



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

DEC 08 2014

Ref: 8EPR-EP

Colonel Michael J. Farrell, District Engineer
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, California 95814

Re: Clean Water Act Section 401 Certification for Regional General Permit, Emergency Related Activities Tribal Waters in Utah, Region 8 Tribes, SPK-1999-00652

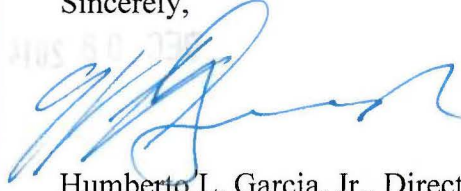
Dear Colonel Farrell:

The Environmental Protection Agency (EPA) Region 8 has received a request from the U.S. Army Corps of Engineers (USACE) for a Clean Water Act (CWA) Section 401 water quality certification (certification) for tribal waters of the United States (WOUS) within the State of Utah regarding USACE CWA Section 404 Regional General Permit (RGP). The purpose of the RGP is to provide immediate permitting for emergency-related activities to protect people and property. The RGP will authorize activities including, but are not limited to: flood control actions; water storage structural failures; wastewater treatment systems failures; substance spills or pipeline breaks; discharge of fill related to wildfire firefighting; emergency repair, construction and 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, sheetwater, or excess water.

EPA has reviewed the Public Notice for the RGP proposed permit, conditions, and proposed change to current conditions. The EPA has considered CWA Section 304(a) criteria and tribal concerns in reviewing the potential impacts of the proposed permit. CWA Section 401 certification is granted for the above referenced permit with the enclosed conditions. 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 USACE RPG, as documentation of EPA

certification for permitted projects within the exterior boundaries of tribal lands within Utah except Navaho and Confederated Goshute Reservations. If you have any questions please contact Toney Ott at 303-312-6909, or ott.toney@epa.gov.

Sincerely,



Humberto L. Garcia, Jr., Director
Ecosystems Protection Program

Enclosure

cc: Northwestern Band of the Shoshoni Nation
Jason Walker, Chairman

Paiute Indian Tribe of Utah
Gaylord Robb, Environmental Director

Skull Valley Band of Goshute Indians
Lori Bear, Chairwoman

Ute Tribe
Bart Powaukee, Environmental Director

Ute Mountain Ute
Scott Clow, Environmental Director

Jason Brush, Supervisor
EPA Region 9, Wetland Office

ENCLOSURE

CWA Section 401 Water Quality Certification for RGP SPK-1999-00652 for emergency related activities that are located in Utah within the exterior boundaries of Northwestern Band of the Shoshoni Nation, Paiute Indian Tribe of Utah, Skull Valley Band of Goshute Indians, Ute Tribe and limited Ute Mountain Ute sites is granted with the following conditions:

- 1) The Project applicant or agent shall provide copies of all information and application material submitted to the USACE to the appropriate tribal contact and Region 8. 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 Region 8 affiliated tribes is listed below:

Northwestern Band of the Shoshoni Nation
Jason Walker, Chairman
505 Pershing Avenue
Pocatello, ID 83201
208-478-5712, x19
jswalker@ida.net

Paiute Indian Tribe of Utah
Gaylord Robb, Environmental Director
440 North Paiute Drive
Cedar City, UT 84721-6181
435-586-1112, x102
gaylord.robb@ihs.gov

Skull Valley Band of Goshute Indians
Lori Bear, Chairwoman
P.O Box 448
Grantsville, UT 84029
435-882-4532
No email

Ute Tribe
Bart Powaukee, Environmental Director
P.O. Box 70
Fort Duchesne, UT 84026-0190
435-725-4821
bartp@utetribe.com

Ute Mountain Ute
Scott Clow, Environmental Director
Environmental Programs Department
P.O. Box 448
Towaoc, CO 81334-0448
970-564-5432
sclow@utemountain.org

*This certification applies only to Ute Mountain Ute lands within Utah, that are not addressed by Treatment similar to a state (TAS) authority.

- 2) Project proponent/contractor must have a copy of the EPA CWA 401 certification conditions onsite.
- 3) This certification does not authorize any unconfined discharge of liquid cement in WOUS. 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 stormwater 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 WOUS and mitigation for impacts may be required for permanent losses of WOUS. 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 WOUS 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 sites 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 Region 8 and the tribal environmental contact and referenced as work initially permitted under this 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 the EPA Aquatic Resources Protection and Accountability

Unit and Tribal Environmental Directors immediately after the project site is secured and after restoration is completed. Copy of the post project report shall be submitted to EPA and the Tribal contact. Submittals to EPA may be submitted electronically or mailed to:

US EPA Region 8
Aquatic Resources Protection and Accountability Unit
1595 Wynkoop Street, 8EPR-EP
Denver, CO 80202
Attention: CWA 401 Certification RGP SPK-1999-00652

