



**Summary Report of Tribal Consultation
for the Proposed Rule:
Water Quality Standards
Regulatory Revisions
to Protect Tribal Reserved Rights**

U.S. Environmental Protection Agency

October 2021

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Introduction

This consultation report was prepared to support EPA's proposed rule *Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights*.

EPA initiated a 90-day pre-proposal tribal consultation and coordination period by sending a "Notification of Consultation and Coordination" letter on June 11, 2021, to all 574 federally recognized tribes as of that date. The consultation period began on June 15, 2021 and ended on September 13, 2021. EPA conducted the consultation and coordination process in accordance with the EPA Policy on Consultation and Coordination with Indian Tribes (<https://www.epa.gov/tribal/epa-policy-consultation-and-coordination-indian-tribes>).

In addition to two national tribal listening sessions held in July and August 2021, EPA presented at 20 meetings of tribal staff and leadership, held seven staff-level coordination/engagement meetings, and held seven leader-to-leader meetings. EPA continued outreach and engagement with tribes at national and regional tribal meetings after the end of the consultation period. EPA considered all pre-proposal tribal input received as it developed the proposed rule.

This report summarizes the consultation and outreach conducted with tribes prior to development of a proposed rule as well as comments provided by participants at tribal meetings and the written comments received during the pre-proposal tribal consultation period. The summary is intended to provide a description of the wide range of comments received from tribes and tribal organizations as part of this consultation process.

Consultation and Coordination

On June 11, 2021, EPA sent a Tribal Consultation Notification letter inviting tribal officials to participate in consultation and coordination events and provide comments to EPA. The letter (Appendix A) was sent to all 574 federally recognized tribes as of that date. EPA also notified tribes of the consultation via the Tribal Consultation Opportunities Tracking System on the EPA Tribal Portal (<http://tcots.epa.gov>). The letter invited tribal leaders and designated consultation representatives to participate in the tribal consultation and coordination process.

EPA consulted with tribes to gain an understanding of tribal views on a potential rulemaking to revise the federal water quality standards regulation to explain how tribal reserved rights to aquatic and aquatic-dependent resources must be protected when states and EPA are establishing and revising water quality standards and to solicit their comments on potential provisions of a proposed rule. Due to the ongoing pandemic, EPA participated in all meetings virtually.

The consultation period ended on September 13, 2021, though EPA continued outreach with tribes as well as consultation with individual tribes after the close of the consultation period. In addition, EPA continued to accept both individual requests for consultation and tribal consultation comment letters after the close of the consultation period.

Information Sharing and Engagement

EPA engaged tribes at 20 meetings of tribal consortia and regional tribal operations committees (RTOC) and held two national listening sessions for tribal representatives. Table 1 below lists the title and date of each information sharing meeting EPA participated in.

Table 1: Information Sharing and Tribal Engagement Meetings

Date	Event
July 12, 2021	Region 2 Tribal Nations Listening Session
July 13, 2021	Region 6 Regional Tribal Operations Committee (RTOC) Meeting
July 13, 2021	Washington Coordinated Tribal Water Quality Program/NWIFC
July 14, 2021	Region 5 RTOC Meeting
July 14, 2021	National Tribal Water Council – EPA Monthly Call
July 15, 2021	Region 10 RTOC Meeting
July 19, 2021	First National Listening Session for Tribes
July 21, 2021	Region 7 RTOC Meeting
July 22, 2021	Region 9 RTOC Meeting
August 4, 2021	Region 4 RTOC Meeting
August 4, 2021	EPA National Tribal Caucus
August 11, 2021	Region 1 RTOC Meeting
August 11, 2021	National Tribal Water Council
August 23, 2021	Second National Listening Session for Tribes
August 24, 2021	Follow Up Call with Region 9 Tribal Caucus/RTOC
August 26, 2021	Region 8 RTOC Meeting
September 10, 2021	Great Lakes Indian Fish and Wildlife Commission
September 22, 2021	EPA Tribal Wetlands Workshop
September 27, 2021	National Tribal Caucus-Office of Water 1-on-1
November 17, 2021	Oregon Tribal Environmental Forum

EPA provided the same background information at each meeting via powerpoint presentation except the September 27 National Tribal Caucus Office of Water 1-on-1, where background was summarized verbally. Representative copies of the presentations are available in the docket for this proposed rule.

Staff from EPA’s Office of Water, Office of International and Tribal Affairs, and the respective EPA Regional offices participated in these meetings.

Individual Consultation and Coordination Meetings

A total of 18 tribes requested individual consultation or staff-level coordination. Table 2 below lists the staff-level coordination meetings that EPA held, and Table 3 below lists the leader-to-leader meetings that EPA held.

In two instances, EPA was unable to schedule consultation meetings where the tribe did not follow up after multiple outreach attempts.

Table 2: Staff-Level Engagement Meetings

Date	Tribe
August 12, 2021	Swinomish Indian Tribal Community
August 25, 2021	Little Traverse Bay Bands of Odawa Indians
September 1, 2021	Confederated Salish and Kootenai Tribes of the Flathead Nation
September 1, 2021	Leech Lake Band of Ojibwe
September 10, 2021	Listening Session for Tribes Located in EPA Region 5
September 20, 2021	Little River Band of Ottawa Indians
October 25, 2021	Squaxin Island Tribe

Table 3: Leader-to-Leader Meetings

Date	Tribal Nation
August 10, 2021	Lac du Flambeau Band of Lake Superior Chippewa
September 9, 2021	Houlton Band of Maliseet Indians
September 15, 2021	Makah Tribe
September 16, 2021	Pokagon Band of Potawatomi Indians
September 16, 2021	Summit Lake Paiute Tribe
September 21, 2021	Chickaloon Native Village, including staff from Eklutna Native Village, and Seldovia Village Tribe
September 28, 2021	Nez Perce Tribe

EPA provided the same background information at each meeting via powerpoint presentation. Representative copies of the presentations are available in the docket for this proposed rule.

Staff from EPA’s Office of Water, Office of International and Tribal Affairs, and the respective EPA Regional offices participated in these meetings. Staff from the Office of General Counsel also participated in some leader-to-leader meetings.

Following each leader-to-leader meeting EPA sent tribal leadership a follow up letter thanking the tribe for consulting with EPA and summarizing the tribe’s comments during the discussion.

Written Comments

EPA received pre-proposal comment letters from the following tribes and tribal organizations:

- Choctaw Nation of Oklahoma
- Columbia River Inter-Tribal Fish Commission
- Confederated Salish and Kootenai Tribes of the Flathead Nation
- Confederated Tribes of the Umatilla Indian Reservation
- Fond du Lac Band of Lake Superior Chippewa
- Great Lakes Indian Fish and Wildlife Commission

- Houlton Band of Maliseet Indians
- Lac du Flambeau Band of Lake Superior Chippewa Indians
- Leech Lake Band of Ojibwe
- Little River Band of Ottawa Indians
- Little Traverse Bay Bands of Odawa Indians
- Makah Tribe
- Mille Lacs Band of Ojibwe
- National Tribal Water Council
- Nez Perce Tribe
- Onondaga Nation
- Penobscot Nation
- Red Cliff Band of Lake Superior Chippewa Indians
- Seneca Nation
- Snoqualmie Tribe
- Yakama Nation

All letters submitted are available in the docket for this rulemaking at Docket ID No. EPA-HQ-OW-2021-0971.

Themes Emerging from Consultation Meetings and Comment Letters

This section summarizes the key themes of comments received through the tribal consultation process, including feedback provided by tribes during information sharing and engagement, staff-level coordination and leader-to-leader consultation meetings as well as written feedback provided in comment letters. Nearly all commenters were supportive of the potential rule in concept. EPA considered all pre-proposal tribal input in developing the proposed rule.

1. Concerns about water pollution and importance of clean water to protect tribal reserved resources and lifeways

Many commenters stated that clean water is essential to tribal lifeways, including sustenance fishing, commercial fishing, and cultural uses, and stressed the need for clean water to exercise their reserved rights to their lifeways.

- Several commenters stated that the risk to human health from consumption of contaminated fish is a key concern of tribal governments and many individual tribal members.
- Some tribes stated their commitment to protecting water quality for current and future generations.
- Tribes mentioned wild rice, salmon, and other marine and freshwater fish as resources central to their lifeways.
- Some commenters noted that pollution has compromised tribes' ability to live their lifeways as understood by their ancestors, including noting that fish consumption advisories signify a violation of tribal reserved rights.

- Some tribes emphasized the need to protect waters adjacent to and connected with waters where reserved rights apply.
- Some commenters requested that EPA consider cumulative impacts of both point and nonpoint sources of pollution to migratory species that move through the territorial waters of different states and countries.
- Some commenters stated that the federal trust responsibility requires EPA to protect tribal reserved rights when it promulgates or approves WQS.
- Some commenters noted that nutrient pollution is a key obstacle to exercising their reserved rights
- One commenter noted the importance of water quantity, which affects parameters such as dissolved oxygen and temperature, which are key for juvenile fish in small freshwater streams.

2. Request for clarification about the mechanisms for updating state WQS to comply with the new regulatory requirements

Many tribes and tribal organizations asked questions about the mechanisms for states to come into compliance with the new regulatory requirements.

- Some commenters asked how the new regulatory requirements would be integrated into state triennial water quality standard reviews.
- Some commenters expressed frustration with a lack of response to tribal concerns and protection of tribal interests in their state's WQS revision process.
- Some commenters asked what recourse tribes would have if states fail to update their WQS in a timely manner to comply with the new regulatory requirements.
- One tribe requested that the rule include mechanisms for tribes to petition the agency on these issues.
- Some tribes asked how WQS variances and other WQS policies would be affected by the rule.
- Some commenters expressed disagreement with the Clean Water Act construct providing states primacy in establishing WQS for their own waters. Some commenters disagreed with EPA's previous case-specific conclusions that the state had WQS jurisdiction in waters of their reservations and trust lands.

3. The need for WQS to reflect unsuppressed exercise of tribal reserved rights

Several commenters stated that the proposed regulation should protect the intended or traditional uses of a water body, including historical fish consumption rates, which may not be the same as current tribal uses of that water body due to factors including fish contamination and tribal citizens' awareness of that contamination; water pollution generally; reduced or altered fish populations in accessible water bodies; improper application of fishing restrictions to tribal fishers; and access issues.

4. Clarification about how the extent of reserved rights will be determined

Several written commenters and meeting participants asked how the extent of tribal reserved rights will be determined and who would be responsible for making such determinations.

- One commenter recommended that EPA should clarify that protections for subsistence fishing, traditional gathering, and other cultural uses apply whether or not a tribe has articulated specific water quality standards applicable to its current territory or has been authorized to implement its own CWA program.
- Several commenters noted the need for meaningful consultation with affected tribal reserved right holders on the scope and definition of their reserved rights.
- Some commenters noted that EPA cannot delegate its trust responsibility to consult with tribes and protect tribal reserved rights to states, noting that tribes' government-to-government relationship is with the federal government rather than states.
- Some commenters requested clarification about how EPA will minimize litigation risk that could impact reserved rights.
- Some commenters requested clarification about how EPA will ensure the regulation is flexible enough to accommodate different treaties and other relevant sources of law.
- Some commenters asked whether EPA would consult the Department of Interior for such determinations.
- One commenter requested that in framing the proposed regulation, EPA should clarify that reserved rights are derived from the tribes' sovereign status and were preserved, not created, by the underlying treaties.
- Some commenters recommended that EPA ensure that permits for activities upstream of waters where tribal reserved rights apply protect those rights.
- Some commenters asked how EPA intends this rule to apply to tribes without rights under federal law and/or recommended that EPA provide equivalent protection to resources used by all tribes regardless of existing legal recognition of those rights, based on their inherent sovereignty, recognizing that tribes have fished, hunted and gathered in and around waters since time immemorial, and that rights that were never ceded are retained.

5. Clarification about how the level of water quality necessary to protect tribal reserved rights will be determined

Many commenters requested clarification about how the level of water quality necessary to protect tribal reserved rights will be determined, who will be responsible for such determinations, and what will happen in the event of disagreement between the relevant state(s) and tribe(s).

- Some commenters sought clarification about what minimum threshold or bar would be set in the revised regulation for protection of tribal reserved rights.
- Some commenters recommended specific thresholds to protect tribal reserved resources, including that for the purpose of establishing human health criteria, the cancer risk level be no less than 10^{-6} and tribes be treated as the target population; that EPA establish a fish consumption rate floor of 175 g/day for waters in ceded territories in the Pacific Northwest; that state designated uses must protect tribal reserved rights; and that EPA should prioritize designation of Tier 3 waters.
- Some commenters requested that EPA update its 2000 *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* to reflect the

above recommendations for calculation of human health criteria for waters covered by tribal reserved fishing rights.

- Some commenters expressed concern that the option to establish designated uses to protect tribal reserved resources could be implemented with an inadequate standard of protection.
- Some commenters requested that traditional ecological knowledge be included as a type of data to consider under this regulation.
- Several commenters sought clarification about how EPA would reconcile differences of opinion about the level of water quality necessary to protect reserved rights where multiple tribes hold reserved rights in the same geographic area, in some cases covering multiple states, if there is disagreement about the necessary level of protection. For example, there may be differing fish consumption rates in different parts of a state or between different tribes whose ceded territories or usual and accustomed areas overlap.
 - Some commenters raised concerns that this could result in a patchwork of different levels of protection for the same reserved resources across different states.
 - Some tribal representatives suggested that in such situations EPA should, in consultation with affected tribes and impacted states, implement consistent WQS across all jurisdictions.
- Several commenters recommended that EPA specify in regulation that the level of CWA protection can be defined by available data or data that can be acquired through typical monitoring or relevant environmental information systems (i.e., GIS, LiDAR).
- One commenter recommended that instead of insisting that states “adopt” designated uses that reflect treaty-protected use rights or rights created by federal law or executive action, EPA should require states to recognize these rights as pre-existing designated uses which were created outside the CWA.
- Several commenters recommended that EPA should provide technical and funding support for any additional studies or data collection needed to determine the water quality standards necessary to protect tribal reserved rights.

6. Clarification about how this rule will impact water rights

Several tribes with water rights requested clarification about how this rule would impact adjudicated water rights and/or urged EPA to ensure this change to the WQS regulations would protect flow sufficient to effectuate tribal reserved rights to aquatic and aquatic-dependent resources.

7. Clarification about implementation

Several commenters requested information about how the new regulation would be implemented in other CWA programs such as National Pollutant Discharge Elimination System (NPDES) permits and Section 401 certifications, as well as how it would lead to cleaning up existing pollution problems.

- Some commenters requested that EPA revise its interpretation of the 401 certification regulations to allow tribes to object to or condition permits that would impair their

reserved rights in both reservation waters and ceded territories, even when those rights were not protected by existing WQS.

- Some tribes recommended that EPA should consult with the potentially affected tribe(s) as to any impact a permitted activity might have on the tribe's reserved rights.
- Some tribes requested that EPA address states' failure to implement existing WQS in other CWA programs.
- One commenter recommended that EPA institute a process by which tribes can nominate high quality waters in areas where retained rights are held, modeled on the framework of the Tribal Forest Protection Act of 2004.
- One commenter recommended that EPA should require states to develop long-term plans in collaboration or in close consultation with affected Native Nations to bring affected water bodies into (or closer to) compliance.
- Several commenters recommended that EPA allow for tribal co-management of water resources on federal lands where tribes reserve rights.

8. How would this rule apply to a specific tribe or situation?

Several tribes requested clarification about how this rule would apply to their specific situation.

- Several tribes asserted in written comments that they have reserved rights to aquatic and aquatic-dependent resources in areas where states have WQS jurisdiction, including in portions of the Great Lakes, Maine, Idaho, New York, Minnesota, Michigan, Wisconsin, Montana, Oregon, Idaho, Washington, Wyoming and Alaska.

9. Comments related to the process for developing the rule

EPA received several comments related to the process for developing the proposed and final rules.

- Some participants suggested that EPA co-draft the rule with tribes, noting the value that tribes can provide in such a process. Several commenters and meeting participants wanted to review rule language as it was being developed or requested pre-proposal discussion of possible regulatory text.
- Some commenters expressed a lack of trust in EPA and the U.S. government generally to have their best interests at heart or fully understand their needs.
- Some commenters expressed frustration with the number of initiatives on which EPA is simultaneously requesting their input.
- Some commenters requested that EPA provide an opportunity for further government-to-government consultation prior to publication of a proposed rule in the Federal Register for public comment.
- One commenter requested that pre-proposal feedback from states be made accessible to tribes prior to, or no later than the time of, publication of the proposed rule in the Federal Register.
- Some commenters recommended that EPA provide guidance to the states on identifying and protecting tribal reserved rights to aquatic and aquatic-dependent resources.
- One commenter recommended that EPA initiate three-way conversations between the tribe, EPA and the state on these regulatory revisions.

Appendix A: Notification of Consultation and Coordination Letter Sent to Tribes on June 11, 2021



UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

Re: Notification of Consultation and Coordination on Potential Revisions to the Federal Water Quality Standards Regulations to Protect Tribal Reserved Rights

Dear Honorable Leader,

The U.S. Environmental Protection Agency (EPA) is initiating consultation and coordination with federally recognized Indian tribes to inform potential revisions to the federal Clean Water Act (CWA) water quality standard (WQS) regulations. Many tribes, through treaties and equivalent agreements with the U.S. government, hold reserved rights to aquatic or aquatic-dependent resources in waters outside the boundaries of federal Indian reservations, or in areas otherwise subject to state and federal jurisdiction. EPA's Office of Water is considering pursuing a change to the federal WQS regulations at 40 CFR Part 131 to explicitly and sustainably protect tribal reserved rights in state waters, consistent with existing legal obligations.

This action is separate from and complementary to EPA's concurrent action to establish baseline WQS under the CWA for waters on Indian reservations that currently do not have EPA-approved WQS in place. EPA is initiating a concurrent 90-day tribal consultation period for that complementary action.

This consultation and coordination process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (<https://www.epa.gov/tribal/epa-policy-consultation-and-coordination-indian-tribes>). EPA invites you and/or your designated consultation representative(s) to participate in this process. **The 90-day consultation period begins on June 15, 2021 and ends on September 13, 2021.** EPA will continue to consider comments received after the close of the consultation period to the extent possible as EPA moves forward with decision-making. Pending the input that EPA receives during the tribal consultation period, EPA anticipates proposing this rule in early 2022. This will provide an additional opportunity for tribes to comment during the public comment period on the proposal.

EPA will hold a listening session via webinar for tribal leaders and staff on July 19, 2021 from 3:00-5:00 pm (EDT). You can register for the webinar [here](#). While listening sessions do not constitute individual tribal-EPA government-to-government consultation, it is hoped the sessions will provide further information to tribes to make an informed decision about whether to request an individual consultation.

EPA plans to hold a second listening session via webinar towards the end of the consultation period. EPA

plans to announce the date and time of the second webinar in early August and anticipates scheduling the webinar to occur in late August or early September. **Updates on the second webinar will be posted to: <https://www.epa.gov/wqs-tech/protecting-tribal-reserved-rights-in-WQS>.**

EPA invites interested tribal governments to request individual government-to-government consultation with EPA by contacting:

Jennifer Brundage at Brundage.Jennifer@epa.gov/(202) 566-1265 or

Karen Gude at Gude.Karen@epa.gov/(202) 564-0831.

In order to provide time to schedule consultations prior to the close of the consultation period, please provide such requests by August 23, 2021. Given that this is a national consultation including all tribes and the United States is recovering from the pandemic, we anticipate that most if not all consultations will need to be conducted virtually.

Enclosed is a consultation and coordination plan that provides additional background and detail about the proposal that EPA is considering and the process that EPA intends to follow, including information on how you can provide input on this potential action. *This information is also available in EPA's Tribal Consultation Opportunities Tracking System (TCOTS) at <https://tcots.epa.gov>.*

Please contact our official EPA representative for this consultation and coordination process, Jennifer Brundage (Brundage.Jennifer@epa.gov) at (202) 566-1265, if you have any questions or would like to request alternate arrangements to the process outlined in the consultation and coordination plan. We look forward to hearing from you.

Sincerely,

Deborah G. Nagle, Director
Office of Science and Technology

cc: Tribal Environmental Directors and Natural Resource Directors
EPA Regional Indian Coordinators

Enclosure

Consultation and Coordination Plan for Potential Revisions to the Federal Water Quality Standards Regulations to Protect Tribal Reserved Rights

Overview

EPA is examining how it could revise the federal water quality standards (WQS) regulations to explain how applicable tribal reserved rights are to be considered when states or EPA are establishing and revising WQS.

The proposed regulatory revisions would be relevant to situations where tribes have reserved rights to aquatic or aquatic-dependent resources in waters where states have jurisdiction to establish WQS. This is separate from and complementary to EPA's concurrent action to establish baseline WQS under the Clean Water Act (CWA) for waters on Indian reservations that currently do not have EPA-approved WQS in place. EPA is initiating a concurrent 90-day tribal consultation period for that complementary action.

Background information on the initiative

In 2016, after consultation and coordination with tribes, EPA concluded that WQS must comply with both the CWA and any applicable tribal reserved rights. For example, in Washington and Maine, EPA concluded that the states' human health criteria must be set at levels that would make fish safe to eat in subsistence/sustenance quantities in waters where reserved rights to fish for subsistence/sustenance exist. In both Washington and Maine, EPA disapproved the state's WQS and promulgated federal WQS that reflected the Agency's conclusion regarding protection of tribal reserved rights.

EPA's actions in Maine and Washington were both state-specific actions where EPA's reserved rights rationale was set forth in preamble language, rather than in regulation. The agency took a different position on this issue in subsequent years, which has resulted in uncertainty with respect to how states and EPA must reconcile existing legal obligations.

In his January 26, 2021 memorandum, *Tribal Consultation and Strengthening Nation-to-Nation Relationships*, President Biden committed to fulfilling federal trust and treaty responsibilities to tribal nations. Building from that commitment, EPA is renewing its emphasis on protecting tribal reserved rights to water resources and is interested in restoring the 2016 paradigm of harmonizing WQS with tribal reserved rights in a transparent and sustainable way. In that spirit, EPA is now considering amending the nationally-applicable federal WQS regulations to explain how WQS actions must be harmonized with applicable tribal reserved rights where those rights to a particular resource exist and are implicated.

EPA is considering proposing the following concepts in its amendments to the WQS regulations at 40 CFR Part 131:

- The requirement that states and EPA must not impair tribal reserved rights when establishing, revising, and evaluating WQS.
- The requirement that if reserved rights exist in the geographic area where a given set of WQS will apply, and the rights are related to a certain level of CWA protection that can be defined by available data, upholding those rights requires providing that level of CWA protection.
- Requirements outlining that the scope/definition of these reserved rights and their protection must be informed by consultation with the affected tribe(s).
- Providing options for regulatory approaches that states and EPA can use to ensure tribal reserved rights are protected:
 - Designated uses that explicitly incorporate protection of resources covered by tribal reserved rights.

- Criteria that protect tribal reserved rights in waters where those rights apply.
- Assignment of Tier 3 antidegradation protection (i.e., requirement to maintain and protect current and future improved water quality) in waters where tribal reserved rights apply and where current water quality is sufficient to protect those rights.

EPA is interested in your feedback on these specific concepts to ensure that we take all relevant considerations into account in this effort. EPA also anticipates soliciting pre-proposal feedback from states, since the rule will have implications for how states establish and revise WQS.

Potential benefits of this rulemaking

The goals of revising the federal WQS regulation are:

- Provide sustainable protection of tribal reserved rights.
- Provide clarity and transparency about how states and EPA must protect tribal reserved rights when establishing and revising WQS.

Opportunities for tribes to participate

The consultation period on this proposal will remain open for 90 days and will include two listening sessions via webinar.

EPA will hold a listening session via webinar for tribal leaders and staff on July 19, 2021 from 3:00-5:00 pm (EDT). You can register for the first webinar [here](#). EPA plans to hold a second listening session via webinar towards the end of the consultation period. **EPA plans to announce the date and time of the second webinar in early August and anticipates scheduling the webinar to occur in late August or early September.** The final date and time along with registration information will be 1) posted on [EPA's website for this rulemaking](#), and 2) shared with those who register for the first webinar on July 19.

The webinars will provide tribes and tribal leaders an opportunity to ask questions, learn more about this consultation opportunity and the potential revisions, and share their views.

Tribes may submit written comments to Jennifer Brundage at Brundage.jennifer@epa.gov.

Tribes may access this letter and related consultation information in EPA's Tribal Consultation Opportunities Tracking System (TCOTS) located at <https://tcots.epa.gov>.

EPA's goal is to provide sufficient information for tribal leaders and their designated consultation representative(s) to make an informed decision about the desire to continue with government-to-government consultation and to understand how to provide informed input. At any point during the consultation period EPA invites tribal nations to request government-to-government consultation with EPA. Tribes may request consultation for this potential rulemaking as well as the concurrent tribal baseline rulemaking at the same time. EPA looks forward to working with federally recognized tribes to better understand their needs and answer questions related to the potential revisions to the federal WQS regulation.

The information that you provide during the consultation period will help inform our forthcoming rule proposal. Whether or not you participate in this consultation and coordination process, you will still have the opportunity to provide input on the forthcoming proposed rule, which we anticipate will be available for public comment in early 2022. The proposed rule will be published in the Federal Register, accessible at

regulations.gov, and available on EPA's website [here](#).

Tribal Consultation and Coordination Process and Timeline

Date/Time	Event	Contact Information
June 15, 2021	Initiation of the 90-day tribal consultation period. Consultation notification letters are emailed to tribal leaders.	EPA Contact: Jennifer Brundage (202) 566-1265 (Brundage.Jennifer@epa.gov)
July 19, 2021 3:00-5:00 PM (EDT)	Webinar #1 for Tribal Leaders and Staff: Proposed Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights	EPA Contact: Jennifer Brundage (202) 566-1265 (Brundage.Jennifer@epa.gov) To register, please visit EPA's website for this rulemaking (https://www.epa.gov/wqs-tech/protecting-tribal-reserved-rights-in-WQS).
Date and Time TBD Anticipated late August or early September	Webinar #2 for Tribal Leaders and Staff (same content as Webinar #1): Proposed Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights	EPA Contact: Jennifer Brundage (202) 566-1265 (Brundage.Jennifer@epa.gov) Final date and time along with registration information will be 1) posted on EPA's website for this rulemaking at https://www.epa.gov/wqs-tech/protecting-tribal-reserved-rights-in-WQS , and 2) shared with those who register for the first webinar on July 19.
September 13, 2021	Close of formal tribal consultation and coordination period.	Any written comments must be received by this date. Please send comments via e-mail to Jennifer Brundage Brundage.jennifer@epa.gov .