



LUMMI INDIAN BUSINESS COUNCIL

2665 KWINA ROAD BELLINGHAM, WASHINGTON 98226 (360) 312-2000

DEPARTMENT _____

DIRECT NO. _____

June 19, 2017

Karen Gude
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 4101M
Washington, DC 20460

SUBMITTED VIA EMAIL cwawotus@epa.gov
gude.karen@epa.gov

**RE: Notice of Intent to Review and Rescind or Revise the Clean Water Rule, 82 Fed. Reg. 12532
(Mar. 6, 2017)**

Dear Ms. Gude,

The Lummi Nation is one of the signatories to the Point Elliot Treaty of January 22, 1855 (12 Stat. 927), which was ratified by the United States Senate on March 8, 1859, Proclaimed April 11, 1859, and which reserves certain rights for the Lummi people including, but not limited to, "the right of taking fish at usual and accustomed grounds and stations" and "hunting and gathering roots and berries on open and unclaimed lands." The Lummi Nation is opposed to any rulemaking by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) that would decrease the reach of the Clean Water Act's (CWA) protections by narrowing the definition of "waters of the United States (WOTUS)." If the definition of WOTUS is contracted by EPA and the Corps, this would adversely affect numerous CWA programs within and upstream of tribal waters and could undermine protections for the resources on which the Lummi Nation depends and to which it has treaty-secured rights, including rights to fish, hunt, and gather.

Sincerely,

Merle Jefferson, Executive Director
Lummi Natural Resources Department

cc Timothy Ballew II, LIBC Chairman
 Elden Hillaire, Lummi Natural Resources Commission Chairman