Indian Affairs - Office of Public Affairs

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In July 1993, the Confederated Salish and Kootenai Tribes (the Tribes) submitted an application for treatment-as-state status under the Clean Water Act with respect to all surface waters within the Flathead Indian reservation. The State of Montana opposed the EPA granting the Tribes treatment as state status by arguing that the Tribes did not possess inherent civil regulatory authority over land owned by nonmembers.

The United States District Court, Missoula Division, District of Montana in its decision on March 27, 1996, upheld the EP A's approval of the Tribes' application to establish water quality standards for surface waters with the Tribe’s reservation under section 303 of the Clean Water Act.

"This is a major victory for the Salish and Kootenai Tribes within the State of Montana" said Ada E. Deer, Assistant Secretary for Indian Affairs. "This decision will assist other Indian tribes be given "treatment-as-state" status when they apply to the EPA to regulate water quality standards within their reservations." she said.

"As the primary agency within the federal government for the administration of federal programs and for the protection of Indian tribal rights, the Bureau of Indian Affairs will continue to champion the cause of tribal governments and protect their rights." Ms. Deer said.

This ruling will now clear the way for the Tribes to proceed with the development of water quality standards. It confirms Indian tribal sovereignty.