



# National Tribal Environmental Council

## National Tribal Environmental Council Executive Committee Meeting with United States Environmental Protection Agency Administrator Michael O. Leavitt

January 20, 2004, 1:30 p.m.

1200 Pennsylvania Avenue, NW  
Washington, DC

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### AGENDA

- I. Introductions
  - II. Background on NTEC and Environmental Protection in Indian Country
  - III. EPA Relations with Tribal Governments
  - IV. Priority Issues in Indian Country
  - V. EPA's Continuing Relationship with NTEC
  - VI. Other Significant Issues
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### I. INTRODUCTIONS

#### NTEC Delegation

The Honorable Brian Wallace, Chairman, Washoe Tribe of California and Nevada  
The Honorable Norman Deschampe, President, Minnesota Chippewa Tribe  
The Honorable Fred Vallo, Governor, Pueblo of Acoma  
The Honorable Joe Garcia, Councilmember, San Juan Pueblo  
John Persell, Director of Water Quality, Minnesota Chippewa Tribe  
Kesner Flores, Wintun EPA Director, Cortina Rancheria  
David Conrad, Executive Director, National Tribal Environmental Council  
Jacqueline Johnson, Executive Director, National Congress of American Indians  
Cindy Darcy, Pro Bono Senior Policy Advisor, Dorsey & Whitney, LLP  
Elizabeth Bell, Pro Bono Senior Policy Advisor, Holland & Knight, LLP

## II. BACKGROUND ON NTEC AND ENVIRONMENTAL PROTECTION IN INDIAN COUNTRY

### A. NTEC: A Brief History

The National Tribal Environmental Council (NTEC) was formed in 1991 with just seven tribes and input from several intertribal organizations, including the Council of Energy Resource Tribes and the Native American Rights Fund, as a membership organization dedicated to working with and assisting tribes in the protection and preservation of tribal environments. NTEC membership is open to any federally-recognized tribe throughout the United States, and currently has 175 member tribes. Although NTEC is a membership organization, its services are provided to all federally-recognized tribes.

Tribes have been witness to continuous and accelerated degradation of the land and resources surrounding their homelands. Our challenge is to integrate timeless traditional teachings and values into modern day practices. While strength exists in the great diversity of tribal cultures and governments, a united approach that respects tribal differences and works towards cleaner tribal environments is also critical. Thus, NTEC's mission is to enhance each tribe's ability to protect, preserve and promote the wise management of air, land and water for the benefit of current and future generations.

### B. Select NTEC Accomplishments

Our work began with a Ford Foundation grant, and since that time our programs and activities have grown substantially. In the 13 years since our inception, NTEC has:

- Grown from seven to 175 member tribes and increased its budget from \$150,000 to \$1.2 million;
- Hosted 11 national tribal environmental conferences throughout the country;
- Participated in working groups and formed partnerships to address hazardous waste remediation, natural resource damages, nuclear waste transportation, air quality and regional air pollution, toxic substances and Alaska Native issues;
- Conducted research, supported tribes and tribal organization in developing policies and published reports and bulletins on Superfund sites and federal facilities impacting tribal lands, tribal environmental issues in Alaska and international and trans-boundary issues impacting tribal interests;
- Led successful negotiations to create a tribal set-aside under the sulfur dioxide emission trading program;
- Assisted in identifying and securing funding for tribal projects within the Western Regional Air Partnership (WRAP);
- Facilitated the creation of the National Tribal Air Association, a membership organization formed to promote tribal interests with respect to air quality regulation;

- Facilitated tribal participation in the Clean Air Partnership Committee, a joint federal, tribal and state project, which identified air quality goals and priorities for the first decade of the twenty-first century;
- Conducted over 24 workshop training sessions for operators of tribal community water systems in four states;
- Conducted six train-the-trainer sessions, in partnership with the National Environmental Services Center, on “Preparing for the Unexpected;” and
- Logged over 185,000 miles in the last three years traveling throughout Indian country to provide on-site technical assistance and training on safe drinking water systems.

### C. Overview of NTEC Partnerships

In 2004, NTEC is pursuing a number of activities independently and through partnerships with tribal and non-tribal organizations. Examples of our partnerships include:

- The Office of Solid Waste and Emergency Response, National Air Program, Office of Pollution Prevention and Toxic Substances, American Indian Environmental Office, Office of Research and Development and Safe Drinking Water Offices in Regions VI and IX;
- Western Governor’s Association to facilitate greater tribal participation in the WRAP and provide technical assistance to tribal participants involved in addressing regional haze issues;
- National Congress of American Indians to assist with the administration of their Natural Resource Committee during conventions and the development of their annual State of Indian Country address;
- Environmental Council of States to facilitate the Forum On State and Tribal Toxics Action (FOSTTA) where states and tribes work together to prevent toxics in our communities;
- White House Council on Environmental Quality to recruit and coordinate tribal participation in the review and implementation of the “Modernization of NEPA Implementation” report;
- Department of Agriculture, Rural Utility Service to provide technical training in drinking water operator certification; and
- The Green Group to ensure consideration of tribal governmental interests in the national environmental dialogue and non-governmental policy agenda.

We have also developed a National Communications Plan that calls for outreach to and cooperation with the Department of Energy, Office of Environmental Management’s State and Tribal Government Working Group, United South and Eastern Tribes, Affiliated Tribes of Northwest Indians, Midwest Alliance of Sovereign Tribes, Council of Energy Resource Tribes, Intertribal Council of Arizona, Alaska Inter-Tribal Council, Intertribal Timber Council, Mni Sose Intertribal Water Rights Coalition, Columbia River Inter-Tribal Fish Commission, Northwest Indian Fisheries Commission, Native American Fish & Wildlife Society, Intertribal Agriculture Council,

Intertribal Bison Cooperative, National Indian Gaming Association, American Indian Science and Engineering Society, Inter-Tribal Energy Network and tribal colleges.

NTEC staff and board members also participate on a number of EPA working groups and advisory boards, including the Superfund Working Group, National Tribal Air Association, FOSTTA Tribal Affairs Project, WRAP, Council on Environmental Cooperation-Government Advisory Committee, Agency for Toxic Substance and Disease Registry ad hoc Tribal Work Group, Tribal Science Council, National Tribal Operations Committee and Regional Tribal Operations Committees.

D. Environmental Protection in Indian Country

Tribal governments in the United States are attempting to carefully balance the real need for both economic development and environmental protection. Tribes face some unique challenges in striking this careful balance. Tribal governments govern public affairs and provide community services on reservations and operate in cooperation with federal, state and local governments. Governing effectively is often hindered by the complex history that established the reservations and the many controversies and failed policies that still linger in our communities. Tribal environmental protection relies on several principles that, once understood, can help inform decisions and strengthen environmental protection efforts in Indian country. These principles are:

- Tribal governments have a legitimate and rightful place within the federal structure of the United States;
- Tribal governments are the only governments within the United States with the responsibility of perpetuating unique tribal cultures;
- Tribal governments are responsible for creating opportunities for economic development, not only as a means of public welfare, but also as a matter of raising operating revenue for government operations;
- Tribal governments have environmental and natural and cultural resources interests on and off the reservation they will seek to protect;
- Tribal governments are often young governments operating within a social and cultural context that extends back thousands of years; and
- Tribal cultures are intimately connected to the land and ecology, and the environment is viewed as a source of cultural strength and knowledge.

### **III. EPA RELATIONS WITH TRIBAL GOVERNMENTS**

A. Federal Trust Responsibility in Environmental Protection

A unique and distinct political relationship exists between the United States government and Indian tribes. As defined by treaties, statutes, executive orders, federal policies, court decisions and the United States Constitution, this relationship recognizes Indian tribes as separate sovereign governments and establishes the federal trust obligations. Attributes of tribal sovereignty include, but are not limited to, the rights of self-government and the exercise of substantial governing powers to protect human health and the environment. The federal trust responsibility requires the United States to deal with Indian tribes in manner that promotes the best interests of the tribes and to

manage Indian resources, on and off-reservation, with the most exacting fiduciary standards and consistent with treaty obligations.

This trust responsibility extends to all federal agencies. Consequently federal actions and the implementation of federal statutory schemes affecting Indian people, lands or resources must be undertaken in a manner that promotes the best interest of the tribes consistent with the trustee's fiduciary duties and treaty obligations. The federal government, through its agencies, is obligated to use its expertise and authority - in meaningful consultation with affected tribes - to safeguard natural resources that are of crucial importance to tribal self-government and prosperity. The trust responsibility informs the correct implementation of federal statutes affecting Indian country and imposes an independent obligation upon the federal government in general, and EPA in particular, in dealing with Indian tribes.

#### B. EPA Indian Policy

In 1984 EPA issued the "EPA Policy for the Administration of Environmental Programs on Indian Reservations" (Indian Policy). The Indian Policy, the first of its kind, was a simple yet powerful explanation of the EPA's plan to meet its trust responsibilities in implementing federal environmental programs in Indian country. It contains nine principles that continue to guide the Agency's relations with federally-recognized Indian tribes. Since 1984, every EPA Administrator has reaffirmed the Indian Policy, every President has issued a reaffirming policy statement about working effectively with tribal governments, and several other federal agencies have followed EPA's lead by developing their own Indian policies.

#### C. Government-to-Government Relationships

Tribal governance pre-dates the United States. When the United States was formed, Indian tribes were recognized as separate from the United States and outside the formation of the federal system. Tribal governments have maintained their governmental and sovereign status and continue to maintain a government-to-government relationship with the United States. This relationship is an integral component of the United States ability to fulfill its trust obligations to Indian tribes. It provides a mutually respectful means for communicating and making decisions about what is in the best interest of the tribes. Over time this government-to-government relationship has evolved with protocols and standards for meaningful interactions, including early, transparent, consistent and ongoing consultation and documented decision-making that reflects mutual objectives and the tribe's best interests.

### **IV. PRIORITY ISSUES IN INDIAN COUNTRY**

#### A. EPA Indian Policy

Following a long tradition of previous Administrators and to ensure consistency in the implementation of Agency policies and programs in Indian country, NTEC strongly urges the reaffirmation of the EPA Indian Policy. Consistent with this policy, we also urge the institution of meaningful consultation and

collaboration with Indian tribes as a fundamental principle in strengthening the government-to-government relationship with tribes at all levels throughout the Agency.

B. American Indian Environmental Office

Since its creation in 1994, the American Indian Environmental Office (AIEO) has provided an indispensable role in coordinating the growth of the Agency's Indian program and implementation of the EPA Indian Policy. However, as the Indian program has grown in size and complexity, the organizational status of AIEO within the Office of Water has created some limitations on the ability of the AIEO to fully realize its mission and potential. Thus, NTEC strongly encourages this Administration to address this issue by elevating AIEO to a position where it can report directly to the Administrator. AIEO's responsibilities for advocating the needs of Indian tribes and overseeing the implementation of the EPA Indian Policy can only be accomplished effectively by elevating it to the highest level of authority within the Agency. In addition, elevating AIEO to the Administrator's Office will aid in strengthening the Agency's government-to-government relationship with Indian tribes.

C. Office and Program Budgets/Regional Reorganization Plans

The Tribal Caucus of the National Tribal Operations Committee is developing budget projections that show a widening gap between tribal needs and proposed EPA tribal program budgets. Many tribes have very modest funding support for the implementation of environmental protection programs. Moreover, as some tribes have developed more advanced environmental programs, broader funding support has become necessary. Although EPA's budget for tribal programs has increased over the past decade, that trend is turning downward just as tribal programs are experiencing their highest level of technical sophistication. Thus, we recommend increased budget allocations for tribal programs, consistent with tribal recommendations. The development of Indian program budgets should also involve early and consistent consultation with tribes who know first hand the funding needs of their environmental programs.

D. Direct Implementation Tribal Cooperative Agreements

Currently, cooperative agreements for direct implementation of federal programs on Indian lands are authorized each year in the Agency's appropriations bill. In order to ensure the long-term availability of this flexible means for bringing environmental protection to Indian country, NTEC encourages the Agency to seek permanent authorization for these agreements. Moreover, to fulfill the purpose of these agreements, we recommend establishing a separate funding allocation, of at least \$20 million, for direct implementation through tribal cooperative agreements. This will establish a reliable funding mechanism and a meaningful alternative to the often contentious treatment in a manner similar to a state process.

E. Federal Water Quality Standards

The proposed Advance Notice of Proposed Rulemaking (ANPRM) for Federal Water Quality Standards has raised serious concerns for Indian tribes across the nation. As a major Agency proposal with substantial impacts on tribal water quality protection, tribes are concerned that there has not been enough government-to-government consultation and consideration of what would serve the best interests of tribes.

Despite more than six years of effort, the Agency has still not developed a proposal that addresses these tribal concerns or accommodates the diverse tribal interests associated with water quality standards. Moreover, the latest draft of the ANPRM raises new issues, such as the effect of tribal treaty rights on the standards, that were not part of earlier proposals and which have not been subject to prior government-to-government consultation. Indian tribes are also concerned with the process undertaken to develop this latest draft, which included extensive consultation with states on such topics as the extent of Indian country. Some of the states involved in these consultations are openly opposed to federal recognition of tribal sovereignty and the existence of Indian country within their borders.

Thus, NTEC strongly encourages the Agency to engage in further government-to-government consultation with Indian tribes on the ANPRM and to ensure that the proposal, consistent with the Agency's trust responsibility, furthers the best interest of the tribes. In doing so, we also recommend serious consideration of a system that would allow tribes to opt into federal standards in timely and efficient manner for any waters found in Indian country.

## **V. EPA'S CONTINUING RELATIONSHIP WITH NTEC**

### **A. Support to the Tribal Operations Committee**

For more than three years the Tribal Caucus of the Tribal Operations Committee (TOC) has been seeking technical and policy support for their interaction with the Agency. Since its inception, the TOC has provided a consistent forum for dialogue between EPA and Indian tribes and has been integral to the growth and success of the Agency's Indian program. However, as the Indian program has grown, so too have the issues, both in diversity and complexity, that the TOC has tried to confront. Thus, the continued ability of the Tribal Caucus to provide meaningful input to the TOC is directly dependent on the ability of the tribal representatives to be fully informed about the technical, policy and legal implications of the issues before the TOC. Recognizing this, the Tribal Caucus has requested that the Agency provide funding to support a technical and policy advisor to the Tribal Caucus. NTEC has offered to provide this support, subject to funding, and has identified a candidate for the position. Given the importance of continuing this successful forum, we strongly urge the Agency to immediately fund this position so the TOC can address such pending issues as the ANPRM for federal water quality standards and the upcoming budget process.

### **B. Support to the EPA-Tribal Science Council**

Similarly, NTEC would like to propose to enter into an agreement with EPA's Office of Research and Development to provide administrative and technical support to the EPA-Tribal Science Council. We would also recommend that the Agency consider the expansion of the Council to engage and provide advice to multiple federal agencies in order to enhance science-based decision-making at the tribal level and improve implementation of the trust responsibility in environmental science and technology throughout the federal government.

#### C. State of the Environment in Indian Country Report

In February 1993, NTEC launched an ambitious National Environmental Review, which included a ten-page questionnaire that was mailed to 536 federally-recognized tribes. One hundred and forty-nine tribes responded indicating that Indian lands are subject to a broad range of environmental problems, including: surface and ground water contamination; illegal dumping; hazardous waste disposal; military threats; air pollution; mining wastes; habitat destruction; and human health risks. Across the nation, water quality appeared to be the leading concern among tribes, with 51 percent experiencing some type of drinking water problem and a great percentage experiencing other sorts of water contamination.

These findings were published by NTEC in 1994, and ten years later we would like to update the review in a "State of the Environment in Indian Country" report. We have requested \$400,000 to update the findings and publish the report. This report will not only serve as a benchmark for our success, but also as a roadmap to where we still need to focus resources. As such, it will provide valuable information to both Indian tribes and the Agency as we identify budget and policy priorities. Thus, we invite the Agency's assistance in preparing this report and urge EPA to fully fund this effort in FY2004.

#### D. Monograph Series on the Development of Tribal Environmental Programs

Related to the "State of the Environment in Indian Country" effort, NTEC has also proposed to develop a series of monographs regarding the development of tribal environmental programs in each of the media areas. Like the report, these monographs will help us to better understand where we have been, how we got to where we are, what worked, what did not work and what still needs to be done. By highlighting success stories, and some failures, these monographs will demonstrate how the implementation of the EPA Indian Policy and the integration of traditional cultural tribal concepts regarding the environment have shaped one of the most successful Indian programs in the federal government. Again, like with the report, we invite the Agency's participation in this effort and urge EPA to assist with its funding.

#### E. Enhancing Tribal-State Environmental Cooperation

Like the EPA Indian Policy, NTEC recognizes that "sound environmental

planning and management require[s] the cooperation and mutual consideration of neighboring governments.” Moreover, building off our successes in the Western Regional Air Partnership and our positive working relationship with the Western Governor’s Association and Environmental Council of States, we believe that some otherwise contentious trans-boundary environmental and jurisdictional issues can be resolved through such cooperative efforts. Thus, NTEC has proposed initiating a new program for the development of tribal-state cooperative agreements, similar to an agreement entered into between the Navajo Nation and the State of Arizona, on cooperative environmental management. Such agreements would respect each sovereign’s governmental authority and regulatory jurisdiction, while pledging technical assistance and cooperative management and consultation on trans-boundary issues. Again, we welcome the Agency’s assistance in developing these mutually beneficial agreements and urge EPA, consistent with the Indian Policy, which states that “the Agency will encourage cooperation between tribal, state and local governments to resolve environmental problems of mutual concern,” to provide funding for this effort.

#### F. National Tribal Air Association

Over the past decade, as more tribes became directly involved in air quality management, it became increasingly apparent that there was a need for a mechanism to coordinate and advance tribal interests within the nation’s air quality regulatory structure. Thus, under a cooperative agreement with EPA, and with a resolution of support from the National Congress of American Indians, NTEC facilitated the development of the National Tribal Air Association (NTAA). NTEC is extremely pleased with the support provided by EPA in advancing the goals and objectives of the NTAA. Thus, we urge the Agency to continue its support for NTAA, which has done an excellent job in trying to address the needs and concerns its members, and for tribal air programs in general, which are still in their early stages of development.

#### G. Cooperative Agreement with the Office of Solid Waste and Emergency Response

NTEC has a cooperative agreement with EPA’s Office of Solid Waste and Emergency Response to support tribally-relevant research on the detection, assessment and evaluation of the effects on and risks to human health from hazardous substances in the environment. The ultimate goal of the research is to improve tribal environmental protection by better understanding environmental risk factors and vectors. The research activities include developing and coordinating research reports and case studies, with an emphasis on three distinct areas: Superfund and federal facilities; Alaska Natives; and international and trans-boundary issues. The results of this research and the tribal working groups, such as the Superfund Working Group, that have been established under the cooperative agreement have been invaluable to tribal efforts to address risks from hazardous substances in and around Indian country. Thus, we urge the Agency’s continued support for this cooperative agreement.

#### H. Keynote Presentation at the Annual NTEC Conference

NTEC will be hosting its 12<sup>th</sup> Annual National Tribal Environmental Conference on April 17 - 22, 2004, at Spring Maid Resort and Conference Center in Myrtle Beach, South Carolina. The Conference will be hosted by the Catawba Indian Nation and should enjoy participation from more than 500 tribal leaders, environmental directors, staff, consultants and others doing business in Indian country from across the nation. This is the premiere event each year on tribal environmental issues and, as such is an excellent opportunity to engage Indian country in matters related to Agency regulations, policies and programs. Accordingly, we would like to invite Administrator Leavitt to address the conference and would be honored to have him as a Keynote Speaker.

## **VI. OTHER SIGNIFICANT ISSUES**

Clear Skies Initiative. Tribes are interested in improving air quality and are concerned that the Clear Skies Initiative does not go far enough. NTEC would recommend strengthening this initiative to address the escape of greenhouse gases into the atmosphere and include more stringent limits on nitrogen oxides and mercury emissions, both of which have substantial effects on the subsistence lifestyles of tribal members.

Ozone Implementation. With designations for the 8-hour ozone standard set, we urge the Administration to give serious attention to its effort to reduce atmospheric air pollution and the means for addressing non-attainment issues. For those tribes found to be in non-attainment areas, additional resources will be required to address air pollutants. Because of limited resources, tribes are unable to effectively address many of the air pollution issues facing them. With respect to non-attainment, tribes will need assistance in developing cost-effective approaches in attaining proper air quality standards.

Interstate Air Quality Rule. We applaud the Agency's efforts to address and reduce regional transport of pollutants. Tribes are often the recipients of air pollutants from other jurisdictions and are usually limited in their ability to address such pollutants. We also support EPA's decision to move forward with this rule, however, we have serious concerns with the cap-and-trade proposal for mercury. Such trading will lead to mercury hot spots, some in Indian country, with significant effects on subsistence lifestyles. If the cap-and-trade proposal should continue to move forward, we urge the Agency to consider the Western Regional Air Partnership model, which created a separate tribal emissions budget. We also encourage EPA to consult with tribes on a government-to-government basis in all aspects of the rule development.

New Source Review Revisions. We are concerned that the rule signed by EPA on August 27, 2003, will permit older stationary sources in and around Indian country to continue to operate without having to make upgrades in emissions controls that would otherwise be required by the NSR program.

Minor New Source Review. NTEC urges EPA to complete its work, in consultation with Indian tribes, on the proposed Minor NSR Rule. Such a rule will help regulate

emissions from those sources that adversely affect air quality in Indian country but are not presently subject to federal regulation.

Regional Planning Organizations and Regional Haze Rule. We encourage EPA's continued support of the five regional planning organizations (RPOs) based throughout the United States. These RPOs have and continue to make great strides in controlling and reducing those pollutants that contribute to visibility impairment throughout the nation. Uncertainty around EPA's policy for the implementation of the Regional Haze Rule on tribal lands hampers integration and cooperation in the regional organizations. Although the Tribal Authority Rule provides the framework for the EPA to work from, there are many unanswered questions. We urge EPA to work with tribes in developing a policy to determine when federal implementation is appropriate, and guidance on reasonable severability under the Regional Haze Rule with respect to tribes.

Superfund Tax. Tribes broadly support reauthorization of the Superfund tax and we strongly urge the Agency to support its reauthorization. Tribal Superfund program funding has diminished in alarming amounts (30%) in the last 3 years and clean up funding has not been forthcoming. Risk assessments must appropriately determine any and all resource use risks that are currently not considered in the hazard ranking system or other risk assessment processes. Risks assessment must also appropriately determine and rectify, to the extent possible, risks posed to tribes.

Polluter Liability for Studies under Superfund. NTEC supports EPA's efforts to assert Superfund authority in issuing orders for polluters to pay for studies related to the contamination at sites such as the Teck Cominco site affecting Lake Roosevelt. We encourage EPA to maintain and enhance the Colville Tribes' involvement in the Agency's decisions and studies conducted at this site.

Brownfields. We urge EPA to seek an amendment to the Brownfields legislation so that Alaska tribal governments, not the Regional Corporations, are eligible to receive funding for Brownfields redevelopment in Alaska tribal communities. This provision undermines the intent of the legislation to provide money locally in the communities impacted by industrial and abandoned facilities to redevelop economically viable businesses and address contamination at standards determined by the impacted communities.

Enforcement Activities at Federal Facilities. We strongly encourage the Agency to increase its federal facilities enforcement activities to compel appropriate clean ups at Department of Defense and other federal facilities. Failure to enforce clean up places tribal people and resources at risk from contaminant exposures that have been released to the environment for decades. The Cold War legacy of defense actions within the United States is adversely impacting and will continue to adversely impact tribal communities, especially in Alaska.

Modernizing NEPA Implementation. NTEC has participated in the public roundtables on this report and generally supports the recommendations. However, there is a need to address some of the unique issues related to the implementation of NEPA in Indian

country, including the incongruity between the timing of tribal decision making and the federal action that triggers NEPA and inadequate consultation with tribes and consideration of tribal interests in the NEPA process.

Environmental Justice Indigenous Peoples Subcommittee's Charge to Examine Implementation of Environmental Programs on Reservation. NTEC does not support the concept that implementation of tribal environmental programs, even if they are federally delegated, qualifies them to be brought under the purview of environmental justice. Increasing opportunities for public comment on the implementation of tribal environmental programs should be under the purview of the tribes. Thus, we urge the Agency to focus its environmental justice efforts on eliminating the inequities in program funding and environmental capacity building in Indian country, not the implementation of tribal environmental programs.

Penobscot and Passamaquoddy Water Quality Determination. This was an extraordinarily disappointing decision and we encourage the Agency to work with the tribes to establish a more effective means for protection tribal resources and fulfilling the federal trust responsibility in the implementation of federal environmental laws in Maine.

NPDES Permitting in the Everglades. We have filed an amicus brief in the Miccosukee v. South Florida Water Management District that supports the issuance of NPDES permits in such cases and encourage EPA to support the Tribe in their continued efforts to restore the everglades.

EPA's Withdrawal of Oversight of DOE's Clean Up at the Rocketdyne Site in California. This decision could hold serious consequences for dozens of tribes in California, New Mexico, Idaho, Oregon and Washington that have land and other resource holdings within, adjacent to and surrounding DOE facilities. Thus, we urge EPA to maintain oversight at all DOE facilities in order to ensure that clean up levels required by CERCLA and affected tribal governments are fully met.

Alaska Issues. We encourage EPA to provide funding support for environmental restoration activities to tribal governments and individuals who have suffered severe economic and environmental hardship from the Exxon Valdez oil spill.