



BISHOP TRIBAL COUNCIL

March 20, 2017

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

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

Dear Mr. Castanon:

The Bishop Paiute Tribe received correspondence from your office dated January 12, 2017, requesting water quality certification under Clean Water Act Section 401 for the reissuance of Nationwide Permits (NWP). It is understood that NWPs will allow the Corps to authorize certain activities that have minimal adverse effects on the aquatic environment and that activities resulting in more than minimal adverse effects on the aquatic environment, individually or cumulatively, cannot be authorized by NWPs. It is also understood that the Tribe has no control over the Corps determination of activities that have a minimal adverse effect on waters of the United States. Based on this determination and in accordance with Corps regulations at 33 CFR 330.4(c), the Bishop Paiute Tribe denies Water Quality Certification (WQC) for activities authorized by NWPs within the tribal lands of the Bishop Paiute Tribe. Anyone wishing to perform such activities will first be required to obtain a project specific WQC or waiver on a case-by-case basis thereof from the Tribe's Environmental Management Office before proceeding under the NWP.

The authority for this determination is made pursuant to the following tribal laws and authorization as follows: According to the Bishop Paiute Tribal Environmental Protection Ordinance (No. 98-02, Sect. 101(c)): "The Tribal Council, pursuant to its inherent sovereignty and federal law, possesses the authority to provide for the comprehensive regulation of environmental quality within the exterior boundaries of the Reservation." The U.S. Environmental Protection Agency Region 9 granted CWA Section 401 and CWA Section 404 authority was granted to the Tribe on April 11, 2006. Water quality standards have been established for the surface waters within the Reservation and are provided in the Bishop Paiute Tribe Water Quality Control Plan (approved by US EPA Region 9 on August 15, 2008).

If you should have any questions regarding the NWPs water quality certification denial, please contact BryAnna Vaughan, Water Quality Coordinator, at BryAnna.Vaughan@BishopPaiute.org.

Sincerely,

Brian Adkins
Environmental Management Office Director

CC:
Mervin Hess, Tribal Administrator
Deston Rogers, Tribal Council Chairman