



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 24 2016

CERTIFIED MAIL 7015 1730 0001 8044 2524
RETURN RECEIPT REQUESTED

The Honorable Patrick Lambert
Principal Chief
Eastern Band of Cherokee Indians
PO Box 455
Cherokee, North Carolina 28719

Subject: Offer of Consultation and Coordination with the Environmental Protection Agency Region 4 for Three Aquaculture Facilities

Dear Chief Lambert:

The U.S. Environmental Protection Agency Region 4 is currently processing National Pollutant Discharge Elimination System (NPDES) permit applications for three (3) trout farms that are operated by Eastern Band of Cherokee Indian's (EBCI) tribal members within the Qualla boundary. Specifically, two (2) of the permits are for existing aquaculture facilities (Smoky Mountain Trout Farm (NC0052515) and Morgan Mill Trout Farm (NC0054992)) and the third permit is for a proposed aquaculture facility (Qualla Trout Farm). Over the next several months, the EPA will continue to coordinate closely with the permittees and your permitting staff in preparing the permits for issuance as we have done for previous permit issuance cycles.

In addition to working with your staff, I would like to offer you the opportunity to consult in regard to the issuance of these permits. The offer to consult with you about these NPDES permits is based on the *EPA Policy on Consultation and Coordination with Indian Tribes*.¹ The consultation is a process of meaningful communication between the EPA and tribal officials prior to the EPA taking actions that may affect tribes. Consultation with the EBCI could complement our ongoing coordination with your staff about certain permit conditions.

The decision to consult or not rests with the Tribe. If you choose to consult about this permitting action, we will work with your staff to develop a consultation plan including a description of the actions for consultation, the process we would follow, opportunities for input, and the times for both of us to provide feedback and complete the consultation. The EPA's policy is to encourage early consultation to obtain meaningful input from you and your designated consultation representative(s). Therefore, the

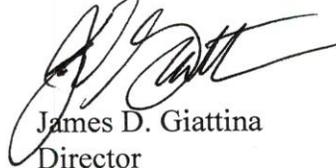
¹ EPA's 2011 Policy on Consultation and Coordination with Indian Tribes is available at the following website:
<http://www.epa.gov/sites/production/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf>

EPA requests your written reply by April 1, 2016, if you desire to consult with the EPA about these NPDES permits.

In the event that the EPA has not received a response from you by April 1, 2016, we will interpret the lack of response as a decline of this invitation to consult. The EPA will continue to work closely with your permitting staff on these permits whether or not you choose to request consultation pursuant to the national consultation policy. We will keep the tribal government informed and will seek input at appropriate times regarding the reissuance of the permit and its conditions.

Thank you very much for your attention to this matter. If you have any questions concerning this letter or the consultation process, please call me at (404) 562-9345 or refer your staff to Mr. Kip Tyler at (404) 562-9294.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Giattina', written over a horizontal line.

James D. Giattina
Director
Water Protection Division

cc: Mr. Mike Bolt
EBCI (via email)