



Eastern Band of Cherokee Indians
(EBCI)
Water Quality Office (WQO)
Mailing address:
P.O. Box 1925
Cherokee, NC 28719
Phone (828) 359-6771

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2000 Old #4 Road
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401 Water Quality Certification **GRANT WITH SPECIAL CONDITIONS**

Applicant: US Army Corps of Engineers, (USACE)

Issued: 12-15-2025

Pursuant to CWA Section 401(33 U.S.C. 1251, 1341), the Eastern Band of Cherokee Indians (EBCI) is required to certify whether the activity described below will not violate applicable water quality standards. Accordingly, The EBCI Water Quality Office (WQO) requires reasonable assurance that the activity will not violate provisions of EBCI Water Quality Standards, Administrative Procedure Act, Cherokee Code, Chapter 150, provisions of EBCI Fish & Game Regulations and Guidelines, and other EBCI water protection provisions, law or regulations.

The Eastern Band of Cherokee Indians Water Quality Office (WQO) issues this letter to serve as notification of water quality certification with special conditions as required for USACE Nationwide Permit 27. Aquatic Ecosystem Restoration, Enhancement and Establishment Activities.

Based on information submitted as part of the application for a 401 Water Quality Certification, followed by a Technical Review, the EBCI Water Quality Office and EBCI Fish & Game Office have concluded to grant this application with required general conditions and special conditions.

Therefore, the EBCI WQO is issuing this grant with general conditions of 401 Certification, subject to the 401 General Conditions and Special Conditions attached. This certification is issued to US Army Corps of Engineers for Nationwide Permit 27.

I, Raine Tetreault grant subject to general conditions CWA 401 Water Quality Certification to USACE for the implementation of the USACE Nationwide Permit 27.

Signed

Cc: Mr. Michael LaVoie, Natural Resources Director

EBCI 401 CERTIFICATION GENERAL CONDITIONS.

1. Measures shall be taken to prevent or control spills of fuels, lubricants or other toxic materials used in construction from entering the watercourse.

2. All dredged material shall be removed to an upland location and/or graded on adjacent areas (so long as such areas are not regulated wetlands), to obtain original streamside elevations, i.e. overbank flooding shall not be artificially obstructed.

3. In areas not riprapped or otherwise stabilized, revegetation of stream banks and riparian zones shall occur concurrently with project progression. At a minimum, revegetation will approximate pre-disturbance conditions.

4. To the maximum extent practicable, all instream work under this certification shall be performed during low flow.

5. Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances where such instream work is unavoidable, then it shall be performed in such a manner and duration as to minimize suspension of sediments and disturbance to substrates and bank or riparian vegetation.

6. Any fill or riprap including refuse fill, shall be of such composition that it will not adversely affect the biological, chemical or physical properties of the receiving waters and/or cause violations of water quality standards. If riprap is utilized, it is to be of such weight and size that bank stress or slump conditions will not be created because of its placement.

7. If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when work will be done.

8. Removal of existing riparian vegetation should be restricted to the minimum necessary for project construction.

9. Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the EBCI Water Quality Section shall be notified immediately by calling 828-359-6771.

* EBCI Water Quality Standards are incorporated as Section 113E of the Cherokee Code.

EBCI 401 CERTIFICATION SPECIAL CONDITIONS.

Activities that are eligible for US Army Corps of Engineers Nationwide Permit 27 qualify for coverage under this General Certification unless they meet one of the criteria/conditions listed below. Activities meeting any one (1) of the criteria/conditions listed below are denied coverage under this General Certification and require an Individual 401 Water Quality Certification from the Eastern Band of Cherokee Indians (EBCI):

1. Reversion: Any reversion activities where the restoration or aquatic enhancement activities were funded by federal or state grants or tribal government dollars.
2. Reversion: In the case of a reversion of an aquatic ecosystem restoration, enhancement and establishment activity funded by an individual or NGO, any proposed activities where the EBCI determines that compensatory mitigation is required.