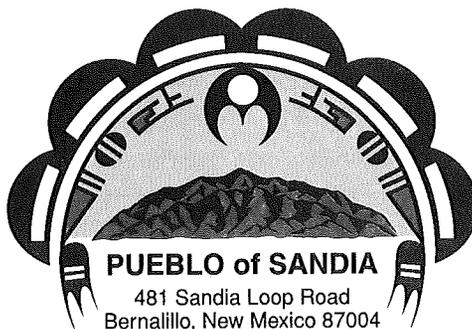


Malcolm Montoya

Governor

Lawrence Gutierrez

Lt. Governor



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February 23, 2017

Mr. Allan E. Steinle, Chief
Regulatory Division
Department of the Army
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza, N.E.
Albuquerque, New Mexico 87109-3435

Re: Clean Water Act Section 401 Water Quality Certification on the United States Army Corps of Engineers Nationwide Permits Reissuance 2017

Dear Mr. Steinle:

This letter is in response to the U.S. Army Corps of Engineers (Corps) reissuance of the existing Nationwide Permits (NWP) 2017 and Clean Water Act Section 401 Water Quality Certification. The Pueblo of Sandia (Sandia) has examined the published notice in the *Federal Register*, the two new NWPs, one general condition, and five new definitions and the Pueblo's intent to consider certification of those permits under Clean Water Act (CWA) §401 (Certification).

Certification is required by CWA §401 to ensure that the NWPs are consistent with and comply with the Pueblo's Water Quality Standards and comply with General Condition 25 (Water Quality) and General Condition 27 (Regional and Case-By-Case Conditions) of the NWPs.

As you are aware, the Pueblo has had EPA approved Water Quality Standards (WQS) since 1993 with revisions approved in 2010. The WQS apply to all surface waters within the exterior boundaries of our reservation and set forth existing uses that must be protected.

The Pueblo based on our evaluation of the information contained in the above documents certifies that the activities authorized by NWPs 1, 2, 4, 5, 8, 9, 10, 11, 17, 21, 22, 23, 28, 34, 35, 36, 44, 48, 49, 50, 51, 52 and 54 should not result in a violation of the Pueblo's WQS and be in compliance with applicable provisions of the CWA §208(e), 301 (including 301(h) variances), 302, 303, 306, and 307.

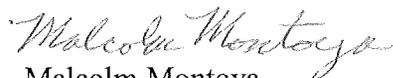
The Pueblo based on our evaluation of the information contained in the above documents denies certification of the following activities authorized by NWP's 3, 6, 7, 12, 13, 14, 15, 16, 18, 19, 20, 24, 25, 26, 27, 29, 30, 31, 32, 33, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47 and 53.

The Pueblo requests that the applicant for the above NWP's occurring within the Pueblo's jurisdiction be certified by the Pueblo. Each applicant for the above NWP's would need to acquire §401 water quality certification from the Pueblo. By reviewing and certifying each applicant, individually, for the above NWP's, the Pueblo will be able to ensure certifications and conditions on permitted activities will be conducted in compliance with the Pueblo's WQS and 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.

The Pueblo requests that the Corps contact the Pueblo on any project within the exterior boundaries of our reservation so that the Pueblo of Sandia is aware of the project and may comment on it.

We look forward to the Corps continued cooperation on environmental issues. If you should have any questions or concerns, please contact Scott Bulgrin, Water Quality Manager of my staff at (505) 867-4533.

Sincerely:


Malcolm Montoya
Governor

\SJB

cc: Ron Kneebone Ph.D., Tribal Liaison, U.S. Army Corps of Engineers
Kelly Allen, Regulatory Project Manager, U.S. Army Corps of Engineers
Tom Nystrom, Environmental Scientist, USEPA Region 6
Scott Bulgrin, Pueblo of Sandia Environment Department (via e-mail)
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