



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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www.deq.idaho.gov

C.L. "Butch" Otter, Governor
John H. Tippetts, Director

August 28, 2018

Jennifer Tomlinson
Boise Parks and Recreation Department
1104 Royal Blvd
Boise, ID 83706

RE: Reference No. NWW-2009-00090 Boise River Whitewater Park Phase 2 Construction

Dear Ms. Tomlinson:

The Department of Environmental Quality (DEQ) has considered water quality certification for construction related to the referenced project. DEQ is issuing the attached 401 Water Quality Certification subject to the terms and conditions contained therein.

If you have any questions or further information to present please contact Julia Achabal at 208-373-0321, or via email at Julia.Achabal@deq.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Scheff".

Aaron Scheff
Regional Administrator
Boise Regional Office

JRA/am

ec: Gregory J. Martinez, COE, Boise
Loren Moore, DEQ State Office
TRIM 2018AKF45



Idaho Department of Environmental Quality Final §401 Water Quality Certification

August 28, 2018

404 Permit Application Number: NWW-2009-00090 – J.A. and Kathryn Albertson Family Foundation Boise Whitewater Park Phase II

Applicant/Authorized Agent: Boise Parks and Recreation

Project Location: Latitude 43.628478° N and Longitude -116.234613° W. Adjacent of Esther Simplot Park, in Ada County, in the City of Boise and City of Garden City, Idaho.

Receiving Water Body: Boise River

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 January 26, 2018, and supplemental information requested and received, 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 Phase II project involves a total of 2.4 acres of modifications in waters of the U.S. (open water) that would include the following:

- Excavation of 8,587 cubic yards of material and discharge of 7,093 cubic yards of fill material into 1.29 acres of open water.
 - Of this, 50 cubic yards of excavation and 36 cubic yards of fill would occur in 0.03 acres of open water in Veteran's pond; and the remainder would be in the Boise River.
- Minor channel contouring/reshaping would occur and include excavation of 2,323 cubic yards of material in 1.11 acres of open water in the Boise River.

Excavation activities in the Boise River would include removal of riverbed material, concrete debris and other foreign debris as encountered.

There would be a total of 0.26 acres of modifications in wetlands that would include the following:

- Excavation of 3,028 cubic yards of material and discharge of 1,981 cubic yards of fill into 0.25 acres of forested wetland and 0.01 acres of scrub-shrub wetland.
 - Of this, 33 cubic yards of excavation and 80 cubic yards of fill would occur in 0.01 acres of forested wetland adjoining the Farmers Union Canal return channels;
 - 67 cubic yards of excavation and 45 cubic yards of fill would occur in 0.01 acres of forested wetland adjoining Veteran's Pond; and
 - The remainder would be in wetlands adjoining the Boise River.

Structures to be constructed in waters of the U.S. include:

- Three (3) drop structures in the Boise River.
- Two (2) access ramps to the Boise River on the right descending riverbank.
- One (1) access ramp in Veteran's Pond.
- A 480-foot public rock terrace on the right descending riverbank of the Boise River.
- Removal of an old concrete abutment and placement of a rock wall along the left descending riverbank of the Boise River.

Additional features and structures to be constructed would include:

- Two (2) multi-use bridges spanning the Farmer's Union Canal return channels for the proposed Boise River Greenbelt realignment.
- Construction of a new side channel on the right descending riverbank of the Boise River, which would include the creation of a forested wetland island.

To compensate for 0.26 acres (11,409 square feet) of wetland impact, the applicant has purchased wetland credits at the Three Rivers Ranch Mitigation Bank, downstream on the Boise River.

To compensate for an estimated total of 2.4 acres (104,602 square feet) of open water impact, the applicant would construct a new 450-foot long side channel including a wetland island saddling the main channel of the Boise River. An existing side channel would be enhanced by installing a pipe to provide more continuous flow in the natural channel. Project modifications would create an additional 0.93 acres (40,600 square feet) of open water habitat. Project measures would also result in a net increase of 0.56 acres (24,363 square feet) of additional riparian area.

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 pollutants of concern for this project are sediment, temperature and bacteria. 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 these pollutants.

Receiving Water Body Level of Protection

This project is located on 17050114SW011a_06 within the Lower Boise Subbasin assessment unit (AU) 17050114SW11a_06 (Boise River – Diversion Dam to Veterans Memorial Parkway). This AU has been designated for cold water aquatic life, salmonid spawning, primary contact recreation and domestic water supply beneficial uses. 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 2014 Integrated Report, this AU is not fully supporting one or more of its assessed uses. The aquatic life use is not fully supported. Causes of impairment are low flow alterations and physical substrate habitat alterations. The contact recreation beneficial use is fully supported. As such, DEQ will provide Tier 1 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 and domestic water supply uses (IDAPA 58.01.02.052.05.c).

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. This Boise River AU is included in Category 4c of DEQ's 2014 Integrated Report (impairment caused by pollution, not a pollutant) and does not require the development of a TMDL.

Modified flow and altered habitat conditions exist on the Boise River. Preserving, protecting and enhancing habitat and the ability for fish and benthic macroinvertebrates to move upstream is critical to prevent further degradation to the river. To this end, the project will develop a new side channel with islands separating it from the main channel. The islands and shoreline will be planted with native riparian, wetland vegetation and woody debris to add complexity and shade. This addition is an enhancement of aquatic habitat in the project reach giving it a more natural morphology along this section of the river. A fish ladder will be constructed at the left descending bank to allow both fish and macroinvertebrates passage during times when flow velocities and wave structures are functioning to serve the whitewater park visitors. A gate structure and pipe would be installed adjacent to the fish ladder to feed water into an existing side channel. In its current state, this channel only functions during high flow. This project will create and maintain flows year round providing additional habitat and shade. In addition to side channels and fish ladders, roughness will be added on drop structures to provide flow discontinuities which will provide refugia and rest spots for fish moving upstream.

The Boise River, just below the Whitewater Park, is impaired by temperature. The antidegradation provisions of Idaho's Water Quality Standards are to maintain and protect existing and designated beneficial uses of surface waters. To this end, this project will enhance an existing vegetated side channel to maintain more frequent and sustained flow. Additionally, a new side channel and two new vegetated islands will provide shade and cooling effect through the project reach at a mature canopy cover. Additional plantings in the uplands are also planned to help maintain continuity in habitat and provide ambient cooling effect. The City of Boise is collecting background temperature data upstream and downstream of the project reach. Data collection will help the City adaptively manage the area ensuring protection of Idaho's Water Quality Standards. As described in the certification conditions below, the City of Boise is entering into an agreement with DEQ to further monitor and mitigate water temperature impacts from the project where appropriate.

River substrate and banks in the project reach are heavily impacted by historic activity. The project reach contains concrete and rebar chunks along with other miscellaneous debris. In part, these are remnants are from a collapsed structure and modifications made to maintain an agricultural diversion. Legacy debris will be removed and actively eroding riverbank will be stabilized through the project area. The new agricultural diversion will update the push-up berm method with a new crest gate structure that can be adjusted to function as irrigation diversion and

provide a wave feature for the Whitewater Park. These are overall improvements to the river that will eliminate excess sediment load from push up berming and eroding river banks. All drop structures will be tied into river banks ensuring structural stability and preventing undermining and erosion. The right descending riverbank is steep and highly erosive leaving soil, concrete, asphalt, metals and other miscellaneous rubble. The steep and highly erosive bank will receive a boulder terrace treatment. All joints will be fully grouted for structural stability and integrity. In addition to providing bank stabilization in a critical area, the boulder terrace is designed to be a spillway section to accommodate flood flows through the park area.

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.

To minimize sediment transport to the Boise River, all construction activities will occur during low flow conditions. Portadams will be used to isolate the construction area. The work area will be kept dry using sumps and pumps. Clean water will be discharged directly into Veteran's Pond behind a turbidity curtain to ensure any suspended sediments are settled from the water column. Turbid water will be pumped to a settling tank to capture solids before being discharged into Veteran's Pond. River flow will be diverted around the project area at two locations to keep the project area dry and to further minimize sediment transport from the project area. Up to 200cfs can be diverted through bypass pipes on the left descending river bank, flowing back into the Boise River below the downstream portadam. 500 cfs can be diverted through the Farmer's Union Canal into a return channel before being sent back to the Boise River downstream of Veterans Memorial Parkway. Additionally, an overflow pipe into Veteran's Pond is also available to divert canal water into Veterans Pond. To accommodate unexpected high flows in excess of 700 cfs, contingency plans are in place.

Dredged material that is removed from the project area will be used to realign the greenbelt adjacent to Veterans Pond. Silt curtains will be installed in the pond to contain fill placement and restrict sediment mobilization.

Localized dewatering will occur at bridge replacements using sediment sacks to isolate the work areas.

Access ramps will be installed behind silt curtains to prevent sediment mobilization. The ramps will be armored into the bank on each side to eliminate the potential for erosion.

Improved access points will allow for appropriate user access while riparian area access will be dissuaded through fencing, signage and augmented plantings of native species. These improvements will preserve existing habitat and prevent recreational impacts on near shore areas thereby decreasing erosion potential.

A Stormwater Pollution Prevention Plan will be developed for the project that contains erosion and sediment control and pollution prevention BMPs, such as, but not limited to, silt fences, fiber wattles, and/or earth berms. During construction, BMPs would be installed throughout the project site to limit the amount of turbid water leaving the site and entering the river.

To compensate for 0.262 acres of wetland impact, the applicant has purchased wetland credits at the Three Rivers Ranch Mitigation Bank, downstream on the Boise River.

To compensate for an estimated total of 2.40 acres of open water impacts the applicant will incorporate a 600 foot long side channel including two wetland islands saddling the main channel of the Boise River. An existing side channel will be enhanced by installing a pipe to maintain year round flow in the natural channel. All modification will create an additional 40,600 square feet (0.93 acres) of open water habitat. All modifications will result in a net increase of 24,363 square feet of additional riparian area.

Additionally, any rebar, broken concrete and other debris that would pose a public safety concern will be removed from the coffered area.

As described in detail above, project construction will employ sediment and turbidity BMPs to ensure protection of aquatic life and water quality standards during ground disturbing and dewatering activities. The impacts to riparian and wetland areas will be mitigated through purchase of credit from a downstream mitigation bank. Further compensation for potential habitat and thermal impacts will be alleviated through side channel development and by augmenting native vegetation throughout the project area to the maximum extent practical. In addition, 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 designated and existing beneficial uses.

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).

High-Quality Waters (Tier II Protection)

The 17050114SW011a_06 is considered high quality for primary contact recreation. As such, the water quality relevant to this use must be maintained and protected, unless a lowering of water quality is deemed necessary to accommodate important social or economic development.

To determine whether degradation will occur, DEQ must evaluate how the permit issuance will affect water quality for each pollutant that is relevant to primary contact recreation uses of the 17050114SW011a_06 (IDAPA 58.01.02.052.06). These pollutants include the following: *E.coli*/fecal coliform. This project will use preventive measures to assure no significant increase in bacteria to the Boise River. Restroom facilities are onsite and connected to the City sewer system. Signage and disposable bag dispensers for pet owners will be posted throughout the park. Dogs will be restricted to leashes during the summer. The City is contracting a hazing service to deter geese from occupying the area. In addition the city will eliminate geese eggs to reduce numbers of new geese to the park each spring. The City of Boise is collecting background bacteria data in the Boise River. Data collection will help the City adaptively manage the area ensuring protection if Idaho's Water Quality Standards.

As such, the project complies with IDAPA 58.01.02.051.02 and IDAPA 58.01.02.052.06.

In order to maintain the ambient water quality conditions, permanent erosion and sediment controls must be implemented which will minimize or prevent future sediment contributions from the project area. The provisions in the 404 permit, coupled with the conditions of this certification, ensure that degradation to the Boise River Diversion Dam to Veterans Memorial Parkway AU will not occur. Therefore, DEQ concludes that this project complies with the Tier II provisions of Idaho's WQS (IDAPA 58.01.02.051.02; 58.01.02.052.06 and 58.01.02.052.08).

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

Special Conditions

1. The City of Boise, Parks and Recreation will work with the Idaho Department of Fish and Game to determine critical times when flow modification will be minimized to allow salmonid spawning through the park area.
2. The City of Boise, Parks and Recreation must consult with the Idaho Department of Water Resources to maximize riparian habitat enhancement throughout the total project reach. This shall include adding additional native plantings in the littoral zone. The enhancements will increase shade canopy, provide for contiguous riparian corridor habitat and encourage recreation toward deliberate points of access along the river.
3. A suitable transition area at the end of the boulder terrace must be installed to slow water velocity and provide downstream bank protection. An example would be to incorporate vegetation with riprap beyond the hardened surface that gently transitions into the native vegetation downstream.
4. The City of Boise will work with Idaho Fish and Game to maintain a maximum flow in the channel just below the lower cofferdam. This will ensure survivability of aquatic organisms in the reach of the river below the coffer, but upstream of the water being returned from the Farmers Union Canal diversion.
5. The City of Boise and DEQ shall enter into an agreement to implement a post-project temperature monitoring and mitigation program to offer additional assurance water quality standards are maintained. If temperatures downstream of the project increase as described in the agreement, the City of Boise will offset the increase by implementing mitigation measures elsewhere in the Boise River within the same assessment unit according to the agreement.

General Conditions

6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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

14. Fill material subject to suspension shall be free of easily suspended fine material. The fill material to be placed shall be clean material only.
15. Fill material shall not be placed in a location or in a manner that impairs surface or subsurface water flow into or out of any wetland area.
16. Placement of fill material in existing vegetated wetlands shall be minimized to the greatest extent possible.
17. All temporary fills shall be removed in their entirety on or before construction completion.
18. 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 uncontrolled.

Erosion and Sediment Control

19. BMPs for sediment and erosion control suitable to prevent exceedances of state WQS shall be selected and installed before starting construction at the site. One resource that may be used in evaluating appropriate BMPs is DEQ's *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties*, available online at

<http://www.deq.idaho.gov/media/494058-entire.pdf>. Other resources may also be used for selecting appropriate BMPs.

20. One of the first construction activities shall be placing permanent and/or temporary erosion and sediment control measures around the perimeter of the project or initial work areas to protect the project water resources.
21. Permanent erosion and sediment control measures shall be installed in a manner that will provide long-term sediment and erosion control to prevent excess sediment from entering waters of the state.
22. Permanent erosion and sediment control measures shall be installed at the earliest practicable time consistent with good construction practices and shall be maintained as necessary throughout project operation.
23. Top elevations of bank stabilization shall be such that adequate freeboard is provided to protect from erosion at 100-year design flood elevation.
24. Structural fill or bank protection shall consist of materials that are placed and maintained to withstand predictable high flows in the waters of the state.
25. A BMP inspection and maintenance plan must be developed and implemented. At a minimum, BMPs must be inspected and maintained daily during project implementation.
26. BMP effectiveness shall be monitored during project implementation. BMPs shall be replaced or augmented if they are not effective.
27. All construction debris shall be properly disposed of so it cannot enter waters of the state or cause water quality degradation.
28. Disturbed areas suitable for vegetation shall be seeded or revegetated to prevent subsequent soil erosion.
29. Maximum fill slopes shall be such that material is structurally stable once placed and does not slough into the stream channel during construction, during periods prior to revegetation, or after vegetation is established.
30. To the extent reasonable and cost-effective, the activity submitted for certification shall be designed to minimize subsequent maintenance.
31. Sediment from disturbed areas or able to be tracked by vehicles onto pavement must not be allowed to leave the site in amounts that would reasonably be expected to enter waters of the state. Placement of clean aggregate at all construction entrances or exits and other BMPs such as truck or wheel washes, if needed, must be used when earth-moving equipment will be leaving the site and traveling on paved surfaces.

Turbidity

32. 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.*
33. All practical BMPs on disturbed banks and within the waters of the state must be implemented to minimize turbidity.

34. 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.
35. Turbidity monitoring must be conducted, recorded, and reported as described below. Monitoring must occur each day during project implementation when project activities may result in turbidity increases above background levels. *A properly and regularly calibrated turbidimeter is required.*

A sample must be taken at a relatively undisturbed area up-current from in-water disturbance or discharge to establish background turbidity levels for each monitoring event. Background turbidity, location, date, and time must be recorded prior to monitoring down-current.

Monitoring must occur down-current from the in-water disturbance or point of discharge and within any visible plume. The turbidity, location, date, and time must be recorded for each sample or observation.

Results from the compliance point sampling must be compared to the background levels sampled during each monitoring event.

- If the downstream turbidity exceeds upstream turbidity by 50 nephelometric turbidity units (NTU) or more instantaneously or more than 25 NTU for more than 10 consecutive days, the project is causing an exceedance of the WQS (per IDAPA 58.01.02.250.02.e.).

If an exceedance occurs, the permittee must inspect the condition of the projects BMPs. If the BMPs appear to be functioning to their fullest capability, then the applicant must modify the activity (this may include modifying existing BMPs).

Copies of daily logs for turbidity monitoring must be available to DEQ upon request. The log must include background measurements (in NTUs) or observations; compliance point measurements or observations; comparison of background and compliance point monitoring as a numeric value (in NTUs) or in narrative form; and location, time, and date for each sampling event. The report must describe all exceedances and subsequent actions taken and the effectiveness of the action including subsequent monitoring.

In-water Work

36. Work in open water is to be kept at a minimum and only when necessary. Equipment shall work from an upland site to minimize disturbance of waters of the state. If this is not practicable, appropriate measures must be taken to ensure disturbance to the waters of the state is minimized.
37. Construction affecting the bed or banks shall take place only during periods of low flow.
38. Fording of the channel is not permitted. Temporary bridges or other structures shall be built if crossings are necessary.
 - a. Temporary crossings must be perpendicular to channels and located in areas with the least impact. The temporary crossings must be supplemented with clean gravel or treated with other mitigation methods at least as effective in reducing impacts.

Temporary crossings must be removed as soon as possible after the project is completed or the crossing is no longer needed.

39. Heavy equipment working in wetlands shall be placed on mats or suitably designed pads to prevent damage to the wetlands.
40. Activities in spawning areas must be avoided to the maximum extent practicable.
41. Work in waters of the state shall be restricted to areas specified in the application.
42. Measures shall be taken to prevent wet concrete from entering into waters of the state when placed in forms and/or from truck washing.
43. Activities that include constructing and maintaining intake structures must include adequate fish screening devices to prevent fish entrainment or capture.
44. Stranded fish found in dewatered segments should be moved to a location (preferably downstream) with water. *This work will be in coordination with Idaho Department of Fish and Game.*
45. To minimize sediment transport, stream channel or stream bank stabilization must be completed prior to returning water to a dewatered segment.

Pollutants/Toxics

46. The use of chemicals such as soil stabilizers, dust palliatives, sterilants, growth inhibitors, fertilizers, and deicing salts during construction and operation should be limited to the best estimate of optimum application rates. All reasonable measures shall be taken to avoid excess application and introduction of chemicals into waters of the state.

Vegetation Protection and Restoration

47. Disturbance of existing wetlands and native vegetation shall be kept to a minimum.
48. To the maximum extent practical, staging areas and access points should be placed in open, upland areas.
49. Fencing and other barriers should be used to mark the construction areas.
50. Where possible, alternative equipment should be used (e.g., spider hoe or crane).
51. 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.

Dredge Material Management

52. Upland disposal of dredged material must be done in a manner that prevents the material from re-entering waters of the state.

Management of Hazardous or Deleterious Materials

53. 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.
54. Vegetable-based hydraulic fluid should be used on equipment operating in or directly adjacent to the channel if this fluid is available.
55. 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.
56. Equipment and machinery must be removed from the vicinity of the waters of the state prior to refueling, repair, and/or maintenance.
57. 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.
58. Emergency spill procedures shall be in place and may include a spill response kit (e.g., oil absorbent booms or other equipment).
59. 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).
 - Boise Regional Office: 208-373-0550 / 888-800-3480
 - d. Collect, remove, and dispose of the spilled material in a manner approved by DEQ.

Mixing Zones

60. If a mixing zone, or alternatively a point of compliance is desired, then the permittee must contact the appropriate DEQ regional office to obtain authorization.

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 Julia Achabal, Boise Regional Office, 373-0321 or Julia.Achabal@deq.idaho.gov.



Aaron Scheff
Regional Administrator
Boise Regional Office