



United South and Eastern Tribes, Inc.

Nashville, TN Office:

711 Stewarts Ferry Pike, Suite 100
Nashville, TN 37214
Phone: (615) 872-7900
Fax: (615) 872-7417

Washington, DC Office:

400 North Capitol Street, Suite 585
Washington, D.C., 20001
Phone: (202) 624-3550
Fax: (202) 393-5218

USET Resolution No. 2014:049

ENVIRONMENTAL PROTECTION AGENCY PROPOSED RULEMAKING TO INCLUDE TRIBES IN SECTION 303(D) IMPAIRED WATERS UNDER THE CLEAN WATER ACT

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** Congress has through the years recognized the importance of clean surface waters in the United States through passage of and amendments to the Clean Water Act (CWA) as administered by the United States Environmental Protection Agency (EPA); and
- WHEREAS,** under Section 303(d) of the CWA, states, territories, and authorized Tribes are required to identify waters within their boundaries that are too polluted or otherwise degraded to meet the water quality standards set by the respective state, territory, or authorized Tribe; and
- WHEREAS,** the term reservation also includes Tribal trust lands and reservation lands; and
- WHEREAS,** Tribes without EPA-approved water quality standards have no mechanism in place to have polluted reservation waters declared as "Impaired Waters"; and
- WHEREAS,** a "Black Hole" is created when waters upstream and downstream of a reservation are declared as "Impaired Waters"; and
- WHEREAS,** this inability to have polluted on-reservation waters declared as "Impaired Waters" has the potential to inhibit Tribes from receiving funds for preventing pollution and implementing Best Management Practices so that runoff from agriculture, homes, and businesses does not add to the pollution problem; and
- WHEREAS,** EPA is initiating consultation and coordination with Tribes on a proposed rulemaking to provide more opportunities to fully engage Tribes in CWA Section 303(d) Impaired Waters Listing and Total Maximum Daily Load (TMDL) Program; and
- WHEREAS,** this action by EPA will provide opportunities by clarifying the process for Tribes to obtain Treatment in a Similar Manner as a State (TAS) authority for this program; and
- WHEREAS,** the proposed rule will provide a process for eligible Tribes to assume CWA Section 303(d) and TMDL portions of their water pollution control programs and more fully engage in restoring, maintaining, and protecting Tribal waters; and

WHEREAS, in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it


RESOLVED the USET Board of Directors supports the United States Environmental Protection Agency's proposed rulemaking which will authorize Tribes to designate Clean Water Act Section 303(d) "Impaired Waters" on their respective reservations and Tribal trust lands.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Bar Harbor, ME, June 4, 2014.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary
United South and Eastern Tribes, Inc.

"Because there is strength in Unity"