



YUROK TRIBE

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May 9, 2007

Amanda Mager, Planner II
Yurok Tribe Planning and Community Development
190 Klamath Blvd.
Klamath, CA 95548

Subject: Yurok Tribe Water Quality Control Plan Section 401 Water Quality Certification for
Wautec Line Extension Project

Dear Ms. Mager:

The Yurok Tribe Environmental Program (YTEP) has reviewed your application for Yurok Tribe Water Quality Certification of the *Wautec Line Extension Project* under the Yurok Tribe Water Quality Control Plan Section 4.4 provisions.

Project Description

According to the project description and supporting documentation, the purpose of the project is to extend power and phone lines from the Weitchpec area, downriver to the community of Wautec including associated branch lines.

Certification

We hereby grant Yurok Tribe Water Quality Control Plan Section 401 Certification for your project with the conditions listed below. Please note that the conditions of this permit are only applied to those portions of the project that have the likelihood of impacting reservation waterways. For clarification of such areas, please contact the YTEP and/or Yurok Fisheries for an onsite evaluation.

1. All work in and directly adjacent to perennial and/or ephemeral creeks and adjacent wetlands (referred to below as applicable waters) that has the potential to adversely affect water quality shall occur during the period of May 1st through October 15th for the years 2007-2009. Since this work will likely take place over multiple years, all sites will be winterized and storm-proofed prior to seasonal work shut down. An inspection by Yurok Tribe staff shall be requested at least 7 days in advance of seasonal work shut down. The applicant may request seasonal extensions

based on field review by YTEP and as dictated by other permit and regulatory requirements (i.e. NOAA fisheries, U.S. Army Corps, USEPA).

2. You shall limit any excavation work in and adjacent to applicable waters to that necessary for the project.
3. No construction materials -- including cement, debris, oil or petroleum products, sand, sawdust, silt, slash, or soil -- shall be allowed to enter or be placed where it may enter the live channel of applicable waters in amounts that are considered to have adverse effects on the beneficial uses.
4. You shall not permanently dispose of any construction material, demolition wastes, wastewater, or any other pollutant within applicable waters.
5. Water used in dust suppression shall contain no contaminants that could violate surface water or aquifer standards (see Yurok Tribe Water Quality Control Plan for water quality objectives).
6. All stationary machinery that uses or stores gasoline, diesel, or any other potentially hazardous substances shall be placed within impermeable spill containment vessels capable of preventing migration of fuel in the event of a spill.
7. All contractors and subcontractors shall report, verbally and in writing, immediately upon discovery, any spills of chemical contaminants, including oil, gasoline, hydraulic fluid, or diesel fuel, during or after operations. Reports shall be submitted to EPA Region 9 and the Yurok Tribe. Appropriate cleanup of spills shall commence immediately. Within two weeks following cleanup, a summary report shall be submitted to EPA Region 9 and the Yurok Tribe that describes the reason for the spill, the spill duration and volume, steps taken to correct the problem, the remediation/clean up activities and steps taken to prevent a recurrence of the problem.
8. Best Management Practices (BMPs) for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to prevent discharges to applicable waters.
9. Water discharged from the project site shall not contain settleable materials or suspended materials in concentrations that cause nuisance or adversely affect beneficial uses. The project shall not violate any narrative and numeric criteria established in the Yurok Tribe Water Quality Control Plan (see Yurok Tribe Water Quality Control Plan for water quality objectives)
10. If, at any time, an unauthorized discharge to surface water occurs, or any water quality problem arises, the project shall cease immediately and you shall immediately notify EPA Region 9 and the Yurok Tribe.
11. Yurok Tribe shall be notified at least three business days in advance of construction in order to allow staff to be present during construction.

12. If there are any substantive changes in the proposed project that may affect water quality, you shall notify the Yurok Tribe Environmental Program immediately. Failure to do so will result in revocation of this certification.

13. You shall provide a copy of this certification to all contractors and subcontractors. You also shall review the conditions of this certification with all such contractors and subcontractors.

Monitoring

The monitoring component of this certification applies, at a minimum, to Cappell Creek, Pecwan Creek, and any tributary which provides domestic water downstream of the project footprint.

The project proponent, or its contractor, shall conduct turbidity monitoring at a point upstream, and no further than 100 yards downstream of the project footprint that crosses any major tributary as mentioned above for a 24 hour period before, during and after construction.

The project proponent, or its contractor, shall collect water samples at an accessible point upstream, and no further than 100 yards downstream of the project. Samples shall be collected at a date prior to project initiation, as soon as practicable in the event of any discharge during construction, and within 24 hours of project completion. The samples shall be analyzed using EPA3510/8015b for diesel/motor oil and EPA5030/8015b for gasoline at an accredited laboratory. Sample collection should follow an approved standard operating procedure (SOP) or quality assurance plan.

The project proponent, or its contractor, shall collect benthic macroinvertebrate samples in the subject creeks at locations upstream and downstream (not further than 100 yards from the project footprint) of the project, once prior to project construction (preferably within the same year) and once following project completion ("project" refers to each bridge in this instance). Methods should be consistent with either the Yurok Tribe Environmental Program, state of California, or USEPA protocols.

All results, methods, locations, and other supporting information shall be submitted to the Yurok Tribe Environmental Program in a timely manner. If there are any questions regarding the permit or monitoring conditions, please do not hesitate to contact YTEP staff.

The point of contact at the Yurok Tribe is Kevin McKernan. Please contact Mr. McKernan at (707) 482-1350 or at kevin@yuroktribe.nsn.us. The point of contact for EPA Region 9 is Michael Monroe. Please contact Mr. Monroe at (415) 972-3453 or at monroe.michael@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin McKernan", written over a light gray rectangular background.

Kevin McKernan
Director,
Yurok Tribe Environmental Program

e-copy:

Carol Heidsiek, U.S. Army Corps of Engineers, Eureka
Michael Monroe, U.S. Environmental Protection Agency
David Hillemeier, Yurok Tribe Fisheries, Klamath
Maria Tripp, Chair, Yurok Tribe
Reweti Wiki, Deputy Executive Director, Yurok Tribe
Dustin Jolley, Tribal Engineer, Yurok Tribe
Dr. Thomas Gates, Yurok Tribe Historic Preservation Officer