



# YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548

June 17, 2005

Rod Parsons, Chief  
North Region Environmental Management Branch E1  
Post Office Box 3700  
Eureka, CA 95502-3700

Subject: Yurok Tribe Water Quality Control Plan Section 401 Water Quality Certification for  
Foundation Study Hwy 101 grade raise, Klamath, Del Norte County, California

Dear Mr. Parsons:

The Yurok Tribe Environmental Program (YTEP) received your application for Yurok Tribe Water Quality Certification of the *Foundation Study for the Route 101 Klamath Grade Raise, Bridge Widening and Road Rehabilitation Project* under the Yurok Tribe Water Quality Control Plan Section 4.4 provisions on May 25<sup>th</sup>, 2005. Thank you for providing a thorough and complete application. Yurok Tribe staff (YTEP, fisheries, 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 conduct and prerequisite, stand-alone study to provide information concerning the properties of soils and bedrock at the proposed bridge construction sites involved with the potential Highway 101 Klamath Grade Raise.

## 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 spruce, hunter and panther 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 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 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. It is understood from the project description that a small amount of road bed material and soil cuttings is expected to enter the applicable waters. These discharges are not expected to have adverse effects if they are limited to that which is described in the project description.
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 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, 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 ensure that negligible discharges to applicable waters are ensured. For purposes of this project, the BMPs outlined in the *Driller's Safe Practices & Responsibilities* document that you provided must also be implemented.
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 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<sup>th</sup> while construction is underway, you shall make every reasonable attempt to immediately remove and dispose of all project-related fill material outside applicable waters in a way that minimizes any turbidity increases.
12. 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@yuroktribe.nsn.us](mailto: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](mailto:monroe.michael@epa.gov).

Sincerely,



Kevin McKernan  
Director,  
Yurok Tribe Environmental Program

cc:

Carol Heidsiek, U.S. Army Corps of Engineers, Eureka

Michael Monroe, U.S. Environmental Protection Agency

Dan Gale, Yurok Tribe Fisheries, Klamath