



LITTLE RIVER BAND OF OTTAWA INDIANS  
NATURAL RESOURCES DEPARTMENT  
2608 Government Center Drive  
Manistee, MI 49660  
(231) 723-8288  
Fax (231) 723-8873

September 13, 2021

Re: Proposed Water Quality Standards Regulatory Revision to Protect Tribal Reserved Rights

Dear Ms. Nagle,

The Little River Band of Ottawa Indians (LRBOI) is a Federally Recognized Indian Tribe located in Manistee, Michigan. We are one of five political successors to signatories of the 1836 Treaty of Washington and have maintained the right to hunt, fish, and gather on an area that covers 13.8 million acres of Michigan and parts of three (3) Great Lakes. Through the 2000 Great Lakes Consent Decree and 2007 Inland Consent Decree continue to have these rights and the right co-manage these ceded lands. Protecting the environment and habitat of these resources is vital to protecting human health and the environment for the Little River Band of Ottawa Indians.

The LRBOI Natural Resources Department (LRBOI NRD) has reviewed proposed regulatory revision to protect tribal reserved rights in water quality standards promulgated by both states and Tribes. LRBOI faces regular threats to the hunting, fishing and gathering rights due to permitting of pollution in our treaty waters. LRBOI currently believes that the water quality standards in the State of Michigan do not fully protect the ability to hunt, fish and gather vital resources and medicines to protect the life ways of our citizens. A change into the regulatory statute of the clean water act to further require our partners at the State, Tribal and Federal level to include increased environmental protection of the environment that supports these reserved rights is vital to the long-term protection of the Treaty Right and is part of the inherit trust responsibility of the United States Protection Agency and the United States Government.

Overall LRBOI has one concern, it is if a State does not adhere to regular review of water quality standards through the triennial review process, including formal consultation lead by USEPA before changes to water quality standards are made, that EPA require all permits that are to be issued in reserved rights areas to be review and appropriately consulted by the regional office before issuance. This will allow for protection of Reserved Treaty Rights even if a State or Tribe is not complying with other requirements of the Clean Water Act.

This regulatory revision is vital to protecting Tribal Reserved Rights for perpetuity, and protecting human health and the environment for Tribes with reserved rights. If you have any questions or need clarification on our comments please contact Allison Smart, Environmental Division Manager at 231-398-2196 or [allisonsmart@lrboi-nsn.gov](mailto:allisonsmart@lrboi-nsn.gov).

Regards,

Allison M Smart  
Environmental Division Manager