



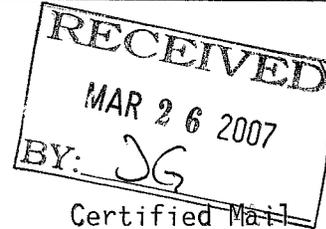
NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY  
**OFFICE OF THE EXECUTIVE DIRECTOR**  
 P.O. Box 339, Window Rock, Navajo Nation, Arizona 86515  
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Joe Shirley, Jr.  
 PRESIDENT

Ben Shelley  
 VICE-PRESIDENT

March 16, 2007



Certified Mail  
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Colonel Ronald N. Light, District Engineer  
 U.S. Army Corps of Engineers  
 Sacramento District  
 1325 J Street  
 Sacramento, California 95814

Colonel Light:

The Navajo Nation Environmental Protection Agency Water Quality & NPDES Programs received its Treatment As State (TAS) from the United States Environmental Protection Agency (USEPA), Region IX on January 20, 2006 for assumption of the federal Clean Water Act Sections 303 & 401 authorities for all lands within (1) the formal Reservation excluding the former Bennett Freeze area and lands leased to the power plants, (2) the 3 satellite reservations of Alamo, Tohajilee, and Ramah, and (3) all tribal trust lands in the Eastern Navajo Agency. On March 23, 2006 the USEPA approved the Navajo Nation Surface Water Quality Standards (NNSWQS), which allows the Navajo Nation to issue federal permit certifications.

The Navajo Nation has reviewed the *Federal Register* published March 12, 2007 containing the new nationwide permits. The purpose of this letter is to notify the U.S. Army Corps of Engineers that the Navajo Nation will not provide conditional water quality certifications for any Nationwide Permits and will require that the Navajo Nation certify each individual permit. Each individual applicant will need to apply for a § 401 permit from the Navajo Nation Environmental Protection Agency (NNEPA)/Surface and Ground Water Protection Department/Water Quality Program. By reviewing and certifying each individual permit request, the Navajo Nation ensures that individuals that apply for a Nationwide Permit will comply with § 301, § 302, § 303, § 306, and § 307 of the federal CWA, the NNSWQS [RCN-191-99], and other applicable Navajo Nation requirements. These certifications will provide reasonable assurance that the permitted activities will be conducted in a manner, which will not violate the Navajo Nation Surface Water Quality Standards and provisions of the CWA. Therefore, we respectfully DENY conditional water quality certification for ALL Nationwide Permits.

Anyone requesting to perform such activities must first obtain a project specific Section 401 water quality certification from the NNEPA Water Quality Program before proceeding under a Nationwide Permit. NNEPA WQP staff will be available to work with your office regarding this matter.

If you have any questions, please contact Patrick Antonio, Program Manager/Principal Hydrologist, NNEPA WQ & NPDES Programs at 928-871-7185.

Sincerely,

Stephen B. Etsitty, Executive Director  
 Navajo Nation Environmental Protection Agency

Copy furnished:

- Alexis Strauss, Director, USEPA Region IX Water Division, 75 Hawthorne Street, San Francisco, CA 94105.
- Jason Gipson, Acting Chief, USACOE Intermountain Regulatory Section, 533 W. 2600 South Suite 150, Bountiful, UT 84010
- Colonel Alex Dornstauder, District Engineer, USACOE Los Angeles District, Post Office Box 532711, Los Angeles, CA 90053-2325
- Donald Borda, Chief, USACOE Regulatory Branch-Albuquerque District, 4101 Jefferson Plaza NE, Albuquerque, NM 87109
- NNEPA Administration
- Program file