PUBLIC NOTICE

Clean Water Act, Section 401 Certification

U.S. Environmental Protection Agency's Draft 2027 Construction General Permit

The U.S. Environmental Protection Agency (EPA) is in the process of reissuing the National Discharge Elimination System (NPDES) Construction General Permit (CGP) for storm water discharges from construction activities. A Clean Water Act permit is required for stormwater discharge from any construction activity disturbing 1 acre or more of land or less than 1 acre of land, but that is part of a common plan of development or sale that will ultimately disturb 1 or more acre of land. EPA may not issue a NPDES permit to conduct any activity that may result in any discharges into waters of the United States within Keweenaw Bay Indian Community's (KBIC) jurisdiction until the KBIC has granted certification under Clean Water Act section 401 or has waived its right to certify. The CGP is a blanket permit that covers all construction related stormwater discharges that meet permit requirements. Instead of applying for individual NPDES permits it allows dischargers to instead file a Notice of Intent to be covered, reducing administrative workload for NPDES permitting authorities. KBIC denied the last Construction General Permit issued in 2022, as the CGP does not provide sufficient information to determine whether our water quality requitements would be met. To fully assess individual permit application KBIC would need to know the specific water bodies impacted, the specific make-up of the discharge, and the physical scope of the projects that cause the discharge. Denying the permit allows KBIC to assess each project with the context of its specific location. This allows better assessment of how the discharge will affect current and future stewardship plans for work such as wild rice restoration. Additional information on the CGP can be found online at https://www.epa.gov/npdes/proposed-2027-construction-general-permit-cgp-and-related-documents.

In accordance with Section 401 of the Clean Water Act (CWA), the Keweenaw Bay Indian Community is evaluating the submitted materials to determine if there is a reasonable assurance- with conditions attached- that the activities associated with the EPA's verification of the Construction General Permit will be consistent with relevant water quality considerations.

The Tribe seeks comments on CWA Section 401 Certification of the EPA's 2027 Construction General Permit. All comments are considered during the permit review. The 30-day public comment period ends on 12/05/2026.

Additional information may be obtained by contacting the Water Quality Specialist at (906)524-5757 ext. 4220. Written comments may be emailed or sent by US Mail to:

Lily Zolman, Water Quality Specialist
Keweenaw Bay Indian Community
Natural Resources Department
14359 Pequaming Rd.
L'Anse, MI 49946
Email: wqs@kbic-nsn.gov

Comment deadline is December 5, 2026

Posted: 11/5/2026