



CWA §319 Tribal Program: Nonpoint Source Pollution Management

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Sources of Pollution under Clean Water Act

'Point sources' regulated under CWA

Any “discernable, confined and discrete conveyance including...any pipe, ditch, channel...[etc] from which pollutants are or may be discharged”

Discharges must be regulated in a manner consistent with state/tribal water quality standards. e.g., NDPDES permits

'Nonpoint sources' are not regulated or specifically defined in CWA.

Any source of water pollution that doesn't meet point source definition.

Polluted runoff from rain or snowmelt carrying natural and anthropogenic pollutants to waters.

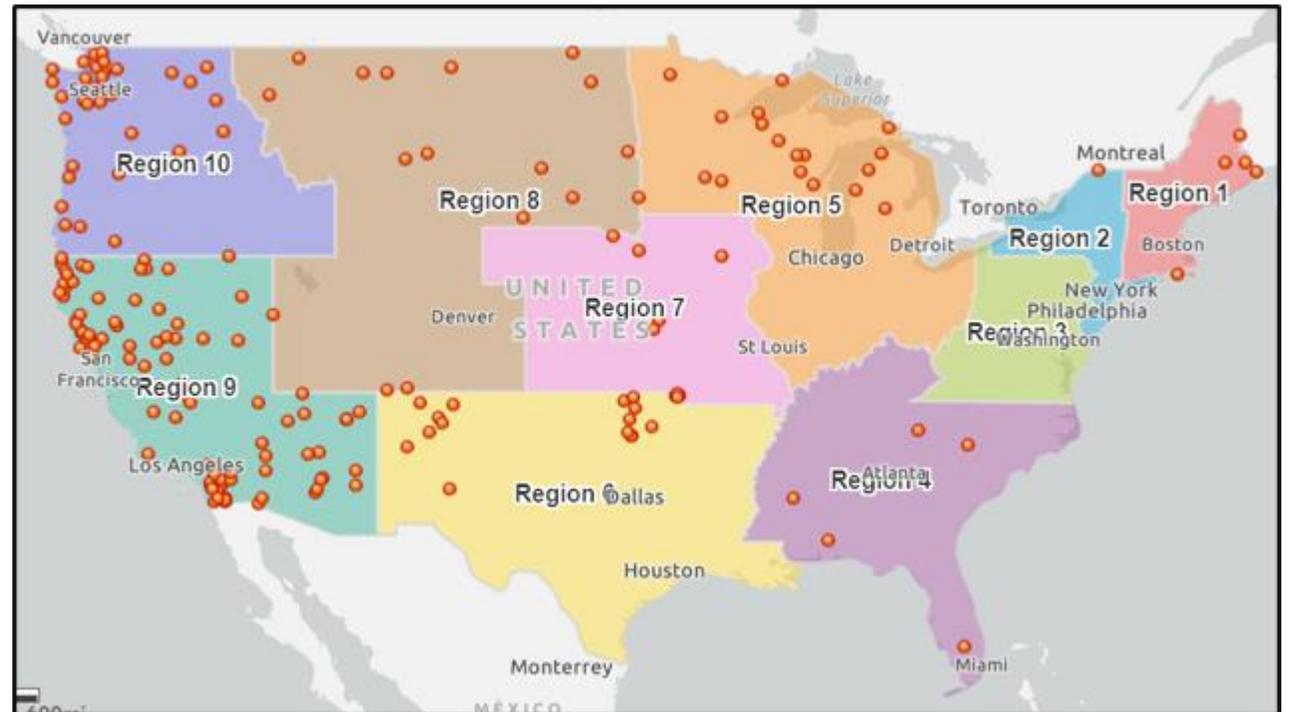
Includes: agriculture stormwater discharge and irrigation return flows.

Clean Water Act Section (§) 319

- Provides a framework and federal funding for state/Tribal and local NPS efforts.
 - §319(b) - NPS Management Programs
 - §319(h) - Grant Program
 - Federal funds support NPS program work/staff and watershed projects
 - Fiscal Year 2023 = \$182 million. Tribal set-aside = \$13.8 million
- States and Tribes set their NPS program priorities, guided by NPS assessment reports and program plans.
- EPA Regional offices provide grants and programmatic support.

Tribal Nonpoint Source (NPS) Programs

- There are currently **215 Tribes** eligible under §319. Since 2010, on average 5 new Tribes have become eligible each year.
- Most Tribal NPS programs are led by one Tribal staff person. EPA 319 grants typically support <0.5 FTE.
- Tribal NPS work requires strategic targeting of limited resources and multi-phase project planning to incrementally address NPS problems.

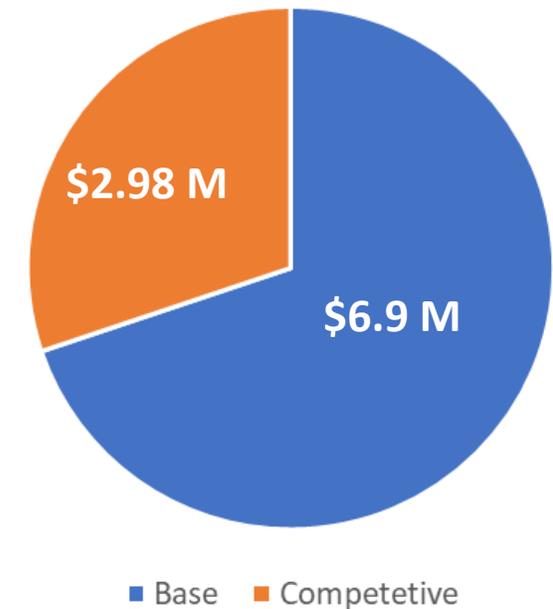


Tribal NPS programs are located across nine of the 10 EPA regions, with current Tribal land areas ranging from <1mi² to more than 24,000 mi².

Tribal §319 Funding

- Each year EPA awards 319 grants to eligible Tribes in two parts:
 - **Base grants** (\$45-70K per Tribe, depending on land area) – primarily staff-led activities to implement NPS program. E.g., water quality monitoring, watershed coordination, education/outreach. (~200 grants / yr)
 - **Competitive grants** (up to \$125K/project) – on-the-ground projects to protect or restore water quality. (~30 grants / yr)
- Per the CWA, §319-funded work must be activities that are related to reservation waters.
- EPA administers §319 grants and provides technical and programmatic assistance to Tribes (e.g., training workshops, NPS technical guides).

Allocation of Tribal §319 funds
(annual avg., 2019 - 2023)

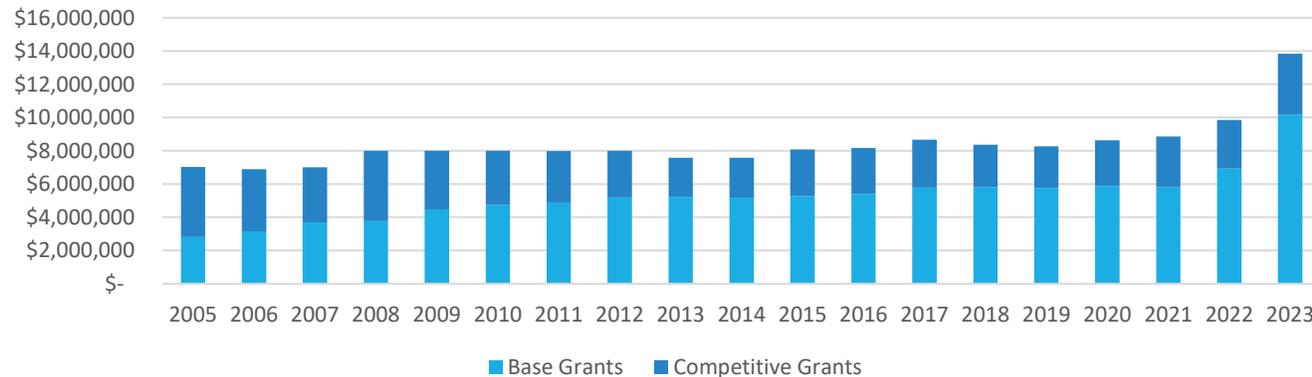


Tribal CWA §319 Base Grants

New (FY23) allocation formula creates four land area-based funding levels

EPA to derive land data from EPA Tribal Boundaries Dataset, updated annually.

- In select cases, will rely on land totals from 319 TAS packages



Total Tribal Land Area (sq mi)	# Tribal Grantees	Base Grant Funding
0 – 2	69	\$45,000
2 – 50	69	\$50,000
50 – 500	44	\$55,000
500+	31	\$70,000

Tribal CWA §319 Competitive Grants

OVERVIEW

- Grants support on-the-ground BMP projects; up to \$125k. Some funds can also be used for watershed planning, NPS monitoring, etc. (~30 award/year)
- RFA is usually released in the fall; awards generally made the following spring/summer.

FY2023 CHANGES:

- Grant amount increased to \$125K/project
- EPA will reserve some funding for applicants that have not received competitive grant in last 5 years

FY2024 CHANGES:

- Criteria fully updated for clarity and to remove redundancy

Tribal CWA §319 Competitive Grants

OVERVIEW

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- Through FY21, ~half of Tribal grantees received 1+ competitive grant

As of FY23, states may award 319 implementation grants to Tribes with an up-to-date EPA-approved NPS Management Plan (waives 9-element watershed-based plan requirement).

FY2023 CHANGES:

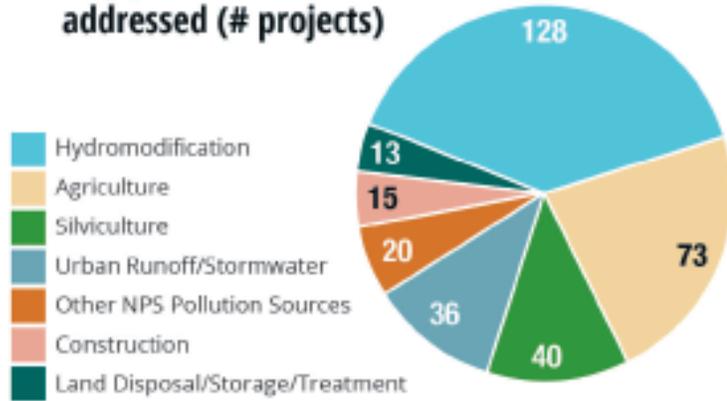
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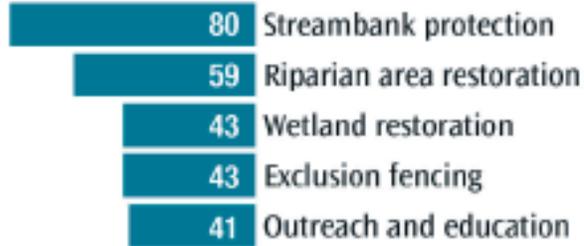
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Competitive Grant-Funded Projects (2013-2018)

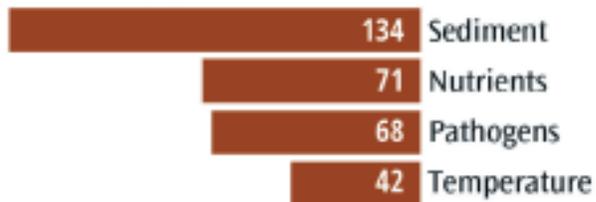
Top pollution sources addressed (# projects)



Top practices implemented (# projects)



Top pollutants addressed (# projects)

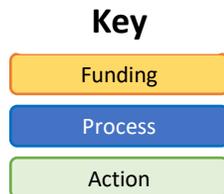
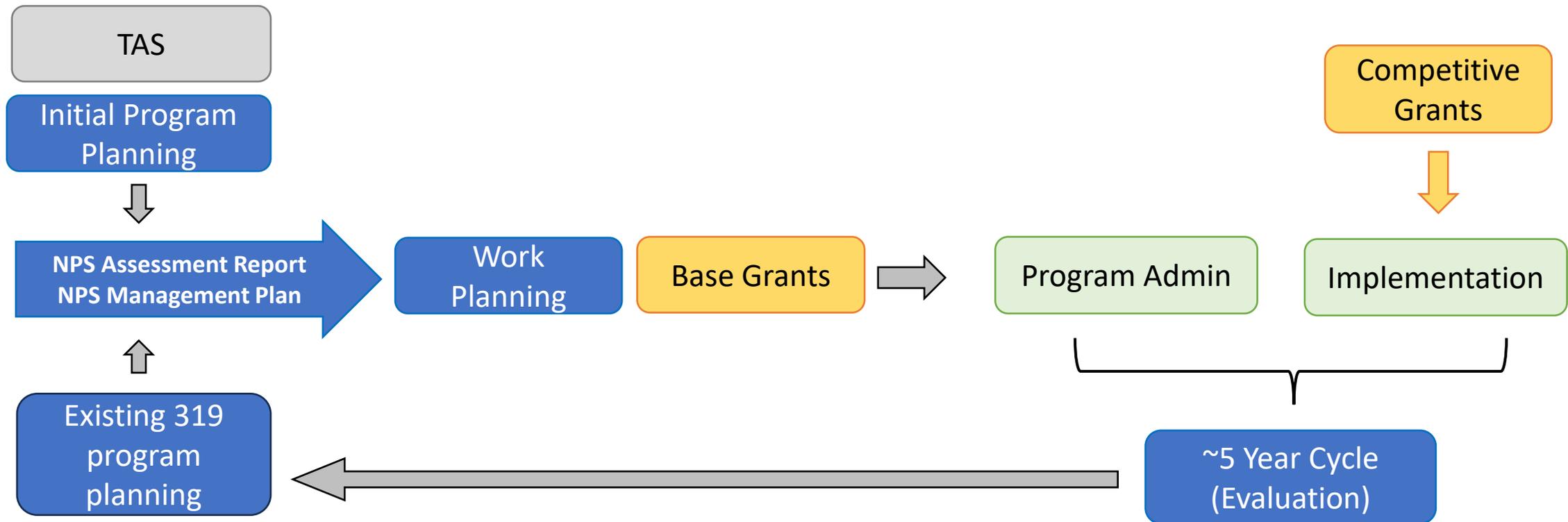


White Mountain Apache Tribe: North Fork White River restoration (stabilization, livestock fencing) with funding support from EPA, NRCS, USFWS, US Army Corps, BIA, etc.

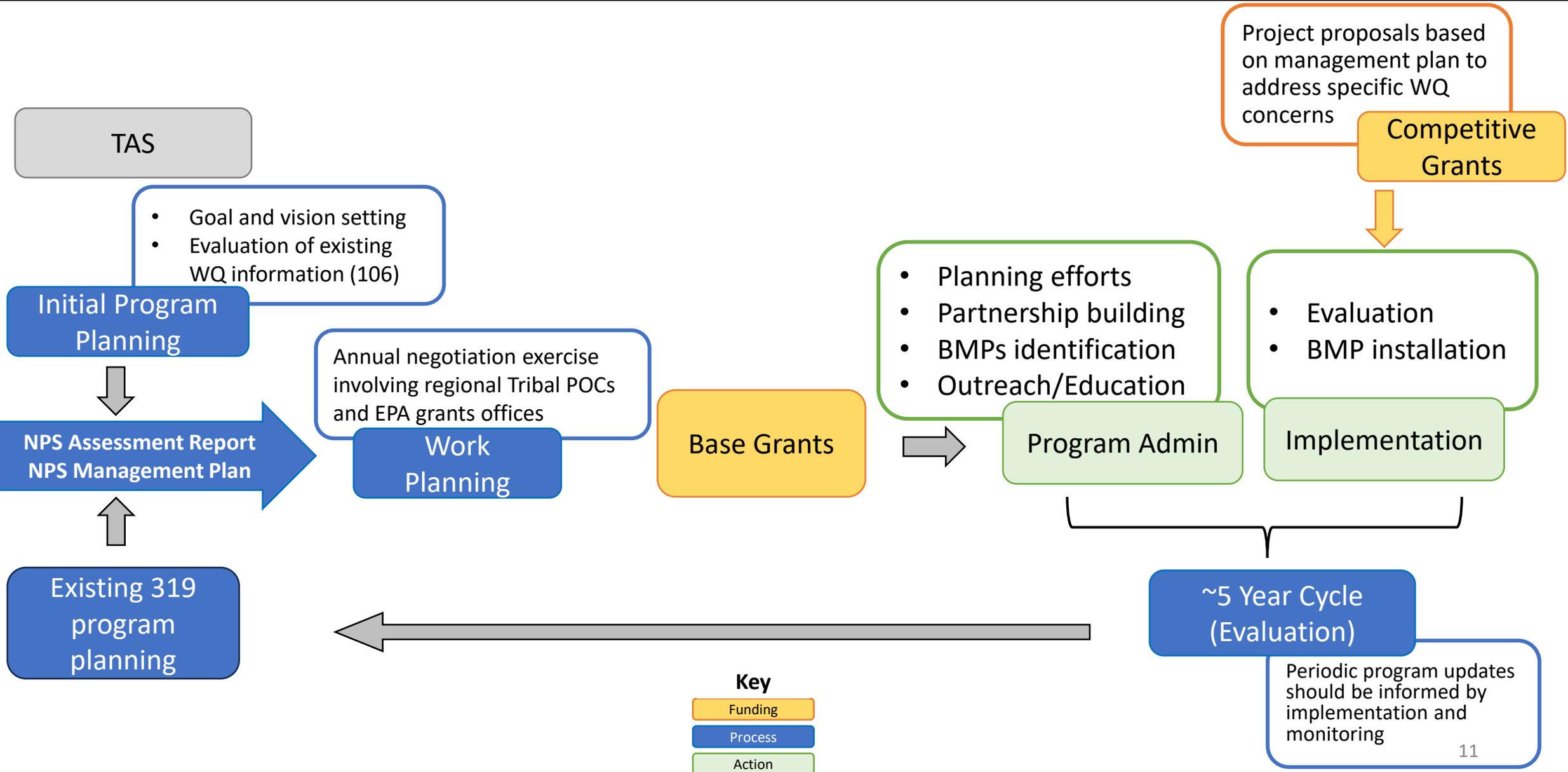


Houlton Band of Maliseet Indians: 20+ years of coordination with partners (NRCS, SWCD, Maine DEP, etc.) to improve water quality in the Meduxnekeag River watershed.

General §319 Grant Process:



General §319 Grant Process:



Program Resources

LINKS

[EPA Tribal NPS webpage](#)

[Tribal Training Webinar Series](#) (Spring 2023 Recordings)

[Tribal NPS Program Highlights Report](#) (2019)

[Resource Guide: Working with NRCS and Conservation Districts](#) (May 2022)

UPCOMING ENGAGEMENTS

May 2024: CWA Tribal Forum (DC)

Summer/Fall 2024: Release of Federal Tribal Conservation Funding Guide



Thank you!

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Extras:

Data Source(s) –

US Census Bureau maintains official US legal boundaries dataset

- Updated annually, as part of '[Boundary & Annexation Survey](#)' (BAS)
- Tribal gov't official submit boundary changes. In some cases, must include legal documentation, typically from BIA
- Snapshot of BAS dataset is used for each decadal Census (2010, 2020, etc.)

EPA Office of Mission Support maintains a standardized [Tribal land GIS data set](#) (2023 boundaries)

- Updated annually (next update in ~February 2025)
- Works with Census through an *Interagency Tribal Data Workgroup*

NPS Assessment Report

A comprehensive technical summary of the condition of tribal water resources that provides the foundation of the NPS management program.

- Waters threatened/impaired by NPS pollution
- NPS pollution categories/subcategories contributing to water quality issues (e.g., Silviculture → Logging Roads)
- Process for identifying best management practices (BMPs) to address NPS sources
- Description of other programs that might be used for managing NPS pollution

NPS Management Program Plan

Describes how the information in your [NPS Assessment Report](#) will be used to address identified water quality impairments and threats

- Typically ~5 year plan, outlining annual actions to be taken (basis for 319 grant work plans)
- Identifies Priority NPS pollution (sub)categories
 - Goal, objectives, schedule for each

Work planning

- Process is joint between the regional grants office, EPA Tribal Regional staff, and Tribal environmental staff
- Exact process will differ based on how your grant is set up – PPG or otherwise
- Components to plan to address may include:
 - Administrative tasks
 - On the ground projects / planning to apply for programs
 - Update program documents
 - Outreach / engagement
 - Partnerships and meetings / trainings
 - Monitoring components