

Malcolm Montoya  
Governor

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Lt. Governor



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April 5, 2012

Allan E. Steinle, Chief Regulatory Division  
Albuquerque District, Corps of Engineers  
**DEPARTMENT OF THE ARMY**  
4101 Jefferson Plaza, N.E.  
Albuquerque, NM 87109-3435

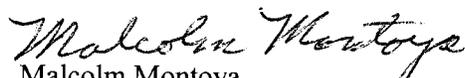
Dear Mr. Steinle:

This letter is in response to the U.S. Army Corps of Engineers (Corps) reissuance of the existing Nationwide Permits (NWP) and Clean Water Act Section 401 Water Quality Certification. As you are aware, the Pueblo of Sandia has had EPA approved water quality standards (WQS) since 1993 with revisions approved in 2010. The water quality standards apply to all surface waters within the exterior boundaries of our reservation and set forth existing uses that must be protected.

The Sandia Pueblo does not waive Clean Water Act (CWA) §401 water quality certification for any of the reissued NWP and the two new NWP. Although the Corps believes the NWP will meet the Pueblo's water quality standards. The Pueblo denies water quality certification of the reissued NWP and the two new NWP. It is requested that each individual Nationwide Permit occurring within the current jurisdiction be certified by the Pueblo. Each individual NWP applicant would need to acquire §401 water quality certification from the Pueblo. By reviewing and certifying each individual NWP, the Pueblo of Sandia ensures that individuals that apply for a NWP will comply with applicable provisions of Sections 208(e), 301 (including 301(h) variances), 302, 303, 306, and 307 of the CWA, regional and specific conditions relevant to the waters of the Pueblo. These conditions and certifications will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate the Sandia WQS and provisions of the CWA. We look forward to the Corps continued cooperation on environmental issues.

If you have any questions or concerns, please contact Frank Chaves, Environment Director or Scott Bulgrin, Water Quality Manager of my staff at (505) 867-4533.

Sincerely,

  
Malcolm Montoya  
Governor

Cc: Eddie Paulsgrove, U.S. Army Corps of Engineers Regulatory Project Manager  
Ron Kneebone Ph.D., U.S. Army Corps of Engineers Tribal Liaison  
Tom Nystrom, USEPA Region 6 Environmental Scientist  
Frank Chaves, Pueblo of Sandia Environment Department  
Scott Bulgrin, Pueblo of Sandia Environment Department  
File