



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT
MONTANA REGULATORY OFFICE
100 NEILL AVENUE
HELENA, MONTANA 59601-3329

January 15, 2026

SUBJECT: 2026 NWP Re-Issuance Water Quality Certification Waiver

Mr. Wilfred Lambert
OEP Director
501 Medicine Bear Road, Box 1027
Poplar, Montana 59255

To the Fort Peck Assiniboine and Sioux Tribes:

The Omaha District, Montana Section, requested water quality certifications under Section 401 of the Clean Water Act (401 WQC) for the proposed reissuance of those 2026 Nationwide Permits (NWPs) that may result in a discharge in waters of the United States within the jurisdiction of Fort Peck Assiniboine and Sioux Tribes. Specifically, on June 18, 2025 the Omaha District, Montana Section, requested certification of NWPs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, and A be provided on or before December 18, 2025, which was the end date of the reasonable period of time.

The established reasonable period of time to act on the request for certification has passed. The Fort Peck Assiniboine and Sioux Tribes took no action on the certification request within the reasonable period of time. In accordance with the U.S. Environmental Protection Agency's (EPA's) current water quality certification regulations at 40 CFR Part 121, the Omaha District, Montana Section, has determined that a waiver of the 401 WQC requirement has occurred for NWPs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, and A. This constitutes your notice per 40 CFR 121.8 and 40 CFR 121.9 of the Omaha District, Montana Section's determination that the certification requirement has been waived as described above.

Thank you for your coordination and efforts on the re-issuance of the NWPs.

Sincerely,

A handwritten signature in black ink, appearing to read "Sage L. Joyce".

Sage L. Joyce
Chief, Montana Section

cc:
USEPA Region 8
HQ USACE