US Army Corps
of Engineers
St Paul District

Public Notice

ISSUED: June 19, 2015
MODIFIED: July 2 and July 27, 2015
EXPIRES: June 18, 2020

REFER TO: GP-10-R
(2015-00687-RMG)

Section 404 Clean Water Act

THE ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT REGULATORY BRANCH HAS MODIFIED GP-10-R, A REGIONAL GENERAL PERMIT APPLICABLE WITHIN THE EXTERIOR BOUNDARIES OF INDIAN RESERVATIONS IN MINNESOTA AND WISCONSIN, EXCEPT THE MOLE LAKE BAND OF SOKAOGON CHIPPEWA AND FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA RESERVATIONS

1. PURPOSE OF THIS PUBLIC NOTICE

This public notice has been issued to inform the public that the Army Corps of Engineers, St. Paul District Regulatory Branch (Corps) has modified GP-10-R, which was re-issued on June 19, 2015, and modified on July 2, 2015. This modification reflects the inclusion of Section 401 Clean Water Act Water Quality Certification (WQC) conditionally granted for GP-10-R by the Bad River Band of Lake Superior Chippewa.

2. BACKGROUND

In 2010, the Corps first issued GP-10-R, a regional general permit (GP) for use within the exterior boundaries of 20 federally recognized Indian Reservations in Wisconsin and Minnesota. This first issuance expired on June 18, 2015.

During the winter of 2014-2015, the Corps began considering development of a new GP for use within the exterior boundaries of Indian Reservations in Minnesota and Wisconsin, GP-15-R. The proposed GP-15-R will modify the existing GP-10-R conditions, applicability, and categories to increase Section 404 program efficiency. Under a separate public notice, the Corps intends to solicit comments on the proposed content of GP-15-R.

Because GP-15-R required additional time to develop, the Corps re-issued GP-10-R on June 19, 2015 to provide seamless GP coverage. At the time of re-issuance, the Corps had not received grant of WQC for GP-10-R from the Bad River Band of Lake Superior Chippewa or from the Grand Portage Band of Lake Superior Chippewa. Our re-issuance clarified that if WQC was granted, it would be incorporated into the re-issued GP-10-R as a modification.

On June 29, 2015, the Grand Portage Band of Lake Superior Chippewa notified the Corps that the conditional WQC granted for the original GP-10-R would be extended to match the duration of GP-10-R, June 18, 2020. On July 24, 2015, the Bad River Band of Lake Superior Chippewa notified the Corps that they conditionally approved WQC for GP-10-R.

3. FINAL ACTION

This modified GP-10-R is identical to the version issued on June 19 and modified on July 2, 2015 except that it contains the WQC granted by the Bad River Band of Lake Superior Chippewa.

4. ADDITIONAL INFORMATION

The modified GP-10-R is attached to this notice and can be viewed on the Corps internet web page at: http://www.mvp.usace.army.mil/Missions/Regulatory.aspx. Questions about GP-10-R may be submitted through the web site, by phone at (800) 290-5847, extension 5525, or addressed to the Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

DEPARTMENT OF THE ARMY PERMIT

Permittee: The general public on all lands within the exterior boundaries of Indian Reservations in Minnesota and Wisconsin except the Mole Lake Reservation of the Sokaogon Chippewa Community and the Fond du Lac Band of Lake Superior Chippewa Reservation.

Permit No. GP-10-R

Issuing Office: St. Paul District, United States Army Corps of Engineers.

Issuance Date: June 19, 2015

Modified Date: July 27, 2015

Expiration Date: Five years after date of issuance, June 18, 2020.

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "District" refers to the Army Corps of Engineers, St. Paul District which has jurisdiction over the permitted activity.

NON-REPORTING GENERAL PERMIT AUTHORIZATION:

The general public is hereby authorized to perform work to maintain existing structures and fills and to contain and cleanup oil and hazardous substances spills as described on page 4 of this permit, in accordance with all terms and conditions of this permit, within the exterior boundaries of all Indian Reservations in Minnesota and Wisconsin except the Mole Lake Reservation of the Sokaogon Chippewa Community and the Fond du Lac Band of Lake Superior Chippewa Reservation.

REPORTING GENERAL PERMIT AUTHORIZATION:

Effective upon the issuance date above, the general public must request written verification of GP-10-R authorization from the District for work that requires Clean Water Act Section 404 authorization and falls within the categories described beginning on page 5 of this permit, in accordance with all terms and conditions of this permit, on lands within the exterior boundaries of Indian Reservations in Minnesota and Wisconsin, except the Mole Lake Reservation of the Sokaogon Chippewa Community and the Fond du Lac Band of Lake Superior Chippewa Reservation.

The categories covered by this authorization include fish and wildlife enhancement and attraction activities, stream and wetland enhancement and restoration activities, and wildlife ponds and scrapes.

IMPORTANT: All GP-10-R authorizations are subject to the standard and general conditions specified below. In addition, the District may impose in its Reporting General Permit authorization project specific special conditions which will be specified in the District's verification letter for the project. Refer to the attached GP-10-R Terms and Procedures for a description of non-reporting GP and reporting GP procedures, eligible activities, conditions, exclusions and application instructions.

PROJECT DESCRIPTION AND LOCATION:

GP-10-R applies to certain discharges of dredged and/or fill material into waters of the United States, including wetlands, as described herein, in the State of Minnesota and Wisconsin within the exterior

boundaries of Indian Reservations, except the Mole Lake Reservation of the Sokaogon Chippewa Community and the Fond du Lac Band of Lake Superior Chippewa Reservation.

General Conditions:

1. Unless otherwise specified in the District letter confirming your project complies with the requirements of this GP, the time limit for completing work authorized by GP-10-R ends upon the expiration date of this GP-10-R. Activities authorized under the GP-10-R that have commenced construction or are under contract to commence construction, will remain authorized provided the activity is completed within 12 months of the date of the GP-10-R expiration, suspension, or revocation; whichever is sooner. If you find that you need more time to complete the authorized activity, submit your request for a time extension to the District for consideration at least three months before the expiration date is reached.

2. You must maintain the activity authorized by GP-10-R in good condition and in conformance with the terms and conditions of this permit. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from the District, which may require restoration of the area.

3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by GP-10-R, you must immediately stop work and notify the District of what you have found. We will initiate the Federal, tribal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. You must allow representatives from the District to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of GP-10-R.

5. Refer to the GP-10-R Standard Conditions Attachment.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 404 of the Clean water Act (33 U.S.C. 1344).

2. Limits of this authorization:
    a. GP- 10- R does not obviate the need to obtain other Federal, state, or local authorizations required by law.
    b. GP-10-R does not grant any property rights or exclusive privileges.
    c. GP-10-R does not authorize any injury to the property or rights of others.
    d. GP-10-R does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In authorizing work, the Federal Government does not assume any liability for the following:
    a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
    b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
    c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.
e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination by the District that a confirmation of authorization is not contrary to the public interest will be made in reliance on the information provided by the applicant.

5. Reevaluation of Decision. The District may reevaluate its decision on an authorization at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
   a. The applicant fails to comply with the terms and conditions of this general permit.
   b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate (see 4 above).
   c. Significant new information surfaces which the District did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring the permittee to comply with the terms and conditions of the permit and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by the District, and upon failure to comply with such directive, the District may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill the permittee for the cost.

6. The District may also reevaluate its decision to issue GP-10-R at any time circumstances warrant. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

For Daniel C. Koprowski
Colonel, Corps of Engineers
District Commander

GP-10-R TERMS AND PROCEDURES

A. NON-REPORTING GP

The following describes the Section 404 non-reporting general permit authorizations implemented by the St. Paul District as part of GP-10-R.

1. ACTIVITIES EXCLUDED BY THE NON-REPORTING GP:

This non-reporting GP does not authorize maintenance activities that are in or within 300 feet of areas of established dormant or growing wild rice beds or harvest areas.

This non-reporting GP does not authorize any maintenance activities that are in or within 300 feet of a calcareous fen.

This non-reporting GP does not authorize any maintenance activities that are part of a project that would divert more than 10,000 gallons per day of surface or ground water into or out of the Great Lakes Basin.

These exclusions to not apply to A.2.b. below.

2. ACTIVITIES AUTHORIZED BY THE NON-REPORTING GP (unless excluded in paragraph A.1.):

a. Maintenance activities. Discharges of dredged or fill material for the repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure or fill that impact not more than one-third (1/3) of an acre of wetland/water area. Minor deviations, up to the 1/3 acre impact limit, are allowed where necessary to conform to modern construction practices, materials, construction codes, or safety standards. Discharges to repair or replace structures destroyed by storms, floods, fire or other discrete events are included, provided they are commenced or under contract to commence within two years of the date that the damage occurred.

b. Oil Spill/Hazardous Substances Cleanup. Activities required for the containment and cleanup of oil and hazardous substances which are subject to the National Oil and Hazardous Substances Pollution Contingency Plan provided that the work is done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR 112.3. In addition, if a Regional Response Team exists in the area, they must concur with the proposed containment and cleanup action plan. Discharges for such containment and cleanup activities are authorized without delay by this general permit; however, the appropriate tribal government and the District shall be informed of any such discharges as soon as practical.

All practicable steps to avoid and minimize impacts to wetlands and restore impacted wetlands shall be implemented. See Standard Condition #25 below.

3. APPLICATION OF THE NON-REPORTING GP:

An activity authorized by this non-reporting GP may commence when project proponents have carefully confirmed that the activity will be conducted in compliance with all of the terms and conditions of GP-10-R, including the standard and general conditions. No application to the District is required. Persons proposing to do work should note that conditions of the GP require that adverse impacts on water and wetland resources be avoided and minimized to the maximum extent practical. Activities that would adversely affect Federal Endangered plant or animal species or certain cultural/archaeological resources are not authorized by GP-10-R. Information about Federal Endangered species may be obtained by contacting the U.S. Fish and Wildlife Service. Information concerning cultural resources may be obtained by contacting the State

Historic Preservation Office and the appropriate tribal government. Project proponents are encouraged to contact these agencies early in project planning because doing so can help avoid violations of Federal law and potentially lengthy project delays. Persons performing work should be aware that Federal regulations concerning endangered species and cultural resources may apply to their projects whether or not the work requires a District permit. All work must be conducted in full compliance with all of the terms and conditions of GP-10-R.

B. REPORTING GP

The following describes the Section 404 reporting general permit authorization procedures implemented as part of GP-10-R by the St. Paul District.

1. EXCLUDED ACTIVITIES BY THE REPORTING GP:

This reporting GP does not authorize any activities in or within 300 feet of a calcareous fen, or that are in or within 300 feet of areas of established dormant or growing wild rice beds or harvest areas. This reporting GP also does not authorize any activities in sedge meadow and forested wetlands.

This reporting GP does not authorize any maintenance activities that are part of a project that would divert more than 10,000 gallons per day of surface or ground water into or out of the Great Lakes Basin.

2. ACTIVITIES ELIGIBLE FOR AUTHORIZATION UNDER THE REPORTING GP (unless excluded in paragraph B.1. above):

Discharges of dredged/fill material, for a single and complete project, that would result in no more than one third (1/3) acre of permanent fill, and/or no more than 1.0 (one) acre of wetland/water area impacted by excavation or inundation, associated with a discharge, and that comply with all GP-10-R conditions, may be authorized under this GP. Eligible activities include:

a. Fish and Wildlife Enhancement and Attraction Activities. Section 404 discharges for activities such as fish cribs, rock or gravel fish spawning reefs, tree drops, and other minor activities that propagate fish and wildlife habitat.

The above category does not require agency or tribal sponsorship, but would require tribal approval.

b. Stream and Wetland Restoration Activities, and Stream Habitat Improvement Activities. This GP does not cover any conversion of sedge meadow and forested wetland to other wetland types. It covers Section 404 activities in waters of the United States associated with the restoration and enhancement of wetlands and riparian areas, the enhancement of degraded wetlands and riparian areas, the creation of wetlands and riparian areas, and the restoration, enhancement and habitat improvement of non-Section 10 streams and open water areas on: (i) non-Federal public lands and private lands, in accordance with the terms and conditions of a binding wetland enhancement, restoration or creation agreement between the landowner and the U.S. Fish and Wildlife Service, Natural Resources Conservation Service (NRCS), Bureau of Indian Affairs (BIA), or voluntary wetland restoration, enhancement, and creation actions documented by the NRCS pursuant to NRCS regulation; or (ii) any Federal land; or (iii) by a state agency on any public or private land; or (iv) by tribal government on tribal, public or private land. This GP cannot be used to authorize activities for the conversion of natural streams to another aquatic use, such as the creation of an impoundment for waterfowl habitat. This GP cannot be used to authorize channelization of a stream and does not authorize the conversion of natural wetlands to another aquatic use, such as creation of waterfowl impoundments where a forested wetland previously existed. However, this GP may be used to relocate

aquatic habitat types on the project site, provided there are net gains in aquatic resource functions and values. For example, this GP may authorize the creation of an open water impoundment in an emergent wetland, provided the emergent wetland is replaced by creating that wetland type in the adjacent uplands. This activity must be sponsored by a federal, state, county, or tribal agency, and must have tribal approval.

c. Wildlife Scrapes and Ponds. Discharges of dredged or fill material for the construction of shallow wildlife scrapes, or wildlife ponds no deeper than 5 feet. These excavations shall be constructed with irregular shorelines and shallow sideslopes (e.g. 8-foot lateral to 1-foot rise or greater). All excavated spoil material must be removed to an upland location unless authorized as part of a low-head dike or berm if required as part of the design. The primary purpose of this activity must be to improve wildlife habitat, and is not appropriate in areas with high quality wetlands. This GP does not authorize the discharge of fill material for the construction of wildlife scrapes or ponds in forested wetlands, sedge meadows or calcareous fens. This activity must be sponsored by a federal, state, county, or tribal agency, and must have tribal approval.

Categories b and c must be agency sponsored and tribal approved as specified.

3. HOW TO APPLY FOR REPORTING GP-10-R AUTHORIZATION:

An application to the District is required for all reporting GPs. Applicants may use the Federal Department of the Army permit application form available from District offices. Projects are not authorized until the District has issued a verification letter specifically for the project. Applicants are encouraged to help speed the District evaluation and increase the chance of receiving a favorable interagency review and authorization by including information with their application that clearly shows that the proposed work is the least environmentally damaging practicable way to perform the work. The District must generally deny any permit request unless the applicant demonstrates, and the District evaluation confirms, that the work proposed is the least environmentally damaging practicable means to accomplish the project purpose and that impacts to wetland/water areas cannot reasonably be avoided or further minimized. The District must also deny authorization for any regulated activity that the District determines is contrary to the public interest.

Applicants are advised that activities that adversely affect Federal Endangered plant or animal species or cultural resources are not authorized under GP-10-R. Information about Federal Endangered species may be obtained by contacting the U.S. Fish and Wildlife Service. Information concerning cultural resources may be obtained by contacting the State Historic Preservation Office and the appropriate tribal government. Applicants are encouraged to contact these agencies early in the planning process because doing so can help avoid later and potentially lengthy delays in completing the District permit evaluation procedures.

All authorized work must be conducted in compliance with all of the terms and conditions of GP-10-R.

4. EVALUATION PROCEDURES UNDER THE REPORTING GP.

The District will review each application for compliance with the GP-10-R general conditions. With the exception of GP-10-R re-verification requests previously afforded a tribal review *and* verified in writing by the District, the District will transmit a copy of the application materials to the appropriate tribal government and provide that tribal government a 30-calendar-day period in which to review and comment on the project. At the end of the 30-day period (or less if a favorable tribal response is received) the District will complete its review, considering all comments received, and prepare an abbreviated 404(b)(1) analysis and environmental assessment to determine if the District will issue a verification letter authorizing the proposed work, provided the proposed work is not contrary to the public interest. Projects that fail to meet these criteria will be denied authorization.

C. OTHER PROVISIONS

1. FEDERAL TRUST RESPONSIBILITY TO INDIAN TRIBES. With the exception of GP-10-R re-verification requests previously afforded a tribal review *and* verified in writing by the District, all reporting GP-10-R applications will be coordinated with the appropriate Indian Tribal governments. The Indian Tribe's views and the Federal trust responsibility will be considered in the District's evaluation.

2. PUBLIC/TRIBAL/INTER-AGENCY COORDINATION PROCESS. All reporting GP applications will be coordinated with the affected tribal government as noted in paragraph B.4. of GP-10-R in completing its evaluation of the proposed activity.

3. PROJECT-SPECIFIC GP-10-R CONDITIONS. The District evaluation will identify any need for special conditions to minimize adverse impacts and/or protect the public interest.

4. FORM AND CONFIRMATION OF AUTHORIZATION. Reporting GP authorization will be confirmed by the District sending the project proponent a permit verification letter. The letter will identify any required special conditions.

5. ENDANGERED SPECIES AND CULTURAL RESOURCES. GP-10-R does not affect the District responsibility to ensure that all Section 404 authorizations comply with Section 7 of the Federal Endangered Species Act and Section 106 of the National Historic Preservation Act. No District GP is valid for projects that do not comply with these Acts.

6. PERIODIC INTERAGENCY REVIEW. The District will conduct an interagency review to evaluate the performance of GP-10-R after it has been in effect for one year. The District may use its authority to modify, revoke, suspend or propose any Section 404 authorization after the annual review or at any other time it determines that circumstances concerning the public interest warrant such action.

D. STANDARD CONDITIONS ATTACHMENT

GP-10-R authorizations are subject to the following standard conditions, as applicable. The following general conditions must be followed in order for any GP-10-R authorization to be valid:

1. Case-by-case conditions. The activity must comply with any project specific special conditions which may have been added by the District. Such conditions will be specifically identified in any GP verification letter issued for the project.

2. Mitigation/Sequencing. Discharges of dredged or fill material into waters of the United States **must be minimized or avoided to the maximum extent practicable** at the project site (i.e. on-site).

3. Section 401 Water Quality Certification. With the following three exceptions, Section 401 Water Quality Certification (certification) responsibility for GP-10-R rests with the U.S. Environmental Protection Agency (EPA): the Bad River Band of Lake Superior Chippewa, the Grand Portage Band of Lake Superior Chippewa, and the Lac du Flambeau Band of Lake Superior Chippewa.

a. The EPA granted certification for GP-10-R on June 17, 2015. This certification has been incorporated into GP-10-R.

b. The Lac du Flambeau Band of Lake Superior Chippewa granted certification for GP-10-R on June 2, 2015. This certification has been incorporated into GP-10-R.

c. The Grand Portage Band of Lake Superior Chippewa clarified that their original, conditional certification for GP-10-R remains valid for the duration of GP-10-R, not June 30, 2015 as originally drafted. This certification has been incorporated into GP-10-R.

d. The Bad River Band of Lake Superior Chippewa conditionally granted certification for GP-10-R on July 21, 2015. This certification has been incorporated into GP-10-R.

4. Suitable Material. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.,) and material discharged must be free from toxic pollutants other than trace amounts (see Section 307, Clean Water Act).

5. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance required to ensure public safety.

6. Erosion and Siltation Controls. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark must be permanently stabilized at the earliest practicable date.

Upon completion of earthwork operations, all exposed slopes, fills, and disturbed areas must be given sufficient protection by appropriate means such as landscaping, or planting and maintaining vegetative cover, to prevent subsequent erosion.

If coffer dams are constructed, they shall be maintained so as to prevent erosion into the water. If earthen material is used for coffer dam construction, sheet piling, riprap or a synthetic cover must be used to prevent dam erosion.

7. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their pre-existing elevation.

8. Endangered Species.

a. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which is likely to destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District that the requirements of the ESA have been satisfied and that the activity is authorized.

b. Authorization of an activity under GP-10-R does not authorize the take of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service.

9. Historic Properties, Cultural Resources. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District has complied with the provisions of 33 CFR Part 325, Appendix C. The prospective permittee must include notification to the District in the permit application if the authorized activity may affect any historic properties listed, determined

to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

10. Spawning Areas. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

11. Obstruction of High Flows. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

12. Adverse Effects from Impoundments. If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

13. Waterfowl Breeding Areas. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

14. Navigation. No activity may cause more than a minimal adverse effect on navigation.

15. Aquatic Life Movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.

16. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely effect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

19. Water Quality Standards. All work or discharges to a watercourse resulting from permitted construction activities, particularly hydraulic dredging, must meet applicable Federal or Tribal water quality and effluent standards on a continuing basis.

20. Preventive Measures. Measures must be adopted to prevent potential pollutants from entering the watercourse. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter the watercourse as a result of spillage, natural runoff, or flooding.

21. Disposal Sites. If dredged or excavated material is placed on an upland disposal site (above the ordinary high-water mark), the site must be securely diked or contained by some other acceptable method that prevents the return of potentially polluting materials to the watercourse by surface runoff or by leaching. The containment area, whether bulkhead or upland disposal site, must be fully completed prior to the placement of any dredged material.

22. Cultural Resources. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the Tribal Historic Preservation Officer and the District must be contacted for further instruction.

23. Water Intakes/Activities. An investigation must be made to identify water intakes or other activities that may be affected by suspended solids and turbidity increases caused by work in the watercourse. Sufficient notice must be given to the owners of property where the activities would take place to allow them to prepare for any changes in water quality.

24. Spill Contingency Plan. A contingency plan must be formulated that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the Duty Officer at 1-800-422-0798 in Minnesota, or at 1-800-943-0003 in Wisconsin, and the National Response Center at telephone number 1-800-424-8802, or web page www.nrc.uscg.mil.

25. Site Restoration and Equipment Standards for Oil Spill/Hazardous Substance Cleanup. Disturbed areas shall be stabilized immediately after construction to prevent erosion. Re-vegetation of the site shall begin as soon as site conditions allow and in the same growing season as the disturbance unless climatic conditions warrant additional time and is approved by the District. Native vegetation and soils removed for project construction shall be stockpiled separately and used for site rehabilitation. If soil and/or organic materials are not available from the project site for rehabilitation, other locally-obtained native materials may be used. Other topsoil or organic materials (including seed) may be used if identified in the cleanup action plan. Species to be used for seeding and planting shall follow this order of preference: 1) species native to the site; 2) species native to the area; 3) species native to the state. Re-vegetated areas eventually shall have enough cover to sufficiently control erosion without silt fences, hay bales, or other mechanical means. Excavation or significant disturbance to wetlands may require a site specific restoration plan as required by the District to minimize long term impacts to wetland functions and values.

26. Other Permit Requirements. No District GP-10-R authorization eliminates the need for other local, tribal, state, or Federal authorizations, including but not limited to National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permits.

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER P.O.Box 39 • Odanah, Wisconsin 54861

Resolution No. 7-21-15-465

Authorization of Conditional Clean Water Act Section 401 Certification of the Regional General Permit (GP-10-R) Issued by the U.S. Army Corps of Engineers

WHEREAS, the Bad River Band of Lake Superior Tribe of Chippewa Indians is a federally recognized Indian tribe with a Constitution enacted pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. Sec. 476; and

WHEREAS, Article VI, Section 1(a) of the Constitution authorizes the Tribal Council to negotiate with Federal, State, and local government on behalf of the Band; and

WHEREAS, Article VI, Section 1(n) of the Constitution directs the Tribal Council to encourage and foster the arts, crafts, traditions, culture, wildlife, and natural resources of the Band, which necessarily includes enhancement and protection of the water resources within the boundaries of the Reservation; and

WHEREAS, there is a need for the Tribe to protect the health and welfare of its members, maintain its political integrity and the economic security of the Tribe and its present and future members; and

WHEREAS, the water resources of the Tribe are integral to its members' health, welfare and economic security, as well as the economic and political integrity of the Tribe itself; and

WHEREAS, the Band obtained treatment in a manner similar to a state for Clean Water Act Sections 303 and 401 program authority from the U.S. Environmental Protection Agency on June 26, 2009;

WHEREAS, the Band has taken all steps required under Tribal Law and federal law to grant conditional 401 certification of the GP-10-R;

WHEREAS, the Band, after consultation with the Band's Natural Resources Department, finds that conditional certification of the GP-10-R is necessary to protect (a) the health and welfare of the Band, its members, and others living on its Reservation, and (b) the present and future use of Reservation waters for propagation of fish and aquatic life and wildlife, cultural, and other legitimate uses;

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby approves the 401 certification with the conditions attached hereto as Exhibit "A" of the GP-10-R.

AND BE IT FURTHER RESOLVED that the Tribal Council directs the Natural Resources Department to submit the conditional certification to the U.S. Army Corps of Engineers.

Certification

I, the undersigned, as Secretary of the Bad River Band of Lake Superior Tribe of Chippewa Indians, an Indian Tribe organized under Section 16 of the Indian Reorganization Act, hereby certify that the Tribal Council is composed of seven members, of whom 7 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 21 day of July, 2015; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 6 members; 0 against; and 0 abstaining, and that the said resolution has not been rescinded or amended.

RaeAnne Maday, Secretary
Bad River Tribal Council

Exhibit A: Conditional Certification

Clean Water Act Section 401 Certification of the Army Corps of Engineers Regional General Permit (GP-10-R)

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. 1251 *et seq.*), the U.S. Army Corps of Engineers (hereafter, the Corps) has posted notice of the re-issuance of the regional general permit applicable within the exterior boundaries of Indian Reservations in Minnesota and Wisconsin (GP-10-R). This general permit authorizes minor discharges of dredge or fill material in waters of the United States.

In accordance with Section 401 of the Clean Water Act, the Bad River Band of Lake Superior Tribe of Chippewa Indians (hereafter, the Tribe) has examined the application for this general permit and determined that there is reasonable assurance—with the conditions listed below—that the activities associated with GP-10-R will be consistent with relevant water quality considerations.

The Tribe has determined, however, that certain conditions are necessary to protect (a) the public health and welfare of the Tribe, its members, and others living on its Reservation, and (b) the present and future use of Reservation waters for cultural purposes, propagation of fish and aquatic life and wildlife, and other legitimate uses. Accordingly, the Tribe grants CWA Section 401 certification for GP-10-R with the following conditions to apply to discharges made under the permit into Waters of the Bad River Reservation:

1) Only those activities specifically authorized by the individual permit are authorized by this Certification. This Certification does not authorize impacts to cultural properties, or historical sites, or properties that may be eligible for listing as such.[a,b]

2) This project shall be implemented in such a manner that is consistent with the Tribe's Water Quality Standards (WQS).[a]

3) An applicant or person performing the activity, which is eligible for coverage under the GP-10-R, that would result in an allowable discharge or alteration under the non-reporting GP occurring within the exterior boundaries of the Bad River Reservation must notify the Tribe prior to the commencing activities.[a,b] The applicant or person performing the activity must submit a copy of the scope of work, proposed project location, and contact information to the following addresses prior to commencing activities:

   Bad River Tribe's Natural Resources Department
   Attn: Water Resources Specialist
   P.O. Box 39
   Odanah, WI 54861

   Bad River Tribe's Natural Resources Department
   Attn: Tribal Historic Preservation Officer (THPO)
   P.O. Box 39

Odanah, WI 54861

4) Activities are not eligible for authorization under the GP-10-R that result in new or increased discharges or alterations to an Outstanding Tribal Resource Water (or Tier 3 water) unless the lowering of water quality is short-term and temporary and the activity fulfills the antidegradation decision requirements, including, but not limited to, the activity arising entirely from one of the following: (a) maintenance/repair of existing roads, bridges, boat landings, culverts, septic systems, or similar structures; construction of buildings, wells, roads, or similar structures; (b) response actions undertaken to alleviate a release into the environment of hazardous substances, pollutants, or contaminants which may pose an imminent and substantial danger to public health or welfare; or (c) actions undertaken to restore culturally important species and their habitats.[c] Outstanding Tribal Resource Waters, or Tier 3 waters, include the following: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.[d] The antidegradation demonstration materials described in provision E.4.iv. must be submitted to the following address:

   Bad River Tribe's Natural Resources Department
   Attn: Water Resources Specialist
   P.O. Box 39
   Odanah, WI 54861

5) An applicant or person performing the activity proposing to discharge to or alter an Outstanding Resource Water (or Tier 2.5 water) under the GP-10-R must comply with the antidegradation provisions of the Tribe's WQS. Outstanding Resource Waters, or Tier 2.5 waters, include the following: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweiler River, Tyler Forks, Bell Creek, and Vaughn Creek.[e] The antidegradation demonstration materials described in provision E.4.iii. must be submitted to the following address:

   Bad River Tribe's Natural Resources Department
   Attn: Water Resources Specialist
   P.O. Box 39
   Odanah, WI 54861

6) An applicant or person performing the activity proposing to discharge to or alter an Exceptional Resource Water (or Tier 2 water) under the GP-10-R must comply with the antidegradation provisions of the Tribe's WQS. Exceptional Resource Waters, or Tier 2 waters, include the following: any surface water within the exterior boundaries of the Reservation that is not specifically classified as an Outstanding Resource Water (Tier 2.5 water) or an Outstanding Tribal Resource Water (Tier 3 water).[f] The antidegradation demonstration materials described in provision E.4.ii. must be submitted to the following address:

Exhibit A: Conditional Certification

Bad River Tribe's Natural Resources Department
Attn: Water Resources Specialist
P.O. Box 39
Odanah, WI 54861

7) A discharge to a surface water within the Bad River Reservation boundaries shall not cause or contribute to an exceedance of the turbidity criterion included in the Tribe's WQS, which states: Turbidity shall not exceed 5 NTU over natural background turbidity when the background turbidity is 50 NTU or less, or turbidity shall not increase more than 10% when the background turbidity is more than 50 NTU.[g]

8) All activities which are eligible for coverage under the GP-10-R within the exterior boundaries of the Bad River Reservation must comply with the Bad River Reservation Wetland and Watercourse Protection Ordinance, or Chapter 323 of the Bad River Tribal Ordinances, including the erosion and sedimentation control, natural buffer, and stabilization requirements. Questions regarding Chapter 323 and requests for permit applications can be directed to the Wetlands Specialist in the Tribe's Natural Resources Department at (715) 682-7123 or wetlands@badriver-nsn.gov.

9) The THPO must be provided 30 days to comment on the project.[h] For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800. A best practice for an applicant is to consult with the THPO during the planning stages of an undertaking.[i] Questions can be directed to the THPO in the Tribe's Natural Resources Department at (715) 682-7123 or THPO@badriver-nsn.gov.

10) Temporary and permanent erosion and sedimentation controls will be properly installed and maintained during project implementation including, but not limited to, minimizing the extent and duration of soil disturbance. Temporary non-biodegradable controls will be promptly removed once soils are stabilized.[j,k]

11) The applicant must limit the use of herbicides to only non-native invasive plant species control. The applicant must notify the Tribe's Natural Resources Department if non-native invasive plant species are found within the property boundaries.[j,l]

12) The applicant must submit a series of photographs to the Tribe's Natural Resources Department within one week of completing work on the site. The photographs must be taken from different vantage points and depict all work authorized by this certification.[a,l]

13) The Tribe's Natural Resources Department reserves the right to inspect the project throughout the project life to investigate the project's construction, operation, maintenance, or compliance with the Tribe's WQS.[a]

14) An applicant or person performing activity, which is eligible for coverage under the GP-10-R, shall be responsible for meeting any additional permit requirements imposed by the U.S. EPA necessary to comply with the Tribe's antidegradation policies if the discharge point is located upstream of waters designated by the Tribe.[a]

15) Activities required for the containment and cleanup of oil and hazardous substances, which are eligible for coverage under the GP-10-R, must comply with the Bad River Band Environmental Response and Remediation Ordinance, or Chapter 380 of the Bad River Tribal Ordinances. Questions regarding Chapter 380 can be directed to the Environmental Compliance Specialist in the Tribe's Natural Resources Department at (715) 682-7123 or Brownsfield@badriver-nsn.gov.

16) The Bad River Natural Resources Department may require compensatory mitigation for an activity eligible for coverage under the GP-10-R. The Bad River Natural Resources Department will utilize Chapter 323, the Bad River Tribe's Wetland Mitigation Plan, and the Tribe's WQS to determine if mitigation is required.

17) Fill material (if required) will consist of suitable material that is free of contamination and free of non-native invasive species.[l,m,n]

Each condition of this Certification cannot be made less stringent without violating the requirements of tribal law.

Citation and Other Relevant Footnotes:

[a] Bad River Band of Lake Superior Tribe of Chippewa Indians Water Quality Standards adopted by Resolution No. 7-6-11-441 (hereafter, Tribe's WQS).
[b] 36 C.F.R. § 800.16(l)(2).
[c] Tribe's WQS: See provisions E.3.ii. and E.4.iv.
[d] Tribe's WQS: See provision E.2.iii.
[e] Tribe's WQS: See provision E.2.ii.
[f] Tribe's WQS: See provision E.2.i.
[g] Tribe's WQS: See provision E.7.iii.
[h] 36 C.F.R. § 800.3(c)(4).
[i] 36 C.F.R. § 800.3(b).
[j] Tribe's WQS: See provision E.6.ii.e.
[k] Tribe's WQS: See provision E.7.iii.
[l] Tribe's WQS: See provision E.6.i.
[m] Tribe's WQS: See provisions E.6.ii.a.
[n] Tribe's WQS: See provisions E.6.ii.h.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 17 2015

REPLY TO THE ATTENTION OF:
WW-16J

Colonel Dan Koprowski
District Engineer,
St. Paul District Corps of Engineers
180 5th Street East, Suite 700
St. Paul, Minnesota 55101

Re: Clean Water Act Section 401 Certification for GP-10-R, Public Notice No. 2015-00687-RMG

Dear Colonel Koprowski:

The U.S. Environmental Protection Agency has reviewed the above referenced public notice, dated April 15, 2015. The purpose of this public notice is to propose to reissue General Permit (GP)-10-R. EPA hereby concludes that GP-10-R has performed acceptably and hereby issues Clean Water Act Section 401 Certification with no additional conditions.

GP-10-R provides for the discharge of dredged or fill material into Waters of the U.S. for 5 categories of activities. These are: 1) Maintenance activities involving fill of up to 1/3 acre in waters of the U.S.; 2) Oil spill/hazardous substances cleanup; 3) Fish and Wildlife enhancement and attraction activities; 4) Stream and wetland restoration activities and stream habitat improvement activities; and 5) Wildlife scrapes and ponds no deeper than 5 feet.

This certification is applicable to all Native American reservations in Minnesota and Wisconsin with the exception of the Mole Lake Band of Sokaogon Chippewa, the Fond du Lac Band of Lake Superior Chippewa, the Grand Portage Band of Lake Superior Chippewa, the Bad River Band of Lake Superior Chippewa, and the Lac du Flambeau Band of Lake Superior Chippewa.

This action does not exempt the applicant from the responsibility of complying with all other applicable Tribal, State and Federal requirements. If you have any questions, or if we can be of further assistance, please contact Janice Cheng of my staff, at (312) 353-6424 or cheng.janice@epa.gov.

Sincerely,

Tinka G. Hyde
Director, Water Division

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (100% Post-Consumer)

cc: Gabrielle Anderson, Bois Forte Band of Chippewa
Perry Bunting. Mille Lacs Band of Chippewa
Gabe Miller, Prairie Island Community
Cody Charwood, Red Lake Band of Chippewa
Levi Brown, Leech Lake Band of Ojibwe
Stan Ellison, Shakopee Mdewakanton Sioux
Debra Dirlum, Lower Sioux Indian Community
Scott Wold, Upper Sioux Community
Monica Hedstrom, White Earth Band of Chippewa
Jim Snitgen, Oneida Tribe of WI
Nate Guldan, Forest County Potawatomi Community
Melonee Montano, Red Cliff Band of Lake Superior Chippewa
Sarah Slayton, St. Croix Chippewa Indians of Wisconsin
Dan Tyrolt, Lac Courte Oreilles Conservation Dept.
Greg Bunker, Stockbridge-Munsee Community
Carol Rollins, Ho-Chunk Nation
Doug Cox, Menominee Indian Tribe of WI

Grand Portage Conditional Certification for GP-10-R and LOP-10-R

In accordance with the Clean Water Act § 404, 40 C.F.R. § 230, the U.S. Army Corps of Engineers ("US ACE") is proposing to separate the general permit from the letter-of-permission ("LOP") evaluation procedures with no changes from the LOP-05-R except to remove the five-year limit. The LOP-10-R would continue to authorize discharges of dredged and/or fill material into waters of the United States, including wetlands.

The Grand Portage Band of Lake Superior Chippewa (the "Band") is a federally recognized Indian tribe and has Treatment-As-a-State for purposes of enforcement of federal water quality standards on the Band's Reservation in northern Minnesota. Therefore, in accordance with Section 401 of the Clean Water Act, the Grand Portage Water Quality Standards ("Water Quality Standards"), and the Grand Portage Water Resources Ordinance (as amended, the "Water Resources Ordinance"), the Grand Portage Environmental Resources Board ("Board") has examined the proposed re-issuance and separation of the GP-10-R and LOP-10-R and determined that there is reasonable assurance that it will not violate applicable water quality standards.

The Board has also determined that certain additional conditions are necessary to protect the following: (a) the public health and welfare of the Band, its members, and others living on the Band's Reservation; and (b) the present and future use of Reservation waters for public and private water supplies; propagation of fish, aquatic life, and wildlife; domestic and recreational purposes; and for agricultural, cultural, religious, commercial, industrial, and other legitimate uses. Accordingly, the following conditions will apply to discharges made under the LOP-10-R into Waters of the Grand Portage Reservation (as defined in the Water Resources Ordinance) until June 30, 2015:

1. The LOP-10-R authorizes discharges of dredged and/or fill material into waters of the United States, including wetlands, during activities that may occur within the exterior boundaries of the Grand Portage Reservation in accordance to the Grand Portage Land Use Ordinance. The LOP-10-R regulates discharges of dredged and/or fill material into waters of the United States, including wetlands, for a single complete project that would result in the filing, draining, or inundating less than 2.0 acres of wetlands/water area, that comply with LOP-10-R conditions. This Certification does not authorize impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for listing as such.

2. All discharges of dredged and/or fill material authorized by the LOP-10-R must comply with the Water Quality Standards and Water Resources Ordinance, as well as Applicable Federal Standards (as defined in the Water Resources Ordinance). As such, appropriate steps must be taken to ensure that petroleum products or other chemical pollutants are prevented from entering the Waters of the Reservation (as defined in the Water Resources Ordinance). All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of the Waters of the Reservation, including groundwater.

3. A copy of the application required for the LOP must be submitted to the Board at least 30 days in advance of sending the application to US ACE. The Board may require monitoring of discharges as determined on a case-by-case basis. If the Board determines that a monitoring plan is necessary, the monitoring plan must be prepared and incorporated into the application before it is submitted to the US ACE. The Plan should be sent to:

   Grand Portage Environmental Resources Board
   P.O. Box 428
   Grand Portage, MN 55605

   Copies of the Notice of Termination required under the LOP must be submitted to the Board at the address above at the same time they are submitted to the US ACE.

4. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Water Quality Standards and any Applicable Federal Standards.

5. Discharges that the Board has determined to be or that may reasonably be expected to be contributing to a violation of Water Quality Standards or Applicable Federal Standards are not authorized by this Certification.

6. The Board retains full authority provided by the Water Resources Ordinance to ensure compliance with and to enforce the provisions of the Water Resource Ordinance and Water Quality Standards, Applicable Federal Standards, and these Certification conditions.

7. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.

As provided by the Water Resources Ordinance, any interested party may request that a public hearing be scheduled regarding the Board's decision to grant conditional certification to LOP-10-R. Such a request must be directed to the following address within 30 days of this notice:

Grand Portage Environmental Resources Board
P.O. Box 428
Grand Portage, MN 55605

Electronic versions of the proposed permit extension fact sheet are available at the US ACE's Web site at http://www.mvp.usace.mil/regulatory/. Questions regarding the LOP-10-R can also be directed to the US ACE District Office at Department of the Army, St. Paul District, Corps of Engineers, Sibley Square at Mears Park, 190 5th St. East, Ste. 401, St. Paul, MN 55101-1638. The US ACE St. Paul District contact for the LOP-10-R is Tamara Cameron at telephone number (651) 290-5197 or e-mail at <Tamara.E.Cameron@usace.army.mil>.

RESOLUTION NO. 264(15)

WHEREAS, the Lac du Flambeau Band of Lake Superior Chippewa Indians ("Tribe"), is a federally recognized Indian tribe organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934, 25 U.S.C. §461 el. seq.; and

WHEREAS, pursuant to Article III, Section 1 of the Lac du Flambeau Constitution ("Constitution"), the governing body of the Tribe is the Tribal Council; and

WHEREAS, the Lac du Flambeau Tribal Council after review of the United States Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System Section 404 Activities United States Army Corps of Engineers General Permit (GP-10-R) and Letter of Permission (LOP-10-R) for Point Source Regulated Discharges to Waters of the United States of dredge and/or fill material determination to condition the approval; and

WHEREAS, the Lac du Flambeau Tribal Council after review of the Tribal Water Quality Standards in relation to the GP-10-R and LOP-10-R would condition certification to protect the Tribal Outstand Resource Waters, Wild Rice Waters, and propagation of fish, aquatic life, and wildlife, and for navigation as stated in the Tribal Water Quality Standards; and

WHEREAS, conditions that are necessary to protect the Tribal resources are 1) all projects are reviewed and approved be the Tribal Natural Resources Department through the Tribal Land Use Application (LUA) Process, 2) only short term or temporary or maintenance of existing structures are allowed in Outstanding Tribal Resource Waters, and 3) and equipment and dredge and fill materials should be free from invasive species by following best management practices; and

WHEREAS, the Tribal Natural Resources Department did not receive any comments from the public regarding the conditioned certification of the general permit for Section 404 Activities Unites States Army Gorps of Engineers General Permit (GP-10-R) and Letter of Permission (LOP-10-R) activities after a 30 day public notice; and

WHEREAS, the Tribal Natural Resource Department will coordinate with United States Army Corps of Engineers on a case by case basis for approval for future permit requests; now, therefore be it

RESOLVED, by this Council in Special Session assembled, hereby certifies with conditions for the National Pollutant Discharge Elimination System Section 404 Activities under the United States Army Corps of Engineers General Permit (GP-10-R) and Letter of Permission (LOP-10-R) for discharges to Waters of the United States within the exterior boundaries of the Lac du Flambeau Indian Reservation from dredge and fill material and approves each of the items as mentioned above.

CERTIFICATION

I, the undersigned, as Secretary of the Lac du Flambeau Band of Lake Superior Chippewa Indians, a tribal government operating under a Constitution adopted pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476, do hereby certify that the Tribal Council of the Band is composed of twelve members, of whom twelve constituting a quorum, were present at a Meeting, duly called, noticed, convened, and held on the 2nd Day of June, 2015, and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of eleven members, none against, none abstaining, and that the said resolution has not been rescinded or amended in any way.

Jamie Armstrong, Secretary
Lac du Flambeau Band of
Lake Superior Chippewa Indians