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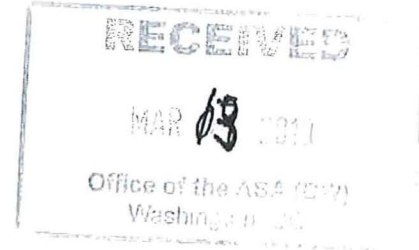
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February 28, 2018

David P. Ross  
Assistant Administrator for Water  
US Environmental Protection Agency

Ryan A. Fisher  
Acting Assistant Secretary of the Army (Civil Works)  
US Department of the Army



RE: Proposed Rulemaking Regarding "Waters of the United States"

Dear Sirs:

It has come to the attention of the Habematolel Pomo of Upper Lake (a federally recognized State of CA Native American gaming Tribe of the US Department of Interior, Bureau of Indian Affairs) that you are hosting an in-person technical meeting in early March 2018 in Washington D.C. "to provide a focused opportunity to share and discuss ... information and potential policies" regarding the referenced action, but that you are limiting the attendance to 25 Tribal representatives from across the country. We understand you also plan to host one informational webinar on this topic prior to finalizing for publication a draft rule.

Water is one of our most precious resources, and its protection one of our highest priorities. We are extremely concerned that any effort to narrow the definition of Waters of the United States will limit the protection of the water on which we rely for subsistence, cultural, recreational, economic and other uses. As a result, it is critical that we are able to engage in meaningful dialogue with you, as early in this rulemaking process as possible.

One in-person technical meeting with extremely limited Tribal representative participation coupled with one informational webinar does not constitute a sufficient consultation process, especially given the significance of the issues to be discussed and the very real impacts to Tribal water resources that may result from the proposed rulemaking.

To remedy this, the Habematolel Pomo of Upper Lake hereby requests formal consultation with you regarding your proposed rulemaking to define "Waters of the United States." We propose that you attend an in-person consultation meeting on the during which you share with us all of the information presented during the technical meeting and webinar, receive our input regarding potential impacts to our waters from the proposed rulemaking, and explain to us how you will ensure our concerns are addressed and our waters remain protected.

Please contact Tracey Treppa, Member At Large, Executive Council at [ttreppa@hpultribe-nsn.gov](mailto:ttreppa@hpultribe-nsn.gov) / 707-363-0248 at your earliest convenience to schedule the consultation meeting. We look forward to working with you to protect our precious water resources.

Sincerely,



Sherry Treppa  
Chairperson  
Habenatolel Pomo of Upper Lake  
[streppa@hpultribe-nsn.gov](mailto:streppa@hpultribe-nsn.gov)