

FORT PECK TRIBES

Office of Environmental Protection

Ref: 8WP-AAP

Robert H. Cole
Acting Montana Program Manager
Corps of Engineers, Omaha District
Helena Regulatory Office
10 west 15th Street, Suite 2200
Helena, MT 59626

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BY: [Signature]

March 17, 2017

RE: Water Quality Certifications review and approvals for the Nation-Wide Permits for the Fort Peck Assiniboine and Sioux Tribes

Dear Mr. Cole;

The Fort Peck Tribes' Office of Environmental Protection has reviewed the January 6, 2017 Federal Register regarding the reissuance of all existing Nationwide Permits and the six new Nation-wide permits. Determinations for these NWP's are as follows:

Deny certification for Nation-wide Permits 1, 2, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 24, 27, 29, 31, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, and 54.

Certify with General Conditions for Nation-wide Permits 3, 5, 6, 11, 19, 23, 25, 28, 30, 32, and 35.

If you have any further questions, please contact me at your convenience at 406.768.2300 ext. 2389. Thank you for this opportunity to review and determine the status for these Nationwide permits in order to fully protect the water quality on the Fort Peck Indian Reservation.

Sincerely,



Deb Madison
Environmental Programs Manager
Fort Peck Assiniboine & Sioux Tribes

Enclosure: 1



ENCLOSURE

CWA

Section 401 Water Quality Certification for 2017 Nationwide Permits

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General Conditions

- 1) A copy of the certification documentation must be on-site.
- 2) This programmatic certification does not authorize construction of on-site systems in waters of the U.S.
- 3) Certification is denied for all activities affecting fens, spring, hanging gardens and difficult to replace wetlands as described in 33 CFR332 (e)(3).
- 4) All equipment must be inspected for fluid leaks and invasive species prior to use on a project. All fluid leaks shall be repaired and cleaned prior to use or when discovered, or if the fluid leak can't be repaired, the equipment shall not be used on site.
- 5) For NWP's for which certification has been granted, the Applicant must notify the EPA and the Tribal Environmental Program of the use of all NWP's prior to the commencement of the project. This notification will include a short summary of the proposed activity, complete contract information of the applicant and contractor, and a summary of contact/discussions with the affected Tribe's water quality staff regarding the project.
- 6) For NWP's for which certification has been denied, the Applicant must provide to the EPA and the Tribal Environmental Program a certification application which includes the follow:
 - I. The information required in Corps of Engineers Nationwide Permits General Condition 31(b). "Contents of Pre-Construction Notification."
 - II. A summary of contacts/discussions with the affected Tribe's water quality staff regarding the project.
 - III. A summary of tribally identified aquatic resource concerns, if any.
 - IV. A description of best management practices (BMP's) and how the project will utilize construction BMP's to reduce or eliminate water quality degradation as a result of the project.
 - V. A discussion of how the project has been designed to be resilient to the effects of climate change. Provide in the discussion a projection of future climate in the project area including a reference to how the projection was made.
- 7) All Corps of Engineers Regional Conditions.

- 8) Any additional information submitted to the Corps, such as cultural resource reports or summaries, biological assessment for endangered species, etc. must be included in the certification application.

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