



Navajo Nation Environmental Protection Agency
P. O. Box 339, Window Rock, AZ 86515
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JUN 11 2018



Russell Begaye,
President
President

Jonathan Nez,
Vice-

June 6, 2018

Chief Michael S. Jewell
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Chief Jewell:

The Navajo Nation Environmental Protection Agency (NNEPA) Water Quality Program received its Treatment As State from the United States Environmental Protection Agency (USEPA), Region IX on January 20, 2006 for assumption of the federal Clean Water Act (CWA) Sections 303 & 401 authorities for all lands within (1) the formal Reservation excluding the former Bennet Freeze area and lands leased to the powerplants, (2) the 3 satellite reservations of Alamo, Tohajiilee, 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 Public Notice of Proposed Revision and Reissuance of Regional General Permit 8, Emergency Repair and Protection. The purpose of this letter is to notify the U.S. Army Corps of Engineers (USACOE) that the Navajo Nation does not waive water quality certification for any Regional General 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 NNEPA/Water Quality Program. By reviewing and certifying each individual permit request, the Navajo Nation ensures that individuals that apply for a NWP 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 certification 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 water quality certification for Regional General Permit 8, Emergency Repair and Protection.

Anyone requesting to perform such activities should contact our office concerning the Emergency Repair and adhere to our Section 401 Water Quality Emergency Certification from the NNEPA Water Quality Program. Our office would also like to begin seeing the practice of communication by documentation by the three districts (Sacramento, Los Angeles, and Albuquerque Districts), should emergency permits be used. Hence, NWP and RGP activities must comply with Tribal Water Quality Standards. NNEPA Water Quality Program staff are available to work with your office regarding this manner.

If you have any questions, please contact Lee Anna M. Silversmith, 401 Certification Coordinator, NNEPA Water Quality Program at (928) 871-7700 or Ronnie Ben, Department Director, Surface and Ground Water Protection Department at (928) 871-7701. Thank you for contacting our office and making us aware of this Public Notice.

Sincerely,

A handwritten signature in black ink, reading "Lee Anna M. Silversmith". The signature is fluid and cursive, with the first name "Lee" and last name "Silversmith" being more prominent.

Lee Anna Martinez-Silversmith, 401 Coordinator
Navajo Nation Environmental Protection Agency

cc: USEPA, Region IX-Elizabeth Goldman, Water Division, 75 Hawthorne Street, San Francisco, CA 94105
USACOE, Albuquerque District, Chris Wrbas, 1970 East 3rd Ave. Suite 109, Durango, CO 81301
USACOE, Sacramento District, Lisa M. Gibson, 1325 J Street, Sacramento, CA 95814-2922