

Mr. Ryan Tyler, Project Manager
U.S. Department of Transportation
Federal Highways Administration
Central Federal Lands Highway Division
12300 West Dakota Avenue
Lakewood, Colorado 80228

Subject: Yurok Tribe Water Quality Control Plan Section 401 Water Quality Certification for
Alder Camp Road Improvement, Del Norte County, California

Dear Mr. Tyler:

The Yurok Tribe Environmental Program (YTEP) received your application for 401 Certification the Alder Camp Road Improvement Project under the Yurok Tribe Water Quality Control Plan Section 4.4 provisions on November 1, 2004. Thank you for providing a thorough and complete application. Yurok Tribe staff (YTEP, fisheries, watershed restoration, cultural resources) have reviewed the application and completed a site review.

Project Description

According to the Corps' Preconstruction Notification, the purpose of the project is to replace culverts and other drainage structures along Alder Camp Road.

Certification

We hereby grant Yurok Tribe Water Quality Control Plan Section 401 Certification for your project with the following conditions:

1. All work in and directly adjacent to, Richardson Creek, its tributaries and adjacent wetlands that has the potential to adversely affect water quality shall occur during the period of May 15 to October 15 in 2005 and 2006. All sites will be 'winterized' 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).
2. You shall limit any excavation work in and adjacent to Richardson Creek or adjacent wetlands 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 Richardson Creek or adjacent wetlands. When project construction is completed at the end of each year, all excess construction materials shall be removed from the work area.

4. You shall not permanently dispose of any construction material, demolition wastes, wastewater, or any other pollutant within the break in slope toward Richardson Creek, its tributaries or adjacent wetlands.
5. Water used in dust suppression shall contain no contaminants that could violate surface water or aquifer standards.
6. All stationary machinery that uses gasoline or diesel fuel 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, and steps taken to prevent a recurrence of the problem.
8. Best Management Practices for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that silt or sediment do not enter Richardson Creek or the Klamath River so as to cause nuisance or adversely affect beneficial uses.
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 (a copy of the full plan is available upon request).
10. If, at any time, an unauthorized discharge to surface waters 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. In the event that fall rains begin before October 15 while construction is underway, you shall make every reasonable attempt to immediately remove and dispose of all project-related fill material outside waters of the United States in a way that minimizes any turbidity increases in Richardson Creek or the Klamath River.
12. EPA Region 9 and the Yurok Tribe shall be notified at least two weeks before construction begins in order to allow staff to be present during construction.
13. 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.

14. 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.

Stormwater

Stormwater runoff from construction sites may adversely affect waters of the United States. As part of the Clean Water Act's National Pollutant Discharge Elimination System, EPA administers a permit program to regulate stormwater runoff from construction sites disturbing one or more acres. If your project will disturb more than one acre, you are not required to obtain discharge authorization for stormwater runoff under EPA's Construction General Permit. Information on this program is available at <http://cfpub.epa.gov/npdes/stormwater/const.cfm>.

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

Sincerely,

Kevin McKernan
Director,
Yurok Tribe Environmental Program

cc:

David Ammerman, U.S. Army Corps of Engineers, Eureka
Dean Pratt, North Coast Regional Water Quality Control Board, Santa Rosa
Hans Voight, Yurok Tribe, Klamath