



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
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Ref: 8EPR-EP

AUG 1 1 2006

Eugene Little Coyote, President
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043

Subject: EPA Approval of the Northern Cheyenne
Tribe's TAS Application

Dear President Little Coyote:

The U.S. Environmental Protection Agency, Region 8 (EPA) has completed its review of the Northern Cheyenne Tribe's (Tribe's) application to be treated in a similar manner as a state (TAS) for purposes of administering the Clean Water Act (CWA) water quality standards and certification programs. The Tribe's TAS application was submitted to EPA for review on April 29, 2002 and supplemented on December 2, 2003. EPA has completed its review of the Tribe's TAS application, and this letter is to notify you of our decision to approve the Tribe's application.

I am pleased to inform you that EPA has determined that the Tribe has met the requirements of CWA Section 518(e) and EPA's implementing regulation at 40 C.F.R. Section 131.8 and is, therefore, eligible to be treated in a similar manner as a state for purposes of administering the CWA Section 303(c) water quality standards and Section 401 certification programs. EPA is today approving the Tribe's *Application for Treatment as a State to Administer a Water Quality Standards Program under the Clean Water Act, 33 U.S.C. § 1377(e) and 40 CFR § 131.8* (as supplemented on December 2, 2003). As provided in 40 C.F.R. Section 131.4(c), EPA's determination that the Tribe is eligible for the water quality standards program means the Tribe is eligible for the CWA Section 401 certification program as well. This approval is for the administration of these CWA programs for surface waters within the exterior boundaries of the Northern Cheyenne Indian Reservation. In an enclosed document entitled, *Approval of the Northern Cheyenne Tribe's Application for Treatment in a Similar Manner as a State for Sections 303(c) and 401 of the Clean Water Act*, EPA provides the basis for its decision.

It is important to note that EPA's final decision on the Tribe's TAS application is not an approval or disapproval of the Tribe's water quality standards. Approval of the Tribe's TAS application means the Tribe may now submit its water quality standards to EPA for formal CWA



Section 303(c) review. EPA's review and approval or disapproval of water quality standards submitted by the Tribe will be a separate Agency action.

If you have questions concerning this letter, please call Max Dodson, Assistant Regional Administrator, Office of Ecosystems Protection and Remediation at 303-312-6598, or have your staff contact Bill Wuerthele, Regional Water Quality Standards Coordinator, at 303-312-6943.

Sincerely,

A handwritten signature in black ink, appearing to read "R. E. Roberts", is centered on the page.

Robert E. Roberts
Regional Administrator

Enclosure

cc: Richard H. Opper, Director, Montana Department of Environmental Quality
John Corra, Director, Wyoming Department of Environmental Quality
Carl Venne, Chairman, Crow Tribe
Ed Parisian, Acting Area Director, Bureau of Indian Affairs
Martin Ott, Bureau of Land Management
Ephraim King, OST, EPA Headquarters