TRIBAL COUNCIL ACT 6-1

AN ACT RELATING TO

SURFACE WATER RESOURCES MANAGEMENT

BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL

SECTION 1.0 - TITLE AND CODIFICATION

This Chapter shall be known as the Surface Water Resources Management Code and codified as Title 6, Chapter 1 of the Snoqualmie Tribal Code.

SECTION 2.0 - STATUTORY AUTHORIZATION

The aboriginal and inherent sovereign power of the Snoqualmie Indian Tribe is vested in the Snoqualmie Tribal Council. The Snoqualmie Tribal Council has the authority to safeguard and promote the peace, safety, moral, and general welfare of the members of the Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and to provide for the enactment and enforcement of the laws of the Tribe. This authority includes the Council's ability to manage, develop, protect, and regulate water, minerals, timber, fish, and wildlife, and other natural resources within the Tribe's jurisdiction.

Under 1988 amendments to the Clean Water Act, 33 U.S.C. § 1377, Indian Tribes are entitled to be treated in a manner similar to a state by the U.S. Environmental Protection Agency ("EPA") and authorized to exercise exclusive jurisdiction (Tribal primacy) over all on-Reservation surface and ground water quality matters, including over on-Reservation portions of waters that flow through other jurisdictions. The Snoqualmie Tribal Council authorized the ENR Department to pursue treatment in a manner similar to a state under the Clean Water Act. Snoqualmie Tribal Resolution No. 04-2007. The U.S. EPA approved the Tribe's application on April 3, 2007.

SECTION 3.0 - PURPOSE; FINDINGS OF FACT

The Tribe desires to protect the environmental integrity of the surface water resources found on or within Snoqualmie Tribal lands (herein "the Waters of the Tribe"). By adopting a Water Resources Management Program (herein "the Water Resources Program"), the Tribe intends to protect public health and welfare, enhance the quality of water resources on Snoqualmie Tribal lands, provide for protection and propagation of fish, shellfish, and wildlife, provide for recreation and cultural uses of water, and to carry out the purposes of the Federal Clean Water Act, 33 U.S.C. § 1251 *et seq.*

The Tribe believes that pollutants discharged into waters of the Tribe directly impact the political integrity, economic security, health and welfare of the Snoqualmie Indian Tribe.

Therefore, it is the goal of the Tribe to eliminate and prohibit all discharges of pollutants into waters of the Tribe.

A purpose of the Tribe's Water Resources Program is to establish water quality standards for water bodies on Snoqualmie Tribal lands and to provide a legal basis for regulatory pollution controls. Water quality standards will be developed in coordination with the requirements of 40 C.F.R. Part 131 (Water Quality Standards) and 40 C.F.R. Part 130 (Water Quality Planning and Management). The Tribe's water quality standards authorized pursuant to this Chapter shall be consistent with, or more protective of water quality than, applicable state or federal water quality standards, criteria and effluent limitations.

The water quality standards will guide and inform efforts to monitor and assess surface water quality for water bodies on Snoqualmie Tribal lands. These water quality standards are intended to play a central role in the Tribe's Water Resources Program, and have broad application and use in evaluating potential impacts on water quality from a broad range of causes and sources.

The Tribe intends to eliminate both point and nonpoint sources of pollutants. To achieve that goal, the Tribe shall require surface water discharge permits that will impose necessary regulatory pollution controls. Any such controls incorporated into a surface water discharge permit shall be established by the Tribe and must be developed to ensure a level of water quality that will satisfy water quality standards and support designated use classifications as determined by the Tribe. Regulatory pollution controls established for point and nonpoint sources shall be consistent with, or more protective than, applicable portions of the Federal Clean Water Act, 33 U.S.C. § 1251 et seq.

In order to ensure that the purposes of this Chapter are carried out in accordance with Tribal law, the Tribe desires to create an enforcement program. The enforcement program will be the Tribe's primary mechanism to ensure that waters of the Tribe are being protected and maintained in accordance with this Chapter.

The Tribe desires to regulate activities involving the placement of dredged or fill material into waters of the Tribe. This shall be accomplished through the surface water discharging program.

The Tribe desires to develop a certification process, consistent with the requirements set forth in 33 U.S.C. § 1341, whereby activities likely to result in discharges to waters of the Tribe will be assessed to ensure compliance with this Chapter.

It is the intent of the Tribe that the designated uses and criteria assigned to waters of the Tribe provide a level of water quality protective of federally listed threatened or endangered species, consistent with the exercise of Tribal traditional and reserved uses. The ENR Department may adopt standards, designated uses, and criteria that are considered protective of the species and of applicable Tribal interests.

Under the Tribe's Water Resources Program, the Tribe, other persons, and certain federal agencies may be required by federal or Tribal law to coordinate with the following federal laws and regulations promulgated there under, applicable Tribal Codes and regulations, and guidance documents including, but not limited to:

(a) The Clean Water Act of 1977 (33 U.S.C. § 1251 *et seq.*);

(b) The Endangered Species Act (16 U.S.C. § 1531 *et seq.*);

(c) EPA Administered Permit Programs: The National Pollution Discharge Elimination System (40 C.F.R. Part 122);

(d) Water Quality Planning and Management (40 C.F.R. Part 130);

(e) Water Quality Standards (40 C.F.R. Part 131);

(f) Guidelines for Establishing Test Procedures for the Analysis of Pollutants (41 C.F.R. Part 136);

(g) EPA Region 10 Environmental Compliance Branch Standard Operating Procedures and Quality Assurance Manual (available in the ENR Department);

(h) Snoqualmie Tribe Water Quality Assessment and Monitoring Plan for its Reservation Surface Waters and for Hydrologically connected waters (forthcoming);

(i) Snoqualmie Tribe Policy of No Net Loss of Wetlands Within Tribal traditional areas and applicable Tribal wetlands plans (section 6.10 of this Chapter);

(j) Snoqualmie Tribe sustainable use policies, traditional uses, and reserved rights, as set forth in the Snoqualmie Tribal Code and/or in the traditional laws and customs of the Tribe; and

(k) Toxic Substances Control Act (15 U.S.C. § 1601 *et seq.*)

SECTION 4.0 - SCOPE

The provisions of this Chapter shall apply to all existing and proposed point and non-point pollution sources that discharge directly or indirectly into surface or ground waters of the Tribe, and to all activities which have the potential to affect cultural, ceremonial, religious, fishery, seasonal residential, public health and safety, water quality and other fundamental interests of the Tribe, including such activities conducted by non-members of the Tribe or on privately owned lands. Activities to be regulated hereunder include, but are not limited to:

(a) Landfills and open dumps;

(b) Storage of animal waste;

(c) Automobile graveyards and junkyards;

(d) Landfilling of sludge or septic system waste;

(e) Individual, residential, industrial, commercial or agricultural sewage treatment facilities;

(f) Individual, residential, industrial, commercial, fire protection or agricultural water control devices including but not limited to treatment facilities or systems, dams, reservoirs, ponds, pools, tanks, wells, pipelines, flumes, canals and intake or diversion systems;

(g) Underground and above-ground liquid storage containers;

(h) Surface and subsurface removal of mineral resources, overburden, rock or soil, including quarry operations (borrow pitting) for road surfacing or other uses;

(i) All prospecting activities involving removal of soil or rock materials, including operations involving the reopening of existing mine pits, tunnels or quarries;

(j) Sand and gravel operations;

(k) Activities such as suction dredging, that have the potential to affect the riparian area, including wetland areas and riparian habitat, water quality or channel morphology;

(l) Activities such as clearing vegetation in wetlands and buffers that have the potential to affect water temperature;

(m) Activities that prevent fish passage to upstream habitat;

(n) Potential non-point source pollution problem areas including soil disturbing activities such as agricultural, mining, construction, urban runoff, silviculture, salt water intrusion, hydrological modification and residential activities;

(o) Activities likely to result in the placement of dredged and/or fill material into waters of the Tribe; and

(p) Application of herbicide, insecticide or other pesticide or toxic materials or fertilizer for non-domestic use, in conjunction with Tribal pesticides policies, including applicable code provisions.

The provisions of this Chapter shall apply to all wellhead protection areas on Snoqualmie Tribal lands, to all persons and businesses under the jurisdiction of the Snoqualmie Indian Tribe, to all land, trust or fee, and to all activities in areas with the potential to affect water quality, public health and safety and other fundamental interests of the Tribe.

SECTION 5.0 - DEFINITIONS

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly states otherwise:

BIOLOGICAL CRITERIA or **BIOCRITERIA** are narrative expressions or numeric values of the biological characteristics of aquatic communities based upon appropriate reference conditions. Biological criteria serve as an index of aquatic community health.

CONSTRUCTED WETLANDS mean those wetlands intentionally designed, constructed, and operated on upland, non-wetland sites for the primary purpose of wastewater or storm water treatment or environmental remediation. Constructed wetlands are not considered waters of the Tribe.

CRITERIA means elements of water quality standards, expressed as a desired condition, constituent concentration, level, or narrative statement, representing a quality of water that supports a particular use.

DESIGNATED USE means a use that is specified in water quality standards as a goal for the water body segment, whether or not it is currently being attained.

ENR COMMITTEE means the Snoqualmie Tribe's Environmental and Natural Resources Committee.

ENR DEPARTMENT means the Snoqualmie Tribe's Environmental and Natural Resources Department.

EPA means the United States Environmental Protection Agency.

INITIAL RESERVATION means the Snoqualmie Indian Reservation located in King County, Washington, as described in 71 Fed. Reg. 63,347 (October 30, 2006).

NONPOINT SOURCE means pollution that is not associated with a distinct discharge point, including sources such as rainwater and runoff from agricultural lands, silvicultural operations, industrial sites, parking lots, or urban and rural developments.

NUISANCE AQUATIC LIFE means species of aquatic flora or fauna whose noxious characteristics or presence in sufficient numbers, biomass, or areal extent may reasonably be expected to prevent or interfere with a designated use or the ecological function of native plants, species, or habitat.

OPERATOR means an individual or entity that applies for, or holds, a surface water discharge permit issued pursuant to this Chapter.

POINT SOURCE means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal feeding operation from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture.

QUALITY ASSURANCE or **QA** means a set of operating principles and procedures used to effectively collect environmental data and determine how believable and reliable they are.

QUALITY ASSURANCE PROJECT PLAN or **QAPP** means a document that provides specific information on how QA/QC is applied to the collection of data.

QUALITY CONTROL or **QC** means the steps taken during sample collection and analysis to ensure that data quality meets minimum standards established by a Quality Assurance Project Plan.

SNOQUALMIE TRIBAL LANDS or **TRIBAL LANDS** include lands over which the Snoqualmie Tribe exercises jurisdiction, including but not limited to, the initial reservation, trust lands (Tribal and individual), lands subject to treaty-reserved rights, and lands within the federal definition of "Indian Country" set forth in 18 U.S.C. § 1151.

SOIL DISTURBING ACTIVITY means anthropogenic activity that directly or indirectly effects change in soil conditions or integrity.

SURFACE WATER means water upon the surface of the earth whether contained in bounds created naturally or artificially.

TOXICS mean those pollutants, including combinations of pollutants, that have an adverse effect (including impacts to biological or physical functions) on living organisms or their habitat.

WATER QUALITY STANDARDS are the designated use or uses of waters of the Tribe, numeric and narrative criteria, and an antidegradation policy.

WATERS OF THE TRIBE include all those water resources held by the Tribe, by the United States in trust for the Tribe or by Snoqualmie Tribal members that satisfy the federal definition of "Waters of the US" that is found in 40 C.F.R. § 122.2, and generally include all lakes, rivers, streams (including intermittent and ephemeral streams), natural wetlands, sloughs, and ponds located within and that flow on, across, or adjacent to Snoqualmie Tribal lands.

WETLANDS mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. *See* 40 C.F.R. Part 230.3(t). This includes lands where saturation with water is a dominant or predominant factor in determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface, including, but not limited to, native plants and species.

SECTION 6.0 - GENERAL PROVISIONS

6.1 SOVEREIGN IMMUNITY

No part of the Tribe's Water Resources Program shall be construed as, or is intended to be, a waiver or modification of any sovereign immunity now enjoyed by the Tribe, or consent by the Tribe to jurisdiction or suit against it. The Tribe reserves the right to contest the jurisdiction of any court in any suit filed against it, except only as such jurisdiction may be expressly waived by the Tribal Council in accordance with Tribal law. The Tribe alone has the authority, subject to federal law, to regulate water use on the Reservation, and all rights to the use of water on the Reservation reside in the Tribe.

6.2 DEVELOPMENT OF THE WATER RESOURCES PROGRAM

The Environmental and Natural Resources ("ENR") Department, in conjunction with policy input from the ENR Committee, shall develop the Tribe's Water Resources Program. The ENR Department is authorized to seek funding to develop and enhance the Tribe's Water Resources Program.

The Tribal Council shall have the authority to review and approve the Tribe's Water Resources Program, and any modifications, if necessary. The public shall be informed, such as through the Tribal website, newsletter or opportunity to attend the Tribal Council meeting, prior to issuance of or modification or resignation of regulations promulgated pursuant to this Chapter.

The ENR Department shall from time to time, such as through a Five Year plan, conduct a review, which may include deliberations for the purpose of reviewing applicable water quality standards and, as appropriate, modify by regulation standards or criteria where necessary or practicable. All proposed revisions to water quality standards and supporting analyses shall be made available to the public prior to the hearing. The ENR Department, with approval from the Tribal Administrator, may submit any revised or newly adopted water quality standards and any supporting analyses to EPA Region 10, through the Regional Tribal Program Coordinator, or other appropriate contact, for review and approval within 30 days following the final action to adopt revised standards. The Tribal submission shall be consistent with EPA requirements found in 40 C.F.R. § 131.6 (Minimum Requirements for Water Quality Standards Submission).

6.3 RULES AND REGULATIONS; WATER RESOURCES PROGRAM GUIDANCE DOCUMENTS

The ENR Department is authorized to issue rules and regulations pertaining to the Tribe's Water Resources Program. The ENR Department is authorized to approve and issue "Guidance Documents" as part of the Tribe's Water Resources Program, which shall contain specific technical or scientific criteria for implementing the Water Resources Program. Guidance documents may supplement the Tribal Code, shall be enforceable, and may form the basis for permitting and other environmental enforcement and compliance.

6.4 RIPARIAN ZONE MANAGEMENT AND GUIDANCE

6.4.1 RIPARIAN MANAGEMENT AREAS

It is the intent of the Snoqualmie Tribe to protect the hydrologic and geomorphic functionality and integrity of surface waters of the Tribe and their associated riparian areas. The ENR Department is authorized to establish and maintain buffers for all surface waters of the Tribe, such as those measured from either side of the ordinary high water mark. The size of the buffer may be determined by the stream type. The buffer may be implemented regardless of land use (e.g. forestry, commercial, residential, recreation). The stream types defined in this Chapter are based upon the designations developed by the Washington Department of Natural Resources ("WDNR") and set forth in WAC 222-16-030. The stream types developed by WDNR are used by King County and the Washington Department of Fish and Wildlife ("WDFW") as reference when describing stream protection buffers. The adopted stream types are similar to WDNR stream types so that Tribal Code requirements can be used and are consistent with other entities working on or around Snoqualmie Tribal lands. The ENR Department is authorized to modify or update stream definitions or buffers from time to time, subject to Tribal Council approval.

6.4.2 RIPARIAN MANAGEMENT AREA DEFINITIONS

BUFFERS are areas adjacent to waters of the Tribe, which include the riparian area that protect or "buffer" the water body from activities that could degrade the water body's habitat, temperature, quality and ecological function.

CUBIC FEET PER SECOND or **CFS** is the standard measure of water flow in the United States. It represents a 1 cubic foot of water moving past a point in one second.

EPHEMERAL WATERS are water bodies that do not flow year round but flow in response to rainfall and/or snowmelt runoff.

INTERMITTENT WATERS are water bodies that flow year round but have portions of the water channel that may go dry during times of the year. The dry portions will have perennial flow in the channel above and below.

ORDINARY HIGH WATER MARK is the boundary between the water channel and the riparian area. It may be determined by observing changes in vegetation, slope, and substrate size. The edge of the ordinary high water mark usually corresponds to the start of the floodplain which would normally receive flood waters and is vegetated by perennial plants.

PERENNIAL WATERS are water bodies that flow year round.

RIPARIAN AREAS are vegetated areas immediately adjacent to the water channel that help to maintain a water body's habitat, temperature, water quality and ecological function.

6.4.3 WATER BODY TYPE DESIGNATION

Type S Waters are defined as all perennial waters, within their ordinary high water mark, where the mean annual flow is greater than or equal to twenty (20) cubic feet per second (cfs). Wetlands associated with Type S Waters are not included. This water type usually has high value for fisheries and other aquatic resources.

Type F Waters are defined as all perennial waters, within their ordinary high water mark, where the mean annual flow is less than twenty (20) cfs. This water type contains fish habitat and is used by fish for spawning, rearing or migration. This water type provides important resources for other aquatic species.

Type Np Waters are defined as all perennial and intermittent waters that do not contain fish habitat. Type Np Waters stop at the uppermost section of perennial flow.

Type Ns Waters are defined as all other waters that are not defined as Type S, F, or Np Waters. Type Ns Waters are ephemeral, nonfish habitat channels that are always found upstream of other Type S, F, or Np Waters.

6.4.4 BUFFER DESIGNATION

The ENR Department is authorized to establish buffers for all waters of the Tribe, and appropriate exemptions or mitigation measures, and to recommended buffers on streams within the aboriginal territory of the Snoqualmie Tribe. Generally, buffers for waters of the Tribe will be set at 300 feet, but exceptions as noted in Table 1 may apply. The buffer distance in feet shall be measured from the ordinary high water mark on each bank of the water body and may extend out the distance in Table 1 from both sides of the water body. A minimum buffer width of 300 feet shall be required for wetlands with important wildlife functions such as habitat used heavily by migratory birds or threatened or endangered species regardless of the water body type.

Table 1. Water Body Buffers

Water Body Type	Buffer Width Minimum (feet)[1]
Types S and F waters	250
Type Np waters	200
Type Ns waters	150

[1] *Distance is measured out from ordinary high water mark on each bank of water body.*

No activities that the ENR Department finds degrade the water body's habitat, temperature, water quality and ecological function shall be conducted within the buffer width. These activities include but are not limited to: roads and road building, land clearing and grading, soil disturbing activities, storage of hazardous and non hazardous materials, or any other activity that would remove vegetation and diminish the functionality of the buffer.

The ENR Department has the discretion to authorize the following activities to be conducted in the buffer width: habitat restoration, recreation, trails, cultural activities, and those activities on the initial reservation as listed in the Snoqualmie Hills Casino project Environmental Assessment ("EA") issued prior to adoption of the Environment and Natural Resources Title of the Snoqualmie Tribal Code and which adhere to the standards listed in those documents, and other management activities deemed appropriate by the ENR Department. The ENR Department can only authorize the above-listed activities provided that the functional characteristics of the riparian area necessary to protect the water body are not significantly impaired, and that Tribal environmental policies including no net loss of wetlands on Snoqualmie Tribal lands. These activities shall incorporate best management practices to control loss of vegetation, reduce erosion and prevent sediment from entering the water body.

The ENR Department has the discretion to authorize on or off-site mitigation to provide equivalent riparian protection, if there is unavoidable use conflict within these designated buffer zones. The ENR Department has the discretion to review existing uses on newly acquired lands, and to require permits, mitigation measures (such as mitigation or conservation credits) or other means authorized by Tribal or federal law to bring such lands into conformity or to provide equivalent riparian protection within the watershed.

The ENR Department has discretionary authority to establish a wetlands and riparian mitigation planning and permit system that incorporates mitigation options, and to implement and coordinate the Tribe's no-net loss of wetlands policy pertaining to traditional areas. This discretionary authority includes implementing on Snoqualmie Tribal lands a strategic hierarchy of avoidance, minimization, and mitigation, as well as establishing and revising a wetlands ratings system, on site mitigation, such as buffer averaging and/or ratios, and off-site mitigation options, including ratios for acceptable mitigation, and/or mitigation banking, in providing equivalent riparian protection and

incentive for on-site avoidance or mitigation, and coordinating with efforts in traditional areas for wetlands and riparian protection, restoration, and mitigation.

The ENR Department may use best available science, traditional ecological knowledge, or published documents, such as the Guidance on Wetlands Mitigation in Washington State, (Department of Ecology publication number 04-06-13b), as guidance for establishing and enforcing wetlands and riparian mitigation options in implementing and coordinating the Tribal no-net loss policy.

6.5 DUTIES OF THE ENR DEPARTMENT

The ENR Department is hereby designated as the lead Tribal department for all matters pertaining to the environmental protection of Tribal water resources. The ENR Department, through its director, shall have the authority to promulgate or amend regulatory water quality standards to allow for flexibility such as adaptive management. The ENR Department shall communicate with EPA and other federal, state or Tribal agencies as may be necessary to carry out the environmental management of the Tribe's water resources. The ENR Department is authorized to:

(a) Compile and review historical data on the quality of waters of the Tribe and develop a format for a water quality database, and enter data of acceptable quality into that database;

(b) Determine gaps in existing data and create a surface water quality monitoring program;

(c) Oversee field collection and laboratory analysis of samples, and reporting of data;

(d) Compile an updated Standard Operating Procedures ("SOP") manual for water quality monitoring procedures;

(e) Compile an updated Quality Assurance Project Plan ("QAPP") that will outline the Quality Assurance/Quality Control ("QA/QC") requirements for collecting and analyzing data; and

(f) Review on a regular basis, and revise as appropriate for environmental protection and management (and in coordination with Tribal Administration, the ENR Committee and Tribal Council), water quality criteria and standards including designated uses.

6.6 DUTIES OF THE DIRECTOR OF THE ENR DEPARTMENT

The duties of the Director of the ENR Department include coordinating and overseeing efforts of the ENR Department to develop, implement, and enforce the Tribe's Water Resources Program.

6.7 ANTIDEGRADATION POLICY

The following policy shall be known as the Tribe's antidegradation policy under the Water Resource Program:

(a) Existing in-water uses and the level of water quality necessary to protect the existing uses shall be maintained, protected, or upgraded, subject to the following policy. The ENR Department may require an upgrade of protection or change of use to protect waters of the Tribe, depending upon the circumstances.

(b) When the quality of the water exceeds levels found by the ENR Department to be necessary to support the propagation of fish, shellfish, wildlife, recreation and cultural activities in and on the water, that quality shall be maintained and protected unless the ENR Department finds, subject to review and approval by the Tribal Administrator or Tribal Council, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the ENR Department shall ensure water quality adequate to protect existing uses fully. The ENR Department may require mitigation measures authorized by Tribal or federal law, including, but not limited to, mitigation or conservation mitigation banks. Further, the ENR Department shall ensure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for non-point source control.

(c) Where high quality waters constitute an outstanding Tribal resource, such as waters of federal, state, local or Tribal parks and wildlife refuges and waters of exceptional recreational, ecological or cultural significance, that water quality shall be maintained and protected.

(d) This policy is not intended to supersede or replace the established Tribal policy of no-net loss of wetlands.

6.8 NARRATIVE WATER QUALITY CRITERIA

In coordination with 40 C.F.R. § 131.11(a)(2), the Tribe hereby adopts the following narrative water quality criteria, which are the minimum conditions applicable to all waters of the Tribe:

(a) All waters of the Tribe shall be free from substances attributable to pollutants that:

(1) Settle to form objectionable deposits;

(2) Float as debris, scum, oil, or other matter forming nuisance;

(3) Produce objectionable color, odor, taste, or turbidity;

(4) Cause injury to, or are toxic to, or produce adverse physiological responses in humans, animals, or plants, including adverse impacts to reproductive capacity unless specifically and exclusively targeting nuisance or invasive species; or

(5) Produce undesirable nuisance aquatic life.

(b) The narrative water quality criteria shall be implemented and may take into consideration appropriate EPA technical guidance concerning development of water quality based controls, such as methods described in Chapter 2.1.2 of the *Technical Support Document for Water Quality Based Toxics Controls* (EPA, 1991). At such time that the Tribe adopts numeric water quality criteria, implementation procedures will be expanded to coordinate with the requirements of 40 C.F.R. § 122.44 (establishing limitations, standards, and other permit conditions applicable to State National Pollutant Discharge Elimination System ("NPDES") programs).

6.9 NARRATIVE BIOLOGICAL CRITERIA

Waters of the Tribe shall be free from substances, whether attributable to point source discharges or non-point source activities, in concentrations or combinations which would impair the biological quality of the aquatic community as it naturally occurs. The Tribe intends to preserve, protect, and restore the waters of the Tribe in their most natural condition. The condition of these waters shall be determined from the measures of physical, chemical, and biological characteristics of each waterbed type, according to its designated use. As a component of these measurements, the biological quality of any given Tribal water body may be assessed by comparison to reference areas based upon similar hydrologic and watershed characteristics that represent the optimum natural condition for that system. Reference areas shall be those areas observed to support the greatest variety and abundance of aquatic life as can be expected or has been historically or traditionally found in natural settings which are undisturbed or minimally disturbed by human impacts, development, or discharges. Management efforts by the Tribe relative to these criteria shall be consistent with the objective of preserving, protecting, and restoring the most natural communities of fish, shellfish, and wildlife attainable, or traditionally present, in these waters; and in all cases shall protect against degradation of the highest existing or subsequently attained uses or biological conditions pursuant to Tribal antidegradation requirements.

6.10 WATER QUALITY STANDARDS FOR WETLANDS

Wetlands are valuable resources on Snoqualmie Tribal lands. They serve to cleanse polluted waters, recharge groundwater aquifers, and prevent or mitigate floods, while providing unique habitats for a wide variety of flora and fauna (fish, macroinvertebrates,

amphibians, or hydrophytic vegetation) on an intermittent to regular basis. All wetlands on Snoqualmie Tribal lands which are not constructed wetlands are considered waters of the Tribe, and shall be subject to narrative criteria, applicable antidegradation and riparian management provisions. It shall be the goal of the Tribe to maintain the water quality of wetlands at naturally occurring levels, within the natural range of variation for the individual wetland. For substances that are not naturally occurring, water quality requirements shall be based on protecting existing uses of the wetland consistent with antidegradation requirements, the Tribe's narrative water quality criteria, or criteria assigned to hydrologically connected surface waters, or appropriate criteria guidance issued by the EPA.

The ENR Department has the authority to establish appropriate zoning and buffers for wetlands protection. A 300 foot buffer around wetlands and riparian areas is hereby generally required. With adequate mitigation authorized by Tribal or federal law, however, including, but not limited to mitigation or conservation banking, the Washington State Department of Fish and Wildlife buffers and mitigation for wetlands, aquifer recharge areas and riparian areas, or other appropriate guidelines may be incorporated by reference, and may be modified to provide for more environmental protection. Projects already planned to be undertaken on Snoqualmie Tribal lands and analyzed under the National Environmental Policy Act through issuance of Environmental Impact Statements or Environmental Assessments which have been issued prior to the adoption of this Chapter shall adhere to the protections listed in those documents, provided that related activities of the projects are consistent with other Tribal environmental policies, including no-net loss of wetlands on Snoqualmie Tribal lands. Snoqualmie Tribal Resolution No. 04-2005. The ENR Department has authority to oversee and monitor activities associated with those projects to assure compliance, and to issue and enforce compliance orders pursuant to the Snoqualmie Tribal Code.

6.11 Designated Uses Of Waters Of The Tribe

The ENR Department is authorized to designate uses for all waters of the Tribe, and shall consider the use and value of each water body in making such classifications. The ENR Department is authorized to review, and with policy input from the ENR Committee, modify or update the designated uses appropriate for waters of the Tribe. The following designated uses may be applied to individual surface water segments on Snoqualmie Tribal lands, including those segments of water bodies as they pass through Snoqualmie Tribal lands:

(a) I - Primary Contact Recreation. The quality of waters in this classification is to be suitable for recreational purposes, including such water contact activities as swimming and traditional bathing/cleansing ceremonies.

(b) II - Aquatic Life. Waters in this classification are intended for fishing and for propagation of fish, aquatic life, and wildlife.

(c) III – Flora and fauna usage. Plants and animal species appurtenant to these waters are deemed significant for use or other consideration by Tribal members and community.

(d) IV – Cultural uses. Waters in this classification are intended for cultural, religious or traditional use.

(e) V - Outstanding Tribal Resource Waters. Where high quality waters constitute an outstanding Tribal resource, such as waters of Tribal parks and wildlife refuges and waters of exceptional recreational, cultural, or ecological significance, that water quality shall be at minimum, maintained and protected or restored, and, if necessary, areas or protection established or upgraded so that traditional uses shall be protected.

6.12 Numeric Water Quality Criteria

The ENR Department is authorized to develop and adopt numeric criteria for the protection of all waters of the Tribe and to ensure coordination and compliance with 40 C.F.R. Part 131 (Water Quality Standards). The ENR Department shall develop a complete set of baseline data on the quality of waters of the Tribe. The Tribe shall adopt, as default, general Washington State water quality criteria where not in conflict with Snoqualmie Tribal water quality code. The resulting database will:

(a) Provide an overview of the current water quality of waters of the Tribe;

(b) Assist in future classifications of waters of the Tribe;

(c) Help to inventory potential point and non-point sources of pollution; and

(d) Identify areas of special concern that may need immediate attention.

The data collected shall be used for long-term monitoring, tracking water quality standards compliance, providing information for assessing environmental impacts from residential or commercial development on Snoqualmie Tribal lands, and prioritizing program activities.

6.13 Permitting Under The Water Resources Program

6.13.1 Surface Water Permitting Program; Purpose

The purpose of the surface water permitting program is to promote tribal health, safety and welfare by providing for the comprehensive management, and elimination or avoidance of discharges to surface waters of the Tribe. The program is designed to reduce flooding, erosion, and sedimentation; prevent and mitigate habitat loss; enhance groundwater recharge; and prevent water quality degradation. These goals are achieved through the implementation of comprehensive and thorough permit system, which

includes inspection, enforcement, and maintenance measures intended to promote the effectiveness of the requirements contained in this section.

6.13.2 Surface Water Discharge Permit For Soil Disturbing Activities

All entities and persons (hereafter called "operators") conducting soil disturbing activities on Snoqualmie Tribal lands must apply for a surface water discharge permit. Application for a surface water discharge permit must be made 90 days prior to the start of the soil disturbing activity or discharge. Once received, the ENR Department will have 30 days to review the permit application and Storm Water Pollution Prevention Plan ("SWPPP"). No soil disturbing activity or discharge may commence unless and until the ENR Department issues a final surface water discharge permit. The operator will be notified of any need for additional information or modification of the SWPPP at the end of the 30 day period and will be allowed an additional 30 days to make changes and reapply. The ENR Department will have 15 days to review and reply to the operator (either granting or refusing a permit) after a second, revised application is submitted.

The ENR Department shall adopt the King County, Washington Surface Water Design Manual ("SWDM") as a guidance document interpreting the requirements for surface water discharge permits for soil disturbing activities. A copy of the SWDM is on file with the ENR Department or the manual can be accessed through the King County website at following link (http://dnr.metrokc.gov/wlr/dss/DMUpdates/Appndx_D.pdf).The ENR Department shall retain the right to modify the SWDM to suit the conditions of Snoqualmie Tribal lands or as otherwise appropriate. The contents of this section and the guidance provided by the SWDM are not designed to mitigate all probable and significant erosion and stormwater impacts. If during the course of a project, inspections indicate that Best Management Practices ("BMPs") and other erosion and storm water controls are not adequately preventing adverse impacts, the ENR Department Director may determine and require additional mitigation measures to protect aquatic biota in streams and wetlands.

The King County, Washington SWDM provides information on erosion and sediment control principles and BMPs that the ENR Department shall require to be applied to all soil disturbing activities on Snoqualmie Tribal lands. The purpose of erosion and sediment control is to keep sediment on site and prevent transport of sediment during storm water runoff into waters of the Tribe or onto adjacent properties. Erosion and sediment control must be considered during the planning process of any construction project so that the design, installation and removal of BMPs are incorporated into the projects timeline.

The following information must be included in the permit application:

(a) Operator name, address, telephone number, and Employer Identification Number ("EIN");

(b) Soil disturbing activity site name, address, and description;

(c) Latitude, longitude and elevation(s) of the soil disturbing activity;

(d) Copy of the Storm Water Pollution Prevention Plan for the soil disturbing activity, prepared pursuant to section 6.13.3 of this Chapter;

(e) Estimated dates of commencement of the soil-disturbing activity and final stabilization measures;

(f) Total acreage of soil disturbance for the project; and

(g) The name, title and signature of an authorized representative responsible for the soil-disturbing activity.

6.13.3 STORM WATER POLLUTION PREVENTION PLAN

The ENR Department shall direct an operator to develop a Storm Water Pollution Prevention Plan ("SWPPP") as part of any permit application for a surface water discharge permit for a soil disturbing activity. The SWPPP shall be included in the permit application, shall be prepared in accordance with the King County, Washington SWDM and shall contain at least the following elements:

(a) Identification of all potential sources of pollution which many reasonably be expected to be discharged from the soil disturbing activity site in a manner that is likely to affect the quality of waters of the Tribe;

(b) Identification and description of the Best Management Practices ("BMPs"), as described in section 6.13.4 of this Chapter, that will be used to reduce pollutants in storm water discharge from the soil disturbing activity site. Use the King County, Washington SWDM as a guidance document when identifying BMPs;

(c) The BMPs described should match those displayed on the site map;

(d) A description of BMPs that will be used to mitigate the impacts of non-storm water discharges, such as dust abatement, that may occur during the soil disturbing activity. The description should describe the sequence of installation and removal of BMPs during the soil disturbing activity;

(e) A description of permanent BMPs that will be left on the soil disturbing activity site after completion of the project;

(f) Identification of party or parties responsible for installation and maintenance of BMPs on the site. If multiple parties are involved, provide information on BMP locations that each party will be responsible for installation and maintaining;

(g) Description of the nature of the soil disturbing activity including the function of the project, the intended sequence and timing of soil disturbing activities, an estimate of the total area expected to be disturbed by excavation, grading or other construction activities, including dedicated off-site borrow and fill areas;

(h) Description of structural practices to be employed to divert storm water run on away from areas of exposed soil. Placement of storm water diversions in stream and wetland buffers should be avoided;

(i) A legible site map that shows the entire soil disturbing activity site. The site map shall be updated during the project to reflect changes in BMP locations, additional BMPs, and areas that have achieved final stabilization. The site map shall contain the following elements:

(1) Direction(s) of storm water flow and approximate slopes anticipated after major grading activities;

(2) Identification of areas within the soil disturbing activity area where soil disturbing activities will occur;

(3) Identification of areas within the soil disturbing activity area that will not be disturbed;

(4) Identification of areas of native vegetation that will be preserved including the BMPs that will be used to protect these areas;

(5) Locations of BMPs that will be used on the soil disturbing activity site. The BMPs must match those described in the SWPPP;

(6) Locations where stabilization practices are expected to occur;

(7) Locations of on-site materials, waste, borrow or equipment storage areas;

(8) Locations of equipment fueling areas;

(9) Locations of all waters of the Tribe into which discharges may occur as a result of the soil disturbing activity. The ENR department can provide locations and maps of Tribal waters;

(10) Locations where surface water discharge from the soil disturbing activity site is anticipated to enter waters of the Tribe;

(11) A description of the measures used to prevent building materials and other construction related waste from entering waters of the Tribe;

(12) A description of the measures to minimize, to the extent practicable, off-site vehicle tracking of soil onto paved surfaces;

(13) A description of the measures to minimize, to the extent practicable, the creation of dust from the soil disturbing activity site;

(14) A description of the areas where construction and waste materials will be stored and the BMPs and storage practices that will be used to limit the exposure of these materials to storm water; and

(15) A description of the spill prevention and response procedures.

All BMPs and other protection measures identified in the SWPPP must be maintained so that they are effective in controlling sediment and erosion from the soil disturbing activities to the ENR Department's satisfaction.

BMPs that the ENR Department identifies as ineffective, needing repair or replacement during an inspection must be replaced or repaired as soon as possible and before the next storm event.

Sediment from sediment traps or sediment ponds must be removed when design capacity is reduced by fifty (50) percent. Removed sediment shall be placed on site and protected by a covering or other BMPs to prevent entrainment into storm water runoff.

6.13.4 BEST MANAGEMENT PRACTICES

The ENR Department shall require that each operator implement BMPs during soil disturbing or discharge activities. All BMPs must be properly selected, installed, and maintained in accordance with any relevant manufacturer specifications and good engineering practices. If periodic inspections or other information indicates a BMP has been used inappropriately or incorrectly, the ENR Department shall require the operator to replace or modify the BMP for site situations as soon as practicable.

If sediment escapes the soil disturbing activity site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

Litter, construction debris, and construction chemicals that could be exposed to storm water must be prevented from becoming a pollutant source in storm water discharges.

Except as provided below, stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased.

Where soil disturbing or discharge activity on a portion of the site is temporarily ceased, and soil disturbing or discharge activities will be resumed within fourteen (14) days, temporary stabilization measures do not have to be initiated on that portion of the site.

A combination of sediment and erosion control measures is required to achieve maximum pollutant containment.

For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent control measures, must be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, must be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils, slope, available area on-site, etc. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment controls must be used where site limitations would preclude a safe design.

For drainage locations which serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent control is not attainable, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).

For drainage locations serving less than ten (10) acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the soil disturbing activity area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided.

Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

BMPs shall be consistent with Tribal policies including no-net loss of wetlands on Snoqualmie Tribal lands.

6.13.5 SURFACE WATER DISCHARGE PERMIT FOR POINT SOURCES

Reserved.

6.13.6 SURFACE WATER DISCHARGE PERMIT FOR DREDGED AND FILL MATERIAL

Reserved.

6.13.7 HERBICIDES AND PESTICIDES POLICY; CONDITIONAL PERMIT

Application of herbicides and pesticides is prohibited except when authorized under a conditional permit, which may be granted by the ENR Department for agricultural (including tree farming), residential, or commercial application, when no reasonable alternative is available to control pests or plant growth. Permitted use shall be in compliance with other provisions of the Snoqualmie Tribal Code.

6.13.8 PERMIT FEES

The ENR Department shall set reasonable fees for the costs associated with surface water discharge permit review and issuance. The fees to be assessed shall be adjusted at the beginning of each fiscal year.

6.13.9 SPECIAL CONDITIONS; MANAGEMENT PRACTICES; OTHER LIMITATIONS

Each soil disturbing activity site shall have a designated concrete washout location that is designed so that washout water and concrete is contained in a basin and is not allowed to discharge to waters of the Tribe. Dried concrete shall be removed from the washout basin and disposed of properly when the basin is fifty (50) percent full or at the end of the soil disturbing activity.

Permits issued pursuant to this Chapter do not authorize the discharge of hazardous materials or oil resulting from an onsite spill. The discharge of hazardous substances or oil in storm water discharges from the soil disturbing site must be prevented or minimized in accordance with the SWPPP.

If a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 C.F.R. Part 110, 40 C.F.R. Part 117 or 40 C.F.R. Part 302, occurs from the soil disturbing activity site during a 24-hour period:

(a) The operator must notify the ENR Department Director, or designated staff or agent, who will provide notice to the National Response Center (NRC) (800–424–8802) in accordance with the requirements of 40 C.F.R.

Part 110, 40 C.F.R. Part 117 and 40 C.F.R. Part 302 as soon as site staff have knowledge of the discharge;

(b) The operator must work with the ENR Department Director, or designated staff or agent, to modify the SWPPP as required under this Chapter within seven calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. Plans must identify measures to prevent the reoccurrence of such releases and to respond to such releases.

(c) The operator shall be liable for any damages directly or indirectly caused by any unauthorized discharge, as well as any corrective actions necessary to remedy the direct or indirect damage caused by the unauthorized discharge.

(d) The Tribal Council retains the right to pursue any legal remedies available to respond to the unauthorized discharge.

6.13.10 ATTAINMENT OF TRIBAL WATER QUALITY STANDARDS

Reserved.

6.13.11 TRIBAL TOTAL MAXIMUM DAILY LOADS

Reserved.

6.13.12 INSPECTIONS

The ENR Department shall conduct routine inspections of all permitted soil disturbing activity or discharge sites to insure that BMPs and other protective measures are functioning to control sediment and erosion from the site and to protect waters of the Tribe. The findings of the inspection shall be documented in a written inspection report.

Inspections must be conducted once every fourteen (14) days and within twenty-four (24) hours of a storm event of 0.5 inches or greater.

Inspections must cover all disturbed areas on the soil disturbing activity site, areas used for storage of materials that are exposed to precipitation, and areas that relate to the discharge of pollutants. Inspectors must look for evidence of, or the potential for, pollutants entering the storm water conveyance system. Sedimentation and erosion control measures identified in the SWPPP must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the Tribe, where accessible, and whether all required treatment technology is functioning properly and effectively. If discharge locations are inaccessible, nearby downstream locations must be inspected to

the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.

The following information shall be recorded on the inspection report:

(a) The date of inspection;

(b) The soil disturbing activity or discharge site inspected, including the GIS coordinates for the site;

(c) Name(s), title(s) and qualification(s) of the personnel conducting the inspection;

(d) Weather information in the form of dates of storm events, duration of storm events, amount of rainfall during storm events;

(e) Weather information during the time of inspection;

(f) Location(s) of erosion and evidence of discharges of sediment or other pollutants from the site;

(g) Location(s) and types of BMPs that need to be implemented or improved;

(h) Location(s) and types of BMPs that failed;

(i) Location(s) and types of additional BMPs that need to be installed;

(j) Recommendations of corrective actions required to prevent future discharges of sediment or pollutants from the site; and

(k) Documentation stating that the soil disturbing activity or discharge site is in compliance if the inspection does not identify any areas not in compliance with the permit and SWPPP.

The results of the inspection shall be presented to the soil disturbing activity or discharge site operator who will be responsible for implementing the maintenance or new installations of BMPs identified in the inspection. The operator will have seven (7) days to comply with the recommended corrective actions contained in the inspection report.

6.13.13 ENFORCEMENT

The ENR Department, ENR Director or their designated agent, is authorized to enforce the terms and conditions in any surface water discharge permit issued pursuant to this Chapter, or any other provisions of this Chapter. The ENR Department, staff, or Designated agent are authorized to enter or access a site or location under jurisdiction of the Tribe for enforcement purposes of this Chapter. Reasonable notice shall be given to

the property owner or operator for access, such as twenty-four (24) hour written or verbal notice for non-emergency situations. If the ENR Director determines an emergency situation exists, such as imminent harm to the public health, safety or natural resources of the Tribe, the ENR Director, staff or designated agent are authorized immediate access to resolve the emergency and to enforce compliance with the Environment and Natural Resources Chapter of the Snoqualmie Tribal Code. If through inspections or other means, or if access to the site is refused, the ENR Department, in consultation with the Tribal Administrator, and subject to review by the Snoqualmie Tribal Council, is authorized to issue stop work orders, to order remediation, to assess damages and fines for remediation costs, or other punitive fines or penalties deemed appropriate by the ENR Department. The ENR Department has the discretion to order mitigation measures, including on-site or off-site restoration, or mitigation or conservation banking, or supplemental environmental projects ("SEPs"), or a combination thereof, and to assess costs of restoration, mitigation or conservation banking, or SEPs, to the operator or party responsible for the violation of this Chapter.

6.13.14 TERMINATION/CANCELLATION OF PERMIT

(a) The operator may request that the surface water discharge permit be terminated only after the following conditions have been met:

(1) Another operator has assumed control of the soil disturbing activity or discharge site; or

(2) An ENR representative has conducted a final inspection and documented:

(A) There is no visible evidence of erosion or sediment leaving the soil disturbing activity site;

(B) Permanently vegetative areas within the soil disturbing activity site have achieved at least 70% vegetative cover;

(C) All temporary BMPs have been removed or arrangements to have them removed have been made with the ENR Department Director, or designated staff or agent;

(D) Permanent BMPs have been installed and are functional to the satisfaction of the ENR Department Director; and

(E) All construction debris, concrete from washout basins and other waste have been removed from the site.

(b) If the final inspection reveals that any of the above criteria have not been met, the operator shall be required to install, repair or replace erosion and sediment controls necessary to fulfill the above criteria. Upon taking all

corrective action necessary, the ENR Department shall conduct an additional close-out inspection. If the ENR Department finds that the operator has met all of the criteria set forth in this section, the ENR Department Director shall terminate the permit.

(c) Upon termination of the permit the operator will receive written documentation from the ENR Department Director, or designated staff, stating that all requirements of the permit have been fulfilled, and that the permit has been terminated.

(d) The ENR Department shall have the right to cancel any surface water discharge permit at any time for good cause. The following circumstances constitute good cause for cancellation of a surface water discharge permit:

(1) Failure to comply with any permit requirement;

(2) Failure to allow site inspections;

(3) Failure to provide, in a timely manner, corrective measures, including those recommended by the ENR Department Director, and which may supplement permit requirements, to provide for protection of water quality;

(4) Findings of an environmentally or culturally sensitive nature, as determined by the ENR Department, the ENR Committee or Tribal Council, which necessitate site protection; and

(5) Other circumstances deemed as public necessity by the ENR Department, the Tribal Administrator or Tribal Council.

6.13.15 PERMIT REVIEW; PUBLIC PARTICIPATION; APPEALS PROCESS

Reserved.

6.14 STANDARD OPERATING PROCEDURES AND ANALYTICAL METHODS

All methods of analysis used in measuring the water quality of the Tribe's surface waters for purposes of determining compliance with the standards set forth in this Chapter shall be in accordance with procedures outlined in 40 C.F.R. Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

The ENR Department is authorized to develop and maintain a current set of standard operating procedures ("SOP") outlining the step-by-step procedures to be used for collecting samples and performing analyses. In developing the Tribal SOP, the ENR Department may consider appropriate sections of EPA Environmental Compliance Branch Standard Operating Procedures and Quality Assurance Manuals.

The ENR Department is authorized to develop and maintain a current QAPP which outlines the procedures to be used for ensuring high-quality data when conducting sample collection and analysis for environmental monitoring.

6.15 SEVERABILITY

If any provision of the Surface Water Resources Management Code, or any application of its provisions to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remaining provisions of the Snoqualmie Tribal Code, shall not be affected thereby.

ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 20TH DAY OF MARCH, 2008 IN SESSION DULY MET. TRIBAL COUNCIL ACT 05-08.

CODIFIED BY THE SNOQUALMIE TRIBAL SECRETARY ON THE 21 DAY OF October 2008.

Clarence Mendoza
TRIBAL SECRETARY 10-21-08