



BLACKFEET NATION

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COE-HLNA

SEP 13 2012

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September 10, 2012

Mr. Todd N. Tillinger
Montana Program Manager
Department of Army
Corps of Engineers, Omaha District
Helena Regulatory Office
10 West 15th Street, Suite 2200
Helena, MT 59626

RE: U.S. Army Corps of Engineers (USACOE) Nationwide Permit Section 401 Water Quality Certification

Dear Mr. Tillinger:

The Blackfeet Environmental Office, a department within the Blackfeet Tribal government, has reviewed the notice published in the February 21, 2012 Federal Register and is responding to the USACOE request for certification on Nationwide permits (NWP), conditions, district engineer decision, further information, and definitions.

The Blackfeet Environmental Office has denied or waived 401 Certification and the results are summarized. The Blackfeet Environmental Office (BEO) waives 401 Certification on the following Nationwide Permits: 1, 2, 4, 5, 8, 9, 10, 11, 15, 22, 24, 30, 31, 32, 34, 35, and 48.

The Blackfeet Environmental Office would like preconstruction notification on all NWPs that have been waived.

The Blackfeet Environmental Office denies 401 Certification on the following permits because of potential impacts to water quality on the Blackfeet Reservation: 3, 6, 7, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 25, 27, 28, 29, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 49, 50, 51, and 52. On Nationwide Permits that have been denied the Blackfeet Environmental Office will review the proposed permit activity and issue a project-specific 401 Certification decision on each permit.

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Thank you for your consideration and if you have any questions regarding 401 Certification, please contact me at (406) 338-7421 ext. 204 or Barry Adams, Water Quality Coordinator at (406) 338-7421 ext. 217.

Sincerely,



Gerald Wagner
Blackfeet Environmental Director

cc: Willie Sharp, BTBC Chairman
Sandra Watts, Tribal Attorney
Jeanne Whiteing, Water Attorney
Barry Adams, Water Quality Coordinator