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Regulatory Division

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June 21, 2016

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

RE: Response to Re-issuance and Modification of Nationwide Permits Docket No. COE-2015-0017

Mr. Szijj,

This letter constitutes the Hopi Tribe's formal response to Re-issuance and Modification of Nationwide Permits Docket No. COE-2015-0017 for the Corps application for water quality certification (WQC) under Section 401 of the Clean Water Act for those proposed NWP's that will result in a discharge in the Tribal Lands of the Hopi Tribe.

The Hopi Tribe received program authorization under Clean Water Act (CWA) Section 303 and recognition of its authority to administer CWA Section 401 from the U.S. Environmental Protection Agency (USEPA) - Region IX on April 23, 2008. This authorization extends to all lands within the exterior boundaries of the Hopi Indian Reservation. On July 8, 2008, the USEPA approved the Hopi Tribe's Water Quality Standards, which allows the tribe to issue federal permit certifications. This was reaffirmed with the USEPA approval of the amended Water Quality Standards from the tri-annual review on August 24, 2011.

The Hopi Tribe has reviewed Docket No. COE-2015-0017 regarding the Re-issuance and Modification of Nationwide Permits. The purpose of this letter is to notify the U.S. Army Corps of Engineers that the Hopi Tribe will not provide conditional certifications for any Nationwide Permits and will require that the Hopi Tribe certify each individual permit. Each individual applicant will need to apply for Section 401 certification through the Hopi Tribe's Water Resources Program. By conducting project specific reviews of Nationwide Permits, the Hopi Tribe will ensure that projects comply with all applicable Tribal and federal regulations. This assures the Tribe that the permitted activities will be conducted in a manner consistent with the

Tribe's Water Quality Standards, Tribal Ordinances and other CWA provisions. Therefore, we respectfully DENY conditional water quality certification for ALL Nationwide Permits.

Anyone requesting to perform activities that require a Nationwide Permit must first obtain a project specific Section 401 water quality certification from the Hopi Tribe's Water Resources Program before proceeding under a Nationwide Permit.

If you have any questions regarding this matter please contact Lionel Puhuyesva, Director at Lpuhuyesva@hopi.nsn.us or by phone at (928) 734-3711.

Sincerely,

A handwritten signature in black ink, appearing to be 'L. Puhuyesva', with a long horizontal line extending to the right.

Lionel Puhuyesva, Director
Hopi Water Resources Program

CC: Alexis Strauss, Regional Administrator, USEPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105
Audrey Johnson, Life Scientist, USEPA Region IX Water Division, 75 Hawthorne Street, San Francisco, CA 94105
Clayton Honyumtewa, Director, Hopi Department of Natural Resources
Hopi Tribal Council
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