



Pawnee Nation of Oklahoma

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May 3, 2007

Col. Miroslav P. Kurka, District Engineer
Tulsa District, Corps of Engineers
1645 South 101st East Avenue
Tulsa, Oklahoma 74128-4609

RECEIVED

MAY 8 2007

REGULATORY

RE: Certification of 2007 Nationwide Permits for use in the Pawnee Nation of Oklahoma

Dear Colonel Kurka:

The Pawnee Nation is now authorized to address water quality certification of the 2007 Nation Wide Permit (NWP) for Trust lands within its jurisdiction. The Pawnee Nation received Section 303 and 401 program authorization on November 4, 2004. EPA retains Section 401 certification authority for the remaining portion of Indian country in Oklahoma.

The Pawnee Nation Department of Environmental Conservation and Safety (DECS) is the lead Tribal agency responsible for all Section 401 Certification decisions. The DECS has reviewed the permit conditions as proposed by U.S. Army Corps of Engineers and has reviewed the permit conditions for Indian Country in Oklahoma as made by the Environmental Protection Agency (Region 6). The Pawnee Nation is submitting its Section 401 permit conditions as an effort to provide needed levels of protection for the water resources within the Pawnee Nation. Therefore, with the addition of the enclosure titled "401 Certification Conditions of Nationwide Permits for the Pawnee Nation of Oklahoma," we hereby certify the use of the 2007 NWPs for use in the Pawnee Nation of Oklahoma.

If you have any questions, or wish to discuss these conditions or other Section 404 and/or 303 program issues please contact Mr. Monty Matlock, Director, Pawnee Nation Department of Environmental Conservation and Safety, at 918.762.3655 and/or email at mmatlock@pawneenation.org.

Cordially,

A handwritten signature in black ink, appearing to read "R. Rice".

Ronald Rice, President
Pawnee Nation of Oklahoma

Enclosure

401 Certification Conditions of Nationwide Permits for
Pawnee Nation of Oklahoma¹

1. The permittee shall conduct all work in such a manner as to comply with all U.S. Army Corps of Engineers §404 permit conditions.
2. The permittee shall keep a copy of this certification with conditions at the project site during all phases of construction. All contractors or subcontractors involved in the project must be provided a copy of this certification prior to commencement of activities.
3. All heavy equipment used in the project areas shall be steam cleaned before the start of the project and inspected daily for leaks. Leaking equipment must not be used in or near surface water or in a wetland area. Equipment shall be parked outside the waterbody when not in use.
4. All fuels, oil, hydraulic fluid, or other substances of this nature must not be stored, temporarily or otherwise, within the normal floodplain or the wetland. A secondary containment system for these items shall be used in the event the primary containment system leaks. Refueling or servicing of equipment must not take place within 100 feet of any watercourse or within the wetland area.
5. The permittee shall have a P.E. approved site specific Spill Prevention Control Countermeasure Plan in place for the storage of any fuel, oil, and/or other pollutant having a combined quantity of 300 gallons or more.
6. All spills of fuel or pollutants in excess of five gallons occurring outside the secondary containment area shall be contained immediately and reported to the Pawnee Nation Department of Environmental Conservation and Safety within 24 hours.
7. The construction area shall be protected such that a runoff event will not move soil or contaminants to surface water or away from the construction site. These measures shall be in place prior to the commencement of activities and inspected daily.
8. Temporary mats must be placed on stream banks, riparian areas, and wetlands, to minimize impacts to soil and vegetation from heavy equipment. Temporary access roads must be restored to pre-project conditions.
9. All asphalt, concrete, and other construction materials must be properly handled and contained to prevent releases to the stream channels. All concrete that is to be poured must be fully contained in mortar-tight forms to prevent accidental releases to surface water or ground water. No discharge of any concrete to surface water or ground water may occur. Dumping of waste or other discarded materials near watercourses is strictly prohibited.
10. Work in a stream channel should be limited to periods of no flow when practicable, and must be limited to periods of low flow. Avoid working within the channel during spring runoff or summer thunderstorm season.
11. When working in a stream channel, flowing water must be temporarily diverted around the work area to minimize sedimentation and turbidity problems. Acceptable diversion structures are non-erosive and include (but are not limited to) sand bags, water bladders, concrete barriers lined with plastic, and flumes.
12. When working in a stream channel, the use of corrosive materials that have been in contact with deleterious substances for channeling or diverting water, whether temporary or permanent, shall be prohibited at all times. The permittee shall demonstrate the integrity of such materials prior to its use.
13. When working in a stream channel, use or placement of any structure shall not impede the flow of the water or migration of any aquatic species.
14. The permittee shall restore all areas disturbed by construction activities to pre-project conditions. This shall include restoration of surface contours, storm water drainage, stabilization of the soil, and restoration of appropriate native vegetation to establish permanent cover.
15. Prior to commencement of each project, the permittee shall contact the Pawnee Nation to obtain a list of response personnel and a description of applicable Pawnee Nation laws and regulations. The permittee shall provide this information to all staff, contractors and subcontractors.
16. The permittee, its staff, contractors, and subcontractors shall comply with all applicable laws and regulations of the Pawnee Nation. Permittee shall provide site access to Pawnee Nation inspectors.

¹Pawnee Nation is authorized to address water quality certification for the Trust lands as it has received treatment in the same manner as a state for the water quality standards and 401 certification programs.