



Idaho Department of Environmental Quality Final §401 Water Quality Certification

June 22, 2012

404 Permit Application Number: NWW-2009-40-B02, ITD Key No. 10610

Applicant/Authorized Agent: Marla Vik/Fremont County

Project Location: 44°06'40.10"N, 111°20'07.79"W; NAD 83

Receiving Water Body: Henry's Fork, Snake 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.

DEQ has reviewed the facts and the figures presented in the public notice and joint application for permit for the above-referenced activity. DEQ has also reviewed and considered other material and information related to the proposed activity, including but not limited to the following: Supplemental Information packet, received May 14, 2012.

Based upon its review and consideration of the information listed above, DEQ certifies that if the permittee(s) comply with the terms and conditions imposed by the above-referenced 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 existing sub-standard 176-foot long Stone Bridge is a one-lane, five-span, bridge with a total width of 18 feet. The purpose of this project is to construct a new bridge, built to current AASHTO LRFD design standards, and to remove the existing bridge. In so doing, two abutments, four bents and associated fill material will be removed from the river. The new structure will be longer than the existing structure, placing both abutments further back on the river banks, outside of the ordinary high water (OHW). The new, 2-span structure will only require that a single pier be placed in the river. Because this project is located in an environmentally sensitive area, all activities will be in accordance with accepted practice

and structured to minimize impact. The cofferdams, the temporary work bridge and platform and all other in-stream work will be limited to the allowed work window of July 15 through August 31.

Antidegradation Review

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

- Tier 1 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 1 review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.05).
- Tier 2 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; 58.01.02.052.06).
- Tier 3 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; 58.01.02.052.07).

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). Any water body not fully supporting its beneficial uses will be provided Tier 1 protection for that use, unless specific circumstances warranting Tier 2 protection are met (IDAPA 58.01.02.052.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

The proposed activity is located on the Henry's Fork of the Snake River, within the assessment unit (AU) ID 17040202SK001_06 (Warm River to Ashton Reservoir Dam). This AU has the following designated beneficial uses: cold water aquatic life, salmonid spawning, primary contact recreation and domestic water supply.

None of these uses have been assessed (2010 Integrated Report). As such, DEQ will provide Tier 2 protection for both the aquatic life use and the recreation beneficial use (Idaho Code § 39-3603(2)(b)).

Protection and Maintenance of Existing Uses (Tier 1 Protection)

As noted above, a Tier 1 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 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.

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. In addition, permanent erosion and sediment controls will be implemented, which will minimize or prevent future sediment contributions from the project area. Additionally, the applicant will install sediment and erosion control measures prior to construction. Construction areas will be dewatered to minimize sediment production. Dewatering facilities will receive sediment settling treatment prior to release. Turbidity monitoring will be conducted during the pre- and construction phases.

High-Quality Waters (Tier 2 Protection)

The Henry's Fork is considered high quality for cold water aquatic life, primary contact recreation and domestic water supply. As such, the water quality relevant to these uses of the Henry's Fork 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 these uses of the Henry's Fork (IDAPA 58.01.02.052.04). ∴ The only pollutant of concern for this project is sediment. Sediment is not relevant to recreational uses, Therefore, this project will not result in a lowering of water quality with respect to any pollutant relevant to recreational uses. Sediment, however, is relevant to aquatic life uses.

To enhance the hydraulic characteristics of the Henry's Fork at the project location, new abutments will be placed outside the limits of ordinary high water elevation and only one pier will be located in the channel. The existing abutment embankments that encroach into the river will be removed and the river banks graded and revegetated with wetland vegetation. The project will replace the existing five-span bridge with a 2 two-span, pre-stressed, pre-casted concrete girder bridge. The reduction in the number of piers in the river will minimize impacts to waters of the United States. There will be no deck drains in the bridge.

Additionally, to protect the cold water aquatic life and salmonid spawning use, the project has a detailed best management practices built into the construction sequencing:

The deck will be cut into sections and at each pier. As these cut up sections are lifted out and removed, beginning in the center, cofferdams will be constructed around each pier and at the two abutments. Once the work bridge and all of the cofferdams are constructed, the work areas will be dewatered using portable pumps as was done with the new bridge. The water pumped out of the work areas will be diverted to the same temporary settling pond that was used for the new bridge construction, allowing the sediment to settle out before returning the pumped water to the river. All existing bridge substructure components will be removed to the bottom of the existing channel as a minimum.

Although this project may result in minimal short-term sediment impacts to the water body, DEQ does not expect long-term impacts or degradation to the ID 17040202SK001_06 AU or the Henry's Fork. Therefore, DEQ concludes that this project complies with IDAPA 58.01.02.051.02 and IDAPA 58.01.02.052.08.

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 US 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.

Erosion and Sediment Control

1. 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.
2. 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.
3. 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.

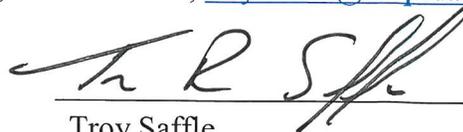
Turbidity

1. 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.
2. Turbidity monitoring must be conducted and recorded as described below. Monitoring must occur each day during project implementation. A properly and regularly calibrated turbidimeter is recommended. The applicant shall contact Troy Saffle to coordinate the monitoring activities and details.
3. Turbidity monitoring must be reported. 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, monitoring, and the effectiveness of the action.

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 Troy Saffle, Idaho Falls Regional Office, 208.528.2650, troy.saffle@deq.idaho.gov .



Troy Saffle

Regional Manager

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