



Clean Water Act Section 106 Tribal Guidance



Revision of the CWA Section 106 Tribal Guidance

March 2024

Summary of Guidance Revision Process

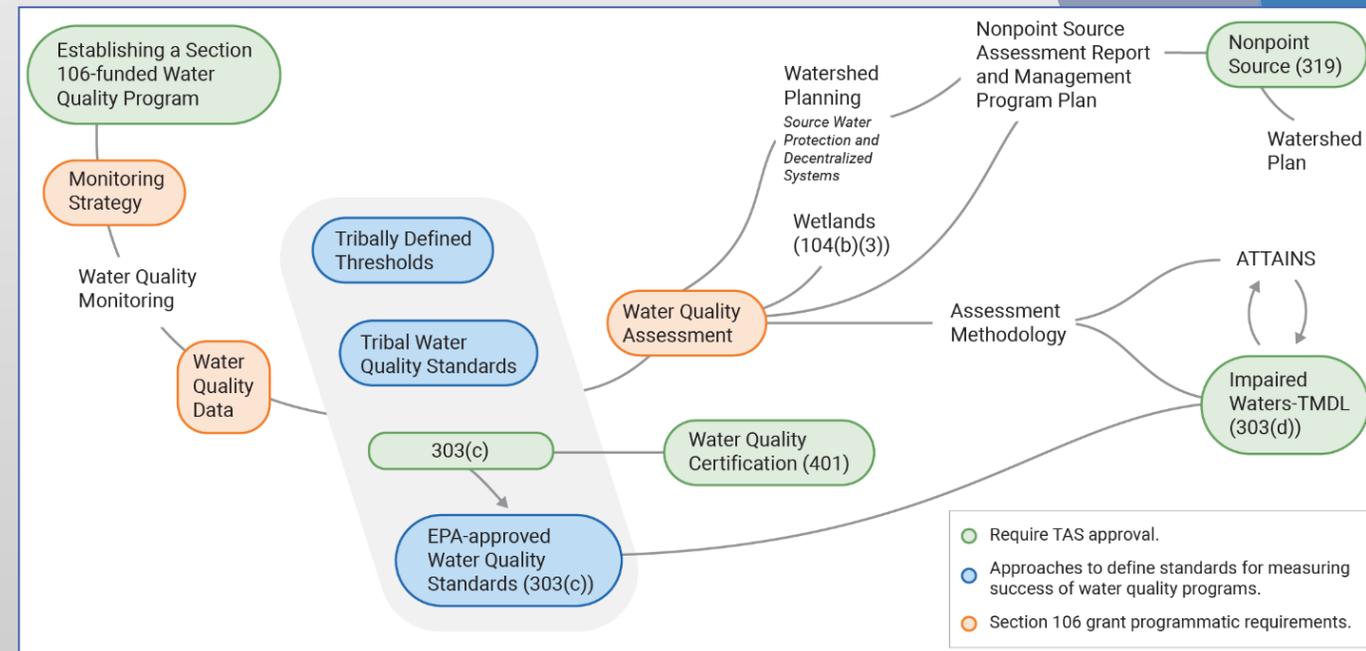
- ▶ **Initial Planning** began with an EPA Work Group in **2020**
 - Made up of several EPA Headquarters offices, and all 10 Regions
- ▶ EPA Work Group developed recommendations, initiated consultation, and took comments
- ▶ Recommendations:
 - Structural change to **106 program levels**
 - Structural change to **streamline 3 approaches** (non-regulatory, tribal law, EPA-approved)
 - **Add information on other EPA programs** and topics
 - **Increase flexibility** in meeting reporting requirements

Summary of Guidance Revision Process (Cont'd)

- ▶ Revision Work Group
 - Made up of EPA Work Group and 24 tribal members
- ▶ Formed 7 sub-work groups to develop major chapters
 - Grants (EPA only)
 - Program Development
 - Indigenous Knowledge (new)
 - Program Implementation
 - Programmatic Reporting Requirements
 - Water Quality Program Expansion - Additional Activities Water Quality Program Expansion – Regulatory Approach
 - Other Program Funding

Changes from the 2007 Guidance

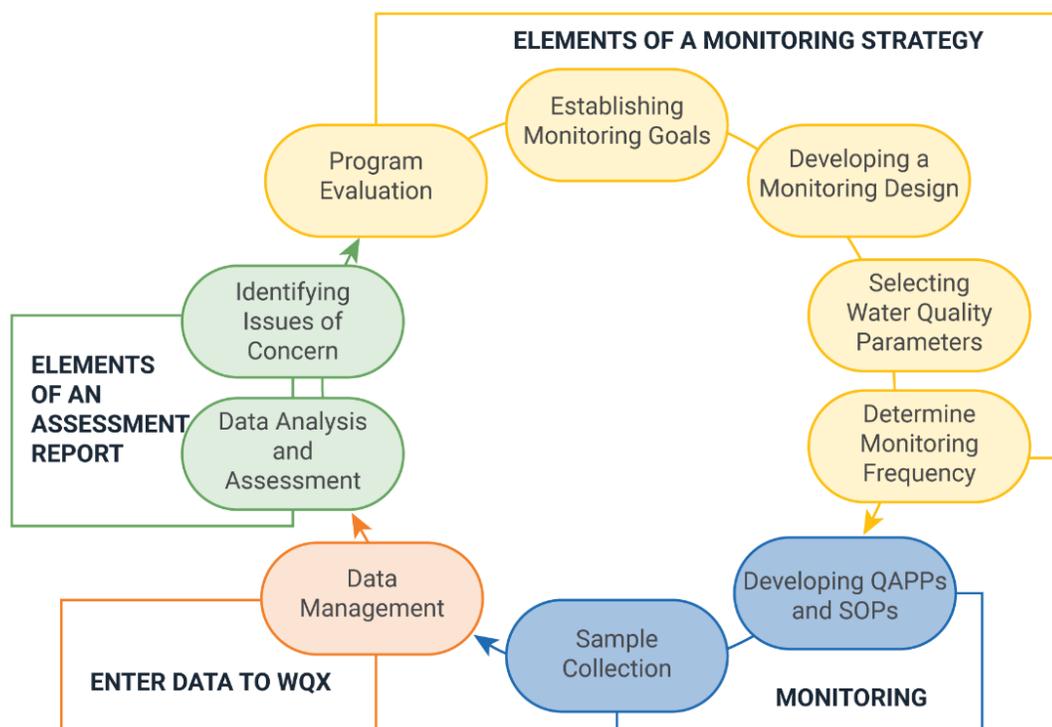
- ▶ Eliminated the fundamental, intermediate, and mature structure
- ▶ Updated links and program references, and added available training and tools
- ▶ Added a framework for establishing, developing, and expanding water quality programs **based on the needs of the individual Tribes**



Chapters 1-3:

- ▶ Ch 1 Intro: **Introduces the CWA Section 106 Program.** Explains the common pathways for tribal water quality programs
- ▶ Ch 2: **Overview of the CWA.** History of the CWA, describes each CWA section relevant to tribal water quality programs
- ▶ Ch 3: **Grant Requirements.** Describes how to apply for TAS eligibility for the CWA Section 106 Program, gives an overview of the CWA Section 106 grant application and administration process

Chapters 4-5:



- ▶ Ch 4: Program Development. Provides a table of eligible/ineligible Section 106 activities, how to identify reservation water sources and tribal water quality program needs, describes some activities that are consistent across all tribal water quality programs.
- ▶ Ch 5: Development/Implementation of a Monitoring Program. What is a Monitoring Strategy is, how to develop QAPPs and SOPs, provides typical water quality parameters used to assess designated uses, approaching data assessment, etc.

Indigenous Knowledge Section

- ▶ Recognizes the **value Indigenous Knowledge** adds to water resources management
- ▶ Establishes the Section 106 Program's responsibilities and **commitment to the inclusion of Indigenous Knowledge in water quality programs**
- ▶ Identifies opportunities to utilize Section 106 grant funding to **support inclusion of Indigenous Knowledge into water quality programs**
- ▶ Acknowledges **tribal flexibility in adopting Indigenous Knowledge** into water quality programs
- ▶ Provides **case studies** on how Indigenous Knowledge has been incorporated into water quality programs



Sharon Day, Water Walker, on Spirit Island, MN, a place of spiritual and cultural significance to the Ojibwe people. Photo courtesy of Lucas Reynolds

Chapters 6-7:

- ▶ Ch 6: **Programmatic Reporting Requirements**. Includes the **Water Quality Exchange (WQX) data reporting requirement (provide data to WQX or request a waiver)**, provides a table summarizing the three programmatic reporting deliverables for the Section 106 Program etc.
- ▶ Ch 7: **Program Expansion – Additional Activities**. Explains what a **watershed approach** is and how it can develop into a **Tribal Nonpoint Source Program**, Identifies activities and strategies that expand water quality protection efforts

Chapters 8-9:

- ▶ Ch 8: **Program Expansion Cont** – Regulatory Authorities. Explains how **CWA regulatory programs expand water quality protection** efforts, describes the **TAS requirements** for each CWA regulatory program.
- ▶ Ch 9: **Other Funding Options**. Provides a table of EPA tribal grant programs, how to qualify for each, and their connection to the Section 106 Program.



South Fork of the Hoh River during autumn.
Credit: Photo courtesy of the Hoh Indian Tribe

Supplements

- ▶ The two supplements complement chapters 5 and 6 of the guidance
 - *Tribal Data Management for WQX Submission* supplement (supersedes the 2008 *Data Management* supplement)
 - *Developing a Tribal Water Quality Program Monitoring Strategy* supplement (supersedes the 2008 *Developing a Tribal Monitoring Strategy* supplement)
- ▶ The 2008 *Data Assessment and Reporting* supplement is currently being evaluated to determine if additional assessment information is needed to support tribal water quality programs

Status and Next Steps

▶ Section 106 Tribal Guidance

- Final guidance is now posted to the Section 106 site:
- <https://www.epa.gov/water-pollution-control-section-106-grants/clean-water-act-section-106-tribal-guidance>
- Limited print run in 2024

▶ Monitoring Strategy and Data Management Supplements

- Posted with the guidance as “draft final”

Thank You!

For more information

Visit EPA's CWA Section 106 website:

<https://www.epa.gov/water-pollution-control-section-106-grants/tribal-grants-under-section-106-clean-water-act>

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