



YUROK TRIBE

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May 7, 2007

Ken Esplin, P.E.
Redding District Engineer
Indian Health Service

Subject: Yurok Tribe Water Quality Control Plan Section 401 Water Quality Certification for
Weitchpec Waterline/Intake Repair CA 02-L39

Dear Mr. Esplin:

The Yurok Tribe Environmental Program (YTEP) received your application for Yurok Tribe Water Quality Certification of the *Weitchpec Waterline/Intake Repair CA 02-L39* under the Yurok Tribe Water Quality Control Plan Section 4.4 provisions via email and personal communications on April 19th, 2007.

Project Description

According to the project description and supporting documentation, the purpose of the project is to repair the Weitchpec Community Water System intake, transmission line and road access.

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 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, 2007 through October 15th, 2007. Since this work will be conducted during potentially rainy conditions, the work shall be scheduled to occur in a way that minimizes the potential for sediment and contaminant delivery to applicable waters using the best available weather forecasts. 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, USEPA).

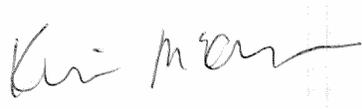
2. You shall limit any excavation work in and adjacent to applicable waters to that necessary for the project.
3. No construction materials -- including cement, debris, oil or petroleum products, sand, sawdust, silt, slash, or soil -- shall be allowed to enter or be placed where it may enter the live 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 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 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.

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", is 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