

Ute Mountain Ute Tribe

Environmental Programs Department

P.O. Box 448

Towaoc, Colorado 81334-0448

(970) 564-5430

JUN 11 2018

Michael, S. Jewell
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA, 95814-2922

Re: SPK-1997-00652, Regional General Permit 8 for Emergency Actions in Utah

Dear Mr. Jewell:

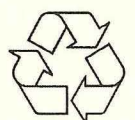
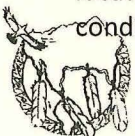
The Ute Mountain Ute Tribe (UMUT) received a request from the U.S. Army Corps of Engineers Sacramento District (Corps) for a Clean Water Act (CWA) Section 401 water quality certification for tribal waters within the State of Utah regarding the Corps proposal to reissue a Regional General Permit (RGP) 8, Emergency Repair and Protection, for emergency actions. To protect water quality and support designated uses of water on UMUT lands, CWA Section 401 water quality certification is required from UMUT for this proposed activity.

The purpose of this RGP is to provide immediate permit clearance for emergency related activities necessary to protect people and property. UMUT has reviewed the public notice for the RGP and has considered CWA Section 304(a) criteria and tribal water quality standards and concerns related to potential impacts of the proposed permit. Following our review, UMUT hereby grants CWA Section 401 certification for the above referenced permit with the following conditions.

Where an imminent threat to life or property exists due to unforeseen events during an emergency incident; activities authorized by this RGP will include, but not be limited to: flood control actions, water storage structural failures, wastewater treatment system failures, substance spills or pipeline breaks, discharge of fill related to wildfire fighting, emergency repair, construction or reconstruction of new and existing roads, temporary levee construction, levee repair, breach closures, bridge embankment repair, protection and/or repair of utility structures, emergency placement of suitable rock and/or dirt fill for bank stabilization, and construction of temporary drainage ditches to facilitate the removal of flood water, sheet-water or excess water.

For the purpose of this RGP an emergency incident is an occurrence that presents a clear, sudden, unexpected and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services.

CWA Section 401 Water Quality Certification for RGP SPK-1997-00652 for emergency related activities located in Utah within the exterior boundaries of the UMUT Reservation is granted with the following conditions:



- 1) The project applicant or agent shall provide copies of all information and application material submitted to the Corps to the appropriate tribal contact. Project applicant or agent must notify the tribal environmental staff as soon as possible after an action is taken with the most current detailed information. Current contact information for the UMUT Environmental Department:
Ute Mountain Ute Tribe Environmental Programs Department
Colin Larrick, Water Quality Program Manager
520 Sunset Blvd.
Towaoc, CO 81334
970-564-5437
clarrick@utemountain.org
- 2) Project proponent/contractor must have a copy of UMUT CWA 401 certification conditions onsite.
- 3) This certification does not authorize any unconfined discharge of liquid cement in tribal waters. Clean materials must be used for all construction and fill activities.
- 4) Locate fueling, lubrication, maintenance, storage and staging of vehicle and equipment activities away from surface waters and storm water inlets or conveyances, provide secondary containment (e.g. spill berms, decks, spill containment pallets) and cover where appropriate and have spill kits readily available.
- 5) This certification does not authorize the introduction of nonnative and/or species with invasive characteristics.
- 6) All existing water uses will be fully maintained and protected to the maximum extent possible. This certification does not authorize significant, permanent adverse impacts to tribal waters and mitigation for impacts may be required for permanent losses of tribal waters. Water diversions must not result in loss of beneficial uses or exceedance of water quality criteria. Normal flows must be restored as soon as possible.
- 7) All construction, dredge and excavation material, debris and temporary fill must be removed from tribal waters as soon as possible and properly disposed of on land so it cannot enter a waterway or cause water quality degradation after the emergency.
- 8) All necessary best management practices to control erosion and minimize impacts shall be utilized. Restoration of the impacted site including regrading, reseeding and revegetation shall occur as soon as possible.
- 9) Any additional work done on the site or permanent fill permitted by future permits shall be reported to UMUT environmental contacts and referenced as work initially permitted under the emergency RGP.
- 10) Georeferenced photographs shall be taken immediately after the emergency action project site is secured, and after revegetation and restoration of the site is completed. Representative photographs shall be submitted to UMUT environmental contacts immediately after the project site is secured and after restoration is completed. A copy of the post project report shall be

submitted to UMUT environmental contacts. Submittals to UMUT may be submitted electronically or mailed.

This authorization does not relieve applicants or contractors of any liability for damages to aquatic life, habitat, or other beneficial uses that may result from permitted projects. It does not exempt applicants or contractors from any other federal, state, tribal, or local laws or regulations, nor does it provide exemption from legal action by private citizens or governments for damage to property that the activities permitted under this general permit may cause. This letter and certification should be provided to applicants for this Corps RGP, as documentation of UMUT certification for permitted projects within the exterior boundaries of UMUT tribal lands within Utah. If you have any questions, please contact Colin Larrick at 970-564-5437 or clarrick@utemountain.org.

Sincerely,



Scott Clow
Environmental Department Program Director



Colin Larrick
Water Quality Program Manager