



REGION 1

BOSTON, MA 02109

October 22, 2025

Ms. Tammy Turley
Chief, Regulatory Division
U.S. Army Corps of Engineers
New England Division
696 Virginia Road
Concord, MA 01742

Dear Ms. Turley:

EPA Region 1 reviewed the latest draft of proposed U.S. Army Corps of Engineers' (the Corps) proposed Regional General Permits (GPs) for the State of Rhode Island & Lands Located within the Narragansett Indian Tribe trust lands received on July 24, 2025. In that notification, the Corps requested that EPA issue a Clean Water Act (CWA) section 401 water quality certification for the GPs for projects on Narragansett Indian Tribe trust lands. On August 13, 2025, the EPA issued a public notice regarding the proposed project and provided the opportunity for the public to submit comments until September 13, 2025. EPA received no public comments during the public notice period.

CWA section 401(a)(1) requires applicants for Federal permits and licenses that may result in discharges into waters of the United States to obtain certification that the discharge will comply with applicable provisions of the CWA, including sections 301, 302, 303, 306 and 307. Where no state, interstate agency, or Tribe has authority to issue a water quality certification, such certification shall be issued by EPA. In this case, the Narragansett Tribal Nation does not have the authority to provide CWA section 401 certifications for discharges associated with the GPs, so EPA will act as the certifying authority.

To the extent that it has the authority to do so, EPA hereby certifies that the GPs for authorized activities that may occur on Tribal trust lands in Rhode Island will comply with the applicable requirements of the Clean Water Act. With respect to Pre-Construction Notification (PCN) activities, EPA certifies that the GPs will comply with the requirements of the Clean Water Act with the condition that authorized projects comply not only with the terms of the GPs, but also with any other requirements identified by EPA during the screening process as being necessary to protect water quality. In the absence of federally-approved or promulgated water quality standards in Indian country, EPA will look for guidance to any tribal, federal, and/or adjacent state standards, and any EPA guidance on the water quality standards program such as water

quality criteria published under section 304(a) of the CWA and the Water Quality Standards Handbook and will consult with affected federally-recognized Tribes regarding Tribal concerns, when evaluating projects seeking authorization under the GPs.

If you have any questions, please contact Erica Sachs Lambert at Sachs.Erica@epa.gov or Haley Miller at Miller.Haley@epa.gov.

Sincerely,

Ken Moraff, Director
Water Division

cc: Dinalyn Spears, Director of Department of Community Planning & Natural Resources, Narragansett Indian Tribe; Chief Sachem Stanton, Narragansett Indian Tribe