



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street Lewiston, Idaho 83501 (208) 799-4370

C.L. "Butch" Otter Governor
Curt Fransen, Director

September 20, 2013

Port of Lewiston
1626 6th Avenue North
Lewiston, Idaho 83501

Subject: Amendment to §401 Water Quality Certification for Army Corps of Engineers Permit # NWW-2010-213-W04

The U.S. Army Corps of Engineers (ACOE) has authorized this project based on the terms and conditions of Permit # NWW-2010-213-W04. The Department of Environmental Quality (DEQ) provided a §401 certification for the above-described permit dated February 6, 2012. Since the date of the certification, the project has been modified in several respects. Work now will include the additional relocation of 200 cubic yards of riprap below the ordinary high water mark of the Clearwater River to construct a dock extension. In addition, the work period has changed so that the in water work is to be conducted during the extended summer work period recommended by the National Marine Fisheries Service from July 1 through October 4. The modification to the originally certified project is described in the September 16, 2013 Technical Memorandum from Dan Gunderson, BergerABAM to Michael Burgan, U.S. Army Corps of Engineers, Subject: Port of Lewiston Dock – Biological Evaluation Addendum, U.S. Army Corp of Engineers Permit No. NWW-2010-213-W04, National Marine Fisheries Service Tracking No. 2011/05455, U.S. Fish and Wildlife Service Reference No. 01EIFW00-2013-F-0009.

DEQ has reviewed the modified work description as set forth in BergerABAM Technical Memorandum, and hereby certifies that if the permittee complies with the terms and conditions imposed by the permit along with the conditions set forth in the February 6, 2012 certification, as amended by this letter, then there is a reasonable assurance the activity will comply with the applicable requirements of sections 301, 302, 303, 306, and 307 of the Clean Water Act, including the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02) and other appropriate requirements of state law.

Except as expressly provided herein, all conditions set forth in DEQ's February 6, 2012 certification are applicable and the modified work authorized by the permit must comply with all such conditions.

In-Water Work Condition #2, as set forth in the February 6, 2012 certification is hereby amended as follows: Work in waters of the state shall be conducted during the extended summer work period recommended by the National Marine Fisheries Service from July 1 through October 4th.

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.

Thank you for contacting our office. If you have a specific comment or question regarding this amendment, please contact our office at (208) 799-4370.

Sincerely,

John Cardwell
Regional Administrator