



December 9, 2020

Meghan Brown
Regulatory Division
St. Paul District Army Corps of Engineers
180 East 5th Street, Suite 700
St. Paul, MN 55101

Re: Request for water quality certification (WQC) under Section 401 of the Clean Water Act for #COE-2020-0002 Nationwide Permits (NWP)

Dear Ms. Brown:

The Lac du Flambeau Band of Lake Superior Chippewa Indians Natural Resources Program has reviewed the Corps letter dated November 12, 2020, 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 Corps Nationwide Permit (NWP), general conditions, and definitions.

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.

**Lac du Flambeau Band
of Lake Superior Chippewa Indians**

P.O. Box 67 - Lac du Flambeau, Wisconsin 54538 • (715) 588-3303 • FAX (715) 588-7930

The Tribe will grant certification under 401 for:

- NWP 11 (Temporary Recreational Structures) as it applies to seasonally placed structures and according to Tribal Codes 23.402, 23.405 and 23.409
- NWP 20 (Response Operations for Oil or Hazardous Substances) as described, with the exception of “the use of temporary structures and fills in waters of the U.S. for spill response training exercises”

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 that reads "John D. Johnson Sr." with a stylized flourish at the end.

John Johnson, Sr. President
Lac du Flambeau Band of Lake Superior
Chippewa Indians