



-Wohehiv-
The Morning Star

NORTHERN CHEYENNE TRIBE

ADMINISTRATION

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June 20, 2017

Karen Gude, Tribal Program Coordinator
Office of Water
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: Proposed Revision to Definition of "Waters of the U.S."

Dear Ms. Gude,

The Northern Cheyenne Tribe (Tribe) is aware of the United States Environmental Protection Agency's (EPA) current tribal consultation process in regard to the revision of the definition of "Waters of the United States." We urge EPA to make a more intense effort in reaching out to tribes. As a formal matter, the Tribe does not deem this current effort as "meaningful and timely consultation."

The Northern Cheyenne Tribe does not agree with U.S. President Donald Trump's executive order to revise the definition of waters of the U.S. consistent with Justice Scalia's *Rapanos* opinion. There are diverse hydrological settings and relationships across the United States' entire landscape that cannot be fairly considered, solely based in Justice Scalia's opinion. Further, the Tribe holds an immense value for wetlands, even those that are not obviously connected to a "navigable" stream, such as prairie potholes and other areas on our traditional homelands that foster and are a safe haven for wetland plants, even if only for part of the year. To ignore seasonal wetlands that do not have a "continuous surface connection" to "relatively permanent" waters is a dangerous precedent to ponder and may in fact be construed as a failure of the U.S. to meet its trust responsibility to tribes. The Tribe urges your agency to take a more balanced approach to protect all waters of the Tribe and the U.S.

Again, the Northern Cheyenne Tribe appreciates this opportunity to provide comments to federal agencies such as yours and we urge you take our comments under serious consideration. If you have any questions, please contact Charlene Alden at (406) 477-6506 ext. 101 or at charlene.alden@cheyennation.com.

Sincerely,

L. Jace Killsback,
President

Cc: Charlene Alden, Director
Northern Cheyenne Tribal Council

LITTLE WOLF AND MORNING STAR - Out of defeat and exile they led us back to Montana and won our Cheyenne homeland that we will keep forever.