



## WHITE MOUNTAIN APACHE TRIBE

### Water Resources Program

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#### Memorandum

January 12, 2017

Mr. David J. Castanon, Chief, Regulatory Division  
Department of the Army  
Los Angeles District Corps of Engineers  
P.O. Box 532711  
Los Angeles, California 90053-2325

RE: Water Quality Certification under Section 401 of the Clean Water Act for Nationwide Permits

Dear Mr. Castanon,

The White Mountain Apache Tribe (WMAT) has developed regional conditions for Nationwide Permits to protect resources of importance to the Tribe.

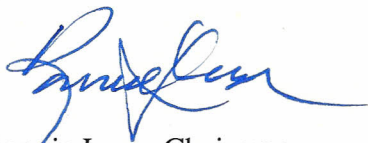
The following Clean Water Act Section 401 Certification General Conditions apply to all applicable Nationwide Permit:

- The W.M.A.T Water Resources Department request a copy of the Stormwater Pollution Prevention Plan (SWPPP) either electronically or hard-copy and the permittee is required to submit the SWPPP to the Department within 14 days of such request for review. The permittee shall comply with the SWPPP during the duration of the project. The Department will conduct an inspection of any projects covered by this permit to ensure compliance with Tribal Water Quality Standards and Tribal Best Management Practices. The Department may enforce its certification conditions.
- The W.M.A.T Water Resources Department may require the permit holder to perform water quality monitoring during the permit term if monitoring is necessary for the protection of public health or the environment as designated under the authority of the Tribal Water Quality Ordinance.
- Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the W.M.A.T Water Resources Department at the same time they are submitted to EPA.
- Before submitting a Notice of Termination (NOT), permittees must clearly demonstrate to the W.M.A.T Water Resources Department through a site visit or documentation that requirements for site stabilization have been met.

- Best Management Practices shall be implemented prior to start of any ground disturbing activities, including perimeter control, and shall be maintained during construction and post construction periods.
- In permitting any activity that could impact in sensitive waterbodies. The Tribe shall require the most stringent statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for non-point source control.
- Water quality and stream ecosystem health in high quality waters shall be maintained to protect:
  - Culturally or religiously significant areas
  - Archaeological and historical sites
  - Natural flow regimes
  - Natural flood retention capacity
  - Instream habitats for fish and other aquatic life
  - Water-dependent wildlife, including plants and wildlife designated as sensitive by the tribe
  - Native riparian vegetation, including plants traditionally gathered for cultural and medicinal purposes
- No degradation of outstanding tribal resource waters shall be permitted (i.e. their high quality shall be maintained and protected).

White Mountain Apache Tribe CWA 401 Water Quality Certification of these activities to operate under the terms (including the conditions herein) of the applicable Corps of Engineer NWP does not affect or modify in any way the obligations or liability of any person for any damages, injury, or loss, resulting from these activities. This certification is not intended to waive any other federal, state or local laws.

Sincerely,



Ronnie Lupe, Chairman

White Mountain Apache Tribe

Cc:

U.S. Army Corps of Engineers, Regulatory Branch, Ann Palaruan  
 U.S. Army Corps of Engineer, Regulatory Division, Antal J. Szijj  
 USEPA Region 9, Gail Louis, Manager of Water Division's Tribal Office  
 USEPA Region 9, Loretta Vanegas, Water Tribal Section  
 Cheryl Pailzote, WMAT Water Resources Manager  
 Brenda Begay, WMAT Environmental Protection Office