When five fires roared to life in southern California north and west of San Diego in October, Pauma tribal member Juana Majel-Dixon recalls, “Everyone clearly understood we weren’t in a brushfire or a forest fire, we were in a firestorm.” The devastation swept across more than a dozen reservations, moving so rapidly that the flames outran automobiles. A total of twenty-two people were killed and some 260 injured. In Indian Country, more than 2000 adults and 700 children were evacuated from their homes. The fires stripped thousands of acres of tribal land of vegetation and left an acrid residue of smoke odor in walls, furniture and other belongings throughout North County and its surroundings. Respiratory problems continue months after the last embers have cooled.

Fire in Indian Country:
NATURAL DISASTER BRINGS OUT BEST IN S. CAL. TRIBES

For the tribes in the fire area north and west of San Diego, says Majel-Dixon, who serves as Air Quality Director for the Pauma Band of Luiseño Mission Indians, respiratory problems have been pervasive and widespread. Those with asthma and other existing respiratory problems suffered most, as did elders and children. Thousands were evacuated during the blaze, including many who were moved quickly due to health issues, mitigating an even greater health impact.

Majel-Dixon says a number of tribes had air monitors up and running when the blaze broke out, including Pala, La Posta, Campo and others. Her own tribe’s PM monitors registered an increase in particulates from a threshold of 250 parts per million (ppm) to a blinding 914 ppm. “We went to look at the MiniVol filters,” she says, “and it was like, ‘What filters?’ You just can’t imagine that many ppms.”

As the fire’s aftermath continues to challenge the region’s tribal members with rebuilding lives and reseeding denuded lands, Majel-Dixon reflects on other impacts of the disaster. “A catastrophe on this scale brings out the worst and the best. We were addressing respiratory problems earlier through our program—we were seeing adult onset of asthma because of our inverted valley, which holds pollutants in. This was an additional heartache for us.” On the other hand, she says,
FROM THE DIRECTOR

As the cover story in this issue on the Southern California fires makes clear, that event last fall was a major catastrophe for tribes in the region. Our hearts go out to all of those whose lives were disrupted by the fires and their aftermath.

Largely unmentioned in the article are some all-too-familiar indications of the continuing problems that tribes face when coping with natural and human-caused disasters.

Often, when a region is affected by a fire, flood or other large-scale catastrophe, the area’s nontribal communities receive assistance from local, county, state and federal entities, while the tribes must struggle to address many of their challenges with minimal assistance. That isn’t to say that nontribal neighbors offer no help to nearby tribes, but generally, their focus is on aiding nontribal residents in the region. Often when tribes are assisted by their nontribal neighbors, it is an artifact of a response to the larger community. Too many times, when tribes are impacted by disasters they must rely on whatever preparations they’ve been able to make in advance and hope that an agency such as the Federal Emergency Management Authority will arrive quickly, set itself up and begin problem-solving efforts in an efficient way. Sometimes it works and sometimes it doesn’t work all that well.

Critics of the response to this catastrophe say that little in the form of coordinated outside help was available to the tribes (with the notable exception of BIA) until after the fire had ravaged numerous Indian communities. (To be fair, nontribal communities too were heavily impacted by the fast-moving, apparently unstoppable flames.) As an example, military airplanes capable of dropping water and flame retardant on burning tribal land were apparently unable to help fight fires in some tribal areas simply because they lacked standard radio-frequency contact with firefighters on the ground. Federal disaster-support agencies, according to some observers, were also perhaps not as efficient as they might have been in assisting tribal members both during and after the blaze.

Fire doesn’t discriminate as to whether you’re Native American or not. But when it came to assistance, the big support agencies did seem to discriminate. The Federal Emergency Management Agency (FEMA) officer didn’t show up until three or four days after the fire started; the tribes had to leverage all their strength and authority, partly through BIA, to get FEMA to come out and deal with the tribes. I think the scale of the disaster for Native Americans was lost because we weren’t well represented in the media coverage; we weren’t on primetime TV. We weren’t necessarily expendable, but to many of us it felt that way.”

~Juana Majel-Dixon

But there is a positive side to the story. Tribes in the region, when faced with this overwhelming situation, pulled together and helped each other. Numerous hotel rooms were provided to tribal members who had been evacuated or had lost homes. Monetary donations came in by the bucketloads from other tribes—casino tribes in particular acted with great generosity. Clothing, food and other supplies from less-affected tribes arrived in such quantities that, in some cases, donors were politely asked to stop donating.

This wellspring of generosity—tribes taking care of tribes—is another indication of the power that we have when we stand together. More problems, such as mudslides, as well as the continuing issues faced by those whose homes have been destroyed and whose land and livestock have been decimated, might arise for the region’s tribal members in the coming months. I have no doubt that when those challenges occur, neighboring tribes will once again be there for their Indian brothers and sisters. That fact is, to me, both a blessing and a powerful lesson for us all.

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Native Voices is published by NAU with a grant from the U.S. Environmental Protection Agency
“BIA did a tremendous job; they were unbelievable. You make these relations—it’s like the techies of Bureau Country. But then suddenly, they’re in the trenches with you and they realize, ‘We can’t let these people suffer, we have to help them protect what they’ve got left.’ The personal connections made it real. What they also witnessed was that there was no one there to protect us.”

Majel-Dixon says that even before the fire, her tribe was developing its air quality plan largely to educate itself and develop political power in dealing with nontribal entities. “We were getting emissions inventories and things thrown at us, and it was way over our heads. We’d have county supervisors decided on rights-of-ways based on fugitive dust and mobile sources, and we’re sitting there wondering, ‘How much of this is true? How do they estimate this, or is it just guessimates?’

The fire helped the tribe solidify its attitude of self-reliance. “When everyone was severely smoked out… we saw the impacts on the animals, the plants, the soil, the water. And we began to talk more to each other: ‘What is our air like? What will it be like? Are we okay?’” It’s a community dialogue that wasn’t there before with this program. I think this devastation brought that dialogue around.”

Likewise, even some less-affected tribes such as the Chemehuevis were influenced in a similar way. Tribal environmental assistant Parra said in mid-December, “People here are still talking about it, and I tell them, ‘Ya, you could really see the smoke from the fires. Now just imagine what you might be breathing that you can’t see. It got people’s attention, and maybe now we’ll get a little more support for our air program than we would have otherwise.”

Robinson Rancheria: Small Tribe, Big Accomplishment

As the tribes continue their march toward environmental-management authority alongside states and other jurisdictions, each small victory marks another major step in that direction. One small tribe in northern California, the Robinson Rancheria Band of Pomo Indians, celebrated such a victory in June 2001 when (with assistance from ITEP) they submitted the nation’s first tribal emissions inventory (EI) to U.S. EPA’s National Emissions Inventory (NEI) database. (As of December 2003, a total of 12 tribes have submitted their EIs into the national database.) The following are excerpts from a paper by former Robinson Rancheria environmental staffer, David C. Jones, on the process and ramifications of the 426-member tribe’s landmark accomplishment.

By David C. Jones

EPA requires, among other items, a tribe to complete an EI for recognition of their air quality program. By completing this inventory, Robinson Rancheria became the 29th Tribe in the Nation known to have completed an EI.

In developing the Robinson Rancheria EI, all categories of emissions were investigated and evaluated, but only the two major emissions sources were quantified. [The Rancheria’s] roads have an aggregate length of approximately 0.8 miles and the author estimated daily traffic on these roads. The emissions from the wood-burning stoves were quantified (using wood consumption estimates and emission factors) and included in this inventory.

We are very lucky that the resulting emission amounts are currently not overly detrimental to the air quality of the Rancheria. They do impact the air quality, as do all emissions, but at the current emission levels the prevailing winds are able to disperse them adequately.

In June 2001, the author uploaded the Robinson Rancheria EI data into the EPA National Emissions Inventory Database (NEI). By completing this inventory, Robinson Rancheria became the first tribe in the nation to submit an EI to the national database.

Major impacts of the EI data submission and tribal air quality programs, in general, are varied and of national importance. Serious new discussions [have] begun between EPA, Tribes, and States on air quality matters at local, regional, and national levels. Tribal air quality programs across the nation are under-funded by EPA and the entry of tribal data into the NEI supports efforts to increase the funding levels. Training of tribal air quality staff is accelerating as more Tribes establish air quality programs every year. Existing tribal air quality programs are maturing and preparing to assume responsibility for the air quality on and off their lands. To do this, staffs are obtaining additional experience and training, developing tribal codes and ordinances, and preparing Tribal Implementation Plans (similar to SIPs).

Since 1998 and the implementation of the Tribal Authority Rule, Tribes may be allowed to regulate the air quality on their tribal lands. As Tribes obtain this delegated authority, it sets precedents for other Tribes within each State and throughout the U.S. It also places States and Tribes on equal legal footings for regulating the air quality in their respective neighborhoods.

The Tribes of the U.S. are about to become new players, instead of just involved parties, in the Nation’s air quality arena and they are prepared to assume the responsibility. Many Tribes already have good working relationships with their respective States and local agencies and agreements between them are and will continue to be important in protecting the air quality from further deterioration.
### AIAQTP Training Courses – FY 2004

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<td>Flagstaff, AZ</td>
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<td>Ozone Monitoring</td>
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<td>Environmental Education for AQ Prof.</td>
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<td>Indoor Air Quality</td>
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For five years, ITEP’s Environmental Education Outreach Program (EEOP) has hosted “Saturday Academy” workshops at Northern Arizona University (NAU), introducing middle and high school students to educational opportunities after high school graduation. Along with familiarizing students with and encouraging them to attend college, the program also • demonstrates to students how they can apply mathematics, science, and technology to local environmental issues; • builds mentoring relationships with college students who act as assistant instructors; and • provides educators from participating schools with training on various science, mathematics and technology curricula.

This year’s Saturday Academy welcomes students from Arizona schools that include Tuba City Junior High School, Jeddito Middle School, Shonto Preparatory, Coconino High School, Piñon High School, and Rocky Ridge Boarding School. Topics for this year’s program include the Mathematics of Uranium and Radiation, Air Quality, Water Quality, Engineering, Family Math, and Global Warming. Students who participate in this growing program comment that it has helped to raise their awareness of environmental issues affecting their communities and has piqued their interest in attending college and pursuing environmental careers.

Along with Saturday Academy, the EEOP staff coordinates a variety of weekday campus visits during which students meet with NAU staff and faculty. The visits help students to smooth their transition to the college environment and provide them with information on career and educational opportunities.

One weekday event, scheduled for January 2004, will include the launch of an e-mentoring program that connects high school and college students. Following the January visit, students will communicate with their college-aged mentors via e-mail to discuss current obstacles and future goals. After several months of e-mail mentoring, the younger students will return to campus to participate in a Saturday Academy session.

For information on EEOP’s Saturday Academy and other projects, contact Mansel Nelson by e-mail at Mansel.Nelson@nau.edu, or by phone at (928) 523-1275/1496. More information is available on the web at http://www.nau.edu/eeop/.

—Graylynn Whiterock

A recent study by the White House Office of Management and Budget (OMB) has concluded that the benefits to society at large of air-quality regulations outweigh their costs by five to seven times. The study, which examined costs and benefits of regulatory decision-making from October 1992 to September 2002, concluded that, while regulatory costs ran between $23 and $26 billion, their benefits were worth between $120 and $193 billion. Air-quality-related benefits included savings related to hospitalizations and emergency-room visits, premature deaths and lost work days.

The study contradicted an earlier study by OMB that determined costs and benefits of environmental regulations were about equal. The newer study factored-in variables that included EPA rules on National Ambient Air Quality Standards for ozone and particulates, which protect the public from several upper respiratory, heart and lung disorders. The new study also considered 1990 Clean Air Act amendments that resulted in a reduction in acid rain.

OMB Office of Information and Regulatory Affairs director, John Graham, said of the study, “Our role at OMB is to report the best available estimates of benefits and costs, regardless of whether the information favors one advocacy group or another. In this case, the data show that the EPA’s clean-air office has issued some highly beneficial rules.”

The OMB study dovetails with a recent U.S. EPA Air Trends report that concluded that emissions of six main air pollutants have declined by 48% since 1970. —D. Wall
After the new 8-hour ozone rule was proposed, tribes were asked by U.S. EPA to update their comments made in 2000 regarding their attainment status under the National Ambient Air Quality Standards classification system in light of the new rule. Of 32 tribes that commented in 2000, 15 responded again before the July 2003 deadline. The following are excerpts from a sampling of those comment letters.

Fort McDowell Yavapai Nation (AZ)—Dr. Clinton M. Pattea, Tribal Council President

Since FMYN does not have three years of QA/QC approved data and there has been no modeling conducted that would represent ozone concentrations averaged over three years, the only basis for designations should be actual monitoring data. Furthermore, since the Fort McDowell Yavapai Nation is a sovereign nation with distinct jurisdictional and legal separation from the state of Arizona and its political subdivisions, the only data that should be utilized to designate the Nation should be data collected within the exterior boundaries of FMYN. It is important to restate that the FMYN does not have the sources of precursors that create ozone. Any and all ozone that may be measured at Fort McDowell is generated in the and all ozone that may be measured at Fort McDowell Yavapai Reservation would be considered unclassifiable because there is no data or monitoring to support any other class designation.

Northwestern Band of the Shoshone Nation (NV)—Gwen T. Davis, Tribal Chairperson

Presently the NWBSN Washakie Reservation would be considered unclassifiable... The NWBSN Tribal Council may seek redesignation to a different classification and/or comment further on the 8-hour designation for Ozone.

Sycuan Band of the Kumeyaay Nation (CA)—M. Anthony Collins, Ph.D, Environmental Manager

...Sycuan has concluded that USEPA has predetermined that the Sycuan Band would be included in the neighboring MSA. Additionally after reviewing EPA's nationwide GIS-assisted classification system, the agency apparently has consolidated Indian Country under an umbrella (throughout the United States) with their associated neighboring states and/or county governments...

Penobscot Nation (ME)—John Banks, Director, Department of Natural Resources

[After stating that the tribe accepts its “attainment” designation]. Tribal members use the Penobscot River and its islands for hunting, trapping, spiritual and cultural activities, recreation, gathering fiddlehead ferns, and other gathering activities. Therefore, any potential threats to the natural resources of the Penobscot River, through water or air pathways, are of the utmost concern of the tribe... As the number of violations increase, we posit that a wider distribution of unhealthy ozone levels will spread further inland through our area. We anticipate an increasing number of violations due to the steady streams of NOx and VOCs consistently being transported into this region as well. Based on these assumptions, we agree that Penobscot lands are currently in attainment, but we hope the EPA will consider our other concerns today for a possible re-evaluation of this status in the future.

Morongo Band of Mission Indians (CA)—Claudia Steiding, Environmental Program Manager

[After acknowledging that EPA might designate the reservation in nonattainment due to its location in a Metropolitan Statistical Area (MSA) that has had an ozone violation] The Morongo Band requests that the EPA, in its final designation for the Morongo Reservation, recognize that the limited options for designation fail to appropriately distinguish areas adversely impacted by unhealthy emissions sources in surrounding areas from those areas located within

the exterior boundaries of the Reservation. While the Morongo Band certainly shares the federal government’s concern for the health and well-being of people within the Morongo Reservation, a nonattainment designation does not effectively convey information about the conditions occurring within the Reservation but instead appears to lay the responsibility for such conditions with the Tribe. Nonetheless, the Morongo Band will continue to exercise its sovereignty and demand that the U.S. government take steps consistent with its trust responsibility and its commitment to government-to-government relations through consultation.

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Native Voices

ITEP would like to welcome two new team members. Our new Air Quality Program Manager is Farshid Farsi, who worked for 12 years as air quality manager for the Shoshone-Bannock Tribes in Idaho. Among his numerous accomplishments there, his work helped to bring federal focus on a heavily polluting industrial source on the reservation, eventually resulting in its closure. Farshid has been involved in numerous air-related organizations, including the Western Regional Air Partnership and the National Tribal Air Association’s Executive Committee. A native of Iran, he joined ITEP in October to manage the Institute’s various air programs. Farshid is married and has two sons.

George Dilbeck is the Tribal Air Monitoring and Support (TAMS) Center’s new EPA Associate Co-Director. He comes to us from the Center for Radioanalysis and Quality Assurance and has two sons.

Clean Air Corridor Designated to Protect Class I Treasures

Visibility in the West has suffered dramatically from the effects of human-caused pollution. The typical visual range in the modern-day West averages 60-90 miles, about half what it was before human-caused pollutants began to degrade it. Along with the health impacts of air pollution on people and ecosystems, and a degraded aesthetic experience for residents and visitors, loss of visibility impacts tribes in the region by obscuring landmarks and vistas that tribal members view as part of their religious practices. It can also cause harm to sacred plants and animals as well as features such as bodies of water and sites where religious practices are observed.

The 1990 amendments to the federal Clean Air Act (CAA) require visibility transport commissions to issue a report identifying and addressing the impacts of clean air corridors (CACs), “in which additional restrictions on increases in emissions may be appropriate to protect visibility in affected Class I areas,” especially from degradation on the cleanest days (which occur mostly in winter).

The Grand Canyon Visibility Transport Commission identified a CAC that impacts 16 Class I areas on the Colorado Plateau, including Grand Canyon, Canyonlands and Arches National Parks and other landscape treasures. The corridor extends south from eastern Oregon and southwestern Idaho down through southern Utah and major portions of Nevada. Since the Commission issued its report in 1996, western states and tribes have formed a voluntary successor organization called the Western Regional Air Partnership (WRAP). The WRAP has helped several of its members implement regulatory plans to protect the CAC identified by the Commission.

According to WRAP analyses, the Plateau’s CAC is not expected to contribute significantly to visibility impairment through the year 2018. Using a visibility descriptor unit known as the “deciview,” or “dV,” the WRAP has calculated that emissions growth in the corridor and associated areas would have to increase by 25% to create a .7 dV reduction in visibility. (One dV is the estimated level at which visibility becomes noticeably impaired.) The WRAP determined that a 25% emissions increase is not likely to occur (they project a 4% increase) and no concrete actions or regulatory changes, other than tracking emissions within and near the CAC, are presently necessary to protect air quality during the cleanest days on the Colorado Plateau.

Further, the WRAP predicts that emissions of certain pollutants, such as nitrogen oxides and VOCs, should actually decrease over the timespan being considered (present to 2018). There is no indication yet, however, of what impact the recent administrative change enacted by President Bush (allowing operators of aging power plants to significantly upgrade their facilities without having to install pollution-control devices) will have on the Plateau’s visibility. Power plants emit several visibility-degrading substances, including sulfur dioxide and other combustion-related pollutants that might increase the CAC’s pollution levels.

—D.Wall (Thanks to Lee Alter of CRQA for help on this article)
In February 1998, through the “Tribal Authority Rule,” U.S. EPA promulgated Clean Air Act (CAA) regulations delineating the process by which tribes can achieve “treatment as a state” (TAS) status for particular CAA programs. A small number of tribes have TAS status or are in the application process under the Tribal Authority Rule. A tribe must fulfill some general requirements to achieve TAS status (see http://www.epa.gov/oar/tribal/tar.html for additional, specific criteria).

Requirements include
* having federal recognition as a tribe;
* the existence of a tribal governing body;
* exercise of functions that pertain to the management and protection of air resources within the exterior boundaries of its reservation, or other areas within the Tribe’s jurisdiction; and
* demonstration of capacity to implement the CAA program it seeks to administer and applicable regulations.

Additionally, a tribe must apply for an eligibility determination and submit a program application. All applications must be submitted to the Regional Administrator of the EPA Region in which the tribe is located. The process of applying for TAS status for a particular program can be lengthy. Initially, EPA Regions will work with tribes to identify which CAA programs are relevant to their particular needs and are most appropriate for TAS consideration. The most common CAA sections under which tribes seek to achieve TAS status are Sections 105 (grants) and 505. Section 505(a)(2) deals with “affected state status” for the Title V operating permits program. Because the process involves the sometimes sticky business of identifying tribal boundaries, delays may stem from this issue, which could cause some tribes to avoid seeking TAS out of fear of having their boundaries disputed.

Once an application is complete, copies go to the state immediately adjacent to the reservation. The state can review the boundaries being asserted by the tribe and then provide comments to the EPA Region.

Chris Berini, the Fond du Lac Tribe’s (Minnesota) Environmental Program Manager, says delays in the application process are frustrating. “It has taken almost four years to get to this point.” (As this article goes to print, the signing is expected to have been completed.) To improve response time, EPA Region 5 has now developed a procedure to evaluate TAS applications, according to Ben Giwojna, EPA Region 5 Air Division Tribal Coordinator. Former Air Quality Director of the Shoshone-Bannock Tribes (SBT), Farshid Farsi, says the SBT were unique in that their TAS application was approved in about 18 months. The SBT pursued TAS status as an affected state (505) and under section 105.

Benefits of tribes achieving TAS can include
* the ability to comment on permits for sources that can impact tribal lands;
* direct control over emissions impacting the reservation; and
* if they have a Title V program, the tribe can receive permit fees.

With TAS status, tribes can pick and choose aspects of the CAA they want to implement, such as enforcement or permitting. Generally, TAS is beneficial if a tribe has major emission sources in the area because TAS can allow tribes to comment on the area’s potential industrial/economic development as a jurisdiction/agency (rather than as an individual), which requires a formal response. TAS status can also allow a tribe to provide oversight on existing and new permits.

Perhaps the greatest benefit of having TAS status is that it increases the likelihood that a tribe will continue to develop its air program. Advancing to an air program on equal footing with states can empower the tribe to effectively manage its airshed.

—Alexis Baca-Spry, ITEP