

# Water Quality Update

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## EPA Announces Access to National and Local Water Quality Data

The U.S. Environmental Protection Agency -- as part of its public right-to-know initiatives -- recently announced the release of its first comprehensive assessment of U.S. watersheds.

"The Clinton Administration believes that one of the most effective ways to solve environmental problems is to put information about pollution into the hands of citizens," said EPA Administrator Carol M. Browner. "We also believe that the best way to achieve cleaner water is to protect the more than 2,000 watersheds in this country.

EPA categorized 2,111 watersheds in the continental United States by combining nationally available data and evaluating it watershed-by-watershed. (Alaska and Hawaii will be added later.)

EPA made the watershed assessments by combining into one index 15 individual databases available from many public and private sources. The 15 individual databases are "indicators" used to assess and score the watersheds, for both condition (quality) and vulnerability to degradation from pollution. The databases also can be generated on the Internet in the form of national and local maps.

The first seven indicators are used to characterize watershed conditions: Rivers; Fish and Wildlife Consumption Advisories; Drinking Water Sources; Contaminated Sediments; Ambient Water Quality using Four Toxic Pollutants; Ambient Water Quality using Four Conventional Pollutants; Wetlands Loss.

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## Tribes Claim Rights to Nearly All Oklahoma Water *Outcome could have impact on future water sales...*



If several Indian tribes in Oklahoma do indeed own much of the state's water rights - as they claim they do under treaties with the U.S. government - the state will face major changes in the way it manages water resources.

The tribes say they own about 85 percent of the state's water rights - rights to two thirds of the state geographically, and rights to at least 90 percent of Oklahoma's surplus water - according to attorney L.V. Watkins, who has been an advisor to the Choctaw Nation since 1967, and is now water rights consultant to the tribes.

Watkins explains that the state water permit holders shouldn't be alarmed. If the tribes claims are recognized, he said, tribal laws and customs allow current users to keep water access.

It is the potential sale by the state of surplus water, he said, that is the current focus of negotiations. At stake, for the state, are millions of dollars in future water sales and the exclusive right to sell the water to municipalities and rural water districts.

"The tribes want to be a part of the process," said Bob Rabon, who represents the Choctaw and Chickasaw nations. "Both the tribes and the state understand that it's not an issue that needs to be litigated. It would take years, and in the meantime, there's valuable water not being exploited as it should be."

When discussions of the potential sale of this water began back in 1990, state officials were delivered a position paper from the tribes, complete with a copy of the Dancing Rabbit Creek treaty, which deeded this southeastern portion of Oklahoma - including water rights - to the tribes, as well as the government patent to the tribe.

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The next eight indicators are used to assess vulnerability: Aquatic/Wetland Species at Risk; Pollutant Loads above Permitted Limits for Toxic Pollutants; Pollutant Loads above Permitted Limits for Conventional Pollutants; Urban Runoff Potential; Agricultural Runoff Potential; Population Change; Hydrologic Modifications from Dams; and Estuarine Pollution Susceptibility.

The public also will be able retrieve, in addition to the above information, the overall score for a watershed, reflecting condition and vulnerability; additional information provided by states; and links to public and volunteer organizations working to protect and restore water at the regional, state and watershed level.

The index includes both historical and recent wetland losses.

The watershed database, called the "Index of Watershed Indicators" is available on the web at:

<http://www.epa.gov/surf/iwi>

Additional instructions and hard copy is available from the National Center for Environmental Publications and Information, P.O. Box 42419, Cincinnati, Ohio 45242-2419; phone: 513-489-8190; fax: 513-489-8695.

Publication number for the "Index of Watershed Indicators" is: EPA-841-R-97-010◆

 **UPDATE:**

Some of you may have caught the recent episode on Nightline concerning the case of the deformed frogs as described in the September issue. If not, you'll have another opportunity to catch up this amphibian epic.

The saga continues on the Discovery Channel show "Discovery Magazine," scheduled to air at **8 p.m. on October 20<sup>th</sup>**.

Dr. Jack Bantle, OSU zoology professor and College of Arts and Sciences associate dean of research was interviewed briefly on Nightline and will also be featured on the upcoming show.

A test developed by Bantle was used by researchers to determine that it is something in the Minnesota lake water itself causing the deformities. The identity of the causative agent has yet to be determined.

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That treaty includes the explicit provision that "no territory or state shall ever have a right to pass laws for the government of the Choctaw Nations of Red People and their descendants; and that no part of the land granted them shall every be embraced in any territory or state."

"State law doesn't recognize tribal rights to water in Oklahoma," said Duane Smith, executive director of the Oklahoma Water Resources Board. "We haven't made a determination if their claims are valid or invalid. They have never been litigated."

Federal law, however, is another matter. Federal treaties with Oklahoma tribes cover rights to both land and water going back 167 years, explained Watkins. Watkins, who has spent almost 30 years researching Indian water rights in the states, cites several Supreme Court ruling in favor of the tribes.

State officials, aware that the current claim could end up in federal court, are convinced negotiating a settlement is a far better route. "The tribes, I believe in good faith, have tried to come to the table and make their claim," said Smith. "And I believe the state, in good faith, is trying to find some way to accommodate something that can be beneficial to both sides."

The tribes are also claiming rights to water in southeast Oklahoma feeding Atoka and McGee Creek lakes, the main source of drinking water for Oklahoma City.

"The U.S. government conveyed the land and all in it to the Five Civilized Tribes," explains Watkins. "That means the title can be transferred and endure indefinitely. The patent uniquely established complete property rights in the lands and natural resources which the tribes can utilize or dispose of for the benefit of the Indians.

Rabon said state officials have been quietly discussing water rights with Choctaw and Chickasaw leaders since 1990, when the Oklahoma legislature began discussing the possibility of selling water from Sardis Lake

"We asked state officials for one piece of paper that documented their claim to the water," said Watkins.

"To this date, we haven't received one. The tribes have been quiet all this time because the water has stayed here. But if it goes outside the tribal boundaries, they have to speak up." ◆

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Excerpted from *U.S. Water News* Vol. 14(10) October 1997.



### Cool Web Pages

 **Oklahoma Mesonet** - all the weather info you ever wanted including a fire danger model, soil temperature data, and a pecan scab spray advisory model.  
<http://radar.metr.ou.edu/agwx/agwx.html>

**\* EPA kids**  
Enter the Explorer's Club and learn about water, recycling, and other environmental topics. The site provides info needed to get your child's artwork on the web!  
<http://www.epa.gov/kids/>

 **USGS Maps**  
Digital maps of surficial geological features have just been released by USGS on the web. Check it out.  
<http://www.seic.okstate.edu/gis/usgs/geology.html>

**\*Oklahoma AWRA**  
Check out the activities of the state section of the American Water Resources Association. Contains links to even more water-related web sites.  
<http://www.agen.okstate.edu/ok-awra>



## Household Hazardous Waste Collection Brings in Some Serious Trash

Ever wonder how much crud comes in on a household hazardous waste event? The sheer poundage may surprise you. About 23 tons of chemicals were collected on one event in Oklahoma City last month! That's 23 tons of stuff that can no longer harm the environment. Here's the breakdown:

(#'s represent containers unless obvious)

RECYCLABLES:	CHEMICALS:
• Used Oil 381	• Paints 420
• Tires 114	• Oven cleaners 12
• Oil Filters 15	• Pool chemicals 15
• Batteries 156	• Solvents 121
• Antifreeze 86	• Toilet bowl cleaners 11

### CHEMICALS:

• Brake fluids	16
• Drain cleaners	18
• Degreasers	11
• Dry Cleaning Fluids	2
• Herbicides	83
• Fertilizers	44
• Pesticides	163
• Old medications	2



Over 800 people participated. The crowd was predominately male (nearly 76%) and the majority (55%) was over the age of 50. Nearly 77% of the respondents reported storing the materials for a year or more. ♠

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