



SOUTHERN UTE INDIAN TRIBE

February 10, 2004

Robert E. Roberts
Regional Administrator
U.S. Environmental Protection Agency, Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202

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USEPA RA'S OFFICE

Re: Southern Ute Indian Tribe's Recommended Air Quality Designation for
the Fine Particle National Ambient Air Quality Standards

Dear Administrator Roberts:

Thank you for EPA's invitation to tribes to participate in the air quality designation process for the air quality standards for fine particulate matter (PM_{2.5}), which were promulgated on July 18, 1997. At this time, the Southern Ute Indian Tribe recommends that lands within the exterior boundaries of the Southern Ute Indian Reservation be classified as *attainment/unclassifiable* for both the Annual and 24-Hour Primary and Secondary National Ambient Air Quality Standards. The Tribe has reviewed Section 107(d)(1)(A) of the Clean Air Act, the "Tribal Authority Rule," the Transportation Equity Act of the 21st Century (TEA-21), and EPA documents on fine particle designation (Memorandum entitled, "Designations for the Fine Particle National Ambient Air Quality Standards," dated April 1, 2003) in determining the recommended designation.

The Tribe's attainment/unclassifiable designation recommendation primarily is based on the fact that, although the Tribe has an extensive monitoring network, we presently do not monitor for fine particles. As a result, no data exist to determine if air resources within the exterior boundaries of the Reservation are in non-attainment. We believe, however, that our designation recommendation is consistent with the Transportation Equity Act of the 21st Century (Section 6102(c)(1) of TEA-21) pursuant to which designations will be based on sufficient monitored data obtained through use of federal (or equivalent) monitoring methods.

Additionally, the Tribe is encouraged that EPA acknowledges that tribes are not required, pursuant to the "Tribal Authority Rule," to submit designations or specific plans for implementation by the deadlines established for NAAQS-related requirements under Title I of the CAA. We understand, however, that EPA has an obligation pursuant to the CAA to complete designation within time-specific deadlines. If tribes do not make recommendations, it is our understanding that EPA still will consult with tribes before making an appropriate designation.

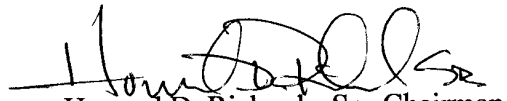
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In conclusion, the Tribe appreciates EPA's willingness to allow tribal participation in the designation process. In addition to recommending a designation, the Tribe would like to express its desire and willingness to implement monitoring for fine particles so that in the future our recommendations can be based on quantifiable measures. The Tribe is committed to working cooperatively with EPA in protecting human health and the environment.

Should you require additional information or have any questions, please do not hesitate to contact Virgil Frazier (Environmental Programs Division Head) or Nathaniel Herbst (AQ Specialist) at (970) 563-0135.

Sincerely,

SOUTHERN UTE INDIAN TRIBE



Howard D. Richards, Sr., Chairman
Southern Ute Indian Tribal Council

Copy: Richard Long, Director – EPA (R8), Air & Radiation
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