



SOUTHERN UTE INDIAN TRIBE

March 2, 2015

Shaun McGrath, Regional Administrator
U.S. Environmental Protection Agency – Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Re: Southern Ute Indian Tribe's Treatment as a State Application under Clean Water Act Section 518(e) and 40 C.F.R. 131.8 for the Water Quality Standards and 401 Certification Programs

Dear Regional Administrator McGrath:

For your acceptance and approval, I am enclosing the Southern Ute Indian Tribe's *Application for a Determination of Eligibility to be Treated in the Same Manner as a State under Section 518(e) of the Clean Water Act and 40 C.F.R. 131.8 for Purposes of the Water Quality Standards and Certification Programs.*

If you or your staff has questions, please call Tom Johnson (Environmental Programs Division Head) or Curtis Hartenstine (Water Quality Program Manager) at 970-563-0135, or Sam W. Maynes (970-247-1755) or Lorelyn Hall (970-563-4804) with questions of a legal nature.

Sincerely,


Clement J. Frost, Chairman

**APPLICATION FOR A DETERMINATION OF ELIGIBILITY TO BE TREATED IN
THE SAME MANNER AS A STATE UNDER SECTION 518(e) OF THE CLEAN
WATER ACT AND 40 C.F.R. 131.8 FOR PURPOSES OF THE WATER QUALITY
STANDARDS AND CERTIFICATION PROGRAMS**

March 2, 2015

Submitted to:

**U.S. Environmental Protection Agency
Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129**

Prepared by:

**Southern Ute Indian Tribe
Environmental Programs Division
Water Quality Program
71 Mike Frost Way
P.O. Box 737
Ignacio, Colorado 81137**

TABLE OF CONTENTS

Section I.	Introduction.....	1
Section II.	Background	2
Section III.	Substantial Duties and Powers	5
	A. Form of Tribal Government	5
	B. Types of Government Powers Exercised by the Tribe.....	5
	(1) Legislative Power.....	5
	(2) Police Powers Including Powers Affecting or Relating to the Health, Safety, and Welfare of Tribal Members and the Reservation Population	5
	(3) Administration of Justice.....	5
	(4) Taxation.....	6
	(5) Intergovernmental Relations.....	6
	C. Source of the Tribe's Governmental Authority	6
Section IV.	Legal Description of the Southern Ute Indian Reservation	7
Section V.	Map of the Southern Ute Indian Reservation.	8
Section VI.	Descriptive Statement of Authority.....	10
	A. Introduction	10
	B. Map and Legal Description of the Southern Ute Indian Reservation.....	10
	C. Basis for Authority Over Water Resources Located on Trust Land	10
	(1) Inherent Authority.....	11
	(2) Tribal Constitutional Authority.....	11
	(3) Authority Based on Federal Law.....	12
	D. Conclusion.....	13
Section VII.	Capability to Administer an Effective Water Quality Standards Program.....	14
	A. Experience Managing Federal Programs	14
	B. Experience Managing Federal Environmental Programs.....	15

(1) Water Quality Program.....	15
(2) Air Quality Program.....	16
(3) General Assistance Program.....	17
(4) Environmental Compliance/Brownfields Program.....	17
C. Experience Managing Tribally-Funded Programs and Business Enterprises	17
D. The Tribe Manages a Public Health Program, a Tribal Health Department, and is Party to a 638 Contract to Manage the Indian Health Service's Clinic on the Reservation.....	18
E. The Water Quality Program within the Tribe's Environmental Programs Division will be Primarily Responsible for Establishing, Reviewing, Implementing, and Revising Water Quality Standards, Subject to the Approval of the Southern Ute Indian Tribal Council, and will be the Tribal Division Responsible for Conducting Water Quality Certifications under CWA § 401.....	18
F. Existing Staff will have the Technical and Administrative Capabilities to Administer and Manage an Effective Water Quality Standards and 401 Certification Program	19
Section VIII. Conclusion	20

EXHIBITS

Exhibit 1.	Maps of Reservation and Water Resources Over Which Tribe Asserts Authority
Exhibit 2.	Department of the Interior List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs – 80 Fed. Reg. 1942, 1946 (Jan. 14, 2015)
Exhibit 3.	Constitution of the Southern Ute Indian Tribe of the Southern Ute Indian Reservation
Exhibit 4.	Act of May 21, 1984, Pub.L. No. 98-290, 98 Stat. 201, 202
Exhibit 5.	RESOLUTION NO. 2015-15 February 17, 2015
Exhibit 6.	Resumes of Water Quality Program Staff

Thomas Lee Johnson (Division Head)
Curtis Hartenstine (Water Quality Program Manager)
**Kirk Lashmett (Senior Water Quality Specialist – Sec. 106
Coordinator)**
**Pete Nylander (Senior Water Quality Specialist – Sec. 319
Coordinator)**
Audrey Harvey (Water Quality Technician)

SECTION I INTRODUCTION

The Southern Ute Indian Tribe hereby submits this application for a determination that the Tribe meets the eligibility requirements under Section 518(e) of the Clean Water Act (“Act”) (33 U.S.C. § 1377(e)) and 40 C.F.R. § 131.8 for purposes of the water quality standards and certification programs. Under the Clean Water Act, the Environmental Protection Agency is authorized to treat Indian tribes as States when the tribe meets the following criteria:

(A) the Indian tribe has a governing body carrying out substantial governmental duties and powers;

(B) the functions to be exercised by the Indian tribe pertain to the management and protection of water resources which are held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation; and

(C) the Indian tribe is reasonably expected to be capable, in the Administrator’s judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of this chapter and of all applicable regulations.

33 U.S.C. § 1377(e).

More detailed criteria are set forth in 40 C.F.R. § 131.8. As demonstrated below, the Tribe meets the criteria for eligibility to seek federal approval of the Tribe’s water quality standards for the Southern Ute Indian Reservation waters covered by this application (i.e., “navigable waters” that cross Reservation land that is held in trust for the benefit of the Tribe) and, correspondingly, for eligibility to assume authority for issuing water quality certifications under Section 401 of the Clean Water Act for the Reservation waters covered by this application.

SECTION II BACKGROUND

The Southern Ute Indian Tribe is a federally recognized Indian tribe organized under section 16 (25 U.S.C. § 476) of the Indian Reorganization Act (codified at 25 U.S.C. §§ 461-479, as amended). *Department of the Interior List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs*, 80 Fed. Reg. 1942, 1946 (Jan. 14, 2015) (attached hereto as Exhibit 2 and made a part hereof). The Tribe's membership currently is 1,489 persons. With tribal offices located near Ignacio, Colorado, the Tribe has a reservation that encompasses approximately 710,000 acres. The Reservation is a checkerboard of tribal and non-tribal owned lands and includes approximately 308,000 surface acres and 333,000 to 500,000 acres of mineral estates, including natural gas and coal estates, that are owned by the United States in trust for the Tribe. Eight rivers traverse the Reservation in five main drainage basins. Lands range from mountainous on the east side of the Reservation to agricultural and semi-arid desert lands in the west half.

The Tribe's Constitution, titled "Constitution of the Southern Ute Indian Tribe of the Southern Ute Indian Reservation Colorado", was adopted by the Tribe and approved November 4, 1936 and amended October 1, 1975 and August 27, 1991. A copy of the Tribe's Constitution is attached hereto as Exhibit 3 and made a part hereof. Generally, the Tribal Constitution outlines the rules of membership and governance of the Tribe. The bulk of the Tribal Constitution focuses on the Tribe's governing body – the Southern Ute Indian Tribal Council. The Tribal Constitution created the Tribal Council, and governs the elections and removal of Tribal Council members. The Tribal Constitution delineates the powers of the Tribal Council, the duties of its officers, and the frequency of Tribal Council meetings. The other remaining provisions relate to, among other things, the Tribe's jurisdiction and authority, tribal membership requirements, a prohibition against the alienation of tribal land, and the authority of the Tribal Council to establish tribal courts. The laws of the Tribe are reflected in written resolutions and ordinances and in the Southern Ute Indian Tribal Code.

The Tribal Council consists of a Chairman and six members, who are elected at large by the tribal membership. Any member of the Tribe over 18 years of age may vote so long as the member is registered to vote. Successful candidates must receive a majority of the votes cast for each council position, and a run-off election process has been established in the event that no candidate receives a majority in the general election. The term of office of each member of the Tribal Council, including the Chairman, is three years. The terms are established on a staggered basis with two council positions coming open each November, and the Chairman's position is subject to election every third year from among candidates who specifically run for that office. The Chairman may be elected to that position for only three consecutive terms. The Chairman appoints a Vice Chairman and the Tribal Council appoints a Treasurer from among the other elected members of the Council.

The Chairman is the chief executive officer of the Tribe, and, subject to the personnel policies adopted by the Tribal Council, appoints non-elected personnel and supervises their employment. An Executive Officer, appointed by the Chairman, assists the Chairman in the

administration of the Tribe. The Tribal Council is the legislative body of the Tribe. In addition to regular weekly meetings, the Tribal Council meets frequently to consider special matters. Historically, Tribal Council members have had long tenures. The following individuals currently serve as Tribal Council members:

Clement J. Frost
Chairman

Mel Baker
Vice-Chairman

James M. (Mike) Olguin
Treasurer

Amy Barry

Tyson Thompson

Alex Cloud

Ramona Y. Eagle

The Southern Ute Indian Tribal Court was established by the Tribal Council under its constitutional authority. Currently, the Tribal Court is composed of two judges – one chief judge and one associate judge. The Tribal Court judges may, but need not be, law-trained and the current Tribal Court is composed of one law-trained judge and one judge who has not attended law school. Judges are appointed by the Tribal Council for three-year terms, and can be removed from office during their term only after a public hearing and only upon the grounds of neglect of duty, gross misconduct, or breach of contract. The Tribal Court applies all applicable tribal, federal, or common law to disputes brought before it. Appeals from the Tribal Court are directed to the Southwest Intertribal Court of Appeals (“SWITCA”). SWITCA is a voluntary court of appeals available to tribes in Arizona, Colorado, New Mexico, and west Texas. SWITCA is funded by the Bureau of Indian Affairs through a funding contract with Zuni Pueblo. The Court’s offices are housed at the University Of New Mexico School Of Law in Albuquerque, New Mexico.

Over the past 25 years, the Southern Ute Indian Tribe has become a major player in the local, state, and national economy. The Tribe is aggressively creating and operating new businesses both on and off-Reservation in the areas of oil and gas production, natural gas gathering, real estate development, housing construction, and gaming. The Tribe currently is the largest employer in La Plata County, Colorado. Many of the Tribe’s employees work in departments that perform core governmental functions while many others work for the Tribe’s casino and tribal enterprises organized under the Tribe’s business arm, known as the Southern Ute Indian Tribe Growth Fund.

The Southern Ute Indian Reservation is located in the northern portion of the San Juan Basin, which is rich in natural gas production. The industry from which the Tribe generates almost 90% of its income is natural gas and coal bed methane gas production. The Tribe’s Energy Department, in conjunction with the Bureau of Indian Affairs, is responsible for negotiating and managing leases to oil and gas operators throughout the Reservation. In addition, the Tribe operates its own wells through Red Willow Production Company. While the

Tribe is committed to developing its mineral resources, it also acknowledges a need to and has expended efforts to protect the Reservation's natural environment and the health and welfare of its members and other Reservation residents.

Since approximately 1980, the Tribe has expanded its role as a government with respect to protection of the environment on the Reservation. Through its Energy Department, its Natural Resources Department, and its Environmental Programs Division, the Tribe rigorously reviews oil and gas development activities. Through cooperative agreements and contracts, the Tribe's governmental departments work closely with the Bureau of Indian Affairs, the Bureau of Land Management, the U.S. Environmental Protection Agency, the Colorado Oil and Gas Conservation Commission, the U.S. Fish and Wildlife Service, the Army Corps of Engineers and other governmental authorities to maintain an acceptable balance between the interests of oil and gas resource development and the preservation of other Reservation resources. For example, in order to avoid potential pollution of water wells, the Tribe insists that produced water associated with coalbed methane development be injected into deep sandstone formations through expensive underground injection wells rather than deposited into less expensive surface evaporation pits. Another example of the Tribe's active leadership in this area is reflected by the Tribe's demand that, as a condition for increased well density, operators be required to agree to co-location of wells on existing well pads and to the use of directional drilling. Further, in sensitive areas, seasonal restrictions on drilling have been imposed by the Tribe in order to protect the Reservation's wildlife resources. Additionally, the Tribe's concern for maintaining and improving the air quality of the Reservation resulted in a unique intergovernmental agreement with the State of Colorado to form a joint tribal-state commission to establish a single air quality program applicable to all lands within the Reservation. In 2004, Congress adopted the *Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2004* (the Act of October 18, 2004, Pub. L. No. 108-336, 118 Stat. 1354-56) to provide for the implementation of air pollution protection programs developed in accordance with the intergovernmental agreement. The expansion of the Tribe's role in the regulation of the Reservation environment continues today although the cost associated with implementing and managing environmental programs has assumed greater prominence.

The Tribe has previously been granted treatment in the same manner as a state for purposes of receiving grants under section 105 of the Clean Air Act and sections 106, 314, and 319 of the Clean Water Act. On March 2, 2012, EPA granted the Tribe's application for treatment as a state and the Tribe's corresponding 40 CFR Part 70 Operating Permit Program under the Clean Air Act. 77 Fed. Reg. 15267 - 15273 (2012). On September 6, 2013, EPA delegated authority to the Tribe to implement and enforce certain Clean Air Act section 111 Standards of Performance for New Stationary Sources and section 112 National Emission Standards for Hazardous Air Pollutants on the Reservation. 78 Fed. Reg. 40635 (2013).

SECTION III SUBSTANTIAL DUTIES AND POWERS

A. Form of Tribal Government.

As described above, the Tribe is organized under section 16 (25 U.S.C. § 476) of the Indian Reorganization Act (codified at 25 U.S.C. §§ 461-479, as amended). The Tribe's governing body is the Southern Ute Indian Tribal Council, which exercises legislative functions and, along with the Tribe's Chairman, executive functions. A Southern Ute Indian Tribal Court has been established by the Tribal Council to exercise judicial functions.

B. Types of Government Powers Exercised by the Tribe.

The Tribe carries out substantial governmental duties and powers within the exterior boundaries of the Reservation. Pursuant to Article I of the Tribe's Constitution, the Tribe's jurisdiction, "through its general council, its tribal council and courts, . . . extend[s] to all the territory within the exterior boundaries of the reservation, and to such other lands as may be added thereto by purchase, gift, Act of Congress or otherwise." The powers of the Tribal Council are enumerated in Article VII of the Tribe's Constitution, and include a broad range of authority over subject matter such as: land; natural resources; criminal law; domestic relations; creation of a tribal court system; management of financial assets; hunting and fishing; commercial activities; and taxation.

The types of governmental powers currently exercised by the Tribe include, but are not limited to, the following:

(1) Legislative Power. In the exercise of its lawmaking power, the Tribal Council has enacted a code of laws, known as the Southern Ute Indian Tribal Code, which includes most of the substantive civil and criminal laws of the Tribe. Titles in the Tribal Code include a civil procedures code; criminal code; domestic relations code; probate code; election code; range code; wildlife conservation code; traffic code; gaming code; employment rights code; animal control code; land code; severance tax code; and professional boxing code.

(2) Police Powers Including Powers Affecting or Relating to the Health, Safety, and Welfare of Tribal Members and the Reservation Population. By regulating the conduct of individuals within the Tribe's jurisdiction, the Tribe exercises the same type of "police powers" exercised by other sovereign political entities such as the federal and state governments. Examples include the regulation of conduct through criminal law enforcement, the regulation of civil matters such as domestic relations and the disposition of non-trust property, and the administration of justice through the Tribal Court. Additionally, the Tribe, through its Department of Natural Resources (consisting of seven divisions – Administration, Lands, Agriculture, Forestry, Wildlife, Range, and Water) implements numerous resource management, conservation, and development plans for the Tribe's natural resources.

(3) Administration of Justice. The maintenance of law and order on the Reservation is another important power exercised by the Tribe. In that regard, the Tribe has created its own Justice and Regulatory Department, within which is the Tribe's police department (staffed by police officers employed by the Tribe); division of gaming (responsible for the regulation of gaming on the Reservation); natural resources enforcement division (responsible for enforcement of, among other laws, the Tribe's wildlife conservation code); and environmental programs division. Additionally, the Tribe not only operates its own court system which adjudicates both civil and criminal matters, but also employs a tribal prosecutor and public defender, and operates its own detention center. Through its detention center, the Tribe provides its own detention services and also provides detention services on a contractual basis to other tribes and federal agencies.

(4) Taxation. Among the powers exercised by the Tribe is the power to levy taxes. Since 1982, the Tribe has imposed a severance tax upon the severance of non-renewable energy minerals from tribal trust lands, tribally owned fee lands, and allotted or restricted lands within the boundaries of the Reservation. The severance tax has been an important source of revenue for the operation of the government and benefits for the tribal membership.

(5) Intergovernmental Relations. The Tribe regularly collaborates on a government-to-government basis with federal, State, and local governmental agencies in areas of mutual interest such as natural resource development, roads and transportation, wildlife conservation, gaming, taxation, law enforcement, and environmental protection. Numerous intergovernmental agreements reflect the Tribe's participation in and commitment to intergovernmental cooperation.

In addition to exercising the governmental powers described above, the Tribe also provides social, health and elder care services as well as a community center with fitness and recreational opportunities for tribal and non-tribal members.

C. Source of the Tribe's Governmental Authority.

The authority of the Tribe to exercise governmental powers stems from three sources. First, the Tribe possesses inherent power to govern its territory. Second, in one instance, the Tribe has the right to regulate hunting, fishing, and gathering by tribal members in a certain off-Reservation area as a result of a reserved treaty right. Third, the Tribe has the authority to regulate in some instances as a result of federal statutes delegating authority to the Tribe. A statement by the Tribe's general legal counsel and the Tribe's Legal Department, included in Section VI herein, describes the basis for the Tribe's assertion of authority over the waters covered by this application.

SECTION IV
LEGAL DESCRIPTION OF THE SOUTHERN UTE INDIAN RESERVATION AND
STATEMENT OF THE WATER RESOURCES WITHIN THE RESERVATION
OVER WHICH THE TRIBE ASSERTS AUTHORITY

The following is a legal description of the Southern Ute Indian Reservation as found in section 3 of the Act of May 21, 1984, Pub. L. No. 98-290, 98 Stat. 201,202 (reprinted as historical note at 25 U.S.C.S § 668), a copy of which is attached hereto as Exhibit 4 and made a part hereof:

Sec. 3. The Southern Ute Indian Reservation in the State of Colorado is declared to have the following boundaries:

(1) Bounded on the north by the southern boundary of the lands-

(A) ceded to the United States by certain bands of the Ute Indians under the Articles of Convention entered into on September 13, 1873, and ratified by the Act approved April 29, 1874 (18 Stat. 36), and

(B) described in article I of such Articles of Convention.

(2) Bounded on the south by the boundary line between the States of Colorado and New Mexico as described in article II of the treaty between the United States and the Ute Indians concluded March 2, 1868, and proclaimed November 6, 1868 (15 Stat. 619).

(3) Bounded on the west by the eastern boundary of the Ute Mountain Ute Indian Reservation.

(4) Bounded on the east by the southernmost 15 miles of the eastern boundary of the lands reserved to the Ute Indians by article II of the treaty between the United States and the Ute Indians concluded March 2, 1868, and proclaimed November 6, 1868 (15 Stat. 619), except that the lands east of such boundary in township 32 north, range 1 west, New Mexico principal meridian, that are held by the United States in trust for the benefit of the Southern Ute Indian Tribe are part of the Southern Ute Indian Reservation.

The Southern Ute Indian Reservation encompasses approximately 700,000 acres, of which 310,000 are held in trust for the Tribe and individual Indians by the federal government. The Reservation is traversed by eight rivers. Those are the La Plata, Animas, Florida, Los Pinos, Piedra, Navajo, Blanco, and San Juan Rivers.

For purposes of this application, the Tribe asserts authority over the surface water resources located on the Reservation lands that are held in trust by the United States for the benefit of the Tribe and individual Indians, to the extent those surface water resources constitute “navigable waters” under the Clean Water Act section 502(7). For practical reasons and to avoid a jurisdictional dispute, the Tribe is limiting its assertion of authority for purposes of this application to such Reservation surface waters located on trust land. That limitation, however, is not intended and should not be construed as a waiver or concession by the Tribe that its regulatory authority does not extend to all water bodies located within the exterior boundaries of the Southern Ute Indian Reservation and the Tribe expressly reserves the right to assert such authority.

SECTION V
MAP OF THE SOUTHERN UTE INDIAN RESERVATION AND THE WATER
RESOURCES WITHIN THE RESERVATION OVER WHICH THE TRIBE
ASSERTS AUTHORITY

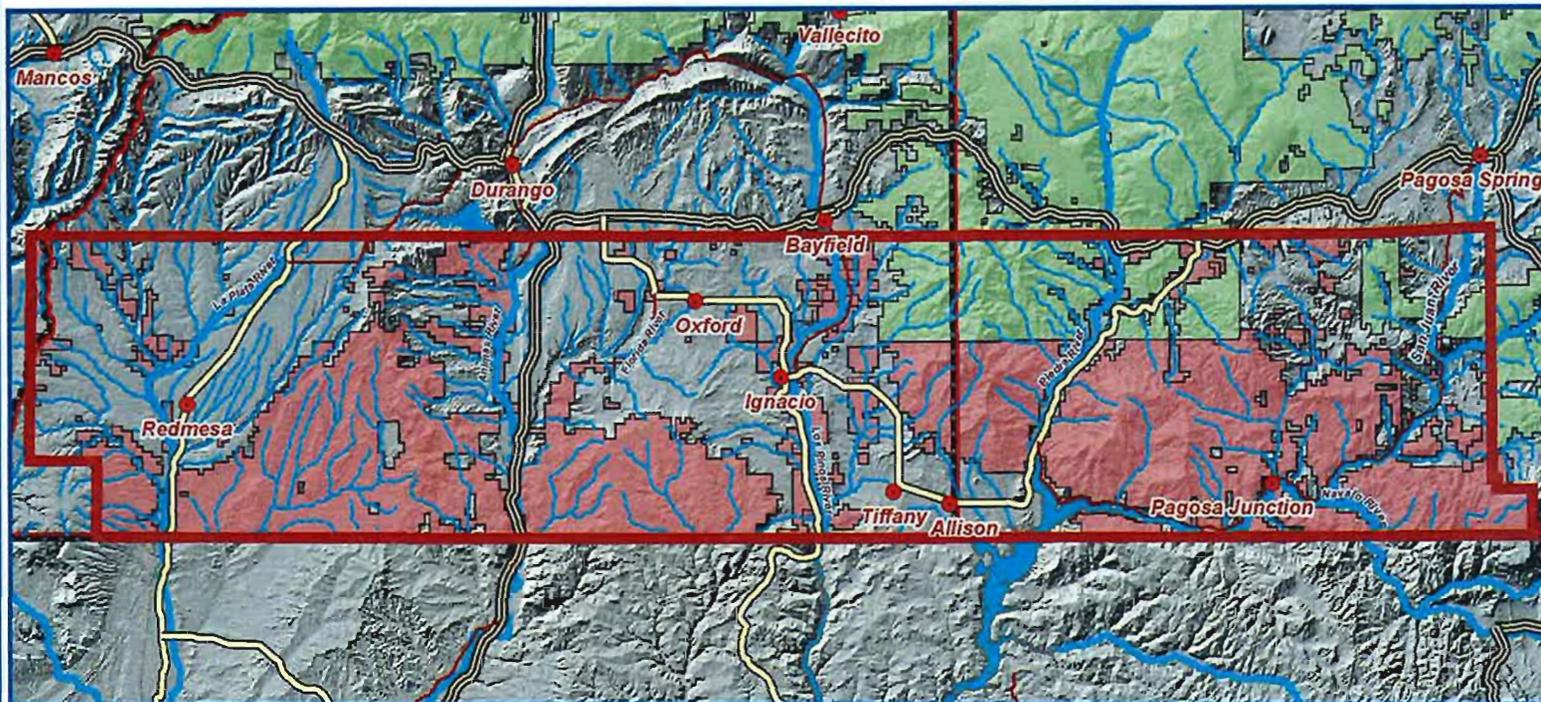
Attached hereto as Exhibit 1 and made a part hereof are several maps showing the Reservation’s exterior boundaries, the location of the eight rivers (i.e., the La Plata, Animas, Florida, Los Pinos, Piedra, Navajo, Blanco, and San Juan rivers) and some of their tributaries which traverse or cross the Reservation in five main drainage basins (which basins are shown on the map), the status of lands within the Reservation’s exterior boundaries and, in particular, the Reservation lands held in trust by the United States for the benefit of the Tribe and individual Indians. As noted above, the Tribe is limiting its assertion of authority for purposes of this application to the Reservation waters located on trust land which fall within the Clean Water Act’s definition of “navigable waters” but is not conceding that the scope of its regulatory authority does not extend to all water bodies located within the exterior boundaries of the Southern Ute Indian Reservation.



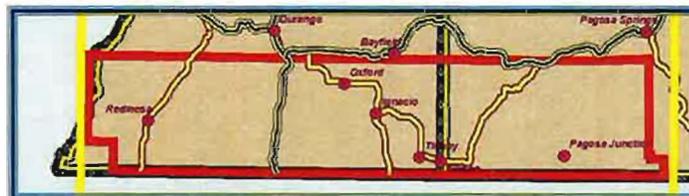
Southern Ute Indian Reservation

Trust Land Status for SUI TAS Application 2015

Map 1 of 6



0 5 10 Miles



- Major Towns
- ▭ SUI Boundary
- ▭ County Boundary
- ▭ Trust Land
- ▭ USFS

SECTION VI
DESCRIPTIVE STATEMENT
OF THE
SOUTHERN UTE INDIAN TRIBE'S AUTHORITY
TO REGULATE WATER RESOURCES ON RESERVATION TRUST LAND

A. Introduction.

This descriptive statement of authority is submitted on behalf of the Southern Ute Indian Tribe as part of its application for a determination of eligibility to be treated in the same manner as a state under Section 518(e) of the Clean Water Act and 40 C.F.R. § 131.8 for purposes of the water quality standards and certification programs. As required by 40 C.F.R. § 131.8(b)(3), this statement includes (by incorporation by reference) a legal description and map of the Southern Ute Indian Reservation and the water resources within the Reservation's exterior boundaries over which the Tribe asserts authority, a copy of the federal law containing a legal description of the Southern Ute Indian Reservation, and an identification of the surface waters for which the Tribe proposes to establish water quality standards. Finally, this descriptive statement describes the basis for the Tribe's assertion of authority over the Reservation surface waters located on tribal trust land.

B. Map and Legal Description of the Southern Ute Indian Reservation.

The Reservation is located in southwest Colorado in the southern portions of Archuleta and La Plata counties, and a small portion in eastern Montezuma County. As noted above, the Reservation encompasses approximately 700,000 acres, of which approximately 310,000 surface acres are held in trust for the Tribe. Additionally, the Tribe is the beneficial owner of minerals, including oil, gas and coal, on more than half of the Reservation lands. Trust and non-trust land is interspersed throughout the Reservation in a checkerboard fashion. The legal description of the Reservation is included in section IV of this application, together with an identification of the surface waters for which the Tribe proposes to establish water quality standards, and is incorporated in this descriptive statement by reference. The map showing the Reservation is included as part of section V of this application, which also includes an identification of the surface waters for which the Tribe proposes to establish water quality standards, and is incorporated in this descriptive statement by reference. Also included herein as Exhibit 4 and made a part hereof is a copy of Public Law 98-290. **See Exhibit 1 - Maps of the Southern Ute Indian Reservation.**

C. Basis for Authority Over Water Resources Located on Trust Land.

As explained below, the Tribe's authority over water resources located on trust land is based on the Tribe's inherent authority over its territory and the activities within that territory, its Constitutional authority, and its authority under federal law.

(1) Inherent Authority.

The inherent authority of Indian tribes to exercise civil regulatory authority over activities on tribal land (including trust lands and tribal owned fee land) extends not only to the activities of tribal members but also to the activities of non-member Indians and non-Indians.

Regarding the regulation of internal tribal affairs and the conduct of tribal members on tribal land, Indian tribes have broad power. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 55 (1978). That power includes the power to determine tribal membership, establish rules for the inheritance of property, and regulate domestic relations. *Id.* Although Indian tribes come under the protection of the United States through their status as “domestic dependent nations,” thus diminishing their sovereignty relative to their external relations (such as dealing with foreign governments), tribes have always retained power of self-government over their internal relations. See *United States v. Wheeler*, 435 U.S. 313 (1978). Those powers not expressly removed by Congress or lost by implication are retained by the tribe. *Atkinson Trading Post v. Shirley*, 121 S.Ct. 1825, 1830 (2001); *Wheeler*, 435 U.S. at 326. Thus, “[t]ribes have plenary and exclusive power over their members and their territory subject only to limitations imposed by federal law.” FELIX S. COHEN’S HANDBOOK OF FEDERAL INDIAN LAW 211 (2012 ed.).

Regarding the inherent authority of Indian tribes to exercise civil regulatory authority over the activities of non-member Indians and non-Indians on tribal land, the leading court decisions are *New Mexico v. Mescalero Apache Tribe*, 462 U.S. 324 (1983); *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130 (1982); and *Montana v. United States*, 450 U.S. 544 (1981). In *Mescalero Apache*, the Supreme Court held that an Indian tribe had exclusive authority to regulate hunting and fishing on tribal trust land by “members and nonmembers” because federal law preempted state law in that situation. 462 U.S. at 343-44. In *Merrion*, the Supreme Court held that an Indian tribe retained its inherent power to regulate, through taxation, non-Indian mining activity on tribal trust lands. 455 U.S. at 159. And in *Montana*, the Supreme Court distinguished the tribe’s authority to exercise civil regulatory authority over non-Indian conduct occurring on tribal trust land from its power to regulate the same conduct on lands owned in fee by non-Indians, noting that “[t]he Court of Appeals held that the Tribe may prohibit nonmembers from hunting or fishing on land belonging to the Tribe or held in trust by the United States for the Tribe . . . and with this holding we can readily agree.” 450 U.S. at 557. Based on those three holdings, therefore, if the activity occurs on tribal land rather than on fee land, the territorial component of sovereignty supports a presumption that an Indian tribe has regulatory and adjudicatory jurisdiction over the non-Indian actors. That jurisdiction arises out of the Tribe’s inherent sovereign power to protect the integrity of its territory, and to protect the health and welfare of its tribal members. *Montana*; *Washington v. Confederated Tribes of the Colville Indian Reservation*, 447 U.S. 134 (1980); *Worcester v. Georgia*, 31 U.S. 515 (1832); cf. *Nevada v. Hicks*, 533 U.S. 353 (2001) (holding tribes may not exclude state officers who enter Indian country for purposes of enforcing off-reservation criminal laws against tribal members).

(2) Tribal Constitutional Authority.

The Tribe’s territorial and regulatory jurisdiction set forth in the *Constitution of the Southern Ute Indian Tribe of the Southern Ute Indian Reservation Colorado* approved by the

Secretary of the Interior on November 4, 1936, and amended October 1, 1975, and August 27, 1991, is broad and includes the power to regulate water quality on all lands within the Reservation's exterior boundaries. Article I of the Tribe's Constitution provides:

The jurisdiction of the Southern Ute Indian Tribe through its general council, its tribal council and courts, shall extend to all the territory within the exterior boundaries of the reservation, and to such other lands as may be added thereto by purchase, gift, Act of Congress or otherwise.

The power to preserve and protect the Tribe's natural resources, which includes its water resources, is vested in the Southern Ute Indian Tribal Council pursuant to Article VII, Sec. 1 (n).

A copy of the Tribe's Constitution is attached hereto as Exhibit 3 and made a part hereof.

(3) Authority Based on Federal Law (i.e., Public Law 98-290).

On May 21, 1984, Congress approved the Act of May 21, 1984, Pub. L. No. 98-290, 98 Stat. 201, 202 (found in note to 25 U.S.C. § 668), the purpose of which was to confirm the Reservation's boundaries and to at least partially clarify jurisdiction within them. *Id.* § 1. Regarding the Tribe's jurisdiction, Section 4(a) of P.L. 98-290 limits any jurisdiction the Tribe already has over non-Indians to trust lands only, as follows:

Sec. 4(a). Such territorial jurisdiction as the Southern Ute Indian Tribe has over persons other than Indians and the property of such persons shall be limited to Indian trust lands within the reservation.

Section 2 of P.L. 98-290 defines Indian trust lands in the following manner:

For purposes of this Act, the term 'Indian trust land' means any land within the boundaries of the Southern Ute Indian Reservation which –

- (1) is held by the United States in trust for the benefit of the Southern Ute Indian Tribe or individual Indians, or
- (2) is owned by the United States and reserved for use or actually used in the administration of Indian affairs.

Any right-of-way bounded on both sides by Indian trust land shall be Indian trust land. Any other right-of-way shall not be Indian trust land.

Although not expressly stated in P.L. 98-290, the legislative history of the act makes clear that the Tribe's jurisdiction on trust lands includes jurisdiction over not only non-Indians but also Indians. The House Report accompanying P.L. 98-290 states that "[u]nder the terms of the bill, the United States and the [T]ribe would retain their existing criminal and civil jurisdiction over Indians anywhere within the boundaries of the [R]eservation except within the limits of any municipality incorporated under the laws of the State of Colorado [e.g., town of Ignacio], in which case, the State would exercise criminal and civil jurisdiction over all persons,

Indian and non-Indian, as if it had assumed such jurisdiction pursuant to the provision of Public Law 83-280.” H.R. REP. NO. 98-716, at 2 (1984). Likewise, the Senate Report that accompanied P.L. 98-290, states that “[w]ithin the remainder of the reservation [i.e., outside the boundaries of the town of Ignacio], the tribal and Federal law shall be applicable to Indians who are members of a federally recognized Indian tribe anywhere within the boundaries of the [R]eservation. These laws, however, will only be applicable to non-Indians when they or their property are actually on trust land within the [R]eservation.” S. REP. NO. 98-404, AT 1-2 (1984).

The legislative history further indicates that P.L. 98-290 was not intended to define the precise limits of the Tribe’s jurisdiction over Indians Reservation-wide or the limits of tribal jurisdiction over non-Indians on Indian trust land. One of the Tribe’s attorneys at the time, Thomas H. Shipps, submitted a statement in a congressional committee hearing noting that:

[t]he legislation is not intended to define the limits of tribal jurisdiction over Indians within the [R]eservation or the limits of tribal jurisdiction over non-Indians on Indian trust land. The limits of that jurisdiction shall continue to be governed by the evolving case law that defines the powers of tribes generally throughout the country.

Hearing Before the Senate Select Comm. on Indian Affairs on S. 1979: A Bill to Confirm the Boundaries of the Southern Ute Indian Reservation in the State of Colorado and to Define Jurisdiction Within Such Reservation, 98th congress 45-46 (1984). The intent, therefore, was to allow evolving case law applicable to Indian tribes nationwide to determine the limits of such jurisdiction. And, since the leading cases regarding tribal jurisdiction on trust land (i.e., *Mescalero Apache*, *Merrion*, and *Montana*) remain applicable in Indian country, they remain applicable on the Reservation as well. Accordingly, under P.L. 98-290 the Tribe may generally exercise civil regulatory authority over all persons on trust lands.

D. Conclusion.

For the reasons stated above, the Tribe asserts that it has inherent tribal authority, as well as authority under the Tribe’s Constitution and under federal law, to regulate the quality of “navigable” Reservation surface waters located on trust land pursuant to the Clean Water Act.

**MAYNES, BRADFORD, SHIPPS &
SHEFTEL, LLP**

**SOUTHERN UTE INDIAN TRIBE
LEGAL DEPARTMENT**

By: 
Sam W. Maynes, Partner

By: 
Lorelyn Hall, Esq.

General Counsel to the Southern Ute Indian Tribe

SECTION VII
CAPABILITY TO ADMINISTER AN EFFECTIVE
WATER QUALITY STANDARDS PROGRAM

The Tribe has the capability to carry out the functions of an effective water quality standards program as demonstrated by its experience managing federal programs, including federal environmental programs. The Tribe's capability also is demonstrated by its experience managing public and tribal member health programs. Finally, the Tribe's capability is demonstrated by the technical and administrative experience and training of its existing Water Quality Program staff.

A. Experience Managing Federal Programs.

The Tribe has extensive experience managing federal programs pursuant to contracts and grants. Over the last 20 years, the Tribe has averaged an estimated 80-90 contracts and grants to administer various federal programs on the Reservation. In 2012, the combined number of contracts and grants was 91 and in 2014 the combined number is 65.

Currently, the Tribe has 20 "self-determination" contracts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 450 *et seq.*) under which the Tribe administers programs that formerly were administered by the Bureau of Indian Affairs and the Department of Health and Human Services for the Tribe's benefit. These contracts are also called "638 contracts" after the number of the original public law. Of those 20 self-determination contracts, 9 are "mature contracts" meaning that those contracts have qualified for mature contract status by having been continuously operated by the Tribe for three or more years and there have been no significant and material audit exceptions relative to those contracts in the annual financial audit of the Tribe. *See* 25 U.S.C. § 450b(h). Mature contracts have simplified contract compliance reporting and monitoring requirements and can extend for a term that is longer than the term that is available for contracts that do not qualify as mature contracts. 25 U.S.C. § 450c(a)(2) (concerning maintenance of records for mature contracts); 25 U.S.C. § 450j(c)(1) (allowing a definite or indefinite term, as requested by the tribe, for a mature contract). A myriad of programs are administered by the Tribe pursuant to self-determination contracts, including programs for social services, law enforcement and detention facilities, tribal courts, agricultural and rangeland management, highway planning, Indian child welfare, housing assistance, water resources management, forestry, dam safety, Wildlife Management and preventive and rehabilitative health services.

In addition to the self-determination contracts described above, the Tribe currently has approximately 45 other contracts and grants to provide programs and services such as educational assistance, emergency preparedness and response, health and social welfare, Ute language preservation, and water and sewer system improvements. These contracts and grants are with federal agencies such as the Department of Health and Human Services, Department of Justice, and Bureau of Reclamation. Some grants are federally funded and passed through the State of Colorado to the Tribe.

Finally, the Tribe has three self-determination contracts with the Indian Health Service, one for management of the Tribe's health clinic, one for the provision of substance abuse treatment, and the other for the provision of emergency medical services, for which the Tribe delegates administration authority to a delegate agency known as the Southern Ute Community Action Program (SUCAP). The Tribe also is the recipient of 13 grants that it passes through to SUCAP for administration. Those grants are used to fund programs on the Reservation such as Head Start, Early Head Start, Native American employment training, assistance to low-income families, and a "meals-on-wheels" program for the elderly.

Total funding for 2014 under the self-determination contracts and grants described above, plus the funding under the EPA grants described below, exceeded \$20.5 million. Annual audits of the Tribe's compliance with applicable federal contracting terms and grant conditions have consistently resulted in unequivocal opinions of compliance with no findings during the last two audits. A complete list and summary of the Tribe's current contracts and grants is available upon request.

B. Experience Managing Federal Environmental Programs.

The Tribe's Environmental Programs Division manages the following four environmental programs on the Reservation, which are funded primarily through EPA grants. Some of the programs consist of more than one program.

(1) Water Quality Program.

The Tribe's Water Quality Program was established in 1990 to protect and preserve the quality of the Tribe's water resources through the management of various Clean Water Act programs. Primary funding for the Water Quality Program has been provided by EPA through Clean Water Act section 106, 104 b(3), and 319 grants. The section 106 grants, which the Tribe has received since 1992, have been used to fund Reservation-wide surface water quality monitoring, assessment, inspection, and analysis. The section 319 grants, which the Tribe has received since 1998, have been used to fund development and management of a nonpoint source management program. The section 104 b(3) grants, which the Tribe received in 2003-2007 were used for a wetland monitoring, assessment and analysis program.

Since its inception, there have been several notable accomplishments by the Water Quality Program. First, in 1996, the Tribal Council adopted water quality standards, following a public rulemaking process led by the Water Quality Program. Due to a dispute regarding regulatory authority on the Reservation, however, the standards have not become federally recognized. Work is ongoing to update the standards and, in order to avoid the dispute that prevented the Tribe from obtaining "treatment as a state" status from EPA for purposes of setting water quality standards, the Tribe has purposely limited its assertion of authority in this application to those waters over which there is no jurisdictional dispute (i.e., waters crossing tribal trust lands). Second, in October 1996, the Program completed a study of nutrient and sediment loading from irrigation activities in the Los Pinos watershed. That study eventually led to development of a non-point source management plan that was designed to assist and educate the agricultural community on reduction of pollution from agricultural activities. In May 2006,

the Program completed a review and revision to the Non-Point Source Assessment report, which expanded the areas of concern to include the Animas and Florida Rivers that are being negatively impacted from non-point/point source pollution. Third, in 2004, an agricultural cost share program was established to assist in the implementation of agricultural irrigation improvements aimed at reducing the amount of sediment and pollutant run off from agricultural fields and to reduce the amount of agricultural wastewater entering nearby water bodies. Since inception of the agricultural cost share program, approximately 10 linear miles of gated pipe, one side roll sprinkler, and two vegetated buffers have been installed, serving over 600 acres of agricultural land on the Reservation. Fourth, since 1999, the Water Quality Program has implemented eight stream restoration projects, totaling five miles of restoration work on the Animas River, Rock Creek, Dry Creek, and Beaver Creek at a combined cost of approximately \$700,000. Fifth, from 2004 to 2008, in accordance with a National Environmental Information Exchange Network grant, the Water Quality Program managed what is known as Ambient Water Quality Management System (AWQMS), a regional water quality data warehouse for all 27 EPA Region VIII Indian tribes. Sixth, the Water Quality Program provides residential drinking well water testing for tribal members on the Reservation to assess its suitability for human use. The Water Quality Program uses laboratory analysis, including testing for bacterial contamination and the presence of methane, and EPA's Safe Drinking Water Act primary and secondary list of constituents to evaluate tribal members' wells. Five wells on the Reservation were evaluated in 2013. Seventh, in 2010, the Water Quality Program applied for and received EPA supplemental funding to conduct a nutrient assessment study and to develop draft nutrient standards for the Pine River. Data was collected, including total nitrogen, total phosphorous, chlorophyll a, and macroinvertebrates. An assessment of the data was completed and draft nutrient standards were developed. The program completed the second year of the Pine River assessment in 2012. Eighth, the Water Quality Program staff presented at the 2011 National Tribal Water Quality Conference in Santa Fe, N.M., at the Native American Fish & Wildlife Society Conference in Ignacio, Colorado, and at the Colorado Watershed Assembly in Avon, Colorado. Ninth, the Water Quality Program also provides educational outreach to local schools, the Southern Ute Indian Tribe's Montessori Academy, and Ft. Lewis College. The program provides the local community with information on various aspects of the program, which provides the community with a sense of environmental awareness. Tenth, in 2012, the Water Quality Program applied for and received EPA supplemental funding to conduct a nutrient assessment study and to develop draft nutrient standards for the Animas River. Data was collected, including total nitrogen, total phosphorous, chlorophyll a, and macroinvertebrates. Data collection is complete and data assessment is scheduled to be complete in September of 2015. Finally, the Water Quality Program participates as an active member of the Animas Watershed Partnership (AWP) group, assisting in the development of the Animas Watershed Plan.

(2) Air Quality Program.

The Tribe has received funding from EPA since May 1981 to administer an Air Quality Program. Utilizing Clean Air Act section 103 and 105 grant funds, the Tribe operates two monitoring stations to monitor the impacts of both neighboring and local sources of air pollution on the Reservation. The Air Quality Program has an up-to-date quality assurance project plan, has completed multiple emissions inventories (2011 is the most recent), assisted in the development of the unique intergovernmental agreement between the Tribe and the State of

Colorado, assisted in the establishment of the Southern Ute Indian Tribe/State of Colorado Environmental Commission, and, most recently, prepared a Reservation Air Code that includes the regulations for the Part 70 operating permit program. On March 15 2012, the U.S. Environmental Protection Agency published a final rule granting approval of the Tribe's application to administer the Part 70 operating permit program on the Reservation. Functions of the staff in the air program include the collection and reporting of data to EPA's Air Quality System database, quality assurance and quality control, database development, calibration and maintenance of continuous air monitors, annual network reviews, equipment repair, work plan preparation, Part 70 permit application reviews, permit writing, permit compliance inspections and enforcement, and fiscal management.

(3) General Assistance Program.

The Tribe's General Assistance Program's (GAP) mission statement is to provide the opportunity to the Tribe to build capacity and management capability to implement Environmental Programs. GAP's responsibilities include the recycling program and other pollution prevention activities, free radon monitoring for the membership as well as other indoor air quality issues, collecting and properly disposing of hazardous waste, outreach and education on all environmental issues, research alternative grant funded environmental projects, and to act as a tribal liaison on external committees and boards. It is a goal of the GAP to not only collaborate with other media-specific environmental programs, but also with other Tribal Departments to maximize positive environmental impacts on projects on the Reservation and provide technical assistance to other environmental programs as well as to other tribal departments.

(4) Environmental Compliance/Brownfields Program.

The Tribal Response Program was developed in 2002 to assist with monitoring oil and gas activities on the Reservation and ensure that operators comply with applicable environmental laws. This program now includes a Brownfields program that is working toward cleaning up various dump sites and hazardous waste sites throughout the Reservation. In the future, the Tribe may seek to expand this program to include administration of other EPA programs and activities such as those under RCRA and FIFRA.

In addition to the grants from EPA, the Tribe's Environmental Programs Division also administers a grant from the Federal Emergency Management Agency for hazardous materials training.

C. Experience Managing Tribally-Funded Programs and Business Enterprises.

In addition to possessing extensive experience contracting and receiving grants to manage a wide variety of federal programs, the Tribe has many years of experience managing tribally-funded programs and on and off-Reservation business enterprises. Among its tribally-funded programs is the Tribe's Energy Department which, for the last 30 years, has overseen gas exploration, development, and production on the Reservation. Divisions within the Energy Department conduct in-house accounting, production and exploration analysis, and resource

development activities for over a thousand tribal gas wells. The Accounting Division is responsible for the collection, accounting, and auditing of tribal mineral revenues. The Lands Division maintains records concerning surface use, land ownership, and lease agreements. The Exploration and Production Division reviews drilling activities, monitors production, promotes activity on both leased and un-leased properties, and formulates, evaluates, and implements short and long-term exploration and development programs. The Marketing Division assists with gas marketing in an effort to ensure maximum returns for the Tribe's mineral resources.

The success of its business enterprises has earned the Tribe an AAA credit rating from two rating agencies, Standard & Poors and Fitch, which it has held for 11 years.

D. The Tribe Manages a Public Health Program, a Tribal Health Department, and Manages the Southern Ute Indian Health Clinic on the Reservation Pursuant to a 638 Contract with the Indian Health Service.

The Southern Ute Health Services Division provides a number of services to the tribal community including the dissemination of health-related materials and programs and coordination of health services for tribal members. The Division also manages what is known as the Community Health Representative Program, funded through a grant from the Department of Health and Human Services, which provides in-home health care for tribal elders and tribal members with handicaps. Additionally, the Division manages a Health Services Driver Program which provides transportation services to tribal members and others who require transportation out of the Ignacio area for health care.

The Tribe was also instrumental in the creation of SUCAP, which is a non-profit community organization that serves as the Tribe's delegate agency/sub-grantee for various federal and State grant programs. In that capacity, SUCAP provides drop-in and in-patient substance abuse treatment, youth counseling, highway safety programs, emergency medical services, Meals-on-Wheels, Head Start and Early Head Start programs, health education, and a local transit service.

In addition to managing its Health Services Division, the Tribe manages a tribal-funded Tribal Health Department and, since October 1, 2009, has managed the Indian Health Services health clinic on the Reservation (known as the Southern Ute Indian Health Clinic) that serves tribal member and the non-member Indian population in the area, pursuant to a 638 contract with IHS. In 2003, the Tribe established its Tribal Member Health Benefits Program that provides payor of last resort health care benefits to tribal members.

E. The Water Quality Program Within the Tribe's Environmental Programs Division Will Be Primarily Responsible for Establishing, Reviewing, Implementing, and Revising Water Quality Standards, Subject to the Approval of the Southern Ute Indian Tribal Council, and will be the Tribal Division Responsible for Conducting Water Quality Certifications under CWA § 401.

Under Tribal Council Resolution No. 2015-15, a copy of which is attached as Exhibit 5, the Tribe's Environmental Programs Division has been designated and authorized to serve as the

Tribe's division responsible for establishing, reviewing, implementing, and revising the Tribe's water quality standards, subject to the approval of the Southern Ute Indian Tribal Council, and will be responsible for conducting water quality certifications under Clean Water Act § 401 pursuant to procedures established by the Southern Ute Indian Tribal Council. The Southern Ute Environmental Programs Division was formed in 1991 to administer programs related to environmental protection. Organizationally, the Division is located within the Tribe's Department of Justice and Regulatory. Four main programs are administered by the Division: Air Quality, General Assistance, Water Quality, and Environmental Compliance/Brownfields. The Division is led by a Division Head and there is a program manager for each of the programs. The Division is supported by administrative staff.

Within the Environmental Programs Division, the Tribe's Water Quality Program will be primarily responsible for the water quality standards and § 401 certification functions. The staff of the Water Quality Program currently includes the program manager, a senior water quality specialist - § 319 grant coordinator, a senior water quality specialist – § 106 grant coordinator, a water quality technician, and an administrative assistant.

F. Existing Staff Have the Technical and Administrative Capabilities to Administer and Manage an Effective Water Quality Standards and § 401 Certification Program.

As shown by their resumes, which are attached as Exhibit 6, the Division Head for the Tribe's Environmental Programs Division and the Water Quality Program's existing staff have the technical and administrative capabilities to manage the Tribe's proposed water quality standards and § 401 certification program.

The Tribe has managed a water quality program since 1990. Since that time, the Tribe has developed a great deal of expertise and experience in the technical and administrative aspects of managing a water quality program. The Water Quality Program currently has a staff of four – three working primarily on Section 106 matters (i.e., monitoring and development of water quality standards); one working primarily on Section 319 non-point source pollution control matters.

The technical capabilities of the existing staff are demonstrated by their technical work experience, totaling a combined 54 years technical experience, and their technical training. The technical experience of the existing staff includes experience in water quality monitoring, streambank restoration, NPDES Permit review, and stormwater inspections. The technical training of the existing staff includes training in Water Quality Standards Academy, Aquatic Life Toxicity, NPDES Permit Writers Course, Rosgens Applied Fluvial Geomorphology, River Morphology and Applications, River Assessment and Monitoring, Erosion Control Supervisory Training, and Haz Mat Awareness. The training has been through training programs sponsored by EPA and other sources.

Administrative experience of the existing staff includes experience in the administrative activities of budget preparation and tracking of expenditures, report writing, and workplan

development. The existing staff has a combined 8 years administrative experience in the area of water quality program administration.

The Water Quality Program has, in the past, retained the services of contractors and it is possible that, if specific expertise is needed, the Tribe may utilize contractor assistance in the administration of the water quality standards and 401 certification programs. It is the Tribe's goal, however, to have an entirely self-sufficient program with in-house staff performing the work.

SECTION VIII CONCLUSION

As demonstrated above, the Tribe meets the required eligibility criteria for obtaining TAS approval under section 518(e) of the Clean Water Act and 40 C.F.R. 131.8 for purposes of the water quality standards and certification programs. The Tribe has a governing body which carries out substantial governmental duties and powers, the Tribe has jurisdictional authority over the water resources covered by this application (i.e., "navigable" water crossing tribal trust lands), and the Tribe has the capability to administer and manage an effective water quality standards and § 401 certification program. The Tribe, therefore, hereby requests a determination of its eligibility to be treated in the same manner as a state for purposes of the water quality standards and certification programs.

Exhibit 1

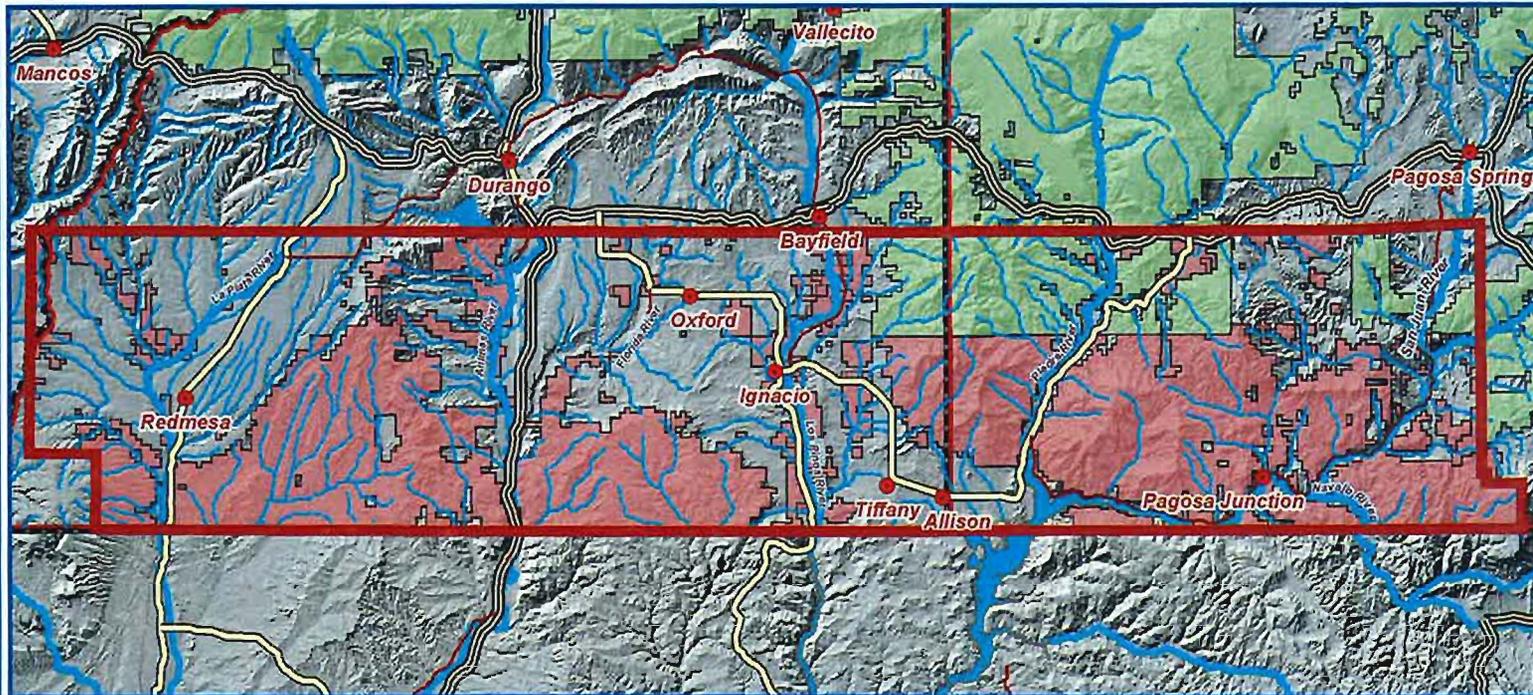
**Maps of Reservation and Water Resources over Which the Tribe
Asserts Authority**



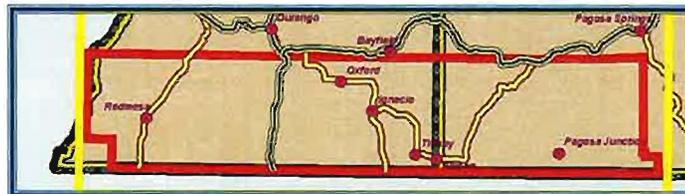
Southern Ute Indian Reservation

Trust Land Status for SUIT TAS Application 2015

Map 1 of 6



0 5 10 Miles

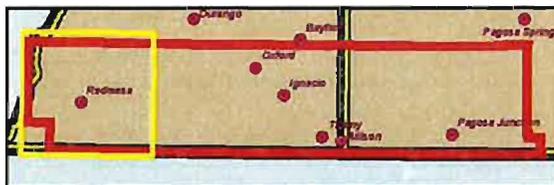
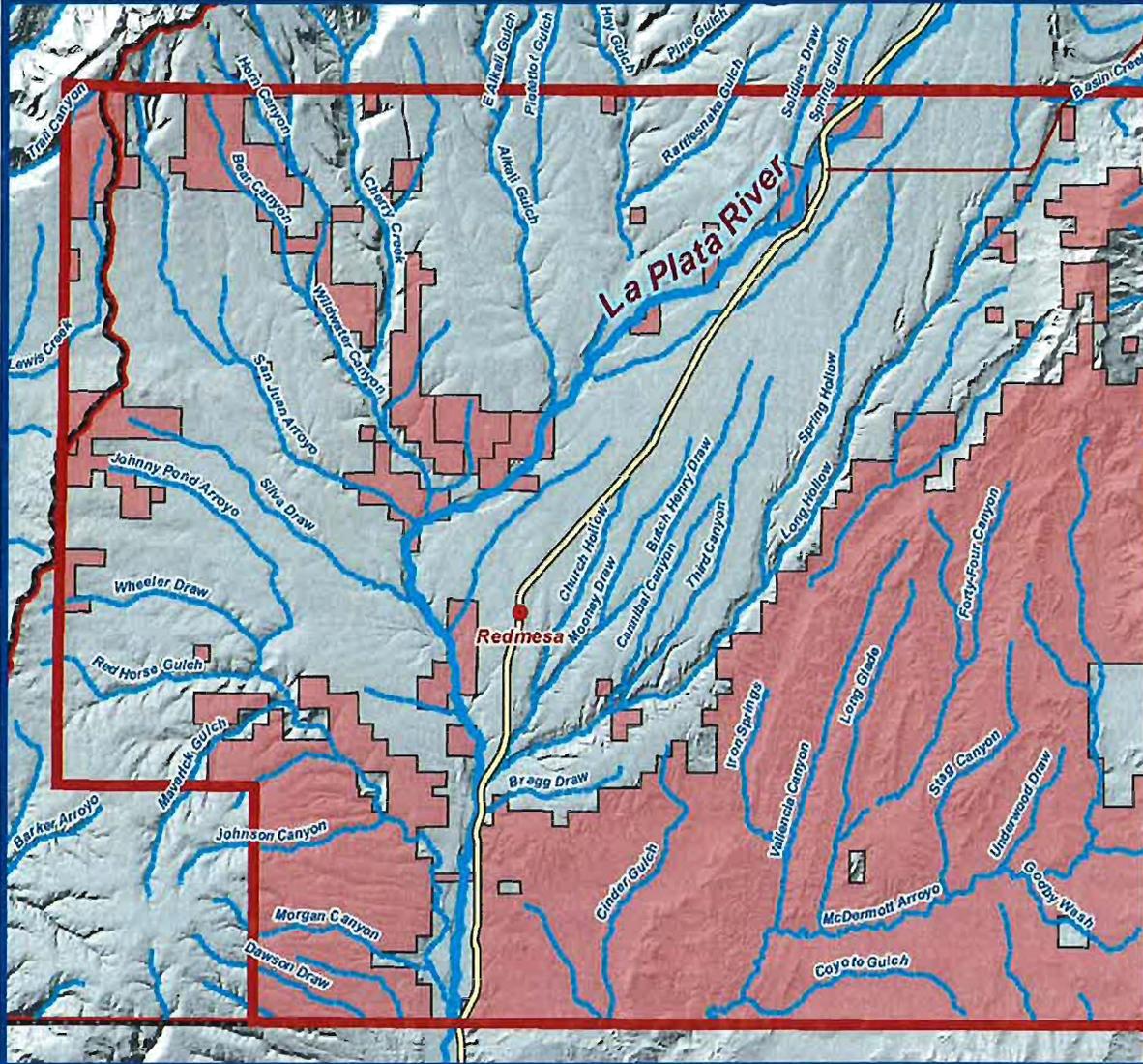


- Major Towns
- ▭ SUIT Boundary
- ▭ County Boundary
- ▭ Trust Land
- ▭ USFS

Southern Ute Indian Reservation

Trust Land Status for SUIT TAS Application 2015

Map 2 of 6

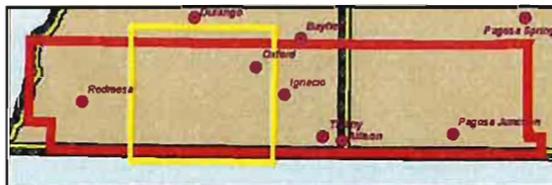
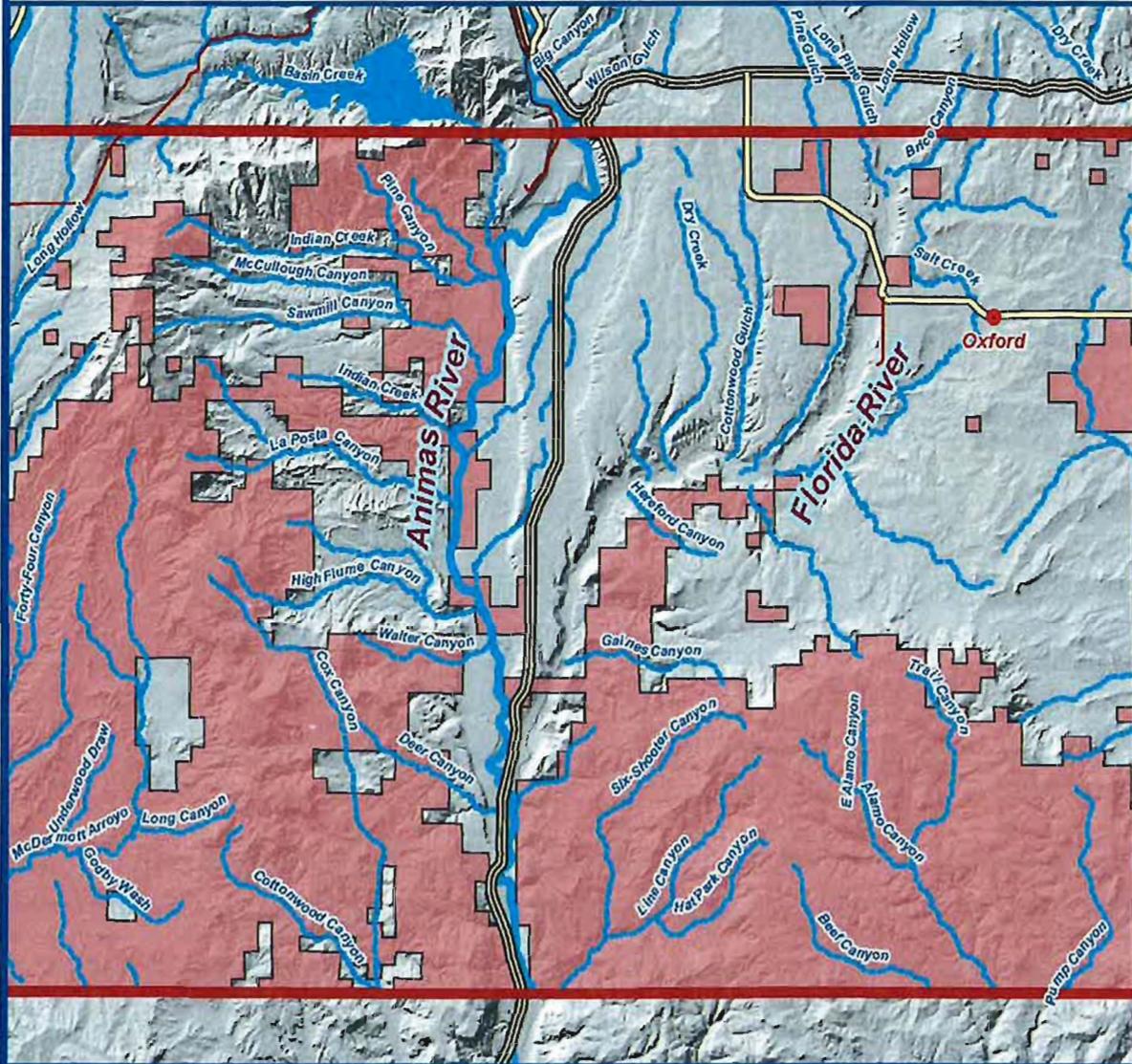


- Major Towns
- SUIT Boundary
- County Boundary
- Trust Land
- River
- Stream

Southern Ute Indian Reservation

Trust Land Status for SUIT TAS Application 2015

Map 3 of 6

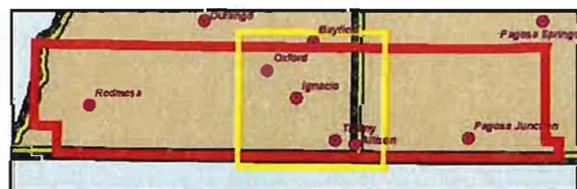
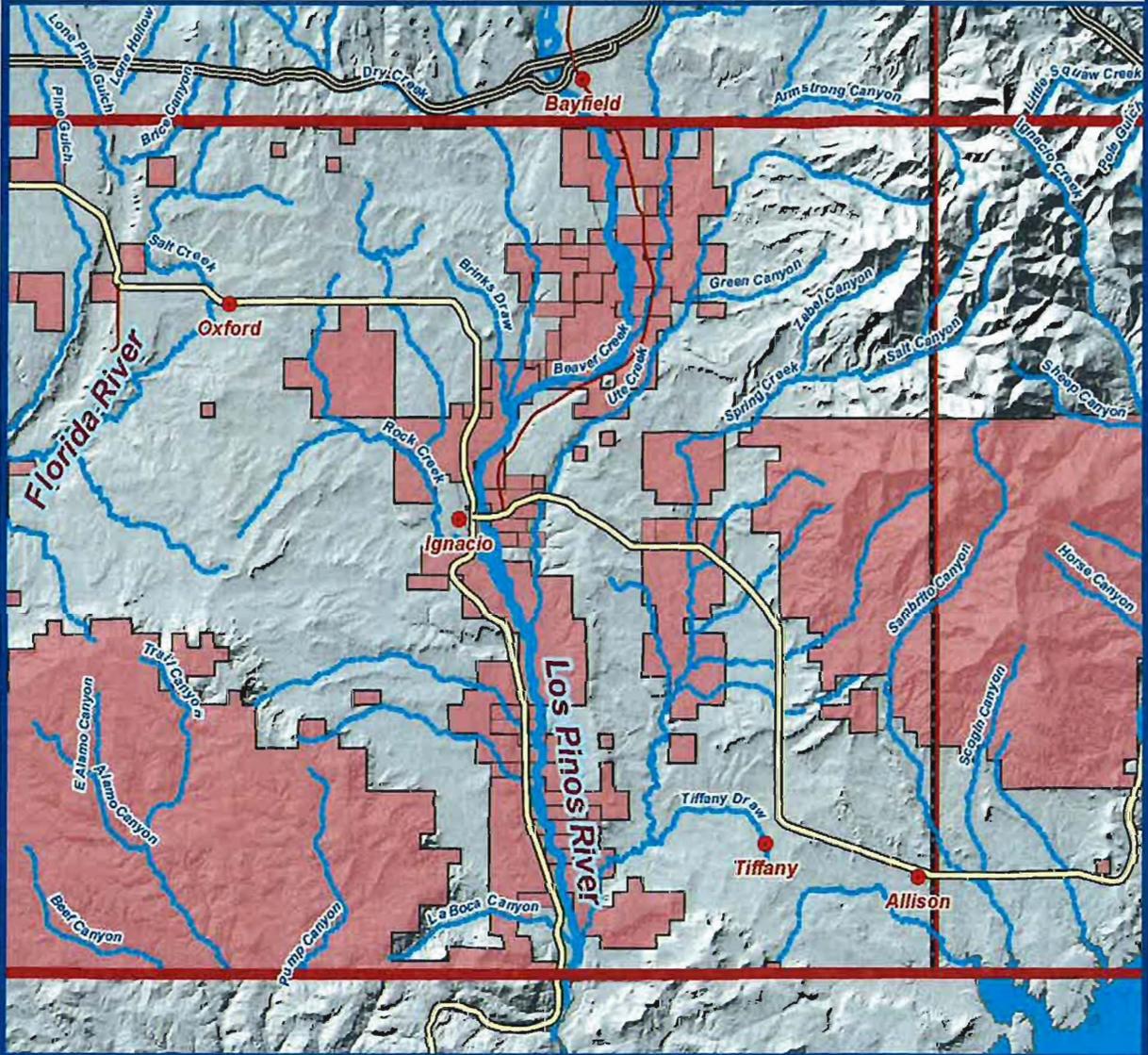


- Major Towns
- ▭ SUIT Boundary
- ▭ County Boundary
- ▭ Trust Land
- River
- Stream

Southern Ute Indian Reservation

Trust Land Status for SUIT TAS Application 2015

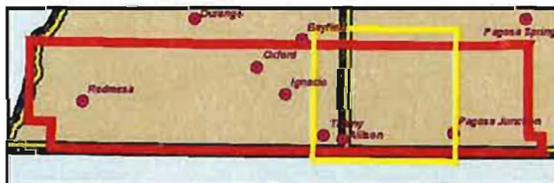
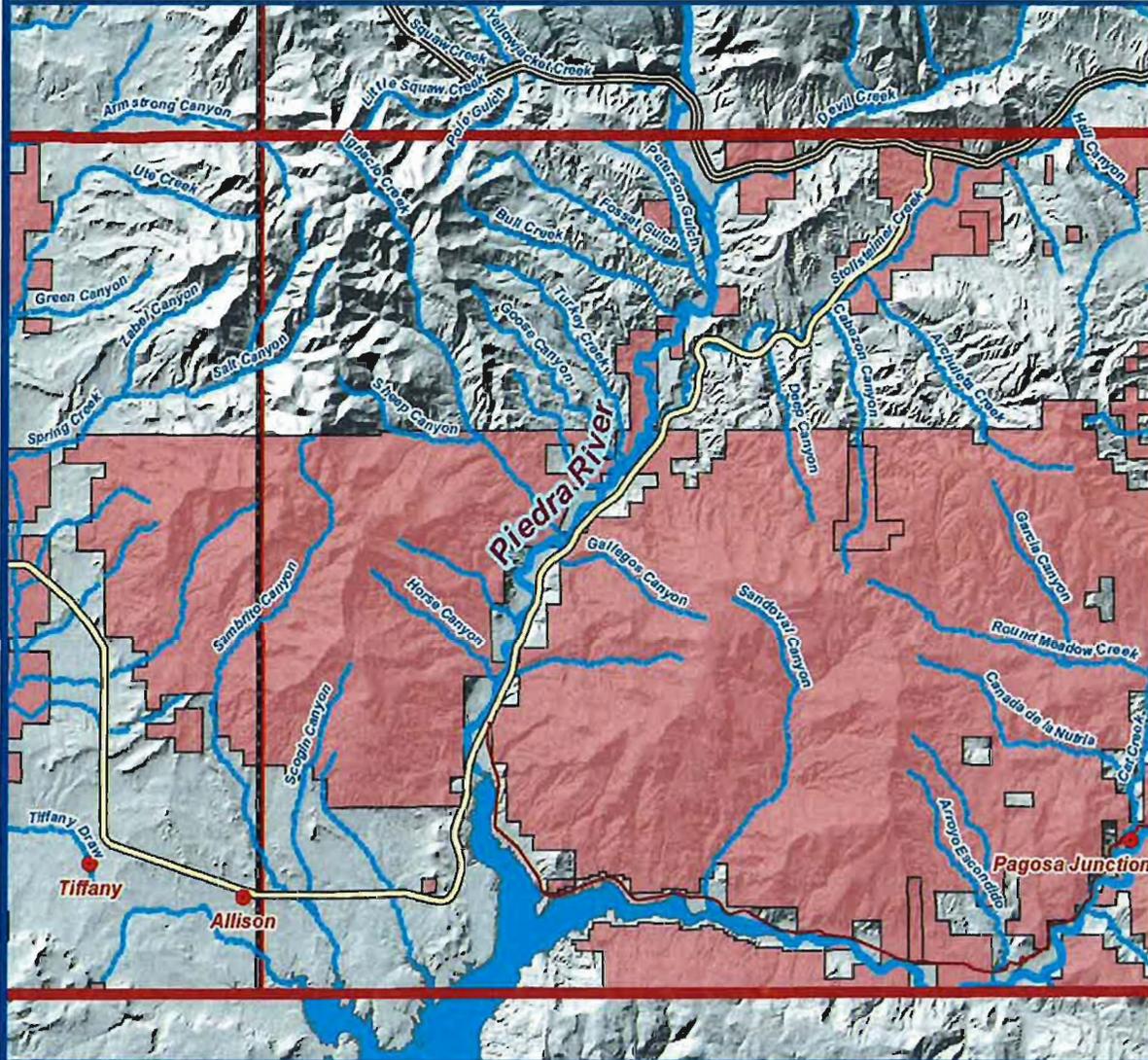
Map 4 of 6



- Major Towns
- SUIT Boundary
- County Boundary
- Trust Land
- River
- Stream

Southern Ute Indian Reservation Trust Land Status for SUIT TAS Application 2015

Map 5 of 6

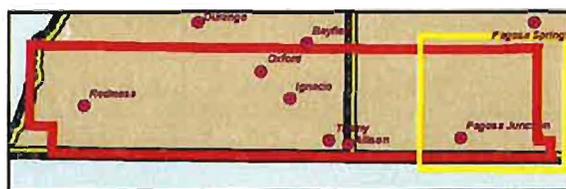
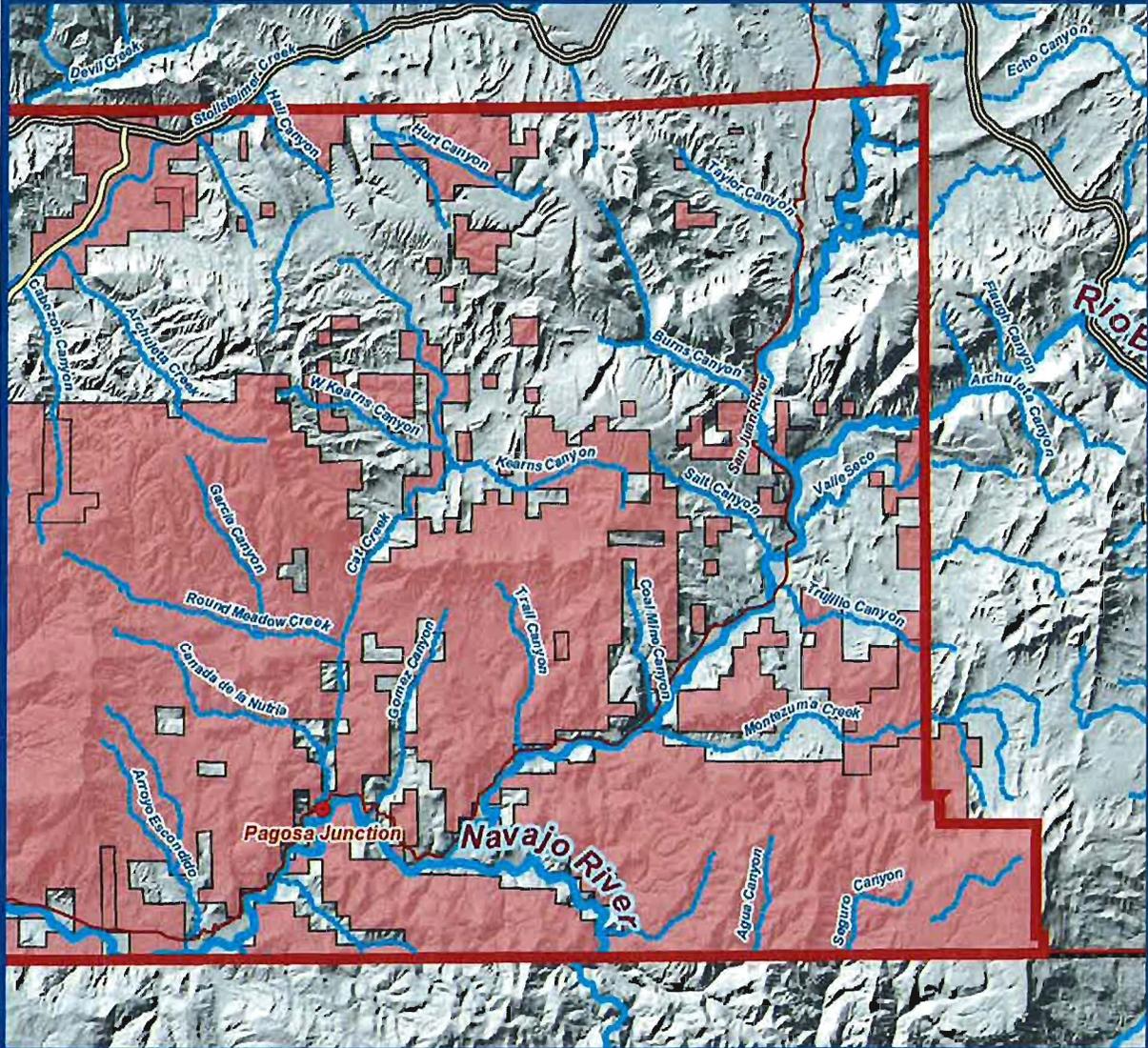


- Major Towns
- ▭ SUIT Boundary
- ▭ County Boundary
- Trust Land
- River
- Stream

Southern Ute Indian Reservation

Trust Land Status for SUIT TAS Application 2015

Map 6 of 6



- Major Towns
- ▭ SUIT Boundary
- ▭ County Boundary
- Trust Land
- River
- - - Stream

Exhibit 2

Department of the Interior List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs. 80 Fed. Reg. 1942 - 1948 (2015)

or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest against this survey must file a written notice with the Oregon State Director, Bureau of Land Management, stating that they wish to protest. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Oregon State Director within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Mary J.M. Hartel,

*Chief Cadastral Surveyor of Oregon/
Washington.*

[FR Doc. 2015-00413 Filed 1-13-15; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV952000 L14400000.BJ0000
LXSSF2210000.241A; 13-08807; MO#
4500075689; TAS: 15X1109]

Filing of Plats of Survey; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

DATES: *Effective Dates:* Unless otherwise stated filing is effective at 10:00 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT:

Michael O. Harmening, Chief, Branch of Geographic Sciences, Bureau of Land Management, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502-7147, phone: 775-881-8490. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above

individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

1. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on October 14, 2014:

The plat, in 1 sheet, representing the dependent resurvey of the east boundary, a portion of the west boundary, the north boundary and a portion of the subdivisional lines, Township 26 North, Range 49 East, Mount Diablo Meridian, Nevada, under Group No. 919, was accepted October 10, 2014. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

2. The Plat of Survey of the following described lands was officially filed at the BLM Nevada State Office, Reno, Nevada on December 19, 2014:

The plat, in 2 sheets, representing the dependent resurvey of a portion of the east boundary and a portion of the subdivisional lines, and a metes-and-bounds survey in section 13, Township 15 North, Range 64 East, of the Mount Diablo Meridian, Nevada, under Group No. 927, was accepted December 17, 2014. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

3. The Plat of Survey of the following described lands was officially filed at the BLM Nevada State Office, Reno, Nevada on December 19, 2014:

The plat, in 4 sheets, representing the dependent resurvey of the Third Standard Parallel North through a portion of Range 65 East, a portion of the west boundary and a portion of the subdivisional lines, and the corrective dependent resurvey of a portion of the subdivisional lines, the subdivision of section 7, and metes-and-bounds surveys in sections 3, 7 and 18, Township 15 North, Range 65 East, of the Mount Diablo Meridian, Nevada, under Group No. 927, was accepted December 17, 2014. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

4. The Plat of Survey of the following described lands was officially filed at the BLM Nevada State Office, Reno, Nevada on November 7, 2014:

The plat, in 6 sheets, representing the dependent resurvey of a portion of the south and west boundaries, a portion of the subdivisional lines and a portion of the subdivision of section 18, and a

metes-and-bounds survey of a line 30 feet easterly and parallel with the apparent centerline of a portion of Cave Valley road, through sections 18, 19, 30 and 31, and a metes-and-bounds survey of a line 30 feet southerly and parallel with the apparent centerline of an unimproved dirt road and a portion of the westerly right-of-way line of Highway Nos. 6, 50 and 93, through a portion of section 34, Township 15 North, Range 64 East, of the Mount Diablo Meridian, Nevada, under Group No. 928, was accepted October 31, 2014. This survey was executed to meet certain administrative needs of the Bureau of Land Management to affect the transfer of Federal Lands to the State of Nevada, as directed by Public Law 109-432.

5. The Plat of Survey of the following described lands was officially filed at the BLM Nevada State Office, Reno, Nevada on November 7, 2014:

The plat, in 1 sheet, representing the dependent resurvey of the First Standard Parallel North through a portion of Range 40 East, as portion of the subdivisional lines and a portion of Mineral Survey No. 4414, Township 6 North, Range 40 East, of the Mount Diablo Meridian, Nevada, under Group No. 932, was accepted November 5, 2014. This survey was executed to meet certain administrative needs of the Bureau of Land Management.

The surveys listed above are now the basic record for describing the lands for all authorized purposes. These records have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: January 6, 2015.

Michael O. Harmening,
Chief Cadastral Surveyor, Nevada.

[FR Doc. 2015-00426 Filed 1-13-15; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD/AOT500000.000000/
AAK3000000]

Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the current list of 566 tribal entities

recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. The list is updated from the notice published on January 29, 2014 (79 FR 4748).

FOR FURTHER INFORMATION CONTACT:

Laurel Iron Cloud, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 4513-MIB, 1849 C Street NW., Washington, DC 20240. Telephonic number: (202) 513-7641.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792), and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below is a list of federally acknowledged tribes in the contiguous 48 states and Alaska.

Amendments to the list include name changes and name corrections. To aid in identifying tribal name changes and corrections, the tribe's previously listed or former name is included in parentheses after the correct current tribal name. We will continue to list the tribe's former or previously listed name for several years before dropping the former or previously listed name from the list.

The listed Indian entities are acknowledged to have the immunities and privileges available to federally recognized Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

Dated: January 8, 2015.

Kevin K. Washburn,
Assistant Secretary—Indian Affairs.

INDIAN TRIBAL ENTITIES WITHIN THE CONTIGUOUS 48 STATES RECOGNIZED AND ELIGIBLE TO RECEIVE SERVICES FROM THE UNITED STATES BUREAU OF INDIAN AFFAIRS

Absentee-Shawnee Tribe of Indians of Oklahoma
 Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
 Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona
 Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas)

Alabama-Quassarte Tribal Town
 Alturas Indian Rancheria, California
 Apache Tribe of Oklahoma
 Arapaho Tribe of the Wind River Reservation, Wyoming
 Aroostook Band of Micmacs (previously listed as the Aroostook Band of Micmac Indians)
 Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
 Augustine Band of Cahuilla Indians, California (previously listed as the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation)
 Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
 Bay Mills Indian Community, Michigan
 Bear River Band of the Rohnerville Rancheria, California
 Berry Creek Rancheria of Maidu Indians of California
 Big Lagoon Rancheria, California
 Big Pine Paiute Tribe of the Owens Valley (previously listed as the Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California)
 Big Sandy Rancheria of Western Mono Indians of California (previously listed as the Big Sandy Rancheria of Mono Indians of California)
 Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
 Bishop Paiute Tribe (previously listed as the Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California)
 Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
 Blue Lake Rancheria, California
 Bridgeport Indian Colony (previously listed as the Bridgeport Paiute Indian Colony of California)
 Buena Vista Rancheria of Me-Wuk Indians of California
 Burns Paiute Tribe (previously listed as the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon)
 Cabazon Band of Mission Indians, California
 Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
 Caddo Nation of Oklahoma
 Cahto Tribe of the Laytonville Rancheria
 Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
 California Valley Miwok Tribe, California
 Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
 Capitan Grande Band of Diegueno Mission Indians of California: (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band

of Mission Indians of the Viejas Reservation, California)
 Catawba Indian Nation (aka Catawba Tribe of South Carolina)
 Cayuga Nation
 Cedarville Rancheria, California
 Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
 Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
 Cherokee Nation
 Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma)
 Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
 Chicken Ranch Rancheria of Me-Wuk Indians of California
 Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana)
 Chitimacha Tribe of Louisiana
 Citizen Potawatomi Nation, Oklahoma
 Cloverdale Rancheria of Pomo Indians of California
 Cocopah Tribe of Arizona
 Coeur D'Alene Tribe (previously listed as the Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho)
 Cold Springs Rancheria of Mono Indians of California
 Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
 Comanche Nation, Oklahoma
 Confederated Salish and Kootenai Tribes of the Flathead Reservation
 Confederated Tribes and Bands of the Yakama Nation
 Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation)
 Confederated Tribes of the Chehalis Reservation
 Confederated Tribes of the Colville Reservation
 Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
 Confederated Tribes of the Goshute Reservation, Nevada and Utah
 Confederated Tribes of the Grand Ronde Community of Oregon
 Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon)
 Confederated Tribes of the Warm Springs Reservation of Oregon
 Coquille Indian Tribe (previously listed as the Coquille Tribe of Oregon)
 Cortina Indian Rancheria (previously listed as the Cortina Indian Rancheria of Wintun Indians of California)
 Coushatta Tribe of Louisiana

- Cow Creek Band of Umpqua Tribe of Indians (previously listed as the Cow Creek Band of Umpqua Indians of Oregon)
- Cowlitz Indian Tribe
- Coyote Valley Band of Pomo Indians of California
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Crow Tribe of Montana
- Death Valley Timbi-sha Shoshone Tribe (previously listed as the Death Valley Timbi-Sha Shoshone Band of California)
- Delaware Nation, Oklahoma
- Delaware Tribe of Indians
- Dry Creek Rancheria Band of Pomo Indians, California (previously listed as the Dry Creek Rancheria of Pomo Indians of California)
- Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
- Eastern Band of Cherokee Indians
- Eastern Shawnee Tribe of Oklahoma
- Elom Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
- Elk Valley Rancheria, California
- Ely Shoshone Tribe of Nevada
- Enterprise Rancheria of Maidu Indians of California
- Ewiiapaayp Band of Kumeyaay Indians, California
- Federated Indians of Graton Rancheria, California
- Flandreau Santee Sioux Tribe of South Dakota
- Forest County Potawatomi Community, Wisconsin
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
- Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
- Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
- Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
- Fort McDowell Yavapai Nation, Arizona
- Fort Mojave Indian Tribe of Arizona, California & Nevada
- Fort Sill Apache Tribe of Oklahoma
- Gila River Indian Community of the Gila River Indian Reservation, Arizona
- Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
- Greenville Rancheria (previously listed as the Greenville Rancheria of Maidu Indians of California)
- Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
- Guidiville Rancheria of California
- Habematolel Pomo of Upper Lake, California
- Hannahville Indian Community, Michigan
- Havasupai Tribe of the Havasupai Reservation, Arizona
- Ho-Chunk Nation of Wisconsin
- Hoh Indian Tribe (previously listed as the Hoh Indian Tribe of the Hoh Indian Reservation, Washington)
- Hoopa Valley Tribe, California
- Hopi Tribe of Arizona
- Hopland Band of Pomo Indians, California (formerly Hopland Band of Pomo Indians of the Hopland Rancheria, California)
- Houlton Band of Maliseet Indians
- Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
- Iipay Nation of Santa Ysabel, California (previously listed as the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation)
- Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
- Ione Band of Miwok Indians of California
- Iowa Tribe of Kansas and Nebraska
- Iowa Tribe of Oklahoma
- Jackson Band of Miwok Indians (previously listed as the Jackson Rancheria of Me-Wuk Indians of California)
- Jamostown S'Klallam Tribe
- Jamul Indian Village of California
- Jena Band of Choctaw Indians
- Jicarilla Apache Nation, New Mexico
- Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
- Kalispel Indian Community of the Kalispel Reservation
- Karuk Tribe (previously listed as the Karuk Tribe of California)
- Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
- Kaw Nation, Oklahoma
- Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo)
- Keweenaw Bay Indian Community, Michigan
- Kialegee Tribal Town
- Kickapoo Traditional Tribe of Texas
- Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
- Kickapoo Tribe of Oklahoma
- Kiowa Indian Tribe of Oklahoma
- Klamath Tribes
- Koi Nation of Northern California (previously listed as the Lower Lake Rancheria, California)
- Kootenai Tribe of Idaho
- La Jolla Band of Luiseno Indians, California (previously listed as the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation)
- La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
- Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
- Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
- Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
- Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
- Little River Band of Ottawa Indians, Michigan
- Little Traverse Bay Bands of Odawa Indians, Michigan
- Lone Pine Paiute-Shoshone Tribe (previously listed as the Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California)
- Los Coyotes Band of Cahuilla and Cupeno Indians, California (previously listed as the Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes Reservation)
- Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
- Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
- Lower Elwha Tribal Community (previously listed as the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington)
- Lower Sioux Indian Community in the State of Minnesota
- Lummi Tribe of the Lummi Reservation
- Lytton Rancheria of California
- Makah Indian Tribe of the Makah Indian Reservation
- Manchester Band of Pomo Indians of the Manchester Rancheria, California (previously listed as the Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California)
- Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
- Mashantucket Pequot Indian Tribe (previously listed as the Mashantucket Pequot Tribe of Connecticut)
- Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.)
- Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
- Mechoopda Indian Tribe of Chico Rancheria, California
- Menominee Indian Tribe of Wisconsin
- Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
- Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
- Miami Tribe of Oklahoma
- Miccosukee Tribe of Indians
- Middletown Rancheria of Pomo Indians of California
- Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
- Mississippi Band of Choctaw Indians

- Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
- Mohegan Tribe of Indians of Connecticut (previously listed as Mohegan Indian Tribe of Connecticut)
- Mooretown Rancheria of Maidu Indians of California
- Morongo Band of Mission Indians, California (previously listed as the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation)
- Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington)
- Narragansett Indian Tribe
- Navajo Nation, Arizona, New Mexico & Utah
- Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho)
- Nisqually Indian Tribe (previously listed as the Nisqually Indian Tribe of the Nisqually Reservation, Washington)
- Nooksack Indian Tribe
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
- Northfork Rancheria of Mono Indians of California
- Northwestern Band of Shoshoni Nation (previously listed as the Northwestern Band of Shoshoni Nation of Utah (Washakie))
- Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.)
- Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota)
- Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan)
- Omaha Tribe of Nebraska
- Oneida Nation of New York
- Oneida Tribe of Indians of Wisconsin
- Onondaga Nation
- Otoe-Missouria Tribe of Indians, Oklahoma
- Ottawa Tribe of Oklahoma
- Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes) (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes))
- Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
- Pala Band of Luiseno Mission Indians of the Pala Reservation, California
- Pascua Yaqui Tribe of Arizona
- Paskenta Band of Nomlaki Indians of California
- Passamaquoddy Tribe
- Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
- Pawnee Nation of Oklahoma
- Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
- Penobscot Nation (previously listed as the Penobscot Tribe of Maine)
- Peoria Tribe of Indians of Oklahoma
- Picayune Rancheria of Chukchansi Indians of California
- Pinoleville Pomo Nation, California (previously listed as the Pinoleville Rancheria of Pomo Indians of California)
- Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherías)
- Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama)
- Pokagon Band of Potawatomi Indians, Michigan and Indiana
- Ponca Tribe of Indians of Oklahoma
- Ponca Tribe of Nebraska
- Port Gamble S'Klallam Tribe (previously listed as the Port Gamble Band of S'Klallam Indians)
- Potter Valley Tribe, California
- Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas)
- Prairie Island Indian Community in the State of Minnesota
- Pueblo of Acoma, New Mexico
- Pueblo of Cochiti, New Mexico
- Pueblo of Isleta, New Mexico
- Pueblo of Jemez, New Mexico
- Pueblo of Laguna, New Mexico
- Pueblo of Nambe, New Mexico
- Pueblo of Picuris, New Mexico
- Pueblo of Pojoaque, New Mexico
- Pueblo of San Felipe, New Mexico
- Pueblo of San Ildefonso, New Mexico
- Pueblo of Sandia, New Mexico
- Pueblo of Santa Ana, New Mexico
- Pueblo of Santa Clara, New Mexico
- Pueblo of Taos, New Mexico
- Pueblo of Tesuque, New Mexico
- Pueblo of Zia, New Mexico
- Puyallup Tribe of the Puyallup Reservation
- Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
- Quartz Valley Indian Community of the Quartz Valley Reservation of California
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
- Quileute Tribe of the Quileute Reservation
- Quinsault Indian Nation (previously listed as the Quinsault Tribe of the Quinsault Reservation, Washington)
- Ramona Band of Cahuilla, California (previously listed as the Ramona Band or Village of Cahuilla Mission Indians of California)
- Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
- Red Lake Band of Chippewa Indians, Minnesota
- Redding Rancheria, California
- Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California (previously listed as the Redwood Valley Rancheria of Pomo Indians of California)
- Reno-Sparks Indian Colony, Nevada
- Resighini Rancheria, California
- Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California
- Robinson Rancheria (previously listed as the Robinson Rancheria Band of Pomo Indians, California and the Robinson Rancheria of Pomo Indians of California)
- Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
- Round Valley Indian Tribes, Round Valley Reservation, California (previously listed as the Round Valley Indian Tribes of the Round Valley Reservation, California)
- Sac & Fox Nation of Missouri in Kansas and Nebraska
- Sac & Fox Nation, Oklahoma
- Sac & Fox Tribe of the Mississippi in Iowa
- Saginaw Chippewa Indian Tribe of Michigan
- Saint Regis Mohawk Tribe (previously listed as the St. Regis Band of Mohawk Indians of New York)
- Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
- Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington)
- San Carlos Apache Tribe of the San Carlos Reservation, Arizona
- San Juan Southern Paiute Tribe of Arizona
- San Manuel Band of Mission Indians, California (previously listed as the San Manuel Band of Serrano Mission Indians of the San Manuel Reservation)
- San Pasqual Band of Diegueno Mission Indians of California
- Santa Rosa Band of Cahuilla Indians, California (previously listed as the Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation)
- Santa Rosa Indian Community of the Santa Rosa Rancheria, California
- Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
- Santee Sioux Nation, Nebraska
- Sauk-Suiattle Indian Tribe
- Sault Ste. Marie Tribe of Chippewa Indians, Michigan
- Scotts Valley Band of Pomo Indians of California

- Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations))
- Seneca Nation of Indians (previously listed as the Seneca Nation of New York)
- Seneca-Cayuga Nation (previously listed as the Seneca-Cayuga Tribe of Oklahoma)
- Shakopee Mdewakanton Sioux Community of Minnesota
- Shawnee Tribe
- Sherwood Valley Rancheria of Pomo Indians of California
- Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
- Shinnecock Indian Nation
- Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation (previously listed as the Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington)
- Shoshone Tribe of the Wind River Reservation, Wyoming
- Shoshone-Bannock Tribes of the Fort Hall Reservation
- Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
- Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
- Skokomish Indian Tribe (previously listed as the Skokomish Indian Tribe of the Skokomish Reservation, Washington)
- Skull Valley Band of Goshute Indians of Utah
- Smith River Rancheria, California
- Snoqualmie Indian Tribe (previously listed as the Snoqualmie Tribe, Washington)
- Soboba Band of Luiseno Indians, California
- Sokaogon Chippewa Community, Wisconsin
- Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
- Spirit Lake Tribe, North Dakota
- Spokane Tribe of the Spokane Reservation
- Squaxin Island Tribe of the Squaxin Island Reservation
- St. Croix Chippewa Indians of Wisconsin
- Standing Rock Sioux Tribe of North & South Dakota
- Stillaguamish Tribe of Indians of Washington (previously listed as the Stillaguamish Tribe of Washington)
- Stockbridge Munsee Community, Wisconsin
- Summit Lake Paiute Tribe of Nevada
- Squamish Indian Tribe of the Port Madison Reservation
- Susanville Indian Rancheria, California
- Swinomish Indian Tribal Community (previously listed as the Swinomish Indians of the Swinomish Reservation of Washington)
- Sycuan Band of the Kumeyaay Nation
- Table Mountain Rancheria of California
- Tejon Indian Tribe
- Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band)
- The Chickesaw Nation
- The Choctaw Nation of Oklahoma
- The Modoc Tribe of Oklahoma
- The Muscogee (Creek) Nation
- The Osage Nation (previously listed as the Osage Tribe)
- The Quapaw Tribe of Indians
- The Seminole Nation of Oklahoma
- Tblopthocco Tribal Town
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
- Tohono O'odham Nation of Arizona
- Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York)
- Tonkawa Tribe of Indians of Oklahoma
- Tonto Apache Tribe of Arizona
- Torres Martinez Desert Cahuilla Indians, California (previously listed as the Torres-Martinez Band of Cahuilla Mission Indians of California)
- Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington)
- Tule River Indian Tribe of the Tule River Reservation, California
- Tunica-Biloxi Indian Tribe
- Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
- Turtle Mountain Band of Chippewa Indians of North Dakota
- Tuscarora Nation
- Twenty-Nine Palms Band of Mission Indians of California
- United Auburn Indian Community of the Auburn Rancheria of California
- United Keetoowah Band of Cherokee Indians in Oklahoma
- Upper Sioux Community, Minnesota
- Upper Skagit Indian Tribe
- Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
- Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah
- Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
- Walker River Paiute Tribe of the Walker River Reservation, Nevada
- Wampanoag Tribe of Gay Head (Aquinnah)
- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)
- White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
- Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
- Wilton Rancheria, California
- Winnebago Tribe of Nebraska
- Winnemucca Indian Colony of Nevada
- Wiyot Tribe, California (previously listed as the Table Bluff Reservation—Wiyot Tribe)
- Wyandotte Nation
- Yankton Sioux Tribe of South Dakota
- Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
- Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona)
- Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
- Yocha Dehe Wintun Nation, California (previously listed as the Rumsey Indian Rancheria of Wintun Indians of California)
- Yomba Shoshone Tribe of the Yomba Reservation, Nevada
- Ysleta del Sur Pueblo (previously listed as the Ysleta Del Sur Pueblo of Texas)
- Yurok Tribe of the Yurok Reservation, California
- Zuni Tribe of the Zuni Reservation, New Mexico

NATIVE ENTITIES WITHIN THE STATE OF ALASKA RECOGNIZED AND ELIGIBLE TO RECEIVE SERVICES FROM THE UNITED STATES BUREAU OF INDIAN AFFAIRS

- Agdaagux Tribe of King Cove
- Akiachek Native Community
- Akiak Native Community
- Alatna Village
- Algaaciq Native Village (St. Mary's)
- Allakaket Village
- Angoon Community Association
- Anvik Village
- Arctic Village (See Native Village of Venetie Tribal Government)
- Asa'carsarmiut Tribe
- Atkasuk Village (Atkasook)
- Beaver Village
- Birch Creek Tribe
- Central Council of the Tlingit & Haida Indian Tribes
- Chalkyitsik Village
- Cheesh-Na Tribe (previously listed as the Native Village of Chistochina)
- Chovak Native Village
- Chickaloon Native Village
- Chignik Bay Tribal Council (previously listed as the Native Village of Chignik)
- Chignik Lake Village
- Chilkat Indian Village (Klukwan)
- Chilkoot Indian Association (Haines)
- Chimik Eskime Community (Golovin)
- Chuloonawick Native Village
- Circle Native Community
- Craig Tribal Association (previously listed as the Craig Community Association)
- Curyung Tribal Council
- Douglas Indian Association

Egegik Village	Native Village of Hooper Bay	Native Village of Wales
Eklutna Native Village	Native Village of Kanatak	Native Village of White Mountain
Emmonak Village	Native Village of Karluk	Nenana Native Association
Evansville Village (aka Bettles Field)	Native Village of Kiana	New Kolliganek Village Council
Galena Village (aka Loudon Village)	Native Village of Kipnuk	New Stuyahok Village
Gulkana Village	Native Village of Kivalina	Newhalen Village
Healy Lake Village	Native Village of Kluti Kaah (aka Copper Center)	Newtok Village
Holy Cross Village	Native Village of Kobuk	Nikolai Village
Hoonah Indian Association	Native Village of Kongiganak	Ninilchik Village
Hughes Village	Native Village of Kotzebue	Nome Eskimo Community
Huslia Village	Native Village of Koyuk	Nondalton Village
Hydaburg Cooperative Association	Native Village of Kwigillingok	Noorvik Native Community
Igiugig Village	Native Village of Kwinhagak (aka Quinhagak)	Northway Village
Inupiat Community of the Arctic Slope	Native Village of Larsen Bay	Nulato Village
Iqurmit Traditional Council	Native Village of Marshall (aka Fortuna Ledge)	Nunakauyarmiut Tribe
Ivanoff Bay Village	Native Village of Mary's Igloo	Organized Village of Grayling (aka Holikachuk)
Kaguyak Village	Native Village of Mekoryuk	Organized Village of Kake
Kaktovik Village (aka Barter Island)	Native Village of Minto	Organized Village of Kasaan
Kasigluk Traditional Elders Council	Native Village of Nanwalek (aka English Bay)	Organized Village of Kwethluk
Kenaitze Indian Tribe	Native Village of Napaimute	Organized Village of Saxman
Ketchikan Indian Corporation	Native Village of Napakiak	Organized Village of St. Paul & St. George Islands
King Island Native Community	Native Village of Napaskiak	Orutsararmiut Traditional Native Council (previously listed as Orutsararmiut Native Village (aka Bethol))
King Salmon Tribe	Native Village of Nelson Lagoon	Oscarville Traditional Village
Klawock Cooperative Association	Native Village of Nightmute	Pauloff Harbor Village
Knik Tribe	Native Village of Nikolski	Pedro Bay Village
Kokhanok Village	Native Village of Noatak	Petersburg Indian Association
Koyukuk Native Village	Native Village of Nuiqsut (aka Nooiksut)	Pilot Station Traditional Village
Levelock Village	Native Village of Nunam Iqua (previously listed as the Native Village of Sheldon's Point)	Platinum Traditional Village
Lime Village	Native Village of Nunapituk	Portage Creek Village (aka Ohgsenakale)
Manley Hot Springs Village	Native Village of Old Harbor (previously listed as Village of Old Harbor)	Pribilof Islands Aleut Communities of St. Paul & St. George Islands
Manokotak Village	Native Village of Ouzinkie	Qagan Tayagungin Tribe of Sand Point Village
McGrath Native Village	Native Village of Paimiut	Qawalangin Tribe of Unalaska
Mentasta Traditional Council	Native Village of Perryville	Rampart Village
Metlakatla Indian Community, Annette Island Reserve	Native Village of Pilot Point	Saint George Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Naknek Native Village	Native Village of Pitka's Point	Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Native Village of Afognak	Native Village of Point Hope	Seldovia Village Tribe
Native Village of Akhiok	Native Village of Point Lay	Shageluk Native Village
Native Village of Akutan	Native Village of Port Graham	Sitka Tribe of Alaska
Native Village of Aleknagik	Native Village of Port Heiden	Skagway Village
Native Village of Ambler	Native Village of Port Lions	South Naknek Village
Native Village of Atka	Native Village of Ruby	Stebbins Community Association
Native Village of Barrow Inupiat Traditional Government	Native Village of Saint Michael	Sun'aq Tribe of Kodiak (previously listed as the Shoonaq' Tribe of Kodiak)
Native Village of Belkofski	Native Village of Savoonga	Takotna Village
Native Village of Brevig Mission	Native Village of Scammon Bay	Tangirnaq Native Village (formerly Lesnoi Village (aka Woody Island))
Native Village of Buckland	Native Village of Selawik	Telida Village
Native Village of Cantwell	Native Village of Shaktoolik	Traditional Village of Togiak
Native Village of Chenega (aka Chanega)	Native Village of Shishmaref	Tuluksak Native Community
Native Village of Chignik Lagoon	Native Village of Shungnak	Twin Hills Village
Native Village of Chitina	Native Village of Stevens	Ugashik Village
Native Village of Chuathbaluk (Russian Mission, Kuskokwim)	Native Village of Tanacross	Umkumiut Native Village (previously listed as Umkumiute Native Village)
Native Village of Council	Native Village of Tanana	Village of Alakanuk
Native Village of Deering	Native Village of Tatitlek	Village of Anaktuvuk Pass
Native Village of Diomedea (aka Inalik)	Native Village of Tazlina	Village of Aniak
Native Village of Eagle	Native Village of Teller	Village of Atnautluak
Native Village of Eek	Native Village of Tetlin	Village of Bill Moore's Slough
Native Village of Ekwok (previously listed as Ekwok Village)	Native Village of Tuntutuliak	Village of Chefornak
Native Village of Elim	Native Village of Tununak	
Native Village of Eyak (Cordova)	Native Village of Tyonek	
Native Village of False Pass	Native Village of Unalakleet	
Native Village of Fort Yukon	Native Village of Unga	
Native Village of Gakona	Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)	
Native Village of Gambell		
Native Village of Georgetown		
Native Village of Goodnews Bay		
Native Village of Hamilton		

Village of Clarks Point
 Village of Crooked Creek
 Village of Dot Lake
 Village of Iliamna
 Village of Kalskag
 Village of Kaltag
 Village of Kotlik
 Village of Lower Kalskag
 Village of Ohogamiut
 Village of Old Harbor
 Village of Red Devil
 Village of Salamatoff
 Village of Sleetmute
 Village of Solomon
 Village of Stony River
 Village of Venetie (See Native Village of Venetie Tribal Government)
 Village of Wainwright
 Wrangell Cooperative Association
 Yakutat Tlingit Tribe
 Yupiit of Andreafski
 [FR Doc. 2015-00509 Filed 1-13-15; 8:45 am]
 BILLING CODE 4310-4J-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA930; CACA 032220]

Notice of Application for Withdrawal Extension and Opportunity for Public Meeting, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) requesting that the Secretary of the Interior extend the duration of the withdrawal created by Public Land Order (PLO) No. 7179 for an additional 20-year term. PLO No. 7179 withdrew 45 acres of National Forest System land from location and entry under the United States mining laws, but not from leasing under the mineral leasing laws, to protect the seismic integrity of the University of California—Berkeley Seismic Observatory located in Siskiyou County, California. The withdrawal created by PLO No. 7179 will expire on January 24, 2016, unless extended. This notice provides an opportunity to comment on the withdrawal extension application and to request a public meeting.

DATES: Comments and requests for a public meeting must be received by April 14, 2015.

ADDRESSES: Comments and requests for a public meeting must be sent to the California State Director, Bureau of Land Management, 2800 Cottage Way, W-1928, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Elizabeth Easley, BLM California State Office, 916-978-4673 or David Botz, Klamath National Forest Headquarters, 530-842-6131, during regular business hours: 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The USFS has filed an application requesting that the Secretary of the Interior extend PLO No. 7179 (61 FR 2137, January 25, 1996), which withdrew 45 acres of land in the Klamath National Forest, Siskiyou County, California, from location and entry under the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, for an additional 20-year term, subject to valid existing rights. PLO No. 7179 is incorporated herein by reference.

The purpose of the withdrawal is to protect the seismic integrity of a University of California—Berkeley Seismic Observatory.

The use of a right-of-way, interagency agreement, or cooperative agreement would not adequately constrain non-discretionary uses and would not provide adequate protection for the improvements located on the lands.

There are no suitable alternative sites with equal or greater benefit to the government.

No water rights are required to fulfill the purpose of the requested withdrawal extension.

Records relating to the application may be examined by contacting the BLM-California State Office, Public Room at the above address.

For a period until April 14, 2015, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal extension may present their views in writing to the BLM California State Office at the address listed above. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. If you are submitting comments as an individual you may request confidentiality by asking us in your comment to withhold your personal identifying information

from public review; however, we cannot guarantee that we will be able to do so.

Notice is also hereby given that the opportunity for a public meeting is afforded in connection with the withdrawal extension application. All interested parties who desire a public meeting on the withdrawal extension application must submit a written request to BLM California State Office at the address listed above by April 14, 2015. If it is determined that a public meeting will be held, a notice will be published to announce the time and place in the *Federal Register* and a local newspaper at least 30 days before the scheduled date of the meeting.

This withdrawal extension proposal will be processed in accordance with the applicable regulations set forth in 43 CFR 2310.4.

Authority: 43 CFR 2310.3-1.

Sandra McGinnis,
Acting Associate Deputy State Director,
Natural Resources.

[FR Doc. 2015-00420 Filed 1-13-15; 8:45 am]
 BILLING CODE 4310-40-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVL01000.L14300000.EU0000
 LXSS122F0000 241A; N-87866; 12-08807;
 MO#4500086882; TAS: 14X5232]

Notice of Realty Action: Competitive Sale of Public Lands (N-87866) in White Pine County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) proposes to offer by competitive sale, a 38.02-acre parcel of public land in White Pine County, NV, at no less than the appraised fair market value (FMV) of \$135,000. The sale will be subject to the applicable provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and applicable BLM land sale regulations.

DATES: Interested parties may submit written comments to the BLM at the address below. The BLM must receive your comments on or before March 2, 2015. The oral auction will be held on April 1, 2015, at 10:00 a.m., Pacific Standard Time at the Ely District Office, 702 North Industrial Way, Ely, NV 89301.

ADDRESSES: Send written comments concerning the proposed sale to the BLM Ely District Office, HC 33 Box

Exhibit 3
**Constitution of the Southern Ute Indian Tribe of the Southern
Ute Indian Reservation**

CONSTITUTION
OF THE
SOUTHERN UTE INDIAN TRIBE
OF THE
SOUTHERN UTE INDIAN RESERVATION, COLORADO

PREAMBLE

We, the members of the Southern Ute Indian Tribe of the Southern Ute Indian Reservation in Colorado, in order to exercise our inherent rights of self-government as confirmed by the constitution and bylaws approved November 4, 1936 to administer our tribal affairs, to preserve and increase our tribal resources, do ordain and establish this constitution.

ARTICLE I - JURISDICTION

The jurisdiction of the Southern Ute Indian Tribe through its general council, its tribal council and courts, shall extend to all the territory within the exterior boundaries of the reservation, and to such other lands as may be added thereto by purchase, gift, Act of Congress or otherwise.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the Southern Ute Indian Tribe shall consist of the following:

(a) All persons duly enrolled on the 1970 tribal census roll dated August 31, 1971, approved by the Albuquerque Area Director on February 1, 1972.

(b) All children of enrolled members born subsequent to July 14, 1965, and prior to the effective date of this revision, if such children possess at least one-fourth (1/4) degree of Southern Ute Indian blood; and have not been enrolled as a member of any other Indian tribe.

(c) All children of enrolled members born subsequent to the effective date of this revision, if such children shall be one-fourth (1/4) or more degree of Southern Ute Indian blood and PROVIDED that such person shall not be included on the membership roll of any other Indian tribe and is approved for adoption by the tribal council. In those cases in which a child's parents are an enrolled member of the Southern Ute Indian Tribe and a non-member, only the Southern Ute blood of the enrolled Southern Ute parent may be considered in determining the child's Southern Ute blood quantum.

Section 2. The tribal council shall have the power to enact ordinances consistent with this constitution, to govern future membership, loss of membership and the adoption of persons into the

Southern Ute Tribe. Such ordinances shall be subject to approval by the Secretary of the Interior or his authorized representative.

Section 3. The tribal council shall have the power to prescribe rules governing the compilation, maintenance and correction of a tribal membership roll. Such rules, insofar as the correction of blood degree is concerned, shall be subject to approval by the Secretary of Interior or his authorized representative.

Section 4. The tribal council shall have the sole authority and original jurisdiction to determine eligibility for enrollment. No decree of any non-tribal court purporting to determine membership in the tribe, paternity, or degree of Indian blood, shall be recognized for membership purposes.

ARTICLE III - GOVERNING BODY

Section 1. Name. The governing body of the Southern Ute Indian Tribe of the Southern Ute Indian Reservation shall be known as the Southern Ute Indian Tribal Council.

Section 2. Composition of the Council. The council shall be composed of seven (7) members (chairman and six (6) councilmen) all of whom shall be elected on an at-large basis for three (3) year staggered terms or until their successors are duly elected and installed. The chairman shall be elected from among candidates who specifically file for that office. Following his installation, the chairman shall appoint from within the council membership a vice-chairman to serve in that capacity at the pleasure of the chairman provided such appointment shall not extend the vice-chairman's normal three (3) year term on the council.

Section 3. The tribal council and tribal officials incumbent on the effective date of this constitution shall remain in office and shall be entitled to exercise all powers granted by this constitution to the tribal council and tribal officials until such time as their successors are duly elected and installed pursuant to the provisions of this governing document.

ARTICLE IV - NOMINATIONS AND ELECTIONS

Section 1. The First Election. The first election under this constitution shall be held on the first Friday in November (November 7, 1975) and shall be supervised and conducted in accordance with an election ordinance enacted by the council then in office pursuant to Section 7 of this article. The position of tribal council chairman and the two (2) vacancies on the council which would occur in November, 1975 under the original constitution, shall be filled for three (3) year terms at the November 7, 1975 election. Those incumbents in the two (2) above mentioned council positions shall continue to serve until December 2, 1975 unless earlier removed from office, or until their successors are duly elected and installed.

Successful candidates for the three (3) vacant council positions (chairman and two (2) council members) and the person appointed by the chairman to serve as vice-chairman, shall be installed in office on the first Tuesday of December (December 2, 1975). **Thereafter**, there shall be annual elections on the first Friday in November to fill for three (3) year terms, the two (2) vacancies occurring each year so as to continue the system of staggered terms of office. Every third year there shall also be elected a tribal council chairman for a three (3) year term. No person shall hold the office of Tribal Council Chairman consecutively for more than three terms.

Section 2. Terms of Office. The terms of office of the tribal council chairman and the members of the tribal council shall be three (3) years, PROVIDED, that upon adoption and approval of this constitution the unexpired terms of the council members elected under the previous constitution shall continue until their terms expire at the end of three (3) years from the date of their installation or until their successors are duly elected and installed.

Section 3. Assumption of Office. Newly-elected members of the tribal council shall be installed in office on the first Tuesday of December after their election. Persons who are elected or appointed to fill any unexpired term on the council shall take office immediately following certification of their election or appointment.

Section 4. Voter Qualifications. Any enrolled member of the Southern Ute Indian Tribe, male or female, eighteen (18) years of age or over, shall be entitled to vote at any tribal election PROVIDED such person is duly registered.

Section 5. Qualification of Candidates. Candidates for membership on the tribal council shall be at least twenty-five (25) years of age at the time of election or appointment, and shall have physically resided within the present exterior boundaries of the Southern Ute Indian Reservation for at least ninety (90) days immediately preceding their appointment or the election at which they are candidates for tribal office. No person who has been convicted of a felony shall qualify as a candidate or hold membership on the tribal council.

Section 6. Election Board. An election board, appointed by the tribal council, shall maintain a register of qualified voters, rule on the eligibility of the candidates for tribal office, settle all election disputes and supervise and administer all tribal elections in accordance with established tribal ordinances and in conformity with this constitution PROVIDED, that no member of the election board shall be at the same time a member of the tribal council or a candidate for tribal office. Persons appointed to the election board may be removed by the tribal council chairman with the concurrence of the tribal council. The election board shall choose its own chairman, vice-chairman and secretary from within its membership.

Section 7. Election Ordinance. Rules and procedures governing the elections under this constitution shall be prescribed by ordinance of the tribal council. Such ordinance shall include provisions for notice of election, secret ballots, absentee voting, registration of voters, special elections and a

procedure for settling election disputes. Further, it shall contain provisions to govern the filling of unexpired terms of office pursuant to Section 5 (b) of Article V and the conduct of referendum elections as set forth in Section 3 of Article VI.

ARTICLE V - VACANCIES, REMOVAL AND RECALL

Section 1. Removal. Any member of the tribal council or other elected official of the Southern Ute Indian Tribe who, during his term of office, is convicted of a felony in any court, shall thereupon forfeit his term of office. Any member of the tribal council or elected official of the tribe may be removed from office by the affirmative vote of not less than four (4) members of the tribal council for gross neglect of duty, misfeasance in office or for misconduct reflecting on the dignity and integrity of the Southern Ute Indian Tribe, PROVIDED, that first, the accused person shall be given a written statement of the charges made against him at least ten (10) days before the meeting of the tribal council at which he is to appear, and he shall be given an opportunity to answer such charges. The decision of the tribal council shall be final.

Section 2. Recall. Any member of the tribal council or other elected official of the Southern Ute Indian Tribe shall be subject to recall from office at a special election to be called and held at the direction of the tribal council within thirty (30) days following receipt of a petition signed by at least thirty percent (30%) of the registered voters of the Southern Ute Indian Tribe, PROVIDED, that a majority of the registered voters of the Southern Ute Indian Tribe shall vote in such election. Once a recall attempt has been concluded for any given member, it shall not be considered again until twelve (12) months have passed. No recall shall be initiated until the official has completed at least six (6) months of his term.

Section 3. Procedures. Procedures and regulations governing the conduct of recall elections and removal proceedings shall be established by ordinance of the tribal council.

Section 4. Resignation. The chairman of the Southern Ute Indian Tribe or any member of the tribal council may, at any time, resign from the office to which he was elected by submitting a written resignation to the tribal council.

Section 5. Filling Vacancies. Any vacancy in the membership of the tribal council, resulting from any cause, shall be filled:

(a) By a tribal member who meets the qualifications for that office, appointed by the chairman of the Southern Ute Indian Tribe and confirmed by a vote of not less than four (4) council members if the term of the vacant office is due to expire within six (6) months following the date upon which it becomes vacant; or

(b) At a special election to be called and held at the direction of the tribal council within sixty (60) days following the date upon which it becomes vacant if the term of the vacant office has longer

than six (6) months to run. Procedures and regulations to govern such special election shall be embodied in the election ordinance.

ARTICLE VI - REFERENDUM

Section 1. Upon the receipt of a petition signed by at least twenty percent (20%) of the registered voters of the Southern Ute Indian Tribe, or upon the adoption of a resolution of the tribal council supported by no less than four (4) members thereof, the tribal council shall direct the election board to call and hold a special election at which the registered voters of the Southern Ute Indian Tribe may vote upon any enacted or proposed ordinance or resolution of the tribal council. Such election shall be held within thirty (30) days following receipt of said petition or adoption of the foregoing resolution by the tribal council. The decision of the tribal electorate shall be final, PROVIDED, that not less than fifty percent (50%) of the registered voters of the Southern Ute Indian Tribe vote in such referendum.

Section 2. Limits of Referendum. No referendum shall serve to abrogate, modify or amend any properly approved contract or agreement to which the tribal council is a party. Once a referendum has been voted upon and fails, that issue shall not be considered again until twelve (12) months have passed.

Section 3. Procedures. Special elections for referendum purposes shall be held in conformity with procedures established in the election ordinance of the Southern Ute Indian Tribe.

ARTICLE VII - POWERS OF THE COUNCIL

Section 1. The inherent powers of the Southern Ute Indian Tribe, including those set forth in Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended, shall be exercised by the Southern Ute Indian Tribal Council, subject only to limitations imposed by the Constitution and Statutes of the United States, by the regulations of the Department of the Interior and by this constitution. The tribal council shall be empowered to:

(a) Regulate its own procedures by appropriate ordinance. In addition, the council may appoint subordinate boards, commissions, committees, tribal officials and employees not otherwise provided for in this constitution, and may prescribe their salaries, tenure and duties.

(b) Authorize and regulate tribal associations, corporations and subordinate organizations for economic and other purposes, with the approval of the Secretary of the Interior or his authorized representative whenever required by law, and may transfer tribal assets thereto for management and control;

(c) Any encumbrance, sale, lease, permit, assignment, or management of any portion of the reservation, or the grant of any rights to use of lands or other assets, or the grant or relinquishment

of any water or mineral rights or other natural or fiscal assets of the Southern Ute Indian Tribe, are hereby reserved to the tribal council.

(d) Advise the Secretary of the Interior and heads of other Federal Agencies with regard to all appropriation estimates or Federal projects for the benefit of the Southern Ute Indians of the Southern Ute Indian Reservation.

(e) Subject to approval by the Secretary or the Interior, or his authorized representative, the tribal council may enact ordinances and codes to protect the peace, safety, property, health and general welfare of the members of the Southern Ute Indian Tribe and to govern the administration of justice through the tribal courts, prescribe the powers, rules and procedures of the tribal courts in the adjudication of cases involving criminal offenses, domestic relations, civil actions and the inheritance and probate of trust, real and personal property of tribal members within the reservation.

(f) Provide by ordinances for the appointment of guardians for minors and mental incompetents.

(g) Provide by ordinance, subject to the approval of the Secretary of the Interior, or his authorized representative, for the removal or exclusion from the reservation of any nonmembers whose presence may be found by the tribal council to be injurious to members of the tribe.

(h) The tribal council shall manage all funds within the control of the tribe, and may appropriate available tribal money for public, business, governmental or investment purposes with approval of the Secretary of the Interior, or his authorized representative, whenever required by Federal law.

1. All appropriations of tribal funds shall be expended in conformity with annual budgets subject to approval by the Secretary of the Interior, or his authorized representative;

2. Provisions shall be made for adequate accounting of all tribal financial transactions, including a comprehensive annual audit. An annual summary audit report showing income and expenses for the fiscal year ended, reflecting the financial condition of the tribe, shall be available to tribal members upon request. All tribal officials and employees who are directly responsible for the receipt, disbursement and custody of tribal funds shall be adequately bonded. The cost of such bond shall be paid from tribal funds.

(i) The tribal council may authorize the deposit of any tribal funds under its control, to the credit of the Southern Ute Indian Tribe, without limitations on the amount carried in any account, in any bank whose deposits are insured by any agency of the Federal Government.

(j) The tribal council shall have the power to borrow money for business and economic development purposes from the Federal Government or other lending agencies.

(k) The tribal council may levy and collect taxes and fees on tribal members, and may enact ordinances, subject to approval by the Secretary of the Interior, or his authorized representative, to

impose taxes and fees on nonmembers of the tribe doing business on the reservation.

(l) The tribal council may administer charity.

(m) The tribal council may adopt ordinances to authorize the loan of tribal funds to tribal members or tribal organizations.

(n) To protect and preserve the property, wildlife and natural resources of the tribe, and to regulate the conduct of trade and the use and disposition of tribal property upon the reservation.

(o) To employ legal counsel for the protection and advancement of the Southern Ute Indian Tribe of the Southern Ute Indian Reservation, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior, or his authorized representative, so long as such approval is required by Federal law.

(p) To enact ordinances, covering the activities of voluntary associations consisting of members of the tribe organized for the purposes of cooperation or for other purposes, and to enforce the observance of such ordinance.

(q) To establish housing and such other authorities to conduct the business of the tribe.

Section 2. Acting Chairman. In the absence of the chairman and vice-chairman, the tribal council shall by proper resolution appoint from within its membership an acting chairman, who will be given all authority of the regular chairman.

Section 3. Further Powers. The tribal council may exercise such further powers as may be delegated to or conferred upon the Southern Ute Indian Tribe by the Congress of the United States, the Secretary of the Interior or other competent authority.

Section 4. Reserve Powers and Rights. Any rights and powers heretofore vested in the Southern Ute Indian Tribe of the Southern Ute Indian Reservation but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the members of the Southern Ute Indian Tribe through the adoption of appropriate amendments to this constitution.

Section 5. Approval of Council Enactments. Every resolution or ordinance passed by the tribal council shall, before it becomes effective, be presented to the chairman for approval within five (5) days following the date of its passage. If he approves, he shall sign it within ten (10) days following its receipt by him and take such further action as may be necessary. If he does not sign an enactment of the tribal council, it shall not become effective and he shall, at the next regular meeting of the tribal council following its submittal to him for signature, return it to the council with a statement of his objections. It shall, thereafter, not become effective unless it is again approved by five (5) of the six (6) tribal council members.

ARTICLE VIII - LAND

The reservation land now unallotted shall remain tribal property and shall not be allotted to individuals in severalty, but assignment of land for private use may be made by the tribal council in conformity with ordinances which may be adopted on this subject, PROVIDED, the vested rights of members of the tribe are not violated.

ARTICLE IX - MEETING OF THE TRIBAL COUNCIL

Section 1. First Meeting. At the first meeting following installation of newly-elected council members, the carry-over members shall see that new members have a correct and clear understanding of the constitution, the management of tribal and reservation affairs and the rules governing the conduct of the council.

Section 2. Regular Meeting. The regular meetings of the council shall be held on a date decided on at a previous meeting of the council, but meetings shall be held every two (2) weeks.

Section 3. Special Meetings. The chairman shall call a special meeting of the council whenever necessary or at the request of four (4) or more councilmen. Notice of such special meeting shall be given to every member of the tribal council as promptly as possible.

Section 4. Agenda and Quorum. Matters of business before the tribal council shall be decided by majority vote of a quorum present. Any four (4) of the seven (7) council members shall constitute a quorum. In the absence of the chairman and the vice-chairman, the remaining members of the tribal council may appoint an acting chairman as provided in Article VII, Section 2.

ARTICLE X - DUTIES OF OFFICERS

Section 1. The chairman shall preside over meetings of the Southern Ute Indian Tribal Council and shall perform all duties of a chairman and exercise any authority given him by the tribal council. He shall vote only in case of a tie.

(a) The chairman shall appoint all non-elective officials and employees of the executive department of the tribal government and shall direct them in their work, subject only to applicable restrictions embodied in this constitution or in enactments of the tribal council establishing personnel policies or governing personnel management.

(b) The chairman, subject to the approval of the tribal council, may establish such boards, committees or subcommittees as the business of the tribal council may require and may serve as an ex-officio member of all such committees and boards.

(c) The chairman shall serve as contracting officer for the Southern Ute Indian Tribe executing all contracts and agreements to which the Southern Ute Indian Tribe is a party following approval by the tribal council.

(d) The chairman shall have power to veto all enactments of the council as provided in Section 5 of Article VII of the constitution.

(e) The chairman shall direct the preparation of the annual budget of the tribe and its presentation to the tribal council.

(f) The chairman may represent the tribe in negotiations with non-tribal organizations, agencies and branches of government.

(g) The chairman shall direct the tribal police to assure the enforcement of ordinances of the tribal council.

Section 2. Vice-Chairman. In the absence of the chairman, the vice-chairman shall preside and shall have all powers, privileges, duties and responsibilities of the chairman.

(a) The vice-chairman shall function as chairman of the tribal council in the absence or at the direction of the chairman.

(b) The vice-chairman shall perform such other duties as directed by the chairman.

Section 3. Treasurer. The treasurer and assistant treasurer of the Southern Ute Indian Tribe shall be appointed by the tribal council. The treasurer and assistant treasurer may be removed by the chairman with the consent of the majority of the total membership of the tribal council.

(a) The treasurer shall accept, receipt for, keep and safeguard all funds under the exclusive control of the tribe by depositing them in a bank insured by an agency of the Federal Government, or in an individual Indian Money account as directed by the Southern Ute Indian Tribal Council, and shall keep an accurate record of such funds. The treasurer shall make or authorize disbursement from funds under his control only as authorized in the approved annual budget of the tribe or by special action of the tribal council. He shall report on all receipts and expenditures and upon the amount and nature of all funds in his custody to the tribal council at regular meetings and at such other times as requested by the tribal council.

(b) All checks shall be signed by the treasurer or assistant treasurer. Vouchers shall be approved for payment in accordance with a resolution to be adopted by the tribal council.

(c) The treasurer and assistant treasurer shall be bonded as provided in Section 1 (h) 2 of Article VII of the constitution.

ARTICLE XI - RESTRICTION ON VOTING OF COUNCILMEN

In cases where a conflict of interest exists for a given council member, on any question before the council, that person shall not vote on such matters without the consent of all the remaining council members.

ARTICLE XII - CONSTITUTIONAL AMENDMENTS

Section 1. This constitution may be amended at an election authorized by the Secretary of the Interior:

(a) Whenever, by favorable vote of at least four (4) members of the tribal council, the governing body of the tribe shall authorize the submission of a proposed amendment to the electorate of the tribe, or

(b) Whenever a minimum of twenty percent (20%) of the registered voters of the tribe, by signed petition, shall request such amendment.

Section 2. If, at such election, the amendment is adopted by majority vote of the registered voters of the tribe voting therein, and if the number of ballots cast represents not less than thirty percent (30%) of the registered voters, such amendment shall be submitted to the Secretary of the Interior and, if approved by him, it shall thereupon take effect.

ARTICLE XIII - SAVING CLAUSE

All ordinances and resolutions heretofore enacted by the tribal council of the Southern Ute Indian Tribe shall remain in full force and effect to the extent that they are consistent with the constitution.

ARTICLE XIV - GENDER

Whenever necessary, words used in this constitution in the masculine gender shall whenever appropriate be construed to read in the feminine gender.

ARTICLE XV - ADOPTION OF CONSTITUTION

This constitution when adopted by a majority vote of the qualified voters of the Southern Ute Indian Tribe of the Southern Ute Indian Reservation, voting at a special election authorized by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be in force from the date of such approval.

APPROVAL

I, Morris Thompson, Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me 230 DM 1.1, do hereby approve the Constitution of the Southern Ute Indian Tribe of the Southern Ute Indian Reservation, Colorado.

Morris Thompson

Commissioner of Indian Affairs

Washington, D.C.

Date: October 1, 1975

Ignacio, Colorado

September 26, 1975

Commissioner

Bureau of Indian Affairs

U.S. Department of Interior

1951 Constitution Avenue, N. W.

Washington, D.C.

Certificate of results of election pursuant to an election authorized by the Secretary of Interior on August 13, 1975 was submitted to the qualified voters of the tribe and was on September 26, 1975 duly adopted by a vote of 92 for and 55 against in which at least 30 percent of the 268 members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378).

Raymond J. deKay, Superintendent

Chairman, Election Board

Southern Ute Agency

Ignacio, Colorado

Exhibit 4

Act of May 21, 1984, Pub.L. 98-290, 98 Stat. 201,202

Public Law 98-290
98th Congress

An Act

To confirm the boundaries of the Southern Ute Indian Reservation in the State of Colorado and to define jurisdiction within such reservation.

May 21, 1984
[H.R. 4176]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONGRESSIONAL PURPOSE

SECTION 1. The purposes of this Act are—

25 USC 668 note.

- (1) to resolve uncertainty over the boundaries of the Southern Ute Indian Reservation and the status of unrestricted land on such reservation, and
- (2) to avoid long and costly litigation over issues dependent on reservation or Indian country status.

INDIAN TRUST LAND DEFINED

SEC. 2. For purposes of this Act, the term "Indian trust land" means any land within the boundaries of the Southern Ute Indian Reservation which—

25 USC 668 note.

- (1) is held by the United States in trust for the benefit of the Southern Ute Indian Tribe or individual Indians, or
 - (2) is owned by the United States and reserved for use or actually used in the administration of Indian affairs.
- Any right-of-way bounded on both sides by Indian trust land shall be Indian trust land. Any other right-of-way shall not be Indian trust land.

BOUNDARIES OF THE SOUTHERN UTE INDIAN RESERVATION DEFINED

SEC. 3. The Southern Ute Indian Reservation in the State of Colorado is declared to have the following boundaries:

25 USC 668 note.

(1) Bounded on the north by the southern boundary of the lands—

- (A) ceded to the United States by certain bands of Ute Indians under the Articles of Convention entered into on September 13, 1873, and ratified by the Act approved April 29, 1874 (18 Stat. 36), and
- (B) described in article I of such Articles of Convention.

(2) Bounded on the south by the boundary line between the States of Colorado and New Mexico as described in article II of the treaty between the United States and the Ute Indians concluded March 2, 1868, and proclaimed November 6, 1868 (15 Stat. 619).

(3) Bounded on the west by the eastern boundary of the Ute Mountain Ute Indian Reservation.

(4) Bounded on the east by the southernmost 15 miles of the eastern boundary of the lands reserved to the Ute Indians by article II of the treaty between the United States and the Ute

Exhibit 5
RESOLUTION NO. 2015-15
February 17, 2015

RESOLUTION NO. 2015-15

**RESOLUTION
OF THE
COUNCIL OF THE SOUTHERN UTE INDIAN TRIBE
February 17, 2015**

WHEREAS, authority is vested in the Southern Ute Indian Tribal Council by the Constitution adopted by the Southern Ute Indian Tribe, and approved November 4, 1936, and amended October 1, 1975, and August 27, 1991, to act for the Southern Ute Indian Tribe; and

WHEREAS, the Tribal Council is empowered under Article VII, Section 1(e) of the Tribal Constitution to protect the health and general welfare of the members of the Tribe and pursuant to Article VII, Section 1(n) of the Constitution, the Tribal Council has the power “[t]o protect and preserve the property, wildlife, and natural resources of the tribe”; and

WHEREAS, on even date herewith, the Tribal Council approved an *Application for Determination of Eligibility to be Treated in the Same Manner as a State under Section 518(e) of the Clean Water Act and 40 C.F.R. 131.8 for Purposes of the Water Quality Standards and Certification Programs (TAS Eligibility Application)* and authorized its submittal to the U.S. Environmental Protection Agency – Region 8; and

WHEREAS, one of the regulatory requirements that must be met for approval of the Tribe’s *TAS Eligibility Application* is that the Tribe must identify the tribal entity which will be primarily responsible for establishing, reviewing, implementing, and revising water quality standards and will be responsible for conducting water quality certifications under Clean Water Act § 401; and

WHEREAS, in satisfaction of that requirement, the Tribal Council desires to delegate authority to the Tribe’s Environmental Programs Division as the entity within the tribal governmental organization that will be primarily responsible for establishing, reviewing, implementing, and revising water quality standards and will be responsible for conducting water quality certifications under Clean Water Act § 401, in accordance with Tribal Council-approved certification procedures.

NOW, THEREFORE BE IT RESOLVED, that the Tribe’s Environmental Programs Division is hereby designated and authorized to act as the entity within the tribal governmental organization that is primarily responsible for the preparation of proposed water quality standards, including proposed revisions to established water quality standards, for review and approval by the Tribal Council, and for reviewing and implementing the Tribal Council-approved water quality standards.

BE IT FURTHER RESOLVED, that the Tribe’s Environmental Programs Division is hereby designated and authorized to act as the entity within the tribal governmental organization that is primarily responsible for conducting water quality certifications under Clean Water Act § 401 in accordance with Tribal Council approved certification procedures.

RESOLUTION NO. 2015-15

Page 2

February 17, 2015

BE IT FURTHER RESOLVED, that the Chairman of the Southern Ute Indian Tribal Council or, in his absence, the Vice Chairman, or, in the absence of both the Chairman and the Vice Chairman, a duly appointed Acting Chairman is hereby authorized to sign the necessary documents and take all necessary actions to carry out the intentions of this resolution.

This resolution was duly adopted on the 17th day of February, 2015.



Mr. Clement J. Frost, Chairman
Southern Ute Indian Tribal Council

C E R T I F I C A T I O N

This is to certify that there were (6) of the regularly elected Southern Ute Indian Tribal Council members present at the above meeting, at which (5) voted for, and (0) against, it being a quorum and the above resolution was passed, the Chairman not being permitted to vote in this instance due to a Constitutional provision.



Ms. Josephine Jack, Recording Secretary
Southern Ute Indian Tribal Council

Exhibit 6
Resumes of Water Quality Staff

Thomas Lee Johnson, C.P.G.
71 Mike Frost Way
PO Box 737 MS#81
Ignacio, CO 81137
970-563-0135 Ext. 2229
Email: tojohns@southern-ute.nsn.us

WORK SUMMARY

- Environmental Programs Division Head - Southern Ute Indian Tribe - Since May 2010
- Natural Resource Specialist/Hydrologist for a federal land management agency – 4 years
- Project Manager/Hydrogeologist for a global environmental engineering design firm for industrial and federal clients – 12 years
- Coal Geologist for a mining company and an independent consultant – 10 years

WORK EXPERIENCE:

Environmental Programs Division Head (5/2010 – Present)
Southern Ute Indian Tribe, Ignacio, Colorado 81137

Division Head for the Environmental Programs Division, which includes the Air Quality, Water Quality, Compliance and Brownfields, and General Assistance Programs. Responsible for making available resources in the programs area for the protection of the health, welfare, and physical environment of tribal members and residents of the Southern Ute Reservation, while being cognizant of impacts to tribal sovereignty. Serve as advisor and consultant to the Justice and Regulatory Department Head, tribal administrative staff, and Tribal Council on environmental matters.

Natural Resource Specialist (Oil & Gas)/ Hydrologist (11/2006 – 5/2010)
Bureau of Land Management, San Juan Public Lands Center (SJPLC), Durango, Colorado;
White River Field Office (WRFO), Meeker, Colorado

Served as a BLM lead in the SJPLC for preparing NEPA analysis and performing regulatory compliance for oil and gas activities on federal and Indian lands, principally within La Plata County, CO. Activities included field inspections for siting of oil & gas facilities to minimize environmental impact through compliance with EIS/EA/PEA conditions of approval, lease stipulations, and applicable federal regulations; review of site specific biological assessments for potential impacts to fish and wildlife habitat and compliance with the Endangered Species Act; implementation of BLM visual resource management criteria; investigation of spill incidents and facilities for pollution controls and provided general support to preserve historic, scenic, and recreational values. Provided geologic, hydrologic, and surface management technical assistance to BLM and Forest Service management and staff, as requested. As hydrologist/natural resource specialist in the BLM WRFO, responsible for application of engineering, science, and natural resource management principles to the execution of a comprehensive surface protection and compliance program for fluid minerals and oil shale development. Primary role was in support of the WRFO's Soil, Water, and Air (SWA) program with collateral duties as the area Hazmat coordinator. Represented the SWA program in coordination of National Environmental Policy

Act (NEPA) analyses on a variety of environmental assessments to include; rangeland, oil & gas activities, pipeline installation, transmission lines, and uranium, coal, and oil shale exploration. Provided support to the realty section on pipeline compliance inspections and negotiations with pipeline operators to resolve cited deficiencies.

Project Manager/ Hydrogeologist (12/1994 – 7/2006)

CH2M HILL, 1515 Poydras Street - Suite 2110, New Orleans, LA 70112-3723

Responsibilities included project management, supervision of hydrogeologic investigations, construction management, data evaluation/interpretation, and technical report preparation for submittal to regulatory authorities. Technical report coordinator for numerous regulatory submittals including Resource Conservation Recovery Act (RCRA) reporting, Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) program submittals, and various state and federal Agreed Order submittals. Project manager and/or senior technical consultant on numerous subsurface hydrologic investigations. Routine activities included project management, preparation of detailed groundwater evaluations, interpretation and analysis of well logs and other geologic data, aquifer characterization, preparation of detailed technical reports, senior-level technical reviews, construction site management, health & safety supervisor, and mentor for junior level staff. Major EPA CERCLA program projects include remedial investigations and remedial action projects consisting of: an abandoned metals foundry, an abandoned creosote and wood preserving facility, a residential area in a former lead mining district, and an abandoned solid waste landfill. Other projects included soil and groundwater investigations and regulatory reporting activities at chemical facilities and a major petroleum refinery. Supported EPA and the Federal Emergency Management Agency (FEMA) on several emergency disaster response projects related to Hurricane Katrina. Served as site safety coordinator for the New Orleans office and for specific field projects.

Principal/ Consulting Coal Geologist (6/1983 - 8/1991)

Thomas L. Johnson, Inc., Consulting Coal Geologist, (Denver, CO; St. Louis, MO)

Consulting coal geologist responsible for the planning and management of numerous coal and mineral exploration and development projects in the United States and Australia. Projects included geologic planning for surface and underground coal and industrial minerals properties, supervision of exploration programs, data acquisition and management, and permit compliance.

Staff Geologist (6/1981 - 6/1983)

Natomas Coal Company, Inc. (Subsidiary of a Fortune 500 Company), Denver, CO

Responsible for all coal exploration and mine development activities in the Western United States, including property evaluations, management of drilling projects, in-mine and technical field support for the company's multi-state mining operations. Activities included preparation of federal permits, project schedule and budget, and supervision of field activities for drilling and seismic programs.

EDUCATION:

M.S. Geology (1994). University of New Orleans, New Orleans, Louisiana 70148

Master's Thesis: Stratigraphy and Pumping Test Analysis at a Hazardous Waste Disposal Facility, East Baton Rouge Parish, Louisiana

B.A. Earth Sciences (1981). University of Northern Colorado, Greeley, Colorado 80639

PROFESSIONAL CERTIFICATIONS / MEMBERSHIPS

American Institute of Professional Geologists (CPG No. 8707, since Feb 1993)

American Institute of Professional Geologists Colorado Section Member

Air & Waste Management Association

Four Corners Geological Society

Curtis Forrest Hartenstine, M.Sc.

71 Mike Frost Way
PO Box 737 MS#81
Ignacio, CO 81137
970-563-0135 Ext. 2217
Email: chartens@southern-ute.nsn.us

WORK HISTORY

Water Quality Program Manager, Southern Ute Indian tribe, Ignacio, Colorado 2/14 to Present

- Administer Clean Water Act §106 and §319 programs:
 - Coordinate daily activities of three full time permanent staff to implement Clean Water Programs;
 - Apply and administer EPA and other funded grants for all Tribal water quality programs;
 - Develop and implement EPA approved (pending) water quality standards.
- Create and review technical documents on water quality monitoring, assessment, and restoration;
- Conduct antidegradation analysis as it relates to informal and NPDES permitted activities;
- Conduct staff evaluation and work plan development;
- Manage Program budget and strategic planning;
- Coordinate with other Tribal Programs to increase impact of water quality programs.

Project Coordinator, State of Colorado Department of Health and Environment, Denver 2/10 to 2/14

- Administer Clean Water Act §319 grant requirements:
 - EPA Grant administration support including program measures and work plan development, budget management, and liaise with EPA Region 8 Watershed Coordinator/NPS Officer;
 - Manage contracting, partners, subcontractors, budgeting and grant compliance on non point source (NPS) restoration projects in nutrient management, sediment control and abandoned mine reclamation for approximately 8 projects and \$1million/year;
 - Develop and direct BMP assessment program to document effectiveness and efficiencies of remedial actions and impacts to impaired segments;
 - Direct watershed plan development: stakeholder involvement, regulatory concerns, and load reduction planning for water quality protection and restoration.
- Administer Clean Water Act §106 grant requirements:
 - Present findings and regulatory recommendations to Water Quality Control Commission;
 - Collect data and perform assessments for water quality standards development;
 - Assist in TMDL development and implementation.
- Development of Source Water Protection Plans within Safe Drinking Water Act Program.

Aquatic Resource Specialist, Colorado Watershed Assembly, Denver, CO, 8/04 to 2/10.

- Managed and directed activities of 120 volunteer groups in water quality sampling and analysis providing chemical, physical and biological data from 400 stations a year for regulatory requirements.
- Administered State and EPA awarded grants to evaluate stream segments under the Clean Water Act §106.
- Planned and facilitated multiple day training events on protocols of water quality sampling and analysis.
- Collected field data using US EPA EMAP (Environmental Monitoring and Assessment) protocols.
- Managed daily operations of water quality lab, supervised lab and field staff, QA/QC officer.
- Data manipulation and map creation using Arc View GIS.

Fisheries Management Technician, All About Lakes Environmental Consultants, Arvada, CO, 4/04- 8/04

- Performed river and lake fishery surveys and water quality assessments.
- Organized and executed water quality sampling designs to meet contract specifications
- Conducted field techniques of pond and lake management.

Community Forestry Volunteer, United States Peace Corps, Nepal, 03/01 - 11/03

- Supervised over 35 Nepali colleagues on two forest management training programs, three forest inventories, three workshops, and two silviculture demonstration plots for local forest user groups.
- Performed needs assessment, implementation and follow up evaluation for five village level trainings on improved cook stove designs, and six youth day camps relating to environmental and gender issues.
- Managed support staff and volunteers to aid in environmental awareness and action trainings.
- Created and taught curricula on environmental issues and English language for 160 students.
- Secured and managed grants to support program activities.

Lab Instructor, Plant Systematics and Ecology, Juniata College, Huntingdon, PA, 01/98 - 05/98

- Instructed students in plant identification methodology and vegetation community classification.
- Supervised student research projects and taught forest ecology and succession.
- Managed plant lab daily operations.
- Assisted Professor with lab exercises and exams.

Research Station Assistant, Tiputini Biodiversity Field Station, Ecuador, 12/96 - 04/97.

- Planned daily event and eco-tourism programs, and group logistics, for researchers and station guests.
- Led wildlife interpretation programs with indigenous guides, and translated Spanish/English.
- Mapped and marked trail system and performed trail maintenance.

EDUCATION & TRAINING

M.Sc. Environmental Science: Water Quality Management, University of Colorado, Denver, 2010

B.S. Ecology, Juniata College, Huntingdon, PA, 1998

Juniata College Study Abroad Program, La Universidad San Francisco de Quito, Quito, Ecuador, 08/96 – 11/97

Applied Fluvial Morphology, Wildland Hydrology, Bozeman Mt., 2010

- Dave Rosgen led 5 day field and lecture course in river morphology, survey, function and restoration.

Primary Functional Condition Workshop, Lakewood, CO, 2010

- USFWS/BLM lead 2 day workshop in river function and stressor identification.

U.S. Peace Corps International Environmental Education Workshop, Romania, 2002

- Volunteer Representative of U.S. Peace Corps/Nepal Natural Resource program.

Software Proficiency: Microsoft Office suite, Arc GIS, Wordpress, Access

Eagle Scout Award, Boy Scouts of America, Millville, NJ, 1994

PROFESSIONAL ASSOCIATION/VOLUNTEER EXPERIENCE

Board Member, Colorado Riparian Association, CO, 2011-2014

- Create/manage new website, provide technical guidance on riparian protection and restoration.

Steering Committee Member, Colorado Aquatic Nuisance Species Task Force, 2008-2010

- Grants chairman and committee member. Directed grant activities and assisted in the development of statewide Aquatic Nuisance Species management plan.

LANGUAGE ABILITY

Conversant in Spanish and Nepali

Pete Nylander
71 Mike Frost Way
PO Box 737 MS#81
Ignacio, CO 81137
970-563-0135 Ext. 2214
Email: pnylan@southern-ute.nsn.us

EDUCATION:

Fort Lewis College. Durango, Colorado 2003-2007
Bachelors of Science in Environmental Biology: GPA 3.74
Graduated Magna Cum Laude

SKILLS PROFILE:

- Mapping with ArcGis 9.X.
- Use of Trimble GPS units and GPS navigation.
- Experienced and proficient with Trimble Geo Explorer GPS units.
- Vegetation sampling, identification, and census techniques.
- Avian censuses, identification, and locating nests.
- Experienced and proficient with dichotomous keys.
- Experienced and proficient with basic surveying equipment and methodology.
- Knowledge of storm water BMP's and SWMPP's.
- Basic water laboratory analysis (pH, Alkalinity, Dissolved Oxygen, Hardness).
- Proficient with multi-parameter YSI Sondes.
- Proficient with YSI composite samplers.
- Proficient with Ecowatch software.
- Experienced and proficient with Sontek® and Gurley® Flow Meters.
- Experienced with EPA's Water Quality Exchange Network (WQX).
- Experienced with writing Federal Grants and Reports.
- General data collection for fieldwork.
- General data entry and data management.
- Excellent multi-tasking and organizational skills.
- Excellent writing and verbal communication skills.
- MS Word, MS Excel, MS PowerPoint, MS Outlook.
- Mechanically inclined.
- Experienced with supervising interns and temporary employees.

Specialized Training:

- Dave Rosgen's River Assessment and Monitoring- May 2012.
- Dave Rosgen's River Morphology and Application – July 2011.
- Dave Rosgen's Applied Fluvial Geomorphology training- June 2010.
- Storm water management during construction: Erosion Control Supervisor Training- January 2010.
- Northern Plains and Mountains Regional Water Program's: Tribal Waters Best Management Practices Workshop- September 2010.
- EPA Water Quality Exchange (WQX) Database Training- September 2009.
- Hazmat Awareness Training- August 2009.

- American Red Cross CPR/AED certified- September 2011.

EMPLOYMENT HISTORY:

Senior Water Quality Specialist -§319: Southern Ute Indian Tribe, Ignacio, CO: February 2010 – Present.

- Managed the non-point source pollution program for the Southern Ute Indian Tribe.
- Writing of Grants, Work Plans, Standard Operating Procedures, Quality Assurance Project Plans, and Reports as per U.S. EPA guidelines and requirements.
- Writing of grant requests for supplemental funding from other federal agencies such as the U.S. Bureau of Reclamation.
- Writing of contracts, agreements, and memos for §319 program activities.
- Managed budgets in excess of \$150,000.
- Presented contracts, agreements, and other pertinent documents to the Southern Ute Indian Tribal Council for approval of program activities.
- Wrote requests for proposals, collected bids, held onsite visits with contractors, and held meetings with land owners, other tribal departments, and the U.S. Bureau of Indian affairs in order to complete stream restorations and the implementation of agricultural best management practices.
- Oversaw the contracting, permitting, and implementation of stream restorations.
- Worked closely with the U.S. Army Corps of Engineers for stream restoration permitting.
- Worked with Biological and Archaeological consulting firms in order to fulfill federal permit requirements associated with stream restoration activities.
- Worked with local land managers and the U.S. Natural Resource Conservation Service to successfully implement Agricultural Best Management Practices within the Southern Ute Reservation.
- Organized and conducted Education and Outreach programs with local land managers and students.
- Conducted water quality sampling and testing on rivers, lakes and streams for water chemistry, macroinvertebrates, and periphyton on the Southern Ute Reservation.
- Surveyed and classified streams and rivers using Dave Rosgen's Methodology.
- Gathered flow data through the use of flow meters, staff gauges, and in-direct discharge measurements.
- Collected water quality samples, stream morphology measurements, macroinvertebrates, and vegetation data to monitor the effectiveness of non-point pollution control Best Management Practices.
- Trained other water quality staff in the use of water quality monitoring equipment, data collection, standard operating procedures, and use of EPA's Water Quality Exchange Database (WQX).
- Generated maps using ArcGis software for monitoring, sampling, and reports.

Water Quality Technician: Southern Ute Indian Tribe, Ignacio, CO: May 2009- February 2010.

- Assisted water quality specialists with §319 and §106 activities.
- Collected field measurements for §319 and §106 projects.
- Assisted in the planning and implementation of stream restorations.
- Assisted in education and outreach.

- Conducted water quality sampling and testing on rivers, lakes and streams on the Southern Ute Reservation.

Kirk Lashmett

71 Mike Frost Way
PO Box 737 MS#81
Ignacio, CO 81137
970-563-0135 Ext. 2218
Email: chartens@southern-ute.nsn.us

Employer: Southern Ute Indian Tribe, Environmental Programs Division, Water Quality

Program, Ignacio, CO, April 2010-Present

Title: Senior Water Quality Specialist/Section 106 Coordinator

Responsibilities:

- Administers the Section 106 Program of the Clean Water Act.
- Prepare written grant requests to the EPA for the purposes of conducting a variety of "point source" water quality related evaluations and assessments.
- Develop Southern Ute Indian Tribe (SUIT) Water Quality Standards for EPA approval.
- Supervise a Water Quality Technician.
- Conducts systematic evaluations of the SUIT's surface water quality.
- Conducts water quality assessments of Tribal member's water wells.
- Plans, develops and conducts evaluations of nutrient enrichment of SUIT surface waters.
- Oversees the preparation of job-related Standard Operating Procedures and annually updates the Water Quality Program's Quality Assurance Project Plan.
- Assures all water quality assessment equipment is collecting accurate data.
- Assures complex water quality databases are kept current to include implementing routine QA/QC checks to identify questionable or incorrect data.
- Prepares numerous reports documenting work completed under Section 106 grants which are submitted to the EPA for their approval including semiannual and annual reports documenting fiscal year work accomplishments.
- Responsible for ensuring collected data is entered in to the EPA's Water Quality Exchange (WQX) national database.

Employer: U.S. Bureau of Reclamation, Durango, CO 1978-2006

Titles: Fish and Wildlife Biologist (1998-2006)/Environmental Protection Specialist (1988-1998)/ Fishery Biologist (1978-1988)

Responsibilities:

- Responsible for complying with all federal environmental compliance laws including developing and reviewing numerous National Environmental Policy Act (NEPA)

documents to include: environmental impact statements (EIS's), environmental assessments (EA's) and numerous categorical exclusion checklists (CE's).

- Responsible for complying with the federal Endangered Species Act (ESA). This included conducting endangered species surveys, assessing project-related affects and consolidating the agency's effects determinations in a biological assessment (BA). I was often the liaison for the Bureau of Reclamation assigned to work with the U.S. Fish and Wildlife Service in developing biological opinions, and if necessary, negotiating reasonable and prudent alternatives to draft jeopardy opinions.
- Conducted numerous fish and wildlife baseline surveys within the southwestern United States including fish and wildlife surveys in the Grand Canyon, on and near Lake Powell and major river systems such as: the San Juan, Colorado, Dolores and Animas rivers.
- I was responsible for complying with the Clean Water Act (CWA) which included conducting jurisdictional wetland surveys often required when complying with Section 404 of the CWA. recommended ways identified wetlands could be avoided or mitigated. I often was assigned the lead in developing and implementing wetland mitigation plans to include long-term monitoring.
- I provided environmental compliance to ensure full environmental compliance for a variety of projects under construction including large projects such as the Dolores, Paradox Valley and Animas-La Plata projects. I prepared environmental commitment checklists tailored to specific construction activities and conducted routine inspections of on-going construction projects.
- I have participated in several public environmental education programs associated with the operation of Reclamation projects and conducted and/or participated in NEPA-related environmental scoping meetings.

Employer: U.S. Army, 1971-1973

Title: U.S. Army Officer/final rank 1•tLieutenant/Adjutant of Field Hospital

Responsibilities:

- I served as adjutant for the U. S. Army's 93rd Evacuation Hospital providing administrative assistance to the hospital commander.
- I was assigned supervisory responsibility over personnel, motor pool and training divisions.
- I served as unit commander for three months.
- I supervised approximately six non-commissioned officers

Discharge: Honorable

EDUCATION

SCHOOL	NAME AND ADDRESS OF SCHOOL	MO/YRto MO/YR	DATE OF GRADUATION	DEGREE OBTAINED
HIGH SCHOOL	Palo Alto Senior High School, Palo Alto, CA	Nov 1963- Jun 1966	June 1966	High School Degree
UNIVERSITY	California Polytechnic University, San Luis	Sep 1966- Jun 1971	Jun 1971	B.S. Biological Sciences
UNIVERSITY	Humboldt State University, Arcata, CA.	Sep 1973- Feb 1975	Feb 1975	B.S. Fishery Biology

Audrey Harvey
71 Mike Frost Way
PO Box 737 MS#81
Ignacio, CO 81137
970-563-0135 Ext. 2222
Email: aharvey@southern-ute.nsn.us

Personal Profile

- Confident, organized, team player, adept with learning new concepts quickly and proficient with communicating ideas clearly and efficiently through writing and various graphing tools
 - Reliable, outgoing and mature with a strong work ethic about any task at hand
 - Extensive computer training, including knowledge of MS Word, MS Excel, MS Power Point, MS Publisher, MS Outlook, Adobe Photoshop, AutoCAD, IBM SPSS, ArcGIS Desktop 10.1, Garmin GPS
-

Education

Fort Lewis College – Durango, Colorado

Anticipating Bachelor of Science in Biology – Environmental and Organismic Biology,

Expected April 2015

Bachelor of Arts in Environmental Studies – Policy, Minor in Biology, Graduated August 2011

Navajo Preparatory School – Farmington, New Mexico

High School Diploma, May 2007

Work History and Experience

Water Quality Technician

Water Quality Program, Southern Ute Indian Tribe, Ignacio, Colorado, July 2013 – Current

- Assists Water Quality Specialists under §106 and §319 with program responsibilities in accordance with current Water Quality Technician job description
- Conducts water quality sampling on the Southern Ute Indian Tribe Reservation in accordance with existing Water Quality Program Standard Operating Procedures (SOP)
- Responsible for calibrating, general care and routine maintenance of YSI Sondes and other various multi-probe field instruments that are used for regular data collection
- Primarily responsible for creating maps using ArcGIS 10.1 for various projects and reports, developed geodatabase for WQP use
- Actively prepares and uploads data to the Environmental Protection Agency's Ambient Water Quality Monitoring System (AWQMS) database and Water Quality Exchange (WQX) portals
- Responsible for establishing and maintaining Water Quality Program databases, entering data and reviewing collected data for potential errors

Data Entry Assistant

University of Wyoming, Durango, Colorado, February 2013 – April 2013

- Prepared and maintained data for entry into ArcGIS Desktop 10.1 by sorting and compiling information according to required data entry program and techniques
- Gained an understanding of forest fire regimes as this project focused on historical fires in the Sierra Nevada Mountain Range in California
- Met weekly deadlines while ensuring high rate of accuracy for assigned tasks to the Primary Investigator, Dr. William Baker

Student Tutor

Program for Academic Advancement, Fort Lewis College, October 2012 – April 2013

- Mentored, tutored and developed studying skills with PAA students in the courses of biology and writing, meet with tutees on a daily basis
- Attended monthly tutor trainings designed to build skills in working with students with learning disabilities
- Participated and assisted with PAA events throughout the semester

Teacher Aide

Chinle Unified School District, Chinle, Arizona, September 2011 – August 2012

- Maintained classroom management and a positive learning environment in the absence of K-8 teachers
- Followed educational programs as written by teachers and made teaching plans as necessary
- Familiarized myself with the students, teachers, and staff in providing quality mentorship to students
- Ensured a safe and supportive learning environment in and out of the classroom
- Participated in general school duties and school activities
- Respected personal information and rules of confidentiality
- Provided thorough feedback on students and lessons and maintained attendance and academic records

Research Assistant

Center for Ecology and Evolutionary Biology, University of Oregon, June 2010 – August 2010

- Assisted in lab-based research under the mentorship of Dr. Scott Bridgham and Dr. Rongzhong Ye
- Actively involved in the development and preparation of a biogeochemical study that investigated the relationship between environmental variables and greenhouse gas emissions in peatland regions
- Conducted an experiment that required extensive teamwork, critical efficiency and keen timeliness for successful data collection
- Utilized and calibrated laboratory equipment such as spectrometer, anaerobic chamber, and gas chromatographer
- Participated in weekly meetings and seminars provided by the Summer Program for Undergraduate Research and concluded with a final presentation of research findings for the public
- Received Radiation Safety training through the University of Oregon for handling potentially radioactive material necessary for research

Student Tutor

Native American Center, Fort Lewis College, August 2009 – April 2010

- Mentored fellow Native American students with their studies and study habits for success in college
- Attended monthly tutor trainings designed to build skills in working with students with learning disabilities
- Tutored weekly in the courses of mathematics, science, computer and writing

Research Assistant

Forestry Department, Northern Arizona University, May 2009 – July 2009

- Developed and conducted an individual project under the guidance of Dr. Richard Hoffstetter and assisted NAU Forestry Graduate students
- Collected data utilizing various capture methods for the purposes of determining a relationship in the population and diversity of *Ips* and *Dendroctonus* bark beetle species within Northern Arizona
- Analyzed data in extensive field based project utilizing Garmin GPS, ArcGIS and IBM SPSS analyzer
- Participated in weekly meetings and seminars provided by the National Science Foundation and compiled a presentation of the findings to the public

Honors and Awards

- Member of Beta Beta Beta National Biological Honor Society; 2010 – indefinite
- Member of Native American Honor Society; 2010 – indefinite
- Navajo Nation Chief Manuelito Scholarship Recipient; 2009, 2010, 2011
- Navajo Tribal Utility Authority Scholarship Recipient; 2009
- Summer Research Grant Funded, Federation of American Societies for Experimental Biology (FASEB); 2010
- Research Experiences for Undergraduates Grant Funded, National Science Foundation (REU-NSF); 2009
- Academic Scholarship from the Navajo Preparatory School Inc. Board of Trustees; 2007