

Financial Assistance Eligibility Handbook for Indian Tribes



Clean Water Act Water Quality Planning and Protection Programs

Clean Water Act § 106

Clean Water Act § 319

U.S. Environmental Protection Agency Region 9, Water Division, Tribal Clean Water

Updated: 11/2022

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Introduction

This handbook is designed to assist Indian Tribes with preparing applications for financial assistance eligibility (FAE) under the Clean Water Act (CWA). Once a Tribe submits a complete application and receives approval from the U.S. Environmental Protection Agency, it can support water quality efforts and build institutional capability through the following CWA grants:

- Water Pollution Control Program (CWA §106)
- Nonpoint Source Program (CWA §319)

This handbook provides a summary of the CWA §106 and §319 programs, the FAE Application Checklist, the List of Federally Recognized Indian Tribes, and a List of Region 9 Contacts. In addition, this handbook provides examples of the required documents that have been previously accepted by EPA Region 9. These include (1) an example of the Narrative Statement explaining how the Tribe meets the requirements for a successful Tribal FAE application, including a description of how the Tribal governing body is carrying out its governmental duties and powers; (2) an ordinance addressing CWA §504 (Emergency Powers); and (3) an associated Contingency Plan. These documents demonstrate the type of information required and should be used as a reference only, as each Tribe differs with respect to geography, capability, history, and administration.

Please note that Tribes' sovereignty will not be affected by applying for or receiving CWA FAE or CWA program grants. Instead, Tribes will be empowered to receive funds directly from EPA and they will be eligible to receive grants for administering water pollution control and nonpoint source programs.

If any questions arise while preparing a FAE application, please contact the appropriate Contact, as identified in [Exhibit VI](#).

Summary of Water Quality Protection Programs

Water Pollution Control Program (CWA §106)

The Water Pollution Control Program assists Federally recognized Indian Tribes with achieving positive environmental results by developing institutional capacity for administering water quality programs to protect, improve, and enhance natural resources. Water Pollution Control Program Grants are negotiated and awarded annually to Tribes who have established CWA §106 financial assistance eligibility (FAE) with EPA. This program has a regulatory cost requirement of 5%, but on April 5, 2022, the Section 106 Tribal Program was granted an exception waiving the tribal match for future grants. See <https://www.epa.gov/water-pollution-control-section-106-grants/tribal-grants-under-section-106-clean-water-act#tribalmatch> for more information.

The eligible activities include, but are not limited to:

- Hiring qualified staff to identify and prioritize water quality issues;

- Performing water quality monitoring and assessments;
- Conducting studies related to water pollution control;
- Leasing/renting office space and purchasing equipment necessary for program implementation;
- Developing Tribal water quality standards;
- Implementing and enforcing pollution control measures;
- Developing and implementing ground water programs;
- Developing a Nonpoint Assessment and Management Program;
- Developing a CWA §305(b) water quality assessment report;
- Training and travel.

For more information on CWA §106, please visit the following [website](#).

Nonpoint Source Program (CWA §319)

The Nonpoint Source Control Program assists Federally recognized Indian Tribes with achieving positive environmental results by developing and implementing polluted runoff control programs that address critical water quality concerns. Prior to receiving a CWA §319 grant, Tribes are required to submit to EPA for approval a Nonpoint Source Assessment Report and Management Program for waters affected by nonpoint source pollution. Tribes who have established CWA §106 FAE with EPA may be eligible for financial assistance through CWA §319. A non-Federal match of 40 percent of the total project costs is required, or a 10 percent match if financial hardship is determined.

The eligible activities include, but are not limited to:

- Hiring qualified staff to identify and prioritize water quality issues;
- Implementing physical measures or best management practices (BMPs) that will reduce or eliminate Nonpoint Source Pollution (NPS) pollution in receiving water bodies, resulting in water quality benefits;
- Implementing the Tribe's approved NPS Management Program;
- Implementing "on-the-ground" watershed projects (i.e., stream restoration, revegetation, buffer strips, installing gabions, tree planting, removal of invasive/non-native species, and more);
- Conducting NPS education programs;
- Training and travel.

For more information on CWA §319, please visit the following [website](#).

Tribes Achieving Environmental Results with CWA Grant Funds

Water Pollution Control Program (CWA §106)

The Hoopa Valley Tribe Water Quality Sampling Program



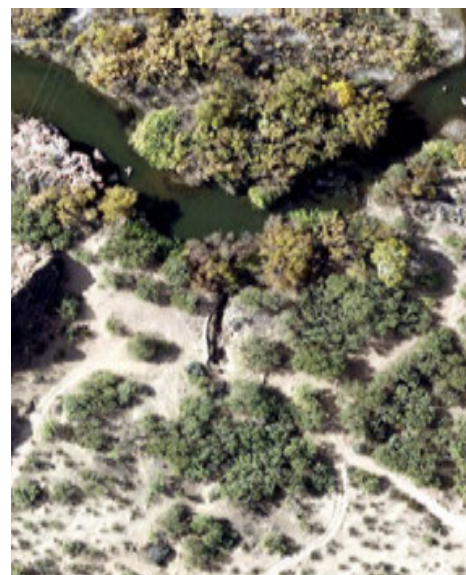
Overlooking the Trinity River, Hoopa, CA.

The Trinity River bisects the lush valley that is home to the Hoopa Valley Indian Reservation in Northern California. The Hoopa Tribal Environmental Protection Agency (TEPA) is the department delegated with safeguarding the reservation's natural resources and water quality. TEPA uses the CWA §106 Program to fund cyanotoxin sampling activities which are necessary to identify toxic levels in the Tribe's drinking water supply. Hoopa's CWA §106 program is able to analyze current data about cyanotoxins, inform the community about associated health risks, and keep the tribal membership and decision-makers updated on the causes and effects of cyanotoxins in the watershed, as well as providing potential remedial options.

Nonpoint Source Program (CWA §319)

The Salt River Riverine Erosion Mitigation Project

The Salt River Pima-Maricopa Indian Community in Arizona utilizes CWA §319 funds to address riverbank erosion on their reservation. With EPA funding, the community has planted over 300 native plant species to stabilize the riverbank reducing nonpoint source pollutants from entering the river system and restoring the riparian habitat. This project improved the overall health of the river ecosystem and made the space more accessible for community members to enjoy.



Aerial shot of Arroyo along Salt River, AZ

- Description of the Tribe's accounting and procurement system (citing 2 CFR Part 200).

Comments/Notes:

4. The functions to be exercised by the Tribe must pertain to the management and protection of water resources within the Tribe's reservation.

- Provide information demonstrating that the functions to be exercised by the Tribe pertain to the management and protection of water resources on the Tribe's reservation.
- Provide copies of pertinent Executive Orders, Land Orders, Treaties, Acts of Congress, etc.
- Provide detailed and legible maps of reservation.

Comments/Notes:

5. For CWA §106, the Tribe must have authority comparable to that of CWA §504, including contingency plans to implement such authority.

- Provide a copy of information (Ordinances, etc.,) addressing CWA §504 authority (see [Exhibit III](#) for an accepted ordinance that addresses CWA §504 authority).
- Provide a copy of, or detailed description of the Tribe's contingency plan (see [Exhibit IV](#) for an accepted contingency plan) to implement authority comparable to CWA §504.

Comments/Notes:

6. Prepare a FAE application submittal cover letter, addressed to the EPA Regional Administrator (WTR-3-1), which includes the following:

- For CWA §106 FAE applications, a request for EPA review and approval of the FAE application, citing CWA §106, along with a summary of the contents of the FAE application.
- For CWA §319 FAE applications, the Tribe should conduct a review of its previously approved CWA §106 FAE application, using this checklist. If the Tribe determines that the information contained in its CWA §106 FAE application is still current and correct, a letter requesting EPA review and approval for CWA §319 should be submitted (see [Exhibit V](#)). If the Tribe determines that elements of the CWA §106 FAE application require update or revision, those revised or updated elements should be submitted, and the CWA §319 submittal letter revised accordingly.
- For CWA §106 and §319, Tribal representatives/employees that EPA can contact regarding the FAE application.
- For CWA §106 and §319, the Tribal Chairman or equivalent signatory.

Comments/Notes:

Checklist – For Application Amendments

Tribal Financial Assistance Eligibility (FAE) Application CWA §106 and CWA §319 Programs

Tribe: _____ Program(s): CWA §106 _____ Date: _____
 CWA §319 _____

Please mark the boxes on the left as you locate (or create) documents described in each section. Once you have assembled all information listed, your Financial Eligibility Application will be complete and ready for submittal.

1. The functions to be exercised by the Tribe must pertain to the management and protection of water resources within the Tribe’s reservation.

- Provide information demonstrating that the functions to be exercised by the Tribe pertain to the management and protection of water resources on the Tribe’s reservation.
- Provide copies of pertinent Executive Orders, Land Orders, Treaties, Acts of Congress, etc.
- Provide detailed and legible maps of reservation.

Comments/Notes:

2. Prepare a FAE application submittal cover letter, addressed to the EPA Regional Administrator (WTR-3-1), which includes the following:

- For CWA §106 FAE applications to amend for new land, a request for EPA review and approval of the FAE application, citing CWA §106 and the Tribe’s prior FAE approval, along with a summary of the contents of the FAE application.
- For CWA §319 FAE applications where the Tribe has already been approved for CWA §106 and would now like to be eligible for CWA §319, the Tribe should conduct a review of its previously approved CWA §106 FAE application, using this checklist. If the Tribe determines that the information contained in its CWA §106 FAE application is still current and correct, a letter requesting EPA review and approval for CWA §319 should be submitted (see [Exhibit V](#)). If the Tribe determines that elements of the CWA §106 FAE application require update or revision, those revised or updated elements should be submitted, and the CWA §319 submittal letter revised accordingly.
- For CWA §106 and §319, Tribal representatives/employees that EPA can contact regarding the FAE application.
- For CWA §106 and §319, the Tribal Chairman or equivalent signatory.

Comments/Notes:

3. Any additional updates to status since original application.

Comments/Notes:

List of Exhibits

[Exhibit I: List of Federally Recognized Indian Tribes](#)

[Exhibit II: Narrative Statement](#)

[Exhibit III: Ordinance Addressing CWA §504 Authority](#)

[Exhibit IV: Contingency Plan to Implement Authority Comparable to CWA §504](#)

[Exhibit V: Sample CWA §319 FAE Application Submittal Letter](#)

[Exhibit VI: EPA Tribal Contacts/Project Officers](#)

NOTE: Exhibits II-V include examples of a narrative statement, ordinance, contingency plan, and application cover letter. These examples demonstrate what has been accepted by EPA, the type of information that is required, and should be used as a reference only, as each Tribe differs with respect to geography, capability, history, and administration. These documents have been reformatted by EPA for inclusion in this handbook.

Exhibit I: List of Federally Recognized Tribes

Note: The Federal Register is updated yearly



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electronic manifests originated in the e-Manifest system as the legal equivalent to paper manifests; (2) require manifest users to submit paper copies of the manifest to the system for data processing; (3) collect manifests in the e-Manifest system for hazardous waste subject to federal or state law; and (4) set up user fees to offset the costs of developing and operating the e-Manifest system.

Pursuant to the Act, EPA modified the manifest regulations on February 7, 2014 (the e-Manifest "One Year Rule"), to authorize use of electronic manifests (or e-Manifests) for tracking offsite shipments of hazardous waste from a generator's site to the site of the receipt and disposition of the hazardous waste. On January 3, 2018, EPA finalized the e-Manifest User Fee Final Rule which established the fee methodology that EPA uses to determine the user fees applicable to the electronic and paper manifests submitted to the national system. EPA launched the e-Manifest system on June 30, 2018. TSDFs and other receiving facilities must submit manifests, both paper and electronic, to EPA. In addition to fees for RCRA wastes, EPA is charging TSDFs and other facilities receiving state-only regulated wastes a fee for each manifest submitted to the system. Regulations regarding copy submission requirements for interstate shipments and the applicability of e-Manifest system and fees to facilities receiving state-only regulated wastes are found in 40 CFR part 260 (Hazardous Waste Management System). Regulations regarding imposition of user fees on receiving facilities for their manifest submissions, with references to key fee methodology, fee dispute, and fee sanction requirements are found in parts 264 and 265.

Form Numbers: Form 8700–22 and 8700–22A.

Respondents/affected entities: Business or other for-profit.

Respondent's obligation to respond: Mandatory (RCRA 3002(a)(5)).

Estimated number of respondents: 106,136 (total).

Frequency of response: Each shipment.

Total estimated burden: 2,362,089 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$118,940,729 (per year), includes \$29,043,234 annualized capital costs and operation & maintenance costs.

Changes in the Estimates: There is a decrease of 140,411 hours in the total estimated respondent burden compared with the ICR currently approved by OMB, resulting from EPA's updates to

the annual number of manifests offered into transportation. Based on its recent analysis of e-Manifest data, EPA estimates a decrease in the annual number of paper and electronic manifests from the currently approved ICR. In addition, there is an increase of \$3,273,919 in the total respondent costs compared with the currently approved ICR. This increase resulted primarily from an improved methodology and updated data for estimating the user fees paid by destination facilities.

Courtney Kerwin,
Director, Regulatory Support Division.
[FR Doc. 2021–01974 Filed 1–28–21; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[21A2100DD/AAK001030/
A0A501010.999900]

Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the current list of 574 Tribal entities recognized by and eligible for funding and services from the Bureau of Indian Affairs (BIA) by virtue of their status as Indian Tribes.

DATES: The list is updated from the notice published on January 30, 2020 (85 FR 5462).

FOR FURTHER INFORMATION CONTACT: Ms. Laurel Iron Cloud, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 3645–MIB, 1849 C Street NW, Washington, DC 20240. Telephone number: (202) 513–7641.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103–454; 108 Stat. 4791, 4792), and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8. Published below is an updated list of federally acknowledged Indian Tribes in the contiguous 48 states and Alaska. Amendments to the list include formatting edits, name changes, and name corrections.

To aid in identifying Tribal name changes and corrections, the Tribe's previously listed or former name is included in parentheses after the correct current Tribal name. We will continue to list the Tribe's former or previously

listed name for several years before dropping the former or previously listed name from the list.

The listed Indian entities are acknowledged to have the immunities and privileges available to federally recognized Indian Tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations, and obligations of such Tribes. We have continued the practice of listing the Alaska Native entities separately for the purpose of facilitating identification of them.

Tara Sweeney,
Assistant Secretary—Indian Affairs.

Indian Tribal Entities Within the Contiguous 48 States Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

Absentee-Shawnee Tribe of Indians of Oklahoma
 Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
 Ak-Chin Indian Community [previously listed as Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona]
 Alabama-Coushatta Tribe of Texas [previously listed as Alabama-Coushatta Tribes of Texas]
 Alabama-Quassarte Tribal Town
 Alturas Indian Rancheria, California
 Apache Tribe of Oklahoma
 Arapaho Tribe of the Wind River Reservation, Wyoming
 Aroostook Band of Micmacs [previously listed as Aroostook Band of Micmac Indians]
 Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
 Augustine Band of Cahuilla Indians, California [previously listed as Augustine Band of Cahuilla Mission Indians of the Augustine Reservation]
 Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
 Bay Mills Indian Community, Michigan
 Bear River Band of the Rohnerville Rancheria, California
 Berry Creek Rancheria of Maidu Indians of California
 Big Lagoon Rancheria, California
 Big Pine Paiute Tribe of the Owens Valley [previously listed as Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California]
 Big Sandy Rancheria of Western Mono Indians of California [previously listed as Big Sandy Rancheria of Mono Indians of California]
 Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
 Bishop Paiute Tribe [previously listed as Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California]
 Blackfeet Tribe of the Blackfeet Indian Reservation of Montana

Blue Lake Rancheria, California	Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians	Hannahville Indian Community, Michigan
Bridgeport Indian Colony [previously listed as Bridgeport Paiute Indian Colony of California]	Confederated Tribes of the Goshute Reservation, Nevada and Utah	Havasupai Tribe of the Havasupai Reservation, Arizona
Buena Vista Rancheria of Me-Wuk Indians of California	Confederated Tribes of the Grand Ronde Community of Oregon	Ho-Chunk Nation of Wisconsin
Burns Paiute Tribe [previously listed as Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon]	Confederated Tribes of the Umatilla Indian Reservation [previously listed as Confederated Tribes of the Umatilla Reservation, Oregon]	Hoh Indian Tribe [previously listed as Hoh Indian Tribe of the Hoh Indian Reservation, Washington]
Cabazon Band of Mission Indians, California	Confederated Tribes of the Warm Springs Reservation of Oregon	Hoopla Valley Tribe, California
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California	Coquille Indian Tribe [previously listed as Coquille Tribe of Oregon]	Hopi Tribe of Arizona
Caddo Nation of Oklahoma	Coushatta Tribe of Louisiana	Hopland Band of Pomo Indians, California [previously listed as Santa Ysabel Band of Pomo Indians of the Hopland Rancheria, California]
Cahto Tribe of the Laytonville Rancheria	Cow Creek Band of Umpqua Tribe of Indians [previously listed as Cow Creek Band of Umpqua Indians of Oregon]	Houlton Band of Maliseet Indians
Cahuilla Band of Mission Indians of the Cahuilla Reservation, California	Cowlitz Indian Tribe	Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
California Valley Miwok Tribe, California	Coyote Valley Band of Pomo Indians of California	Iipay Nation of Santa Ysabel, California [previously listed as Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation]
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California	Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota	Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California;	Crow Tribe of Montana	Ione Band of Miwok Indians of California
Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California)	Delaware Nation, Oklahoma	Iowa Tribe of Kansas and Nebraska
Catawba Indian Nation [previously listed as Catawba Tribe of South Carolina]	Delaware Tribe of Indians	Iowa Tribe of Oklahoma
Cayuga Nation	Dry Creek Rancheria Band of Pomo Indians, California [previously listed as Dry Creek Rancheria of Pomo Indians of California]	Jackson Band of Miwok Indians [previously listed as Jackson Rancheria of Me-Wuk Indians of California]
Cedarville Rancheria, California	Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada	Jamestown S'Klallam Tribe
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California	Eastern Band of Cherokee Indians	Jamul Indian Village of California
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California	Eastern Shawnee Tribe of Oklahoma	Jena Band of Choctaw Indians
Cherokee Nation	Eastern Shoshone Tribe of the Wind River Reservation, Wyoming [previously listed as Shoshone Tribe of the Wind River Reservation, Wyoming]	Jicarilla Apache Nation, New Mexico
Cheyenne and Arapaho Tribes, Oklahoma [previously listed as Cheyenne-Arapaho Tribes of Oklahoma]	Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California	Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota	Elk Valley Rancheria, California	Kalispel Indian Community of the Kalispel Reservation
Chickahominy Indian Tribe	Ely Shoshone Tribe of Nevada	Karuk Tribe [previously listed as Karuk Tribe of California]
Chickahominy Indian Tribe—Eastern Division	Enterprise Rancheria of Maidu Indians of California	Kashia Band of Pomo Indians of the Stewart's Point Rancheria, California
Chicken Ranch Rancheria of Me-Wuk Indians of California	Ewitaapaayp Band of Kumeyaay Indians, California	Kaw Nation, Oklahoma
Chippewa Cree Indians of the Rocky Boy's Reservation, Montana [previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana]	Federated Indians of Graton Rancheria, California	Kewa Pueblo, New Mexico [previously listed as Pueblo of Santo Domingo]
Chitimacha Tribe of Louisiana	Flandreau Santee Sioux Tribe of South Dakota	Keweenaw Bay Indian Community, Michigan
Citizen Potawatomi Nation, Oklahoma	Forest County Potawatomi Community, Wisconsin	Kialegee Tribal Town
Cloverdale Rancheria of Pomo Indians of California	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	Kickapoo Traditional Tribe of Texas
Cocopah Tribe of Arizona	Fort Bidwell Indian Community of the Fort Bidwell Reservation of California	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
Coeur D'Alene Tribe [previously listed as Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho]	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California	Kickapoo Tribe of Oklahoma
Cold Springs Rancheria of Mono Indians of California	Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon	Kiowa Indian Tribe of Oklahoma
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California	Fort McDowell Yavapai Nation, Arizona	Klamath Tribes
Comanche Nation, Oklahoma	Fort Mojave Indian Tribe of Arizona, California & Nevada	Kletsel Dehe Band of Wintun Indians [previously listed as Cortina Indian Rancheria]
Confederated Salish and Kootenai Tribes of the Flathead Reservation	Fort Sill Apache Tribe of Oklahoma	Koi Nation of Northern California [previously listed as Lower Lake Rancheria, California]
Confederated Tribes and Bands of the Yakama Nation	Gila River Indian Community of the Gila River Indian Reservation, Arizona	Kootenai Tribe of Idaho
Confederated Tribes of Siletz Indians of Oregon [previously listed as Confederated Tribes of the Siletz Reservation]	Grand Traverse Band of Ottawa and Chippewa Indians, Michigan	La Jolla Band of Luiseno Indians, California [previously listed as La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation]
Confederated Tribes of the Chehalis Reservation	Greenville Rancheria [previously listed as Greenville Rancheria of Maidu Indians of California]	La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
Confederated Tribes of the Colville Reservation	Grindstone Indian Rancheria of Wintun-Wailaki Indians of California	Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
	Guidiville Rancheria of California	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
	Habematolel Pomo of Upper Lake, California	Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
		Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
		Little River Band of Ottawa Indians, Michigan

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- Little Shell Tribe of Chippewa Indians of Montana
- Little Traverse Bay Bands of Odawa Indians, Michigan
- Lone Pine Paiute-Shoshone Tribe [previously listed as Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California]
- Los Coyotes Band of Cabuilla and Cupeno Indians, California [previously listed as Los Coyotes Band of Cabuilla & Cupeno Indians of the Los Coyotes Reservation]
- Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
- Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
- Lower Elwha Tribal Community [previously listed as Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington]
- Lower Sioux Indian Community in the State of Minnesota
- Lummi Tribe of the Lummi Reservation
- Lytton Rancheria of California
- Makah Indian Tribe of the Makah Indian Reservation
- Manchester Band of Pomo Indians of the Manchester Rancheria, California [previously listed as Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California]
- Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
- Mashantucket Pequot Indian Tribe [previously listed as Mashantucket Pequot Tribe of Connecticut]
- Mashpee Wampanoag Tribe [previously listed as Mashpee Wampanoag Indian Tribal Council, Inc.]
- Match-e-be-nash-she-wish Band of Pottawatomis Indians of Michigan
- Mechoopda Indian Tribe of Chico Rancheria, California
- Menominee Indian Tribe of Wisconsin
- Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
- Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
- Miami Tribe of Oklahoma
- Miccosukee Tribe of Indians
- Middletown Rancheria of Pomo Indians of California
- Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band [Nett Lake]; Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
- Mississippi Band of Choctaw Indians
- Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
- Modoc Nation [previously listed as The Modoc Tribe of Oklahoma]
- Mohegan Tribe of Indians of Connecticut [previously listed as Mohegan Indian Tribe of Connecticut]
- Monacan Indian Nation
- Mooretown Rancheria of Maidu Indians of California
- Morongo Band of Mission Indians, California [previously listed as Morongo Band of Cabuilla Mission Indians of the Morongo Reservation]
- Muckleshoot Indian Tribe [previously listed as Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington]
- Nansemond Indian Nation [previously listed as Nansemond Indian Tribe]
- Narragansett Indian Tribe
- Navajo Nation, Arizona, New Mexico, & Utah
- Nez Perce Tribe [previously listed as Nez Perce Tribe of Idaho]
- Nisqually Indian Tribe [previously listed as Nisqually Indian Tribe of the Nisqually Reservation, Washington]
- Nooksack Indian Tribe
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
- Northfork Rancheria of Mono Indians of California
- Northwestern Band of the Shoshone Nation [previously listed as Northwestern Band of Shoshoni Nation and the Northwestern Band of Shoshoni Nation of Utah (Washakie)]
- Nottawaseppi Huron Band of the Potawatomi, Michigan [previously listed as Huron Potawatomi, Inc.]
- Oglala Sioux Tribe [previously listed as Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota]
- Ohkay Owingeh, New Mexico [previously listed as Pueblo of San Juan]
- Omaha Tribe of Nebraska
- Oneida Indian Nation [previously listed as Oneida Nation of New York]
- Oneida Nation [previously listed as Oneida Tribe of Indians of Wisconsin]
- Omondaga Nation
- Otoe-Missouria Tribe of Indians, Oklahoma
- Ottawa Tribe of Oklahoma
- Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes [previously listed as Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)])
- Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
- Pala Band of Mission Indians [previously listed as Pala Band of Luiseno Mission Indians of the Pala Reservation, California]
- Pamunkey Indian Tribe
- Pascua Yaqui Tribe of Arizona
- Paskenta Band of Nomlaki Indians of California
- Passamaquoddy Tribe
- Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
- Pawnee Nation of Oklahoma
- Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
- Penobscot Nation [previously listed as Penobscot Tribe of Maine]
- Peoria Tribe of Indians of Oklahoma
- Picayune Rancheria of Chukchansi Indians of California
- Pinoleville Pomo Nation, California [previously listed as Pinoleville Rancheria of Pomo Indians of California]
- Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek, and Roaring Creek Rancheries)
- Poarch Band of Creeks [previously listed as Poarch Band of Creek Indians of Alabama]
- Pokagon Band of Potawatomi Indians, Michigan and Indiana
- Ponca Tribe of Indians of Oklahoma
- Ponca Tribe of Nebraska
- Port Gamble S'Klallam Tribe [previously listed as Port Gamble Band of S'Klallam Indians]
- Potter Valley Tribe, California
- Prairie Band Potawatomi Nation [previously listed as Prairie Band of Potawatomi Nation, Kansas]
- Prairie Island Indian Community in the State of Minnesota
- Pueblo of Acoma, New Mexico
- Pueblo of Cochiti, New Mexico
- Pueblo of Isleta, New Mexico
- Pueblo of Jemez, New Mexico
- Pueblo of Laguna, New Mexico
- Pueblo of Nambe, New Mexico
- Pueblo of Picuris, New Mexico
- Pueblo of Pojoaque, New Mexico
- Pueblo of San Felipe, New Mexico
- Pueblo of San Ildefonso, New Mexico
- Pueblo of Sandia, New Mexico
- Pueblo of Santa Ana, New Mexico
- Pueblo of Santa Clara, New Mexico
- Pueblo of Taos, New Mexico
- Pueblo of Tesuque, New Mexico
- Pueblo of Zia, New Mexico
- Puyallup Tribe of the Puyallup Reservation
- Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
- Quapaw Nation [previously listed as The Quapaw Tribe of Indians]
- Quartz Valley Indian Community of the Quartz Valley Reservation of California
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
- Quileute Tribe of the Quileute Reservation
- Quinault Indian Nation [previously listed as Quinault Tribe of the Quinault Reservation, Washington]
- Ramona Band of Cabuilla, California [previously listed as Ramona Band or Village of Cabuilla Mission Indians of California]
- Rappahannock Tribe, Inc.
- Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
- Red Lake Band of Chippewa Indians, Minnesota
- Redding Rancheria, California
- Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California [previously listed as Redwood Valley Rancheria of Pomo Indians of California]
- Reno-Sparks Indian Colony, Nevada
- Resighini Rancheria, California
- Rincon Band of Luiseno Mission Indians of Rincon Reservation, California
- Robinson Rancheria [previously listed as Robinson Rancheria Band of Pomo Indians, California]
- Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
- Round Valley Indian Tribes, Round Valley Reservation, California [previously listed as Round Valley Indian Tribes of the Round Valley Reservation, California]
- Sac & Fox Nation of Missouri in Kansas and Nebraska
- Sac & Fox Nation, Oklahoma
- Sac & Fox Tribe of the Mississippi in Iowa
- Saginaw Chippewa Indian Tribe of Michigan
- Saint Regis Mohawk Tribe [previously listed as St. Regis Band of Mohawk Indians of New York]
- Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona

- Samish Indian Nation [previously listed as Samish Indian Tribe, Washington]
- San Carlos Apache Tribe of the San Carlos Reservation, Arizona
- San Juan Southern Paiute Tribe of Arizona
- San Manuel Band of Mission Indians, California [previously listed as San Manuel Band of Serrano Mission Indians of the San Manuel Reservation]
- San Pasqual Band of Diegueno Mission Indians of California
- Santa Rosa Band of Cahuilla Indians, California [previously listed as Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation]
- Santa Rosa Indian Community of the Santa Rosa Rancheria, California
- Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
- Santee Sioux Nation, Nebraska
- Sauk-Suiattle Indian Tribe
- Sault Ste. Marie Tribe of Chippewa Indians, Michigan
- Scotts Valley Band of Pomo Indians of California
- Seminole Tribe of Florida [previously listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood, & Tampa Reservations)]
- Seneca Nation of Indians [previously listed as Seneca Nation of New York]
- Seneca-Cayuga Nation [previously listed as Seneca-Cayuga Tribe of Oklahoma]
- Shakopee Mdewakanton Sioux Community of Minnesota
- Shawnee Tribe
- Sherwood Valley Rancheria of Pomo Indians of California
- Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
- Shinnecock Indian Nation
- Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation [previously listed as Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington]
- Shoshone-Bannock Tribes of the Fort Hall Reservation
- Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
- Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
- Skokomish Indian Tribe [previously listed as Skokomish Indian Tribe of the Skokomish Reservation, Washington]
- Skull Valley Band of Goshute Indians of Utah
- Snoqualmie Indian Tribe [previously listed as Snoqualmie Tribe, Washington]
- Soboba Band of Luiseno Indians, California
- Sokaogon Chippewa Community, Wisconsin
- Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
- Spirit Lake Tribe, North Dakota
- Spokane Tribe of the Spokane Reservation
- Squaxin Island Tribe of the Squaxin Island Reservation
- St. Croix Chippewa Indians of Wisconsin
- Standing Rock Sioux Tribe of North & South Dakota
- Stillaguamish Tribe of Indians of Washington [previously listed as Stillaguamish Tribe of Washington]
- Stockbridge Muncie Community, Wisconsin
- Summit Lake Paiute Tribe of Nevada
- Suquamish Indian Tribe of the Port Madison Reservation
- Susanville Indian Rancheria, California
- Swinomish Indian Tribal Community [previously listed as Swinomish Indians of the Swinomish Reservation of Washington]
- Sycuan Band of the Kumeyaay Nation
- Table Mountain Rancheria [previously listed as Table Mountain Rancheria of California]
- Tejon Indian Tribe
- Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band; and Wells Band)
- The Chickasaw Nation
- The Choctaw Nation of Oklahoma
- The Muscogee (Creek) Nation
- The Osage Nation [previously listed as Osage Tribe]
- The Seminole Nation of Oklahoma
- Thlopthlocco Tribal Town
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
- Timbisha Shoshone Tribe [previously listed as Death Valley Timbi-sha Shoshone]
- Tohono O'odham Nation of Arizona
- Tolowa Dee-ni' Nation [previously listed as Smith River Rancheria, California]
- Tonawanda Band of Seneca [previously listed as Tonawanda Band of Seneca Indians of New York]
- Tonkawa Tribe of Indians of Oklahoma
- Tonto Apache Tribe of Arizona
- Torres Martinez Desert Cahuilla Indians, California [previously listed as Torres-Martinez Band of Cahuilla Mission Indians of California]
- Tulalip Tribes of Washington [previously listed as Tulalip Tribes of the Tulalip Reservation, Washington]
- Tule River Indian Tribe of the Tule River Reservation, California
- Tunica-Biloxi Indian Tribe
- Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
- Turtle Mountain Band of Chippewa Indians of North Dakota
- Tuscarora Nation
- Twenty-Nine Palms Band of Mission Indians of California
- United Auburn Indian Community of the Auburn Rancheria of California
- United Keetoowah Band of Cherokee Indians in Oklahoma
- Upper Mattaponi Tribe
- Upper Sioux Community, Minnesota
- Upper Skagit Indian Tribe
- Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
- Ute Mountain Ute Tribe [previously listed as Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, & Utah]
- Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
- Walker River Paiute Tribe of the Walker River Reservation, Nevada
- Wampanoag Tribe of Gay Head (Aquinnah)
- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)
- White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
- Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma
- Wilton Rancheria, California
- Winnebago Tribe of Nebraska
- Winnemucca Indian Colony of Nevada
- Wiyot Tribe, California [previously listed as Table Bluff Reservation—Wiyot Tribe]
- Wyandotte Nation
- Yankton Sioux Tribe of South Dakota
- Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
- Yavapai-Prescott Indian Tribe [previously listed as Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona]
- Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
- Yocha Dehe Wintun Nation, California [previously listed as Rumsey Indian Rancheria of Wintun Indians of California]
- Yomba Shoshone Tribe of the Yomba Reservation, Nevada
- Ysleta del Sur Pueblo [previously listed as Ysleta Del Sur Pueblo of Texas]
- Yurok Tribe of the Yurok Reservation, California
- Zuni Tribe of the Zuni Reservation, New Mexico

Native Entities Within the State of Alaska Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

- Agdaagux Tribe of King Cove
- Akiachak Native Community
- Akiak Native Community
- Alatna Village
- Algaciq Native Village (St. Mary's)
- Allakaket Village
- Alutiiq Tribe of Old Harbor [previously listed as Native Village of Old Harbor and Village of Old Harbor]
- Angoon Community Association
- Anvik Village
- Arctic Village (See Native Village of Venetie Tribal Government)
- Asa'carsarmiut Tribe
- Beaver Village
- Birch Creek Tribe
- Central Council of the Tlingit & Haida Indian Tribes
- Chalkyitsik Village
- Cheesh-Na Tribe [previously listed as Native Village of Chistochina]
- Chevak Native Village
- Chickaloon Native Village
- Chignik Bay Tribal Council [previously listed as Native Village of Chignik]
- Chignik Lake Village
- Chilkat Indian Village (Klukwan)
- Chilkoot Indian Association (Haines)
- Chinik Eskimo Community (Golovin)
- Chuloonawick Native Village
- Circle Native Community
- Craig Tribal Association [previously listed as Craig Community Association]
- Curyung Tribal Council
- Douglas Indian Association
- Egegik Village
- Eklutna Native Village
- Emmonsak Village
- Evansville Village (aka Bettles Field)
- Galena Village (aka Louden Village)
- Gulkana Village Council [previously listed as Gulkana Village]
- Healy Lake Village
- Holy Cross Tribe [previously listed as Holy Cross Village]
- Hoonah Indian Association

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Hughes Village	Native Village of Kotzebue	Oscarville Traditional Village
Huslia Village	Native Village of Koyuk	Pauloff Harbor Village
Hydaburg Cooperative Association	Native Village of Kwigillingok	Pedro Bay Village
Igiugig Village	Native Village of Kwinhagak (aka Quinhagak)	Petersburg Indian Association
Inupiat Community of the Arctic Slope	Native Village of Larsen Bay	Pilot Station Traditional Village
Iqummiut Traditional Council [previously listed as Iqurmiut Traditional Council]	Native Village of Marshall (aka Fortuna Ledge)	Pitka's Point Traditional Council [previously listed as Native Village of Pitka's Point]
Ivanof Bay Tribe [previously listed as Ivanoff Bay Tribe and Ivanoff Bay Village]	Native Village of Mary's Igloo	Platinum Traditional Village
Kaguyak Village	Native Village of Mekoryuk	Portage Creek Village (aka Ohgsenakale)
Kaktovik Village (aka Barter Island)	Native Village of Minto	Pribilof Islands Aleut Communities of St. Paul & St. George Islands (Saint George Island and Saint Paul Island)
Kasigluk Traditional Elders Council	Native Village of Nanwalek (aka English Bay)	Qagan Tayagungin Tribe of Sand Point [previously listed as Qagan Tayagungin Tribe of Sand Point Village]
Kenaitze Indian Tribe	Native Village of Napaimute	Qawalangin Tribe of Unalaska
Ketchikan Indian Community [previously listed as Ketchikan Indian Corporation]	Native Village of Napakiak	Rampart Village
King Island Native Community	Native Village of Nelson Lagoon	Saint George Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
King Salmon Tribe	Native Village of Nightmute	Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Klawock Cooperative Association	Native Village of Nikolski	Salamatof Tribe [previously listed as Village of Salamatoff]
Knik Tribe	Native Village of Noatak	Seldovia Village Tribe
Kokhanok Village	Native Village of Nuiqsut (aka Nooiksut)	Shageluk Native Village
Koyukuk Native Village	Native Village of Nunam Iqua [previously listed as Native Village of Sheldon's Point]	Sitka Tribe of Alaska
Levelock Village	Native Village of Nunapitluk	Skagway Village
Lime Village	Native Village of Ouzinkie	South Naknek Village
Manley Hot Springs Village	Native Village of Paimiut	Stebbins Community Association
Manokotak Village	Native Village of Perryville	Sun'aq Tribe of Kodiak [previously listed as Shoonaq' Tribe of Kodiak]
McGrath Native Village	Native Village of Pilot Point	Takotna Village
Mentasta Traditional Council	Native Village of Point Hope	Tangirnaq Native Village [previously listed as Lesnoi Village (aka Woody Island)]
Metlakatla Indian Community, Annette Island Reserve	Native Village of Point Lay	Telida Village
Naknek Native Village	Native Village of Port Graham	Traditional Village of Togiak
Native Village of Afognak	Native Village of Port Heiden	Tuluksak Native Community
Native Village of Akhiok	Native Village of Port Lions	Twin Hills Village
Native Village of Akutan	Native Village of Ruby	Ugashik Village
Native Village of Aleknagik	Native Village of Saint Michael	Umkumiut Native Village [previously listed as Umkumiute Native Village]
Native Village of Ambler	Native Village of Savoonga	Village of Alakanuk
Native Village of Atka	Native Village of Scammon Bay	Village of Anaktuvuk Pass
Native Village of Atkasuk [previously listed as Atkasuk Village (Atkasook)]	Native Village of Selawik	Village of Aniak
Native Village of Barrow Inupiat Traditional Government	Native Village of Shaktoolik	Village of Atmauthak
Native Village of Belkofski	Native Village of Shishmaref	Village of Bill Moore's Slough
Native Village of Brevig Mission	Native Village of Shungnak	Village of Chefornak
Native Village of Buckland	Native Village of Stevens	Village of Clarks Point
Native Village of Cantwell	Native Village of Tanacross	Village of Crooked Creek
Native Village of Chenega (aka Chanega)	Native Village of Tanana	Village of Dot Lake
Native Village of Chignik Lagoon	Native Village of Tatitlek	Village of Iliamna
Native Village of Chitina	Native Village of Tazlina	Village of Kalskag
Native Village of Chuathbaluk (Russian Mission, Kuskokwim)	Native Village of Teller	Village of Kaltag
Native Village of Council	Native Village of Tetlin	Village of Kotlik
Native Village of Deering	Native Village of Tuntutuliak	Village of Lower Kalskag
Native Village of Diomedea (aka Inalik)	Native Village of Tununak	Village of Ohogamiut
Native Village of Eagle	Native Village of Tyonek	Village of Red Devil
Native Village of Eek	Native Village of Unalakleet	Village of Sleetmute
Native Village of Ekuk	Native Village of Unga	Village of Solomon
Native Village of Ekwook [previously listed as Ekwook Village]	Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)	Village of Stony River
Native Village of Elim	Native Village of Wales	Village of Venetie (See Native Village of Venetie Tribal Government)
Native Village of Eyak (Cordova)	Native Village of White Mountain	Village of Wainwright
Native Village of False Pass	Nenana Native Association	Wrangell Cooperative Association
Native Village of Fort Yukon	New Koliganek Village Council	Yakutat Thingit Tribe
Native Village of Gakona	New Stuyahok Village	Yupit of Andreafski
Native Village of Gambell	Newhalen Village	[FR Doc. 2021-01606 Filed 1-28-21; 8:45 am]
Native Village of Georgetown	Newtok Village	BILLING CODE 4337-15-P
Native Village of Goodnews Bay	Nikolai Village	
Native Village of Hamilton	Ninilchik Village	
Native Village of Hooper Bay	Nome Eskimo Community	
Native Village of Kanatak	Nondalton Village	
Native Village of Karluk	Noorvik Native Community	
Native Village of Kiana	Northway Village	
Native Village of Kipnuk	Nulato Village	
Native Village of Kivalina	Nunakauyarmiut Tribe	
Native Village of Kluti Kaah (aka Copper Center)	Organized Village of Grayling (aka Holikachuk)	
Native Village of Kobuk	Organized Village of Kake	
Native Village of Kongiganak	Organized Village of Kasaan	
	Organized Village of Kwethluk	
	Organized Village of Saxman	
	Orutsarmiut Traditional Native Council [previously listed as Orutsarmiut Native Village (aka Bethel)]	

Exhibit II: Narrative Statement

The Tribe must demonstrate that the functions to be exercised by the Tribe pertain to the management and protection of water resources within the Tribe's reservation to support CWA §106 and §319 FAE applications. Funds available under CWA §106 and §319 may be awarded to an Indian Tribe, if EPA determines that the Indian Tribe meets the requirements set forth in 40 C.F.R. § 130.6(d)¹, and 40 C.F.R. §§ 35.583, 35.633, respectively. The regulations found at 40 C.F.R. § 130.6(d) provide that an Indian Tribe is eligible for a grant under CWA2 §106 and §319 if:

- 1. the Indian Tribe has a governing body carrying out substantial governmental duties and powers;*
- 2. the functions to be exercised by the Indian Tribe pertain to the management and protection of water resources which are held by an Indian Tribe, held by the United States in trust for Indians, held by a member of an Indian tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation; and*
- 3. the Indian Tribe is reasonably expected to be capable, in EPA's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of the Clean Water Act and applicable regulations.*

Narrative Statement for the Cabazon Band of Mission Indians Financial Assistance Eligibility (FAE) Application

General Background Information

The Cabazon Indian Reservation is found within the territory of the people known as the Desert Cahuilla, who became a separate linguistic and culturally independent tribe in approximately 1000 B.C. The Reservation is located on non-contiguous lands in the eastern half of the Coachella Valley, Riverside County, California. It is divided over four sections of land, Sections 19, 30, 32 are located in Township 5, Range 8 and Section 6 is located in Township 7, Range 9. These sections occur adjacent to the cities of Indio, Coachella and the unincorporated communities of Thermal and Mecca.

The Reservation was defined by Presidential Decree in 1876, as consisting of three parcels of raw desert totaling 2,400 acres. The tribe, consisting of 600 members during that period, has dwindled to fewer than 70 descendants. The reservation has decreased in area, to approximately 1,700 acres. Portions of reservation land were taken, first, by the Southern Pacific Railroad and later by the State of California. This land was used to create a railroad and an interstate right-of-way. What is now known as the City of Indio was created out of much of the acreage seized for the Southern Pacific Railroad.

Beginning in stark poverty, on sun baked, and land-locked property, the Cabazon Band of Mission Indians have utilized some expert assistance, and as a result, have created a flourishing array of businesses and opportunities for Tribal members, as well as providing employment opportunities for adjacent communities. After reorganizing themselves in 1980, the Tribe has developed a successful Tribal government. They elect a Tribal Chairperson (the five-member Business Committee) every four

¹ The requirements of 40 C.F.R. §130.6(d) are the same as those set forth in section 518(e) of the CWA.

² The requirements of 40 C.F.R. §130.6(d) are applicable to all CWA assistance programs administered under 40 C.F.R. Part 35, Subparts A, B and H.

years. They have established a Tribal Court, formed a Tribal Public Safety Department, and established a Tribal Services Department to coordinate health, education, employment, and housing programs.

The Tribe has developed an excellent administrative staff, nearly 30 personnel, who are working to bring prosperity to the Tribe, while seeking to protect the natural environment of the Reservation.

Water Conditions

Flooding

The Reservation lies in an area of very gentle slope, 0-2%. Diversion dikes have been built to the northeast which protect the All-American Canal, and subsequently, Section 19, Wasteway No. 3 serves to divert potential storm flows into the Whitewater River Channel, which occurs south of Interstate 10 and runs southwesterly through Sections 30 and 32 on the Reservation. The Whitewater Rivers serves as the principal drainage for the entire Coachella Valley. However, Section 6 of the Reservation occurs approximately 1.5 miles east of the Whitewater River and will not be able to directly channel flows to this facility.

Water Resources

Most of the Coachella Valley water supply, including that utilized by Tribal lands, draws from the Whitewater Subbasin, which covers approximately 400 square miles. From 1973 to 1988, the subbasin was recharged in the upper Coachella Valley by the Colorado River water brought west by Metropolitan Water District Facilities.

These facilities pass through the northern portion of the valley. Drought conditions in California and the Pacific Northwest in the past few years have caused the MWD to suspend the Coachella Valley's allocation. Continued drought conditions over a prolonged period could significantly impact long-term availability to recharge water. However, water already in storage has been estimated to be sufficient to address the valley's needs for the next 100 to 200 years. The water resource in this subbasin has been rated as "medium-hard, good quality".

Domestic water service is currently being supplied to Sections 19 and 30 by the City of Indio. Currently, service for Section 32 is provided by the City of Coachella. The water service for Indian Sands, the Tribe's housing development, will be supplied by future Tribal wells. Section 6 currently does not have domestic water service. However, there are two production wells and six monitoring wells located on reservation lands in Section 6. One of the production wells was drilled for the Colmac Energy Facility in the southern portion of the section. It produces approximately 800 gal/min and is approximately 800 feet deep. The other production well was drilled for the Ecology West Technology in the northwest corner of Section 6. It is approximately 600 feet deep and produces approximately 600 gals/min. The monitoring wells are located near the Ecology West facility and are all approximately 15 feet deep.

In Section 19, the Tribe has a well, approximately 400 feet deep that is currently supplying water for construction purposes. It will probably be used for fire and safety purposes in the future.

Tribal Capability

- I. Examples of previous general managerial experience and number of years, of the Cabazon Band of Mission Indians include:

- a. Cabazon Gaming Operations
 - b. Cabazon Public Safety Department, includes both fire and police protection by 56 POST certified officers
 - c. The Indian Trading Center
 - d. The Cahuilla Child Development Center
 - e. The Players Restaurant
 - f. Indian Sands Planned Community
 - g. The Cabazon Cultural Museum
 - h. Administration of numerous grants, including:
 - i. HUD Community Development Block Grant
 - ii. Dept. of Education Development Block Grant
 - iii. Aid to Native Americans Grant
 - iv. California Indian Manpower Consortium Grant
 - v. Aid to Tribal Government Grant
 - vi. Fire Protection Grant
 - vii. US Department of Commerce Economic Development Grant
- II. Examples of existing environmental or public health/safety programs administered by the Tribe:
- a. The Tribal Services Department coordinates all aspects of health, education, employment and housing for Tribal members.
 - b. The Tribe acts as the financial equivalent of the California EPA, regulating and monitoring industries on Tribal lands, including:
 - i. The Colmac Mecca biomass power plant
 - ii. Ecology West Technology soil remediation project
 - iii. DDH Enterprises fertilizer manufacturing
 - iv. Indian Sands Housing Development
 - v. All Gaming Operations
 - vi. Cahuilla Child Care Center
 - vii. Metropolitan Theaters Outdoor Market
- III. Existing staff resources (attached):
- a. Chief Executive Officer
 - b. Planning Director
 - c. Director of Public Safety
 - d. Associate Planner
 - e. Operations Director
 - f. Director, Cahuilla Child Development Center
 - g. Marketing Director
 - h. Director, Tribal Services Department
 - i. Code Enforcement Officer
 - j. Controller
 - k. Assistant Controller
 - l. Environmental Consultant

In addition, the Tribal Administration has a support staff of nineteen people.

The Tribe has identified the following as a potential inventory of individuals and organizations that could provide the necessary technical capability for a water quality assessment/pollution control program. We intend to enter into an agreement with one or more of the following should CWA §106 funds become available.

- a. U.S. Geological Survey
- b. Environmental Consultant
- c. Soil Conservation Services
- d. U.S. EPA Office of Pacific Island and Native American Programs
- e. U.S. EPA Office of Underground Storage Tanks, Region 9

7. Tribal accounting and procurement systems.

The Tribe's general accounting system is maintained by four Tribal bookkeepers and a private accounting firm. They handle all Tribal financial activities, including payroll, ledgers, accounts payable and receivable and program disbursements, in compliance with federal accounting regulations [2 CRF Part 200] and OMB Circular 87. The bookkeepers work with auditors to supply documentation of all financial transactions. Tribal books are audited yearly by Walter Otto and Associates. Please see Exhibits 13 and 14 for results of the separate [most recent] audits for the Tribal Administration and for Tribal Gaming.

The Tribe's procurement system meets the requirements as described in federal regulations [2 CFR Part 200].

8. Executive functions of the Cabazon Band of Mission Indians Tribal government are carried out the by Tribal Chairperson. Legislative functions are carried out by the five-member Tribal Council/Business Committee.

Exhibit III: Ordinance Addressing CWA §504 Authority

Ordinance Prohibiting the Discharge of Any Pollutant into [Tribal Waters on Tribal Trust] Land

The Tribal Council of the Big Lagoon Rancheria does hereby ordain as follows:

Section 1 – Findings and Declaration

The Tribal council for the Big Lagoon Rancheria finds and declares that:

1. It wishes to eliminate all discharges of pollutants into waters of the Big Lagoon Rancheria.
2. Elimination of all discharges of pollutants into waters of the Big Lagoon Rancheria is necessary at this time in order to maintain water quality for consumption and other domestic purposes by residences of the Rancheria.
3. This Ordinance is being enacted at this time as an emergency measure to maintain the quality of the Rancheria waters until such time as the Big Lagoon Rancheria Tribal Council can enact a new water ordinance comprehensively regulating water quality and discharge of pollutants on the Rancheria.

Section 2 – Prohibited Discharges

No person shall discharge any pollutant into the water of the Rancheria.

Section 3 – Definitions

For the purposes of this ordinance, the following words shall have the following meanings:

1. “Council” shall mean the Tribal Business Council of the Big Lagoon Rancheria.
2. “Person” shall mean any individual, corporation, firm, partnership, joint venture, association, social club, estate, trust, the United States, Tribe, State, County, City, District, or other political subdivision of any state or any other group or combination acting as a unit.
3. “Pollutant” means any substance that will alter the quality of the waters of the Rancheria.
4. “Quality of the water or water” means any chemical, physical, biological, bacteriological, radiological and other properties and characteristics of water which affects its use.
5. “Rancheria” means all land, air, and water located within the exterior boundaries of the Big Lagoon Rancheria or held in trust by the United States for the benefit of the Big Lagoon Rancheria.
6. “Water or Waters” means any water, surface or underground located on or running through the Rancheria.

Section 4 – Civil Penalty

Any person discharging any pollutant into the waters of the Rancheria shall pay a civil fine in an amount not to exceed one thousand dollars (\$1,000) for each day in which the violation occurs. The civil fine required by this section shall be imposed by any court of competent jurisdiction in accordance with sections 5 and 6 of this ordinance.

Section 5 – Clean Up and Abatement

Any person that discharges any pollutant into the waters of the Rancheria shall immediately, but in any case, not less than twenty-four (24) hours from the time of the discharge notify the Tribal Council of said discharge and shall fully disclose to the Tribal Council any and all information regarding the discharge, including but not limited to the type of pollutant discharged and any other information required by the Tribal Council. Any person who discharges any pollutant into the water of the Rancheria shall be liable for any and all costs associated with or necessary to clean up, abate or remove any pollutants from the waters of the Rancheria and restore the quality of the waters of the Rancheria to their condition as they existed immediately prior to the discharge.

Section 6 – Court Action and Injunctions

Upon failure of any person to comply with any of the provision of this Ordinance, the Tribal Council, by and through its attorney, shall petition a court of a competent jurisdiction for the issuance of an injunction requiring such a person to comply therewith. In any such suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, and to levy such fines in accordance with Section 4 of the Ordinance, as the facts may warrant.

Section 7 – Emergency Enforcement

Notwithstanding any other provisions of this ordinance, the Tribal Council, upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons or to the welfare of persons where such endangerment is to the livelihood of such persons, may bring suit on behalf of the tribe in any court of competent jurisdiction to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contribution to such pollution or to take such other action as may be necessary.

Section 8 – Effective Date

The Ordinance shall take effect immediately upon passage.

Certification

The foregoing Ordinance was passed at a Tribal Council meeting held on (date) by the following:

Vote: _____ For _____ Against _____ Abstain

(Authorized Signature)

Tribal Chairman

(Authorized Signature)

Tribal Secretary

Exhibit IV: Contingency Plan to Implement Authority Comparable to CWA §504

Contingency Plan Implementing Tribal Authority over Tribal Waters on Tribal Trust Lands

I: Purpose

To qualify for treatment as a state under the federal Clean Water Act, Environmental Protection Agency rules require that the tribe exercise emergency powers comparable to those granted the EPA Administrator under CWA Section 504 (54 Fed. Reg. 14358 (Interim Revision of 40 C.F.R. §35.260(b)) and have adequate contingency plans to implement such authority. This plan sets forth a statement of emergency tribal authority and the tribe's implementing contingency plans.

II: Emergency Powers

Section 7 of the Big Lagoon Rancheria Ordinance Prohibiting Discharge of Any Pollutant into the Waters of Reservation Lands establishes authority in the Tribal Council that is equivalent to that of the power granted the EPA Administrator under the Clean Water Act. Section 7 provides as follows:

SECTION 7 - EMERGENCY ENFORCEMENT

“Notwithstanding any other provisions of this ordinance, the Tribal Council, upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons or to the welfare of persons where such endangerment is to the livelihood of such persons, may bring suit on behalf of the tribe in any court of competent jurisdiction to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contribution to such pollution or to take such other action as may be necessary.”

III: Contingency Plan

Since all lands subject to tribal regulation under the tribe's Ordinance are trust lands, the Tribe may exercise both regulatory authority, and authority as beneficial owners of the land and resources at issue. Discharge of prohibited pollutants in or on tribal territory, in addition to violating tribal standards subjecting a violator to civil penalties, is unlawful and an unauthorized use of tribal resources and thus may be immediately restrained.

The Tribal Council, upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons or to the welfare of persons where such endangerment is to the livelihood of such persons, by and through its attorney, shall petition a court of a competent jurisdiction for the issuance of an injunction to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contribution to such pollution or to take such other action as may be necessary.

The Tribal Council, by and through its attorney, shall select a judicial forum in which to petition for injunctive relief according to the following priorities:

1. The forum's jurisdiction over all parties to dispute is certain.

- 2. A clear and definite mechanism is available to enforce the court’s orders protecting the water resource.
- 3. Tribal law will be applied.

Certification:

The foregoing Ordinance was passed at a Tribal Council meeting held on (date) by the following:

Vote: _____ For _____ Against _____ Abstain

(Authorized Signature)

Tribal Chairman

(Authorized Signature)

Tribal Secretary

CWA §504 Emergency Powers

CWA § 504: “Notwithstanding any other provisions of this Act, the Administrator upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons or to the welfare of persons where such endangerment is to the livelihood of such persons, such as the inability to market shellfish, may bring suit on behalf of the United States in the appropriate district court to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contributing to such pollution or to take other such actions as may be necessary.”

Exhibit V: Sample CWA §319 FAE Application Submittal Letter

March 1, 2022

EPA Region 9 Regional Administrator ³
Cc: WTR 3-1 Manager
U.S. Environmental Protection Agency, Region 9 (WTR-3-1)
75 Hawthorne Street
San Francisco, California 94105-3901

Dear Sir or Madam:

This letter and enclosures constitute the Stovell Indian Tribe's application for Financial Assistance Eligibility (FAE) for the Nonpoint Source Control Program under the Clean Water Act's (CWA) Section 319.

As you are aware, the CWA requires the following criteria to be met with respect to FAE approvals:

1. The Indian Tribe is Federally recognized by the Secretary of the Interior and exercises governmental authority over a Federal Indian Reservation.
2. The Indian Tribe is a governing body carrying out substantial governmental duties and powers.
3. The functions to be exercised by the Indian Tribe pertain to the management and protection of water resources which are held by an Indian Tribe, held by the United States in trust for Indians, held by a member of an Indian Tribe, if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation.
4. The Indian Tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of the Act and of all applicable regulations. The Tribe must demonstrate adequacy in the following areas:
 - a. Previous or potential general managerial experience.
 - b. Existing environmental or public health programs administered by the Tribe in place.
 - c. Accounting and procurement systems of the Tribe in place.
 - d. The executive, legislative, and judicial functions of the Tribe in place.
 - e. Existing or proposed staff resources and stability and continuity of staff.

With respect to this application, criteria 1 through 4 were addressed in and satisfied by the Stovell Indian Tribe's CWA Section 106 FAE application, which was approved by and is on file in your office. Further, there have not been any changes with respect to the above since the time of our application's approval.*

To further demonstrate the fourth criterion, especially items (4)(e), the Stovell Indian Tribe has enclosed the resumes and qualifications of [names of environmental programs staff] and of [name of environmental consulting firm, if applicable] an environmental consulting firm, that together with our

³ The letter is addressed to the EPA Region 9 Regional Administrator. In addition, the application should be e-mailed to [CWA Project Officer](#).

* If the CWA Section 106 FAE application is not current or requires revision, the updated and revised documents should be submitted with and described in the submittal letter.

own staff, will provide the technical and administrative capability for developing and managing a NPS program.

If you have any questions regarding this letter or the enclosed materials, please call *[EPA Project Officer name and phone number]*. We look forward to continued interaction with your staff concerning the management and protection of the quality of our resources.

Sincerely,

(Authorized Signature)

President

List of enclosures:

Exhibit VI: EPA Tribal Contacts/Project Officers

Tribal Clean Water Section (WTR 3-1), EPA Region 9			
Jason Brush, Supervisor (415) 972-3483			
Staff	Contact Info	Region	Tribe
Danielle Angeles	(415) 972-3441	So. CA	Cahuilla, Morongo, San Manuel, Ramona, Santa Rosa Band, Soboba
		AZ	Havasupai, Hualapai, Hopi, Kaibab, Navajo Nation
Howard Kahan	(415) 972-3143	Central CA	Big Pine, Big Sandy, Bishop, Cold Springs, Ft. Independence, Lone Pine, Owens Valley Indian Water Commission, Picayune, Santa Rosa Rancheria, Table Mountain, Timbisha, Tule River, Tuolumne, Utu Utu Gwaitu (Benton)
Licia Maclear	(415) 972-3161	So. CA	Campo, Jamul, La Posta, Los Coyotes, Manzanita, Mesa Grande, Pala, Pauma, Pechanga, Rincon, Santa Ynez, Santa Ysabel, San Pasqual, Viejas
Lawrence (Larry) Maurin	(415) 972-3943	No. CA	Bridgeport
		NV	Fallon, Walker River, Yerington, Moapa, Pyramid Lake, Washoe, Yomba, Duck Valley, Duckwater, Goshute, South Fork, Summit Lake
Kate Pinkerton	(415) 972-3662	No. CA	Big Valley, Cahto, Coyote Valley, Dry Creek, Elem, Graton, Hopland, Kashia, Middletown, Pinoleville, Redwood Valley, Robinson Rancheria, Sherwood Valley, Upper Lake
Amaya Simpson	(415) 972-33775	No. CA	Cedarville, Chicken Ranch, Fort Bidwell, Mechoopda, Mooretown, Tuolumne
Peitzu (Phoebe) Song	(415) 972-3303	No. CA	Buena Vista, Kletsel Dehe (Cortina), Pit River, Redding, Shingle Springs, Susanville
Sofia Sotomayor	(415) 972-3585	So. CA	Agua Caliente, Augustine, Cabazon, Twenty-Nine Palms, Torres Martinez, La Jolla, Los Coyotes, Santa Ysabel
Loretta Vanegas <i>Contact for 1st Time Applicants</i>	(415) 972-3433	No. CA	Bear River/Rohnerville, Big Lagoon, Blue Lake, Elk Valley, Hoopa Valley, Karuk, Klamath Consortium, Quartz Valley, Resighini, Round Valley, Tolowa Dee-ni', Trinidad, Wiyot/Table Bluff, Yurok
		AZ	San Carlos, White Mountain Apache
Kelli Williams	(415) 972-3434 williams.kelli.m@epa.gov * .gov	AZ	Ak-Chin, Gila River, Fort McDowell, Salt River, Chemehuevi, Colorado River Indian Tribes (CRIT), Fort Mojave, Cocopah, Quechan, Tohono O'odham, Yavapai-Apache, Yavapai-Prescott

* Note: All e-mail addresses are lastname.firstname@epa.gov unless otherwise noted