

Circle Speaker

JANUARY—MARCH, 2023

Aaniiih & Nakoda Environmental Newsletter

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This 1998 file photo shows the now-defunct Zortman-Landusky mine in the Little Rocky Mountains. -Associated Press

ADDITIONAL LANDS WITHDRAWN TO PROTECT ZORTMAN-LANDUSKY MINE RECLAMATION SITE

<https://www.blm.gov/press-release/additional-lands-withdrawn-protect-zortman-landusky-mine-reclamation-site-0>

(MALTA, Mont.) - The Bureau of Land Management announced a Public Land Order today to protect more than 900 additional acres at the Zortman-Landusky

Mine reclamation area from future mining activities. The BLM administers the site located in Phillips County, Montana.

The withdrawal of an additional 912.33 acres at the reclamation area will prevent new mining activities and disturbance of the public lands for 20 years and provide time to assess and monitor the effectiveness of ongoing reclamation activities - <https://>

www.federalregister.gov/d/2023-03725. The newly withdrawn acres are situated adjacent to the 2,688.13-acre area withdrawn by a Public Land Order issued September 9, 2022. Together, the withdrawals apply to about 3,600 acres of the Zortman-Landusky Mine reclamation area. These acres were originally withdrawn to protect the reclamation area in October 2000.

Approximately \$83.7 million in reclamation bonds and State of Montana and BLM funds have been spent since 1999 to fund site reclamation and water treatment plant operations after the mine

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operator declared bankruptcy and abandoned the mines in 1998. It is anticipated that water treatment will continue indefinitely, with continued funding needed for ongoing operation and monitoring activities. The BLM estimates that approximately \$2.2 million per year will be needed for water treatment into the foreseeable future.

For more information about the Zortman-Landusky Mine reclamation area, please see the environmental review documents associated with this withdrawal on BLM's ePlanning website - <https://eplanning.blm.gov>. Search using the National Environmental Policy Act number: DOI-BLM-MT-LO10-2021-0003-EA.

Remediation of Fentanyl Contaminated Indoor Environments

Published November 29, 2022

<https://www.epa.gov/sciencematters/remediation-fentanyl-contaminated-indoor-environments>



EPA researchers investigated methods to degrade fentanyl safely in real-life remediation efforts by determining what effective and efficient mechanisms exist to clean an area contaminated with fentanyl and whether such technologies can also be used for decontamination of personal protective equipment (PPE) materials used during emergency responses.

In March 2016, the Drug and Enforcement Administration (DEA) issued a nationwide alert about fentanyl stating that overdoses were occurring at alarming rates and represent a significant threat to public health and safety. Recent research has shown the nation's COVID19 pandemic has made the drug overdose epidemic worse. Since a small amount of fentanyl can be deadly, emergency responders, hazmat teams, and law enforcement are concerned about their potential exposure while responding to incidents at mixing houses, pill factories, or in makeshift laboratories that may be found in apartments, hotels, houses, garages, and storage facilities.

The use and production of various fentanyl-containing products can lead to extensive distribution of fentanyl within homes, vehicles, and clandestine drug laboratories. Drug-contaminated structures, homes or buildings pose a threat to human health, threaten community revitalization efforts, and pose challenges for federal, state, local, and Tribal governments and first responders. The lack of information on how to decontaminate structures and determine a safe level for re-occupancy has resulted in condemned properties, and EPA's On-Scene Coordinators (OSCs) across the country are increasingly being asked to provide technical assistance to state and local entities for fentanyl incidents.

There is limited information available about methods

to degrade fentanyl, or break it down so it is no longer harmful, or remediate fentanyl-contaminated areas, or the removal of the fentanyl, in real-world scenarios. To address this, EPA researchers investigated methods to degrade fentanyl safely in real-life remediation efforts by determining what effective and efficient mechanisms exist to clean an area contaminated with fentanyl and whether such technologies can also be used for decontamination of personal protective equipment (PPE) materials used during emergency responses.

EPA researchers tested the decontamination of building materials contaminated with fentanyl powder. They conducted tests that represented real-life cleanup efforts by using practical applied amounts of decontamination solutions and realistic exposure times onto common building materials and examined the efficacy of fentanyl degradation of various decontaminants and active ingredients. EPA researchers tested multiple off-the-shelf, easy-to-access products for their ability to degrade fentanyl on common materials, such as glass, plastics, laminate, and painted drywall. After spraying several decontaminants and leaving them on the surface for the one-hour contact time, EPA researchers determined that the peracetic acid or activated hydrogen peroxide, and acidified hypochlorite containing solution provided the most effective cleanup of fentanyl contaminated surfaces.

Additionally, EPA researchers studied methods for cleaning personal PPE worn by first responders, such as Tyvek suits, hazmat suits, firefighter turnout gear, and neoprene gloves. Decontamination of these materials needs to occur in a shorter timeframe, typically 1-5 minutes, as compared to the materials in a

(Continued on page 3)

building. The results of this study demonstrated that special solutions containing peracetic acid are highly effective in degrading fentanyl on PPE in only a few minutes.

The results of this research will be used to scale up efforts to address a larger scale decontamination application and establishing effective operational procedures that will minimize additional hazards. Further research will also address materials that are more difficult to decontaminate, such as those that are more porous, fumigation methods for more complex contamination scenarios, and studies that assess harm of decontamination degradation products. This applies not only to fentanyl but also to more potent fentanyl analogs. EPA researchers will also be looking into how to answer “how clean is clean” for re-occupancy of fentanyl remediated areas. Answering these questions will provide the basis for additional guidance on the best way to remediate fentanyl and determine when a contaminated area is safe to reenter and use.

Research on fentanyl remediation is important for EPA, state and local governments, Tribes and first responders. Cheryl Newton, EPA Region 5 Deputy Regional Administrator said, “the number of incidents of fentanyl exposures to our partners at the federal, state, and local level continues to increase and the lack of information on effective decontamination agents is a national issue. EPA is often called upon to provide technical assistance in such incidents to not only protect first responders but on methods to decontaminate fentanyl contaminated areas and return them to safe use. These studies offer an unbiased evaluation of vendor and off the shelf products that can assist our responding partner agencies in the cleaning and decontamination of contaminated areas and personal protective equipment.”

EPA researchers are working closely with EPA responders to ensure that federal, state, Tribal, and local responders and hazmat teams are prepared with the best science to respond to incidents that involve synthetic opioids, including fentanyl.

\$200M to be allocated to Montana Indian Water Rights Settlements

Missoulian Staff Feb 3, 2023

https://missoulian.com/news/local/200m-to-be-allocated-to-montana-indian-water-rights-settlements/article_fd25ef2a-5c76-59de-9ea5-6c1e125d42ae.html

The Department of the Interior announced a nearly \$580 million allocation to continue fulfilling settlements of Native American water rights claims using funding from the Bipartisan Infrastructure Law and the Reclamation Water Settlements Fund.

The bipartisan infrastructure law invests more than \$13 billion in tribal communities across the country, including \$2.5 billion to implement the Indian Water Rights Settlement Completion Fund, according to a press release.

Nearly \$460 million from the law’s Indian Water Rights Settlement will be allocated to settlements enacted prior to Nov. 15, 2021. Additionally, \$120 million from the Reclamation Water Settlement Fund will be used.

As of Nov. 15, 2021, there were 34 congressionally enacted Indian Water Rights settlements, the release

said. Indian reserved water rights are vested property rights for which the United States has a trust responsibility.

Federal policy supports the resolution of disputes regarding Indian water rights through negotiated settlements. Settlement of Indian water rights disputes breaks down barriers and helps create conditions that improve water resource management by providing certainty as to the rights of all water users who are parties to the disputes, the press release said.

The following Montana settlements will receive funding this year:

- Blackfeet Water Rights Settlement in the amount of \$45,279,000.
- Confederated Salish Kootenai Tribes-Montana Water Rights Protection Act in the amount of \$156,937,000.

Fort Belknap Indian Community Water Rights Settlement Bill Proposal to Bring Critical Infrastructure Funding and Economic Resources to the Montana Hi-Line

October 20, 2022

Completion of the Last Indian Water Rights Settlement in Montana

The Fort Belknap Indian Community (FBIC) is working with the Federal government, the State of Montana, Counties, irrigators and other water users to negotiate a settlement of its Indian reserved water rights. FBIC's water rights in the Milk River and surrounding basins have a senior priority date from the 1855 establishment of the Reservation. In return for peace and land cessions, the United States committed in treaty to provide FBIC with the water needed to make a homeland.

Despite these promises, FBIC's water rights remain unresolved and undeveloped. In 1981, FBIC choose to negotiate rather than litigate its senior water rights. After extensive consultations along the Hi-Line, in 2001 FBIC, the State and Federal governments agreed to a Water Compact that set out the quantity and sources of FBIC's water rights. The Compact overwhelming passed the State legislature on a bipartisan basis. All that remains is passing legislation in Congress to approve the Compact and settle FBIC's damages against the United States for the mismanagement of water and resources.

The water settlement bill was introduced in the Senate in 2019 and in the House in 2020. The bill was reintroduced in the current Congress in 2021 and is now pending in the Senate. In October 2021 the Senate Committee on Indian Affairs held a hearing on the bill. Since the hearing, FBIC has been working with all parties to resolve issues and finalize the bill for passage.

Bill Provides Critical Infrastructure and Economic Resources for the Montana Hi-Line

FBIC is proposing significant funding for water infrastructure on the Reservation and the Montana Hi-Line. In addition to approving the Compact and avoid-

ing litigation, the bill will provide funding to settle FBIC's damage claims against the United States. A key component of these negotiations is providing funding to mitigate impacts to irrigators and other water users as FBIC begins to develop its water rights.

Working with the Bureau of Reclamation and the Milk River Joint Board of Control, FBIC is proposing \$275 million to rehabilitate and restore the St Marys Canal, a part of the Milk River Project. FBIC has also subordinated its senior water rights to Upper Peoples Creek irrigators and will build a dam and reservoir to better manage this shared resource. FBIC will also be able to lease its waters for use by others.

On the Reservation the bill will finally provide FBIC with the same water quality and security enjoyed by all Americans. FBIC is proposing about \$1.36 billion for water infrastructure (and it is under negotiations), and its administration and management, that will include upgraded irrigation facilities, expansion of the irrigation project, on farm development, water infrastructure for a clean and safe domestic water supply, a power plant for pumping water from the Missouri River, and wellness centers.

As a part of the overall settlement, the bill also provides for the exchange and return of thousands of acres of lands taken from the FBIC's homeland over the last 150 years.

FBIC Needs Full Support for the Settlement Package to Bring Infrastructure Investment to the Montana Hi-Line that will Provide Water and Economic Benefits for Generations of Montanans



FORT BELKNAP INDIAN COMMUNITY

WATER RIGHTS SETTLEMENT ACT

FREQUENTLY ASKED QUESTIONS

What are Indian water rights?

Indian reserved water rights are Treaty rights that guarantee that the Gros Ventre and Assiniboine Tribes sufficient water for a permanent homeland. In 1908, the Supreme Court ruled in *Winters v. United States*, that the Tribes reserved water rights with the establishment of the Reservation. Indian reserved water rights include a specific quantity of water from sources of water flowing through, bordering, and underlying the Reservation that will be administered by the Fort Belknap Indian Community (FBIC).

Why do water rights matter?

Water is life. The FBIC right to water for the Reservation ensures that the basic needs of the Tribal community are met. These federal water rights ensure that FBIC has continued opportunities to develop and use its water for irrigation, stock water, domestic, commercial, industrial and municipal uses; and for recreation, fish and wildlife, cultural uses and other uses determined necessary—now and in perpetuity—without interference by other water users in the state.

How much of the water is reserved for the Fort Belknap Indian Community?

The amount of water reserved will be the amount that is needed to fulfill the purposes of the Reservation for both the present and the future needs. Federal law establishes that the amount of reserved water is determined by the irrigable lands within the Reservation, although once quantified, it can be used for purposes determined by the FBIC. The FBIC has the most senior priority right to use its water without interference from state water users based on the date of the 1855 Treaty.

Why are we negotiating our water rights with federal and state governments?

Unlike land ownership, water flows across govern-

ment boundaries, on and off the Reservation and in and out of the State. The FBIC has federal water rights surrounded by State water users. The purpose of negotiations is to resolve the Indian water rights of the FBIC, avoid costly litigation against those who would oppose the Tribal water rights, and settle the FBIC's water rights damage claims against the U.S. through Congressional approval of the Gros Ventre and Assiniboine Tribes' Water Rights Settlement Act. Because of the federal government's past mismanagement of the FBIC's water rights and resources, breaching its trust obligations to the Tribes, the Water Settlement will provide monetary and non-monetary compensation for the FBIC damage claims.

We believe it's best to resolve water issues amicably with our non-Tribal neighbors. With Congressional approval of the Water Rights Settlement Act, the water rights of the FBIC will be secured for the Tribes and Tribal members—forever.

What will the Water Settlement between the Fort Belknap Indian Community and the United States fund?

The in funding will provide critical support for the development of essential water projects, create economic opportunity and jobs for Tribal Members, improve Tribal access to our water resources, and improve the overall economy of the FBIC. The funds will:

- Provide support for water infrastructure projects, such as improved irrigation and water storage, for Tribal use, including water marketing efforts.
- Provide economic benefits for the Tribes and Tribal members, including specific economic development funds to be used for the betterment of the FBIC.
- Allow the Tribe to improve the economic environment of the Reservation, as well as the grazing, vegetation, fishery, geological, biological, wildlife, recreational, and cultural resources.

Proposed Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights

<https://www.epa.gov/system/files/documents/2022-10/fact-sheet-water-quality-standards-regulatory-revisions-to-protect-tribal-reserved-rights.pdf>

EPA is proposing revisions to the federal water quality standards (WQS) regulation that carries out part of the Clean Water Act (CWA). The revisions describe how state and federal WQS must protect water and water-dependent resources reserved to tribes through treaties, statutes, executive orders, or other sources of federal law, in waters of the United States. Once final, this proposal would create a regulatory framework to be applied case-specifically to ensure that WQS protect resources reserved to tribes, such as fish and wild rice.

How does this action support tribes?

Clean water is essential to maintaining traditional tribal ways of life. However, due to diminished water quality, many tribes are unable to do so. By clearly describing how EPA will review state-set WQS that impact water resources reserved to tribes, this proposed rule will enhance protection of those resources. The proposed regulatory framework would also provide transparency and predictability for tribes, states, regulated industries, municipalities, and the public.

What are water quality standards?

WQS define the goals for a water body by designating its uses (such as fishing), setting criteria (safe pollutant levels or conditions) to protect those uses, and establishing policies to protect existing water quality from degradation. CWA section 303(c) directs states¹ to establish WQS for rivers, lakes, estuaries, and other waters of the United States within their jurisdictions. States must review their WQS at least every three years and, if appropriate, revise or establish new standards. Any new or revised WQS must be submitted to EPA for review. EPA's regulation that implements CWA section 303(c) specifies requirements for states to develop WQS that are consistent with the Act.

¹ Pursuant to 40 CFR 131.3(j), "states" include the 50 states, the District of Columbia, Guam, the Commonwealth of Puerto Rico, Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and Indian tribes that EPA determines to be eligible for purposes of the WQS program.

What are tribal reserved rights?

Many tribes hold reserved rights, through treaties, statutes, executive orders, or other sources of federal law, to resources in waters where states establish WQS. The U.S. Constitution defines treaties as the supreme law of the land. In implementing CWA section 303(c), EPA has an obligation to ensure that its WQS approvals and disapprovals are consistent with treaties, statutes, executive orders, and other sources of federal law reflecting tribal reserved rights.

What is EPA proposing?

EPA's proposed regulation clarifies that where tribal reserved rights exist, states must account for those rights in revising their designated uses, criteria, and/or antidegradation provisions.

The proposal further specifies that WQS must protect unsuppressed use of any reserved resources. Determining the unsuppressed level requires considering past, present, and future use of the resource, along with what is currently reasonable to achieve for the waterbody.

The proposal would also require that WQS protect the health of the tribal members exercising reserved rights to at least the same risk level at which the general population of the state would otherwise be protected. EPA anticipates the primary application of this provision to be in determining the appropriate cancer risk level when deriving criteria to protect human health.

EPA is proposing that state WQS submissions must include documentation of the state's efforts to obtain information about the existence of any applicable

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Proposed Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights

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tribal reserved rights, their current and past use, scope, and nature, as well as the level of water quality that protects those rights. Additionally, the rule would require states to re-evaluate whether WQS need to be revised to protect any applicable tribal reserved rights at each triennial WQS review.

Finally, the proposed rule would require EPA to initiate tribal consultation with the right holders when reviewing WQS submissions to determine whether state WQS protect applicable reserved rights.

How can I comment on the proposed rule?

In addition to accepting written comments from the public, EPA is offering two online public hearings so that interested parties may provide oral comments. For more details on the online public hearings and to register to attend, please visit: <https://www.epa.gov/wqs-tech/protecting-tribal-reservedrights-in-WQS>.

Where can I find more information?

To access the Federal Register notice and supporting documents in the docket (EPA-HQ-OW-2021-0791), visit EPA's Water Quality Standards website at: <https://www.epa.gov/wqs-tech/protectingtribal-reserved-rights-in-WQS>.

EPA and Army Finalize Rule Establishing Definition of WOTUS and Restoring Fundamental Water Protections

Contact Information: EPA Press Office (press@epa.gov) | December 30, 2022

<https://www.epa.gov/newsreleases/epa-and-army-finalize-rule-establishing-definition-wotus-and-restoring-fundamental>

WASHINGTON – Today, the U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army (the agencies) announced a final rule establishing a durable definition of “waters of the United States” (WOTUS) to reduce uncertainty from changing regulatory definitions, protect people’s health, and support economic opportunity. The final rule restores essential water protections that were in place prior to 2015 under the Clean Water Act for traditional navigable waters, the territorial seas, interstate waters, as well as upstream water resources that significantly affect those waters. As a result, this action will strengthen fundamental protections for waters that are sources of drinking water while supporting agriculture, local economies, and downstream communities.

“When Congress passed the Clean Water Act 50 years ago, it recognized that protecting our waters is

essential to ensuring healthy communities and a thriving economy,” said EPA Administrator Michael S. Regan. “Following extensive stakeholder engagement, and building on what we’ve learned from previous rules, EPA is working to deliver a durable definition of WOTUS that safeguards our nation’s waters, strengthens economic opportunity, and protects people’s health while providing greater certainty for farmers, ranchers, and landowners.”

“This final rule recognizes the essential role of the nation’s water resources in communities across the nation,” said Assistant Secretary of the Army for Civil Works Michael L. Connor. “The rule’s clear and supportable definition of waters of the United States will allow for more efficient and effective implementation and provide the clarity long desired by farmers, industry, environmental organizations, and other stakeholders.”

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EPA and Army Finalize Rule...

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This rule establishes a durable definition of “waters of the United States” that is grounded in the authority provided by Congress in the Clean Water Act, the best available science, and extensive implementation experience stewarding the nation’s waters. The rule returns to a reasonable and familiar framework founded on the pre-2015 definition with updates to reflect existing Supreme Court decisions, the latest science, and the agencies’ technical expertise. It establishes limits that appropriately draw the boundary of waters subject to federal protection.

The final rule restores fundamental protections so that the nation will be closer to achieving Congress’ goal in the Clean Water Act that American waters be fishable and swimmable, and above all, protective of public health. It will also ensure that the nation’s waters support recreation, wildlife, and agricultural activity, which is fundamental to the American economy. The final rule will cover those waters that Congress fundamentally sought to protect in the Clean Water Act—traditional navigable waters, the territorial seas, interstate waters, as well as upstream water resources that significantly affect those waters.

More information, including a pre-publication version of the Federal Register notice and fact sheets, is available at EPA’s “Waters of the United States” website.

Accompanying the issuance of the final rule, the agencies are also releasing several resources to support clear and effective implementation in communities across America. Today, a summary of 10 regional roundtables was released that synthesizes key actions the agencies will take to enhance and improve implementation of “waters of the United States.” These actions were recommendations provided during the 10 regional roundtables where the agencies heard directly from communities on what is working well from an implementation perspective and where there are opportunities for improvement. The roundtables focused on the geographic similarities and differences across regions and provided site specific feedback about the way the scope of “waters of the United States” has been implemented by the agencies.

Today, the agencies are also taking action to improve federal coordination in the ongoing implementation

of “waters of the United States.” First, EPA and Army are issuing a joint coordination memo to ensure the accuracy and consistency of jurisdictional determinations under this final rule. Second, the agencies are issuing a memo with U.S. Department of Agriculture to provide clarity on the agencies’ programs under the Clean Water Act and Food Security Act.

FBEPD Welcomes Employees

By Lonette Blackcrow, Administrative Assistant

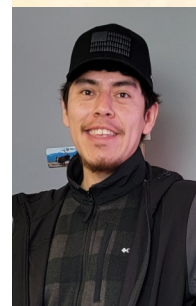
The Fort Belknap Environmental Protection Department feels like a full house again. We are pleased to introduce our new workers. Please join us in welcoming Morgan Horn, Jackie Blackbird and Walt Badroad-Mount. We are looking forward to working with them.



Morgan Horn has been selected as our new Climate Outreach & Education Assistant which is under a new Climate Change Program called the Resilience MT: Montana Rural and Tribal Community Program. She began her new job on March 13, 2023 as a permanent/part-time employee.

Her office is located upstairs in the Environmental Department and can be reached at (406) 353-8384.

Jackie Blackbird is stepping in as our Nonpoint Source Coordinator for the Nonpoint Source Pollution Program. She began her job on March 16, 2023 as a Temporary employee. Her office is located upstairs in the Environmental Department and can be reached at (406) 353-8416.



Walt Badroad-Mount is the Environmental Technician for the IJA Brownfields 128a Project. He began his job on March 16, 2023 as a Temporary employee. His office is located downstairs in the Environmental Department and can be reached at (406) 353-8431.

Sources of Indoor Particulate Matter

New Webpage Now Available!

From: EPA Healthy Indoor Air <EPA_Healthy_Indoor_Air@PUBLIC.GOVDELIVERY.COM>

EPA's Indoor Environments Division recently released a new webpage on **Sources of Indoor Particulate Matter (PM)**.

<https://www.epa.gov/indoor-air-quality-iaq/sources-indoor-particulate-matter-pm>

In addition to particulate matter (PM) coming indoors from outdoor air pollution, you may be surprised to learn that there are many sources of PM indoors, including from cooking, combustion and heating sources, indoor dust, mold and other biological contaminants, consumer products, printers and copiers, and some hobbies.

How Can I Reduce Sources of PM Indoors?

EPA's new **Sources of Indoor Particulate Matter (PM)** webpage provides information about sources of in-

door PM and actions you can take to reduce or control them, such as:

- Using the range hood over your stove when cooking to exhaust PM from cooking to the outdoors.
- Using a portable air cleaner or installing higher efficiency filters in your heating, ventilation, and air conditioning system to filter PM from the air indoors.
- Venting all fuel-fired combustion appliances to the outdoors to keep PM and combustion byproducts like carbon monoxide out of your indoor air.
- And more!

What's in Your Indoor Air?

The infographic shows a living and kitchen area with several circular callouts highlighting indoor air sources:

- Mold**: A green circle showing mold on a wall.
- Chemical reactions in the air**: A blue circle showing a hand using a spray can.
- Outdoor sources**: A brown circle showing an open window.
- Emissions from candles, incense or wood burning**: A dark brown circle showing lit candles.
- Cooking-related emissions**: A red circle showing a pan on a stove.
- Printers**: A purple circle showing a printer.
- Cleaning activities**: A yellow circle showing a hand cleaning a surface.
- Airborne allergens and bacteria**: A green circle showing microscopic organisms.

Particulate matter (PM) is a complex mix of solid and/or liquid particles suspended in air. These particles can vary in size, shape and composition. Exposure to these inhalable particles can affect your health and pollute your indoor environment.

To learn more, visit www.epa.gov/iaq.

Why Should I Reduce My Exposure to PM Indoors?

EPA is especially concerned about particles that are 10 micrometers in diameter or smaller because these particles are inhalable. If inhaled, particles can affect the heart and lungs and, in some cases, cause serious health effects.

Visit EPA's **Indoor Particulate Matter** webpage to learn more about indoor PM, including health effects of inhalable particles and ongoing research activities.

<https://www.epa.gov/indoor-air-quality-iaq/indoor-particulate-matter>

The Supreme Court wrestles with questions over the Navajo Nation's water rights

By Becky Sullivan | March 20, 2023

<https://www.npr.org/2023/03/20/1164852475/supreme-court-navajo-nation-water-rights>

On Monday, the U.S. Supreme Court heard arguments in a case that could alter the already intense battle over water rights in the parched American Southwest.

For more than 20 years, the Navajo Nation has fought for access to water from the lower Colorado River, which flows directly alongside the reservation's northwestern border.

The Navajo Nation reservation stretches across 27,000 square miles in Arizona, Utah and New Mexico. Almost a third of the 170,000 people who live there do not have access to clean, reliable drinking water, the tribe says.

Thousands who live without running water must drive for miles to refill barrels and jugs to haul water home for drinking, cooking, bathing and cleaning. Others rely on unregulated wells.

But the issue of access to the Colorado River is extremely contentious.

A decades-long drought, exacerbated by climate change, has created the driest conditions that the American Southwest has seen in centuries. The region's water supply is dwindling as its population and agricultural output have boomed.

The river, which provides water for 40 million people across the entire Southwest, is already overtapped. The seven states that rely on the river have long been

embroiled in litigation over the body of water. Recently, they have struggled to reach an agreement on how to cut back on their water use.

But the Navajo Nation says it has not been able to fully represent its own interests in disputes over water. Instead, they say they've been blocked in court by the U.S. federal government, which says it represents tribal interests in water disputes.

The tribe's claim stems from federal policies that forcibly relocated tribes and their citizens westward and

onto reservations, including the Navajo Treaty of 1868, said Heather Tanana, a law professor at the University of Utah.

"When they established these reservations, that came with the promise that those lands would be permanent homelands for the tribe and their people," said Tanana, who is a citizen of Navajo Nation. "And I think

everyone would agree you can't have a homeland of any kind without water."

Both the tribe and the U.S. government agree that Indian reservations, including the Navajo Nation, have a right to water.

Now, the Supreme Court must decide how far the federal government's responsibilities go in reserving that right.



The Colorado River flows by the historic Navajo Bridge on June 23, 2021 in Marble Canyon, Ariz. Justin Sullivan/Getty Images

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The Supreme Court wrestles with questions over the Navajo Nation's water rights

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"Is the federal government the trustee and the Navajo Nation the beneficiary, such that ordinary trust law principles can be applied?" said Gregory Ablavsky, who specializes in federal Indian law at Stanford Law School. Ordinarily, he explained, a beneficiary can sue a trustee for mismanaging the trust — in this case, water.

Sympathy for the tribe's position came from Justice Neil Gorsuch, a frequent supporter of Native rights who has often split from his fellow conservatives on cases involving Indian treaties.

"Could I bring a good breach-of-contract claim for someone who promised me a permanent home, the right to conduct agriculture and raise animals if it turns out it's the Sahara Desert?" Gorsuch asked during Monday's oral arguments. (No, the government's lawyer replied.)

The U.S. has argued that a broad ruling in favor of the Navajo Nation could force the federal government to conduct an assessment of the tribe's water needs and build water supply infrastructure. Those responsibilities belong to the tribe, the government says.

"Just as the 1868 treaty didn't impose on the United States a duty to build roads or bridges, or to harvest timber, or to mine coal, the 1868 treaty didn't impose on the United States a duty to construct pipelines, pumps or wells to deliver water," said Frederick Liu, an assistant to the solicitor general, addressing the court.

Several of the court's conservatives, including Justices Samuel Alito and Brett Kavanaugh, appeared sensitive to that concern during Monday's hearing, which prompted assurances from Shay Dvoretzky, the attorney arguing on behalf of the Navajo Nation.

"The government hypothesizes a parade of horrors where the government would have to be building pipelines across miles and miles and miles of territory," Dvoretzky said. "We're not talking about anything like that."

States that rely on the Colorado River — including Arizona, California and Nevada — also oppose the tribe's efforts, saying that diverting water to the reservation would come at the expense of their states' popula-

tions and economies.

A favorable ruling would not immediately solve the tribe's water access issues, experts said. But it would allow the tribe's legal efforts around the Colorado River and other waterways to move forward.

"There isn't enough water. But that doesn't mean that the Navajo Nation does not have valid rights that should be enforced, that they should have the ability to develop their water and then play on the same level with every other stakeholder in the basin," said Tanana of the University of Utah.

Make Every Day
EARTH DAY
on
Fort Belknap

The Fort Belknap Environmental Protection Department will be Celebrating Earth Day on Thursday, April 20th with area students in grades 4-6 at the Fort Belknap Agency.

Programs who wish to participate, please call (406) 353-8384 to sign up for a learning station.

PFAS and Your Health: A Resource for Tribal Communities



"Drinking water at a side-street water tap"
Johannes Roesler, CCBY 2.0



"Fish management Celilo falls"
Columbia River Inter-Tribal Fish Commission



USDA Lance Cheung
PD 1.0

What are PFAS?

Why are they a concern for our health?

PFAS (per- and polyfluoroalkyl substances) are a class of chemicals that are used to make consumer products to make them nonstick, waterproof, and stain-resistant. They are found in carpets and upholstery, waterproof apparel, non-stick cookware, grease-proof food packaging, and even dental floss. They are also used in many industrial processes and in firefighting foams for putting out fuel fires.

Recent studies show that almost everyone has some amount of PFAS in their blood. There is still a lot that is unknown concerning PFAS but there are numerous health effects and unknown sources where contamination can occur.

More info on PFAS: www.pfas-exchange.org

**Tribal PFAS Working Group:
www7.nau.edu/itep/ntwc/Issues/PFAS**

Studies have linked exposure to PFAS in human studies with:

- High cholesterol
- Ulcerative colitis
- Cancer (testicular, kidney)
- Preeclampsia
- Liver damage
- Thyroid disease
- Decreased vaccine response
- Asthma
- Decreased fertility
- Lower birth weight

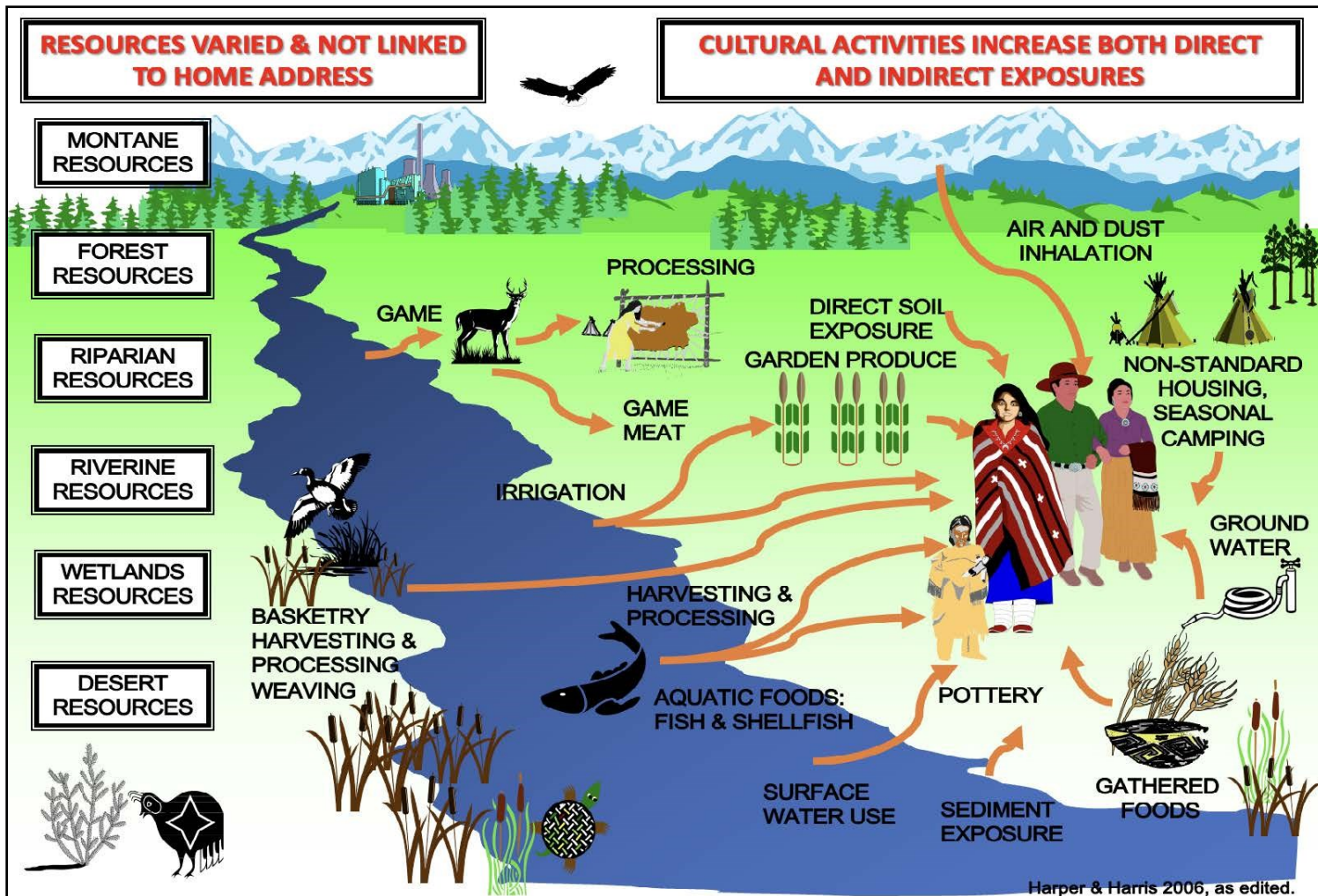
Studies have linked exposure to PFAS in animal studies with:

- Cancer (liver, kidney, pancreatic)
- Liver damage
- Delayed mammary gland development
- Developmental problems
- Effects on brain developments
- Immune system effects

(Continued on page 13)



PFAS Exposure and Exposure Prevention



In your personal life:

- ✓ Avoid stain-resistant carpets, upholstery, as well as stain-resistant treatments, and waterproofing sprays.
- ✓ Avoid products with the ingredient PTFE or other “fluoro” ingredients listed on the label.
- ✓ Choose cookware made of cast iron, stainless steel, glass, or enamel instead of Teflon.
- ✓ Consider filtering your drinking water with an activated carbon or reverse osmosis filtration system.
- ✓ Eat more fresh foods to avoid take-out containers and other food packaging.
- ✓ Avoid microwave popcorn and greasy foods wrapped in paper. Look for nylon or silk dental floss that is uncoated or coated in natural wax.

In your community:

- ✓ Tell retailers and manufacturers you want products made without PFAS. Urge your local water utility to test for PFAS.
- ✓ Ask your local health department or an agency such as CDC, ATSDR, or Indian Health Service to set up a water and blood testing programs.
- ✓ Encourage your Tribe to create health protective drinking water limits for PFAS.
- ✓ Ask your Tribal governmental officials about restrictions on PFAS in consumer products and remediation of contaminated sites.
- ✓ Watch out for advisories on PFAS contamination in your local area. Consider staying away from areas with known PFAS contamination.



PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024

<https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>

On October 18, 2021, EPA Administrator Michael S. Regan announced the Agency's PFAS Strategic Roadmap—laying out a whole-of-agency approach to addressing PFAS.

The roadmap sets timelines by which EPA plans to take specific actions and commits to bolder new policies to safeguard public health, protect the environment, and hold polluters accountable. The actions described in the PFAS Roadmap each represent important and meaningful steps to safeguard communities from PFAS contamination. Cumulatively, these actions will build upon one another and lead to more enduring and protective solutions.

EPA Council on PFAS

EPA Administrator Michael Regan established the EPA Council on PFAS in April 2021 and charged it to develop a bold, strategic, whole-of-EPA strategy to protect public health and the environment from the impacts of PFAS.

- The PFAS Council developed the PFAS Strategic Roadmap to lay out EPA's whole-of-agency approach to tackling PFAS and set timelines by which the Agency plans to take concrete actions during the first term of the Biden-Harris Administration to deliver results for the American people.
- The Council is comprised of senior technical and policy leaders from across EPA program offices and Regions and is chaired by Assistant Administrator for Water Radhika Fox and Acting Region 1 Administrator Deb Szaro.

EPA's Approach

EPA's approach is shaped by the unique challenges posed by PFAS contamination. EPA cannot solve the problem of “forever chemicals” by tackling one route of exposure or one use at a time. Rather, the EPA needs to use every tool in its tool box. Our approach is centered on the following principles:

Consider the Lifecycle of PFAS

EPA will account for the full lifecycle of PFAS, their unique properties, the ubiquity of their uses, and the multiple pathways for exposure.

Get Upstream of the Problem

EPA will bring deeper focus to preventing PFAS from entering the environment in the first place—a foundational step to reducing the exposure and potential risks of future PFAS contamination.

Hold Polluters Accountable

EPA will seek to hold polluters and other responsible parties accountable for their actions and for PFAS remediation efforts.

Ensure Science-Based Decision-Making

EPA will invest in scientific research to fill gaps in understanding of PFAS, to identify which additional PFAS may pose human health and ecological risks at which exposure levels, and to develop methods to test, measure, remove, and destroy them.

Prioritize Protection of Disadvantaged Communities

When taking action on PFAS, EPA will ensure that disadvantaged communities have equitable access to

(Continued on page 15)

solutions.

Engagement

As EPA takes the actions outlined in the roadmap, the Agency is committed to transparent, equitable, and inclusive engagement with all stakeholders to inform our work.

With the release of the roadmap, EPA began a national engagement effort as it seeks to partner for progress on PFAS. This effort includes:

- **Regional community engagement.** Alongside the release of EPA's one-year PFAS Roadmap progress report in November 2022, EPA announced plans to hold virtual community engagement events in 2023. EPA plans to hold a session focused on each EPA Region as well as a specific session for Tribal partners. As EPA works to identify specific dates and times for each session, please use the link below to sign up to receive more information.
 - ◇ February 2023: EPA has begun to announce specific dates and times for virtual engagement sessions, with additional dates and times to be announced soon.
 - ◇ Learn more about virtual PFAS engagement sessions or register to attend. <https://pfascommunityengagement.org/>
- **National webinars.** In October and November 2021, EPA held national public webinars to share the strategic roadmap and the actions EPA has announced.
 - ◇ View the slides from EPA-hosted webinars: Webinar: PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024 (pdf) (864.63 KB, October 2021) <https://www.epa.gov/system/files/documents/2021-10/slides-epa-pfas-roadmap-public-webinars.pdf>
- **Stakeholder listening sessions.** EPA held a series of stakeholder briefings with non-governmental organizations; Congressional stakeholders; Federal agency partners; Tribal, state and local governments; environmental justice organizations; and industry groups. EPA will continue to engage with

stakeholders as the Agency moves ahead with the actions in the roadmap.

- **A focus on impacted communities.** As outlined in the roadmap, EPA will also engage directly with affected communities in every EPA Region to hear how PFAS contamination impacts their lives and livelihoods, building on a recommendation from EPA's National Environmental Justice Advisory Council.

Goals

EPA's integrated approach to PFAS is focused on three central directives:

- **Research.** Invest in research, development, and innovation to increase understanding of PFAS exposures and toxicities, human health and ecological effects, and effective interventions that incorporate the best available science.
- **Restrict.** Pursue a comprehensive approach to proactively prevent PFAS from entering air, land, and water at levels that can adversely impact human health and the environment.
- **Remediate.** Broaden and accelerate the cleanup of PFAS contamination to protect human health and ecological systems.

Key Actions

Each of the actions described in the roadmap is an important and meaningful step to safeguard communities from PFAS contamination. The risks posed by PFAS, however, demand that the Agency attack the problem on multiple fronts at the same time and leverage the full range of EPA's statutory authorities to confront the human health and ecological risks of PFAS. Cumulatively, these actions will build upon one another and lead to more enduring and protective solutions. As outlined in greater detail in the PFAS Strategic Roadmap (pdf) www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf (1.46 MB), EPA will be taking the following key actions:

(Continued on page 16)

Office of Chemical Safety and Pollution Prevention

- Publish a national PFAS testing strategy to deepen understanding of the impacts of categories of PFAS, including potential hazards to human health and the environment. (*National Testing Strategy released October 2021* <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/national-pfas-testing-strategy>)
- Ensure a robust review process for new PFAS under the Toxic Substances Control Act to ensure these substances are safe before they enter commerce.
- Review existing PFAS under TSCA to ensure existing PFAS are being used in ways that do not present concerns, and to prevent resumed production of legacy PFAS or their use in new ways. (*Inactive PFAS proposed rule published January 2023* <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-and-polyfluoroalkyl-substances-pfas>)
- Enhance PFAS reporting under the Toxics Release Inventory by proposing a rulemaking to remove exemptions and exclusions for toxic chemical reporting. (*Proposed rule published December 2022* <https://www.epa.gov/toxics-release-inventory-tri-program/changes-tri-reporting-requirements-and-polyfluoroalkyl>)
- Finalize new PFAS reporting under TSCA Section 8 to better characterize the sources and quantities of manufactured PFAS in the United States.

Office of Water

- Undertake nationwide monitoring for PFAS in drinking water under the fifth Unregulated Contaminant Monitoring Rule, significantly expanding the number of drinking water systems participating in the program, pending sufficient appropriations by Congress. (*final rule published December 2021* <https://www.epa.gov/dwucmr/fifth-unregulated-contaminant-monitoring-rule>)
- Establish a national primary drinking water regulation for PFOA and PFOS that would set enforceable limits and require monitoring of public water supplies, while evaluating additional PFAS and groups of PFAS.
- Publish the final toxicity assessment for GenX and five additional PFAS—PFBA, PFHxA, PFHxS, PFNA,

and PFDA—to better understand their human health and environmental effects. (*final GenX assessment published October 2021* <https://www.epa.gov/chemical-research/human-health-toxicity-assessments-genx-chemicals>)

- Publish health advisories for GenX and PFBS based on final toxicity assessments to enable tribes, states, and local governments to inform the public and take appropriate action. (*final health advisories published June 2022* <https://www.epa.gov/sdwa/drinking-water-health-advisories-genx-chemicals-and-pfbs>)
- Restrict PFAS discharges from industrial sources through a multi-faceted Effluent Limitations Guidelines program to proactively establish national technology-based regulatory limits, including progress on the nine industrial categories in the proposed PFAS Action Act of 2021.
- Leverage National Pollutant Discharge Elimination System permitting to reduce PFAS discharges to waterways to reduce discharges of PFAS at the source and obtain more comprehensive information through monitoring on the sources of PFAS and quantity of PFAS discharged by these sources. (*memo issued to EPA Regional permitting and pretreatment authorities in April 2022* <https://www.epa.gov/newsreleases/epa-delivers-three-water-commitments-agencys-pfas-strategic-roadmap>)
- Publish improved analytical methods to enable 40 PFAS to be monitored in eight different environmental matrices, and to update methods for drinking-water monitoring.
- Publish final recommended ambient water quality criteria for PFAS for aquatic life and human health to help Tribes and states develop standards, write permits, and assess cumulative impacts. (*draft recommended criteria published in April 2022 for PFOA and PFOS* <https://www.epa.gov/newsreleases/epa-delivers-three-water-commitments-agencys-pfas-strategic-roadmap>)
- Enhance data availability on PFAS in fish tissue to better assess the impacts of PFAS on the aquatic environment and to inform federal, state, and Tribal efforts to set PFAS fish advisories.
- Finalize risk assessment for PFOA and PFOS in biosolids that will serve as the basis for determin-

(Continued on page 17)

ing whether regulation of PFOA and PFOS in bio-solids is appropriate.

Office of Land and Emergency Management

- Propose to designate certain PFAS as CERCLA hazardous substances to require reporting of PFOA and PFAS releases, enhance the availability of data, and ensure agencies can recover cleanup costs. (*proposed rule published September 2022* <https://www.epa.gov/superfund/proposed-designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos>)
- Issue advance notice of proposed rulemaking on various PFAS under CERCLA to seek public input on whether to similarly seek CERCLA designation of other PFAS.
- Issue updated guidance on destroying and disposing PFAS to reflect public comments on interim guidance and to reflect newly published research results.
- Initiate two rulemakings under the Resource Conservation and Recovery Act to address PFAS. (*read the news release* <https://www.epa.gov/superfund/proposed-designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos>)

Office of Air and Radiation

- Build the technical foundation to address PFAS air emissions to identify sources, develop and finalize monitoring approaches for stack emissions and ambient air, develop information on cost-effective mitigation technologies, and increase understanding of the fate and transport of PFAS air emissions—to inform potential regulatory and non-regulatory mitigation options.

Office of Research and Development

- Develop and validate methods to detect and measure PFAS in the environment, including additional targeted methods for detecting and measuring specific PFAS, non-targeted methods for identifying unknown PFAS in the environment, and exploring “total PFAS” methods.
- Advance the science to assess human health and environmental risks from PFAS by developing hu-

man health toxicity assessments under EPA’s Integrated Risk Information System program; by compiling and summarizing available and relevant scientific information; by identifying PFAS sources, transport, and exposure pathways; and by characterizing how exposure to PFAS may contribute to cumulative impacts on communities.

- Evaluate and develop technologies for reducing PFAS in the environment to inform decisions on drinking water and wastewater treatment, contaminated site cleanup and remediation, air emission controls, and end-of-life materials management.

Cross-Program

- Engage directly with affected communities in every EPA region to hear how PFAS contamination impacts their lives and livelihoods, building on a recommendation from EPA’s National Environmental Justice Advisory Council. (*virtual engagement sessions to occur in early 2023* <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024#progress>)
- Use enforcement tools to better identify and address PFAS releases at facilities, as appropriate, to require actions by responsible parties, to limit future releases, and to address existing contamination.
- Accelerate public health protections by identifying PFAS categories—based on toxicological data for hazard assessment and decision-making, and based on removal technologies.
- Establish a PFAS Voluntary Stewardship Program to challenge industry to go above and beyond regulatory or compliance requirements to reduce overall releases of PFAS into the environment.
- Educate the public about the risks of PFAS to help the public understand what PFAS are, how they are used, and how they can impact their health.
- Issue an annual public report on progress towards PFAS commitments included in this roadmap, as well as future actions the Agency may take. (*first annual progress report issues November 2022* <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024#year-one-report>)

Sign up today!

NIC?-MNÍ (Water) Center & NSF ICE-TI Summer INTERNSHIPS

Internships available!

10—20 internship positions available this summer for ANC students and graduates.

\$12 an hour up to 400 hours

***Application Deadline:
April 21, 2023!***

Starting: May 15, 2023.

Supervised by a professional in your related field of study. Most position will be working with ANC staff or faculty. Some outside placements may be available with Tribal Programs!

Sign up today!

Applications available. See Michael Kinsey for more information.

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Your Help is Needed to Support The Gros Ventre & Assiniboine Tribes Water Rights Settlement Bill!!

The Water Settlement Act will:

- **Secure Indian Water Rights for our Permanent Homeland****
- **Bring Millions of Dollars for Water Infrastructure & Economic Resources****
- **Transfer Tens of Thousands of Acres of Land Back to the FBIC****

Secure Indian Water Rights for Our Permanent Homeland

- The Settlement will fulfill a Treaty promise for a permanent Reservation homeland.
- The Winters Doctrine protecting all Indian water rights started with our Reservation.
- We are the last Reservation in Montana to finalize our water rights settlement.
- We are finalizing our agreement with the Department of Interior and will send the Bill to Congress for approval.

Millions of Dollars for Water Infrastructure & Economic Resources to Support:

- Critical water infrastructure projects for the FBIC that will provide good paying jobs and have a positive economic impact for communities across the Hi-Line.
- The repair, upgrade, and expansion of our Indian Irrigation Project to support our agricultural economy, and help support Tribal irrigators with O&M fees.
- Infrastructure for a clean and safe domestic water supply across the Reservation.
- A power plant to pump FBIC water from the Missouri River to the southern part of the Reservation, and to help construct Wellness Centers.
- The construction of 2 on-Reservation reservoirs and dams, from the Milk River and the Upper Peoples Creek, allowing FBIC to use the water for multiple purposes, including water leasing.
- The restoration of the St. Marys Diversion Canal that supplies water to the Milk River, benefiting both FBIC and non-tribal Milk River Project users—and a win-win for us and the whole region.

Transfer Thousands of Acres of Federal and State Lands On and Off the Reservation to be Returned to the FBIC

CALL YOUR LOCAL AND FEDERAL REPRESENTATIVES

Senator Daines
(202) 224-2651
Phillips Co. Commissioners
(406) 228.6219

Senator Tester
(202) 224-2644
Blaine Co. Commissioners
(406) 357-3250

Representative Rosendale
(202) 225-3211
Hill County Commissioners
(406) 265-5481

After years of effort Bristol Bay celebrates EPA's historic action to stop Pebble

Contact:

Carmell Engebretson, BBNC Director of Communications, cegebretson@bbnc.net or (907) 278-3602

Alannah Hurley, UTBB Executive Director, ahurley@utbb.org or (907) 843-1633

Robin Samuelsen, BBEDC Board Chair, (907) 843-1642

Gayla Hoseth, BBNA Director of Natural Resources, ghoseth@bbna.com or (907) 842-6252

<https://www.ienearth.org/after-years-of-effort-bristol-bay-celebrates-epas-historic-action-to-stop-pebble/>



Regional organizations and residents celebrate long-sought Clean Water Act protections that will safeguard the lands and waters that have sustained Bristol Bay since time immemorial

Dillingham, Alaska — Bristol Bay Tribes, communities, Alaska Native Corporations and organizations are celebrating the news that the Environmental Protection Agency (EPA) finalized 404(c) Clean Water Act protections that will stop the proposed Pebble Mine from being built at the headwaters of Bristol Bay.

The EPA on January 31 published its “Final Determination outlining prohibitions and restrictions that will prevent a large-scale mine from being developed at the Pebble deposit due to the adverse impacts such a mine would have on Bristol Bay’s people, waters, and salmon fishery. This news is decades in the making and was initiated in 2010 when Bristol Bay’s Tribes first formally petitioned the EPA to use their authority under the Clean Water Act to protect the pristine watershed.

The protections will prohibit and restrict the use of certain waters—in the South Fork Koktuli, North Fork Koktuli, and Upper Talarik Creek watersheds—in Bristol Bay as a disposal site for the discharge of dredged or fill material associated with mining at the Pebble deposit. Additionally, the Final Determination prohibits future proposals to develop a mine at the Pebble deposit which have impacts similar or greater than the mine plan denied by the Army Corps of Engineers in 2020.

The EPA’s Final Determination is a welcome decision in the region, where the vast majority of residents have long-opposed this toxic project. During Bristol Bay’s robust sockeye salmon season last summer a record number of Bristol Bay residents and Alaskans submitted comments supporting EPA finalizing permanent protections for the watershed.

Bristol Bay leaders made the following statements:

“EPA listened to our people’s call and will now protect our lands and waters for future generations. This is fantastic news for our region,” said Robin Samuelsen, board chair of the Bristol Bay Economic Development Corp. “Bristol Bay has been fighting this mine for more than two decades, and today we celebrate that the EPA listened and took action to protect our home. Our fishery is critical to our region’s survival both economically and culturally, and this decision will enable us to continue feeding our families and the world.”

“EPA, and in particular Administrator Michael Regan, Assistant Administrator Radhika Fox, and Region 10 Administrator Casey Sixkiller, deserve credit for their thorough work and for listening to the voices of Bristol Bay throughout the process,” said Bristol Bay Native Corporation CEO Jason Metrokin. “Today is a great day for Bristol Bay, and one that many thought would never come. While the immediate threat of Pebble is behind us, BBNC will continue working to protect Bristol Bay’s salmon-based culture and economy and to create new economic opportunities across the region.”

“Under President Biden, the EPA has not only restored its commitment to science and law but truly listened to the original stewards and first peoples’ of this land. Ignored by our own state government, our Tribes petitioned the EPA 13 years ago to use its 404 (c) authority to protect Bristol Bay, to protect our people,” said Alannah Hurley, executive director of the United Tribes of Bristol Bay. “Today, these Clean Water Act protections provide certainty that Pebble cannot be built in Bristol Bay. On behalf of UTBB, I’d like to say *quyana, chin’an*, thank you to the EPA and the Biden Administration not just for this decision, but for

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After years of effort Bristol Bay celebrates EPA's historic action to stop Pebble

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working throughout this 404(c) process to consult with our Tribes. EPA's action today helps us build the future where our people can remain Yup'ik, Dena'ina, and Alutiiq for generations to come."

"Today is a historical moment in time and we would like to thank the EPA for finalizing the Clean Water Act protections that will safeguard our lands, water and culture," said Bristol Bay Native Association President & CEO Garvin Federenko. "The people of Bristol Bay have always been stewards of our lands and natural resources with traditional ecological knowledge passed on from generation to generation since time immemorial. Today is a day for celebration with gratitude to EPA, as well as the people of Bristol Bay for

being engaged in the process to have our voices heard, and thank you to everyone who has supported our region over the past two decades."

The fight to protect Bristol Bay, and its irreplaceable resources, has had support from a unique bipartisan coalition, including commercial and sport fishermen, jewelers, chefs, businesses, residents, politicians on both sides of the aisle, and millions of Americans over several comment periods. Although Clean Water Act 404(c) protections provide certainty that Pebble cannot be built in Bristol Bay, Bristol Bay's Tribes and regional organizations will remain vigilant and continue working to safeguard our lands, waters and the people they sustain from future threats.

Biden Administration Breaks Climate Promise and Approves Willow Project

<https://www.ienearth.org/biden-administration-breaks-climate-promise-and-approves-willow-project/>



Washington, DC — The morning of Monday, March 13, 2023, the Biden Administration released its final decision approving three drilling sites for the Willow Master Development Plan, otherwise known as the Willow Project that threatens local communities, wildlife, and the global climate. This is a massive oil drilling development on Alaska's North Slope, which is a stretch of public land known as the National Petroleum Reserve that borders the Arctic National Wildlife Refuge (ANWR).

This project developed by ConocoPhillips would be the single largest oil extraction point on US public lands, emitting 278 million metric tons of climate pollution over the next 30 years. That's equivalent to the annual emissions from 74 coal plants — one-third of all remaining U.S. plants. Willow will disproportionately impact the community of Nuiqsut, a predominantly Iñupiaq village of about 500 people already suffering extreme pollution from existing oil projects.

This decision comes one day after unveiling protections for 16 million acres of land and water in the region. The Department of Interior also announced that it is preparing new rules to provide maximum protection to millions of acres of lands in the western Arctic, including the area around Teshekpuk Lake, a vital home to caribou and other wildlife that are central to

Alaska Native communities' traditional way of life.

However, by green lighting the Willow Project, President Biden has approved the next U.S. climate bomb. This decision is not only a complete betrayal of his commitments to confront the climate crisis but is also an open violation of Indigenous rights. It doesn't matter what other "Arctic Protections" this administration puts in place, the ecological & spiritual damage wrought by this project cannot be offset nor supplanted. The Willow Project directly threatens 5 Iñupiaq communities on the Arctic Slope, putting their ability to sustain their food security, health, and identity at risk. Our network expresses our solidarity with the Iñupiaq communities fighting to protect their homelands and ecosystems.

Indigenous Environmental Network's Program Director, Kandi White (Mandan, Hidatsa, Arikara) exclaims, "The Biden administration needs to stop riding the fence and exacerbating the climate crisis. Proposing to announce new rules in protection of the Arctic Ocean while simultaneously approving The Willow Project is counterintuitive. We must reduce extraction and distribution of fossil fuels in real time, invest in real solutions led by Indigenous and local communities, and cease any new fossil fuel development and

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Biden Administration Breaks Climate Promise and Approves Willow Project

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leasing.”

“The Biden Administration’s approval of the ConocoPhillips Willow project in Alaska completely erases his campaign on confronting longstanding environmental injustices and disproportionate impacts from climate change on environmental justice communities, such as the Alaska Natives. The project is nothing less than a carbon bomb increasing to more than 278 million metric tons of greenhouse gasses that

Mother Earth does not need. The project would devastate the ecosystem, affect migration patterns for animals the Iñupiaq depend on with additional serious concerns of health impacts for Indigenous communities themselves.” says Tom BK Goldtooth, Executive Director, Indigenous Environmental Network.

Legal challenges to this decision are expected. Support the fight by using this toolkit created by the People vs Fossil Fuels coalition.



SUPPORT THE FBIC WATER RIGHTS SETTLEMENT BILL CONTACT YOUR CONGRESSIONAL DELEGATION & COUNTY COMMISSIONERS TODAY!!

The Honorable Sen. Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510
Gabriella_Blatt@tester.senate.gov
(202) 224-2651

The Honorable Sen. Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510
Kirstin_Liddell@daines.senate.gov
(202) 224-2644

The Honorable Rep. Matt Rosendale
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Commissioner Richard Dunbar
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(406) 654-2429

What is a circular economy?

<https://www.epa.gov/recyclingstrategy/what-circular-economy>



A circular economy keeps materials, products, and services in circulation for as long as possible. The Save Our Seas 2.0 Act refers to an economy that uses a systems-focused approach and involves industrial processes and economic activities that are restorative or regenerative by design, enables resources used in such processes and activities to maintain their highest value for as long as possible, and aims for the elimination of waste through the superior design of materials, products, and systems (including business models). It is a change to the model in which resources are mined, made into products, and then become waste. A circular economy reduces material use, redesigns materials, products, and services to be less resource intensive, and recaptures “waste” as a resource to manufacture new materials and products.

Circularity is embraced within the sustainable materials management (SMM) approach that EPA and other federal agencies have pursued since 2009. A circular economy approach under the SMM umbrella demonstrates continuity in our emphasis on reducing negative lifecycle impacts of materials, including climate impacts, reducing the use of harmful materials, and decoupling material use from economic growth and meeting society’s needs. EPA has a broad vision to help the nation address the full impacts of materials on our communities and has set out a transformative vision for our waste management system – one that is inclusive, more equitable, and reflects the urgency of the climate crisis – by releasing a series of strategies that will be dedicated to building a circular economy for all.

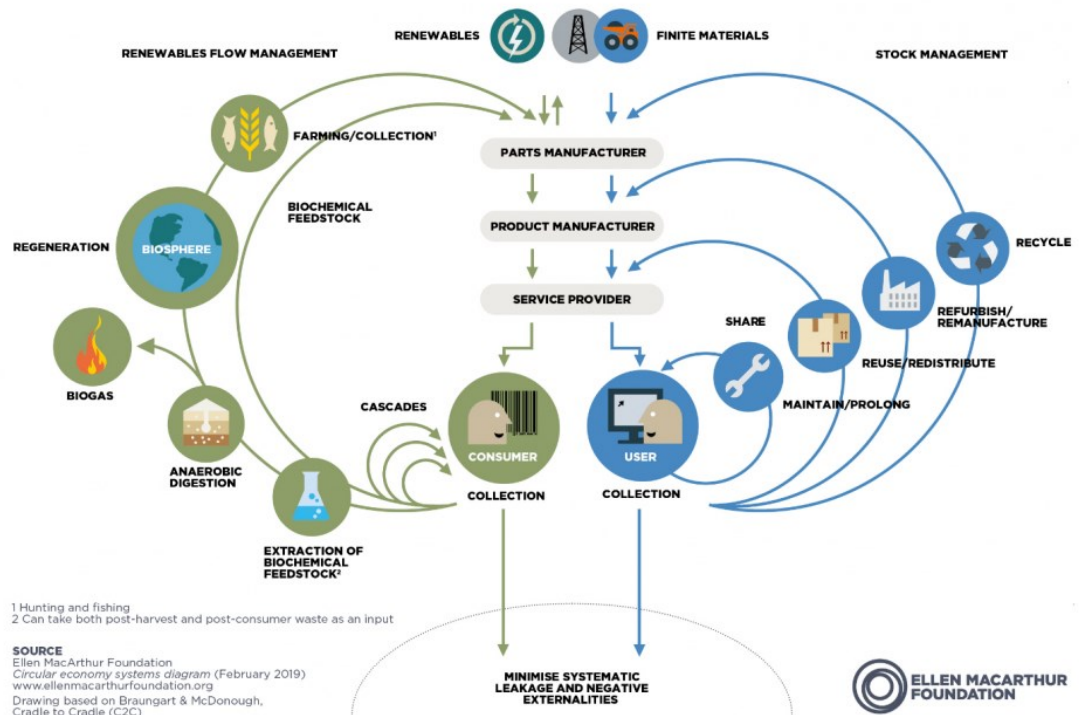
Why is it important?

This work on a circular economy is an important part of slowing climate change. We must take ac-

tion to address the climate crisis, and material recovery has an important role to play. The United Nations’ International Resource Panel concluded that natural resource extraction and processing contribute to about half of all global greenhouse gas emissions. That is why EPA is developing strategies to identify the key actions needed to reduce the impact these materials can cause.

The circular economy, when designed in a thoughtful and inclusive manner, has the potential to protect the environment, improve economics, and elevate social justice. Sustainability from its foundation requires social equity. How we extract, use, and dispose of our resources can affect already vulnerable communities disproportionately.

Underserved communities across this nation have been overburdened with the negative environmental and health impacts caused by a non-circular economy. Many landfills and manufacturing and processing facilities are located in close proximity to low-income communities. EPA's circular economy for all aims to reduce waste and toxic materials and reuse critical minerals during manufacture and processing. Safe jobs and healthy communities are the goals.



This Ellen MacArthur Foundation system diagram illustrates the continuous flow of technical and biological materials through a circular economy.

How Biden Got From ‘No More Drilling’ to Backing a Huge Project in Alaska

High gas prices, a looming election and fears of a costly legal battle seem to have shifted the political calculus for the president.

By Lisa Friedman | March 13, 2023

<https://www.nytimes.com/2023/03/13/climate/willow-biden-oil-climate.html>



A polar bear and her young on the Beaufort Sea coast in Arctic National Wildlife Refuge, Alaska. Credit...Reuters

WASHINGTON — As a candidate, Joseph R. Biden promised voters worried about the warming planet “No more drilling on federal lands, period. Period, period, period.” On Monday, President Biden approved an enormous \$8 billion plan to extract 600 million barrels of oil from pristine federal land in Alaska.

The distance between Mr. Biden’s campaign pledge and his blessing on that plan, known as the Willow project, is explained by a global energy crisis, intense pressure from Alaska lawmakers (including the state’s lone Democratic House member), a looming election year and a complicated legal landscape that government lawyers said left few choices for Mr. Biden.

Senator Lisa Murkowski, an Alaska Republican and one of the chief advocates for Willow, which is projected to generate 2,500 jobs and millions in revenue for her state, said the president was inclined to oppose it and “needed to really be brought around.”

Mr. Biden was acutely aware of his campaign pledge, according to multiple administration officials involved in discussions over the past several weeks. Environmental activists had also openly warned that Mr. Biden’s climate record, which includes making landmark investments in clean energy, would be undermined if he approved Willow, and that young voters in particular could turn against him.

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How Biden Got From 'No More Drilling' to Backing a Huge Project in Alaska

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Activists at a protest this month demanding the Biden administration stop the Willow drilling project. Credit... Jason Andrew for The New York Times

Approval of the Willow project marks a turning point in the administration's approach to fossil fuel development. Until this point, the courts and Congress have forced Mr. Biden to sign off on some limited oil and gas leases. Willow would be one of the few oil projects that Mr. Biden has approved freely, without a court order or a congressional mandate.

And it comes as the International Energy Agency has said that governments must stop approving new oil, gas and coal projects if the planet is to avert the most catastrophic impacts of climate change.

Ultimately, the administration made the internal calculation that it did not want to fight ConocoPhillips, the company behind the Willow project.

ConocoPhillips has held leases to the prospective drilling site for more than two decades, and administration attorneys argued that refusing a permit would trigger a lawsuit that could cost the government as much as \$5 billion, according to administration officials who asked not to be identified in order to discuss legal strategy.

"The lease does not give Conoco the right to do whatever they want, but it does convey certain rights," said John Leshy, who served as the Interior Department's solicitor under President Bill Clinton. "So the administration has to take that into account. I would not say their hands were tied, but their options were limited by the lease rights."

The leases are basically a contract and if the Biden administration denied the permits, essentially breached the contract, without what a court considered a valid argument, a judge would likely find in favor of the company, Mr. Leshy said. It would be unusual for a court to simply order the government to issue permits; more likely a judge would award damages, he said.

That figure could include not just compensation for investments ConocoPhillips has already made but also profits that the company could have gotten if it had been allowed to drill, Mr. Leshy said, putting a potential judgment into the billions of dollars.

Ms. Murkowski said she believed the legal argument was the turning point for Mr. Biden. "There was no way around the fact that these were valid existing lease rights," she said. "The administration was going to have to deal with that reality."

To try to minimize the fallout, the Biden administration demanded concessions. It slashed the size of the project from five drilling sites to three. ConocoPhillips agreed to return to the government leases covering about 68,000 acres in the drilling area, which lies within the National Petroleum Reserve-Alaska. And the administration said it would put in place new protections for a nearby coastal wetland known as Teshekpuk Lake. Those measures would effectively form a "firewall" that would prevent the Willow project from expanding, the administration said.

Mr. Biden also intends to designate about 2.8 million acres of the Beaufort Sea in the Arctic Ocean near shore in the National Petroleum Reserve-Alaska as off limits for future oil and gas leasing. And the Interior Department plans to issue new rules to block oil and gas leases on more than 13 million of the 23 million acres that form the petroleum reserve.

But several of those measures could be revoked by a future administration, and none of them seemed to appease environmental groups, which termed the project a "carbon bomb."

"The announcement is nothing more than window dressing," Ben Jealous, president of the Sierra Club,

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said in an interview. “If President Biden were sitting here I’d tell him don’t spit on us and tell us that it’s raining, Mr. President.”

He called the Willow approval “a major breach of trust” and warned that with it, Mr. Biden has alienated many of his supporters, particularly young voters.

“President Biden’s decision to move forward with the Willow Project abandons the millions of young people who overwhelmingly came together to demand he stop the project and protect our futures,” said Varshini Prakash, executive director of the Sunrise Movement, a youth-led climate change advocacy group.

Earthjustice, an environmental group, said it would sue to stop the project as soon as Wednesday and expects to be joined by several other organizations. Environmental groups argued that the administration had the legal authority to deny ConocoPhillips a permit and should have done so based on a federal environmental review that found “substantial concerns” about the project’s impact on the climate, the danger it poses to freshwater sources and the way it threatens migratory birds, caribou, whales and other animals that inhabit the region.

The Willow project would be constructed on the nation’s largest swath of undeveloped land, about 200 miles north of the Arctic Circle.



An exploratory ConocoPhillips drilling camp at the proposed site of the Willow oil project on Alaska’s North Slope. Credit...ConocoPhillips, via Associated Press

Some analysts said Mr. Biden’s decision could ultimately help him with moderates and independents,

given elevated gas prices amid an energy crisis created by Russia’s invasion of Ukraine and Republican attacks that Democratic climate policies are jeopardizing American energy independence.

“I think the White House feels the president has strong climate credentials now, but that he does need to reach out to working class voters in swing states who care about gasoline prices,” said Paul Bledsoe, a former climate aide in the Clinton administration who now works at the Progressive Policy Institute, a think tank.

But Mr. Bledsoe said he also thought the administration needed to make a stronger case publicly that the Willow project will not make a large contribution to the climate crisis.

“The problem with climate is not supply, it’s demand,” he said. “The world is awash in oil and other countries will supply the oil if we don’t. The question is, can we reduce demand through substitute technologies? And that’s where the administration has been very strong.”

The burning of oil produced by the Willow project would cause 280 million metric tons of carbon emissions, according to a federal analysis. On an annual basis, that would translate into 9.2 million metric tons of carbon pollution, equal to adding nearly two million cars to the roads each year. The United States, the second-biggest polluter on the planet after China, emits about 5.6 billion metric tons of carbon dioxide annually.

A key factor was the widespread support Willow enjoyed from lawmakers of both parties, including Mary Peltola, a Democrat and the state’s first Alaska Native elected to Congress; labor unions; and most Indigenous groups in Alaska.

In 2021 the Biden administration defended a Trump-era decision to allow the Willow project to go forward. Last year, it issued a new draft environmental statement that signaled support for Willow and in February, a federal analysis telegraphed that the administration would look for ways to approve a limited version of the project.

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When advocates met with Deb Haaland, the Interior secretary, in late February in a last-ditch attempt to persuade her to block the permits, she choked up twice and explained that her agency often had to make difficult choices, according to several people who were present. Ms. Haaland had fought the Willow project when she served as a member of Congress before joining the administration.

A few days later, Alaska lawmakers met with Mr. Biden. “I had had enough conversations with people to believe that there was a better-than-even chance it was going to go our way,” Ms. Murkowski said.

On Sunday night, Ms. Haaland’s deputy, Tommy Beaudreau, who grew up in Alaska and is friendly with many of the state’s lawmakers, called Ms. Murkowski and others to walk them through the decision, members of Congress said.

ConocoPhillips praised the approval and said the company expected to immediately begin construction on a gravel road to the drill sites. At its peak, Willow will produce about 180,000 barrels of oil a day, but it will be several years before the crude begins to flow.

Nevertheless, the company, oil industry leaders and the state’s lawmakers cast the approval as a signal that Mr. Biden agreed with their argument that he cannot demand the oil industry ramp up production to keep gas prices low while also imposing restrictions.

“Alaska cannot carry the burden of solving our global warming problems alone,” Ms. Peltola said.

Senator Dan Sullivan, Republican of Alaska, said administration officials have told lawmakers that they will defend the decision in court from environmental groups. Mr. Sullivan said the Alaska delegation and others were already preparing an amicus brief in defense of the decision.

“This is going to be the next hurdle, and it will be a big battle,” Mr. Sullivan said.

The New York Times

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HAPPY NEW YEAR 2023

From the Fort Belknap Environmental Protection Department



We Wish you all a Happy New Year with the hope that you will have many blessings in the year to come!