Kaibab Band of Paiute Indians

September 3, 2003

Wayne Nastri
Regional Administrator
U.S. EPA, Region IX
75 Hawthorne Street (ORA-1)
San Francisco, CA 94105-3901

Re: 8-Hour Ozone Designation under the National Ambient Air Quality Standards (NAAQS) for the Kaibab Band of Paiute Indians

Dear Mr. Nastri:

In an August 2, 2000 letter from Amy K. Zimpfer, Acting Director, Air Division, U.S. EPA Region IX to certain tribal leaders, the EPA invited the participation of tribes in the process of designating areas as non-attainment under the new 8-hour ozone National Ambient Air Quality Standards (NAAQS). The Kaibab Band of Paiute Indians did not become involved as our reservation had no air quality program and was in an attainment area. However, at this time we would like to recognize the EPA's failure to grant due consideration to tribal governments in past designation processes and to ensure that our tribe's concerns for proper consultation with the EPA on NAAQS issues will be addressed in the future. The Kaibab Band of Paiute Indians will continue to exercise its sovereignty and demand that the U.S. government take steps consistent with its trust responsibility and its commitment to government-to-government relations through timely consultation.

At the recent Regional Tribal Operations Committee meeting our tribe attended which was hosted by the Yurok Tribe in Klamath, California, we were informed by U.S. EPA officials that the U.S. EPA would not be fulfilling its obligation to consult with tribes on this issue unless we sent a letter stating that the Kaibab Band of Paiute Indians does not agree with the designations for the 8-hour ozone NAAQS. In the absence of consultation, planning and prioritizing of air quality monitoring by the U.S. EPA with the Kaibab Band of Paiute Indians which does not have an air program, either through the U.S. EPA or any other organization or program, and which does have a General Assistance Program (GAP) grant, the Kaibab Band of Paiute Indians **does not** have the requisite three (3) years of air quality monitoring data to warrant any designation other than attainment/ unclassifiable. Thus, the Kaibab Band of Paiute Indians urges the U.S. EPA to designate the Kaibab Band of Paiute Indians as **attainment/unclassifiable**.

The quality of the air that we and our children and grandchildren, and the creatures of Mother Earth breathe is very important to us. We have been accustomed to very clean and high quality air. We understand now, however, that the activities of surrounding governments and enterprises within their jurisdictions, combined with the characteristics of our air shed, have caused regional haze to affect our reservation. The Kaibab Band of Paiute Indians expects to learn more about the technical, financial and organizational requirements for establishing an air

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program, especially an air quality monitoring program, through a future consultation process with the U.S. EPA.

We strongly encourage the U.S. EPA to formulate a central contacts database so that the various programs, divisions and offices of the U.S. EPA will have correct contact information available at all times. We suggest that the database include at least the following information: the name, address and phone number of the tribe; the name of the reservation; the name of the tribal chairperson or spokesperson; the name of the governing body and its meeting schedule; name and contact information to request addition to the council agenda; name of environmental department and the department staff's names, addresses, phone numbers, titles and responsibilities.

We look forward to the U.S. EPA's consultation with us in the near future on the 8-hour ozone designation and to improved future consultation with regard to other environmental programs and requirements. We hope that this letter is seriously considered by the U.S. EPA so that the mistakes, oversights and resulting distrust experienced in this designation process become relegated to history.

We are hopeful that we can engage in detailed discussions regarding the short- and long-term planning necessary for our own environmental programs and responses to federal environmental programs. We anticipate that the U.S. EPA has numerous other regulatory decisions and programs to implement. Thus, we will make ourselves available for consultations with the U.S. EPA in order to prioritize our environmental programs and put together short- and long-term development plans for our environmental department.

We see the need for consultation regarding technical assistance, planning and administrative assistance. As is often the case in Indian Country, and especially for tribes in Arizona, federal funding of programs is inadequate. We would like the U.S. EPA to share its knowledge and experience regarding what it foresees as the Kaibab Band of Paiute Indians' needs for future resources, whether it be in the form of equipment, personnel, training, professional services, etc.

We look forward to working with you to protect the quality of air on the Kaibab Paiute Reservation and to protect the health and well-being of members of the Kaibab Band of Paiute Indians and our residents, visitors, patrons and neighbors.

Respectfully,

Carmen M. Bradley
Tribal Chair

LeAnn Skrzynski
Environmental Program Director

cc: J. Broadbent, D. McDaniel, S. Miller