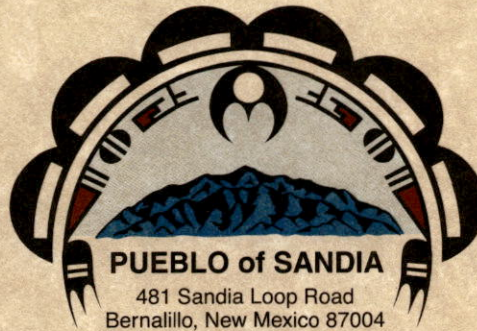


Stuart Paisano  
Governor

Alex Lujan  
Lt. Governor



(505) 867-3317  
Fax (505) 867-9235  
www.sandiapueblo.nsn.us

October 12, 2021

Kelly E. Allen  
Chief, Regulatory Division  
Department of the Army  
Corps of Engineers, Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, New Mexico 87109-3435

RE: Sec 401 Reasonable Period of Time Extension USACE Nationwide Permits

Dear Ms. Allen:

The United States Army Corps of Engineers (USACE) granted the Pueblo of Sandia (Pueblo) a reasonable period of time extension to provide 401 Certification for the proposed 2020 USACE Nationwide Permits. The Pueblo is authorized to certify the proposed 2020 Nationwide Permits (NWP) under CWA Section 401.

The Pueblo certifies all proposed NWPs with the following conditions:

- 1) Applicants for authorization to discharge under any of the proposed NWPs on or within .5 miles upstream of the Pueblo's boundary shall, at the time of application to the U.S. Army Corps of Engineers, supply the Pueblo with a copy of the application materials including the completed Pre-Construction Notification (PCN) form, all drawings, data, and any other attachments. If after an inspection of the submitted materials, the Pueblo determines that the discharge from the project will violate the Pueblo's water quality standards, the Pueblo shall notify the project proponent and the USACE in writing to recommend modifications necessary to bring the project into compliance with the its water quality standards. The Pueblo will provide an "Authorization to Proceed" notice after review and approval of the final application materials.

Application materials will be sent electronically to the Pueblo at the following addresses:

Electronic Addresses:

Amy Rosebrough (Water Quality Manager) via e-mail at [arosebrough@sandiapueblo.nsn.us](mailto:arosebrough@sandiapueblo.nsn.us)



Greg Kaufman (Environment Director) via e-mail at [gkaufman@sandiapueblo.nsn.us](mailto:gkaufman@sandiapueblo.nsn.us)

- a) This condition is necessary to ensure the Pueblo's Environment Department has an opportunity to inspect the activity prior to the initial construction for the purpose of determining whether the discharge from the certified project will violate the Pueblo's Water Quality Standards.
  - b) Citations that authorizes this condition: 40 CFR 121.11(a), 40 CFR 121.11(b), and the Pueblo of Sandia Water Quality Standards (2009)\*.
- 2) Any correspondence between the applicant and the USACE related to corrective action, enforcement, monitoring, or adverse incident written reports should likewise be routed to the Pueblo of Sandia Environment Department at the aforementioned electronic addresses.
- a) This condition is necessary to ensure that the Pueblo of Sandia's Water Quality Standards are not being violated.
  - b) Citations that authorizes this condition: Pueblo of Sandia Water Quality Standards (2009)\*.
- 3) The permittee could be required to perform water quality monitoring, sampling, or analysis during the active permit dates for appropriate constituents determined by the Pueblo. The Pueblo will make this determination in the Authorization to Proceed.
- a) This condition is necessary to ensure that the Pueblo of Sandia's Water Quality Standards are not being violated.
  - b) Citations that authorizes this condition: Pueblo of Sandia Water Quality Standards (2009)\*.

\* Please be advised that the Pueblo passed and adopted the *Pueblo of Sandia Water Quality Standards* in 2009. The standards have been accepted by the EPA and are enforceable in the same manner that state water quality standards are enforceable.

Thank you for your attention regarding this matter. If you have any question or concerns, please feel free to contact Greg Kaufman, Environment Director or Amy Rosebrough, Water Quality Manager of my staff at (505) 867-4533.

Sincerely,



Stuart Paisano  
Governor

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