

CHAPTER 13
WATER QUALITY

13-1 COUNCIL FINDINGS

13-1.01 The Tribal Council is responsible for maintaining, promoting and protecting the general welfare and treaty and aboriginal rights of the people of the Kootenai Tribe of Idaho.

13-1.02 The Tribal Council possesses the inherent authority to regulate conduct occurring on its lands that meet the definition of Indian Country under federal law or lands within the external boundaries of the above-described lands that are not held in trust by the United States, including the waters on or flowing through such lands.

13-1.03 The continued existence of numerous fish species in the Kootenai River can be promoted under the Tribe's inherent right to regulate conduct and the rights reserved in the Treaty of Hell Gate. In meeting its responsibility to the Tribe and its members, the Tribal Council must act to protect those fish species indigenous to the waters of the Tribe, including those fish species in the Kootenai River. In so doing, the Council must ensure that the quality of its waters will be such that the fish can survive.

13-2 WATER QUALITY STANDARDS

13-2.01 The minimum water quality standards applicable within the Tribe's jurisdiction shall be those standards contained in the federal Clean Water Act, 33 U.S.C. §§ 1251 et seq., and applicable regulations promulgated thereunder, unless otherwise specified by the Council.