



**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102

February 17, 2021

Regulatory Division

Mr. Christopher Ott  
Dry Creek Rancheria Band of Pomo Indians  
P.O. Box 607  
Geyserville, California 95441  
chris.ott@riverrockcasino.com

Dear Mr. Ott:

The San Francisco District requested water quality certifications under Section 401 of the Clean Water Act (401 WQC) for the proposed issuance of those Nationwide Permits (NWP) that may result in a discharge in waters of the United States in Dry Creek Rancheria, specifically NWPs 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 57 (C), 58 (D), and E, on October 16, 2020. On December 15, 2020, the Dry Creek Rancheria denied 401 WQC for the following NWPs: 3, 4, 7, 12, 14, 16, 18, 19, 21, 23, 25, 29, 31, 33, 34, 39, 40, 41, 42, 43, 44, 45, 46, 49, 50, 51, 57 (C), and 58 (D).

In accordance with the U.S. Environmental Protection Agency's (EPA's) current water quality certification regulations at 40 CFR Part 121, the San Francisco District has reviewed the denial of the 401 WQC for NWPs 3, 4, 7, 12, 14, 16, 18, 19, 21, 23, 25, 29, 31, 33, 34, 39, 40, 41, 42, 43, 44, 45, 46, 49, 50, 51, 57 (C), and 58 (D) and has determined that the denial satisfies the requirements set forth in 40 CFR 121.7(e).

In accordance with the Corps' regulations at 33 CFR 330.4(c), with the denial of 401 WQC for certain activities authorized by the proposed NWPs 3, 4, 7, 12, 14, 16, 18, 19, 21, 23, 25, 29, 31, 33, 34, 39, 40, 41, 42, 43, 44, 45, 46, 49, 50, 51, 57 (C), and 58 (D) in Dry Creek Rancheria, the Corps has denied authorization for those activities without prejudice until the certifying authority issues an individual 401 WQC or waives the right to do so. Anyone wanting to perform activities under NWPs 3, 4, 7, 12, 14, 16, 18, 19, 21, 23, 25, 29, 31, 33, 34, 39, 40, 41, 42, 43, 44, 45, 46, 49, 50, 51, 57 (C), and 58 (D) must first obtain an activity-specific 401 WQC or waiver. Denial of 401 WQC for any specific NWP affects only those activities which may result in a discharge. That NWP continues to authorize activities which could not reasonably be expected to result in discharges into waters of the United States.

The Corps will rely on this general 401 WQC, and issue authorizations for the discharges into waters of the United States for the following NWPs: 5, 6, 13, 20, 22, 24, 27, 30, 32, 37, and 38. Thank you for your coordination and efforts on the re-issuance of the NWPs.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Mazza', with a long horizontal flourish extending to the right.

James Mazza  
Chief, Regulatory Division

Electronic Copy Furnished:

HQUSACE, Washington, DC (Andrew Beaudet, Andrew.D.Beaudet@usace.army.mil)