

III. THE TRIBES' AUTHORITY TO REGULATE AIR QUALITY (§ 49.7(a)(3)).

A. Geographical Area (§ 49.7(a)(3)(i)).

The Tribes seek to assert authority to regulate air quality within the exterior boundaries of the Wind River Reservation, located within Fremont County in west-central Wyoming. This area includes the lands and waters reserved under the 1868 Treaty of Fort Bridger, 15 Stat. 655, less those areas conveyed by the Tribes under the Lander Purchase Act, 18 Stat. 291, and Thermopolis Purchase Act, 30 Stat. 93. It also includes certain lands found outside these original boundaries that were added to the Reservation under subsequent legislation. *See* Act of June 27, 1940, 54 Stat. 628. A map depicting the current boundaries of the Wind River Reservation is attached as Appendix A. The legal basis for the Reservation's current boundaries is set forth in the Statement of the Tribes' Legal Counsel (attached and incorporated herein as Appendix B).

The present boundaries of the Wind River Reservation encompass approximately 2.2 million acres, of which 1.8 million acres are owned by the Tribes and their member. The Reservation includes the communities of Crowheart, Fort Washakie, Boulder Flats, Ethete, Mill Creek, Pavillion, Kinnear, Johnstown, the City of Riverton, Arapahoe, and a portion of Hudson. Each Tribe has a one half interest in the real property of the Reservation that has not been allotted or held in fee by individual entities.

Elevations within the Reservation range from just over 4,000 feet above sea level in the northeastern corner near the mouth of the Wind River Canyon, to just under 13,000 feet along the Continental Divide in the Wind River Mountains in the southwestern corner. Geographic and climatic patterns are as varied as the elevation. They range from extensive desert conditions with less than 8 inches of annual precipitation in the central portion of the Reservation, to areas of alpine tundra and remnant glaciers in the Wind River Mountains with annual precipitation greater than 60 inches. Higher elevations of the Absaroka and Owl Creek Mountains of the north and northwestern region also have areas above tree line.

Ranching and farming are predominant land uses on the Reservation. There also is significant oil and gas development and mining activity. The Northern Arapaho Tribe operates the 380,000-acre Arapaho Ranch in the northeastern part of the Reservation, near Thermopolis, WY, which raises quarter horses and cattle. Eastern Shoshone tribal members conduct ranching operations on an equivalent amount of acreage under grazing leases and assignments. Both Tribes also operate business enterprises. In addition, many Tribal members are employed by the two tribes, the federal government, the public schools, or light industry. A roadless area of more than 180,000 acres in the southwest portion of the Reservation provides habitat for fish and wildlife and is managed by the Joint Business Council. Tribal enrollment figures indicate that 8,340 Northern Arapaho Tribal members and 3,926 Eastern Shoshone Tribal members reside on or near the Reservation.