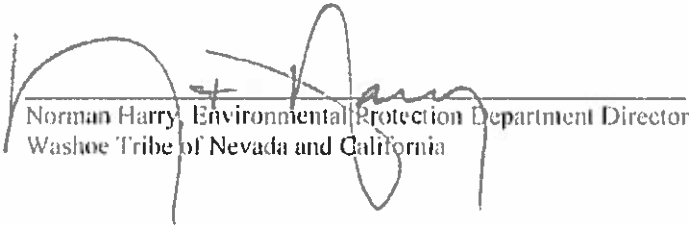
We, the undersigned, have reviewed this Wetland Program Plan and direct our respective staff to work cooperatively towards its development and implementation as resources and staffing allow.



Neil Mortimer, Chairman
Washoe Tribe of Nevada and California

12.18.2017

Date



Norman Harry, Environmental Protection Department Director
Washoe Tribe of Nevada and California

12/18/17

Date

CONTACT INFORMATION:

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**RESOLUTION OF THE GOVERNING BODY
OF THE
WASHOE TRIBE OF NEVADA AND CALIFORNIA**

WHEREAS, the Washoe Tribe of Nevada and California, is organized pursuant to the Provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, to exercise certain rights of home rule and to be responsible for the general welfare of its membership; and

WHEREAS, the U.S Environmental Protection Agency is accepting finalized approved Plans from Tribal Governments for the development of a Wetland Program Plan (WPP); and

WHEREAS, the Washoe Environmental Protection Department (WEPD) has a need to continue activities to protect natural resources including natural wetlands on Tribal lands; and

WHEREAS, the WEPD will continue to seek available funding to implement the Wetland Program Plan; and

NOW THEREFORE IT BE RESOLVED, the Washoe Tribal Council approves the Wetland Program Plan by Tribal Resolution.

CERTIFICATION

It is hereby certified that the Washoe Tribal Council is the governing body of the Washoe Tribe of Nevada and California composed of **twelve (12)** members of whom **eleven (11)**, constituting a quorum, were present at a meeting duly held on the **12th** day of **May, 2017** and that the foregoing resolution was adopted by the affirmative vote of **nine (9)** for, **zero (0)** against, and **two (2)** abstention pursuant to the authority contained in Article VI, Section 1(h) of the Amended Constitution and Bylaws of the Washoe Tribe of Nevada and California.


Jeremy Steele
Secretary/ Treasurer

5/15/17
Date

Washoe Tribe of Nevada and California



PURPOSE AND WETLAND PROGRAM PLAN COMPONENTS

The purpose of the Washoe Tribe of Nevada and California's "the Tribe" Wetland Program Plan (WPP) is to develop monitoring-restoration priorities, strategies and mechanisms that can be utilized to assess existing wetland resources on Washoe Tribal lands. Oversight for the WPP will be provided by the Washoe Environmental Protection Department (WEPD). The information can be used to develop more focused plans to protect, restore and enhance Tribal wetland resources in the future.

The plan will address the following core elements:

- A. Monitoring and Assessment
- B. Restoration and Protection
- C. Regulatory Approaches and Activities
- D. Wetland-specific Water Quality Standards

Wetland Program Background

Wetland resources and or wetlands are defined as lotic or flowing wetlands like a creek or river and lentic or standing water wetlands like bulrush wetlands. The WPP will provide guidance for wetlands identified in the wetlands inventory conducted between 2002 and 2004. These wetlands were assessed using Proper Functioning Condition (PFC) and are included in WEPD's wetlands database. The PFC assessment method assigned a rating to each wetland, and the assessment sheets described impairments that were observed. This inventory was completed with a U.S. Environmental Protection Agency (EPA) Wetland Program Development Grant.

The Monitoring and Assessment core element will assist the Tribe to understand the current status of the health of Tribal wetlands, and continued assessment over time will help the Tribe understand how factors such as urban development, drought, changes in agricultural, and other factors, may affect tribal lands. The Restoration and Protection element will assist the Tribe with maintaining or improving the quality of Tribal wetlands and partner with outside organizations on common tasks. The Regulatory Approaches and Activities element will guide the Tribe through the process of exploring the feasibility of developing a Tribal regulatory program and permitting authority. The Wetland-specific Water Quality Standards element would assist the Tribe with the discussion and process of developing Tribal Water Quality Standards (specific to wetlands) and assuming delegated authority for those standards.

The WPP integrates the wetland database with the monitoring and assessment strategy. The wetland database lists wetlands in the inventory by their Cowardin System delineation and PFC attributes. The wetlands monitoring and assessment strategy covers monitoring program strategy, objectives, design and other elements and objectives and the presence of significant wetland stressors. The wetlands database will help the Tribe prioritize wetlands for restoration and protection, and guide the need for regulation and water quality standards in the future.

The structure of this plan is intended to assist with implementation of the plan. Rather than organizing the plan by objective, the plan is organized by year, with multiple objectives being concurrently addressed in each year.

Overall Goal and Time Frame for the Wetland Program Plan

The Tribe's WPP will continue toward the goal of preserving, protecting and restoring wetland resources for Washoe cultural, environmental, economic and Tribal health benefits. The overall goal for this 3-year plan is no net loss of biologically functioning wetlands and improving the biological functionality of existing wetlands. The Tribe will use this information to improve the understanding of wetland baseline condition and to develop benchmarks for wetland restoration, and to assist in prioritizing wetland restoration and protection activities.

This scope of work for this WPP will begin January 2018 and continue through the end of December 2020. The Restoration and Protection core element of this WPP will focus on projects in the Clear Creek Watershed, and future WPP's will likely focus on other areas. The WPP's actions and activities described below will guide staff to enhance wetland protection within Tribal boundaries, collaborate with watershed partners, and to develop priority monitoring, restoration, and protection activities.

A brief description of the actions and associated activities under the core elements are presented below. The Actions and Activities are taken from the EPA's *Core Elements of Effective State and Tribal Wetlands Program*, with the individual activities tailored to the Washoe Tribe. These objective and actions will continue to develop the core elements of the WPP for the next 3 years, as science-based wetland assessment will assist the ongoing management of Tribal wetlands. Actions may be reoccurring on an annual basis, ongoing as needed, or completed as a one-time activity, and are noted as such in the plan.

ACTIONS AND ACTIVITIES

A) MONITORING AND ASSESSMENT

The Tribal wetland monitoring and assessment activities will continue the observation and tracking of current and changing conditions of wetlands (monitoring) and evaluate wetland conditions to support Tribal decision-making and planning (assessment). The following objectives are addressed through actions and activities, and mapped out by year. The objective that each action addresses is noted.

- ❖ *Monitoring and Assessment Objective 1:*
Develop a monitoring and assessment strategy consistent with *Elements of a State Water Monitoring and Assessment Program for Wetlands* (EPA, 2006) that state and tribes can use to manage wetlands according to their objectives.
- ❖ *Monitoring and Assessment Objective 2:*
Implement a sustainable monitoring program consistent with the wetland monitoring strategy.
- ❖ *Monitoring and Assessment Objective 3:*
Incorporate monitoring data into agency decision-making.

1. First Year Actions and Activities (2018)

1a) Identify program decisions and long-term environmental outcome(s) that will benefit from a wetlands monitoring and assessment program (*EPA Core Element: Monitoring Objective 1a*).

- Research and obtain funding to implement all or sections of the monitoring and assessment portion of this plan, as appropriate funding is available. (*Ongoing*)
- Identify how wetland data compiled in the wetland database can be prioritized by monitoring and assessment needs and incorporated into watershed planning. (*Ongoing*)
- Collaborate/communicate with the Tribal Council, Tribal members, Tribal Departments, and WEPD Water Resource Specialists for information on cultural and nature preserve parcels, biologically functioning wetlands, parcel monitoring needs, and future volunteer field work. (*Ongoing*)
- Hire and train new WEPD staff as necessary to continue and expand the Wetland Program Plan and ongoing monitoring and assessments. (*Ongoing*)
- Add Wetland Program Plan objectives and tasks to the Tribal Environmental Plan (TEP or Strategic Work Plan). (*Annually*)

2. Second Year Actions and Activities (2019)

2a) Define wetlands monitoring objectives and strategies; Develop monitoring design, or an approach and rationale for site selection that best serves monitoring objectives; Select a core set of indicators to represent wetland condition or a suite of functions (*EPA Core Element: Monitoring Objectives 1b, 1c, and 1d*).

- Collaborate with the Carson River Watershed agencies and partners regarding CRAM/PFC trainings and site assessments within the Carson River and other regional watersheds. Refine Tribal monitoring and assessment strategies and design as needed.
- Enter past monitoring data into an electronic format.
- Map existing wetland data. *(Ongoing)*

2b) Review and ensure the scientific validity of monitoring and assessment activities (EPA Core Element: Monitoring Objective 2a).

- Review and update QAPP as needed.
- Train WEPD staff to accomplish monitoring and assessment objectives defined in the Wetland Quality Assurance Project Plan (QAPP). Continue to attend monitoring and assessment trainings when offered. Training topics will include: bio-assessment, Proper Functioning Condition (PFC) methodology, California Rapid Assessment Method (CRAM), wetlands monitoring/restoration/regulation, and Tribal grant programs. *(Ongoing)*

2c) Establish reference condition (EPA Core Element: Monitoring Objective 2c).

- Explore establishing reference wetland conditions for Clear Creek restoration goals. Collaborate with the Carson River Watershed agencies and partners on appropriate reference selection.

3. Third Year Actions and Activities (2020)

3a) Monitor wetland resources as specified in strategy (EPA Core Element: Monitoring Objective 2b).

- Develop a schedule for monitoring wetland resources and assign tasks to staff members. Update schedule as needed. *(Ongoing)*
- Begin the re-assessment of all wetland resources in WEPD wetland database, beginning with the Clear Creek Parcels, based on the strategy defined the Wetlands QAPP. *(Ongoing)*
- Update wetland database with current information. Transfer field sheet data to electronic database.

B) RESTORATION AND PROTECTION

The Tribal wetland restoration and protection activities will continue the voluntary reestablishment and rehabilitation of wetlands and wetland habitats (restoration) and address threats to prevent future declines of wetlands (protection). The following objectives are addressed through actions and activities, and mapped out by year. The objective that each action addresses is noted.

- ❖ *Restoration and Protection Objective 1:*
Clearly and consistently define restoration and protection goals throughout Tribal lands.
- ❖ *Restoration and Protection Objective 2:*
Protect wetlands from degradation or destruction.
- ❖ *Restoration and Protection Objective 3:*
Restore wetland acres, condition, and function.
- ❖ *Restoration and Protection Objective 4:*
Monitor and track progress over time, document results, and modify practices as appropriate.

1. First Year Actions and Activities (2018)

1a) Establish goals that are consistent or compatible across relevant agencies (*EPA Core Element: Restoration Objective 1a*).

- Research and obtain funding to implement all or sections of the restoration and protection portion of this plan, as appropriate agency support and funding is available. (*Ongoing*)
- Meet with regional water quality and watershed groups including the Carson Water Subconservancy District (CWSD), Alpine Watershed Group (AWG), Carson River Coalition (CRC), Nevada Division of Environmental Protection (NDEP), Army Corps of Engineers (USACE), and others, regarding watershed planning and collective restoration goals. (*Ongoing*)
- Work with regional groups to prepare for climate change (primarily drought, extreme precipitation events, and wildfire) on Clear Creek's long term riparian and wetland community function. (*Ongoing*)

1b) Consider watershed planning, wildlife habitat, and other objectives when selecting restoration/protection sites (*EPA Core Element: Restoration Objective 1b*).

- Evaluate wetland sites in the Clear Creek watershed for the protection and enhancement of traditional and recreational uses and prioritize sites for NPS projects.
- Survey noxious weeds in the Clear Creek watershed that affect the structure and function of meadows and wetlands. Evaluate potential restoration sites based on noxious weed presence.
- Utilize the wetland database for prioritizing individual wetland protection and restoration projects within the Clear Creek watershed based past and current conditions. (*Ongoing*)

1c) Establish partnerships to leverage additional protection (*EPA Core Element: Restoration Objective 2a*).

- Continue and enhance relationships with wetland protection and conservation easement partnership groups including the Nature Conservancy, the Nevada Land Trust, the Carson Water Subconservancy District, the Alpine Watershed Group and other watershed partnerships. (*Ongoing*)

1d) Establish and institutionalize long term protection, using mechanisms such as incentives, purchase of land title or easements to protect wetlands (*EPA Core Element: Restoration Objective 2b*).

- Maintain easement on Babbit Creek parcel (which support one wetland) with the Nature Conservancy to ensure continued protection. (*Annually*)

2. Second Year Actions and Activities (2019)

2a) Establish and institutionalize long term protection, using mechanisms such as incentives, purchase of land title or easements to protect wetlands (*EPA Core Element: Restoration Objective 2b*).

- Maintain exclusion of heavy equipment and vehicles from channels and wetlands, through land use planning, permitting, fencing, and other ways, to protect riparian plant communities. (*Ongoing*)

2b) Provide clear guidance on appropriate restoration and management techniques and success measures (*EPA Core Element: Restoration Objective 1c*).

- Determine the need and appropriate techniques to conduct fuels reduction projects in decadent dryland riparian habitats to enhance riparian species development and reduce fire risk to surrounding communities.
- Study options and techniques for increasing riparian plant diversity and increasing channel stability. Evaluate the influence of channel stability restoration projects on reducing the effects of channel down-cutting on meadow function and associated measureable success measures. Review current scientific studies and methodologies regarding wetland restoration. (*Ongoing*)

2c) Improve natural wetland conditions and functions through restoration (rehabilitation) (*EPA Core Element: Restoration 3b*).

- Research and apply for funding to assist with the planning and implementation of rehabilitation projects in the Clear Creek watershed to improve the lotic and/or lentic PFC rating of an assessed Functioning-at-Risk site through activities that will increase hydrologic function, riparian vegetation, and reducing or controlling erosion and deposition.
- Begin the planning and permitting for individual restoration project along the Clear Creek watershed.

2d) Monitor restoration/protection sites to ensure that they are implemented and managed correctly and linked to relevant watershed planning efforts (*EPA Core Element: Restoration Objective 4b*).

- Continue to monitor water quality of the Clear Creek Channel to document pre-restoration water quality. (*Ongoing*)
- Continue to monitor structures designed to prohibit vehicle movement into wet meadows on the Clear Creek parcels. (*Ongoing*)
- Continue to monitor the integrity of rocked tributaries that are designed to reduce sediment movement into Clear Creek. (*Ongoing*)

3. Third Year Actions and Activities (2020)

3a) Establish partnerships to leverage more restoration (*EPA Core Element: Restoration 3c*).

- Document planned and completed restoration projects in the Carson River Adaptive Stewardship Plan, including wetland-related NPS projects and education. Provide updated or new project tracking sheets, last provided from the Tribe in 2017. (*Ongoing*)

3b) Provide clear guidance on appropriate restoration and management techniques and success measures (*EPA Core Element: Restoration Objective 1c*).

- Evaluate the long-term stability of erosion control methods and restoration treatments including live stakes and pole plantings, willow wattles, core logs placements, and bank shaping.
- Assess beaver influences on water impoundment, wetland expansion, explore restoration options (e.g. removing portions of the beaver population or caging selected trees) to protect riparian communities.
- Collaborate with UNCE partners to train staff on current successful restoration and management techniques and develop suite of success measures to direct monitoring of sites pre- and post-restoration.

3c) Improve natural wetland conditions and functions through restoration (rehabilitation) (*EPA Core Element: Restoration 3b*).

- Conduct the on-the-ground restoration project within the Clear Creek Watershed that was planned for the prior year.
- Evaluate the coverage of aspen trees and options for expansion.

3d) Monitor restoration/protection sites to ensure that they are implemented and managed correctly and linked to relevant watershed planning efforts (*EPA Core Element: Restoration Objective 4b*).

- Develop monitoring plan to evaluate success measures prior to restoration activities in the Clear Creek watershed and conduct monitoring pre-restoration.

C) REGULATORY APPROACHES AND ACTIVITIES

The Tribal regulatory approaches and activities will review and provide guidance for the implementation of the Tribal permitting program (Limited Entry Permit and others) recommendations for Tribal departments and members to follow other outside regulatory programs. The following objectives are addressed through actions and activities, and mapped out by year. The objective that each action addresses is noted.

- ❖ *Regulatory Approaches Objective 1:*
Clearly define the jurisdictional scope of the program.
- ❖ *Regulatory Approaches Objective 2:*
Administer regulatory activities efficiently and consistently.
- ❖ *Regulatory Approaches Objective 3:*
Evaluate regulatory activities to ensure environmental results.

1. First Year Actions and Activities (2018)

1a) Establish regulation goals that are consistent or compatible across relevant agencies (*EPA Core Element: Regulation Objective 1a*).

- Evaluate Tribal jurisdiction of water resources in collaboration with Tribal Legal Department, such as review of Title 19.
- Consult federal and state agencies managing wetland resources regarding the definition of waters of the Tribe. Determine how waters of the State differ from waters of the Tribe.
- Review Tribal wetlands inventory delineated in 2003 (sponsored by EPA) under Cowardin Wetland System (1979) to identify and evaluate coverage of aquatic resources.

1b) Evaluation of Tribal Program (*EPA Core Element: Regulation Objective 1d*).

- Research and obtain funding to implement all or sections of the regulatory portion of this plan, as appropriate funding and Tribal political support is available. (*Ongoing*)
- Consult Tribal administration and Tribal Council regarding program development. Inform and update Tribal administration and Tribal Council regarding tracking and evaluation of program and programmatic actions. (*Ongoing*)
- Maintain coordination with federal and state agencies to implement programmatic actions. (*Ongoing*)

1c) Review proposed impacts to waters of the Tribe (*EPA Core Element: Regulation Objective 2c*).

- Review notices of proposed impacts (such as USACE, NDEP, USFWS, etc.) to waters of the Tribe, including upstream waters and ancestral lands. (*Ongoing*)
- Coordinate with federal and state regulatory agencies on impacts to waters of the Tribe, including upstream waters and ancestral lands. (*Ongoing*)

2. Second Year Actions and Activities (2019)

2a) Identify a comprehensive scope of activities to be regulated (EPA Core Element: Regulation Objective 1b).

- Develop draft definitions of potentially regulated activities or guidelines. (*Ongoing*)

2b) Develop and apply comprehensive project review criteria (EPA Core Element: Regulation Objective 2d).

- Develop guidelines for reviewing and responding to 401/404 permits on Tribal ancestral lands for assessing and reducing impacts on Tribal environmental and cultural wetland resources.
- Coordinate with federal and state regulatory agencies on comprehensive project review criteria. (*Ongoing*)

3. Third year Actions and Activities (2020)

3a) Establish regulation goals that are consistent or compatible across relevant agencies (EPA Core Element: Regulation Objective 1a).

- Develop a definition of waters of the Tribe that provides clear and comprehensive jurisdictional coverage of aquatic resources, at least as inclusive as the CWA Permit program. Obtain staff and inter-departmental input on draft waters of the Tribe.
- Submit draft definition of waters of the Tribe to Tribal administration for comment.

3b) Identify a comprehensive scope of activities to be regulated (EPA Core Element: Regulation Objective 1b).

- Consult Tribal administration and Tribal Council for guidance on comprehensive scope of activities to be regulated, and review Title 19: Water Code. (*Ongoing*)
- Collaborate with federal and state agencies regarding definition of regulated activities. Review local and state certification programs to determine existing regulated activities.

3c) Establish regulation goals that are consistent or compatible across relevant agencies (EPA Core Element: Regulation Objective 1a).

- Develop final wetlands definition of Tribal waters, as guided and approved by Tribal Council.

3d) Perform public education and outreach about wetland protection, regulated waters and activities and authorization process (EPA Core Element: Regulation Objective 3e).

- Education and outreach materials will be distributed that cover the following programmatic topics: importance of aquatic resources, regulatory program requirements, identification of protected waters, listed regulatory activities, and Tribal participation opportunities for the protection of aquatic resources. (*On-going*)
- Education and outreach materials will be available at the WEPD, Tribal website and through the bi-monthly Tribal newsletter. (*Ongoing*)

3e) Track and evaluate (*EPA Core Element: Regulation Objective 2h*).

- Prepare and submit 2021-2023 Wetland Program Plan to Tribal administration and Tribal Council for comment and approval.

D) WETLAND-SPECIFIC WATER QUALITY STANDARDS

The Tribal wetland-specific water quality standards activities will review options and opportunities for developing tribal water quality standards specific to wetlands and provide guidance to the Leadership and Legal Counsel regarding the benefits, options, and the process. The following objectives are addressed through actions and activities, and mapped out by year. The objective that each action addresses is noted.

- ❖ *Water Quality Standards Objective 1:*
Ensure that wetlands are treated as waters within state and tribal water quality programs.
- ❖ *Water Quality Standards Objective 2:*
Develop wetland-specific water quality standards.

1. First Year Actions and Activities (2018)

1a) Establish and adopt appropriate wetland specific designated uses to be achieved and protected (*EPA Core Element: WQS Objective 2b*).

- Research and obtain funding to implement all or sections of the wetland-specific water quality standards of this plan, as appropriate funding and Tribal political support is available. (*Ongoing*)
- Designated uses will be established for different wetland types – cultural practices, medicinal plants, food, (fishing or plant gathering), recreation, determining what the wetlands are being used for will help us determine what reference conditions to restore to. (*Ongoing*)
- Designated uses will be mapped where applicable. (*Ongoing*)

1b) Draft an appropriate definition of wetlands (*EPA Core Element: Water Quality Standards Objective 1a*).

- Incorporate wetlands in Tribal draft legal definition of waters. Tribal legal definition of wetlands will be at least as inclusive as CWA definition.

2. Second Year Actions and Activities (2019)

2a) Establish and adopt narrative criteria that qualitatively describe the condition or suite of functions that must be achieved to support a designated use (*EPA Core Element: WQS Objective 2c*).

- Descriptive physical and biologic criteria for future program support and direction will be developed. (*Ongoing*)
- Technical documents will be developed to support the narrative criteria with numerical data. (*As needed*)

3. Third Year Actions and Activities (2020)

3a) Ensure appropriate wetlands definition is included in WQS (*EPA Core Element: Water Quality Standards Objective 1a*).

- As ongoing WQS discussions continue with the Tribal Leadership and Legal Counsel, discuss the appropriate definition of wetlands will be included in Tribal draft WQS. Review with EPA, Leviathan Technical and Legal Support, and Tribal Communities. (*Ongoing*)