



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548
Phone: (707) 482-1350 • Fax: (707) 482-1377

April 18, 2007

Lisa Embree
Environmental Planner
Department of Transportation
State of California
1656 Union St.
Eureka, CA 95501

Subject: Yurok Tribe Water Quality Control Plan Section 401 Water Quality Certification for
Humboldt 169 – 4 Bridges Project

Dear Mr. Reeve:

The Yurok Tribe Environmental Program (YTEP) received your application for Yurok Tribe Water Quality Certification of the *Humboldt 169 – 4 Bridges Project* under the Yurok Tribe Water Quality Control Plan Section 4.4 provisions. Thank you for providing a thorough and complete application. Yurok Tribe staff (YTEP, cultural resources) have reviewed the application and completed a site review.

Project Description

According to the project description and supporting documentation, the purpose of the project is to replace four bridges (Cappell Creek, Mawah Creek, Rube Ranch Creek, Martins Ferry School Creek) along Highway 169 on the Yurok Indian Reservation.

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 the Klamath River or the named tributaries above, shall occur between May 15th and October 15th during the life of this permit. This permit is valid for calendar years 2007 through 2009. Should the project need to be extended, early consultation with YTEP should be initiated.
2. 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 in conjunction with other permit and regulatory requirements (i.e. NOAA fisheries, U.S. Army Corps, USEPA).

3. You shall limit any excavation work in and adjacent to applicable waters to that necessary for the project.
4. 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.
5. You shall not permanently dispose of any construction material, demolition wastes, wastewater, or any other pollutant within applicable waters.
6. Water used in dust suppression shall contain no contaminants that could violate surface water or aquifer standards and originate from a source based on consultation with Yurok Tribe Fisheries and/or Environmental Program (see Yurok Tribe Water Quality Control Plan for water quality objectives).
7. 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.
8. 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.
9. Best Management Practices (BMPs) for sediment and turbidity control shall be implemented in accordance with the project description provided in the permit application and in place prior to, during, and after construction in order to ensure that negligible discharges to applicable waters are ensured.
10. 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)
11. 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.

12. Yurok Tribe shall be notified at least three business days in advance of construction 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.

Monitoring

The project proponent, or its contractor, shall conduct turbidity monitoring at an accessible point upstream, and no further than 100 yards downstream of the project for a minimum of 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. Sample 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 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,

A handwritten signature in black ink, appearing to read "Kevin McKernan", with a horizontal line extending to the right.

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
Dr. Thomas Gates, Yurok Tribe Historic Preservation Officer
John Corbett, Senior Attorney, Yurok Tribe
Ken Fetcho, Assistant Director, Water Quality Division Manager YTEP
Dustin Jolley, Engineer, Yurok Tribe