



EPA approves KBIC TAS application for water quality standards program

April 28, 2020

The Keweenaw Bay Indian Community (KBIC) is very excited to announce that on April 21, 2020, the Environmental Protection Agency (EPA) approved KBIC's application for Treatment as a State (TAS) status under §518(e) of the [Clean Water Act](#) (CWA). KBIC is the first tribe in Michigan to achieve TAS regulatory authority for water quality. TAS permits KBIC to administer a water quality standards (WQS) program for KBIC's L'Anse Indian Reservation under CWA §303 and the certification program under CWA §401.

The EPA has long encouraged and assisted American Indian tribes to create and administer environmental programs relevant to their communities. Kurt Thiede, EPA Region 5 Regional Administrator provided the following in response to the KBIC TAS approval, "I am pleased to recognize the Tribe's authority to protect rivers and streams on the L'Anse reservation and to safeguard the health and heritage of its community and natural resources,"

Following TAS approval, KBIC President Swartz stated, "With honoring our first treaty with all orders of creation which include our obligations and connections to the natural environment, it is imperative that we take the next steps in exercising our sovereignty. The KBIC is excited to begin working on the development of water quality standards that will take into account the well-being of our local community. By obtaining Treatment as a Sovereign, we will continue building relationships with our local, state and federal partners in protecting our water resources here on the KBIC L'Anse Indian Reservation."

Now that the TAS application has been approved, the KBIC will proceed with the next steps towards administering its WQS program. The KBIC will continue its development of water quality standards while working closely with the EPA and the State of Michigan. Once KBIC and EPA have determined standards that can be reasonably attained, a public hearing will take place, at which time, the public will have the opportunity to provide comments. The KBIC will review public comments and compile a responsiveness summary. Next, the WQS will be submitted to the KBIC Tribal Council for approval. After the WQS are adopted by Council, the KBIC Legal Department will provide Certification. Finally, the public responsiveness summary, Tribal Council's approval, and Legal Certification will be formally submitted to EPA by KBIC. The EPA will then have 60-days to approve, or 90-days to disapprove, of KBIC's Water Quality Standards program.

KBIC and TAS for Water

TAS, meaning 'Treatment as a State' or 'Treatment as a Sovereign,' is a legal status referring to the transfer of specific authorities from the federal government to federally recognized Indian tribal governments for environmental regulatory programs. The 1987 Clean Water Act amendments include TAS for water quality programs under §518. Tribes must meet certain criteria to apply for TAS, including [federal recognition](#) status, a governing body that exercises [legal authority](#), and [tribal capability](#) to carry out CWA obligations. The process for establishing WQS is scientifically rigorous and all standards must be approved in accordance with the Clean Water Act by EPA.

The EPA became the first federal agency to acknowledge responsibilities to tribal governments in 1984 by establishing the [Administration of Environmental Programs on Indian Reservations Policy](#) in 1984. This policy guides the agency's interaction with Tribes and supports American Indian self-government as well as the government-to-government relationship between Tribes and the EPA. In 2019, [EPA reaffirmed the commitment](#) to the 1984 Indian Policy which

includes water quality and other environmental and human health protection programs with Tribal Nations. KBIC has a long-standing commitment to protecting water within L'Anse Indian Reservation and the wider region. The first KBIC TAS application was submitted to EPA in May 2013; this followed a history of KBIC and EPA collaboration on water programs since 1999. In that year, KBIC had established the [Natural Resources Department](#) to administer environmental programs on the reservation. Management activities had grown substantially since the fish hatchery began operating in 1988 and becoming the 11th member tribe of the [Great Lakes Indian Fish and Wildlife Commission](#) in 1989. Department programs currently include: fisheries and fish stocking, surface and groundwater quality, air quality, restoration and brownfields programs, wildlife and wetland management, native plants and food sovereignty programs, and participation in the binational protection of Lake Superior. With offices in Pequaming and L'Anse, more than 50 staff members implement natural resources programs, serve community needs, and participate in research, monitoring, and reporting partnerships with government, universities, and other entities.

In preparation and support of the development of water quality standards specific to community needs, the KBIC collaborated with EPA, KBOCC, and Michigan Tech, to conduct a KBIC fish consumption survey in 2015 and 2016. This survey gathered historical and jurisdictional research to aid the KBIC with the most up-to-date science on water quality parameters, fish consumption, and human health criteria concerning various water pollutants.

The KBIC remains committed to shared governance and stewardship of water and water resources. Having good water quality is of the utmost importance for KBIC political integrity, economic security, food sovereignty, and the wellbeing of all community members. All of the Reservation's water bodies and resources are invaluable and have provided gifts of subsistence, and cultural and spiritual benefits to many generations of KBIC Ojibwa. Community members depend upon good quality water for a variety of purposes including fishing, trapping, swimming, boating, gathering, drinking and residential use, and for spiritual and cultural purposes. The relationship between tribal members and the land, water resources and area ecosystems are central to the KBIC identity. The health of the water is directly related to the health of our people and the wellbeing of our many plant, fish, and wildlife relatives.

For more information about KBIC and TAS for water, we welcome you to visit these websites or contact Stephanie Cree, Water Resources Specialist at scree@kbic-nsn.gov :

<https://www.epa.gov/mi/documents-related-keweenaw-bay-indian-community-application-treatment-state-water-quality>

<https://www.epa.gov/tribal/epa-policy-administration-environmental-programs-indian-reservations-1984-indian-policy>

<https://www.epa.gov/sites/production/files/2017-07/documents/tas-wqs-faq.pdf>



Hatchery

14359 Pequaming Road
L'Anse, Michigan 49946
Phone: (906) 524-5757
Fax: (906) 524-5748

Tribal Center

16429 Beartown Road
Baraga, Michigan 49908
Phone: (906) 353-6623
Fax: (906) 353-7540

