

# EXHIBIT 1

## Tribal Resolutions

15-08-NR (CWA §319) &  
15-09-NR (CWA §§303(c)/401)

# CITIZEN POTAWATOMI NATION



RESOLUTION # 15-08-NR

**A RESOLUTION APPROVING THE CITIZEN POTAWATOMI NATION'S TREATMENT IN THE SAME MANNER AS A STATE APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO BECOME ELIGIBLE FOR FEDERAL CLEAN WATER ACT SECTION 319 NONPOINT SOURCE MANAGEMENT GRANTS**

**WHEREAS,** the Citizen Potawatomi Nation is a federally recognized Tribe of American Indians with Constitutional authority under the Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1967); and

**WHEREAS,** the Citizen Potawatomi Nation has sovereign powers that are inherent in Tribal tradition, derived from a history of organized self-government since time immemorial, and recognized by treaties with the United States and in the Constitution of the United States; and

**WHEREAS,** Article 7, Section 2 of the Citizen Potawatomi Nation Constitution provides for a separation of powers of the Tribal government by the reservation and delegation of specific powers to other entities of the Tribal government; and, except for these specific limitations, all other general powers of government are embodied in the Legislature's authority "to enact legislation, transact business, and otherwise speak and act on behalf of the Citizen Potawatomi Nation in all matters on which the Nation is empowered to act now or in the future"; and

**WHEREAS,** many surface and groundwater resources in the United States are threatened or impaired by polluted runoff known as nonpoint source pollution; and



## CITIZEN POTAWATOMI NATION

**WHEREAS,** the U.S. Environmental Protection Agency provides grants each year to states, tribes, and consortia to manage nonpoint source pollution through the Clean Water Act Section 319 Nonpoint Source Management program; and

**WHEREAS,** to become eligible for Section 319 grants a tribe must first meet federal criteria as demonstrated through a treatment in the same manner as a state application; and

**WHEREAS,** the Citizen Potawatomi Nation is committed to restoring and protecting tribal surface and groundwater resources and proposes to develop a Tribal Nonpoint Source Management program; and

**WHEREAS,** the Citizen Potawatomi Nation plans to submit a treatment in the same manner as a state application to the U.S. Environmental Protection Agency to become eligible for Section 319 funding.

**NOW, THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE CITIZEN POTAWATOMI NATION,** that a resolution approving the Nation's treatment in the same manner as a state application to the U.S. Environmental Protection Agency to become eligible for federal Clean Water Act Section 319 Nonpoint Source Management Grants **IS HEREBY APPROVED.**

### CERTIFICATION

The Legislature of the Citizen Potawatomi Nation hereby certifies that the above is a true and exact copy of Resolution POTT # 15-NR, as approved on the 30<sup>th</sup> day of June, 2014, with 16 voting for, 0 opposed 0 absent and 0 abstaining.

  
\_\_\_\_\_  
D. Wayne Trousdale  
Secretary-Treasurer

Executive Approval:

  x   Approved  
       Disapproved

  
\_\_\_\_\_  
John A. Barrett  
Tribal Chairman



# CITIZEN POTAWATOMI NATION



RESOLUTION # 15-09-NR

**A RESOLUTION APPROVING THE CITIZEN POTAWATOMI NATION'S TREATMENT IN THE SAME MANNER AS A STATE ELIGIBILITY APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO ADMINISTER FEDERAL REGULATORY CLEAN WATER ACT SECTION 303(c) WATER QUALITY STANDARDS AND SECTION 401 CERTIFICATION PROGRAMS**

**WHEREAS,** the Citizen Potawatomi Nation is a federally recognized Tribe of American Indians with Constitutional authority under the Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1967); and

**WHEREAS,** the Citizen Potawatomi Nation has sovereign powers that are inherent in Tribal tradition, derived from a history of organized self-government since time immemorial, and recognized by treaties with the United States and in the Constitution of the United States; and

**WHEREAS,** Article 7, Section 2 of the Citizen Potawatomi Nation Constitution provides for a separation of powers of the Tribal government by the reservation and delegation of specific powers to other entities of the Tribal government; and, except for these specific limitations, all other general powers of government are embodied in the Legislature's authority "to enact legislation, transact business, and otherwise speak and act on behalf of the Citizen Potawatomi Nation in all matters on which the Nation is empowered to act now or in the future"; and

**WHEREAS,** federal statutes and regulations provide a method for tribes to be treated in the same manner as states to administer certain federal environmental programs currently administered by the U.S. Environmental Protection Agency; and



## CITIZEN POTAWATOMI NATION

**WHEREAS,** a tribe must demonstrate and meet certain eligibility criteria in order to administer federal environmental programs; and

**WHEREAS,** the Citizen Potawatomi Nation seeks to administer federal regulatory Clean Water Act Section 303(c) Water Quality Standards and Section 401 Certification programs; and

**WHEREAS,** the main purpose of Clean Water Act Sections 303(c) and 401 is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters"; and

**WHEREAS,** the Citizen Potawatomi Nation will demonstrate that it meets eligibility requirements through an application to the U.S. Environmental Protection Agency for treatment in the same manner as a state; and

**WHEREAS,** if approved, the U.S. Environmental Protection Agency will delegate regulatory authority of Clean Water Act Section 303(c) and 401 programs to the Citizen Potawatomi Nation over surface waters on tribal trust lands.

**NOW, THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE CITIZEN POTAWATOMI NATION,** that a resolution approving the Nation's treatment in the same manner as a state eligibility application to the U.S. Environmental Protection Agency to administer federal regulatory Clean Water Act Section 303(c) Water Quality Standards and Section 401 Certification programs **IS HEREBY APPROVED.**

### CERTIFICATION

The Legislature of the Citizen Potawatomi Nation hereby certifies that the above is a true and exact copy of Resolution POTT # 15-09-NR as approved on the 30<sup>th</sup> day of June, 2014, with 16 voting for, 0 opposed 0 absent and 0 abstaining.

  
\_\_\_\_\_  
D. Wayne Trousdale  
Secretary-Treasurer

Executive Approval:

X Approved  
\_\_\_\_\_ Disapproved

  
\_\_\_\_\_  
John A. Barrett  
Chairman

# EXHIBIT 2

## Environmental Cooperative Agreement

(CWA §§303(c)/401)

## ENVIRONMENTAL COOPERATIVE AGREEMENT BETWEEN THE CITIZEN POTAWATOMI NATION AND THE STATE OF OKLAHOMA

### I. Purpose

To recognize the sovereign status of the State of Oklahoma and the Citizen Potawatomi Nation and to comply with the requisite condition of Public Law 109-59 Section 10211(b)(2) by adopting identical environmental standards to regulate the environmental quality on lands governed pursuant to the civil and criminal jurisdictions of the State of Oklahoma, hereinafter referred to as the "State," and the Citizen Potawatomi Nation, hereinafter referred to as the "Nation."

### II. Standard Setting and Rule Making

Within 60 days of the signing of this agreement, the Nation will adopt the State of Oklahoma's environmental standards and substantive rules as its own and the Nation will provide for their automatic incorporation by reference in the event that the State environmental standards or substantive rules are amended.

For the duration of this Environmental Cooperative Agreement ("Agreement"), the Nation shall impose and enforce the substantive State regulatory standards and substantive rules on Citizen Potawatomi tribal trust lands within the civil and criminal jurisdiction of the Nation and the regulatory authority of the Citizen Potawatomi Nation Department of Environmental Protection. The State will provide the Nation with notice of all proposed changes in its environmental standards and substantive rules in the same manner that the State is required to submit to the United States Environmental Protection Agency ("EPA") pursuant to federal statute.

Consistent with applicable federal law, the Nation intends to apply to EPA for treatment-in-the-same-manner-as-a-state ("TAS") eligibility and approval of the Nation's environmental regulatory programs under federal environmental statutes. The State and the Nation recognize that any applications for TAS or for regulatory program approval by the Nation will need to satisfy federal statutory and regulatory requirements, including both substantive and procedural requirements, and that EPA will review such applications on a case-by-case basis to ensure satisfaction of federal requirements.

The Nation may propose to the State, and the State will consider, changes to the State's environmental standards and substantive rules to accommodate unique conditions that may exist on the Nation's tribal trust lands (*e.g.*, unique tribal uses of environmental resources) and to meet federal statutory and regulatory requirements.

At the Nation's request, representatives of the relevant State environmental agency will confer with the Nation's representatives to seek to resolve any regulatory interpretations regarding environmental standards and substantive rules. In the event there is a dispute by the Parties regarding the regulatory interpretation of environmental standards and substantive rules, the Parties will seek final regulatory interpretation from the United States Environmental Protection Agency.



### **III. Permitting and Enforcement**

The Nation will provide the State with copies of any and all permits, notices of intent, monitoring data, and enforcement actions pertaining to tribal trust lands under the Nation's jurisdiction.

### **IV. Monitoring**

The Nation, upon receipt of a written notice from the State ("Notice"), shall provide the State on-site access to all environmental records in the possession and control of the Citizen Potawatomi Nation Department of Environmental Protection relative to the Nation's monitoring, standards development, compliance assurance, permitting, and enforcement for the purpose of allowing the State to monitor the Nation's application and enforcement of mutual environmental standards ("Monitoring Event").

As provided in the Oklahoma Open Records Act, the State, in turn, shall upon receipt of a written notice from the Nation provide the Nation on-site access to all public records in the possession and control of the State and its agencies relative to the State's monitoring, standards development, compliance assurance, permitting, and enforcement.

The Notice shall state the specific nature of the Monitoring Event, proposed date and time, and name(s) of person(s) who will be in attendance. The Notice shall be received by the producing party at least 5 business days prior to the proposed Monitoring Event.

### **V. Duration**

This Agreement shall remain in effect for a term of four years from the date of its signing. At the end of such term and of each successive four-year term, the Agreement shall be automatically renewed unless a party, at least 60 days prior to that date, provides written notice to the other party of its intention not to renew.

Either party may for good cause withdraw from the Agreement with written notice to the other party at least 60 days prior to the effective date of such withdrawal. If the other party objects to the withdrawal, the question of the existence of good cause shall be submitted to arbitration. Unless the parties agree otherwise, the parties shall each choose one arbitrator from the roster of the American Arbitration Association. The arbitrators shall then choose a third arbitrator who shall chair the proceedings. The proceedings shall be governed by the rules of the American Arbitration Association. Expenses of the arbitration shall be borne equally by the parties.

### **VI. Sovereign Immunity and Concurrent Jurisdiction**

The parties agree that any action for the enforcement of this Agreement may only be brought in the United States District Court for the Western District of Oklahoma. The only remedy available in such an action shall be declaratory and injunctive relief. Other than the foregoing, nothing in this Agreement shall be interpreted as consent to suit or a waiver of the sovereign immunity of the State of Oklahoma or the Citizen Potawatomi Nation.



Nothing in this Agreement shall serve to limit or abridge the State's authority to enforce the State's civil or criminal statutes as they now apply within the State of Oklahoma under the general principles of federal Indian law.

**VII. Treatment as a State**

The State and its agencies will not oppose TAS over tribal trust lands if required for the furtherance of Public Law 109-59 Section 10211 (b)(2) by the EPA. The Nation will provide the appropriate State agency 30 days notice prior to application for TAS to discuss jurisdiction and other issues.

The Parties enter upon this Agreement with the understanding that any TAS approval by EPA be conditioned upon the compliance with and continuance in force of this Agreement. The parties agree that if any TAS approval is not so conditioned, this agreement shall automatically terminate.

In the event that the Agreement should terminate (either upon non-renewal at the end of the four-year term or upon withdrawal of the State or the Nation for good cause or for the failure of EPA to condition TAS approval as agreed), the Parties' obligations under it shall cease. The parties agree that notice to EPA of the termination of this agreement shall constitute a request by both parties for withdrawal of any TAS approvals and any approved tribal environmental regulatory programs.

IN WITNESS WHEREOF, the parties have entered into this Agreement on this 22 day of December, 2009.

CITIZEN POTAWATOMI NATION

BY: John A. Barrett  
The Honorable John A. Barrett, Chairman

STATE OF OKLAHOMA

BY: Brad Henry  
The Honorable Brad Henry,  
Governor

BY: Duane Smith  
Duane Smith, Executive Director  
Oklahoma Water Resources Board

BY: Steve Thompson  
Steve Thompson, Executive Director  
Oklahoma Department of Environmental  
Quality

CITIZEN POTAWATOMI NATION  
OFFICE OF THE TRIBAL CHAIRMAN



EXECUTIVE ORDER

08-06

**WHEREAS,** Article 6, Section 2 of the Constitution of the Citizen Potawatomi Nation, requires "It shall be the duty of the Chairman to preside at all meetings of Council and the Business Committee and perform all duties appertaining to the office, and the Chairman shall see that the laws of the Tribe are faithfully enforced. The Chairman shall have general supervision of the affairs of the Council and of the Business Committee."; and,

**WHEREAS,** the Nation has adopted all of the State of Oklahoma's environmental standards and substantive rules as its own pursuant to Tribal Resolution No. 07-73;

**NOW THEREFORE, I,** John A. Barrett, Tribal Chairman of the Citizen Potawatomi Nation, by virtue of the power and authority vested in me by the Constitution and laws of the Citizen Potawatomi Nation, do hereby order and direct:

The Citizen Potawatomi Nation Department of Environmental Protection shall adopt all of the State of Oklahoma's environmental standards and substantive rules as its own pursuant to Resolution No. 07-73; and

The Citizen Potawatomi Nation Department of Environmental Protection shall incorporate by reference any new such environmental standards and substantive rules as the State of Oklahoma may enact; and

The Citizen Potawatomi Nation Department of Environmental Protection is hereby directed to enforce all of the State of Oklahoma's environmental standards and substantive rules as its own; and

This Executive Order is hereby incorporated by reference into the Cooperative Agreement with the State of Oklahoma.

This executive order shall supersede all previous executive orders on the same issue and shall remain in effect for the term of the Cooperative Agreement with the State of Oklahoma.

Given under my hand this 24 day of June, 2008.

  
John A. Barrett, Chairman



# CITIZEN POTAWATOMI NATION



RESOLUTION # 07-73

A RESOLUTION AUTHORIZING THE CITIZEN POTAWATOMI NATION TO ENTER INTO A COOPERATIVE AGREEMENT AS DESCRIBED IN PUBLIC LAW 109-59 SECTION 10211 WITH THE STATE OF OKLAHOMA FOR COMPLIANCE ASSURANCE, PERMITTING, AND ENFORCEMENT OF IDENTICAL ENVIRONMENTAL STATUTES AND STANDARDS AS THAT OF THE STATE OF OKLAHOMA WITHIN CITIZEN POTAWATOMI NATION INDIAN COUNTRY

WHEREAS, the Citizen Potawatomi Nation is a federally recognized Tribe of American Indians with Constitutional authority under the Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1967); and

WHEREAS, the Citizen Potawatomi Nation has sovereign powers that are inherent in Tribal tradition, derived from a history of organized self-government since time immemorial, and recognized by treaties with the United States and in the Constitution of the United States; and

WHEREAS, Article 7, Section 2 of the Citizen Potawatomi Nation Constitution provides for a separation of powers in the Tribal government by specific limitations on the powers of the Business Committee and by the reservation and delegation of specific powers to other entities of the Tribal government, with all other general powers embodied in the Business Committee "to enact legislation, transact business, and otherwise speak and act on behalf of the Citizen Potawatomi Nation in all matters on which the Nation is empowered to act now or in the future;" and

WHEREAS, the Citizen Potawatomi Nation seeks to retain compliance assurance, permitting, and enforcement of the State of Oklahoma's environmental statutes and standards within Citizen Potawatomi Nation Indian Country; and

WHEREAS, the Citizen Potawatomi Nation hereby adopts environmental statutes and standards identical to those of the State of Oklahoma; and


CITIZEN POTAWATOMI NATION


WHEREAS, pursuant to Public Law 109-59 Section 10211, in order for an Indian Tribe to have the same federally delegated program authority as that of the State of Oklahoma, it is a requisite that the Indian Tribe enter into a Cooperative Agreement with the State of Oklahoma.

NOW, THEREFORE, BE IT RESOLVED, that a resolution authorizing the Citizen Potawatomi Nation to enter into a Cooperative Agreement as described in Public Law 109-59 Section 10211 with the State of Oklahoma for compliance assurance, permitting, and enforcement of identical environmental statutes and standards as that of the State of Oklahoma within Citizen Potawatomi Nation Indian Country IS HEREBY AUTHORIZED.

CERTIFICATION

We, the members of the Business Committee of the Citizen Potawatomi Nation do hereby certify that the above is a true and exact copy of Resolution POTT # 07-73, as approved on the 17<sup>th</sup> day of January, 2007, with 5 voting for, 0 opposed, 0 absent, and 0 abstentions.

  
\_\_\_\_\_  
John A. Barrett  
Chairman

  
\_\_\_\_\_  
D. Wayne Trousdale  
Secretary-Treasurer



# EXHIBIT 3

January 13, 2011  
Decision Document, U.S. EPA  
Region 6

(CWA §§303(c)/401)

**DECISION DOCUMENT**

**APPROVAL OF COOPERATIVE AGREEMENT RELATING TO  
ENVIRONMENTAL PROGRAMS FOR THE CITIZEN POTAWATOMI  
NATION**

**U.S. EPA REGION 6**

January 13, 2011



## **I. Introduction**

### **A. Purpose and Background**

The purpose of this Decision Document is to provide the basis and supporting information for the U.S. Environmental Protection Agency's (EPA) approval of the Environmental Cooperative Agreement Between the Citizen Potawatomi Nation (the "Nation") and the State of Oklahoma<sup>1</sup> ("Cooperative Agreement") under The Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 (SAFETEA) (Public Law 109-59, 119 Stat. 1144 (August 10, 2005)). Under Section 10211(b)(2) of SAFETEA, EPA's approval of the Cooperative Agreement is a requirement for the Nation to seek treatment in a manner similar to a state (TAS) for a regulatory program under a federal environmental statute administered by the EPA. EPA's determination only addresses approval of the Cooperative Agreement pursuant to the requirements of SAFETEA and does not address the Nation's eligibility for TAS status, funding or program eligibility under federal law.

### **B. Cooperative Agreement**

On December 22, 2009, the Nation, through signature of its Chairman, and the State of Oklahoma Water Resources Board (OWRB) and the Oklahoma Department of Environmental Quality (ODEQ), through signatures of their respective Executive Directors, entered into a cooperative agreement to comply with the requirement of Section 10211(b)(2) of SAFETEA. The Cooperative Agreement recognizes the sovereign status of the Nation and the State of Oklahoma and expresses the parties' agreement for the regulation of environmental quality on lands governed pursuant to their respective jurisdictions. Under the Cooperative Agreement, the Nation agreed to adopt environmental standards and substantive rules identical to those in Oklahoma and to provide for automatic incorporation by reference in the event the State's standards or rules are amended. The Nation agreed to enforce the standards and rules on trust lands within the jurisdiction of the Nation and within the regulatory authority of the Citizen Potawatomi Nation Department of Environmental Protection.

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<sup>1</sup> We note that the Cooperative Agreement is styled as an agreement between the Citizen Potawatomi Nation and the State of Oklahoma and is signed by the Governor of Oklahoma. For purposes of Section 10211(b)(2) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 (SAFETEA) which explicitly requires an agreement between the State agency or agencies responsible for the environmental program and the Tribe, this Cooperative Agreement is signed by the Chairman of the Citizen Potawatomi Nation and the Executive Directors of the Oklahoma Water Resources Board and the Oklahoma Department of Environmental Quality, as well as the Governor of the State.

### **C. Chronology of Events**

December 22, 2009 - the Nation, OWRB, and ODEQ entered into an Environmental Cooperative Agreement to comply with SAFETEA Section 10211(b)(2).<sup>2</sup>

April 9, 2010 - EPA received a copy of the Cooperative Agreement from the Nation requesting EPA's review and approval under SAFETEA Section 10211(b)(2).

August 10, 2010 - EPA published a Notice of Public Hearing in two local newspapers, the Daily Oklahoman and the Shawnee News-Star.

September 7, 2010 - EPA held a public hearing regarding the Cooperative Agreement at the Citizen Potawatomi National Heritage Center in Shawnee Oklahoma. During that hearing, The Chairman of the Citizen Potawatomi Nation made a statement. In addition, EPA received comments from the Oklahoma Farm Bureau, the Oklahoma Independent Petroleum Association and an individual representing Crawley Petroleum expressing agreement with the Oklahoma Independent Petroleum Association.

September 21, 2010 - EPA received written comments from the Joint Committee on State-Tribal Relations of the Oklahoma State Legislature (Joint Committee) signed by Senator Mike Johnson, Vice Chairman of the Joint Committee, and Senator A. Bryce Marlatt.

## **II. Requirements Under SAFETEA**

The SAFETEA requires that tribes in Oklahoma seeking TAS status for a regulatory program under a federal environmental statute administered by EPA must enter into a cooperative agreement with relevant agency(ies) of the State of Oklahoma. Section 10211(b)(2) provides that EPA may only treat a tribe within the State of Oklahoma as a state under an applicable federal law if: 1) the tribe meets the legal requirements for TAS, and 2) the tribe and state agency with federally-delegated program authority enter into a cooperative agreement under which they agree to the tribe's TAS status and to jointly plan to administer program requirements. The cooperative agreement is subject to EPA review and approval after notice and an opportunity for public hearing.

As described above, on December 22, 2009, the Nation, OWRB, and ODEQ, entered into a cooperative agreement to comply with the requirement of SAFETEA Section 10211(b)(2). The Nation, a federally-recognized tribe located within the State of Oklahoma, and the OWRB and

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<sup>2</sup> As indicated previously, the Governor of the State of Oklahoma also signed the Cooperative Agreement. Because the provisions of SAFETEA require signature only of the agency responsible for implementing environmental programs, the Governor's signature is not relevant to this decision.

ODEQ, which administer EPA-approved programs under federal environmental laws for the State of Oklahoma, were proper signatories under SAFETEA Section 10211(b)(2).

The Cooperative Agreement states that the Nation intends to seek TAS status and that OWRB and ODEQ agree not to oppose TAS status over tribal trust lands. It further documents the details of the agreement between the Nation and the State agencies regarding potential TAS applications. In addition, it sets out the terms by which the Nation, OWRB, and ODEQ agree to jointly administer environmental program requirements. Specifically, under the Cooperative Agreement, the Nation agrees to adopt the State's environmental standards and substantive rules as its own, to enforce those standards on tribal trust lands, and to share information regarding permitting, enforcement, monitoring and compliance. The State agencies agree to notify the Nation of all proposed changes to the State's standards and rules and to consider potential changes to such standards and rules as may be suggested by the Nation to accommodate unique conditions that may exist on the Nation's trust lands and to meet federal statutory and regulatory requirements. The Cooperative Agreement also includes provisions for the sharing of information between the parties as well as procedures to resolve issues regarding the interpretation of regulatory requirements.

EPA believes that the various provisions in this Cooperative Agreement satisfy the requirements of SAFETEA Section 10211(b)(2) by demonstrating the parties' agreement regarding potential TAS applications by the Nation and by providing for the joint planning to administer of environmental programs. EPA notes that Section 10211(b)(2) includes no explicit requirements regarding the provisions by which an Indian tribe in Oklahoma and the State's agencies agree to jointly plan and administer environmental programs. EPA believes that the statute provides significant flexibility for the parties to develop agreements that suit their particular needs and the environmental programs they intend to cover. In this case, the Nation has agreed to adopt the State of Oklahoma's standards and rules, and the State has agreed to consider changes to their standards and rules suggested by the Nation, as elements of their joint cooperative efforts. However, EPA notes that the SAFETEA requirement is amenable to other approaches that may better suit the particular needs of other tribes or areas of Indian country in Oklahoma. As the Cooperative Agreement recognizes, any subsequent applications by the Nation for TAS or for EPA approval of a regulatory program will need to satisfy federal statutory and regulatory requirements, including both substantive and procedural requirements, and EPA will review any such applications on a case-by-case basis to ensure satisfaction of federal requirements. EPA believes it is important for tribes in Oklahoma and the State's agencies to provide sufficient flexibility in their cooperative efforts to adapt environmental programs to meet the unique circumstances of Indian country communities and environments and thus to help ensure that regulatory programs submitted by tribes in Oklahoma meet federal requirements.

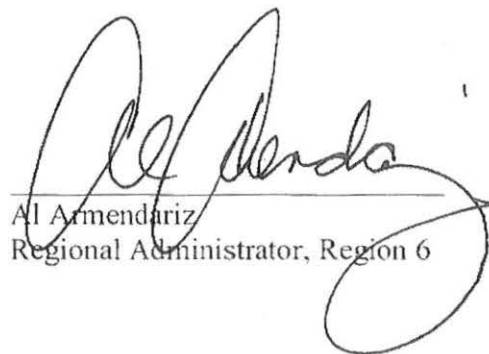


### **III. Response to Comments**

On August 10, 2010, EPA published notice of a public hearing on the Cooperative Agreement. The Public Hearing was held on September 7, 2010, at the Citizen Potawatomi National Heritage Center in Shawnee Oklahoma. EPA received written comments from the Oklahoma Farm Bureau and the Oklahoma Independent Petroleum Association during the hearing, and received written comments from the Joint Committee on State-Tribal Relations of the Oklahoma State Legislature (Joint Committee) following the hearing on September 21, 2010. EPA considered all comments in making its determination to approve the Cooperative Agreement under SAFETEA Section 10211(b)(2). A summary of the comments and EPA's responses is attached to this Decision Document.

### **IV. Conclusion**

EPA concludes that the Nation has met the requirements of SAFETEA Section 10211(b)(2) by entering into a Cooperative Agreement with OWRB and ODEQ outlining the parties' agreement regarding the joint planning and administration of environmental programs within the State of Oklahoma and the Nation's tribal trust lands.



Al Armendariz  
Regional Administrator, Region 6

# EXHIBIT 4

March 1, 2011  
CPN TAS Notification to State

(CWA §§303(c)/401)

CHAIRMAN  
John A. Barrett



SECRETARY-TREASURER  
D. Wayne Trousdale

## CITIZEN POTAWATOMI NATION

March 1, 2011

**VIA US CERTIFIED MAIL**

Steven Thompson, Executive Director  
Oklahoma Department of Environmental Quality  
707 N. Robinson  
P.O. Box 1677  
Oklahoma City, Oklahoma 73101-1677

Re: Treatment in the Same Manner as a State

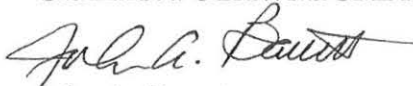
Dear Mr. Thompson:

In keeping with the EPA-approved Environmental Cooperative Agreement and the agreements between the Citizen Potawatomi Nation and the ODEQ, this letter is the statutory-mandated notification that the Citizen Potawatomi Nation intends to apply for "Treatment in the Same Manner as a State" for delegation of all eligible federal environmental regulatory programs.

I am grateful for your department's advice and consent to our agreement to mirror Oklahoma's enforcement of environmental regulations in our conduct as regulators of all eligible federal environmental regulatory programs within the federal trust land jurisdiction of the Citizen Potawatomi Nation. In keeping with the objectives of Senator Inhofe in his attachment to the 2005 Omnibus Transportation Bill, our agreement avoids subjecting Oklahoma citizens and businesses to multiple environmental regulatory enforcement standards. We look forward to our agreed upon consultations and documentation transparency in accomplishing this goal.

Thank you for your help in this agreement. We hope it becomes the standard for Oklahoma's agreements with other qualified Oklahoma tribes to eliminate the dilemma we face in complying with conflicting federal legislative mandates and tribal sovereignty.

Respectfully,  
CITIZEN POTAWATOMI NATION

  
John A. Barrett  
Tribal Chairman



CHAIRMAN  
John A. Barrett



SECRETARY-TREASURER  
D. Wayne Trousdale

## CITIZEN POTAWATOMI NATION

March 1, 2011

Mr. J.D. Strong  
Executive Director  
Oklahoma Water Resources Board  
3800 N. Classen Blvd.  
Oklahoma City, Oklahoma 73118

Re: Treatment in the Same Manner as a State

Dear Mr. Strong:

In keeping with the EPA-approved Environmental Cooperative Agreement and the agreements between the Citizen Potawatomi Nation and the OWRB, this letter is the statutory-mandated notification that the Citizen Potawatomi Nation intends to apply for "Treatment in the Same Manner as a State" for delegation of all eligible federal environmental regulatory programs.

I am grateful for your department's advice and consent to our agreement to mirror Oklahoma's enforcement of environmental regulations in our conduct as regulators of all eligible federal environmental regulatory programs within the federal trust land jurisdiction of the Citizen Potawatomi Nation. In keeping with the objectives of Senator Inhofe in his attachment to the 2005 Omnibus Transportation Bill, our agreement avoids subjecting Oklahoma citizens and businesses to multiple environmental regulatory enforcement standards. We look forward to our agreed upon consultations and documentation transparency in accomplishing this goal.

Thank you for your help in this agreement. We hope it becomes the standard for Oklahoma's agreements with other qualified Oklahoma tribes to eliminate the dilemma we face in complying with conflicting federal legislative mandates and tribal sovereignty.

Respectfully,  
CITIZEN POTAWATOMI NATION

A handwritten signature in black ink, appearing to read "John A. Barrett", is written over the printed name.

John A. Barrett  
Tribal Chairman

# EXHIBIT 5

January 12, 2015

CPN TAS Follow-up Letters to  
State

(CWA §§303(c)/401)

CHAIRMAN  
John A. Barrett  
VICE CHAIRMAN  
Linda Capps  
SECRETARY-TREASURER  
D. Wayne Trousdale



Jbarrett@potawatomi.org  
Lcapps@potawatomi.org  
Dtrousdale@potawatomi.org

## CITIZEN POTAWATOMI NATION

January 12, 2015

J. D. Strong  
Executive Director  
Oklahoma Water Resources Board  
3800 North Classen Blvd.  
Oklahoma City, OK 73118

Scott Thompson  
Executive Director  
Oklahoma Department of Environmental Quality  
707 N. Robinson, Ste. 7100  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

Re: Treatment in the Same Manner as a State (TAS)

Mr. Strong and Mr. Thompson:

This letter is a follow up to Chairman John A. Barrett's March 1, 2011 notification letter regarding federal environmental regulatory TAS. On September 12, 2014, the Tribe submitted a TAS application to the U.S. Environmental Protection Agency (EPA) for Clean Water Act Sections 303(c) Water Quality Standards and 401 Water Quality Certification programs. The TAS application is currently under initial review by the EPA.

If you would like to discuss, please contact me at (405) 275-3121.

Respectfully,

CITIZEN POTAWATOMI NATION

GREGORY M. QUINLAN  
TRIBAL ATTORNEY



# EXHIBIT 6

April 14, 2015

State TAS Non-Renewal to  
CPN

(CWA §§303(c)/401)



April 14, 2015

**Via Certified Mail, Return Receipt Requested**

John A. Barrett, Tribal Chairman  
Citizen Potawatomi Nation  
1601 Gordon Cooper Dr.  
Shawnee, OK 74801

Re: State of Oklahoma's Notice of Intention to Not Renew Environmental Cooperative Agreement

Dear Chairman Barrett:

On December 22, 2009, the State of Oklahoma entered into an environmental cooperative agreement with the Citizen Potawatomi Nation ("CPN"). See "Environmental Cooperative Agreement between the Citizen Potawatomi Nation and the State of Oklahoma" dated December 22, 2009 ("ECA")(attached). On behalf of the State of Oklahoma, the ECA was executed by the Honorable Brad Henry, then Governor of the State of Oklahoma, Duane Smith, then Executive Director of the Oklahoma Water Resources Board ("OWRB"), and Steve Thompson, then Executive Director of the Oklahoma Department of Environmental Quality ("ODEQ").

The purpose of the ECA was to recognize the sovereign status of the State of Oklahoma and CPN, and to acknowledge the requirements of § 10211(b)(2) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 ("SAFETEA-LU"), Public Law 109-59, 119 Stat. 1144 (Aug. 10, 2005). Section V (Duration) of the ECA provides:

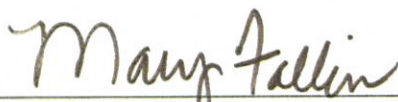
This Agreement shall remain in effect for a term of four years from the date of its signing. At the end of such term and of each successive four-year term, the Agreement shall be automatically renewed unless a party, at least 60 days prior to that date, provides written notice to the other party of its intention not to renew.

See ECA § V. The ECA was signed by the parties on December 22, 2009; therefore, the original four-year term expired on December 22, 2013. The current four-year term of the ECA, which arguably renewed automatically by function of the agreement, would expire on or about December 22, 2017. The purpose of this letter is to provide written notice of the intention of the State of Oklahoma and its agencies, the ODEQ and the OWRB, to not renew the ECA at the end of this current four-year term.

John A. Barrett, Tribal Chairman  
Citizen Potawatomi Nation  
April 14, 2015  
Page 2

Although the State of Oklahoma continues to recognize the sovereign status of CPN and desires to continue working with CPN on issues benefiting the citizens of the State of Oklahoma (including tribal members), this written notice will preclude the "continuance in force" of the ECA. If you would like to discuss this notice of intention to not renew the ECA, please contact Steve Mullins, General Counsel, Office of the Governor, at (405) 521-2342.

Sincerely,



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The Honorable Mary Fallin  
Governor of the State of Oklahoma



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J.D. Strong  
Executive Director  
Oklahoma Water Resources Board



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Scott A. Thompson, Executive Director  
Oklahoma Department of Environmental Quality

cc: Ron Curry, Regional Administrator, U.S. EPA Region 6  
Suzanne Murray, Regional Counsel, U.S. EPA Region 6

# EXHIBIT 7

## CPN Federal Recognition

79 F.R. at 4749  
(January 29, 2014)

(CWA §319 and §§303(c)/401)



**Respondents:** Owners and operators of small passenger vessels.

**Frequency:** Annually and on occasion.

**Burden Estimate:** The estimated burden has increased from 379,784 hours to 399,420 hours a year due to an increase in the estimated annual number of respondents.

2. **Title:** Plan Approval and Records for Subdivision and Stability Regulations—Title 46 CFR Subchapter S.

**OMB Control Number:** 1625–0064.

**Summary:** The regulations require owners, operators, or masters of certain inspected vessels to obtain and/or post various documents as part of the Coast Guard commercial vessel safety program.

**Need:** Title 46 U.S.C. 3306 authorizes the Coast Guard to prescribe rules for the safety of certain vessels. Title 46 CFR Subchapter S contains the rules regarding subdivision and stability.

**Forms:** N/A.

**Respondents:** Owners, operators, or masters of vessels.

**Frequency:** On occasion.

**Burden Estimate:** The estimated burden has decreased from 13,624 hours to 10,639 hours a year due to a decrease

in the average annual number of respondents.

Dated: January 23, 2014.

**R.E. Day,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.*

[FR Doc. 2014–01726 Filed 1–28–14; 8:45 am]

**BILLING CODE 9110–04–P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS–R1–ES–2014–N017;  
FXES11130100000–145–FF01E00000]

**Endangered Species; Issuance of Permits**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of issuance of permits.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have issued the following permits to conduct certain activities with endangered species under the authority of the Endangered Species Act, as amended (Act).

**ADDRESSES:** Program Manager for Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE. 11th Avenue, Portland, OR 97232–4181.

**FOR FURTHER INFORMATION CONTACT:** Colleen Henson, Fish and Wildlife Biologist, at the above address or by telephone (503–231–6131) or fax (503–231–6243).

**SUPPLEMENTARY INFORMATION:** We have issued the following permits to conduct activities with endangered species in response to recovery and interstate commerce permit applications we received under the authority of section 10 of the Act (16 U.S.C. 1531 *et seq.*). These permits were issued between July 1 and December 31, 2013. Each permit listed below was issued only after we determined that it was applied for in good faith; that granting the permit would not be to the disadvantage of the listed species; that the proposed activities were for scientific research or would benefit the recovery or the enhancement of survival of the species, and that the terms and conditions of the permit were consistent with the purposes and policy set forth in the Act.

Applicant	Permit No.	Date issued	Date expires
Bonneville Power Administration .....	037151	07/31/2013	06/30/2014
Bureau of Land Management .....	005901	12/09/2013	10/14/2016
Directorate of Public Works, U.S. Army .....	043638	09/30/2013	12/18/2015
Ha, Renee Robinette .....	09155B	10/31/2013	10/30/2016
Hammond, Paul C .....	212061	07/03/2013	05/25/2017
Hawaii Volcanoes National Park .....	018078	07/03/2013	06/27/2016
Hoku'akua, LLC .....	07458B	11/18/2013	11/17/2018
Lomnick, Gregg A .....	103595	08/29/2013	08/28/2017
NOAA/NMFS Pacific Islands Fisheries Science Center .....	72088A	07/15/2013	12/31/2017
Rock, Dennis F .....	99618A	08/29/2013	03/12/2014
U.S. Geological Survey .....	08551B	07/15/2013	12/31/2016
USDA Forest Service .....	010354	07/08/2013	05/23/2017
USDA Forest Service, Institute of Pacific Islands Forestry .....	06459B	11/18/2013	11/17/2017

**Availability of Documents**

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents (see **FOR FURTHER INFORMATION CONTACT**).

**Authority**

We provide this notice under the authority of section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Dated: January 22, 2014.

**Richard Hannan,**

*Acting Regional Director, Pacific Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2014–01717 Filed 1–28–14; 8:45 am]

**BILLING CODE 4310–55–P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

[145A2100DD/A0T500000.000000/  
AAK3000000]

**Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the current list of 566 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. The list is updated from the notice published on May 6, 2013 (78 FR 26384).

**FOR FURTHER INFORMATION CONTACT:** Gail Veney, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 4513–MIB, 1849 C Street NW., Washington, DC 20240. Telephone number: (202) 513–7641.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103–454; 108 Stat. 4791, 4792),



and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below is a list of federally acknowledged tribes in the contiguous 48 states and Alaska.

Amendments to the list include name changes and name corrections. To aid in identifying tribal name changes and corrections, the tribe's previously listed or former name is included in parentheses after the correct current tribal name. We will continue to list the tribe's former or previously listed name for several years before dropping the former or previously listed name from the list.

The listed Indian entities are acknowledged to have the immunities and privileges available to federally recognized Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of complex Native names.

Dated: January 22, 2014.

**Kevin K. Washburn,**

*Assistant Secretary—Indian Affairs.*

**Indian Tribal Entities Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**

- Absentee-Shawnee Tribe of Indians of Oklahoma
- Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
- Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona
- Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas)
- Alabama-Quassarte Tribal Town
- Alturas Indian Rancheria, California
- Apache Tribe of Oklahoma
- Arapaho Tribe of the Wind River Reservation, Wyoming
- Aroostook Band of Micmacs (previously listed as the Aroostook Band of Micmac Indians)
- Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
- Augustine Band of Cahuilla Indians, California (previously listed as the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation)
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
- Bay Mills Indian Community, Michigan
- Bear River Band of the Rohnerville Rancheria, California
- Berry Creek Rancheria of Maidu Indians of California
- Big Lagoon Rancheria, California
- Big Pine Paiute Tribe of the Owens Valley (previously listed as the Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California)
- Big Sandy Rancheria of Western Mono Indians of California (previously listed as the Big Sandy Rancheria of Mono Indians of California)
- Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
- Bishop Paiute Tribe (previously listed as the Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California)
- Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
- Blue Lake Rancheria, California
- Bridgeport Indian Colony (previously listed as the Bridgeport Paiute Indian Colony of California)
- Buena Vista Rancheria of Me-Wuk Indians of California
- Burns Paiute Tribe (previously listed as the Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon)
- Cabazon Band of Mission Indians, California
- Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
- Caddo Nation of Oklahoma
- Cahto Tribe of the Laytonville Rancheria
- Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
- California Valley Miwok Tribe, California
- Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
- Capitan Grande Band of Diegueno Mission Indians of California: (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California)
- Catawba Indian Nation (aka Catawba Tribe of South Carolina)
- Cayuga Nation
- Cedarville Rancheria, California
- Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
- Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
- Cherokee Nation
- Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma)
- Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
- Chicken Ranch Rancheria of Me-Wuk Indians of California
- Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
- Chitimacha Tribe of Louisiana
- Citizen Potawatomi Nation, Oklahoma**
- Cloverdale Rancheria of Pomo Indians of California
- Cocopah Tribe of Arizona
- Coeur D'Alene Tribe (previously listed as the Coeur D'Alene Tribes of the Coeur D'Alene Reservation, Idaho)
- Cold Springs Rancheria of Mono Indians of California
- Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
- Comanche Nation, Oklahoma
- Confederated Salish and Kootenai Tribes of the Flathead Reservation
- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation)
- Confederated Tribes of the Chehalis Reservation
- Confederated Tribes of the Colville Reservation
- Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
- Confederated Tribes of the Goshute Reservation, Nevada and Utah
- Confederated Tribes of the Grand Ronde Community of Oregon
- Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon)
- Confederated Tribes of the Warm Springs Reservation of Oregon
- Coquille Indian Tribe (previously listed as the Coquille Tribe of Oregon)
- Cortina Indian Rancheria of Wintun Indians of California
- Coushatta Tribe of Louisiana
- Cow Creek Band of Umpqua Tribe of Indians (previously listed as the Cow Creek Band of Umpqua Indians of Oregon)
- Cowlitz Indian Tribe
- Coyote Valley Band of Pomo Indians of California
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Crow Tribe of Montana
- Death Valley Timbi-sha Shoshone Tribe (previously listed as the Death Valley Timbi-Sha Shoshone Band of California)
- Delaware Nation, Oklahoma
- Delaware Tribe of Indians
- Dry Creek Rancheria Band of Pomo Indians, California (previously listed as the Dry Creek Rancheria of Pomo Indians of California)
- Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada

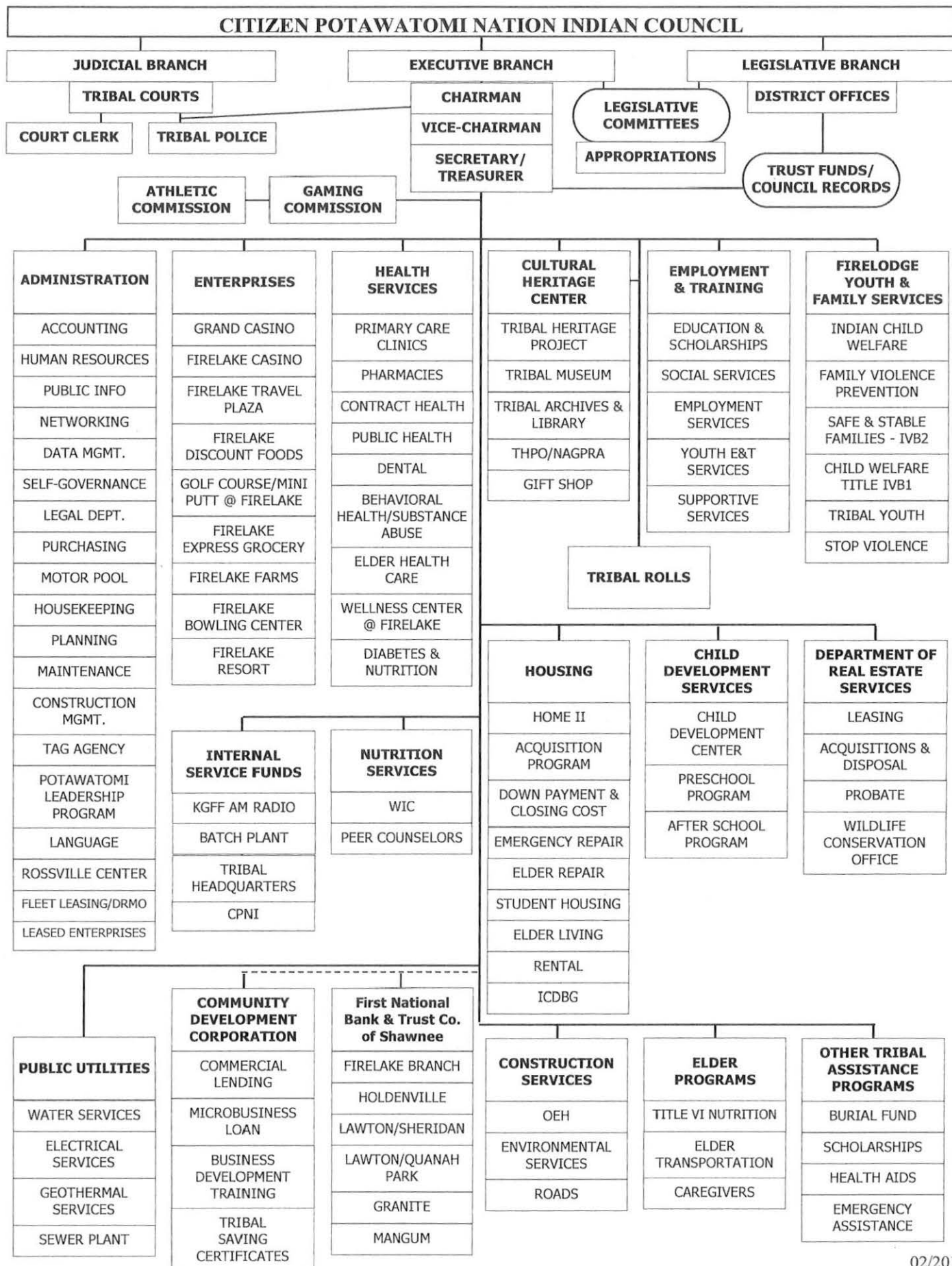
# EXHIBIT 8

## CPN Organizational Chart

(CWA §319 and §§303(c)/401)



# CITIZEN POTAWATOMI NATION ORGANIZATIONAL CHART





# EXHIBIT 10

## 1873 Survey of CPN Reservation

## 1873 Survey of Citizen Potawatomi Nation Reservation

Beginning at a point on the right bank of the north fork of the Canadian River, in section twenty-one, of township eleven north, range five east, where the western boundary line of the Seminole Reservation strikes said river; thence south with said boundary line to the left bank of the Canadian River; thence up said river along the left bank thereof, to a point on said left bank, in the northeast quarter of section thirty-six, township six north, range one west, thirty-nine chains and eighty-two links (by the meanders of the river west), from the point where the Indian meridian intersects said river, or thirty-eight chains and fifty-two links due west from said Indian meridian; thence north as run by O. T. Morrill, under his contract of September third, eighteen hundred and seventy-two, to a point on the right bank of the north fork of the Canadian River; thence down said river, along the right bank thereof, to the place of beginning, comprising the following, viz:

Fractional township five north, ranges one, two, three, four, and five east, north of the Canadian river. Fractional township six north, ranges one, three, four, and five east, north of the Canadian River. Township six north, range two east.

Townships seven, eight, and nine, ranges one, two, three, and four east. Fractional townships seven, eight, and nine north, range five east.

Townships ten and eleven north, range one east. Fractional township ten north, ranges two, three, and four east, south of the north fork of the Canadian River. Fractional township ten north, range five east. Fractional township eleven north, ranges two, three, four, and five east, south of the north fork of the Canadian River. Fractional township twelve north, ranges one and two east, south of North Fork of the Canadian River.

Also that portion of sections one, twelve, thirteen, twenty-four, and twenty-five, and section thirty-six, north of the Canadian River in township six north, range one west, lying east of the western boundary line of the said Pottawatomie Reservation as shown by the Morrill survey, and that portions of sections one, twelve, thirteen, twenty-four, twenty-five and thirty-six, in townships seven, eight, nine, ten, and eleven north, range one west, lying east of the western boundary line aforesaid, and that portion of sections one and twelve south of the north fork of the Canadian River, and sections thirteen, twenty-four, twenty-five, and thirty-six, in township twelve north, range one west, lying east of the western boundary line

aforesaid, containing an area of five hundred and seventy-five thousand eight hundred and seventy and forty-two one hundredths, acres of land.