

Midwest Environmental Advocates • River Alliance of Wisconsin • Wisconsin Association of Lakes • Wisconsin Wetlands Association • Anishinaabe Nijjii - Protect The Earth • Sierra Club – John Muir Chapter • Clean Wisconsin • Citizens for Safe Water Around Badger

Press Release

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Conservationists and Public Health Advocates Support Legal Protections for Tribal Waters

Madison, WI – Today eight conservation and environmental groups representing thousands of Wisconsinites declared their support for the Lac du Flambeau Band of Lake Superior Chippewa Indians' efforts to protect their tribal waters.

The Lac du Flambeau Band applied to the United States Environmental Protection Agency seeking treatment-as-a-state status under the Clean Water Act. If approved by the EPA, the Tribe will enhance its ability to protect the lakes, rivers, and wetlands on the Reservation so that future generations can continue to use and enjoy those precious resources.

“The law clearly gives tribes the right to be treated like states to implement the Clean Water Act and to protect their tribal waters,” said Melissa K. Scanlan, Executive Director of Midwest Environmental Advocates. “This is about allowing the tribes to have the same health protections and water quality that non-native people in Wisconsin already enjoy.”

“In fact, the U.S. Court of Appeals for the Seventh Circuit upheld the neighboring Sokaogon Chippewa's (Mole Lake's) right to protect their waters, and the Lac du Flambeau Band is following this well-established legal path,” she added.

The pending application before the EPA involves only one issue: whether the Tribe has the legal authority to receive treatment-as-a-state status under the Clean Water Act.

Approximately 32 other tribes, three of which are in Wisconsin and Minnesota, have already received similar approval from the EPA.

If the EPA approves the treatment-as-a-state application, then the Tribe can seek further EPA approval to create water quality standards for the 260 lakes, 15,600 acres of water, 71 miles of creeks, rivers and streams and 24,000 acres of wetlands on the Lac du Flambeau Indian Reservation. However, the EPA will not approve these standards without first giving the public an opportunity to comment on them.

“Currently, Reservation waters lack any federally-enforceable water quality standards to protect them,” according to Denny Caneff, Executive Director of River Alliance of Wisconsin. “The Tribe’s ability to create water quality standards for waters on the Reservation is critical to their ability to maintain the clean water necessary to sustain a culture intimately connected to the water, a sport fish industry, and a safe place to swim, boat and enjoy the great outdoors,” said Mr. Caneff.

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Fast Facts

- On October 12, 2005, the Lac du Flambeau Band of Lake Superior Chippewa Indians submitted an application to the United States Environmental Protection Agency seeking treatment-as-a-state status under the Clean Water Act.
- Public comments will be accepted on the Tribe’s treatment-as-a-state application until February 21, 2006. Public comments should be sent to Todd Ambts, Division of Water, Wisconsin Department of Natural Resources, 101 S. Webster St., Madison, WI 53703.
- To view a copy of the Tribe’s application, contact Dan Cozza, EPA, at 312-886-7252.
- In every instance where EPA’s approval of such an application has been challenged, the federal courts have upheld EPA’s action.
- The Lac du Flambeau Band has been collecting water quality data and conducting scientific studies since 1991.
- Unlike the surrounding off-Reservation waters, on the Reservation there are currently 260 lakes, 15,600 acres of water, 71 miles of creeks, rivers and streams and 24,000 acres of wetlands, that lack any water quality standards.
- To learn more about which tribes have already gotten EPA treatment-as-a-state approval, visit <http://www.epa.gov/waterscience/tribes/approvable.htm>.
- The conservation and environmental groups supporting the Tribe’s application for treatment-as-a-state include: Midwest Environmental Advocates, River alliance of Wisconsin, Wisconsin Wetlands Association, Anishinaabe Nijjii-Protect The Earth, Wisconsin Association of Lakes, Sierra Club – John Muir Chapter, Clean Wisconsin, and Citizens for Safe Water Around Badger.