



Leech Lake Band of Ojibwe

Peter D. White, Chairman

Arthur "Archie" La Rose, Secretary/Treasurer

District I Representative
Burton "Luke" Wilson

District II Representative
Lyman L. Losh

District III Representative
Richard Robinson, Jr.

April 8, 2004

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Lydia Wegman
US EPA OAQPS (C404-01)
Research Triangle Park, NC 27711

AIR ENFORCEMENT BRANCH,
U.S. EPA, REGION 5

Subject: PM 2.5 Recommendation for Unclassifiable designation for the Leech Lake Band of Ojibwe Reservation.

Dear Ms. Wegman,

In response to your August 2003 letter, the Leech Lake Band is pleased to provide a PM_{2.5} recommendation.

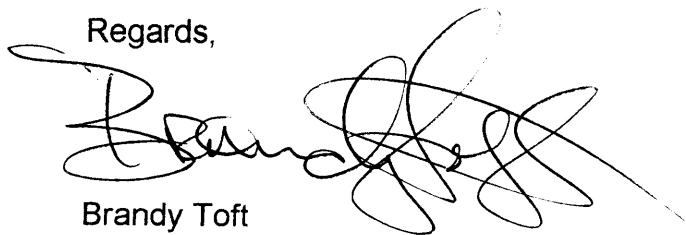
The Leech Lake Reservation is a federally recognized Reservation located in north-central Minnesota encompassing 865,000 acres, serving 8,000 members, and 12,000 Reservation residents. The Reservation is characterized by an abundance of lakes (approximately 300,000 acres of surface waters), wetlands (163,000 acres), and forests (over 300,000 acres). The Reservation lands are classified by ownership as the following: federal 33%, the state of Minnesota 17%, the four counties (Beltrami, Cass, Hubbard and Itasca) 5%, the private sector approximately 15%, and the Leech Lake Band of Ojibwe owns 6% of the land. However, the Band has not relinquished civil regulatory authority over all lands within the Reservation's exterior boundaries. The area is conducive to logging activities and consequently has led to a number of wood-related industries located on and around the Reservation. Harmful emissions are well documented with wood-related industries. Other industries, such as coal-fired utilities, surround the Reservation produce both immediate settling and long-range transport of their pollutants. These concerns and issues can only be addressed with a long-term air-monitoring program. There has not been any air monitoring done in the Leech Lake area, other than with Leech Lake's Air Program. The Band retained the right to hunt, fish, and gather for subsistence purposes in the 1855 Treaty with the United States government. Protection of the Reservation's environment and trust resources is crucial for the health and welfare of the Reservation population (including Leech Lake Band members and non-Indian neighbors). Maintaining the environment and trust resources is a high priority of the Leech Lake Reservation and the well being of the traditional lifestyle.

As provided in sections 301(d) and 1110(o) of the Clean Air Act, and in exercising our inherent sovereign authority over our air shed Leech Lake recommends a designation for our air shed as Unclassifiable. The Leech Lake Band of Ojibwe recommends that all lands within the Reservation's exterior boundaries be classified as Unclassifiable areas for PM_{2.5} NAAQS. We choose this unorthodox classification for reasons of lack of monitoring, lack of data, and lack of modeling. The Band's Air Program is currently operating a set of co-located FRM PM_{2.5} monitors. However, we have not collected the necessary three years worth of data needed for such a designation. Leech Lake is on its way to fill a data gap found here in northern Minnesota. Although our current information indicates that our monitors may meet the NAAQS, this is inconclusive, as we cannot make that determination without the aforementioned three years of data. The State of Minnesota has done minimal special studies in the northern region of Minnesota encompassing one year or less. On the EPA Air Trends website there are only a few counties in Minnesota that have data and none are located in the northern region. Thus, no modeling on a useful scale has been done. There are 10 Title V sources within a 100-mile radius of the Reservation and a large number of local area sources on and near the Reservation. Although we are located in a rural setting, the region is growing very rapidly with new industries moving in and existing facilities expanding. In order to fulfill the trust responsibilities, to protect human and environmental health, this classification scheme needs to be tailored to each individual Tribe. In our case, due to the lack of information by all parties, we deem that the classification of Unclassifiable is the only classification that can be rightly assigned. To assign a classification of unclassified/attainment will give the community and industry a false sense of knowledge. It is Leech Lake's goal to maintain good air quality and strive to protect the air resources for future generations.

Lastly, Leech Lake would like to comment on the use of C/MSAs and Tribal boundaries. This archaic form of dividing the United States was implemented before Tribes were involved in rule making and regarded as sovereign nations. A review of this inadequate organizational tool needs to be taken. For example, the Leech Lake Reservation encapsulates four counties. If one of those four counties, one of which is less than 500 square miles inside Leech Lake boundaries, became nonattainment what implications would this have on the Reservation and to the county in question? Jurisdiction over the area could be an issue if the parties involved wanted to take it to that level. Who would best look out for the interests of the Tribe? The county or state? EPA? Wouldn't it be best for the Tribe to have that determination? EPA needs to recognize that Tribes are sovereign nations and are not part of county or state governments/jurisdictions and should not give the impression of such in the C/MSA process.

We look forward to a continued dialogue with you about the designation of our area for the PM_{2.5} standard. If you have any questions regarding this recommendation please contact me at 218-335-7429 or airllbo@paulbunyan.net.

Regards,

A handwritten signature in black ink, appearing to read 'Brandy Toft', with a long horizontal flourish extending to the right.

Brandy Toft
Air Quality Specialist
Environmental Department

CC: Steve Rothblat, Region V Air Division Director
Ben Giwojna, EPA Region V Tribal Project Officer
Laura McKelvey, Tribal Air Program Coordinator OAQPS
Jeff Holmstead, Assistant Administrator for OAR
Shirley Nordrum, Leech Lake Environmental Director