

Pyramid Lake Paiute Tribe Treat as State (TAS) process



Endangered Cui-ui
(pronounced Kwee-wee)



Threatened Lahontan Cutthroat Trout

BACKGROUND

In 1983, the Federal government established a Federal Indian Policy to treat Tribal governments on a government-to-government basis, and to support the principle of self-determination and local decision making by Indian Tribes. The 1987 Amendments to the Clean Water Act (CWA) added Section 518. This section authorizes the USEPA to treat Federally recognized Indian Tribes as states for certain provisions of the Act, including the water quality standards program. Water quality standards play a critical role in the nation's water quality improvement programs. By establishing the goals for a water body, water quality standards provide the regulatory and legal basis for point source and nonpoint source water quality-based control beyond those required by the technological requirements of the CWA (USEPA 1990).



The first step towards establishing water quality standards on the Pyramid Lake Paiute Indian reservation was to qualify for “treatment as a state” (TAS), or program authority (PA) for the conduct of the water quality standards program. The PLPT had to meet the following:

- (1) be federally recognized by the Department of the Interior and meet the definitions found in Section 518 of the CWA;
- (2) have a governing body which carries out substantial duties and powers;



- (3) be able to demonstrate authority and capability to manage and protect its water resources within the exterior borders of the Reservation; and
- (4) in the judgment of the USEPA Regional Administrator, reasonable expectation that the Tribe is capable of carrying out the functions of an effective water quality standards program.



TAS Process

On June 16, 1989 the PLPT submitted its first application to EPA Region IX for “Treatment as a State” status (TAS).

In 1990, the PLPT received TAS by the USEPA under 40 CFR Parts 35/ 30 which gave the Tribe the authorization to receive funding (CWA 106), and “Program Authorization” to develop water quality standards for the Reservation.



In 1990, the PLPT contracted with the University of California, Davis - Limnological Research Group (Dr. John E. Reuter and Dr. Charles R. Goldman) to help undertake the task of developing a reasonable and scientifically sound set of water quality standards, which when implemented would help protect the beneficial uses of Pyramid Lake and that portion of the Truckee River on Tribal land.



The approach for Pyramid Lake included; evaluation of historical data, detailed limnological monitoring, field and laboratory experiments, limnological research, and modeling. This included measurement and evaluation of physical and chemical parameters, evaluation of nutrient and particulate matter, phytoplankton and zooplankton ecology, algal growth bioassays and nutrient limitation, measurement of surficial sediment composition, paleolimnology, measurement of primary productivity/ algal biomass, internal and external loading of nutrients, development of nutrient budgets for carbon, nitrogen and phosphorus, estimates of sedimentation rates, evaluating susceptibility of lake to anoxia, primary productivity and dissolved oxygen modeling, modeling of total dissolved solids concentration, nonpoint source management and assessment, and lake and watershed management.



The results of these studies have been published in a series of technical reports and peer review scientific publications. The volumes entitled, Pyramid Lake, Nevada, Water Quality Study 1989-1993, Volume I - Limnological Data, Volume II - Limnological Description, Volume III - Nutrient Budgets, and Volume IV - Modeling Studies, have been widely distributed regionally and contain much of the information used for developing the water quality standards for Pyramid Lake.



TAS Process (continued)

The PLPT submitted a second application to EPA Region IX for TAS to conduct a Water Quality Standards (CWA 303), and Water Certification (CWA 401), programs in 1994.

This application was put on hold until the “Truckee River Water Quality Settlement Agreement” was signed by all stakeholders on October 10, 1996.

The PLPT re-submitted an “updated” CWA 303/ 401 application to EPA on June 18, 2004 where it ‘sits’ to this day.



Next Steps

- Continuing working with EPA to complete the WQS application process.
- Submit WQCP package to EPA Region IX for review and final approval.
- Conduct public workshop/ hearing on proposed changes to the WQS.
- Develop the Tribal CWA 303 (WQS), and CWA 401 (water certification) programs.



