



# UPPER SNAKE RIVER TRIBES FOUNDATION, INC.

413 W. Idaho Street, Suite 101, Boise, Idaho 83702

(208) 331-7880

June 14, 2017

Scott Pruitt  
1200 Pennsylvania Ave NW,  
Washington, DC 20460

## **Re: Upper Snake River Tribes Foundation Comments on Revision of Waters of the United States**

Dear Mr. Pruitt:

The Upper Snake River Tribes (USRT) Foundation is composed of four Indian tribes of the Upper Snake River region in Idaho, Nevada, and Oregon: the Burns Paiute Tribe, Fort McDermitt Paiute-Shoshone Tribe, Shoshone-Bannock Tribes of the Fort Hall Reservation, and Shoshone-Paiute Tribes of the Duck Valley Reservation. The four tribes have common vested interests to protect rights reserved through the United States Constitution, federal treaties, federal unratified treaties (e.g. Fort Boise Treaty of 1864, Bruneau Treaty of 1866, and Malheur Treaty of 1864), executive orders, inherent rights, and aboriginal title to the land, which has never been extinguished by USRT member tribes. USRT works to ensure the protection, enhancement, and preservation of the tribes' rights, resources, cultural properties, and practices and that they remain secured. These include but are not limited to hunting, fishing, gathering, and subsistence uses.

All forms of water are significantly important to USRT's member tribes, which include: surface, ground, and atmospheric water. It is tremendously important that all forms of water are protected from pollution and contaminants as water is the foundation of tribal life and culture. Specifically, headwaters and spring sites will become ever more important to plants and animals with the changing climate conditions. These unique habitat's within in the Columbia River Basin and Great Basin will prove to be instrumental for recovering important species like salmon and bull trout for the USRT member tribes. Water demands adequate protection from agencies such as the Environmental Protection Agency (EPA), which are preserved in treaties and executive orders.

The very idea of deregulating water protections to reduce business costs is very short sighted. Trading short-term profits for long-term environmental protection has profound consequences to water quality and cannot and will not improve long term U.S. economies or standard of living conditions. The EPA's task to define Justice Antonin Scalia's opinion on "relative permanent waters" and "wetlands with a continuous surface connection to permanent water" should integrate the Shoshone-Bannock Tribes definition of Surface Water.

*Surface Water – Intermittent, Permanent, Temporary. Any waters which flow or are contained in natural or man-made depressions in the earth's surface. This includes, but is not limited to, the following lakes, streams, canals, and ditches:*

- a. An intermittent surface water exists continuously for a period of more than two (2) months but not more than six (6) months a year.*
- b. A permanent surface water exists continuously for a period of more than six (6) months a year.*
- c. A temporary surface water exists continuously for a period of less than two (2) months a year.*

The implementation of the Shoshone-Bannock Tribes definition under the Waters of the U.S. would greatly improve the effectiveness and the responsibility of the Federal Government to protect tribal interest created by treaties and executive orders. With EPA interpreting if water is within their jurisdiction, it is USRT's belief that the use of the Shoshone-Bannock Tribes definition would align with the original purpose of the Clean Water Act: to protect and prevent pollution and contaminants within U.S. waters.

If you have any questions following review of these comments, please contact Scott Hauser, USRT Executive Director, at (208) 331-7880 (office) or (208) 995-4872 (cell) and/or by email at [scott.hauser@usrtf.org](mailto:scott.hauser@usrtf.org).

Sincerely,



Scott Hauser  
USRT Executive Director

CC: Karen Gude: [gude.karen@epa.gov](mailto:gude.karen@epa.gov)