



EPA Region 10 Tribal Operations Committee (RTOC)
P.O. Box 689
Spokane, Washington 99210
www.region10rtoc.net

April 21, 2026

Honorable Lee M. Zeldin, Administrator
Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Rulemaking to Rescind the 2024 Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights

Dear Administrator Zeldin:

This letter is sent on behalf of the Tribal Caucus members of EPA Region 10's Tribal Operations Committee ("RTOC"). This letter is not sent on behalf of EPA Region 10 or any employees of EPA, but solely tribal government representatives of the RTOC. This letter in response to the U.S. Environmental Protection Agency's ("EPA") Rulemaking to Rescind the 2024 Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights (the "Tribal Reserved Rights Rule," or "Rule"), 89 Fed. Reg. 35717 (May 2, 2024), amending 40 C.F.R. § 131.

The RTOC submits these comments to reiterate their continued support for the Tribal Reserved Rights Rule. Clean water is essential to many Tribes, not just as a source of sustenance, but also for cultural, medicinal, and spiritual reasons. The protection of water quality is vital to the survival of Tribes. The RTOC strongly believes that EPA must engage in consultation on a government-to-government basis with tribal governments to fully understand the impact of the proposed changes to the Clean Water Act's regulations on treaty rights, tribal communities, and tribal resources. Webinars, comment letter, and phone calls are not consultation. EPA officials must meet face-to-face with tribal elected officials to comply with their obligations to consult.

Tribal communities, for whom fishing is critical not only for subsistence, but for cultural and commercial purposes will be most affected by changes to the Tribal Reserved Rights Rule. Sharing and eating fish is an integral part of Tribal culture, religion and social fabric in Region 10, and it is well-documented that Tribal communities consume fish at a higher-than-average rate. Many

Tribes in Region 10 have treaty-protected rights to fish both on and off their reservation that preserve for all time the right to engage in commercial, subsistence, and ceremonial fishing. Tribes that rely on locally caught fish for subsistence are already subject to impacts associated with projects impacting water quality and will experience greater harm because of changes to the Tribal Reserved Rights Rule.

The Tribal Reserved Rights Rule is a well-considered, legally sound, and balanced regulation that accommodates Tribal, state, and federal interests. The Rule accomplishes this by ensuring the early consideration of federally protected Tribal rights in the WQS process by establishing a clear, predictable procedural roadmap that promotes transparency, supports cooperative federalism, and reduces litigation by establishing clear standards and procedures. Tribes overwhelmingly supported the Rule through its development.

The EPA conducted extensive consultation with Tribes during the initial rulemaking process, including two 90-day consultation periods before and after publication of the proposed rule. But EPA took no steps at all to consult with Tribes when it quickly decided to no longer defend the Tribal Reserved Rights Rule in fall 2025.

EPA still has not provided Tribes with an explanation for why it changed course and under what legal basis. EPA is now holding open a short 29-day Tribal consultation period to seek input from Tribes. Executive Order (EO) 13175, which requires Tribal consultation to be meaningful and timely and that federal agencies “shall respect Indian tribal self-government and sovereignty [and] honor tribal treaty and other rights.” The EPA Policy on Consultation with Indian Tribes, which demands that “EPA recognize[] the importance of respecting Tribal treaty or similar rights and its obligation to do so” and recognizes that “[c]onsultation should occur early enough to allow Tribes the opportunity to provide meaningful input that can be considered prior to EPA deciding whether, how, or when to act on the matter under consideration.” More extensive consultation is required with Tribes to explain why this action is proposed and how EPA will ensure that Tribal resources will be protected considering this proposed action.

The RTOC appreciates your consideration of these comments and specifically requests that EPA provide an update on this proposal at one of its meetings.

Sincerely,

Raymond Paddock

Raymond E. Paddock III
Central Council of the Tlingit and Haida Indian Tribes of Alaska
Region 10 Tribal RTOC Chair