

# RED LAKE BAND of CHIPPEWA INDIANS

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December 10, 2019

Administrator Cathy Stepp  
Region V USEPA  
77 West Jackson Blvd  
Chicago, IL 60604

RE: Updated Red Lake Band Application for Treatment as a State (TAS) for Sections 303 and 401 of the Clean Water Act

Dear Administrator Stepp:

The Red Lake Band of Chippewa Indians (Band) is submitting this update to our application for TAS under Sections 303 and 401 of the federal Clean Water Act (CWA) for the purpose of administering Tribal Water Quality Standards on the Red Lake Reservation. Section 518 of the CWA authorizes EPA to treat tribes in the same manner as a state for purposes of Sections 303 and 401 of the CWA. Enclosed is a Narrative Statement which demonstrates that the Band meets the criteria set forth in CWA Section 518 for treatment in the same manner as a state. The attached application demonstrates that the Band is in full compliance with the applicable regulatory criteria required under 40 CFR 131.8. The update includes detailed maps of tribal waters requested by the state of Minnesota in their comments to the original TAS application. Due to the extensive amount of trust acreage controlled by the Band we have worked closely with state staff to establish an agreed upon geodatabase of state and tribal waters. Additionally, the original TAS application failed to state the office responsible for implementing section 401 of the CWA. This has been rectified. Other updates include accurate counts of tribal members, fishery status, and other descriptive information. The substance of the TAS narrative statement remains largely the same with no changes in government structure at Red Lake.

It is the intent of the Band to demonstrate that the Red Lake Band of Chippewa Indians meets the four general criteria for TAS for this program. The Red Lake Band is a federally recognized Tribe. The Band has the governmental capacity, legal authority, and jurisdiction to administer Water Quality Standards on the Red Lake Indian Reservation. The Water Quality Standards program pertains to the management and protection of over 200,000 acres of lakes and hundreds of miles of streams and rivers under the protection of the Band. The U.S. Environmental Protection Agency has previously determined that the Band is eligible for TAS to administer other environmental programs including

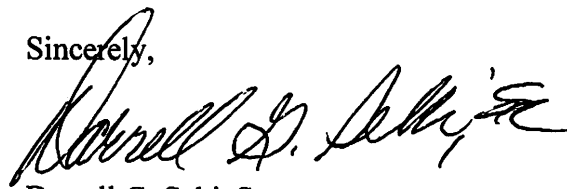
Sections 106 and 319 of the CWA, Section 105 of the Clean Air Act, and the Indian Environmental General Assistance Program.

It is the intent of the Red Lake Department of Natural Resources (RL DNR) Water Resources Program, upon approval of TAS, to partner with the EPA to develop and refine Water Quality Standards which will be used to protect the Band's water resources for generations to come.

Enclosed is the Band's Narrative Statement for TAS, a copy of the Resolution No. 99-113, Tribal Council's permission to proceed with this application process, and other supporting documentation.

The Red Lake Band of Chippewa Indians' Department of Natural Resources is eager to partner with the EPA to achieve the common goal to protect the Tribe's water resources. If you have any questions about this submittal, you may contact Shane Bowe by telephone at: 218-679-1608; or by email at: SBowe@redlakenation.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell G. Seki, Sr.", written in a cursive style.

Darrell G. Seki, Sr.  
Tribal Chairman

Enclosures