



Kalispel Tribe of Indians
P.O. Box 39
Usk, WA 99180

(509) 445-1147
(509) 445-1705 *fax*
www.kalispeltribe.com

May 11, 2017

Michelle Pirzadeh
Acting Administrator, Region 10
Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

RE: Class I Redesignation of the Kalispel Indian Reservation

Dear Ms. Pirzadeh:

On behalf of the Kalispel Business Council, the governing body of the Kalispel Tribe of Indians, I am submitting for EPA approval our proposal to redesignate the lands within the exterior boundaries of the original Kalispel Indian Reservation a Class I area under the Clean Air Act's Prevention of Significant Deterioration (PSD) program. The Tribe makes this request having complied with the applicable procedural requirements of 40 C.F.R. § 52.21, considered all written and oral comments received, and determined that Class I redesignation is necessary to advance the Tribe's sovereign interest in protecting Reservation air quality.

This proposal is a direct response to an imminent threat and consistent with the Tribe's longstanding efforts to protect our home from environmental pollution. In August of 2016, the Tribe learned that a Canadian corporation was interested in building a silicon smelter less than a mile upwind of our Reservation. The Tribe immediately and repeatedly requested detailed emissions information for the proposed smelter, but the only information we have received to date is a general estimate suggesting that the smelter will contribute up to 4,000 metric tons of nitrogen oxides and sulfur dioxide per year. The adverse environmental impacts caused by emissions from existing silicon smelters are well documented. Given the proximity of the proposed smelter to our Reservation and the documented adverse effects of particulates, nitrogen oxides, and sulfur dioxide on human health and the environment, the Tribe decided to take measures to protect our people and natural resources from industrial air pollution.

After exploring a variety of alternatives, the Tribe chose to pursue Class I redesignation of our Reservation under the Clean Air Act's PSD program. We made this decision because Class I redesignation is a proven way of protecting Reservation air quality without imposing new regulatory burdens on existing community businesses and the day-to-day activities that are integral to our rural way of life. The Tribe commissioned a Technical Report to help us understand the full range of impacts of Class I redesignation, and that analysis reinforced our

reasons for pursuing a more protective classification. The benefits of Class I redesignation include, but are not limited to:

- Reduction in future health problems for Kalispel people and members of the surrounding community.
- Enhanced protection for the health and cultural use of natural resources such as fish, wildlife, and plants.
- Increased worker productivity, higher property values, higher quality of life, and overall improved economic well-being with minimal, if any, damage to local economic vitality.

Based on the Technical Report's conclusion that Class I redesignation would substantially lower acceptable air pollution limits for new industrial sources on and near the Reservation without undercutting the socioeconomic gains that the Tribe and its community partners are working to create, the Tribe decided to formally pursue Class I redesignation of the lands within the exterior boundaries of our original Reservation. This effort involved meeting the applicable procedural requirements set forth in 40 C.F.R. § 52.21(g).¹ To demonstrate compliance with these requirements, I have attached copies of:

1. The 1914 Executive Order creating the federally recognized Reservation to which the Class I redesignation will apply;
2. The Certification of Public Hearing regarding the Tribe's redesignation proposal;
3. The notifications of the proposed redesignation, sent more than 30 days in advance of the public hearing, to affected States, Indian Governing Bodies, and Federal Land Managers;
4. The Tribe's Technical Report analyzing the health, environmental, economic, social and energy effects of the proposed redesignation; and
5. The public notice, issued more than 30 days prior to the public hearing, announcing the date and time of the public hearing, and the availability of and opportunity to comment on the Technical Report.

As a courtesy, the Tribe also provided advanced notice to our partners in local government and state agencies, issued a fact sheet and FAQ for interested parties, and conducted a Q&A following the public hearing.

Although the Tribe did not receive any formal consultation requests from affected States, Tribes, or Federal Land Managers, we did receive a number of public comments. The Tribe has carefully considered all of these comments and determined that we have met the procedural requirements necessary for EPA approval. We recognize that some of our neighbors have lingering concerns about the potential effects of Class I redesignation, but these concerns are unrelated to the applicable regulatory requirements.

By deciding to submit our Class I redesignation proposal for EPA approval at this time, the Tribe is not foreclosing further conversation on the public comments we have received. For instance,

¹ 40 C.F.R. § 52.21(g)(2)(iv) and (v) do not apply, respectively, because the Tribe's Reservation does not include lands managed by another Federal Land Manager, and the Kalispel Tribe does not have political subdivisions like a state. Nor do 40 C.F.R. § 52.21(g)(3)(iii) and (iv) because the Tribe is seeking a more protective PSD designation.

we will be meeting with the Pend Oreille County Commissioners in the near future and reserve the right to submit an addendum to the Technical Report to address the Commissioners' desire to more particularly describe economic conditions specific to Pend Oreille County. We are also planning to invite EPA to participate in a community workshop with the Tribe and Department of Ecology in the hopes of addressing outstanding misconceptions regarding the scope of the PSD program and the potential for more burdensome regulation of daily activities such as woodstove use, road sanding, and field burning.

Thank you in advance for your prompt attention to the Tribe's proposal. Please contact Deane Osterman, Executive Director of the Kalispel Natural Resources Department, if you have any questions or need additional information. His phone number is (509) 447-7282.

Respectfully,

A handwritten signature in cursive script that reads "Glen Nenema".

Glen Nenema
Chairman, Kalispel Business Council