

March 27, 2005

Honorable Chairman Whiteskunk,

I apologize for the informality of this memorandum. I am heading out to Denver tomorrow morning and I wanted to get this information to you before I left.

Attached for your signature is a cover letter to accompany the Tribe's submittal to the United States Environmental Protection Agency. The reason for this submittal is to clarify the Tribe's prior application for "Treatment in the same manner as a state" for the purposes of implementing water quality standards, among other activities, on the Ute Mountain Ute Reservation under the Clean Water Act. This submittal results from discussions Tribal staff have had with U.S. E.P.A. staff and legal counsel regarding the Tribe's currently pending Application.

The U.S. E.P.A. is concerned, I believe overly concerned, with the allotments (I believe there are three of them) that the Tribe has a 50% interest in Utah. According to U.S. E.P.A. personnel and attorneys, the issue of whether a Tribe can get "Treatment in the same manner as a state" over allotments the Tribe has a 50% interest in under the Clean Water Act has never been addressed. Pursuant to the Clean Water Act, the Tribe can not get jurisdiction over allotments where it does not have any interest. If the Tribe includes these "50% allotments," U.S. E.P.A. will continue to drag its feet over our Application and it will be many more years until we get a decision out of U.S. E.P.A. regarding our Application. The U.S. E.P.A.'s review process for the Tribe's Application has taken way too long. The Tribe's Environmental Department would like to get the Tribe's Application approved as soon as possible, and (for what it is worth) I agree.

In light of the U.S. E.P.A.'s concerns, this submittal excludes the "50% allotments" from our currently pending application. I do not believe excluding the "50% allotments" will adversely impact the Tribe's ability to regulate the waters in Utah, as the Tribe has Trust lands on the water ways that run through the "50% allotments." In addition, once the Tribe receives "Treatment in the same manner as a state" under the Clean Water Act, the Tribe can always resubmit to the U.S. E.P.A. for authority to regulate the "50% allotment" lands. I also believe the current Tribal Council Resolution approving the submittal of the Tribe's Application to the U.S. E.P.A. provides the authority for you to sign this submittal, if you so choose.

I have reviewed, and signed, the attached "Description of Refinement of Application" and "Descriptive Statement." The "Descriptive Statement" must be signed by an attorney. After you have reviewed the information, and you choose to do so, please sign the attached cover letter and return to my office.

I want to commend Scott Clow for all the hard work he has put into this Application. Without his personal perseverance and knowledge, it is unlikely the Tribe would be as close as we are today to getting approval from the U.S. E.P.A.. If you have any questions, please do not hesitate to contact me at extension 642.

A handwritten signature in dark ink, appearing to read "W.A. Johnson", followed by a long horizontal flourish.

William A. Johnson, Associate General Counsel
Office of the General Counsel, Ute Mountain Ute Tribe

cc: Scott Clow, Water Specialist, Ute Mountain Ute Tribe

**INTEROFFICE MEMO
UTE MOUNTAIN UTE TRIBE**

Environmental Programs Department

TO: Bill Johnson, Assoc. General Counsel
FROM: Scott Clow, Water Quality Specialist
DATE: 3/25/05
RE: TAS application refinement



Please sign the "Description of the Refinement..." and the "Descriptive Statement..." and forward those, with the cover letter to the Chairman's Office. If you could send along a memo like you did last time, explaining that you have assisted me in this process, that would be great. Please indicate that I will put these in the mail and cc: everyone on the list, including yourself and Peter, once I have the three signed documents. I can pick these up from the Chairman's Office or Betty can, but I'll do the mailing. Thanks.

Legal Land Descriptions of Utah Land Parcels

Land Parcel/Allotment Number	Legal Land Description All allotments within the Salt Lake Meridian, San Juan County, Utah.	Acres	Map Reference
15	NW1/4 SE1/4, sec. 7, T.36S., R.21E.	40	3
16	S1/2 SW1/4 SE1/4 SW1/4, sec. 26, NW1/4 NE1/4NW1/4, SW1/4 SE1/4 NW1/4 SW1/4, S1/2 NE1/4 SW1/4 SW1/4, NE1/4 NW1/4 SW1/4 SW1/4, N1/2 SW1/4 SE1/4 SW1/4, NW1/4 NE1/4 SW1/4 SW1/4, SW1/4 NW1/4 SE1/4 SW1/4, and NE1/4 SE1/4 SW1/4 SW1/4 of sec. 26, SE1/4 NE1/4 SE1/4 of sec. 27, T. 35S., R.20E.	40	3
42	S1/2 SW1/4, sec. 29, T.35S., R.21E.	80	3
43	S1/2 NW1/4, sec. 29, T.35S., R.21E.	80	3
48	N1/2 NW1/4, sec. 29, T.35S., R.21E.	80	3
53	N1/2 SW1/4, sec. 29, T.35S., R.21E.	80	3
55	SW1/4 NE1/4, SE1/4 NW1/4, sec. 7, T.36S., R.21E.	80	3
58	SE1/4, sec. 28, T.38S., R.26E.	160	5
59	E1/2 SW1/4, SW1/4 SW1/4, sec. 28, NW1/4 NW1/4, sec. 33, T.38S., R.26E.	160	5
63	NW1/4 NE1/4, S1/2 NE1/4, SE1/4 NW1/4, sec. 31, T.38S., R.26E.	160	5
99	N1/2 SE1/4, SE1/4 SE1/4, sec. 17, NE1/4 NE1/4 sec. 20, T.36S., R.21E.	160	3
101	Lot 1, NE1/4 NW1/4, N1/2 NE1/4, sec. 31, T.36S., R.21E.	160.44	3
104	Lot 3, NE1/4 SW1/4, sec. 30, T.35S., R.21E.	79.57	3
113	Lot 2, SE1/4 NW1/4, sec. 30, T.35S., R.21E.	79.55	3
114	Lot 4, sec. 30, Lot 1, sec. 31, T.35S., R.21E.	79.24	3
115	S1/2 SW1/4, NE1/4 SW1/4, SE1/4 NW1/4, sec. 20, T.35S., R.21E.	160	3
116	W1/2 SE1/4, SE1/4 SW1/4, sec. 17, NE1/4 NW1/4, sec. 20, T.35S., R.21E.	160	3
117	NE1/4, sec. 17, T.35S., R.21E.	160	3
131	SE1/4 NE1/4, sec.28, S1/2 NW1/4, NW1/4 NW1/4, sec. 27, T.38S., R.26E.	160	5
136	SE1/4, sec. 21, T.38S., R. 22E.	160	4
148	NW1/4, sec. 15, T.38S., R.22E.	160	4
151	SE1/4, sec. 18, T.38S., R.23E.	160	4
154	SE1/4, sec. 23, T.38S., R.22E.	160	4
156	NW1/4, sec. 23, T.38S., R.22E.	160	4
159	NW1/4, sec. 26, T.38S., R.22E.	160	4
160	SW1/4, sec. 26, T.38S., R.22E.	160	4
165	SE1/4, sec. 22, T.38S., R.22E.	160	4
167	SW1/4, sec.23, T.38S., R.22E.	160	4
175	SW1/4, sec. 25, T.38S., R.22E.	160	4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

999 18TH STREET- SUITE 200
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP 26 2005

Ref: EPR-EP

Manuel Heart
Vice Chairman
Ute Mountain Ute Tribe
P.O. Box 248
Towaoc, Colorado 81334-0248

Subject: Water Quality Standards Program
Treatment in the Same Manner as a State Application

Dear Vice Chairman Heart:

I am pleased to inform you that the Agency approves the Ute Mountain Ute Tribe's application to administer a Clean Water Act (CWA) §303 (c) water quality standards program. A copy of the Decision Document is enclosed for your reference. Our approval is based on the Agency's determination that the Tribe meets the criteria for program approval found at 40 CFR 131.8(a). Please note that the scope of our approval is limited to administration of a CWA §303 (c) water quality standards program within the exterior boundaries of the Ute Mountain Ute Reservation. Pursuant to the federal water quality standards regulation at 40 CFR 131.4(c), one additional effect of our approval is that the Ute Mountain Ute Tribe may also issue water quality certifications consistent with CWA §401. This approval does not provide any additional Clean Water Act implementation authorities (e.g., permitting, enforcement) beyond the water quality standards and water quality certification programs.

EPA looks forward to working with the Ute Mountain Ute in the development, adoption, and triennial review of water quality standards for surface waters of the Ute Mountain Ute Reservation. EPA also commends the Tribe for the commitment to the environment that is demonstrated by the Tribe's existing water quality program and your very capable staff.

If you have questions regarding the water quality standards program, please feel free to contact George Parrish at (303) 312-7027 or Bill Wuerthele, EPA Region VIII Water Quality

Standards Coordinator, at (303) 312-6943. I thank your for your cooperation and patience in this matter.

Sincerely,



Robert E. Roberts
Regional Administrator

Enclosure

cc: Tom Rice, Environmental Programs Director, Ute Mountain Ute Tribe





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2405

Ref: 8PM-GM

OCT 06 1989

Ernest House, Sr.
Tribal Chairman
Ute Mountain Tribal Council
General Delivery
Towaoc, Colorado 81344

Re: Water Pollution Control
Program
Grant No. 1008545-89

Dear Chairman House:

Pleased be advised that your application for eligibility for treatment as a state under Section 518 of the Water Quality Act of 1987 has been approved for purposes of Section 106. I am pleased to inform you that I have approved your application for FY89 Section 106 monies in the amount of \$10,966.00.

Please sign and date all copies, retain one copy of the Assistance Agreement for your files, and return the remaining copies to our Grants Management Branch within three weeks from receipt.

Sincerely,

Kerrigan G. Clough

Kerrigan G. Clough
Assistant Regional Administrator
for Policy and Management

Enclosures:

cc: Priscilla Bancroft, Ute Mountain

RECEIVED OCT 10 1989
Kerrigan Clough
to P. Bancroft
2. Packed to
3. Contratto
4. J 94 W



UTE MOUNTAIN UTE TRIBE

P.O. Box 248
Towaoc, Colorado 81334-0248
(970) 565-3751

December 16, 2004

Robert Roberts
Regional Administrator
U.S. Environmental Protection Agency, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Dear Administrator Roberts:

The following document is a refinement to our application for "Treatment in the Same Manner as a State" for the purposes of implementing water quality standards and water quality certifications, as described in Sections 303 (c) and 401 of the Clean Water Act, with the authority granted in Section 518 for Indian Tribes.

As the Chairman of the Ute Mountain Ute Tribe, I look forward to the day in the near future when your agency recognizes the inherent sovereign right of our Tribe to implement the standards we have developed and adopted to protect public health and the environment on the Ute Mountain Ute Reservation of Colorado, New Mexico and Utah.

Sincerely,

Selwyn Whiteskunk
Chairman
Ute Mountain Ute Tribe

CC: Tom Rice, Environmental Programs Director, Ute Mountain Ute Tribe
Peter Ortego, General Counsel, Ute Mountain Ute Tribe
William Johnson, Assoc. General Counsel, Ute Mountain Ute Tribe
Jan Parmenter, Bureau of Indian Affairs, Towaoc Agency
Lucita Chin, Office of Regional Counsel, U.S. EPA Region 8
George Parrish, Water Quality Unit, U.S. EPA Region 8



UTE MOUNTAIN UTE TRIBE

P.O. Box 248
Towaoc, Colorado 81334-0248
(970) 565-3751

Attachments:

- Descriptive Statement of the Ute Mountain Tribe's Authority to Regulate Water Quality
- Constitution and Bylaws of the Ute Mountain Tribe of the Ute Mountain Reservation in Colorado, New Mexico, Utah, as amended
- Section 2b. Ute Mountain Ute Reservation Boundaries

CONSTITUTION AND BY-LAWS
OF THE
UTE MOUNTAIN UTE TRIBE OF THE
UTE MOUNTAIN RESERVATION
COLORADO, NEW MEXICO, UTAH

APPROVED JUNE 6, 1940
PRINTED SEPTEMBER 15, 2000
AS AMENDED
(AMENDMENTS I TO VII)

CONSTITUTION

PREAMBLE

We, the people of the Ute Mountain Tribe of the Ute Mountain Reservation, in Colorado, New Mexico, and Utah, under the jurisdiction of the Ute Mountain Agency, Towaoc, Colorado, in order to exercise the rights of self-government, to administer our tribal affairs, to preserve, develop and increase our tribal resources, do ordain and establish this Constitution. (As amended August 26, 1983, Amendment No. IV.)

ARTICLE I – JURISDICTION

The jurisdiction of the Ute Mountain Ute Tribe of the Ute Mountain Reservation through the General Council, the Ute Mountain Tribal Council, and its Court, shall extend to the lands now included within the Ute Mountain Reservation and to such other land as may be added thereto.

ARTICLE II – MEMBERSHIP.

SECTION 1. The membership of the Ute Mountain Tribe of the Ute Mountain Reservation shall consist of the following:

(a) All persons of Ute Indian blood duly enrolled on the 1939 census of the Ute Mountain Reservation: Provided, That within two years from the adoption and approval of this Constitution and By-Laws additions and changes may be made by the Council, subject to approval of the Secretary of the Interior.

(b) And all children born to any member if such children shall be of one-half or more degree of Ute Indian blood.

SECTION 2. The Council shall have the power to pass ordinances, subject to the approval of the Secretary of the Interior, covering future membership.

ARTICLE III – GOVERNING BODY

SECTION 1. The governing body of the Ute Mountain Tribe of the Ute Mountain Reservation, which includes White Mesa, shall be known as the "Ute Mountain Tribal Council." (As amended August 26, 1983, Amendment No. V.)

SECTION 2. The Council shall be composed of a Chairman, five members from Towaoc and one member from White Mesa. Each member shall serve for three (3) years. The Council, when it meets after each election, shall choose a Treasurer and such other officers and committees as may be deemed necessary. The Chairman shall choose a Vice-Chairman. All voters shall vote for a Chairman. Towaoc voters shall vote on Towaoc councilmen and White Mesa voters shall vote on the White Mesa councilman. (As amended August 26, 1983, Amendment No. V.)

SECTION 3. The Council shall have the power to district the reservation and to apportion representation, subject to a referendum of the people, whenever such action is deemed advisable by the Council.

SECTION 4. Members of the Council shall be at least twenty-five years of age, and permanent residents of the reservation. No person who has been convicted of a felony shall be eligible for membership on the Council.

SECTION 5. Any councilman who may resign, die, or be removed from his office, shall be replaced only at a regular election or at a special election called by the Council. Any councilman convicted of a felony or misdemeanor involving dishonesty in a Federal, State or Indian Court may be removed from office by a two-thirds vote of the Council. (Former Section 7, after repeal of former Section 5, as amended August 26, 1983, Amendment No. V.)

SECTION 6. Members of the Council shall take office on the first Friday of the first month after their election. (Former Section 8, after repeal of former Section 6, as amended August 26, 1983, Amendment No. V.)

ARTICLE IV – NOMINATIONS AND ELECTIONS

SECTION 1. Any member, male or female, 18 years of age or over, and otherwise qualified, shall be entitled to vote in any election. (As amended August 26, 1983, Amendment No. VI.)

SECTION 2. The annual election shall be held on the second Friday in October. All elections shall be conducted by an Election Board appointed by the Tribal Council. The elections will be conducted in accordance with the Election Ordinance to be adopted by the Tribal Council. (As amended August 26, 1983, Amendment No. VI.)

SECTION 3. Notice of special elections shall be given in the same manner as that for general or regular elections. (As amended August 26, 1983, former Section 3 repealed and former Section 4 renumbered as Section 3, Amendment No. VI.)

ARTICLE V – POWERS OF THE COUNCIL

SECTION 1. The Council of the Ute Mountain Tribe shall exercise the following powers:

- (a) To negotiate with Federal, State and local governments.
- (b) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets, without the consent of the Tribe. Leases shall be made by the Council, subject to the approval of the Secretary of the Interior, in accordance with the existing law, but no lease shall be made to a non-member of the Tribe unless it has been approved by and authorized by the Council.
- (c) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Ute Mountain Tribe of the Ute Mountain Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (d) To select subordinate boards, tribal officials, and employees of the Council not otherwise provided for in this Constitution and prescribe their tenure and duties.
- (e) To promulgate ordinances regulating the domestic relations of members of the Tribe.
- (f) To make rules and regulations governing its own procedure.

(g) To approve or veto expenditures from tribal funds which may be proposed by the Secretary of the Interior.

(h) To manage the tribal herds, particularly with regard to the selling of steers, lambs, wools, the purchasing of fresh stock, the distribution of the increase to the members as individual cattle and sheep owners and the protection of the herds and the range against encroachments.

(i) To employ legal counsel for the protection and advancement of the Ute Mountain Tribe of the Ute Mountain Reservation, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(j) To pass ordinances, subject to review by the Secretary of the Interior, covering the activities of voluntary associations consisting of members of the Tribe organized for the purpose of cooperation or for other purposes, and to enforce the observance of such ordinances.

(k) To provide by ordinance, subject to review by the Secretary of the Interior, for the removal or exclusion from the reservation of any non-members whose presence may be injurious to members of the Tribe.

(l) To provide by ordinance, subject to review by the Secretary of the Interior, for the appointment of guardians for minors and mental incompetents.

(m) To prescribe rules for the inheritance of property other than allotted lands.

(n) To regulate the conduct of members of the Tribe and to protect the public peace, safety, morals and welfare of the reservation through the promulgation and enforcement of ordinances, subject to review by the Secretary of the Interior, to effectuate these purposes.

(o) To appropriate available funds of the tribe for salaries and expenses of tribal officers and for public purposes, including relief of members of the tribe, contributions to charity, and per capita payments to recognized members of the tribe: *Provided*, That the amount distributed per capita in any one year shall not exceed one-half of the unreserved accumulated net operating profits from tribal enterprises without prior approval of the Secretary of the Interior. (As amended October 27, 1976, Amendment No. I.)

(p) To regulate by ordinance, subject to review by the Secretary of the Interior, non-members doing business on the reservation.

SECTION 2. The Council may exercise such further powers as may be delegated to the Ute Mountain Tribe by the Secretary of the Interior or any other qualified official or agency of government, and may exercise any rights and powers heretofore vested in the Ute Mountain Tribe of the Ute Mountain Reservation but not expressly referred to in this Constitution.

SECTION 3. Manner of Review – Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within two weeks thereafter, approve or disapprove the same. If he approves an ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Tribal Council of his action. If the Superintendent refuses to approve any ordinance or resolution submitted to him within two weeks after enactment, he shall

advise the Tribal Council of his reasons. The Tribal Council may by a majority vote refer the ordinance or resolution to the Secretary of the Interior who may within 90 days from its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION VI – GENERAL COUNCIL

The General Council, consisting of all the voters of the Ute Mountain Tribe of the Ute Mountain Reservation, shall assemble at such times as the Council shall call them together for the discussion of matters relating to the public welfare. A General Council may be called upon a petition signed by a majority of the qualified voters of the reservation.

ARTICLE VII – LAND

The reservation land now unallotted shall remain tribal property and shall not be allotted to individuals in severalty, but assignment of land for private use may be made by the Tribal Council in conformity with ordinances which may be adopted on this subject and approved by the Secretary of the Interior.

ARTICLE VIII – REFERENDUM

By a majority vote of the Council, or upon a petition signed by at least 25 percent of the voters of the Ute Mountain Reservation, any proposed or enacted ordinance or resolution of the Tribal Council shall be submitted to an election of the Tribe. A majority of those voting shall determine the validity of such ordinance or resolution. No ordinance or resolution submitted to referendum shall be in effect until approved in the referendum.

ARTICLE IX – AMENDMENTS

Amendments to this Constitution may be proposed by a majority vote of the Tribal Council, and may be ratified and approved in the same manner as this Constitution and By-Laws.

BYLAWS OF THE UTE MOUNTAIN TRIBE OF THE UTE MOUNTAIN RESERVATION – COLORADO, NEW MEXICO, UTAH

ARTICLE I – MEETINGS OF THE TRIBAL COUNCIL

SECTION 1. At the first meeting of the Council after a regular election, the Council shall see that its members have a correct and clear understanding of the Constitution and Bylaws, and of the general management of the tribal and reservation affairs as well as of the rules for the conduct of its own business.

SECTION 2. The regular meetings of the Council shall be held on a date decided on at a previous meeting of the Council, but meetings shall be held once a month at the Ute Mountain Sub-Agency, or other designated place.

SECTION 3. Special meetings of the Tribal Council may be called by the Chairman or by request of two or more members of the Council. Notice of such special meetings shall be given to every member of the Council and to the Superintendent or person in charge of the Sub-Agency as promptly as possible.

SECTION 4. Matters of business before the Council shall be decided by a majority vote of the quorum present. Five members of the Tribal Council must be present at any regular or special meeting in order to transact tribal business. In the absence of the chairman, the remaining members of the Council may elect a temporary chairman.

ARTICLE II – DUTIES OF OFFICERS

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, shall perform all the duties of a chairman and exercise any authority given to him by the Council or by a General Council of the Tribe. He shall vote only in case of a tie.

SECTION 2. At the request of the Chairman or in the event of his absence or disability, the Vice Chairman shall perform all duties of the Chairman and when so acting, shall have all the powers of, and be subject to all the restrictions upon the Chairman. The Chairman may limit the powers of his office to be exercised by the Vice Chairman in the absence of the Chairman. The Vice Chairman shall perform such other powers as from time to time may be assigned to him/her by the Tribal Council Chairman. (As amended August 26, 1983, Amendment No. VII.)

SECTION 3. The Council Treasurer shall be the custodian of all monies which may come under the jurisdiction or into the control of the Council. He shall pay out the money in accordance with the orders and resolutions of the Council. He shall keep account of all receipts and disbursements and shall report the same to the Council at each regular meeting. He shall be bonded in such amount as the Council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the Council treasurer shall be subject to audit or inspection at the direction of the Council or the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Council may make

such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

ARTICLE III – ADOPTION OF CONSTITUTION AND BYLAWS

This Constitution and Bylaws, when adopted by a majority vote of the qualified voters of the Ute Mountain Tribe of the Ute Mountain Reservation, voting at a special election called by the Secretary of the Interior, in which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 9, 1940, by the Assistant Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Ute Mountain Ute Tribe of the Ute Mountain Reservation and was on May 8, 1940, duly adopted by a vote of 91 for, and 12 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

EMMA SOUTH BEECHER
Chairman, Election Board
LEWIS E. WING
Secretary, Election Board
JACK HIGHT, Judge

S.F. STACHER
Superintendent, Consolidated Ute Agency

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Ute Mountain Tribe of the Ute Mountain Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and bylaws are hereby declared inapplicable to the members of the Ute Mountain Tribe of the Ute Mountain Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of said constitution and bylaws.

Approval recommended May 23, 1940.

WILLIAM ZIMMERMAN, JR.

Assistant Commissioner of Indian Affairs

OSCAR L. CHAPMAN
Assistant Secretary
[SEAL]

Washington, D.C., June 6, 1940.

December 16, 2004

Chairman Whiteskunk,

Attached for your signature is a cover letter directed to the U.S. E.P.A. The purpose of this submittal is to refine our application to U.S. E.P.A. for "treatment as a state" status for the Tribe under the Clean Water Act. This refinement was necessary to change our Descriptive Statement (attached) to exclude individual allotments from our application. Under the Clean Water Act, Tribes are eligible for "treatment as a state" for reservation lands, which includes tribal trust allotments. The Clean Water Act does not allow "treatment as a state" for Indian tribes for individual allotments. This change in the Descriptive Statement also required changing the accompanying maps. In addition, a newer version of the Tribe's Constitution was included. If you have any questions, please contact me at extension 642. If you choose to sign the document, please do so and have the document returned to me. Thank you,

A handwritten signature in blue ink, appearing to read "W. A. Johnson", followed by a long horizontal flourish.

William A. Johnson, Associate General Counsel
Office of the General Counsel, Ute Mountain Ute Tribe