UINTAH AND OURAY
TRIBAL BUSINESS COMMITTEE

Resolution No. _____

WHEREAS: The Tribal Business Committee ("Business Committee") of the Ute Indian Tribe of the Uintah and Ouray Reservation ("Tribe") is empowered by Article VI, Sections 1(c) and 1(f) of the Constitution and By-Laws of the Tribe to regulate the economic affairs of the Tribe;

WHEREAS: Given the very real likelihood of a nonattainment designation for the Uintah and Ouray Reservation in light of new ozone standards, a rule is needed that will facilitate a smooth transition for when the United States Environmental Protection Agency ("EPA") designates an area as nonattainment that was previously in attainment or an unclassified designation;

WHEREAS: EPA will develop a federal implementation plan ("FIP") to apply to Indian lands where tribes have not developed tribal implementation plans;

WHEREAS: The FIP could be either a FIP that applies nation-wide ("National FIP") or a FIP that applies only to the Uintah and Ouray Reservation ("Uintah & Ouray FIP");

WHEREAS: Any suspension or delay that would compromise the permitting of oil and gas development on the Reservation would provide just one more reason for operators to focus their resources elsewhere;

WHEREAS: Because a National FIP would likely have limited impact on the Reservation since the FIP does not cover areas that are in nonattainment, the Tribe would benefit from a rule that incorporates and addresses the Tribe's thoroughly documented concerns found in comments submitted by the Business Committee on August 20, 2014, and again on December 1, 2015, as well as the comments submitted by the Tribe's Air Quality Program Coordinator on December 4, 2015;

WHEREAS: A Uintah & Ouray FIP is preferable to a National FIP because the Uintah & Ouray FIP would be specifically tailored to balance the air quality concerns with the need for continued development on the Uintah and Ouray Reservation;

WHEREAS: A Uintah & Ouray FIP could also establish streamlined permitting requirements for new sources, while also including certain existing sources in a manner that would provide the greatest benefits to air quality while maintaining the lowest costs and burdens to the Tribe's industry partners; and

WHEREAS: Importantly, the Uintah & Ouray FIP could plan for and provide a transition period between attainment and nonattainment designations so that development on the Reservation does not come to a standstill when there is a nonattainment designation.

NOW, THEREFORE BE IT RESOLVED: that the Business Committee, at a validly called meeting with a quorum present, hereby calls upon the EPA to work with the Tribe in developing a Uintah & Ouray FIP that includes expedited permitting that is consistent with and no more burdensome than the requirements applicable to surrounding jurisdictions to ensure a level playing field.

BE IT FURTHER RESOLVED: the Uintah & Ouray FIP should provide for a streamlined permitting mechanism that should be available under both attainment and nonattainment designations.

BE IT FURTHER RESOLVED: that the Business Committee calls upon the EPA to work with the Tribe in the development of the Uintah & Ouray FIP so that the Uintah & Ouray FIP (i) requires certain control technologies be installed from the outset for new sources and modifications to sources, and (ii) regulate existing emissions in a manner that improves air quality while also enabling operators to continue development on the Uintah and Ouray Reservation.

BE IT FURTHER RESOLVED: that the Business Committee calls upon the EPA to incorporate the principles set forth in Attachment A that is attached hereto and incorporated herein by reference.

BE IT FINALLY RESOLVED: that the Business Committee hereby authorizes and approves its Chairman or, in his absence, the Vice-Chairman, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

_____	_____
Shaun Chapoose, Chairman	Ed Secakuku, Vice-Chairman
_____	_____
Ron Wopsock, Member	Cummings Justin Vanderhoop, Member
_____	_____
Bruce Ignacio, Member	Tony Small, Member

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING Resolution was adopted by the Tribal Business Committee of the Ute Indian Tribe of the Uintah and Ouray Reservation pursuant to the Constitution and By-Laws of the Ute Indian Tribe of the Uintah and Ouray Reservation at a duly called meeting in _____, Utah, on the _____ day of _____, 2016, at which time a quorum was present and votes _____ for, _____ against, _____ abstaining and _____ absent.

_____
Tribal Business Committee - Secretary
Ute Indian Tribe, Uintah & Ouray Reservation

Attachment A

Principles

1. To both facilitate and encourage continued oil and gas development on the Reservation, the FIP should be available for both minor modifications at major sources and modifications at synthetic minor sources.
2. A FIP should have a streamlined approach for the Tribe's industry partners to obtain synthetic minor permits for oil and natural gas operations. By excluding synthetic minor sources from the FIP, operators must obtain synthetic minor permits through a complicated and inefficient case-by-case permitting process established in §49.158.
3. The reservation-specific FIP should be specifically tailored to the unique concerns of the Ute Indian Tribe and be developed in a manner to help the Tribe and its industry partners to transition from attainment to a nonattainment designation.
4. A reservation-specific FIP will also maintain consistency with surrounding jurisdictions, eliminating the likelihood of requiring permitting requirements on the Reservation that are more stringent than on adjacent lands and increasing the likelihood that the requirements would address the issues specific to the Uintah and Ouray Reservation. This would enable the EPA to develop a FIP that is based on a reservation-specific basis in a manner similar to how the EPA has done in the past on other tribal reservations.
5. The FIP should establish permitting requirements for both new sources and certain existing sources that would not place overly burdensome requirements on the Tribe's industry partners.
6. In regulating certain classes of existing sources, the EPA should target only those existing minor sources most directly contributing to air quality degradation and the EPA should apply control requirements to the oldest and most inefficient existing source emissions in a flexible manner, gradually increasing enforcement only as appropriate.
7. Regulating all existing sources would compromise continued development on the Reservation, limiting both tribal revenue and opportunities for tribal members.
8. A reservation-specific FIP should be specifically tailored to address the unique air quality concerns on the Uintah and Ouray Reservation, promoting certainty on the Uintah and Ouray Reservation, facilitating the transition under nonattainment requirements, and mitigating the administrative burden that will result from a nonattainment designation.