



# EPA Approves Air Redesignation for Forest County Potawatomi

**Forest County Potawatomi Community**  
Crandon, Wisconsin

April 2008

## For more information

### Permitting

#### Constantine Blathras

Air and Radiation Division  
312-886-0671

blathras.constantine@epa.gov  
Toll-free 800-621-8431, ext. 60671  
Weekdays 9 a.m.-4:30 p.m. CT

### Tribal Policy

#### Benjamin Giwojna

Air and Radiation Division  
312-886-0247

giwojna.benjamin@epa.gov  
Toll-free 800-621-8431, ext. 60247  
Weekdays 9 a.m.-4:30 p.m. CT

### Don de Blasio

Superfund Division

312-886-4360

deblasio.don@epa.gov  
Toll-free 800-621-8431, ext. 64360  
Weekdays 9 a.m.-4:30 p.m. CT

Materials regarding the approval are available in the docket for April 17 final action at [www.regulations.gov](http://www.regulations.gov) (Docket ID No. EPA-R05-OAR-2004-WI-0002).

### EPA Indian policy

Under the U.S. Constitution and its own Indian policy, EPA works with federally recognized tribal governments as sovereign entities, not as political subdivisions of states or local governments. For more details on EPA Indian policy: [epa.gov/Indian/1986.htm](http://epa.gov/Indian/1986.htm)

On April 18, 2008, U.S. Environmental Protection Agency approved the Forest County Potawatomi Community's request to redesignate parts of the tribe's reservation as a Clean Air Act Class I area. Class I areas allow the greatest degree of air quality protection. EPA has written a regulation called a Federal Implementation Plan as the mechanism to carry out the redesignation request.

The federally recognized FCP Community is the first tribe in Region 5 to receive such designation and only the fifth in the nation.

The Class I designation will result in lowering the allowable increases in ambient concentrations of particulate matter, sulfur dioxide and nitrogen oxide within the redesignated reservation parcels. EPA believes that this redesignation will not have an adverse economic impact on the community.

The tribe came to an agreement with the State of Wisconsin that identified water, forest and woodlands areas as well as fish and other wildlife that the tribe is seeking to protect even though there is no statutory obligation to identify such areas.

## BACKGROUND

In February 1995, the FCP Community, near Crandon, Wisc., submitted a request to EPA to reclassify parcels of the reservation in Forest County from Class II to Class I. Most land designated Class I is in national parks and wilderness areas, but the designation is not reserved for special federal areas.

In applying for redesignation, the tribe said it is aware of clean air as a valuable resource that all living things depend on. The FCP emphasized that clean air is important not only to enterprises and economy of the tribe, it is important to the northern Wisconsin area where recreation and tourism are primary parts of the economic base.

Wisconsin and Michigan initially objected to the FCP request and asked for dispute resolution. The FCP Community and Wisconsin met many times to reach an agreement. Under the Clean Air Act, companies locating within 62 miles of a Class I site would have to do

an analysis of their potential impact on protected land. Through the terms of the dispute resolution, impact analyses would be required only on companies locating within 10 miles of the external boundaries of the FCP reservation. The tribe agreed this provision will give adequate protection to the Class I area.

The state of Michigan participated in one negotiated meeting with the tribe and was not able to reach agreement. Michigan still has to abide by the 62-mile radius, but only a small portion of the state, near Marquette, is affected.