



COQUILLE INDIAN TRIBE

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Sent via electronic mail to cwawotus@epa.gov with hard copy to follow:

June 1, 2017

Karen Gude
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 4101M
Washington, DC 20460

Re: Comments on the proposal to rescind and revise the definition of "Waters of the United States"

Dear Ms. Gude:

On April 20, 2017, EPA initiated consultation and coordination with federally recognized Indian tribes on a proposal to rescind and then revise the definition of "Waters of the United States" (Clean Water Rule: Definition of "Waters of the United States"; Final Rule, 80 Fed Reg. 37,054 (June 29, 2015)). The Coquille Indian Tribe's initial comments are as follows:

The Tribe does not support the EPA's proposal to "rescind and then revise" the Clean Water Rule.

First, the repeal of Waters of the United States will result in poor regulatory oversight by EPA over the Tribe's resources. The Coquille Indian Tribe has many culturally significant plants and animals that need to be taken into account when addressing EPA's trust responsibilities. Our people have subsisted on these plants and animals for millennia, and we continue to do so today. We cannot lose protections for our streams and wetlands. With each piece of the ecosystem lost, we forever lose elements of our culture. The Tribe cannot support regulatory changes that damage our cultural resources, including clean water.

Second, although we agree with the Federal Government's goal to ensure that navigable rivers are clean, the Tribe understands that all waters in a watershed are connected. We need protection for all of the streams and wetlands that do not have a surface connection, but do have a "significant nexus" to navigable waters. The Tribe requests the EPA to protect waters not connected by overland flow to navigable waters because these wetlands and streams within the watershed contribute to health of the downstream river or waterbody.

Third, the Coquille Indian Tribe wants the EPA to ensure the protection of the water we drink and the rivers that are home to our fish. Streams and wetlands that are not connected at all times to navigable

rivers provide rearing habitat for our salmon and lamprey, cleanses the water of pollutants, and fills our aquifers. It is the responsibility of EPA to provide protections to these important resources, to uphold its trust responsibilities and work with us to protect our people and our way of life.

Fourth, the Tribe does not concur in the assertion that keeping waters clean by regulating waters under the Clean Water Rule will impede economic growth. Clean waters for fisheries and recreation assists economic growth in our community. Healthy waters promote healthy fisheries, which is critical for our economy. Our leisure and hospitality industry provides over 11% of the jobs in Coos County, Oregon and is still growing. Coos Bay/Charleston ranked 7th among the top 27 Pacific fishing ports in 2010 for landings and landed value (31 million pounds valued at \$24 million).

Finally, when our water is free of toxic chemicals, the Tribe and the surrounding community live healthier lives, which in turn reduces costs of healthcare, promotes a better quality of life, and ensures a longer, healthier life for Tribal people.

We are very concerned that changes to the Clean Water Rule, including the loss of protection for ephemeral channels, intermittent channels, and wetlands not connected to a navigable water will negatively affect the Tribe's way of life.

We request face-to-face consultations with an EPA official with decision-making authority so that we can better understand why you are recommending to "rescind and then revise" Waters of the United States. In the past, the EPA has worked with us to fulfill its special obligations to tribes, including Executive Order 13175. We request that you initiate a government-to-government consultation with the Coquille Indian Tribe on this critical issue. We look forward to hearing from you soon to schedule consultation.

Shuenhalni,



Brenda Meade
Chairperson

Cc Hardcopy:

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