



Case Studies in Tribal Water Quality Standards Programs

United States
Environmental Protection
Agency

Confederated Salish & Kootenai Tribes of the Flathead Reservation

Introduction

The Confederated Salish and Kootenai Tribes live in the Flathead Indian Reservation, a high country area of the west where high quality streams drain into Flathead Lake. The Tribes wish to maintain the integrity of their streams and the high quality of Flathead Lake, the largest natural freshwater lake in the western United States. Common pollutants threaten the quality of these waters. The Tribes have established a water quality standards program to preserve the high quality waters and restore those that have been degraded.



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Tribal Background

The Confederated Salish and Kootenai Tribes (Tribes) of the Flathead Indian Reservation are comprised of the Bitterroot Salish (Squelix'u), the Pend d'Oreille (Qlispé'), and the Kootenai (Ktunaxa) Tribes. Approximately 63 percent of the 1.3-million-acre Flathead Reservation is owned by the Tribes or individual tribal members. Thirty-two percent is privately owned fee land, and five percent is federally or state owned. Agriculture (farming and grazing) and forestry are major land uses, although a significant portion of the reservation is maintained as wilderness. The roughly 26,500 residents live in six small towns and several smaller communities. Forty-three percent of those residents are Native American and 17 percent are enrolled members of the Confederated Salish and Kootenai Tribes. Another 3,300 tribal members live off the reservation.

Reservation water resources include all or part of the Flathead, Jocko, and Little Bitterroot river systems, the southern half of Flathead Lake, hundreds of streams, extensive and diverse wetland systems, and large groundwater aquifers. There are also more than 1,200 miles of irrigation canals and 17 reservoirs on the reservation. The canals provide water delivery to the Flathead Indian Irrigation Project, which consists of approximately 127,000 acres. Flathead Lake is one of the least polluted large lakes in the northern hemisphere. Streams entering and originating in the high country of the reservation are generally of good to excellent quality, but water quality deteriorates as the streams cross the valley floor. Sediment, pesticides, fertilizers, and in some cases, toxic chemicals in the streams and lakes result from forestry, agriculture, irrigation, construction, and urban and rural development. In general, water quality data indicate an increase in nutrients, suspended solids, and total dissolved solids at the mouth of most tributaries.



The Tribes' Natural Resources Department, created in 1982, employs approximately 135 staff. In 1988, the Department established the Division of Environmental Protection. This Division oversees the water quality standards, shoreline protection, air quality, solid and hazardous waste, non-point source, and wetlands programs. Today, the Tribes are faced with a number of water quality and environmental problems. These include:

- improper irrigation practices and irrigation returns flows
- improper forestry and logging practices
- poor stormwater management
- declining native riparian habitat
- loss of fishery and spawning habitats caused by sedimentation
- improper application of herbicides and pesticides
- increased nutrient concentrations in surface waters and shallow aquifers
- stream flow modifications

Water Quality Standards

The Tribes have been involved in efforts to improve water quality on the Flathead Reservation since at least 1974 when representatives were appointed by the Tribes to attend state water-study team meetings. In 1982, the Tribes created a Shoreline Protection Office and in 1983 they began regulating dredge, fill, construction, and bed and bank alteration activities on Flathead Lake, streambeds, and wetlands throughout the reservation.

In 1989, the Tribes applied for and received approval for Treatment in a manner similar to a State (TAS) eligibility under section 106 of the Clean Water Act (CWA). The Tribes began digitizing existing water quality data for the reservation, and in 1990, adopted a Water Quality Management Ordinance. That same year, the Tribes applied for TAS eligibility for the Water Quality Standards Program under Section 303 of the CWA. In 1992, the Division of Environmental Protection began reservation-wide monitoring and drafted interim water quality classifications and water quality standards. In 1995, EPA approved the tribes' application to administer the Water Quality Standards Program and the Tribal Council adopted the water quality standards under tribal law. EPA approved the standards under the CWA in 1996. Once approved, these standards were used to help establish limits in National Pollution Discharge Elimination System (NPDES) permits. The Tribes are conducting a triennial review of their water quality standards, and plan to revise the mixing zone and antidegradation components of their water quality standards.

EPA Region 8 worked closely with the Tribes to develop their water quality program. EPA encouraged the free exchange of ideas and provided the Tribes with an array of services, including:

- technical guidance materials and assistance
- training in the form of workshops and meetings
- annual funding in the form of grants to support the Water Quality Standards Program

Successful Application

The Tribes continue to maintain a successful water quality standards program that focuses both on day-to-day implementation issues and project-specific activities. Tribal activities to address environmental problems include:

- a successful education and outreach program on water quality standards
- several restoration projects that have reduced high nutrient concentrations from agricultural wastes entering the watershed and several watershed water quality improvement projects
- activities to control stream erosion
- the construction of storm drain outfalls with oil and grease separators
- a cooperative effort with shoreline landowners to develop successful shoreline management strategies
- the establishment of best management practices (BMPs) for forest management

The Tribes are also addressing nonpoint source pollution on their reservation. They received TAS for CWA Section 319 upon completion of a nonpoint source assessment and nonpoint source management plan. This qualified them to apply for Section 319 base funding. In 2001 they hired a Nonpoint Source Coordinator. The Tribes are partners in an evaluation of total maximum daily load (TMDL) issues in Flathead Lake and entered into a cooperative TMDL Memorandum of Understanding with EPA and the State of Montana in 2001 to address nutrient enrichment in the lake.

The Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation realize that their watershed approach to nonpoint-source problems is an ambitious undertaking, but they are confident that they are moving in the right direction. The Tribes have emphasized that where they are today is not as important as the direction in which they are headed.

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

For Further

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