Ute Mountain Ute Tribe

Environmental Programs Department
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Feb. 19, 2025

Honorable Administrator, Lee Zeldin
U. S. Environmental Protection Agency
Docket Center, OAR
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Submitted via email to a-and-r-docket@epa.gov

Re: Ute Mountain Ute Tribe Environmental Programs Department comments on ***Interim Framework for Advancing Consideration of Cumulative Impacts*** Docket ID **EPA-HQ-OLEM-2024-0360**.

Dear Honorable Administrator Zeldin,

The Ute Mountain Ute Tribe Environmental Programs Department is pleased to submit this letter to provide comments on the U.S. Environmental Protection Agency's (EPA) proposed guidance on ***Interim Framework for Advancing Consideration of Cumulative Impacts*** (Framework).

The Ute Mountain Ute Tribe Environmental Programs Department is supportive of the EPA's efforts to incorporate cumulative impact assessment throughout its decision-making processes. As indicated in the proposed Framework,

> Environmental public health research has shown that the cumulative impacts of longstanding place-based inequalities in exposures to environmental hazards are significant, with health disparities linked to these inequalities (e.g., Banzhaf et al., 2019; EPA 2021b; Juarez et al., 2014; Lee, 2021; Mohai et al., 2009; Morello-Frosch et al., 2011; Solomon et al., 2016).

This is particularly important to Tribes that have been historically discriminated against through decisions, actions and implementation of decisions made by the Federal Government and other institutions. As a result, Tribes have less ability to leave areas where their communities have been placed or restricted and have less ability to respond to environmental and other stressors. American Indians have a history of health inequity, according to the United States Census Bureau (2015) with 28.3% of American Indians living in poverty, this is the highest rate among all races. In addition to having the highest rate of poverty "American Indians and Alaska Natives born today have a life expectancy that is 4.4 years less than the U.S. general population, 73.7 years to 78.1 years, respectively". (IHS, 2016) There may be a link between poverty and the reduced life expectancy that American Indians face. Furthermore, in a study by the Indian Health Service in 2016 it was found that American Indians have higher rates of avoidable diseases such as diabetes, liver disease and more. Additional, cultural and traditional practices may provide different or increased exposure pathways that are not present in the general population. For example, subsistence life ways such as fishing, hunting and gathering of plants for medicine are commonplace.

The Ute Mountain Ute Tribe is located in the Four Corners Region on the Colorado Plateau. Within 50 kilometers of the Tribal boundaries, the largest ten facilities that contribute to the over 90 per cent of the criteria air pollutants are from oil and gas facilities, a coal electrical generation power plant, and coal mines. In addition to the effects of these air pollutants, the Tribal community in Utah is adjacent to the only conventional uranium mill in the country where members where members suffer from a number of health issues. Tribal members here no longer use the springs in the area for ceremonies, nor gather plants for other traditional uses. Water sources in the area are scarce and considered one of the most valuable resources and must be protected from further potential and known contamination. Water sources in the area have existing higher concentrations of natural metals and compounds, such as arsenic, and more added pollution could render the water unfit for human use. Due to run off, rain out, and other natural processes and erosion from different media, watersheds are subject to point (specific to a known source) and area pollutants. Pollutants should be evaluated in entirety for impacts to a given community; considerate of the ecological factors important to that community.

The Ute Mountain Ute Tribe Environmental Programs Department supports the progression of this Framework in incorporating local community and Tribal input in the decisions that impact them. In the guidance, EPA outlines how it might tailor the consideration of cumulative impacts to match the needs of a range of specific decisions from place-based to national scope. These decisions may

relate to standard setting, permitting, rulemaking, cleanup, funding, state program oversight, and initiation of administrative or judicial actions.

The Framework does not address, however, when it is relevant or consistent with law to use a cumulative impacts approach. These policy decisions remain the responsibility of EPA's programs. Nor does the Framework provide detailed instructions on how to consider cumulative impacts in specific contexts. This can give the decision maker flexibility to not conduct cumulative impact assessments and Tribal engagement in the decision-making process. The Ute Mountain Ute Tribe Environmental Programs Department encourages EPA to continue to provide more direction on how these decisions are consistent with statutory requirements and relevant Executive Orders, and where they should be applied.

Finally, the Framework recognizes that approaches for applying cumulative impacts analysis are often developed at a local, rather than at a national, level. As a result, "EPA anticipates that ongoing efforts to address cumulative impacts will be focused on the local scale with the goal of further development to the national scale over time". The Ute Mountain Ute Tribe Environmental Programs Department encourages EPA to consider cumulative impacts and impacts on treaty rights in National rulemaking as well.

In conclusion, Ute Mountain Ute Tribe Environmental Programs Department appreciates the opportunity to submit this comment and looks forward to further work with EPA on this important issue. If you have any questions or require clarification, please do not hesitate to contact **Janice Archuleta** at **jarchuleta@utemountain.org,** the Ute Mountain Ute Tribe Environmental Programs Air Quality Program Manager.

Respectfully Submitted,

Janice Archuleta

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