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THE TULALIP TRIBES

6406 Marine Dr.
Tulalip, WA 98271-9694
(360) 716-4500
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The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, and Skykomish tribes and other tribes and band signatory to the Treaty of Point Elliott

Misty Napeahi- Tribal Government General Manager

March 3, 2017

Mr. David Olson
U.S. Army Corps of Engineers, Attn: CECW-CO-R,
441 G Street NW.,
Washington, DC 20314-1000

RE: Tulalip Tribes Section 401 Certification for the reissuance of Nationwide Permits authorized by the Department of the Army under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899

Dear Mr. Olson:

Pursuant to Section 401 of the Clean Water Act the Tulalip Tribe's Natural Resources Department certifies under 40 CFR §124.55 that Nationwide Permits authorized by the U.S. Army Corps of Engineers within the boundaries of the Tulalip Reservation comply with applicable provisions of the CWA and the requirements set forth in the Tulalip Tribes Water Quality Standards, provided the applicants, owners and operators follow the requirements and conditions as authorized in the permit along with the additional conditions set forth in this letter. This certification is valid from the date of the reissued Nationwide Permits through March 18, 2022.

Applicants, owners and operators seeking coverage under Nationwide Permits who intend to discharge to waters of the Tulalip Tribes must submit a copy of the authorized permit to the Tulalip Tribes Natural Resources Department. Applicants, owners and operators seeking coverage under a Nationwide Permit must also submit or make available to the Tribes monitoring reports and records, plans, and notices as described in the Nationwide Permit.

Conditions:

Compliance with Water Quality Standards: Each permittee shall be responsible for achieving compliance with levels identified in the Tribe's Water Quality Standards or the Nationwide Permit, the more stringent shall apply.

Authorization to Inspect: The Tulalip Tribes Natural Resources Department may conduct an inspection of any facility covered by the Nationwide Permit to ensure compliance with tribal water quality standards and enforce its certification conditions.



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Incorporation by reference: This certification does not exempt the applicant from compliance with other statutes and codes administered by the Tribes, county, state and federal agencies.

Permits on-site: A copy of the Nationwide Permit shall be kept on the job site and readily available for reference by the facility manager or other responsible party and Tribal inspectors.

Permit Management: The applicant shall ensure that managers and other responsible parties have read and understand conditions of the Nationwide Permit, this certification, and other relevant documents, to avoid violations or noncompliance with this certification.

Spills or Emergencies: Owners, operators or applicants must report immediately to the Tribes (360-716-5911) any spills of drugs, pesticides, oil or hazardous materials to waters of the Tulalip Tribes.

Tribal ESA Consultation: The Tulalip Tribes Natural Resources Department may require additional consultation on effects of the Nationwide Permit on federally listed threatened or endangered species and designated critical habitat. Information required as part of this consultation may include:

1. Basis of the determination that the Nationwide Permits will not adversely affect federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of designated critical habitat including appropriate measures to be undertaken to avoid or eliminate the likelihood of adverse effects; and
2. The Nationwide Permit should include location and extent of action area, list of federally listed threatened or endangered species or designated critical habitat likely to occur in action area.

Activities that have Potential to Cause an Adverse Effect on Historic Properties: Any permit related activity that may have a potential adverse effect on historic properties shall be reported to Richard Young, of the Tulalip Tribe's Cultural Resources Department. His contact information is (360) 716-2652 and ryoung@tulaliptribes-nsn.gov.

For further 401 Certification coordination with the Tulalip Tribes Natural Resources Department, please contact Mr. Kurt Nelson (360) 716-4617 knelson@tulaliptribes-nsn.gov 6406 Marine Dr., Tulalip WA 98271.

Sincerely,

The Tulalip Tribes


Ray Fryberg Sr.

Natural and Cultural Resources Director