



EPA should evaluate current state programs to ensure the same are being administered consistent with federal law before any state delegation of authority is considered. Such an evaluation should include identification of policy and enforcement gaps that could impact human health and the environment on Cherokee reservation lands, consistent with EPA policy and the federal trust responsibility owed to Indian tribes. A blanket delegation of EPA authority to the state to administer regulatory programs in Indian country – one that does not consider the real-world consequences to the air, land, water or people in the Cherokee Nation’s reservation – would be inconsistent with EPA’s mission and a misuse of its authority.

To the extent that EPA finds it necessary or appropriate to approve any current or future delegation of state authority under SAFETEA, the agency should impose appropriate conditions to protect the tribal interests on reservation lands. Among the conditions imposed should include a requirement that the State negotiate intergovernmental agreements or memorandums of understanding requiring collaboration with tribal governments whenever federal environmental programs are administered by the state on reservation lands or other Indian country as they term is defined in 18 USC §1151. Such agreements are not prohibited by SAFETEA and will provide a framework for cooperation and coordination that will improve the effectiveness of any state environmental programs administered on reservation lands.

The Cherokee Nation restates its commitment to protecting the environment within our reservation boundaries, and values its partnerships with state and federal environmental agencies. To this end, we look forward to continuing our intergovernmental engagement with the EPA and, where applicable, the State of Oklahoma.

Sincerely,

A handwritten signature in black ink that reads "Chuck Hoskin Jr." in a cursive, slightly slanted script.

Principal Chief Chuck Hoskin Jr.  
Cherokee Nation