

**STEWARTS POINT RANCHERIA
KASHIA BAND OF POMO INDIANS**



**KASHIA NONPOINT SOURCE
MANAGEMENT PLAN**

Presented by

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UPDATED: JANUARY 2017

Presented to

**USEPA Region IX
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KASHIA BAND OF POMO INDIANS OF STEWARTS POINT RANCHERIA NONPOINT SOURCE MANAGEMENT PLAN

1.0 OVERVIEW

The nature of nonpoint source (NPS) pollution presents significant difficulties with monitoring and management. At Stewarts Point Rancheria (SPR) and in the Wheatfield Fork of Gualala River (WFGR) watershed, most NPS is caused by sedimentation and thermal alteration from timber operations. In recent years however, conversion of timberland to vineyards has become a significant threat as well. Vineyards pose a risk in terms of stream diversions, pesticide use and excessive capture of runoff in reservoirs. Additional NPS are caused by illegal landfills, agricultural run-off, impoundment or modification of water flow through the use of catchment basins for irrigation, non-native plant and animal introductions, and erosion associated with roadways. Construction and urban NPS are minor components of total nonpoint pollution at SPR and in the WFGR watershed.

SPR's NPS Management Program will emphasize improved monitoring and prevention to minimize future rehabilitation needs. The prevention program will rely on education of Tribal members, school children and neighbors in the community. In addition to education, the Management Program will emphasize technical assistance and financial incentives to land-users in WFGR watershed to voluntarily implement BMPs to prevent or mitigate impairment. The priority given to the WFGR watershed was determined by SPR's sole dependency on this as a water source.

2.0 INTRODUCTION

The goal of the Nonpoint Source (NPS) Management Program is to outline a broad technical, policy and legal approach to address current conditions and protect future water quality and quantity, watershed condition, and aquatic/riparian habitat at SPR and within the surrounding watershed. Total Tribal lands within the Gualala River watershed consist of 1,239.85 acres, 551.85 of which are designated as Tribal Trust land and 688 of which are designated as conservation easement land. Figure 1 details location and property boundaries on SPR.

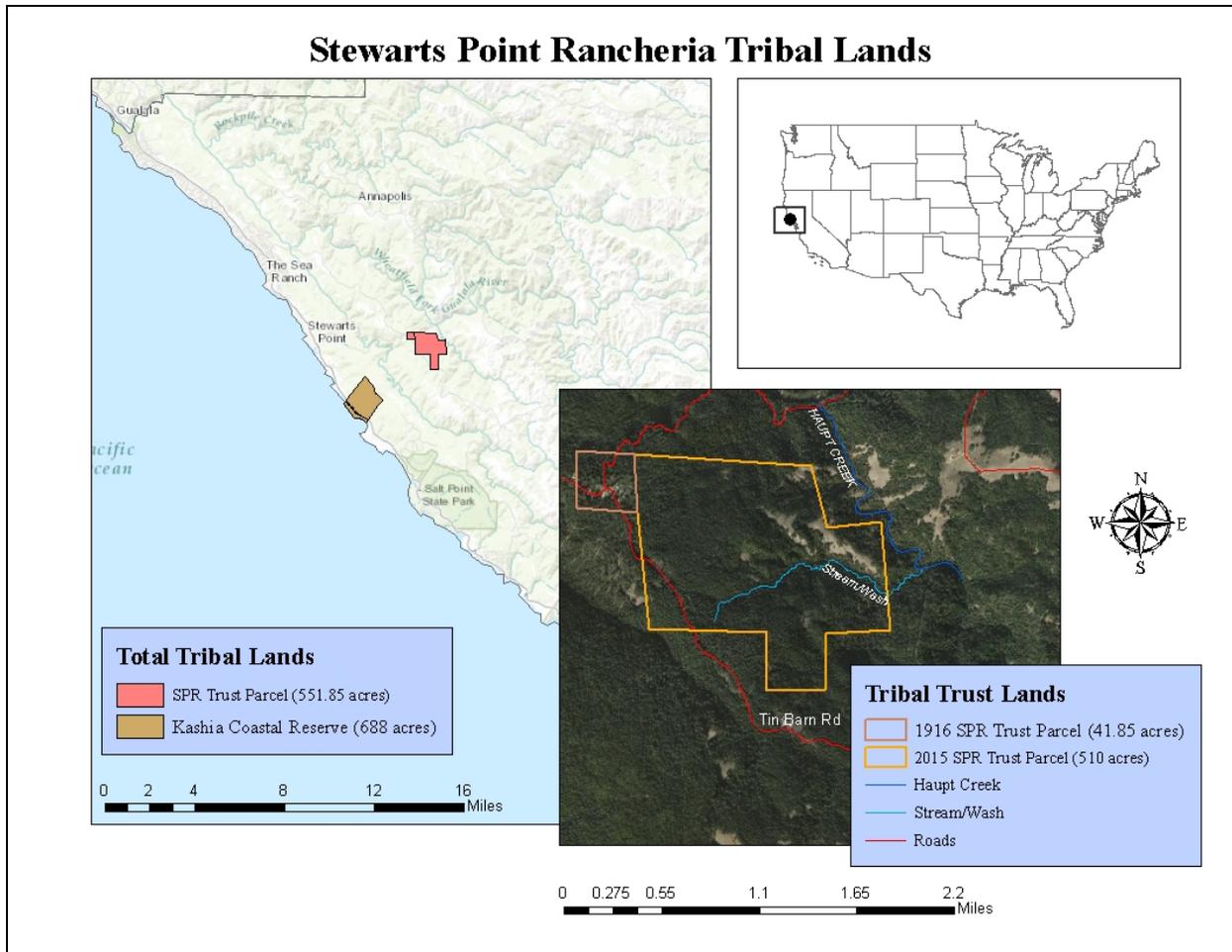


Figure 1. Stewarts Point Rancheria

The objectives of the NPS management program are to ensure the Tribe's beneficial uses of surface and subsurface water within the basin and to protect high quality waters and improve substandard water quality conditions in the WFGW watershed through:

- (1) Administration, improvement, and enforcement of federal, state, and Tribal laws, codes and regulations pertaining to land use and water quality.
- (2) Design and install on-the-ground projects to assist water quality protection and restoration and implementation of BMPs where found to support water Quality improvements.
- (3) Public involvement and education through newsletters, presentations, school assemblies and other means.
- (4) Monitoring of water quality for detection of trends, determination of beneficial impacts due to projects or implementation of BMPs, location of chronic and acute sources of NPS, and compliance with standards and criteria.

- (5) Coordinated efforts throughout the Gualala River system as a whole to ensure a holistic watershed ecosystem approach and reduce the redundancy of efforts.

The primary source of domestic water for the Rancheria is the Gualala River. Ephemeral streams, streams and a groundwater body comprise the Tribe’s water resources. All known water resources within Tribal lands are shown in Figure 2.

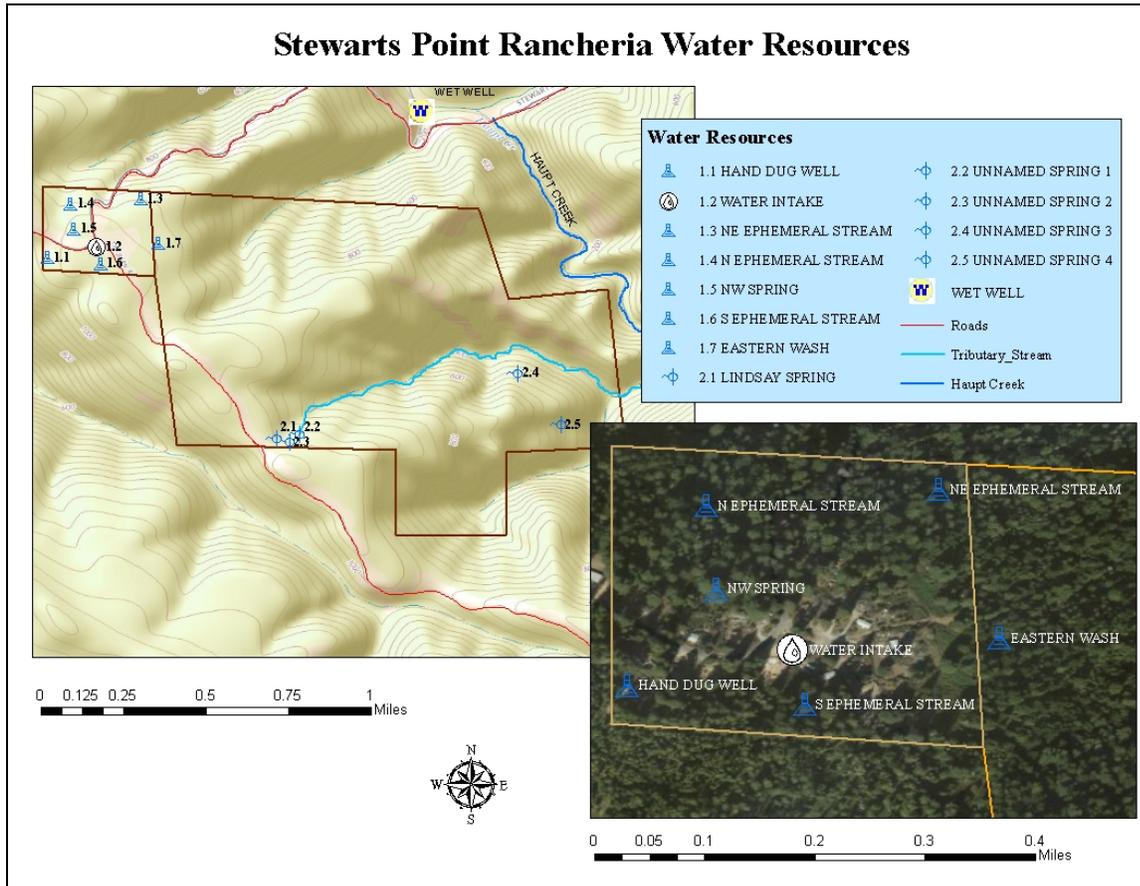


Figure 2. Water Bodies on Stewarts Point Rancheria

3.0 MANAGEMENT PROGRAM SUMMARY

The Kashia Band of Pomo Indians of the Stewarts Point Rancheria’s constitution establishes the Tribe’s jurisdiction and regulatory authority over its Reservation including the use and quality of its water resources. The letter from Rapport and Marston Attorney to the USEPA Region IX Administrator, Felicia Marcus dated March 17, 2000 (Appendix A) certified SPR’s authority over its 41.85 reservation, including its water resources. The Tribe is currently seeking Treatment as a State status for 510 acres of newly incorporated trust land.

On March 15, 1999, the Tribe established a Department of Environmental Planning (DEP). The DEP develops, plans, coordinates, and monitors all Tribal environmental programs and activities. A Director of Environmental Planning, an Environmental Planner/Water Resource Specialist,

and an Environmental Technician were hired to staff the department. DEP's mission is to protect the Rancheria's air, land and water from pollution and to provide for the health and safety of its residence through a cleaner environment. DEP received its first non-competitive CWA 319 grant in 2013 and with the approval of CWA 319 eligibility, DEP sought resources to develop and implement the nonpoint source management program according to this plan, such as BIA Water Resources Grants. New staff was added to serve the program and assist with moving the program forward. An organizational chart that shows where the environmental staff is placed within the current organizational structure is attached (Appendix B).

Aid to Tribal Government funds has afforded the Tribe the opportunity to employ key administrative staff: Tribal Administrator, Fiscal Officer, Administrative Assistant, Fiscal Assistant, and Receptionist. These key staff members conduct the day to day business necessary to enhance the Tribe's ability to manage contracts and grants, thus strengthening competency in self-governance. The Tribal Administrator is delegated the authority to manage programs and personnel, under the direction of the Tribal Council. The Fiscal Department ensures Tribal compliance with applicable federal rules and regulations that govern record keeping and fiscal accounting for Tribal programs, including the Single Audit Act, 40 CFR 31.36, OMB Circular A-133, A-102, and A-87.

4.0 MANAGEMENT PROGRAM DESCRIPTION

As described in the Kashia Nonpoint Source Assessment Report (2016), potential contaminations that pose threats to SPR's water sources include:

- Potential marijuana cultivation/ chemigation,
- Pesticide use by both timber land managers and vineyard operators,
- Timberland/vineyard conversion planning,
- Right of way herbicide application,
- UST (underground storage tank) presence,
- Watershed grazing densities/impacts,
- Sanitary sewer overflow,
- Household hazardous waste contamination (including automotive fluids),
- Leaching of soil contaminations from burn pile, home demolition, and solid waste clean-up activities
- Erosion from logging roads and ranch roads
- Future housing/infrastructure development

A number of management programs were proposed in the 2011 Nonpoint Source Management Plan. Since 2011 threats associated with Rancheria-based nonpoint source pollution concerns have changed. In this plan, the Tribe proposes the continuance of established management programs and proposes the establishment of additional management programs to address these changing conditions. Adjustments to current programs are described below. These nonpoint sources programs and activities are recommended for the protection and restoration of water

quality, watershed condition, and aquatic/riparian habitat at SPR and within the surrounding watershed. This will provide for the beneficial uses of surface and subsurface water sources within the Rancheria for the Stewarts Point Rancheria Tribal Community.

CURRENT MANAGEMENT PROGRAMS

4.1 Improve Wastewater Treatment System Capability: Promote Water Conservation, Water Reuse and Greywater Systems/Develop Standards and Requirements for Septic Tank or Small Alternative Systems

Purpose and Need: Under the 2011 Nonpoint Source Management Plan, DEP recommended the development of standards and requirements for septic tanks and small alternative systems. IHS informed the Tribe that the existing wastewater treatment system and leachfield have reached capacity. IHS suggested the Tribe explore individual or small community septic tank systems for new homes. While this was initially suggested, it was not what the DEP decided to do working with KUD. Instead an Orenco Advantex System was installed, eliminating the need for individual septic tanks at current homes. While DEP expects the amount of e. coli and bacteria to decrease over time as a result of the Orenco System, there are additional strategies DEP can take to reduce the amount of wastewater currently being treated by the system and reduce the need for larger leachfields. Incorporating a strategy aimed at water conservation, water reuse and structural design improvements, such as the installation of greywater systems, would increase the tribe's wastewater treatment system capabilities. Providing improvements to SPR's wastewater treatment system will be protective of water quality, and minimize risks to public health due to system failures.

Goals and Objectives: The goal of this task is to reduce the risk of pollutants entering tribal water sources by improving current septic system capabilities. Objectives are to 1) assess the need of future homes to have individual septic systems or have an additional Orenco pod installed, work cooperatively with EPA, IHS and other agencies to identify existing standards for septic and small alternative tanks, evaluate those standards given conditions and constraints at the Rancheria, 2) educate the tribal community about the importance of water conservation and the benefits associated with water re-use and greywater systems and 3) provide for the future installation of greywater systems on SPR.

Approach/Responsibilities: In assessing the need for individual septic tanks for new homes, DEP will contact companies that make septic tank and small alternative systems, conduct internet searches, and contact EPA, IHS, other agencies, and Tribes that have septic tank and small alternative systems to obtain information on design, construction, performance, costs, and standards. DEP will evaluate and compile the information (summary report), and develop a set of standards applicable to conditions at the Rancheria. If DEP finds new homes should have individual septic systems, DEP will establish draft standards for the Tribe's review and comment and then will finalize them (final standards). In addition, DEP will provide educational material to tribal members promoting direct action water conservation techniques. DEP will research outside funding opportunities to implement water conservation strategies. DEP will research

costs and benefits associated with the installation of greywater systems as a water conservation technique. DEP will produce a report on potential water savings associated with installing a greywater system. DEP will compile and provide educational material for distribution regarding greywater systems and benefits. DEP will implement a pilot project installing a limited amount of greywater systems on SPR with approval of project by Tribal Council.

Environmental Outcome/Results: The Tribe will have determined the type of septic system new homes will receive and established septic tank and small alternative systems standards that will be protective of public health and water quality based on DEP's assessment. The effectiveness of the Orenco system will be tested through sampling to see if the level of contaminants have changed since first installed. Educational materials concerning water conservation and greywater systems will have been developed and the Tribe will have the ability to make an informed decision regarding the installation of greywater systems. This will serve up to 80 current Tribal members and future Tribal members living on the Rancheria and other residents living in the same watershed and using the same water source for a source of drinking water.

4.2 Plan, Coordinate, and Conduct Household Hazardous Waste Roundup

Purpose and Need: In April 2011, a water pollution incident was reported in the South Ephemeral Stream of the Rancheria. Laboratory analysis indicated that there were high levels of metal contamination. There are currently 17 homes, a Community Center on the Rancheria and a school at the west boarder that services students starting Kindergarten to 8th Grade from the Rancheria. Investigation on the incident did not lead to any point source. Potential sources of contamination included, but not limited to, household hazardous waste, automotive fluids and illegal dumping. Household hazardous wastes accumulate in these homes because most of the Tribal members living at the Rancheria do not have means or transportation to participate in county household hazardous waste roundups. DEP proposes to plan, coordinate, and conduct up to two household hazardous waste roundups per year at the Rancheria. This will help reduce the quantity of household hazardous materials at the Rancheria and the risk of a spill.

Goals and Objectives: The goal of this project is to remove household hazardous waste from the Rancheria. The objectives are to identify safe transportation means to county roundups for household hazardous wastes, safely transport the household hazardous wastes, and provide educational materials and information to the community on waste reduction and reuse, and substitutes for household hazardous wastes.

Approach/Responsibilities: DEP will compile and update educational information for the Tribe on household hazardous wastes, waste reduction, reuse, and alternative uses, and distribute it to Tribal members (educational information). DEP will contact the county and obtain information on roundup dates, and safe transport. DEP will coordinate up to 2 dates for collection of household hazardous wastes at Tribal members' homes and delivery to the roundup location. Roundup quantities and activities will be reported in DEP's newsletter and quarterly reports (photos and quarterly report summary).

Environmental Outcome/Results: The Tribe will remove up to 100 gallons of household hazardous waste from the Rancheria, and safely transport it to county roundups. In the past year, during KDEP's Tire and Electronics Removal event, 145 tires and 12 cubic yards of electronic waste were removed for 2015. This will reduce the risk of a spill of toxic household materials, and reduce the quantity of materials taken to sanitary landfills.

4.3 Plan and Implement Burn Pile Assessment

Purpose and Need: The Tribe updated its Solid Waste Management Plan in 2015. The Tribe implemented cleanup projects in 1999, 2001, 2002, 2005, 2009, 2011, 2014 and 2015 using some of its own funds, assistance from IHS and Northern Circle Indian Housing Authority, EPA GAP, BIA and Cal-Recycle funds. Prior to garbage service at the Rancheria, residents used community dumpsites (that DEP cleaned up), and dug pits near their homes, and burned garbage in these pits. The garbage included rugs, mattresses, cans, jars, and other domestic materials. Residents report that some of the materials could not be burned completely and remained in the pit. Some burn piles may be as deep as 6 feet below grade. In order to determine whether these sites pose a risk to public health and water quality, DEP requests funds to assess and document burn pit location, depth, existing conditions, and proposed actions. The only active burn piles now are typically for burning vegetative material, but occasionally we find someone still burning trash. In these instances, sometimes environmental education regarding this practice is all that is needed and will be implemented; in other cases, enforcement actions may need to be considered.

Goals and Objectives: The goals of this project are to assess burn piles at the Rancheria to make a preliminary determination as to the risk to public health and water quality, and develop a plan of action. The objectives are to collect information from residents regarding burn pile practices, identify burn pile locations, and develop an assessment plan including a plan of action.

Approach/Responsibilities: DEP will 1) meet with residents at each home and discuss past burn pile practices, 2) work with each resident to identify the location and approximate dimensions of the burn pit, 3) take GPS readings to map burn pile locations, 4) load GPS readings into GIS and generate a map, 5) dig small test pits at burn pile locations where prior information regarding location and depth is not available, 6) document conditions at each location, 7) evaluate physical and environmental conditions at each location, 7) make a preliminary determination as to the risk to public health and water quality, 8) prepare an assessment plan that includes a plan of action for each site, and 9) prepare and distribute educational materials to the community (assessment plan, photos, educational materials).

Environmental Outcome/Results: The Tribe will have a preliminary assessment of the risk to public health and water quality, a plan of action for addressing burn pile conditions, and educational materials and outreach to the community regarding burn piles and health effects.

4.4 Soil Sampling and Analysis Plan/Quality Assurance Project Plan

Purpose and Need: Soil contaminations from demolished houses and dumpsites are potential causes of water quality nonpoint source at SPR. Many of the Rancheria houses that were built prior to 1970 were demolished in the past without a lead-based paint or asbestos assessment. The residues from these activities might potentially cause soil contaminations that can leach into the SPR water bodies and impact the water quality of the Rancheria. The Tribe proposes to perform soil sampling on closed dumpsites and demolished house locations on the Rancheria. Soil sampling and analysis results will allow the Tribe to assess any potential soil contamination that might leach and impact the water quality of the Rancheria.

Goals and Objectives: The goal is to develop a plan to evaluate concentrations of contaminants in soil at dump cleanup sites and former housing sites. The objectives are to identify the number of samples, the location of samples, the chemicals of concern, and complete preparation of a SAP that meets EPA requirements.

Approach/Responsibilities: DEP will 1) perform a statistical analysis to determine the number of samples and sample locations, 2) identify a certified laboratory, 3) obtain laboratory QAPP information, 4) prepare a rough draft SAP/QAPP, 5) consult with EPA to discuss the proposed plan and identify additional information needs, 6) finalize the draft for Tribal and EPA review, 7) incorporate EPA and Tribal comments, and 8) send the draft to EPA for final approval (SAP/QAPP). This SAP is meant to be a one-time event, not an ongoing soil monitoring program.

Environmental Outcome/Results: The Tribe will have developed a plan to characterize soils at 25 dumps sites, including old home sites. Soil sampling and analysis results will allow the Tribe to assess any potential soil contamination that might leach and impact the water quality of the Rancheria.

4.5 Build Capacity in Tribal Adults and Youth through Environmental Education

Purpose and Need: Environmental education is an important activity that helps prevent environmental pollution and reduces the number of environmental enforcement actions. The Tribe believes building capacity in the Tribal community ensures that Tribal members who understand their environment and culture can participate in and continue the work of the Tribal DEP in the future.

Goals and Objectives: The goal of this task is to ensure that Tribal youth and adults receive environmental education and information on environmental subjects that are most relevant to the Tribe and the Rancheria. The objectives are to identify environmental topics of interest, compile and prepare educational information, distribute and present the information, plan, coordinate, and conduct educational activities, and develop plans on specific topics of interest.

Approach/Responsibilities: DEP will 1) identify environmental topics of interest to and relevant to the Tribe, 2) compile, distribute, and present the information to Tribal adults and youth, 3) plan, coordinate and conduct at least 2 environmental field trips (report with photos) and activities within 60 miles of the Rancheria, plan, per year 4) coordinate and conduct outreach at the Tribal Annual Picnic (reports with photos), 5) request and coordinate attendance of up to three Tribal members with interest in the environment at conferences with DEP staff, 6) receive community input on priorities and environmental concerns at Community Meetings and through the Environmental Committee, and 7) provide educational information on NPS topics in the Tribal Newsletters, up to 4 newsletters each year. DEP will use educational presentations at Tribal meetings, door-to-door consultations, and informational handouts including children's activity material. One of the activities will include Tribal participation in preparing educational information on native and non-native plants on the Rancheria and their uses, and a plan for possible removal of non-native species and restoration of native species (information and plan). Another activity will include developing educational materials and a plan (plan) for addressing the impact of Sudden Oak Death on Tribal cultural/environmental resources, and water quality from the die-off of numerous trees and the resulting erosion problems.

Environmental Outcome/Results: This task will allow the Tribe to build environmental capacity and interest with tribal members resulting in better environmental compliance and less environmental pollution attributable to tribal members.

4.6 Build Capacity in DEP Staff through Training, Workshops, and Conferences

Purpose and Need: Train additional tribal employee(s) to provide environmental education and training for Tribal members. Train and hire additional Tribal members to assist in monitor and survey activities within the WFGR watershed to assess the status of the water quality. DEP continues outreach out to the Tribal community and uses information from trainings to educate other Tribal members. Training activities lay the foundation for successfully completing Management Program tasks and enabled DEP to develop environmental planning documents and maps. Environmental capacity building in the Native American community is very important to the Tribe.

Goals and Objectives: The goal of this task is to ensure continued DEP staff environmental capacity-building in media that are most relevant to Tribal environmental concerns. The objectives are to send two staff members who are Tribal members to workshops and conferences that address topics in the NPS Management Program, to network, and attain a sufficient level of understanding in specific environmental topics to successfully complete Management Program tasks. DEP will also send two other staff members to trainings for capacity building and networking with other Tribes and agencies.

Approach/Responsibilities: The DEP Director will research and schedule training for DEP staff. The DEP Monthly Staff Reports will document specific training attended and

the outcome (training handouts). It is anticipated that the following trainings would be attended:

- Annual Region 9 EPA/Tribal Conference (at least 2 staff members. Tribal members will be included as funding allows.)
- Preparation of Soil SAPs and QAPPs Workshop
- Emergency Response Planning Workshop
- Water Quality Workshop
- Various certification courses as needed to build environmental capacity

Environmental Outcome/Results: Capacity-building for DEP Staff that assists the Tribe in successfully completing Management Program tasks and compliance with grant requirements.

PROPOSED MANAGEMENT PROGRAMS

4.7 Plan for and Promote Green Infrastructure and Low Impact Development

Purpose and Need: As the tribe expands its' land base and capacity for future development activities, urban runoff related impacts are expected to increase. Impacts to both water quantity and water quality are a concern. Pollutants produced by developed residential areas come from solid and hazardous waste, pet waste, toxic substances from automotive repair activities and failures in septic systems. Effectively managing the amount of runoff and the amount of pollutants in the water is critical in reducing urban runoff related impacts. Promotion of green infrastructure and low impact development projects would provide an alternative storm water management practice to effectively control the amount of runoff entering the ecosystem. Unlike conventional storm water management practices, green infrastructure and low impact development manages runoff at the source by limiting the amount of impervious surfaces and promoting infiltration into the ground, thus providing groundwater recharge. Common practices include the use of rain barrels/cisterns, rain gardens, permeable pavement and green roofs.

Goals and Objectives: The goal of this task is to reduce the amount of urban runoff by promoting green infrastructure and low impact development on existing and future residential, community and commercial infrastructure. Objectives are to 1) educate community members about the benefits and types of green infrastructure and low impact development projects and 2) develop standards and requirements regarding storm water management that allows incorporation of green infrastructure and low impact development into SPR's land use planning.

Approach/Responsibilities: DEP will research and compile educational material regarding green infrastructure and low impact development strategies and benefits for distribution to tribal members. DEP will utilize the current tribal community center, which has plans for the installation of a rainwater catchment system, as a demonstration model to educate tribal members about rainwater harvesting. An ordinance promoting green infrastructure and low impact development will be developed and presented to the General Council for community approval.

Environmental Outcome/Results: The tribe will have incorporated the use of green infrastructure and low impact development into their land use planning, and minimized the effect of urban runoff from future development. This will increase the resilience of the surrounding ecosystem, thus increasing the tribe's ability to adapt to any changing climatic conditions that may occur.

4.8 Forestry Management and Timber Harvesting Planning

Purpose and Need: The 2003-2017 Forestry Management Plan developed by the BIA, does not consider the newly acquired tribal trust and fee lands. Now that SPR has included an additional 510 acres of forested land and 680 acres of conservation land to its land base, the tribe needs to determine how they want to manage the new land. The trust lands have a history of logging. The original 41.85 acres of trust lands was last logged in the 1980's and the newly acquired trust lands adjacent to the original Rancheria, was last logged in the 1990's. Assessing any potential impacts from logging activities should be evaluated. Forestry management activities expected to occur on the property include fuel reduction and pest and disease control activities. Monitoring of these activities will be necessary to minimize sedimentation, prevent channel blockages and avoid runoff associated with pesticides. The Tribe may plan a harvest on the new trust lands. This should be included.

Goals and Objectives: The goal of this task is to reduce the amount of NPS pollution entering tribal waterways as a result of sedimentation from logging activities and management practices. Objectives are to develop an assessment report on the current status of the land in terms of erosion potential, identify areas in need of protection and develop standards and requirements about how the land should be maintained to minimize sedimentation and promote forest health.

Approach/Responsibilities: DEP will 1) identify and assess areas where historical logging has occurred, 2) determine whether these areas pose a significant risk to water quality, 3) determine the need for Riparian Management Zones (RMZs) and guidelines for establishment, 4) develop standards and requirements to minimize NPS pollution from forest management activities and 5) submit these standards and requirements for the tribe's review.

Environmental Outcome/Results: The tribe will have the ability to develop a plan of action to address logging impacts on the land. In addition, standards and requirements protective of water quality and forest health will have been established.

4.9 Road Maintenance and Construction Planning

Purpose and Need: In the 2011 Nonpoint Source Assessment Report, DEP acknowledged roads as a significant threat to water quality. Current BMPs concerning roads within SPR boundaries include reducing siltation from unpaved roads through road grading and maintenance. Since acquisition of the 510 acres adjacent to the tribes' 41.85 acre land base, additional roads in varying states of repair have been added under SPR management. Roads can be characterized as historic logging and ranching roads. To ensure water quality is protected from sediment entering the tribe's water system, assessments will need to be conducted to analyze the current road system, and a plan for maintenance of these roads will need to be developed.

Goals and Objectives: The goal of this task is to develop a plan of action for road maintenance and construction activities to prevent erosion and protect water quality. Objectives are to create an assessment report of SPR's road system, determine which roads pose a threat and determine how these roads should be maintained or constructed.

Approach/Responsibilities: DEP will 1) assess and document status of current roads, 2) rank them accordingly in terms of erosion potential and safety, 3) GPS road locations and proximity to tribal water sources, 4) use GPS readings to create a map of road locations relative to tribal water sources, 5) determine if any roads need to be decommissioned and 6) develop a road maintenance and development plan.

Environmental Outcome/Results: The tribe will have the ability to produce a maintenance and development plan for its road system based off information collected in the road assessment report.

4.10 Develop a Feral Pig Management Strategy

Purpose and Need: Watershed grazing associated with feral pig activity is another threat acknowledged by DEP as impacting water quality. Evidence of feral pigs can be seen both within the watershed as a whole and within the Rancheria itself. As pigs search for sources of food in the ground, in the form of roots, invertebrates and nuts, rooting of the soil occurs. This rooting can create opportunities for invasive species to establish, decrease soil stability and increase the amount of sediment deposition into our streams and rivers. In addition, feral pigs can also affect water quality through e. coli contamination. Creating a management strategy to reduce water quality impacts associated with feral pig activity will minimize this nonpoint source of pollution.

Goals and Objectives: The goal of this task is to create a management strategy that will reduce water quality impacts associated with feral pig activity on SPR. Objectives are to obtain information concerning feral pig management strategies from outside agencies,

non-profits and literature searches that allow DEP to develop the most effective strategy for SPR.

Approach/Responsibilities: DEP will 1) conduct outreach to outside agencies and non-profit organizations regarding feral pig management strategies, including working collaboratively with USDA's Animal & Plant Health Inspection Services (APHIS), 2) research potential human transmittable diseases/ allow testing of diseases among pig specimens, 3) compare management techniques for hunting and types of traps and 4) compare relative costs.

Environmental Outcome/Results: The tribe will have produced a feral pig management strategy for SPR that minimizes nonpoint source pollution resulting from feral pig activities.

5.0 SOURCES OF FEDERAL AND OTHER ASSISTANCE AND FUNDING

Several opportunities exist for control of surface and ground water NPS's at SPR and in the watershed through existing Federal programs and programs administered by DEP. Many of these programs are not specifically intended to control nonpoint pollution, but they have the potential to serve in a nonpoint control network. Some of these programs administered by DEP are:

- Environmental Protection Agency, Bureau of Indian Affairs and State funding to clean up and close illegal dump sites.
- Department of Housing and Urban Development funding through an Indian Community Development Block Grant and USDA Rural Development to upgrade the existing wastewater treatment system and replace the existing water storage tank.
- Aid to Native Americans funding to update and improve ordinances related to solid waste management, water quality and land use and to develop enforcement measures.
- Indian Health Service and USDA Rural Development funding to consolidate wastewater treatment facilities and remove and abandon failing septic systems and outhouses.
- Indian Health Service and USDA Rural Development funding to move water treatment facilities out of the flood plain.
- Many state and county programs exist as well, including programs to recycle used motor oil through Cal-Recycle (previously known as the California Integrated Waste Management Board). This program helped fund the installation of the Oil Recycling Center at SPR. Other programs provide assistance in controlling siltation from Timber

harvests, sediment runoff from construction sites, retirement of abandoned logging roads, and repair of county roads along slide-prone slopes.

6.0 IMPLEMENTATION MILESTONES

Monitoring Milestones				
Current Management Programs				
	Year 1	Year 2	Year 3	Year 4
Improve Wastewater Treatment System Capability				
Provide educational material about water conservation techniques/ greywater systems	X	X	X	X
Research outside funding opportunities, cost/benefits of greywater systems, produce report on potential water savings	X			
Implement pilot project installing a limited amount of greywater systems on SPR.		X		
Determine type of septic systems for new homes/establish standards and requirements		X		
Plan, Coordinate, and Conduct Household Hazardous Waste Roundup				
Provide educational material regarding household hazardous wastes	X	X	X	X
Contact county and obtain information on				

roundup dates and safe transport, coordinate up to 2 collection dates	X	X		
Report roundup quantities and activities in newsletter and quarterly reports	X	X		
Plan and Implement Burn Pile Assessment				
Distribute educational material about burn piles/assessment plan			X	X
Meet with residents, GPS burn pit locations, create maps and evaluate conditions at each site			X	X
Prepare burn pile assessment plan				X
Soil Sampling and Analysis Plan				
Determine number of samples and sample locations, identify certified laboratory, obtain QAPP information		X	X	
Prepare rough draft SP/QAPP, finalize and submit to EPA			X	
Capacity Building for Tribal Community				
Distribute information on environmental topics, produce newsletters, coordinate field trips, conduct environmental fairs	X	X	X	X

and promote community involvement				
Capacity Building for DEP Staff				
Attendance of workshops, trainings and conferences related to the tribe's NPS Management Program	X	X	X	X

Monitoring Milestones				
Proposed Management Programs				
	Year 1	Year 2	Year 3	Year 4
Plan for and Promote Green Infrastructure and Low Impact Development				
Research and compile educational material for distribution to tribal members	X	X	X	X
Utilization of community center as demonstration model for rainwater harvesting		X	X	X
Develop ordinance promoting green infrastructure and low impact development				X
Forestry Management and Timber Harvesting Planning				
Identify, assess, and determine historical logging areas and associated risks, determine need for RMZs		X		
Develop standards				

and requirements for forest management activities and submit for tribal review			X	
Road Maintenance and Construction Planning				
Assess document and rank status of roads, GPS locations, create maps, determine if roads need to be decommissioned	X			
Develop a road maintenance and development plan		X		
Develop a Feral Pig Management Strategy				
Conduct outreach to outside agencies and non-profit organizations, compare management strategies and costs		X		
Research potential human transmittable diseases/ allow testing of diseases among pig specimens		X	X	
Compare management techniques and costs for hunting and types of traps		X		

7.0 PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC COMMENT

In compliance with 40 CFR Part 25, the public will be notified of this document and will be given opportunity for comment. Notice of Intent will be posted at both the Santa Rosa Tribal Office, the Community Center at the Rancheria and the Stewarts Point Post Office on January 18th, 2017 (Appendix C). A copy of this Nonpoint Sources Management Plan is available for review and comment at the Tribal Office, Community Center and online through the Tribe's website @ <http://stewartspoint.org/wp/departments/environmental/>. The document has been reviewed by watershed partners, interested parties also presented to the Tribal Council for review, comment and approval.

8.0 DOCUMENT REVISION

This Non-Point Sources Management Plan is a living document. The Tribal Environmental Planning Department will regularly assess and update information to reflect the changing needs, conditions, and/or circumstances of the Kashia Band of Pomo Indians and as new information becomes available.

9.0 REFERENCES

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Kashia Band of Pomo Indians Department of Environmental Planning, 2016. *Kashia Nonpoint Source Assessment Report*

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Kashia Band of Pomo Indians Department of Environmental Planning, 2008-2010. *Kashia Water Quality Assessment Report*

Kashia Band of Pomo Indians Department of Environmental Planning, 2007. *Stewarts Point Rancheria's Water Quality Monitoring Quality Assurance Project Plan*

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Texas A&M University. 2012. *Feral Hogs Negatively Affect Native Plant Communities*

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US. EPA. 2006. *Final Guidance on Awards of Grants to Indian Tribes Under Section 106 of the Clean Water Act For Fiscal Year 2007 and Beyond*

Water Education Foundation, Sacramento, CA (916) 444-6240

10.0 ACRONYMS AND ABBREVIATION LIST

APHIS – Animal and Plant Health Inspection Services

BMPs - Best Management Practices

CalEPA - California Department of Environmental Protection

CDFG - California Department of Fish and Game

CNCWAP - California North Coast Watershed Assessment Program

DEP - Kashia Tribal Department of Environmental Planning

DWR - California Department of Water Resources

GRWA - Gualala River Watershed Assessment

IHS - Indian Health Service

KUD - Kashaya Utility District

NPS - Nonpoint Pollution Sources

PCA - Possible Contamination Activities

PSMFC - Pacific States Marine Fisheries Commission

QAPP - Quality Assurance Protection Plan

SAP – Sampling and Analysis Plan

SCIHP - Sonoma County Indian Health Project

SPR - Kashia Band of Pomo Indians of the Stewarts Point Rancheria

STORET - EPA's main repository of water quality monitoring data

SWAP - Source Water Assessment Plan

SWRCB - California State Water Resources Control Board

US EPA - United States Environmental Protection Agency

WFGR - Wheatfield Fork of the Gualala River

YMCA - Young Men's Christian Organization

APPENDIX A

SPR'S WATER AUTHORITY

Law Office of Marta J. Burg

Post Office Box 411238
Eagle Rock, California 90041-9998
phone (323) 258-1009
fax (323) 258-1010

August 18, 2016

Office of Regional Counsel
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

Dear Sir/Madam:

The Kashia Band of Pomo Indians of the Stewarts Point Rancheria ("Tribe") was previously granted treatment in a manner similar to a state ("TAS") under section 518 of the Clean Water Act ("CWA"), 33 USC § 1377, to obtain funding under CWA sections 106 and 319, 33 USC § 1256, 1329, to operate water pollution control and nonpoint source pollution control programs on the Stewarts Point Rancheria. The Tribe is now seeking to expand its programs to include an approximately 510-acre parcel of land ("New Trust Land") recently taken into trust by the United States for the benefit of the Tribe (see attachments A, B and C to the Tribe's letter of August 18, 2016).

Based on the following information, the Financial Assistance Eligibility that EPA has already found to exist with respect to the Stewarts Point Rancheria pursuant to CWA section 518(e), 33 USC § 1377(e), and 40 CFR §§ 130.6(d), 35.583, 35.633, should apply as well to the New Trust Land.

The Kashia Band of Pomo Indians is a Federally Recognized Indian Tribe That Has a Governing Body Carrying Out Substantial Government Duties and Powers

The Tribe remains a federally recognized Indian tribe that appears on the list of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs periodically published in the Federal Register. (See 81 Fed. Reg. 26826, 26828, a copy of which is attached hereto for your reference).

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US Environmental Protection Agency, Region 9
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In accordance with the Tribe's Constitution enacted January 30, 2011 and approved by the Secretary of the Interior through the Bureau of Indian Affairs February 15, 2011, (a copy of which is attached for your reference and to update your records),¹ the General Council is designated as the governing body of the Tribe (Article 3, Section 1). The Constitution confirms the authority of the General Council to negotiate with federal, state, local and other tribal governments (Article 5, Section 1(a)); to manage ... or otherwise deal with tribal lands, homes, community buildings, infrastructure, funds and other assets and resources of the Tribe (Article 5, Section 1(d)); to protect and preserve the natural and cultural resources of the Tribe (Article 5, Section 1(g)); to govern the conduct of Tribal members (Article 5, Section 1(j)); to regulate or prohibit the activities of non-members within the Tribe's Territory (Article 5, Section 1(k)); and to take all actions necessary to carry out the foregoing powers, as well as all other inherent sovereign powers of the Tribe that are not specifically listed above (Article 5, section 1(p)).

Through the General Council's enactment of Ordinances and passage of Resolutions consistent with Article 6, Sections 1 and 2 of the Constitution, the Tribe continues to regularly perform the substantial governmental functions described in its initial TAS applications, including those to protect and promote public health, safety and welfare of the Tribal population, and to manage Tribal property and appurtenant resources.

The Tribe thus continues to satisfy the requirements of CWA section 518(e)(1), 33 USC § 1377(e)(1) and 40 CFR § 130.6(d)(1).

The Functions the Tribe Proposes to Exercise Under the Requested Expansion of its TAS Relate to the Management and Protection of Water Resources Held by the US in Trust for the Tribe and Under the Jurisdictional Authority of the Tribe

As evidenced by the Grant Deed executed October 8, 2015 and Acceptance of Conveyance executed December 3, 2015, both of which have been recorded in the Records of Sonoma County as well as Pacific Region Land Titles and Records Office, the Secretary of the Interior through the Bureau of Indian Affairs has accepted conveyance of the subject parcel to the United States in trust for the Kashia Band of Pomo Indians (see Attachment A to the Tribe's letter of August 18, 2016).

¹ This information is being provided to supplement the Tribe's initial TAS applications because the current version of the Tribe's Constitution was not in effect when those applications were submitted.

The territory over which the Tribe asserts jurisdictional authority is defined in Article 1 of its Constitution to include not only all lands and appurtenant resources within the Stewarts Point Rancheria, but also any additional lands acquired by the Tribe or by the United States for the benefit of the Tribe. As a result, the New Trust Land, including appurtenant resources, is now within the Tribe's territory and under the jurisdictional authority of the Tribe.²

The proposed expansion of the Tribe's water pollution control and nonpoint source pollution control programs to the New Trust Land thus satisfies the requirements of CWA section 518(e)(2), 33 USC § 1377(e)(2), and 40 CFR 130.6(d)(2).

The Tribe Maintains the Capacity to Administer Water Resources Management and Protection Programs

The Tribe has already demonstrated, and EPA has already found, that the Tribe has adequate capacity to administer water pollution control and nonpoint source programs (see Attachment F to the Tribe's letter of August 18, 2016) in satisfaction of the requirements of CWA section 518(e)(3), 33 USC § 1377(e)(3), and 40 CFR 130.6(d)(3).

In addition, the General Council has recently revised its Water Quality Protection Ordinance to apply not only to the Stewarts Point Rancheria but also to all additional lands taken into trust for the benefit of the Tribe (see Attachment E to the Tribe's letter of August 18, 2016), thereby expanding to the New Trust Land the emergency powers of the Tribe that are comparable to those of the Administrator under CWA section 504, 33 USC § 1364, as required by CWA section 106(e)(2), 33 USC § 1256(e)(2).

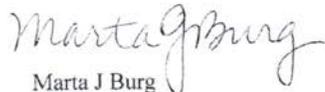
I hope this information is helpful to your processing of the Tribe's request to expand its water pollution control and nonpoint source programs under sections 106 and 319 of the Clean Water Act to apply to the management and protection of water resources on the New Trust Land.

² EPA has made clear that "a determination of TAS eligibility solely for funding purposes does not, under existing regulations, require an analysis or determination regarding an applicant tribe's regulatory authority." (81 Fed.Reg. 30183, 30185) (May 16, 2016)). Regardless, the above information as well as that provided by attorney David Rapport in support of the Tribe's initial TAS application applies as well to the New Trust Land.

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Please feel free to contact me if you have any questions or require further information.

Regards,

A handwritten signature in cursive script that reads "Marta J Burg".

Marta J Burg
Principal Attorney

APPENDIX B

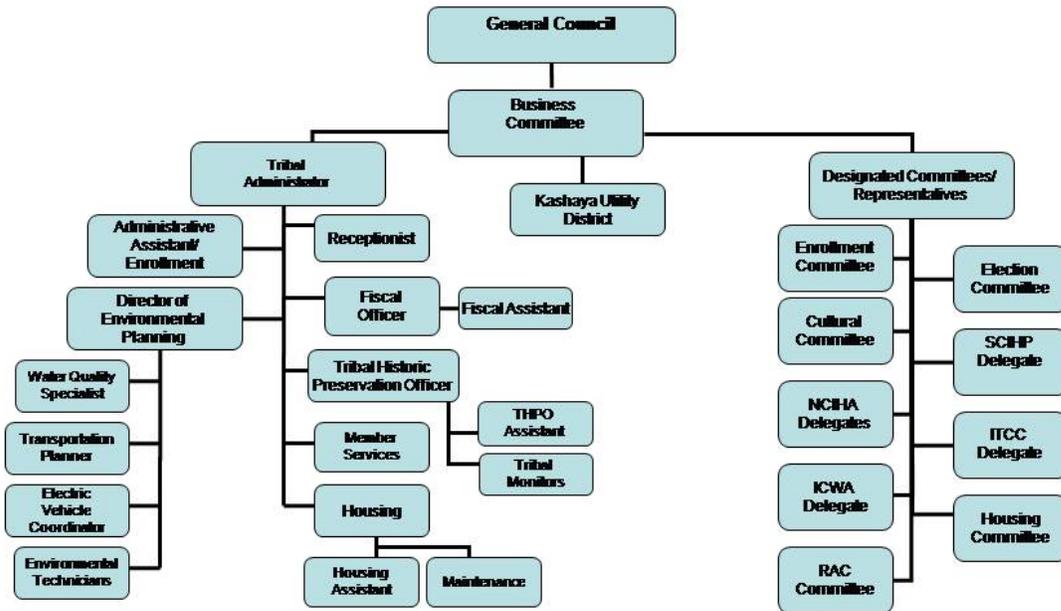
SPR ORGANIZATION CHART

Stewarts Point Rancheria
Organization Chart

General



Stewarts Point Rancheria Organizational Chart



APPENDIX C



PUBLIC NOTICE

January 18th, 2017

The Kashia Department Environmental Planning has developed and proposed revisions to the *Nonpoint Source Assessment Report and Nonpoint Source Management Plan* to fulfill the Tribe's eligibility for US. Environmental Protection Agency's Clean Water Act Section 319 Grant Funding.

These documents assess the condition of the Tribe's water resources and propose plans to address identified water quality impairments and threats on those lands.

The documents are available for review at the locations below and posted on the Tribes web-site @ <http://stewartspoint.org/wp/departments/environmental/>.

Kashia Band of Pomo Indians Tribal Office
1420 Guerneville Rd, Suite 1, Santa Rosa, CA 95403

Stewarts Point Rancheria Community Center
31455 Skaggs Springs Road, Stewarts Point, CA 95480

If you have any comment or question regarding these documents, please contact the Kashia Department Environmental Planning, Tribal Office, 1420 Guerneville Road, Suite 1, Santa Rosa, CA or call Nathan Rich at (707)591-0580 ext 113.

APPENDIX D

SPR WATER POLLUTION PREVENTION ORDINANCE

ORDINANCE NO. 7

STEWARTS POINT RANCHERIA, KASHIA BAND OF POMO INDIANS

PROHIBITING THE DISCHARGE OF ANY
POLLUTANT INTO THE WATERS OF THE RANCHERIA
(Revised August 13, 2016)

The General Council of the Stewarts Point Rancheria does hereby ordain as follows:

SECTION 1 - Findings and Declaration:

The General Council for the Stewarts Point Rancheria, Kashia Band of Pomo Indians finds and declares that:

1. It wishes to eliminate all discharges of pollutants into the waters of the Stewarts Point Rancheria Indian Rancheria and all other lands held in trust for the benefit of the Kashia Band of Pomo Indians.
2. Elimination of all discharges of pollutants into the water of the Stewarts Point 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 Rancheria waters until such time as the Stewarts Point Rancheria General Council can enact a new water ordinance comprehensively regulating water quality and the discharge of pollutants on the Rancheria and all other lands owned by and/or held in trust for the benefit of the Kashia Band of Pomo Indians.

SECTION 2 - Definitions:

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

- A. "Band" shall mean the Indians.
- B. "Council" shall mean the Tribal Council of the Stewarts Point Rancheria.
- C. "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.
- D. "Pollutant" means any substance that will alter the quality of the waters of the Rancheria
- F. "Quality of the water or waters" means any chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affect its use.
- F. "Rancheria" means all land, air, and water located within the exterior boundaries of the Stewarts Point Rancheria and all other lands taken into trust for the benefit of the Kashia Band of Pomo Indians.
- G. "Water or Waters" means any water, surface or underground located on or

running through the Rancheria.

SECTION 3 - Prohibited Discharges:

No person shall discharge any pollutant into the waters of 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 five thousand dollars (\$5,000) 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 Council of said discharge and shall fully disclose to the Council any and all information regarding the discharge, including but not limited to time type of pollutant discharged and any other information required by the Council. Any person who discharges any pollutant into the water of the Rancheria shall be liable for all costs associated with or necessary to clean up, abate, or remove said 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 provisions of this Ordinance, the Council, by and through its attorney, shall petition a court of competent jurisdiction for the issuance an injunction requiring such 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 this ordinance, as the facts may warrant.

SECTION 7- Effective Date:

This ordinance shall take effective immediately upon passage.

CERTIFICATION

Being the intent of the General Council to apply the provisions of this Ordinance #7 to the waters of all lands held in trust for the benefit of the Kashia Band of Pomo Indians, this is to certify that the foregoing revisions to Ordinance #7 were approved by a vote 6 for, 0 against, 1 abstaining, at a duly held meeting on the 13th day of August, 2016, and that this Ordinance has not been further amended in any manner.

DATE: 8/13/16


Reno Keoni Franklin, Tribal Chair

ATTEST: 