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## Office of the Governor

March 6, 2018

US Environmental Protection Agency  
William Jefferson Clinton Building North  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20004

RE: Proposed changes to the WOTUS Definition

Dear Administrator Pruitt:

The Pueblo of San Felipe has actively participated in communication and consultation with the EPA and Department of Army on the proposed changes to the WOTUS Definition, and I regret I was unable to join your meeting today. We are opposed to reducing protective federal regulations for water, and object to the actions by the EPA and Department of Army to narrow the scope of the definition of waters of the US to exclude ephemeral streams, arroyos, and wetlands.

The Pueblo of San Felipe is building the capacity to request "Treatment Similar to a State" (TAS) status, but has not yet requested or assumed regulatory functions; and therefore we rely on federal regulations to protect the quality of our water, which our health and traditions rely on.

We strenuously object to weakening protections for water, which we see as a breach of trust. Restricted definitions of WOTUS will prohibit federal agencies such as the Army Corp of Engineers or Bureau of Reclamation (BOR) from assisting tribes due to lack of authority. We object to tribes with TAS status being faced with additional financial and enforcement burdens if they become "islands" of regulated water in a "sea" of waters without adequate protections.

Regional differences must be considered. In the Middle Rio Grande Valley, where San Felipe Pueblo is, all the water – be it the River, irrigation canals, "dry" arroyos and groundwater are all connected. Further, federal projects all along the Rio Grande have already physically separated the River from many of its wetlands, and now seeks to remove protections for what remains.

While we are appreciative of the March 6-7 WOTUS workshop for tribes, we do not believe tribal consultation has been sufficient for recent EPA actions. Two of the most prolific oil and gas basins in the United States are located in New Mexico--the San Juan Basin in the northwest corner and the

Permian Basin in the southeast. Additionally, New Mexico bears a huge burden for the country's defense as the birthplace of the Atomic Age, with two National Laboratories, five military bases and a nuclear waste repository. In return we ask that the federal entities ensure adequate protection so we can have good health, clean water, fresh air and uncontaminated land for this and future generations.

Sincerely,  
Pueblo of San Felipe

  
Governor Anthony Ortiz