

Pyramid Lake Paiute Tribe

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December 10, 2020

Mr. Michael Jewell
Chief, Regulatory Division
US Army Corps of Engineers
Sacramento District

RE: Pyramid Lake Paiute Tribe Response to Clean Water Act (CWA) 401 Certification Nationwide Permit Request (COE-2020-002)

Dear Mr. Jewell,

On October 13, 2020, the Sacramento District requested by letter water quality certification under Section 401 of the Clean Water Act (CWA) for the proposed Nationwide Permits from the Pyramid Lake Paiute Tribe (herein after, "Tribe"). This letter is the Tribe's formal response to the re-issuance and modification of Nationwide Permits Docket No. COE-2020-002. On January 30, 2007, the Tribe received Treatment in a Similar Manner as State (TAS) status pursuant to Sections 303 and 401 of CWA by the United States Environmental Protection Agency (EPA) Region 9 to conduct water quality standards and 401 Certification within the exterior boundaries of the Reservation. This authority requires activities requesting a federal permit to first be reviewed by the Tribe to approve, deny, waive or certify with conditions to protect water quality.

The Tribe is currently responsible for issuing or denying 401 Certification for Nationwide Permits on the Reservation. When deciding to issue Certification, the proposed project must ensure that the proposed discharged will not violate the Tribe's water quality standards as described within the Tribe's Water Quality Control Plan. The Tribe must make the determination that the Nationwide Permit will adequately protect Waters of the Tribe for those activities with only minimal adverse effects to the aquatic environment.

Based on the review of the available information, the Tribe denies certification on any of the proposed Nationwide Permits and will require that each individual permit be reviewed and certified by the Tribe before proceeding. This includes a formal letter or email that will be issued either certifying the project, waiving the 401, or denying the certification. By reviewing each permit, the Tribe will ensure that projects comply with the Tribe's water quality standards to protect the Tribe's threatened and endangered species.

If you have any questions regarding this matter, please feel free to contact me or the Tribe's Water Quality Manager, Kameron Morgan, at (775) 997-5343 or at kmorgan@plpt.nsn.us.

Sincerely,



Anthony Sampson Sr.
Chairman, Pyramid Lake Paiute Tribe