

Fond du Lac Reservation Clean Water Act 401 Water Quality Certification Process

Richard Gitar

Water Regulatory Specialist

Fond du Lac Reservation – Office of
Water Protection

Water Quality Certification – Two Routes for Tribes

- EPA processes the Certification using the Tribe's Water Quality Standards
- The Tribe processes their own Certification using their Water Quality Standards

Fond du Lac

- Water Quality Standards adopted by Tribal Government in December of 1998
- Amended Standards adopted in September of 2001
- Standards approved by EPA in December of 2001
- Certification process approved by Tribal Government in March 2006

Certification Application

- Any Federal Permit or License
 - CWA 402 Permit from EPA
 - CWA 404 Permit from U.S. Army Corps of Engineers
 - Federal Energy Regulatory Commission (FERC) License or Re-License

Application submitted by Applicant or Agency

Application Contents

- General info – name, contact info
- Activity info – what, why, when, how
- Protection info – monitoring/BMPs
- Impact info – receiving waters, impacts
- Copy of application for permit or license

Application Processing - Administrative

- Application completeness review
- Issue 30-day Public Notice
- Receive/review/respond to comments
- Prepare decision recommendation
- Send applicant decision

Application Processing - Technical

- Compliance with Federal regulations
- Compliance with Fond du Lac Water Quality Standards
- Compliance with applicable Fond du Lac regulations

The Certification Decision

- Decision made by and signed by Fond du Lac Resource Management Director
- Three choices for decision:
 - Certification
 - Certification with Conditions
 - Deny Certification

Appeal Process

- Applicant can appeal decision within 10 days of decision notification
- FDL Environmental Program Director reviews file for proper Administrative and Technical Review procedures
- Makes recommendation to Tribal Council
- Tribal Council makes binding decision

Questions?

Contact: Richard Gitar

Fond du Lac Reservation

1720 Big Lake Road

Cloquet, Minnesota 55720

Ph: 218-878-8022

Fax: 218-879-4854

Email: richardgitar@FDLREZ.com