

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

“Putting Our People First”

Stephen Roe Lewis
Governor



Monica Lynn Antone
Lieutenant Governor

September 25, 2017

Alexis Strauss, Acting Regional Administrator
USEPA Region 9
75 Hawthorne Street
Mail Code: ORA-1
San Francisco, CA 94105

Re: Clarification of the Gila River Indian Community's Recommended Area Designations for the 2015 Ozone National Ambient Air Quality Standards

Dear Ms. Strauss,

The Gila River Indian Community (“Community” or “Reservation”), a Federally-recognized Indian Nation, is submitting this letter to provide additional clarification on the original 2015 Ozone Designation Recommendation letter for the Reservation dated September 9, 2016. In the recommendation letter, the Community recommended the Reservation lands be classified as **Attainment** under the United States Environmental Protection Agency’s (“EPA”) Revised 2015 Ozone National Ambient Air Quality Standards (“NAAQS”).

Subsequent to the recommendation letter submitted by the Community, EPA contacted the Community’s Department of Environmental Quality (“DEQ”) requesting clarification on the submitted attainment area boundaries. The following are the requests regarding lands that comprise the Reservation or that the Community has placed into trust.

Contiguous Reservation Boundaries

For the main Reservation boundaries, the Community requests a **separately designated attainment** area from the adjacent State of Arizona attainment area. The Community requests EPA set the attainment area boundaries consistent to the boundaries stated within the Community’s Treatment as the State (“TAS”) for purposes of administering the Air Quality Management Plan and other Clean Air Act authorities on October 21, 2009. This request is consistent with the EPA’s September 20, 2011 memorandum titled, "Policy for Establishing Separate Air Quality Designations for Areas of Indian Country". In the memorandum, EPA states that Tribes may recommend that EPA designate areas of Indian Country separately from the adjacent state areas. Furthermore, separately designated areas of Indian Country will be identified using appropriate information included in an EPA decision on a Tribe’s TAS application, if one exists, for designations or other purposes, or from other appropriate sources.

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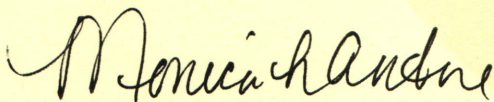
Parcels M and N

Since the TAS submittal, the Community has placed new land into trust, increasing the acreage of the Reservation. The additional 300 acres of trust land is identified internally as "Parcels M and N" and is adjacent to the Phoenix-Mesa Gateway Airport and the Arizona State University East Polytechnic Campus. The Community also recognizes that Parcels M and N are located in the southeast portion of, and are completely surrounded by, the current 2008 Phoenix-Mesa Ozone Nonattainment Area. At the time of this letter, Parcels M and N contain an 18-hole golf course, hotel, and gas station. Parcels M and N are not adjacent to the main Reservation boundaries, are small in size compared to the main reservation, encompass no Community residents, and contain no regulatory monitors or sources that contribute significantly to the surrounding nonattainment area. Therefore, for designation purposes, the Community requests that **Parcels M and N be separately listed under the surrounding Nonattainment Area**. The Community requests EPA recognize the Reservation boundaries when listing Parcels M and N under the surrounding nonattainment area. Attached are legal descriptions of Parcels M and N.

In addition to the designation recommendations above, the Community requests that EPA include a statement in the Technical Support Document for the 2015 ozone designations that the Community maintains sovereign authority to regulate sources of air pollution within Parcels M and N even though the parcels lie within the larger Phoenix-Mesa Nonattainment Area.

The Community is committed to working with EPA to find the optimum strategies for protecting human health and the environment from the effects of air pollution within the Community. We hope that this letter clarifies the Community's recommendation and designate the Community boundaries as stated above for the 2015 Ozone NAAQS. We feel this recommendation is fully consistent with § 107(d)(1) of the CAA. If you have questions about any aspect of this letter or need more information, please contact Dale Ohnmeiss, Executive Director of the GRIC DEQ, at (520) 562-2234.

Sincerely,



Stephen R. Lewis, Governor
Gila River Indian Community

Attachments: Legal description and map of Parcel M and N

Cc: GRIC Council members
Doug Ducey, Governor, State of Arizona
Deborah Jordan, EPA Region 9
Meredith Kurpius, EPA Region 9
Wienke Tax, EPA Region 9
Lauren Magrhan, EPA Region 9
Misael Cabrera, ADEQ

ATTACHMENT 1

LEGAL DESCRIPTION
PARCEL M - GOLF COURSE
OF FORMER WILLIAMS AIR FORCE BASE

A portion of Section 30, Township 1 South, Range 7 East, of the Gila and Salt River, Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at GLO brass cap found at the northwest corner of said Section 30, thence South 89 25'45" East, along the north line of said Section 30, a distance of 1193.64 feet to the TRUE POINT OF BEGINNING,

thence South 89 25'45" East, along the north line of Said Section 30, a distance of 635.66 feet to a brass cap set marked "WGA 1995";
thence South 44 26'32" East, a distance of 831.38 feet to a brass cap set on the south line of said Section 19 marked "WGA 1995";
thence South 00 39'17" West, a distance of 1997.22 feet to a brass cap marked "WGA 1995";
thence North 89 31'29" West, a distance of 892.76 feet to a brass cap set marked "WGA 1995";
thence South 00 32'07" West, a distance of 1536.09 feet to a brass cap set marked "WGA 1995";
thence South 14 55'45" West, a distance of 93.86 feet to a brass cap set marked "WGA 1995";
thence South 28 53'38" West, a distance of 635.83 feet to a brass cap set marked "WGA 1995";
thence South 00 51'53" West, a distance of 180.60 feet to a brass cap set marked "WGA 1995";
thence South 60 51'19" East, a distance of 171.88 feet to a brass cap set marked "WGA 1995";
thence South 49 01'42" East, a distance of 54.14 feet to a brass cap set marked "WGA 1995";
thence South 12 28'49" West, a distance of 42.80 feet to a point;
thence South 66 28'22" West, a distance of 64.87 feet to a point;
thence South 62 17'41" West, a distance of 85.95 feet to a point;
thence South 66 29'24" West, a distance of 49.05 feet to a point of curvature with a radius of 415.00 feet;
thence southwesterly, along said curve to the right, through a central angle of 24 04'33", an arc distance of 174.38 feet to a point of tangency;
thence North 89 25'03" West, a distance of 425.81 feet to a point;
thence North 56 21'44" West, a distance of 47.27 feet to a point;
thence North 89 27'07" West, a distance of 119.39 feet to a point;
thence South 69 01'23" West, a distance of 45.04 feet to a point;
thence North 89 28'29" West, a distance of 108.88 feet to a point;
thence South 87 49'31" West, a distance of 160.94 feet to a point on the west line of said Section 30;
thence North 00 49'14" West, along the west line of said Section 30, a distance of 50.60 feet to a brass cap set marked "WGA 1995";
thence continue North 00 49'14" West, along the west line of said Section 30, a distance of 1108.37 feet to a 3/4" Aluminum cap found on the southeasterly right-way-line of the Roosevelt Water Conversation District canal, marked "Salt River Project Survey Dept. GPS";

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thence North 23 52'57" East, along said southeasterly right-of-way line, a distance of 419.57 feet to a 3/4" Aluminum cap found, marked "Salt River Project Survey Dept. GPS" and being a point of curvature with a radius of 885.82 feet;

thence northeasterly, along said curve to the left, through a central angle of 06 57'40", an arc distance of 107.62 feet to a 3 1/4" Aluminum cap found marked "Salt River Project Survey Dept. GPS" and being a point of tangency.

Thence North 15 55'17" East, a distance of 3417.50 feet to 3 1/4" Aluminum cap found, marked "Salt River Project Survey Dept. GPS" and being a point on non-tangent-curve with a radius of 497.77 feet,

thence northwesterly, along said curve to the left, through a central angle of 33 59'27" an arc distance of 295.30 feet to a point on the north line of said Section 30 and the TRUE POINT OF BEGINNING

LEGAL DESCRIPTION FOR PARCEL N
WILLIAMS GATEWAY AIRFIELD

Lots 1, 2, 3 and 4, Section 6, Township 2 South, Range 7 East of the Gila and Salt river Base and Meridian, Maricopa County, Arizona and being more particularly described as follows:

Beginning at a GLO brass cap found at the northeast corner of said Section 6, thence South 00° 38'11" East, along the east line of said Section 6, a distance of 1327.81 feet to a 1/2" iron pipe found;

thence North 89° 16'53" West, along the south line of said lots, a distance of 4805.73 feet to a brass cap set, marked "WGA 1995";

thence North 53° 31'44" West, a distance of 227.67 feet to a 1/2" rebar found;

thence North 89° 26'25" West, a distance of 117.76 feet to a brass cap set, marked "WGA 1995";

thence North 73° 13'08" West, a distance of 41.97 feet to a brass cap set, marked "WGA 1995" on the west line of said Section 6;

thence North 00° 43'57" West, along the west line of said Section 6, a distance of 273.92 feet to a brass cap set, marked "WGA 1995";

thence North 86° 49'24" East, a distance of 467.46 feet to a brass cap set, marked "WGA 1995";

thence North 00° 23'34" West, a distance of 272.38 feet to a brass cap set, marked "WGA 1995";

thence North 89° 38'09" East, a distance of 19.19 feet to a brass cap set, marked "WGA 1995";

thence North 00° 06'32" West, a distance of 230.39 feet to a brass cap set, marked "WGA 1995";

thence North 86° 37'36" East, a distance of 75.68 feet to a brass cap set, marked "WGA 1995";

thence North 00° 08'07" West, a distance of 354.58 feet to a brass cap set, marked "WGA 1995" on the north line of said Section 6;

thence South 89° 26'07" East, along the north line of said Section 6, a distance of 4437.00 feet to the POINT OF BEGINNING.

EXCEPT therefrom the following described parcel:

COMMENCING at the northeast corner of said Section 6, thence South 00° 38'11" East, along the east line of said Section 6, a distance of 1051.20 feet to a point; thence South 89° 21'49" West, a distance of 65.00 feet to a brass cap set, marked "WGA 1995" and the TRUE POINT of BEGINNING for this exception parcel;

thence South 00° 38'11" East, a distance of 210.06 feet to a brass cap set, marked "WGA 1995";

thence North 89° 16'53" West, a distance of 210.06 feet to a brass cap set, marked "WGA 1995";

thence North 00° 38'11" West, a distance of 210.06 feet to a brass cap set, marked "WGA 1995";

thence South 89° 16'53" East, a distance of 210.06 feet to the TRUE POINT OF BEGINNING;

Said parcel containing 141.935 acres, more or less.

