



United States
Environmental Protection
Agency

Case Studies in Tribal Water Quality Standards Programs

The Sokaogon Chippewa Community

Introduction

The Sokaogon Chippewa Community (Mole Lake Band of Lake Superior Chippewa Indians) regards water as sacred and considers it "...an integral and sacred part of the Sokaogon people's survival, identity, and culture. Water is the life-supporting blood of Mother Earth that human beings share in common with all living things." The Tribe decided to assume greater responsibility and control of the present and future conditions of its water resources and applied to the U.S. Environmental Protection Agency (EPA) to administer its own water quality standards program. EPA approved the Tribe's application in 1995 and approved the Tribe's water quality standards in 1996.



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Tribal Background

In 1938, the federal government purchased 1,745 acres in northern Wisconsin for the Sokaogon Chippewa Community. Approximately 400 people, mostly tribal members, live on the reservation. The three lakes on or adjacent to the reservation are Rice Lake, Bishop Lake, and Mole Lake. Rice Lake, located in the center of the reservation, is a shallow marshy lake with depths that average only one to two feet. Each autumn, the Sokaogon Chippewa Community engages in the sacred tradition of harvesting and processing green wild rice seeds from Rice Lake. The wild rice on Rice Lake grows naturally and is processed in the traditional Indian way that dates back centuries. In addition to consuming the rice and using the rice as a spiritual gift in ceremonies, the Tribe also sells some of its crop.

The Tribe's Environmental Department has a staff of seven and a budget of about \$250,000. The Environmental Department is responsible for the reservation's water quality standards, water quality and quantity monitoring, biological monitoring, drinking water, and waste removal programs. The Tribe is working on a water quality monitoring project. Physical (e.g., stream flow, stream stage), chemical (e.g., metals, nutrients, general water quality measurements), and biological (e.g., aquatic invertebrates, algae, wild rice density) data collected over several years will provide an assessment of water quality conditions and may also be used to update the Tribe's water quality standards.

Water Quality Standards

The Tribe's Environmental Department engaged the larger tribal community to discuss the benefits and obligations associated with developing and administering a water quality standards program under the Clean Water Act. There were two important factors that motivated the Sokaogon Chippewa Community to develop EPA-approved water quality standards. First, the Tribe acknowledged the importance of its lakes and rivers to its traditions and way of life. Second, the Sokaogon Chippewa Community recognized reservation waters were of high quality and wanted to maintain them.

The Sokaogon Chippewa Community made a unique decision to classify all of its water bodies as Outstanding National Resource Waters (ONRW). ONRW is the highest level of antidegradation protection available under regulations for the water quality standards program and offers protection to waters of "exceptional recreational or ecological significance." EPA regulations state that there can be no new or increased discharges to ONRWs and no new or increased discharges to tributaries to ONRWs that would lower the water quality in the ONRWs, except on a temporary basis.



Successful Application

The ONRW classification is important to the Tribe because it limits activities upstream from the reservation that may degrade the quality of reservation waters. For almost thirty years, several mining companies tried to begin mining activities at a property proposed for "Crandon Mine," which is located one mile upstream of the Sokaogon Chippewa Community Reservation. In reviewing environmental impact reports, the Tribe contended that use of cyanide in ore processing, acid mine drainage, soil erosion, and groundwater drawdown would adversely affect the quality of its waters. The ONRW classification of Rice Lake contained in the Tribe's water quality standards provides a legal basis for preventing activities such as discharging mining wastewater to any of the lake's tributaries if those discharges would adversely affect Rice Lake. In 2003, the Sokaogon Chippewa Community with assistance of the Forest County Potawatomi Tribe purchased the mining company including over 5,800 acres of land. To protect Rice Lake and other water resources, the Sokaogon Chippewa subsequently withdrew all mining permit applications to protect Rice Lake and other water resources.

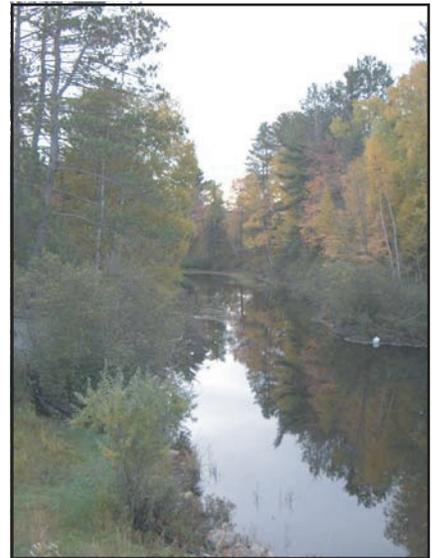
The ONRW classification has also affected activities on the reservation. For example, the Tribe recently constructed a service station and remodeled an existing gaming facility on its reservation. As a result of the ONRW classification, the design plans for both facilities were modified to include environmental controls to prevent runoff from the sites. Although these measures added to the construction costs, the Tribe is willing to accept such expenses to protect its waters.

Tribal water quality standards approved by EPA, including the Sokaogon Chippewa, can be viewed at:
<http://www.epa.gov/waterscience/standards/wqslibrary/tribes.html>

Tribal Recommendations

The Sokaogon Chippewa Community's environmental staff strongly recommends that tribes considering developing water quality standards:

- obtain EPA approval of water quality standards to give regulatory strength to environmental controls
- maintain close contact with state and EPA regional offices throughout the process
- understand the impact of water quality standards decisions both on and off the reservation
- ensure that the tribal administration is committed to protecting water quality fully, including any additional costs involved



For Further Information, Contact:

Tina Van Zile or Roman Ferdinand
Environmental Department
Sokaogon Chippewa Community
3051 Sand Lake Road

Crandon, WI 54520

phone: 715-478-7605

Website: www.sakoagonchippewa.com