



# The Confederated Tribes of the Grand Ronde Community of Oregon

Tribal Council  
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December 18, 2017

U.S. Environmental Protection Agency (EPA)  
ATTN: Ms. Karen Gude, Tribal Coordinator  
Office of Water, Mail Code 4101M  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

*Sent by email to [gude.karen@epa.gov](mailto:gude.karen@epa.gov)*

RE: Tribal Comments on Executive Order (EO) 13778: EPA and USACE Intention to Review and Rescind or Revise the Clean Water Rule- Step 2

Dear Ms. Gude:

On behalf of the Confederated Tribes of the Grand Ronde Community of Oregon (Grand Ronde or Tribe), this letter is intended to follow up on the Tribe's letter dated June 20, 2017, and to address Step 2 of the EO, replacing the 2015 version of the Clean Water Act that was rescinded through Step 1.

The definition of "waters of the U.S." has the potential to significantly affect the health and wellness of the Tribe and its members, as well as the health of Tribally significant resources such as listed salmon and steelhead species. Tribal concerns remain regarding Step 2, and the Tribe may request a government-to-government meeting on the entire process and the definition of "waters of the U.S." As a reminder, Grand Ronde defines consultation as an equal dialogue between sovereign nations or their agencies at the highest levels of decision making. Consultation is an ongoing and meaningful dialogue; this means that consultation takes place until project completion, not just until the comment window is over. Grand Ronde requests consultation on this issue pursuant to EPA's national and Region 10 Tribal Consultation policies.

At minimum the Tribe would like the opportunity for a dialogue with EPA on how "waters of the U.S." is defined. For several reasons, the definition should exclude waters on Tribal Reservation and Trust status lands. This and other Tribal considerations would be conveyed fully through consultation with EPA.

The Tribe continues to strongly encourage the EPA to remember its federal trust responsibilities to Grand Ronde, its Tribal members, and Tribally significant resources during this process. Please contact Michael Karnosh, Ceded Lands Program Manager, at (503) 879-2383 or [Michael.Karnosh@grandronde.org](mailto:Michael.Karnosh@grandronde.org) by January 31, 2018, to schedule a consultation meeting or if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "CM", written over a white background.

Chris Mercier  
Tribal Council Vice-Chair

Cc: Tribal Council  
Stacia Hernandez, Chief of Staff  
Chris Hladick, EPA Region 10 Administrator  
Rose Kwok, EPA Oceans, Wetlands, and Communities Division

*Umpqua Molalla Rogue River Kalapuya Chasta*