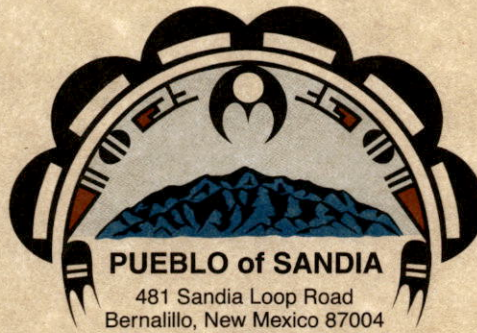


Stuart Paisano
Governor

Felix Chaves
Lt. Governor



(505) 867-3317
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December 29, 2022

Kelly Allen
Chief, Regulatory Division
U.S. Army Corps of Engineers Albuquerque
District Regulatory Division
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109

Re: Water Quality Certification Request/ USACE Albuquerque District-Regulatory Division (No. SPA-2012-00347-ABQ)

Dear Ms. Allen:

This letter is in response to the U.S. Army Corps of Engineers (USACE) NM/West TX-17-01, Emergency Repair and Protection Activities (No. SPA-2012-00347-ABQ). Section 401(a)(1) of the Clean Water Act (CWA) requires applicants for federal permits and licenses that may result in discharges into waters of the U.S. to obtain certification that potential discharges will comply with applicable provisions of the CWA, including sections 301, 302, 303, 306 and 307, and tribal regulatory requirements for point source discharges into waters of the U.S.

As you are aware, the Pueblo of Sandia (Pueblo) has had EPA approved water quality standards since 1993. The water quality standards apply to all surface waters in and around the exterior boundaries of our Pueblo and set forth existing uses that must be protected.

The Pueblo has reviewed the proposed NM/West TX-17-01, Emergency Repair and Protection Activities permit and grants CWA Section 401 certification with conditions. The Pueblo has determined that any discharge from the proposed project will comply with water quality requirements, subject to the following conditions:

1. The Pueblo will be notified of any requests by each individual entity requesting a permit for work in emergency situations within waters of the U.S., on or near the Pueblo (within two (2) miles) or within the jurisdiction of the Pueblo. This notification would allow the Pueblo to acknowledge and be aware of the work being conducted. The Pueblo must also receive all Post-Activity Reports concurrently with USACE. By reviewing the activities, the Pueblo can ensure that individuals will comply with applicable provisions of Section 208(e), 301 (including 301(h) variances), 302, 303, 306, and 307 of the CWA, along with

regional and specific conditions relevant to the waters of the Pueblo. These conditions and certifications will provide reasonable assurance that the permitted activities will not violate the Pueblo's WQS and provisions of the CWA;

2. The Pueblo requests that the work on or around the Pueblo (within two (2) miles) and not authorized by this "emergency situation" permit be prohibited from using this CWA Section 401 water quality certification. Impacts to waters of the U.S. shall be avoided or minimized through the use of practicable alternatives. Work that would have substantial adverse impacts on the aquatic environment or cause a substantial environmental damage in waters of the U.S. shall not be authorized by this permit and will have to be permitted by the appropriate Nationwide or Individual permit. Any failure by permit applicant to maintain compliance with these requirements may result in revocation of the CWA Section 401 water quality certification; and
3. To expedite the notification process, the permit applicant should copy all the pertinent information sent to or received by the USACE to the Pueblo's Environment Department, Attention: Water Quality Manager, 481 Sandia Loop, Bernalillo, New Mexico 87004 or email arosebrough@sandiapueblo.nsn.us, telephone (505) 771-5090.

We look forward to the USACE continued cooperation on environmental issues. If you have any questions or concerns, please contact Amy Rosebrough, Water Quality Manager of my staff at (505) 771-5090.

Sincerely:



Stuart Paisano
Governor

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cc: Greg Kaufman, Pueblo of Sandia Environment Director (via e-mail)
Amy Rosebrough, Pueblo of Sandia Environment Department (via e-mail)
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