



# Cowlitz Indian Tribe

May 16, 2017

Karen Gude  
USEPA Headquarters  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 4101M  
Washington, DC 20460

RE: Presidential EO 13778 and Redefining Waters of the United States

To Ms. Gude;

The Cowlitz Indian Tribe formally requests full, in person, government-to-government consultation regarding Presidential Order 13778 and its impacts to the Columbia River features such as floodplains, wetlands, aquatic habitat, and cultural sites. Landscape features, such as dredge spoils placed in wetlands under emergency orders, have negatively impacted our Tribe's resources. Development is an opportunity that is lost – once a site is developed, the site cannot and will not be restored within the Cowlitz's seven-generations world view. The Presidential Order would make it easier for companies to exploit and degrade our precious natural and cultural resources thus further displacing our people and economy from the landscape.

The existing Clean Water Act requirements are well-known and provide satisfactory certainty. Revising the rule will prove unnecessarily confusing. Worse, many areas will no longer be protected and EO will not adequately protect the United States' water resources. Water resources are vital to our future, for our Tribe and for our country's communities.

The Presidential Order requests that a specific Supreme Court opinion, from a split court decision, be held up as the court outcome and standard. The President's order violates the separation of duties upon which the United States is founded. Justice Scalia's opinion is not, and should not, become the law of the land by the President's order.

Please contact our Natural Resources Department Director, Taylor Aalvik or our Natural Resources Program Assistant, Tiffini Alexander to schedule the government-to-government consultation. Taylor can be reached at: 360-577-8140, or [taylor.a@cowlitz.org](mailto:taylor.a@cowlitz.org), and Tiffini can be reached at: 360-577-8140, or [talAlexander@cowlitz.org](mailto:talAlexander@cowlitz.org),

Sincerely Yours,

William Lyall, P.E.  
Chairman of the Cowlitz Indian Tribe

Cc: WA Governor Jay Inslee,  
Maia Bellon, WA Dept. of Ecology  
Craig A. Bill, Executive Director, Governor's Office of Indian Affairs