



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

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[www.deq.idaho.gov](http://www.deq.idaho.gov)

Brad Little, Governor  
John H. Tippetts, Director

August 22, 2019

Barry Meredith  
3804 Fairway Drive  
Coeur d'Alene, ID 83815

RE: FINAL §401 Water Quality Certification for the Meredith Bank Stabilization Project, NWW-2019-00340

Dear Mr. Meredith,

The Idaho Department of Environmental Quality (DEQ) has issued a Section 401 water quality certification for your dredge and fill project. DEQ has determined that the proposed project activities will comply with Idaho Water Quality Standards; given that you comply with all terms of the nationwide permit, this 401 certification and any applicable water quality management plans (e.g. Total Maximum Daily Loads).

Enclosed is the final water quality certification for the above referenced Army Corps of Engineers bank stabilization project. No comments were received during the 21 day public comment period.

If you have questions or concerns, please contact our office at (208) 666-4631.

Sincerely,

A handwritten signature in black ink that reads "Thomas Herron".

Thomas Herron  
Regional Water Quality Manager  
Coeur d'Alene Regional Office

Enclosure

c: Jeremy Roberts, Corps of Engineers – Coeur d'Alene Field Office



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## Idaho Department of Environmental Quality Final §401 Water Quality Certification

August 22, 2019

**404 Permit Application Number:** NWW-2019-00340, Meredith

**Nationwide Permit Number:** 13, Bank Stabilization

**Applicant/Authorized Agent:** Barry Meredith

**Project Location:** Latitude: 47.645101 Longitude -115.996022, Shoshone County  
From Interstate 90 take Exit 43 and head north on Coeur d'Alene River Rd, proceed for 24.8 miles; the gate to the property is on the driveway on the left-hand side of the road.

**Receiving Water Body:** North Fork Coeur d'Alene River

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Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended; 33 U.S.C. Section 1341(a)(1); and Idaho Code §§ 39-101 et seq. and 39-3601 et seq., the Idaho Department of Environmental Quality (DEQ) has authority to review activities receiving Section 404 dredge and fill permits and issue water quality certification decisions.

Based upon its review of the joint application for permit, received on June 26, 2019, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit along with the conditions set forth in this water quality certification, then there is reasonable assurance the activity will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02), and other appropriate water quality requirements of state law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations, or permits.

### Project Description

The applicant proposes to stabilize riverbank on the North Fork of the Coeur d'Alene River to relieve severe bank erosion. The proposed project includes the following discharges below the ordinary high water mark (OHWM) of the North Fork of the Coeur d'Alene River: 770 cubic yards of gravel, rock and stone. Work will be conducted during late summer under low flow conditions.

This project will treat 290 feet of severely eroding streambank. The bank will be shaped to a 2:1 slope with rock armor placed from the toe of the top of the bank. Vertical willow bundles will be incorporated into the riprap every five feet at multiple heights on the bank. A 15-foot key will be placed into the bank at the upstream end of the project to reduce near bank stress and erosion

related to excavation for keying in root wads. Six rootwad revetments will be placed at 50-foot increments on the riverbank. Each tree used for the rootwads must be 10-18 inches in diameter and 18-20 feet long. Two barbs will be placed at the 100-foot station and the 165-foot station. The length of each barb will be 52 total feet in length with a 12' key and 40' in the river.

## **Antidegradation Review**

The WQS contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051).

- Tier I Protection. The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier I review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.07).
- Tier II Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).
- Tier III Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ is employing a water body by water body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier I protection for that use, unless specific circumstances warranting Tier II protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

## ***Pollutants of Concern***

The primary pollutant of concern for this project is sediment. As part of the Section 401 water quality certification, DEQ is requiring the applicant comply with various conditions to protect water quality and to meet Idaho WQS, including the water quality criteria applicable to sediment.

## ***Receiving Water Body Level of Protection***

This project is located on North Fork Coeur d'Alene River within the Upper Coeur d'Alene River Subbasin within assessment unit (AU) ID17010301PN001\_05 (North Fork Coeur d'Alene River below Prichard Creek). This AU has been designated for cold water aquatic life, salmonid spawning, domestic water supply and primary contact recreation. In addition to these uses, all waters of the state are protected for agricultural and industrial water supply, wildlife habitat, and aesthetics (IDAPA 58.01.02.100).

According to DEQ's 2016 Integrated Report, this AU is not fully supporting its aquatic life and salmonid spawning beneficial uses due to water temperature, sedimentation, physical substrate habitat alterations and flow regime alterations. The contact recreation use is fully supported. As such, DEQ will provide Tier I protection (IDAPA 58.01.02.051.01) for the aquatic life use and Tier II protection (IDAPA 58.01.02.051.02) in addition to Tier I for the contact recreation beneficial use (IDAPA 58.01.02.052.05.c).

The only pollutant of concern associated with this project is sediment. However, sediment is not relevant to recreational uses since sediment will not degrade water quality necessary to support recreation uses, and it is therefore unnecessary for DEQ to conduct a Tier II analysis.

### ***Protection and Maintenance of Existing Uses (Tier I Protection)***

A Tier I review is performed for all new or reissued permits or licenses, applies to all waters subject to the jurisdiction of the Clean Water Act, and requires demonstration that existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. The numeric and narrative criteria in the WQS are set at levels that ensure protection of existing and designated beneficial uses.

Water bodies not supporting existing or designated beneficial uses must be identified as water quality limited, and a total maximum daily load (TMDL) must be prepared for those pollutants causing impairment. Once a TMDL is developed, discharges of causative pollutants shall be consistent with the allocations in the TMDL (IDAPA 58.01.02.055.05). Prior to the development of the TMDL, the WQS require the application of the antidegradation policy and implementation provisions to maintain and protect uses (IDAPA 58.01.02.055.04).

During the construction phase, the applicant will implement, install, maintain, monitor, and adaptively manage best management practices (BMPs) directed toward reducing erosion and minimizing turbidity levels in receiving water bodies downstream of the project. Permanent erosion and sediment controls will be implemented, which will minimize or prevent future sediment contributions from the project area. As long as the project is conducted in accordance with the provisions of the project plans, Section 404 permit, and conditions of this certification, then there is reasonable assurance the project will comply with the state's numeric and narrative criteria. These criteria are set at levels that protect and maintain existing and designated beneficial uses. In addition, the project will be consistent with the *Subbasin Assessment and Total Maximum Daily Loads of the North Fork Coeur d'Alene River (17010301)* (DEQ 2001) and the *Upper (North Fork) Coeur d'Alene River Subbasin Temperature TMDLI* (DEQ 2013) by implementing best management practices to reduce riverbank erosion, minimize sedimentation related to construction and maintain on-site bank vegetation.

There is no available information indicating the presence of any existing beneficial uses aside from those that are already designated and discussed above; therefore, the permit ensures that the level of water quality necessary to protect both existing and designated uses is maintained and protected in compliance with the Tier I provisions of Idaho's WQS (IDAPA 58.01.02.051.01 and 58.01.02.052.07).

## Conditions Necessary to Ensure Compliance with Water Quality Standards or Other Appropriate Water Quality Requirements of State Law

### ***General Conditions***

1. This certification is conditioned upon the requirement that any modification (e.g., change in BMPs, work windows, etc.) of the permitted activity shall first be provided to DEQ for review to determine compliance with Idaho WQS and to provide additional certification pursuant to Section 401. Such modifications may not be implemented until DEQ has determined whether additional certification is necessary.
2. DEQ reserves the right to modify, amend, or revoke this certification if DEQ determines that, due to changes in relevant circumstances—including without limitation, changes in project activities, the characteristics of the receiving water bodies, or state WQS—there is no longer reasonable assurance of compliance with WQS or other appropriate requirements of state law.
3. If ownership of the project changes, the certification holder shall notify DEQ, in writing, upon transferring this ownership or responsibility for compliance with these conditions to another person or party. The new owner/operator shall request, in writing, the transfer of this water quality certification to his/her name.
4. A copy of this certification must be kept on the job site and readily available for review by any contractor working on the project and any federal, state, or local government personnel.
5. Project areas shall be clearly identified in the field prior to initiating land-disturbing activities to ensure avoidance of impacts to waters of the state beyond project footprints.
6. The applicant shall provide access to the project site and all mitigation sites upon request by DEQ personnel for site inspections, monitoring, and/or to ensure that conditions of this certification are being met.
7. The applicant is responsible for all work done by contractors and must ensure the contractors are informed of and follow all the conditions described in this certification and the Section 404 permit.
8. If this project disturbs more than 1 acre and there is potential for discharge of stormwater to waters of the state, coverage under the EPA Stormwater Construction General Permit *must* be obtained. More information can be found at <https://www.epa.gov/npdes-permits/stormwater-discharges-construction-activities-region-10>.

### ***Fill Material***

9. Fill material subject to suspension shall be free of easily suspended fine material. The fill material to be placed shall be clean material only.
10. Excavated or staged fill material must be placed so it is isolated from the water edge or wetlands and not placed where it could re-enter waters of the state.

### ***Erosion and Sediment Control***

11. All construction activities shall be conducted in such a manner as to minimize turbidity and comply with Idaho water quality standards. Construction shall take place during low flow and in the dry to minimize turbidity and protect water quality.
12. Permittee shall conduct work from the top of the bank. Equipment shall not enter the channel.
13. Silt fencing or other erosion/sedimentation control measures shall be installed between any area of earth disturbance and the water. Erosion and sediment control measures shall be installed according to the manufacturer's specifications, during construction, and must be maintained until construction is completed and the disturbed ground is revegetated and stable.

### ***Turbidity***

14. Sediment resulting from this activity must be mitigated to prevent violations of the turbidity standard as stipulated under the Idaho WQS (IDAPA 58.01.02). *Any violation of this standard must be reported to the DEQ regional office immediately.*
15. All practical BMPs on disturbed banks and within the waters of the state must be implemented to minimize turbidity. Visual observation is acceptable to determine whether BMPs are functioning properly. If a plume is observed, the project may be causing an exceedance of WQS and the permittee must inspect the condition of the projects BMPs. If the BMPs appear to be functioning to their fullest capability, then the permittee must modify the activity or implement additional BMPs (this may also include modifying existing BMPs).
16. Containment measures such as silt curtains, geotextile fabrics, and silt fences must be implemented and properly maintained to minimize instream sediment suspension and resulting turbidity.

### ***Vegetation Protection and Restoration***

17. Woody stream bank vegetation shall be protected to the extent practical during construction.
18. If authorized work results in unavoidable vegetative disturbance, riparian and wetland vegetation shall be successfully reestablished to function for water quality benefit at pre-project levels or improved at the completion of authorized work.
19. All temporary structures, excess excavated material, vegetative or construction debris shall be disposed of out of the stream channel where it cannot reenter the channel. All construction debris shall be removed from the site and disposed of properly.
20. All fuel, oil and other hazardous materials shall be stored and equipment refueled away from the stream channel to ensure that a spill will not enter the waterway. Equipment must be free of fuel and lubricant leaks.
21. Permittee is responsible for all work done by any contractor or sub-contractor and shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this water quality certification.

### **Management of Hazardous or Deleterious Materials**

22. Petroleum products and hazardous, toxic, and/or deleterious materials shall not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of waters of the state. Adequate measures and controls must be in place to ensure that those materials will not enter waters of the state as a result of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third-party activities.
23. Vegetable-based hydraulic fluid should be used on equipment operating in or directly adjacent to the channel if this fluid is available.
24. Daily inspections of all fluid systems on equipment to be used in or near waters of the state shall be done to ensure no leaks or potential leaks exist prior to equipment use. A log book of these inspections shall be kept on site and provided to DEQ upon request.
25. Equipment and machinery must be removed from the vicinity of the waters of the state prior to refueling, repair, and/or maintenance.
26. Equipment and machinery shall be steam cleaned of oils and grease in an upland location or staging area with appropriate wastewater controls and treatment prior to entering a water of the state. Any wastewater or wash water must not be allowed to enter a water of the state.
27. Emergency spill procedures shall be in place and may include a spill response kit (e.g., oil absorbent booms or other equipment).
28. In accordance with IDAPA 58.01.02.850, in the event of an unauthorized release of hazardous material to state waters or to land such that there is a likelihood that it will enter state waters, the responsible persons in charge must
  - a. Make every reasonable effort to abate and stop a continuing spill.
  - b. Make every reasonable effort to contain spilled material in such a manner that it will not reach surface or ground waters of the state.
  - c. Call 911 if immediate assistance is required to control, contain, or clean up the spill. If no assistance is needed in cleaning up the spill, contact the appropriate DEQ regional office during normal working hours or Idaho State Communications Center after normal working hours (1-800-632-8000). If the spilled volume is above federal reportable quantities, contact the National Response Center (1-800-424-8802).
    - Coeur d'Alene Regional Office: 208-769-1422 / 877-370-0017
  - d. Collect, remove, and dispose of the spilled material in a manner approved by DEQ.

### **Right to Appeal Final Certification**

The final Section 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5) and the "Rules of Administrative Procedure before the Board of Environmental Quality" (IDAPA 58.01.23), within 35 days of the date of the final certification.

Questions or comments regarding the actions taken in this certification should be directed to Thomas Herron, IDEQ Coeur d'Alene Regional Office at 208-666-4631 or by email at [Thomas.Herron@deq.idaho.gov](mailto:Thomas.Herron@deq.idaho.gov).

*Thomas J. Herron for*

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Daniel Redline  
Regional Administrator  
Coeur d'Alene Regional Office