



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290

February 24, 2022

Mr. Charles W. Maguire
Water Division Director
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

Dear Mr. Maguire:

The Tulsa District requested water quality certifications under Section 401 of the Clean Water Act (401 WQC) for the proposed reissuance and issuance of those Nationwide Permits (NWP) that may result in a discharge in waters of the United States in the Pawnee Nation of Oklahoma, specifically NWPs 3, 4, 5, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 27, 30, 31, 32, 33, 34, 36, 37, 38, 41, 45, 46, 49, 53, 54 and 59 (fka E), on October 22, 2020.

In accordance with the U.S. Environmental Protection Agency's (EPA's) current water quality certification regulations at 40 CFR Part 121, the Tulsa District has determined that waiver of the 401 WQC requirement has occurred for NWPs 3, 4, 5, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 27, 30, 31, 32, 33, 34, 36, 37, 38, 41, 45, 46, 49, 53, 54 and 59 (fka E) due to the Pawnee Nation of Oklahoma failure or refusal to act on a certification request within the reasonable period of time, per 40 CFR 121.9(a)(2)(i). Tulsa District previously provided notice pursuant to 40 CFR 121.6(b) identifying the applicable reasonable period of time (letters enclosed).

Thank you for your coordination and efforts on the re-issuance of the NWPs.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Commer".

Andrew R. Commer
Chief, Regulatory Office

Enclosure

cc: Mr. Monty Matlock, Director, Department of Environmental Conservation and Safety,
Pawnee Nation of Oklahoma



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February 23, 2021

Mr. Charles W. Maguire
Water Division Director
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

Dear Mr. Maguire:

The Tulsa District requested water quality certifications under Section 401 of the Clean Water Act (401 WQC) for the proposed reissuance and issuance of those Nationwide Permits (NWP) that may result in a discharge in waters of the United States in the Pawnee Nation of Oklahoma, specifically NWPs 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52, 57 (fka C), and 58 (fka D), on October 22, 2020.

In accordance with the U.S. Environmental Protection Agency's (EPA's) current water quality certification regulations at 40 CFR Part 121, the Tulsa District has determined that waiver of the 401 WQC requirement has occurred for NWPs 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52, 57 (fka C), and 58 (fka D) due to the Pawnee Nation of Oklahoma failure or refusal to act on a certification request within the reasonable period of time, per 40 CFR 121.9(a)(2)(i). Tulsa District previously provided notice pursuant to 40 CFR 121.6(b) identifying the applicable reasonable period of time (letter enclosed).

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Andrew R. Commer
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Enclosure

cc:

Mr. Andy Beaudet, Regulatory Program Manager, Headquarters, USACE
Mr. Monty Matlock, Director, Department of Environmental Conservation and Safety,
Pawnee Nation of Oklahoma