



## PUEBLO OF ISLETA

CERTIFIED U.S. MAIL, RETURN RECEIPT AND BY E-MAIL

December 15, 2020

Kelly E. Allen  
Chief, Regulatory Division  
Albuquerque District  
U.S. Army Corps of Engineers  
4101 Jefferson Plaza, NE  
Albuquerque, NM 87109  
Kelly.e.allen@usace.army.mil

Refer to: Proposed Reissuance of USACE Nationwide Permits  
Clean Water Act Section 401 Water Quality Certification

Dear Ms. Allen,

The Pueblo of Isleta hereby submits this letter pursuant to Section 401 of the Clean Water Act (“CWA”), 33 U.S.C. 1341, and 40 C.F.R. Part 121, Water Quality Certification by a State or Indian Tribe, pursuant to the Pueblo of Isleta’s Treatment as a State designation by U.S. EPA for water quality certification of federal permits.

The Pueblo of Isleta waives CWA Section 401 water quality certification for proposed Nationwide Permits (hereinafter “NWP” or “NWPs”) numbered 1, 2, 8, 9, 10, 11, 24, 28, 35, A and B, which in the Corps’ opinion would authorize activities that could not reasonably be expected to result in a discharge into waters of the United States. In addition, the Pueblo of Isleta waives water quality certification for NWPs 21, 22, 34, 48, 49, and 54 because they would authorize activities that are not likely to occur in waters within the exterior boundaries of the Pueblo of Isleta.

Notification and timing conditions apply to all uses of NWPs for discharges originating within the exterior boundaries of the Pueblo of Isleta, as follows:

To ensure compliance with the Pueblo of Isleta’s Surface Water Quality Standards, NWP applicants shall provide the Pueblo’s Environment Department with a copy of its preconstruction notification (PCN) and PCN application materials the same day the application is submitted to the Corps. Notification must be in writing and should be submitted to the Pueblo by e-mail to [Ramona.Montoya@isletapueblo.com](mailto:Ramona.Montoya@isletapueblo.com), or by mail to Ramona M. Montoya, Pueblo of Isleta, Environment Department, PO Box 1270, Isleta NM 87022.



In order to assure attainment of the Pueblo of Isleta's surface water quality standards and other applicable Tribal law relating to water quality during construction of a project, or the life of a project conducted or completed under the proposed NWP, the Pueblo of Isleta denies water quality certification, without prejudice, for NWP the Pueblo of Isleta has not waived (refer to paragraph 2 of this letter). Accordingly, for projects within the exterior boundaries of the Pueblo of Isleta where water quality certification is denied, the prospective permittee must apply for an individual permit where the Pueblo's certification will not impose conditions unrelated to water quality.

Sincerely,

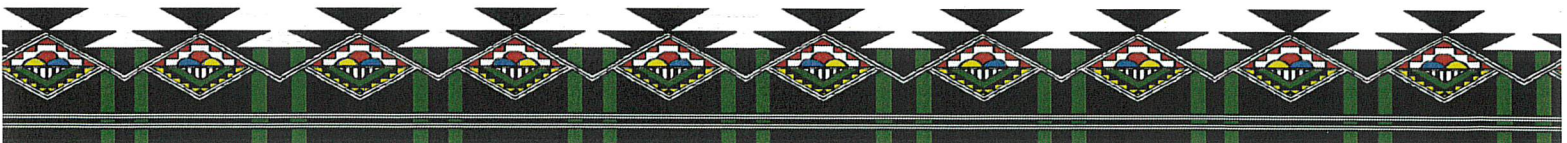


Max A. Zuni  
Governor  
Pueblo of Isleta

cc:

Ramona M. Montoya, Water Quality Control Officer, [Ramona.Montoya@isletapueblo.com](mailto:Ramona.Montoya@isletapueblo.com)  
Pueblo of Isleta Office of General Counsel, [Francine.jaramillo@isletapueblo.com](mailto:Francine.jaramillo@isletapueblo.com); [Jaimie.park@isletapueblo.com](mailto:Jaimie.park@isletapueblo.com)

Ms. Kelly E. Allen  
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## PUEBLO OF ISLETA

P. O. BOX 1270, ISLETA, NM 87022

October 13, 2021

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

Submitted by email to: [kelly.e.allen@usace.army.mil](mailto:kelly.e.allen@usace.army.mil)

Refer to: Water Quality Certification request of August 20, 2021 for the 41 Nationwide Permits (“NWP”) that have not yet been finalized

Dear Ms. Allen,

The Pueblo of Isleta hereby submits this letter pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341, and 40 C.F.R. Part 121. Water Quality Certification by a State or Indian Tribe, pursuant to the Pueblo of Isleta’s Treatment as a State designation by U.S. EPA for water quality certification of federal permits.

The Pueblo of Isleta affirms its CWA Section 401 water quality certification of December 15, 2020 of the Proposed Reissuance of USACE Nationwide Permits.

Regarding the 41 proposed NWPs subject to the extension of the reasonable period of time, the Pueblo of Isleta waives CWA Section 401 water quality certification for NWPs numbered 22, 34, 49, and 54 because they would authorize activities that are not likely to occur in waters within the exterior boundaries of the Pueblo of Isleta. To assure attainment of the Pueblo of Isleta’s surface water quality standards and other applicable Tribal law relating to water quality during construction of a project, or the life of a project conducted or completed under the NWPs, the Pueblo of Isleta denies water quality certification, without prejudice, for NWPs 3, 4, 5, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 23, 25, 27, 30, 31, 32, 33, 36, 37, 38, 41, 45, 46, 53, and 59.



Accordingly, for projects within the exterior boundaries of the Pueblo of Isleta where water quality certification is denied, the prospective permittee must apply for an individual permit where the Pueblo's certification will not impose conditions unrelated to water quality.

Under the Pueblo of Isleta Public Health Emergency Order 2021-04 effective October 11, 2021 in which access to the Pueblo is restricted to all non-residents, with the exception of tribal members of the Pueblo of Isleta, the Pueblo of Isleta requires all non-tribal parties to obtain a Permission Agreement to Enter Pueblo of Isleta Reservation Lands.

Please contact Isleta Tribal Administration at 505-869-3111, or Ramona Montoya, Water Quality Control Officer at 505-869-7565 or [Ramona.Montoya@isletapueblo.com](mailto:Ramona.Montoya@isletapueblo.com), if you have any questions.

Respectfully submitted,

**PUEBLO OF ISLETA**

*RM* 2ND LT. GOVERNOR

FOR  
Vernon B. Abeita  
Governor

