



Ohkay Owingeh

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April 18, 2012

Mr. Allan E. Steinle
Chief, Regulatory Division
Department of the Army
Albuquerque District, Corp of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435

Re: Final Nationwide Permit Issuance, CWA Section 401 Water Quality Certification

Mr. Steinle,

It is Ohkay Owingeh's desire to make a written determination in the above referenced subject. Ohkay Owingeh is requesting the following:

1. The Ohkay Owingeh Water Quality Standards not be exceeded.
2. The Permittee shall comply with all U.S. Army Corp of Engineers §404 permit conditions and Section 10 of the Rivers and Harbors Act of 1899 (RHA).
3. Prior to commencement of each project on Ohkay Owingeh Lands, the permittee shall provide a "notice of Intent", and "Notice of Termination" be submitted to Ohkay Owingeh Office of Environmental Affairs and the Environmental Protection Agency, and the copy of the proposed action (project plan) be provided to the tribe upon the tribes request.
4. 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.
5. 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.

6. The permittee shall restore all areas disturbed by construction activities to pre-project conditions. This shall include restoration of surface contours, stabilization of the soil, and restoration of appropriate native vegetation to establish permanent cover.
7. 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.
8. 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.
9. Temporary mats must be placed on stream banks, riparian areas, and wetlands, to minimize impacts to soil and vegetation from heavy equipment.
10. Temporary access roads must be restored to pre-project conditions.

Should you have any questions concerning these conditions please feel free to contact Ms. Naomi Archuleta or Mr. Charles Lujan of my staff at the Office of Environmental Affairs at 505-852-4212.

Sincerely,



Ron Loyato
Governor