





PROJECT PROPONENT

applicant for a federal license or permit, or the entity seeking certification



CERTIFYING AUTHORITY

A state or authorized tribe where the discharge originates

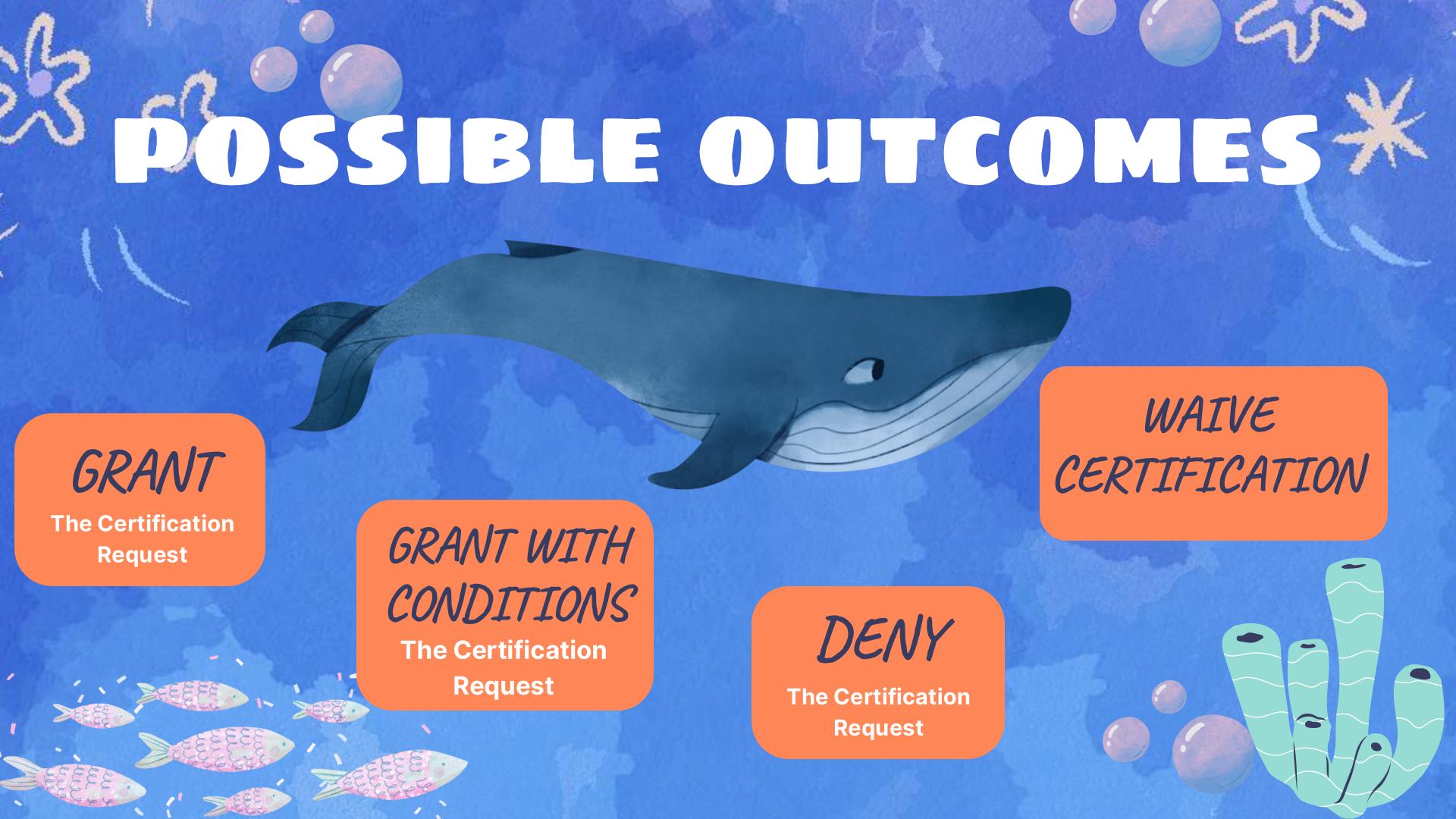




FEDERAL LICENSING OR PERMITTING AGENCY

Any agency of the Federal Government to which application is made for a Federal license or permit htat is subject to CWA Section 401







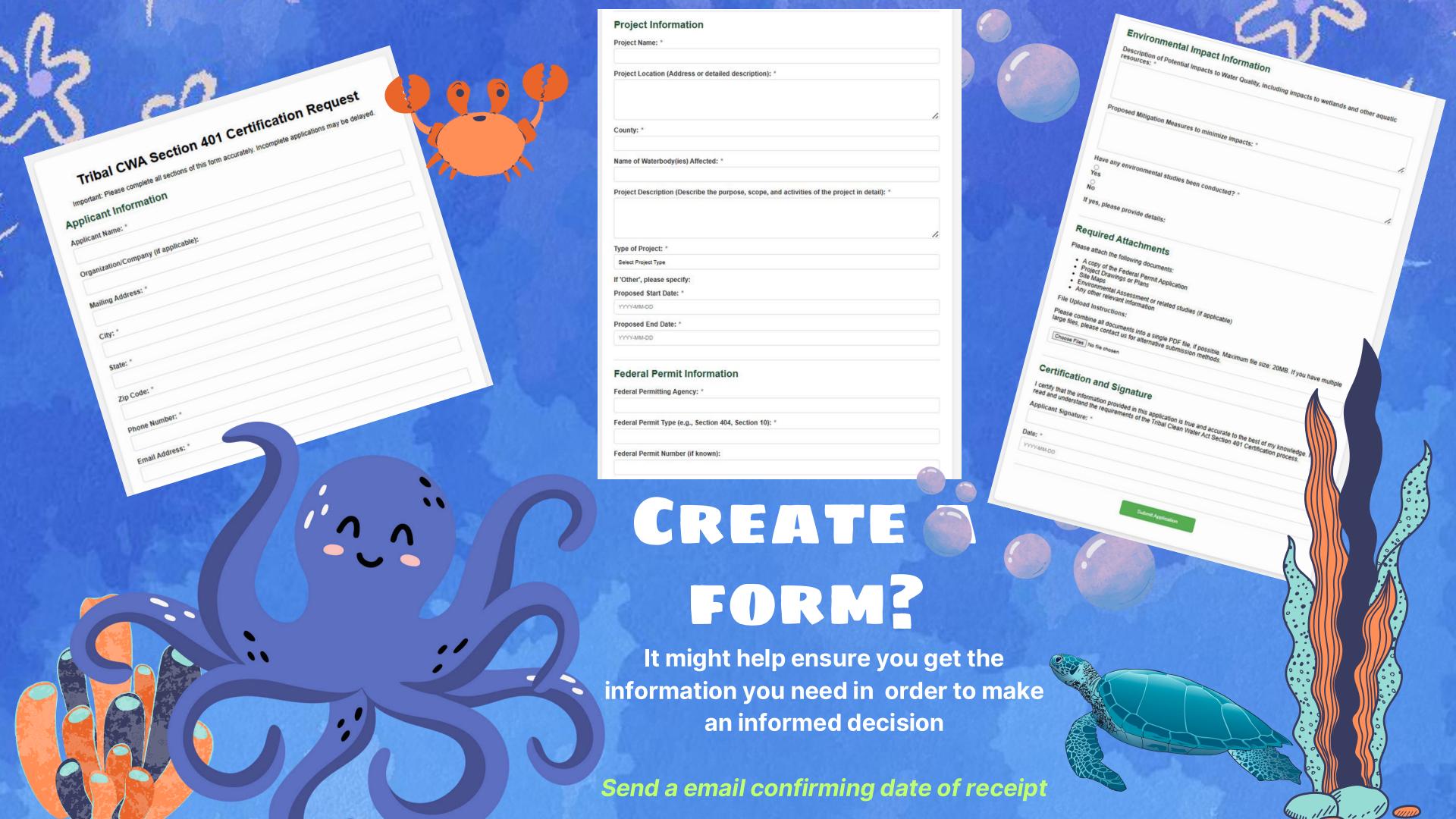
Before submitting a certification request (30 days), the project proponent may request an (optional) meeting with the Tribe

The pre-filing meeting is for the project proponent to provide advance notice to the Tribe that a certification request may be forthcoming and therefore promotes early coordination, even if the Tribe does not choose to have a meeting















Default Turnaround Time?

Generally we use 60 days. The Final 2023 CWA Section 401 WQ Certification Rule defaults to 6 months if the tribe and certifying agency can't agree on a timeframe.

Can a Tribe Request More Information?

Yes, just watch the Re asonable Period of Time (1-year statutary time limit)

Certification decisions must be in writing

Can a Tribe Charge an Applicant for Certification?

Yes, a reasonable amount to reimburse costs



A tribe may only consider the adverse water quality impacts from the activity. Impacts to cultural activities, air quality, traffic, noise, economic or other reasons cannot be used.

A certifying authority may waive certification either expressly (in writing) or by failing or refusing to act within the reasonable period of time

