



401 Certification Request Instructions Southern Ute Indian Tribe Water Quality & Remediation Division



These instructions generally apply to requests for certification on individual Federal licenses or permits, Corps Civil Works projects, and authorizations under Corps General Permits. A water quality certification request can be submitted to the Southern Ute Indian Tribe's Water Quality & Remediation Division (WQRD) 30 days after the pre-filing meeting request is submitted, unless this waiting period is waived or shortened by the WQRD.

Consistent with 40 CFR 121.5(a)(1) and (b), a request for certification when the Tribe/WQRD is the certifying authority must:

- Be in writing, signed, and dated by the project proponent;
- Include a copy of the Federal license or permit application;
- Include any readily available water quality-related materials that informed the development of the application¹; and
- Include, as applicable:
 - A description of the proposed activity, including the purpose of the proposed activity and the type(s) of discharge(s) that may result from the proposed activity.
 - The specific location of any discharge(s) that may result from the proposed activity (latitude/longitude coordinates are preferred).
 - Map(s) or diagram(s) of the entire proposed activity site, including the local roads/highways, land ownership type (tribal, non-tribal), staging or stockpiling areas, impacted waterbodies (perennial, intermittent, ephemeral, or wetland), and proposed best management practices. If possible, include readily available geospatial information as a shapefile or kmz file.
 - A description of current project site conditions, including but not limited to relevant site data, photographs that represent current site conditions, or other relevant documentation.
 - The date(s) on which the proposed activity is planned to begin and end and, if known, the approximate date(s) when any discharge(s) may commence. Descriptions on the installation, maintenance, and removal of proposed Best Management Practices (BMP)s for temporary and/or permanent erosion and sediment control measures or spill prevention at each impacted waterbody location.

¹ The term “readily available water quality-related materials that informed the development of” either the application or the draft license or permit refers to existing water quality-related materials that are in the project proponent’s possession or easily obtainable and informed the project proponent’s development of the application or draft license or permit. These materials for either request may include, but are not limited to, water quality baseline conditions from the project site, sediment and erosion control plans, Stormwater Pollution Prevention Plans, Spill Prevention, Control, and Countermeasure Plans, restoration plans, alternatives analyses, mitigation plans, modeling, and/or other materials that have already been developed for the Federal license or permit application or draft license or permit and would help inform the certifying authority of the water quality-related impacts from the activity. 88 FR 66575.



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- A list of all other federal, interstate, Tribal, state, territorial, or local agency authorizations required for the proposed activity and the current status of each authorization.
- Documentation that a pre-filing meeting request was submitted to the certifying authority in accordance with applicable submission procedures, unless the pre-filing meeting request requirement was waived.
- Documentation if an internal Tribal project review through the Proposed Project Notification (PPN) system was completed. If this review has not been completed, the WQRD will utilize the certification request and associate maps/shapefiles to initiate a PPN review¹.

Submission Instructions: Please submit information to: wqs@southernute-nsn.gov

Include in the subject line the following: “Request for Certification – CWA Section 401 Certification – [insert permit/license number] – [insert project title]”.

For large files, please provide a zipped or shared folder that does not require WQRD staff to use an alternative email address (e.g., Gmail) to access.

¹ Note, a PPN review can commence upon certification request submission and requires at least 11 business days to complete. The Tribal department comments from the PPN review will inform WQRD’s draft certification decision. The certification public comment period cannot commence until a PPN process and certification analysis is complete.