



# USET

SOVEREIGNTY PROTECTION FUND

May 15, 2017

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Submitted via regulations.gov

Sarah Rees, Director  
Office of Policy Regulatory Reform  
Mail Code 1803A  
1200 Pennsylvania Ave NW  
Washington, DC 20460

Re: Docket ID No. EPA-HQ-OA-2017-0190

Dear Director Rees,

We write on behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) to provide comment on the Environment Protection Agency (EPA) solicitation of public comments on President Trump's Executive Order (EO) 13777, "Enforcing the Regulatory Reform Agenda" that directs federal agencies, including EPA, to extensively review current regulatory processes and make recommendations to the heads of those agencies.

USET SPF is an intertribal organization comprised of twenty-six federally recognized Tribal Nations, ranging from Maine to Florida to Texas.<sup>1</sup> USET SPF is dedicated to enhancing the development of Tribal Nations, to improving the capabilities of Tribal governments, and assisting member Tribal governments in dealing effectively with public policy issues and in serving the broad needs of Indian people.

As EPA moves forward with implementing EO 13777, USET SPF strongly encourages the agency to consider and consult upon the impact of environmental regulatory revisions to Indian Country, as well as its federal trust responsibilities and obligations. The scope of EO 13777 is broad and does not take into account Tribal sovereignty or Tribal self-determination to manage environmental programs. Current regulations provide certain protection of sacred land, water and air to Tribal Nations. At this time, federal environmental law authorizes EPA to delegate authority to federally recognized Tribal Nations who are eligible under certain criteria to implement and manage environmental programs. The mechanism is known as "treatment in the same manner as a state" or TAS, and allows for Tribal Nations to play the same role as a state plays on state land. A rollback of current regulations would have a long-lasting effect on Tribal communities. Any changes to regulations should be designed to promote Tribal sovereignty and self-determination, providing for additional opportunities to extend the TAS designation. The ability for Tribal Nations to protect their environment and resources is vital, as they have knowledge of how best to

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<sup>1</sup>USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

implement and enforce environmental programs within their communities, and a responsibility to protect their citizens.

USET SPF acknowledges the EPA's efforts to connect with Tribal Nations by hosting a call on April 24, 2017 with the Office of International and Tribal Affairs' American Indian Environmental Office (AIEO). While USET SPF appreciates these efforts by EPA and AIEO, further Tribal consultation is needed to provide for comprehensive and meaningful input by Tribal communities that will be affected by any changes to existing EPA regulations. EPA must seek the advice and guidance of Tribal Nations before taking any action impacting Indian Country. One meeting is not sufficient to provide for ample input and consultation with Tribal Nations on the enormity of existing EPA regulations. We urge the agency to provide further opportunities for consultation as it begins consider individual regulations for repeal or revision.

Thank you for your time and attention to this matter. As EPA begins to take additional action on EO 13777, USET SPF insists it do so in consultation with Tribal Nations and with an eye toward advancing Tribal sovereignty. Please count us as a partner in EPA's efforts to uphold its trust responsibility to Tribal Nations. Should you have questions or require further information, please do not hesitate to contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs at: [LMalerba@usetinc.org](mailto:LMalerba@usetinc.org) or 202-624-3550.

Sincerely,



Kirk Francis  
President



Kitcki A. Carroll  
Executive Director