OFFICE OF THE GOVERNOR

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PUEBLO OF ISLETA
P. O. BOX 1270, ISLETA, NM 87022

October 4, 2021

Comments regarding "Revising the Definition of 'Waters of the United States'"

Submitted by e-mail to: CWAwotus@epa.gov and
usarmy.pentagon.hqda-asa-cw.mbx.asa-cw-reporting@mail.mil

To the U.S. Environmental Protection Agency and U.S. Department of the Army:

The Pueblo of Isleta supports a rulemaking intended to restore the WOTUS regulations in place prior to the 2015 Clean Water Rule, with updates to be consistent with relevant Supreme Court decisions.

In April 2019, the Pueblo of Isleta submitted comment on Proposed Rulemaking under Docket ID No. EPA-HQ-OW-2018-0149. The Pueblo still believes water is life; therefore, having protection of our tribal waters under Federal law will always be of utmost importance. Water is a crucial element to our everyday life as Pueblo people. As Pueblo people, not only do we depend on good water quality for agricultural purposes, our customs and traditions but as stewards of our tribal lands, we protect what we have to provide a clean environment that is safe for our community as well as all wildlife, aquatic and plant life.

The Pueblo's concern that the Pueblo can be negatively affected by contaminated discharges into Tijeras Arroyo, tributary to the Rio Grande, would be relieved by returning to the 2015 definition of WOTUS which exempted tributaries from the definition of Waters of the United States. Point source discharges of regulated pollutants into Tijeras Arroyo must be covered by appropriate NPDES permit(s).

Future thinking is imperative. In forthcoming rulemaking, the Pueblo of Isleta will request robust government-to-government consultation to begin to address (1) whether or not authorities are in place under the Clean Water Act to protect tribal water quality in consideration of climate change. And (2) the Pueblo will be asking itself and the agencies if tribal water quality is sufficiently protected by permits the agencies issue? If Nationwide,

Regional, NPDES, or other permits--key regulatory control mechanisms--can be strengthened and be consistent with relevant U.S. Supreme Court precedent, the Pueblo will be closely and carefully reevaluating their efficacy or long-term effectiveness in the context of tribal waters. Comments provided by the Pueblo of Isleta in a letter dated April 15, 2019 stand (letter attached).

Respectfully submitted,

PUEBLO OF ISLETA

2ND LT. GOVERNOR

FOR Vernon B. Abeita
Governor

Attachment: Correspondence from Pueblo of Isleta to Mr. Andrew Wheeler, Administrator, U.S. Environmental Protection Agency and The Honorable R.D. James, Assistant Secretary for the Army (Civil Works), " Comments on Proposed Rulemaking, Docket ID No. EPA-HQ-OW-2018-0149" April 15, 2019.