YAVAPAI
PRESCOTT ◆ INDIAN ◆ TRIBE

October 18, 2000

Felicia Marcus, Regional Administrator
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105

Dear Ms. Marcus,

The Yavapai-Prescott Indian Tribe (YPIT) has received and reviewed the draft document "Guidance on 8-hour Ozone Designations for Indian Tribes" dated June 15, 2000. We have also received the extension memo issued August 30, 2000. These documents direct Tribes to make recommendations to the Environmental Protection Agency (EPA) for designation of their trust lands as to attainment/unclassifiable or non-attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS) by October 31, 2000. Please accept this correspondence as our recommendation for the Yavapai-Prescott Indian Reservation.

The Yavapai-Prescott Tribe is a federally recognized Tribe and is located within Yavapai County in the north-central region of the State of Arizona. The Tribe maintains 1395 acres near the City of Prescott. We are a Tribe of 157 members and place the health of our members and the surrounding environment as high priorities. The reservation currently lies in an attainment area for ozone and outside the current Metropolitan Statistical Areas (MSAs) designated by the EPA. However, we are concerned about the recent and on-going growth taking place around our lands. The population in the nearby cities of Prescott and Prescott Valley are increasing on a daily basis and is within one of the fastest growing regions in Arizona. Because we value our clean air and environment, the Tribe wishes to demonstrate the reasons behind our recommendation to maintain a designation of **attainment/unclassifiable** for the 8-hour Ozone Rule for the Yavapai-Prescott Tribe. We also request to be designated separately from the surrounding municipalities and county and be treated as a sovereign entity.

A. There is no data available to determine if the YPIT reservation is non-attainment.

As described in the EPA guidance, three-years of monitoring data must be available to make a designation. There are very few ozone monitors maintained by the State of Arizona in the surrounding area and none located within the external boundaries of the YPIT reservation. However, the YPIT is currently collecting the technology and training necessary to develop an ambient air-monitoring program to begin the collection of

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monitoring data. Our goal is to regulate our own airshed to maintain the pristine air we currently enjoy.

B. Placing Federally recognized Tribal Lands arbitrarily in MSAs without regard for Tribal borders is contrary to the Government-to-Government relationship and Trust responsibilities.

Tribal lands are entrusted to the Native American Tribes as sovereign governments and are to be treated as so. However, these documents within the 8-hour Ozone standard deviate from the current relationship guidelines. Tribal lands are treated as municipalities at best and in some cases Tribal borders are altogether ignored. This defies the Government-to-Government relationship Tribes have fought so long and hard to achieve and maintain. Although the YPIT reservation is not directly affected by these designations, we are very concerned that Yavapai County will be designated as a MSA in the near future. When this time comes, the YPIT expect to be treated as a sovereign nation and expect to maintain sovereignty over the external boundaries of the YPIT reservation lands.

C. Implementation of this rule would put an undue burden on Tribes in regard to the restriction of our economic development and eventual self-determination.

The YPIT currently is not a major contributor to the ozone of the surrounding area and we have no future plans to increase our contribution. We are geologically separated from the Maricopa, Pinal County non-attainment area. Therefore, we neither contribute to nor are affected by the non-attainment MSAs in our region. The YPIT are proud of our traditions and our legacy of protecting our lands for future generations to enjoy. However, we must continue our economic development to attain the goal of self-determination. If our reservation were designated non-attainment, our future would be placed in jeopardy as our economic development could be curtailed, placing the Tribe in a difficult situation to improve our current and future livelihoods.

D. The State of Arizona's failure to submit recommendations for this rule.

At the time of this writing, the State of Arizona has failed to submit a recommendation for the 8-hour Ozone rule. In the interest of protecting Tribal interest and sovereignty, we want to play an important role in maintaining our healthy environment and protecting the Tribe's economic interests. Although the State has shown little interest responding to this rule, we want the EPA to recognize that other entities exist outside of Maricopa County that have a vested interest in the development of this rule. Therefore, we are exercising the right to speak for ourselves instead of relying on the State to protect our interests.

As outlined in this letter the Yavapai-Prescott Indian Tribe has a great interest in maintaining the health and welfare of our people. At the same time we wish to continue our economic development without further contributing to the Ozone pollution. We have spent a great deal of time and energy preparing to take control of our airshed by

developing a Ambient Air program and ask the EPA to respect our right to govern our reservation lands. We feel we should not be lumped in with the surrounding counties and have our interests devalued. Therefore, we request that the Yavapai-Prescott Indian Tribe be designated separately from the surrounding communities and county, as **attainment/unclassifiable** until we have the ability to monitor our airshed and make available the necessary three-year data block to be able to come to an informed and competent designation.

The Yavapai-Prescott Indian Tribe enjoys the relationship we have cultivated with EPA and look forward to a continued partnership with all governmental organizations. We ask in return the opportunity to comment on any further designations or classifications that affect our Tribal Lands.

Sincerely,
The Yavapai-Prescott Indian Tribe.

Signed,

Stan Rice, Jr.
President, Board of Directors, Yavapai-Prescott Indian Tribe