



LAC DU FLAMBEAU BAND
OF LAKE SUPERIOR
CHIPPEWA INDIANS

TRIBAL NATURAL RESOURCE DEPARTMENT

P.O. BOX 67
2500 HWY. 47 NORTH

LAC DU FLAMBEAU, WISCONSIN 54538

(715) 588-4213
FAX# (715) 588-3207

Fish Culture - Fisheries Management - Wildlife Management - Water Resources - Environmental Protection - Conservation Law - Energy - Air Quality

November 17, 2022

AJ Kitchen
Lead Project Manager
U.S. Army Corps of Engineers
St. Paul District, Regulatory Division
Brookfield Field Office
250 N. Sunnyslope Rd., Suite 296
Brookfield, Wisconsin 53005

Re: Request for water quality certification (WQC) under Section 401 of the Clean Water Act for 2022 Regional General Permits (RPGs) issued by the St. Paul District U.S. Army Corps of Engineers

Dear Mr. Kitchen:

The Lac du Flambeau Band of Lake Superior Chippewa Indians Natural Resources Program has reviewed the Corps letter dated September 20, 2022, requesting a water quality certification under 401 of the Clean Water Act. The Lac du Flambeau Band of Lake Superior Chippewa Indians (Tribe) deny without prejudice, certification of the following Corps 2022 Regional General Permits:

- Enclosure A Bank Stabilization and Habitat Improvement
- Enclosure B Beach Creation & Nourishment
- Enclosure C Beach Raking
- Enclosure D Minor Discharges
- Enclosure E Piers and Docks

(401 water quality certification is not required for seasonally placed recreation structures.)

- Enclosure F Transportation
- Enclosure G Utilities
- Enclosure H Wildlife Ponds

The Tribe is unable to provide 401 Certification for the proposed categories of activities under CFR 40 §121.7 (e) (2) (iii): Information required to ensure that Water Quality Standards will be met, must identify the project location and specific waterbody(s) within the exterior boundaries of the Reservation where the proposed activities will occur.

Additionally, under CFR 40 §121.7 (e) (2) (i) (ii): The Tribe is unable to certify the proposed categories of activities due to the lack of project specific information needed to determine if Tribal Water Quality Codes 28.105 (Designated Uses) and 28.106 (Criteria) would be met.

If you have any questions about the Tribe's denial, or if you require further information, please let us know. The contact person on the Tribe's staff regarding this matter is Jason De Vries, who can be reached at (715) 588-4162.

Sincerely,

A handwritten signature in black ink, appearing to read "Dee A. Allen", with a long horizontal flourish extending to the right.

Dee A. Allen
Lac du Flambeau Band of Lake Superior Chippewa
Interim Natural Resource Director