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Sent: 12/14/2017 5:23:15 PM
To: Siciliano, CarolAnn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0e84b7f6ddd4d92b99b2dba90aa86b1-CSICILIA]; Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Nishida, Jane [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=65e465e683c54e1b825f1bad32dcb099-Nishida, Jane]; Benevento, Douglas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93dba0f4f0fc41c091499009a2676f89-Benevento,]; Schefski, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f666f00873dc483ea51b5afadf6d1184-KSCHEFSK]; Shepard, Eric [eric.shepard@sol.doi.gov]
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Subject: RE: Wind River letter from Acting EPA General Counsel

Thanks Carol Ann.

From: Siciliano, CarolAnn [mailto:Siciliano.CarolAnn@epa.gov]
Sent: Thursday, December 14, 2017 11:54 AM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Shepard, Eric <eric.shepard@sol.doi.gov>
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Subject: Wind River letter from Acting EPA General Counsel

Attached is a letter to Acting Assistant Attorney General Jeffrey H. Wood from Acting General Counsel Kevin Minoli regarding *Wyoming v. EPA*, 849 F.3d 861 (10th Cir. Feb. 22, 2017). The case concerns EPA's approval of a Treatment as a State application submitted by the Wind River Tribes to administer a Clean Air Act program. Earlier this year, the Tenth Circuit vacated EPA's determination regarding the boundaries of the Wind River Reservation.

DOJ requested EPA's views regarding whether the U.S. should petition the U.S. Supreme Court for a writ of *certiorari*. The letter states that EPA is not independently asking the Office of the Solicitor General to petition for a writ of *certiorari*. The letter states, however, that EPA would provide any appropriate support and assistance if either ENRD or DOI makes such a request. In addition, the letter requests the opportunity to work with DOJ on any United States response in the event the Tribes seek *certiorari*.

If you have any questions about this letter or the underlying litigation, don't hesitate to contact me.

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