



TWENTY-NINE PALMS BAND OF MISSION INDIANS

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Regulatory Division

July 26, 2016

Mr. Antal Szijj
U.S. Army Corps of Engineers
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Dear Mr. Szijj:

This letter is in response to the **U.S. Army Corps of Engineers (USACE) request for certification under the Clean Water Act (CWA) § 401 by the Twenty-Nine Palms Band of Mission Indians (Tribe) for the reissuance of the Nationwide Permits (NWP)s**. Thank you for your request for water quality certification and your coordination with the Twenty-Nine Palms Tribal Environmental Protection Agency.

The Tribe reserves all rights and obligations stemming from tribal sovereignty and Treatment as a State under the Clean Water Act and recognizes that the USACE implements certain provisions of the CWA by issuing NWP)s. The Tribe understands that USACE has made a good faith effort to develop proposed NWP)s which are both protective of Waters of the U.S. and meet Tribal Water Quality Standards (TWQS).

However, the Tribe recognizes that in some cases it may be necessary to conduct individual review of NWP application to address TWQS. Further, the Tribe feels it is necessary to be afforded the opportunity to conduct these individual permit application reviews prior to issuing CWA § 401 certification in order to implement its TWQS program. Individual permit reviews would provide a chance for inclusion of additional conditions, should certification be granted.

For this reason, **The Twenty-Nine Palms Band of Mission Indians hereby denies CWA § 401 certification for the USACE's reissuance of the NWP)s**. If you should have questions or need additional information please contact Mrs. Shawn Muir, Tribal Environmental Coordinator at (760) 398-6767.

Sincerely,

Darrell Mike
Tribal Chairman

cc. Shawn Muir, Tribal Environmental Coordinator