

The Eastern Band of Cherokee Indians



Principal Chief Patrick H. Lambert

Vice-Chief Richard G. Sneed

Bill Taylor

Chairman
Wolfstown Township

Colonel Kevin P. Landers Sr.

March 2nd, 2017

Brandon Jones

Vice-Chairman
Snowbird &
Cherokee Co. Township

District Commander

US Army Corps of Engineers

Wilmington District Regulatory Division

69 Darlington Avenue

Wilmington, NC 28403

Subject: Eastern Band of Cherokee Indians (EBCI) 401 Certification of Nationwide Permits (NWP'S)

Tribal Council Members

Richard French

Big Cove Township

Teresa McCoy

Big Cove Township

Travis Smith

Birdtown Township

Albert Rose

Birdtown Township

Tommye Saunooke

Painttown Township

Marie Junaluska

Painttown Township

Dear Colonel Landers,

At the request of your staff for further clarification, this letter supersedes my correspondence dated February 24th 2017.

Adam Wachacha

Snowbird &
Cherokee Co. Township

The Eastern Band of Cherokee Indians, 401 Water Quality Certification, has reviewed the U.S. Army Corps of Engineers Final 2017 Regional Conditions for Nationwide Permits (NWPs) in the Wilmington District.

Bo Crowe

Wolfstown Township

401 Water Quality Certifications are hereby approved for all NWPs on federal lands held in trust for the Eastern Band of Cherokee Indians.

Anita Lossiah

Yellowhill Township

The EBCI 401 Water Quality Certification for the proposed NWPs is contingent upon the following items being included as regional conditions to any NWP's issued:

Alan B. Ensley

Yellowhill Township

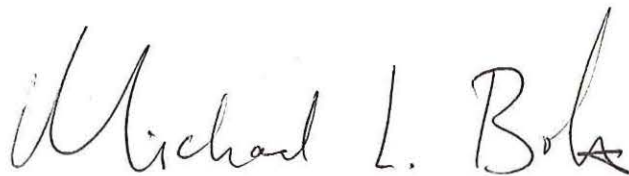
(1) Scientific Measurement Devices (NWP-5). "Scientific Measurement Devices may not be located on Tribal lands or waters without prior written approval from the EBCI"

(2) Survey Activities (NWP-6). "Geological exploratory devices or exploratory activities may not be located on Tribal lands or waters without prior written approval of the EBCI. Additionally, the use of ground penetrating radar or isotope technology are not authorized on Tribal lands or waters without the prior written approval of the EBCI"

Provided the two items listed above are included in the Regional Conditions, this letter certifies that the above described NWPs will comply with the applicable provisions of the federal Clean Water Act and the EBCI's Water Quality Standards.

For further information, I may be contacted at (828) 359 6772.

Sincerely yours,

A handwritten signature in black ink that reads "Michael L. Bolt". The signature is written in a cursive style with a large initial "M" and a stylized "B".

Michael L. Bolt

EBCI 401 Water Quality Certification.

Cc.

Michael LaVoie, EBCI Natural Resources Mgr.

Anne Heard, EPA Region 4 Acting Administrator.