



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370  
www.deq.idaho.gov

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

September 27, 2013

David Doeringsfeld  
Port of Lewiston  
1626 6<sup>th</sup> Avenue North  
Lewiston, Idaho 83501

RE: Water Quality Certification for NWW-2010-213-W04 Amendment

Dear Mr. Doeringsfeld,

Attached is the final §401 water quality certification amendment for the Army Corps of Engineers modification to NWW-2010-213-W04 for the Port of Lewiston. The §401 process requires a public notice, and the comment period closed on September 27, 2013. No public comments regarding the §401 water quality certification amendment were received by the Idaho Department of Environmental Quality. Therefore, DEQ is issuing the final amended certification.

If you have any questions or concerns, please do not hesitate to contact me at (208) 799-4370 or [john.cardwell@deq.idaho.gov](mailto:john.cardwell@deq.idaho.gov).

Sincerely,

A handwritten signature in blue ink that reads "John Cardwell".

John Cardwell  
Regional Administrator  
Lewiston Regional Office

c: Mike Burgan, ACOE, Coeur d'Alene  
Miranda Adams, TRIM Record



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370  
www.deq.idaho.gov

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

September 27, 2013

Port of Lewiston  
1626 6<sup>th</sup> 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.



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370  
www.deq.idaho.gov

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

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,

A handwritten signature in blue ink that reads "John Cardwell".

John Cardwell  
Regional Administrator



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

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

C.L. "Butch" Otter, Governor  
Toni Hardesty, Director

February 27, 2012

Port of Lewiston  
1626 6<sup>th</sup> 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, ACOE special conditions, and the conditions of the DEQ §401 water quality certification (February 6, 2012).

1. In-Water Work Condition #2 is amended as follows: Work in waters of the state shall be conducted during the summer work period recommended by the National Marine Fisheries Service from July 1 through September 30.
2. Unless otherwise authorized by DEQ, this certification is valid for (3) years from the date the certification was issued by DEQ.

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,

A handwritten signature in blue ink that reads "Clayton Steele".

Clayton Steele  
Regional Administrator

c: James Joyner, ACOE



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

February 6, 2012

**404 Permit Application Number:** NWW-2010-213-W04

**Applicant/Authorized Agent:** Port of Lewiston

**Receiving Water Body Name/Assessment Unit:** Clearwater River, Lower Granite Dam Pool, Water Body Unit 17060306CL001\_07.

**Receiving Water Body Conditions:** Lower Granite Dam Pool is included in Section 5 of the 2010 Integrated Report as not supporting beneficial uses due to dissolved gas super-saturation.

**Project Location:** The project is located at the existing Port of Lewiston facilities within the City of Lewiston, near U.S. Highway 12 in the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 31, Township 36 North, Range 5 West, Nez Perce County, Idaho.

---

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC 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 a water quality certification decision.

Based upon review of the permit application and associated information for the above-referenced activity, 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, including 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

Work includes the discharge of 2400 cubic yards of sand and gravel fill material below the ordinary high water mark of the Clearwater River to construct a dock extension. Additional activities include the discharge of approximately 200 linear feet of metal sheet piling to contain new dock extension fill, the discharge of 25 fender piles along the face and side of the new dock extension to construct a fendering system of the expanded dock section, and the removal and

relocation of an existing mooring dolphin to a location approximately 115 feet west of the expanded dock.

## **Antidegradation**

Idaho's Antidegradation policy requires maintaining the existing quality of state waters (Idaho Code §39-3603(1)(a)). Where the quality of water is better than that required to maintain beneficial uses, no degradation can occur unless degradation is necessary to accommodate economic or social development (Idaho Code §39-3603(1)(b)).

In the Idaho Water Quality Standards (IDAPA 58.01.02), the Clearwater River, Lower Granite Dam pool water body 17060306CL001 is protected for the following designated beneficial uses: cold water aquatic life, primary contact recreation, and domestic water supply. Water body assessment unit 17060306CL001\_07 is listed in Section 5 of Idaho's 2010 Integrated Report (IR) as not fully supporting due to dissolved gas super-saturation. Water body assessment units included in Section 5 of Idaho's Integrated Report are impaired and are not considered high quality water for the listed pollutants and associated beneficial uses (Idaho Code §39-3603(2)(b)(iii)). Because dissolved gas super-saturation is identified as a pollutant of concern in the IR, Tier I protection is provided for the cold water aquatic life beneficial use (Idaho Code §39-3603(1)(a)).

Water body assessment units identified in the 2010 IR as not assessed are provided an appropriate level of protection on a case-by-case basis using current information (Idaho Code §39-3603(2)(b)(ii)). In the 2010 IR, the primary contact recreational use is not assessed. Bacteria data for this AU do not exceed the criteria for primary contact recreation, thus the primary contact recreation beneficial use is fully supporting (IDAPA 58.01.02.054) and Tier II protection is provided for the recreational beneficial use (Idaho Code §39-3603(2)(b)).

Available data for this water body assessment unit do not exceed the criteria for the domestic water supply, thus the domestic water supply beneficial use is fully supporting and Tier II protection is provided for the domestic water supply beneficial use (Idaho Code 39-3603(2)(b)).

### *Cold Water Aquatic Life Tier I Analysis*

The primary pollutant of concern for the aquatic life beneficial use associated with the permitted project is sediment. Certain measures are proposed to prevent a lowering of water quality. DEQ is requiring the applicant to comply with the conditions of this certification to protect water quality and to meet Idaho WQS, including the water quality criteria applicable to turbidity. During the construction phase, the applicant is required to implement, install, maintain, monitor and adaptively manage best management practices geared toward reducing erosion and minimizing turbidity levels in the Clearwater River, Lower Granite Dam pool, downstream of the project.

### *Primary Contact Recreation Tier II Analysis*

The primary pollutant of concern applicable to contact recreation is *E. coli* bacteria and will not be discharged to this assessment unit as a result of this activity. Therefore, no degradation will occur to the primary contact recreation designated beneficial use as a result of this project.

### Domestic Water Supply Tier II Analysis

The primary pollutants of concern applicable to the domestic water supply beneficial use are listed in IDAPA 58.01.02.210.01 and will not be discharged to this AU as a result of this activity. Therefore, no degradation will occur to the domestic water supply designated beneficial use as a result of this project.

DEQ believes the project will comply with applicable WQS and will maintain and protect the level of water quality necessary to protect the designated beneficial uses. 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 designated beneficial uses and water quality of this segment of the Clearwater River will be maintained and protected. DEQ therefore concludes that this activity complies with Idaho's Antidegradation policy.

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

### *General*

1. This certification authorizes the activity as described in the Public Notice for permit received on June 22, 2011, and the attached drawings dated March and April 2011.
2. This certification is conditioned upon the requirement that any modification (e.g. change in best management practices, 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 §401. Such modifications may not be implemented until DEQ has made a determination whether additional certification is necessary.
3. 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 water quality standards, there is no longer reasonable assurance of compliance with water quality standards or other appropriate requirements of state law.
4. This certification may be revoked for failure of the permittee to comply with the conditions of this certification or the terms and conditions of the referenced permit. Revocation shall become effective upon written notice to the permittee, and all activities permitted under the referenced permit shall immediately cease. The activity may not resume unless authorized by DEQ.
5. In the event 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.

6. A copy of this certification must be kept on the job site and readily available for review by any contractor working on the project as well as any federal, state, or local government personnel.
7. The applicant is responsible for all work done by contractors and must ensure the contractor(s) are informed of and follow all the conditions described in this certification and the Section 404 permit.
8. Unless otherwise authorized by DEQ, this certification is valid for two (2) years from the date the certification was issued by DEQ.
9. Because this project disturbs more than 1 acre and there is potential for discharge of storm water to waters of the U.S., coverage under the U.S. Environmental Protection Agency Construction Stormwater General Permit must be obtained.

#### *FILL MATERIAL*

1. Fill material shall be free of easily suspendable fine material. The fill material to be placed shall include clean earth fill, sand, and stone only.
2. All temporary fills shall be removed in their entirety on or before the completion of construction.
3. Excavated or staged fill material must be placed so that 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*

1. Best management practices (BMPs) for sediment and erosion control suitable to prevent exceedances of state water quality standards shall be selected and installed before starting construction at the site. BMP effectiveness shall be monitored during project implementation. Turbidity shall not exceed background turbidity by more than 50 NTU instantaneously or more than 25 NTU for more than 10 consecutive days.
2. Use of containment measures such as silt curtains, geotextile fabrics, and silt fence must be implemented and properly maintained in order to minimize in-water sediment suspension and resulting turbidity.
3. 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 the operation of the project.
4. 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.
5. A BMP inspection and maintenance plan must be developed and implemented. At a minimum, BMPs must be inspected and maintained daily. BMPs shall be replaced or augmented if they are not effective.

6. All construction debris shall be properly disposed of so that it cannot enter waters of the state or cause water quality degradation.

#### *IN-WATER WORK*

1. Work in waters of the state shall be restricted to areas specified in the application.
2. Work in waters of the state shall be conducted during the winter work period recommended by the Idaho Department of Fish and Game from December 1 through February 15.
3. Measures shall be taken to prevent the entrance of wet concrete into waters of the state when placed in forms and/or from washing of trucks.
4. Unless otherwise authorized by DEQ, this certification is valid for two (2) years from the date the certification was issued by DEQ.

#### *DREDGE MATERIAL MANAGEMENT*

1. 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*

1. Petroleum products, 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.
2. Equipment should not be fueled nor fluids changed adjacent to waters of the State. Any equipment operated adjacent to waters of the State shall be maintained in a good state of repair.
3. If an above ground spill or overfill of petroleum results in a release that exceeds 25 gallons or causes a sheen on nearby surface water, the responsible person must make an effort to contain the spill and notify the Emergency Response system at 1-800-632-8000.
4. Emergency spill procedures shall be in place which may include a spill response kit (e.g. oil absorbent booms or other equipment).

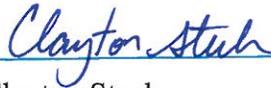
#### *TREATED WOOD*

1. Any use of treated wood materials in the aquatic environment must be conducted in accordance with IDEQ Policy # PM97-1, "Water Quality and Wood Preservatives Policy Memoranda."

## 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 regarding the actions taken in this certification should be directed to Cindy Barrett, Lewiston Regional Office, (208) 799-4370 or [Cynthia.Barrett@deq.idaho.gov](mailto:Cynthia.Barrett@deq.idaho.gov).

A handwritten signature in blue ink that reads "Clayton Steele". The signature is written in a cursive style and is positioned above a horizontal blue line.

Clayton Steele  
Regional Administrator  
Lewiston Regional Office

401 cert 17060306 C1001-07  
Lower Granite Dam Pool



**US Army Corps  
Of Engineers**  
Walla Walla District  
201 North Third Avenue  
Walla Walla, WA 99362-1876

# Public Notice of Application for Permit

CWAL  
PCR  
DWS  
Category 5 TDG  
Category 3-PCR

RECEIVED

JUN 27 2011

IDAHO DEPARTMENT OF  
ENVIRONMENTAL QUALITY

APPLICATION NO.: NWW-2010-213-W04

APPLICANT: Port of Lewiston

PUBLIC NOTICE DATE: June 22, 2011

COMMENTS DUE DATE: July 22, 2011

RECEIVED  
JUN 27 2011  
DEC-10

James Joyner out  
until 1/3/12  
Tim Kennedy  
(208) 522-1645

30-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in Waters of the United States, on federal land, and potentially affecting a federal flood control structure (levee) as described below and shown on the attached drawings (7 of 7, dated March and April 2011).

APPLICANT - Port of Lewiston, 1626 6<sup>th</sup> Avenue North, Lewiston, Idaho 83501, telephone (208) 743-5531, contact Ms. Tabitha Reeder, BergerABAM, Vancouver, Washington 98660. For information from the U.S. Army Corps of Engineers, contact Mr. James Joyner at email: [PortofLewiston-PN@usace.army.mil](mailto:PortofLewiston-PN@usace.army.mil).

(208) 522-1674

LOCATION - Clearwater River. The project is located at the existing Port of Lewiston facilities within the City of Lewiston, near U.S. Highway 12 in the Northeast ¼ of the Northwest ¼ of Section 31, Township 36 North, Range 5 West, Boise Meridian (46.4247°N/-117.0163°W), Washington-Clarkston, USGS Quadrangle, in Nez Perce County, Idaho. To access the site from the south, proceed north on U.S. Highway 12 across the Clearwater River, turn left (West) on 3<sup>rd</sup> Avenue North, approximately ½ mile to the site. Access is restricted to the Port's facilities. Any attempt to visit the project site should be coordinated with the applicant.

WORK - Applicant proposes to discharge an estimated 3900 cubic yards of sand and gravel fill material, of which approximately 2400 cubic yards would be below the Ordinary High Water Mark of the Clearwater River. The proposed project would affect approximately 0.12 acres of waters of the United States to construct a dock extension. Additional activities include:

- 1) The discharge of approximately 200 lineal feet of AZ 19-700 metal sheet piling to contain new dock extension fill.
- 2) The discharge of approximately 25 fender piles along the face and side of the new dock extension to construct a fendering system on the expanded dock section.
- 3) Removal and relocation of an existing mooring dolphin to a location approximately 115 feet west of the expanded dock.

Construction will consist of relocating the existing circular sheet piling mooring dolphin, extending the sheet piling bulkhead that forms the dock, installing tiebacks and deadmen, backfilling the dock area to grade,

regrading the adjacent yard and installing the new storm drainage system, paving, and installing the fender and barge handling systems. Approximately 3,900 cubic yards of backfill will be used for the expanded dock.

The first task is demolishing the existing cylindrical mooring dolphin by removing the concrete cap and pulling the sheet piling. The sheet piling will be removed by pulling with a crane utilizing a vibratory extractor. Granular fill will be released behind the face of the dock extension sheet piling and will be utilized as part of the backfill for the extended dock.

Approximately 200 lineal feet of AZ 19-700 sheet piling will be installed for the dock extension using templates and a vibratory hammer. Fill will be placed behind the new sheet piling bulkhead to the level of the tiebacks. This fill will be placed through the water behind the bulkhead so no dewatering is anticipated. Tie rods and concrete deadmen will be installed on the fill and the remainder of the fill will be placed and compacted to the level of the bottom of the pavement. After tensioning the tie rods, the concrete pavement along the front of the dock will be placed. After regrading the adjacent apron for proper drainage and installing the oil/water separator, the remainder of the dock and regraded yard will be paved with asphalt concrete paving.

### **Fendering System Construction**

The construction of a fendering system on the expanded dock is also included, as is the relocation of the existing west mooring dolphin at the terminal. The fendering system prevents damage to the vessels and the terminal when barges are berthed and moored at the terminal. It also provides protection and proper standoff for barges held against the dock end-on by tugs to load/unload Roll-On Roll-Off (RORO) cargoes. The west mooring dolphin will be removed and relocated 115 feet further west of the widened dock so that two container barges can be tied up end to end at the terminal. Also as part of the project, a defunct barge winch system will be replaced. The replacement barge handling system will enable a single operator to position barges along the face of the dock without tug assist.

The fender system will begin with the installation of 25 fender piles consisting of 12.5-inch x 0.5-inch steel pipes. Rubber fenders would then be attached to the face of the concrete cap along the new sheet pile wall. Piles will be lifted by a crane and installed by a land-based vibratory pile driver. Each pile will be driven approximately 10 feet into the existing riverbed. Impact proofing is not anticipated because there is no need for substantial vertical capacity. After the piles have been set to the established elevation, any excess pile length will be removed. ACZA-treated timber wales and chocks will be installed with steel hardware and the access ladders will be installed.

**CONSTRUCTION PERIOD** - Applicant proposes to start construction on December 1, 2011 and complete the work within 2 ½ months (February 15, 2012). In-water work is proposed to occur within the winter work period recommended by the Idaho Department of Fish and Game from December 1 - February 15. The permit would authorize construction for a period of 2 years.

**PURPOSE** - The purpose of the proposed work is to increase efficiency of the operation, allow berthing of multiple barges, and accommodate loading and unloading of oversized cargo.

**ADDITIONAL INFORMATION** - The uplands to the northeast of the dock are proposed to be paved with a total of 31,440 square feet of asphalt concrete with an additional 4,800 square feet of concrete to be poured to the southwest, for a total of 36,240 square feet of concrete. This amounts to an increase of 8,377 square feet over the existing impervious surface for the dock expansion and 1,263 square feet of new impervious surface to unimpacted areas adjacent to the existing dock, for a total of 9,640 square feet of new impervious surface.

Additionally, an existing pole-mounted light adjacent to the dock on the levee apron will be relocated, regrading and re-paving on the periphery of the dock widening will be done, and storm drainage modifications will be made to channel runoff from both the new and existing areas of the dock to a new oil-water separator

which will discharge into the existing storm drain system. The project will result in a 9,640 square feet increase in impervious surface and will generate some additional stormwater. Stormwater will be channeled to two new catch basins and treated with an oil/water separator before being discharged into the existing stormwater system for the Port container yard. The existing bullrail on the original dock structure will be modified by raising it to provide adequate pavement slope for drainage.

**APPLICANT PROPOSED MITIGATION** - The applicant has not proposed compensatory mitigation. The applicant expects only temporary effects from construction and does not anticipate permanent effects. The applicant believes the proposed project minimizes potential impacts to the maximum extent practicable through use of a vibratory hammer, by installing the smallest and least number of piles needed, and proposing to conduct work within the in-water work period of December 1-February 15. The applicant does not believe that the project will result in functional loss of the Clearwater River.

**AQUATIC RESOURCE DESCRIPTION** - The Clearwater River at the project site varies between 500 and 1000 feet wide. The riverbed substrate in the project area largely consists of sands, silts, and clays, while the shoreline is armored with riprap. This section of the river is largely devoid of riparian vegetation due to past and current land uses, including industrial/port uses.

**ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT** - The permanent impact of the project to the aquatic environment would consist of filling approximately 0.12 acres of river channel to extend the dock 150 lineal feet and relocating an existing mooring dolphin to the west. The temporary impacts to the aquatic environment would consist of potential sedimentation and noise resulting from demolition and construction.

**OTHER AUTHORIZATIONS** - Other authorization obtained or requested include a stream alteration permit from the Idaho Department of Water Resources.

**WATER QUALITY CERTIFICATION** - This will also serve as public notice that Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharges of dredged and fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the IDEQ, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived, or denied within 60 days of this public notice date, and an extension of this period is not granted to IDEQ, certification will be considered waived. Additionally, within (30) days of this public notice, any person may provide written comments to IDEQ and/or request in writing that IDEQ provide them notice of preliminary 401 certification decision. Comments concerning certification for this project should be mailed to: Idaho Department of Environmental Quality, Lewiston Regional Office, 1118 "F" Street, Lewiston, Idaho 83501.

**CULTURAL RESOURCES** - Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer and the appropriate Tribal Historic Preservation Officers to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register.

**TRIBAL TREATY RIGHTS AND INTERESTS** - Federal agencies acknowledge the federal trust responsibility arising from treaties, statutes, executive orders, and the historical relations between the United States and American Indian Tribes. The federal government has a unique trust relationship with federally recognized American Indian Tribes.

The USACE has a responsibility and obligation to consider and consult on potential effects to Tribal rights, uses, and interests. Comment and consultation is being requested from/with The Confederated Tribes of the Colville Reservation, The Nez Perce Tribe of Idaho, The Spokane Tribe, and The Confederated Tribes of the Umatilla Reservation.

ENDANGERED SPECIES - The project is within the known or historic range of Chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*Oncorhynchus mykiss*) and bull trout (*Salvelinus confluentus*). Formal consultation will be conducted with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service to determine the affect the proposed project may have on species designated as endangered or threatened or their critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Any comments they may have concerning endangered or threatened fish, wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The project area is within the known range of Chinook salmon. Coordination is currently being conducted with the NMFS to determine the affect of the proposed project on essential fish habitat for Chinook salmon.

ENVIRONMENTAL IMPACT STATEMENT - Preliminary review indicates the activity will not require preparation of an Environmental Impact Statement (EIS). An Environmental Assessment will be prepared to determine if there are significant impacts requiring preparation of an EIS. Comments provided in response to this Public Notice will be considered in preparation of an Environmental Assessment.

AUTHORITY - This permit will be issued or denied under the authority of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The applicant is also seeking approval from the Corps under 33 USC 408 (Section 408). The Section 408 review and approval would be for potential impacts the proposed dock expansion may have on the federal flood control levee at the site. A Real Estate review is also required to amend an existing easement (No. DACW68-2-75-39) between the Corps and the Port of Lewiston

TECHNICAL REVIEW FUNDING DISCLOSURE - The Corps will accept funds from the applicant as reimbursable expenses under the provisions at 10 USC 2695 associated with its Real Estate review for amending the easement associated with the lands subject to the dock expansion project scope. The Section 408 review is required in and of itself, but is also a necessary part of the Real Estate review to amend the existing easement (No. DACW68-2-75-39) between the Corps and the Port. Use of these funds will not impact impartial decision making with respect to permits, either substantively or procedurally.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. This decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof, among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

CONSIDERATION OF PUBLIC COMMENTS - The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in

the preparation of an Environmental Assessment and/or the determination whether to prepare an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**PUBLIC HEARING** - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

**COMMENT AND REVIEW PERIOD** - Interested parties are invited to provide comments on the proposed activity, which will become a part of the record and will be considered in the decision. **Comments should be mailed to:**

US Army Corps of Engineers  
Idaho Falls Regulatory Field Office  
900 N Skyline Drive, Suite A  
Idaho Falls, Idaho 83402-1700

**Or submitted via e-mail to:** [PortofLewiston-PN@usace.army.mil](mailto:PortofLewiston-PN@usace.army.mil)

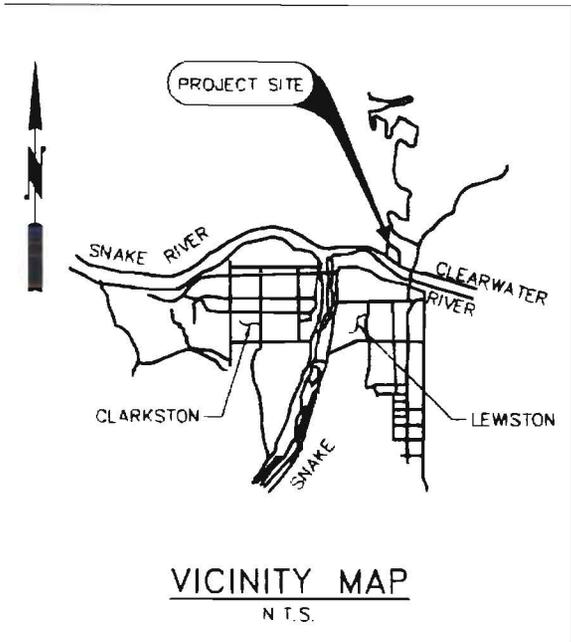
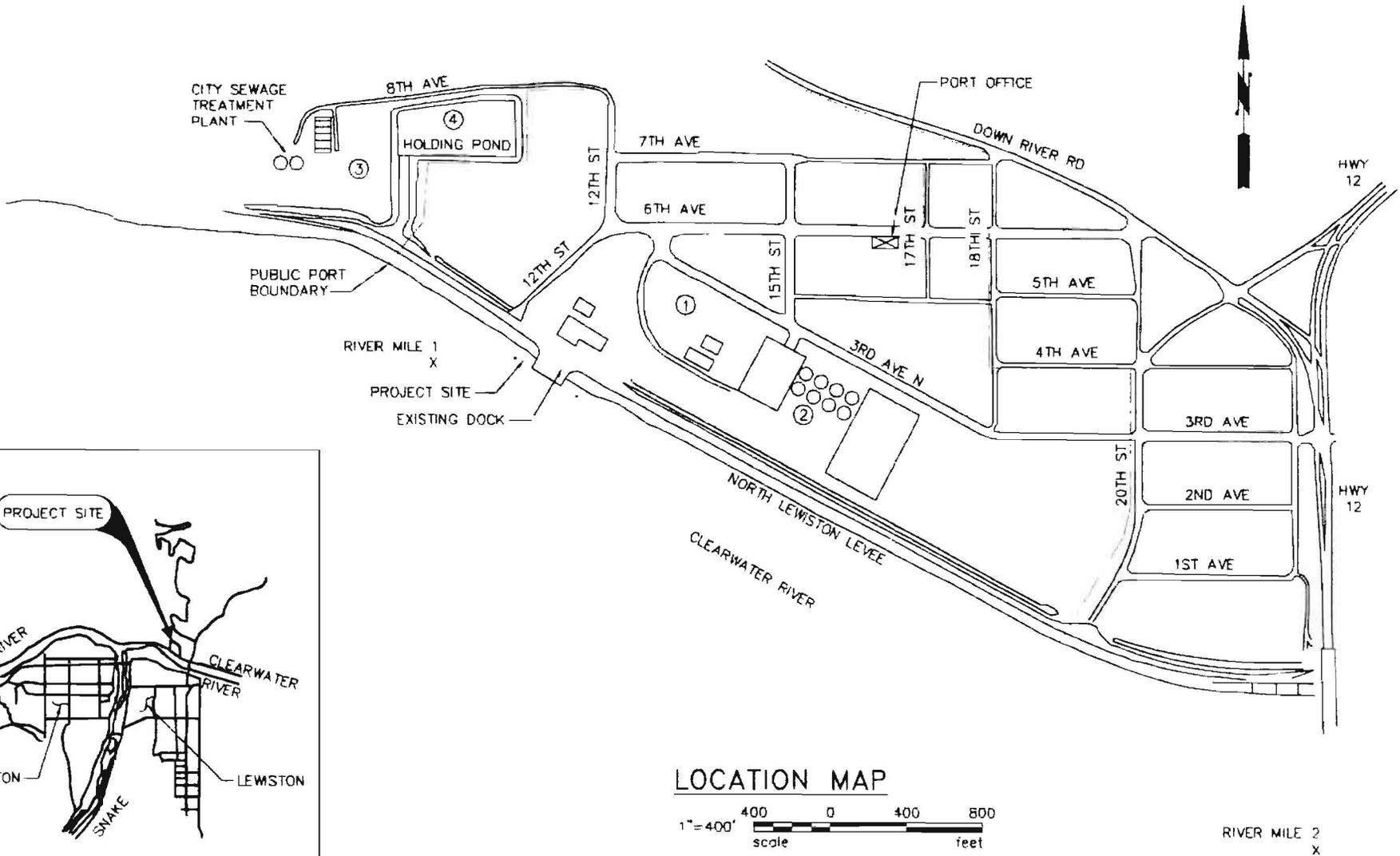
Comments should be received not later than the comments due date of this notice to receive consideration.



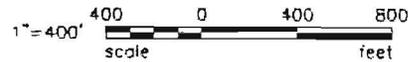
David B. Barrows  
Chief, Regulatory Division

SECTION, TOWNSHIP, AND RANGE

SECTION: 31  
TOWNSHIP: 36N  
RANGE: 5W



LOCATION MAP



RIVER MILE 2  
X

PURPOSE: Provide Expanded Barge Docking Facilities for Container Yard

DATUM: NAD 29, OHWM=738 FT.

LAT: 46°25'29" LONG 117°0'57"

ADJACENT PROPERTY OWNERS:

- ① REIDNER, ② LYONS, ③ CITY OF LEWISTON,
- ④ US ARMY CORP OF ENGINEERS

FIGURE 1  
LOCATION AND VICINITY MAPS



Proposed Construction of Barge Dock Extension  
**File No. NWW-2010-213-W04**

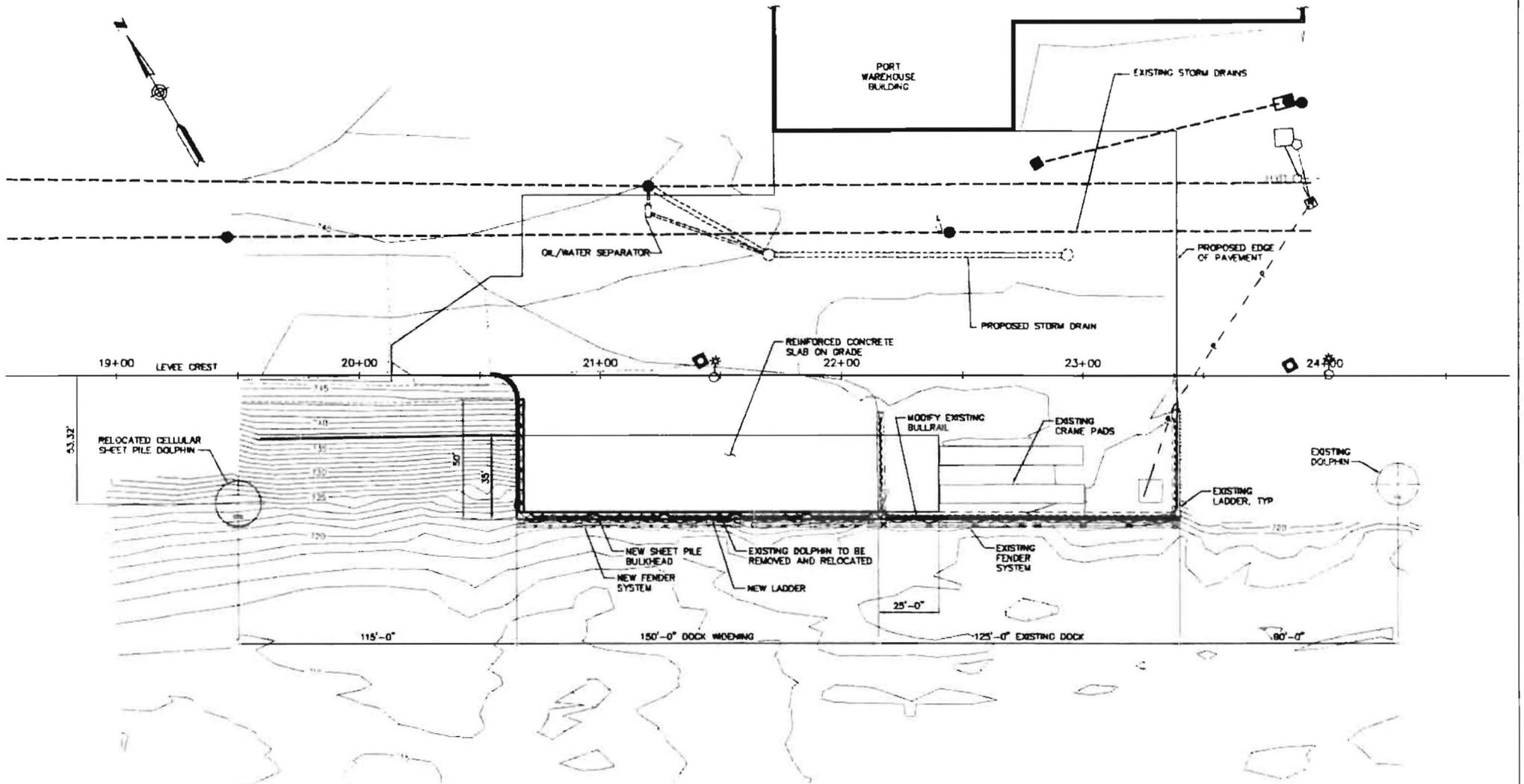
IN: Clearwater River at RM 1

AT: Port of Lewiston

COUNTY: Nez Perce

APPLICATION BY: Port of Lewiston

DATE: MARCH 2011 SHEET: 1 OF 7



1 PLAN - GENERAL ARRANGEMENT  
SCALE: NTS

PURPOSE: Provide Expanded Barge Docking Facilities for Container Yard

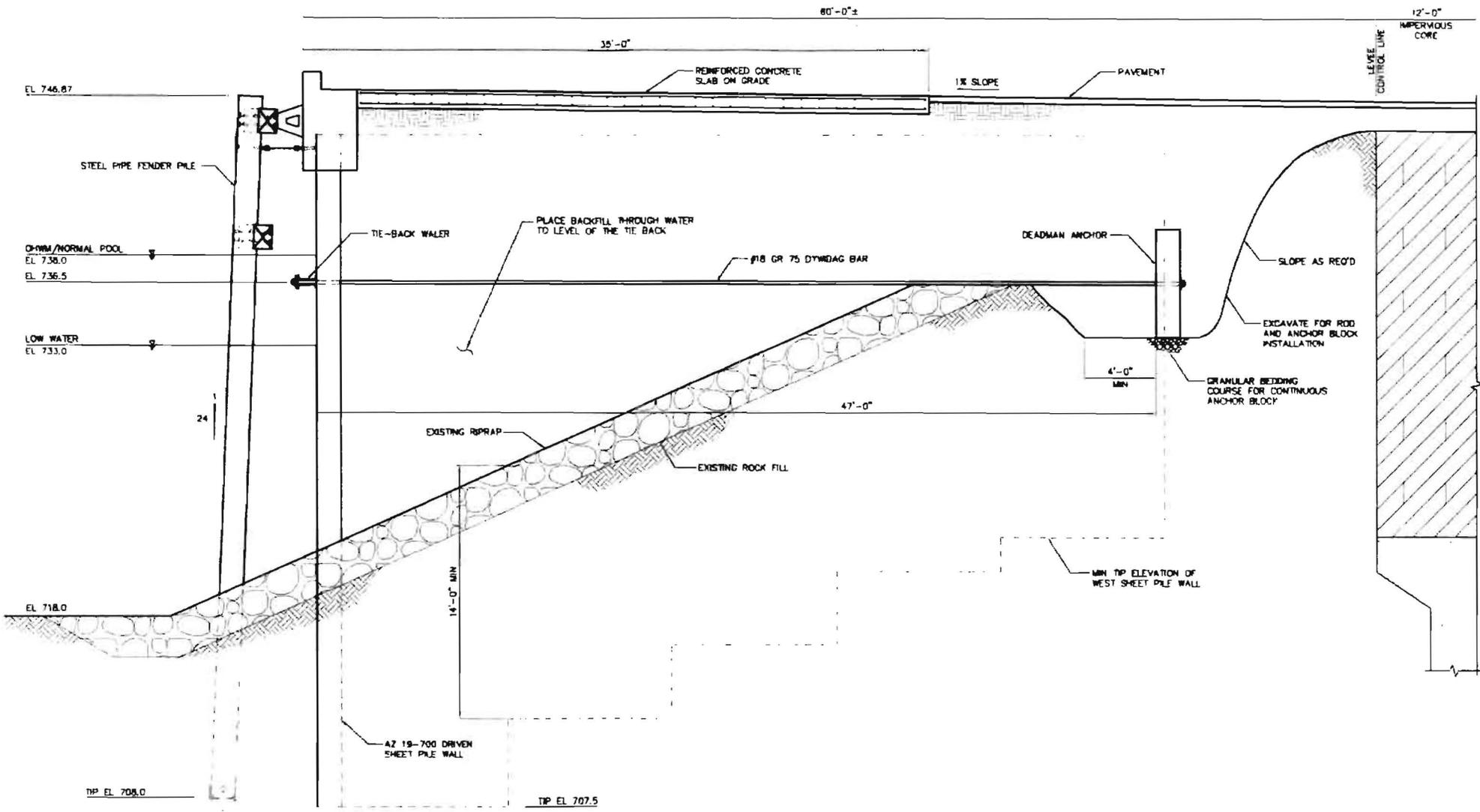
DATUM: NAD 29, OHWM=738 FT.  
LAT: 46°25'29" LONG 117°0'57"  
ADJACENT PROPERTY OWNERS:  
REIDNER, LYONS, CITY OF LEWISTON,  
US ARMY CORP OF ENGINEERS

FIGURE 2  
GENERAL ARRANGEMENT



Proposed Construction of Barge Dock Extension  
**File No. NWW-2010-213-W04**

IN: Clearwater River at RM 1  
AT: Port of Lewiston  
COUNTY: Nez Perce  
APPLICATION BY: Port of Lewiston  
DATE: MARCH 2011 SHEET: 2 OF 7



**A** SECTION - TYPICAL DOCK EXTENSION  
SCALE: NTS

PURPOSE: Provide Expanded Barge Docking Facilities for Container Yard

DATUM: NAD 29, OHWM=738 FT.  
LAT: 46°25'29" LONG: 117°0'57"

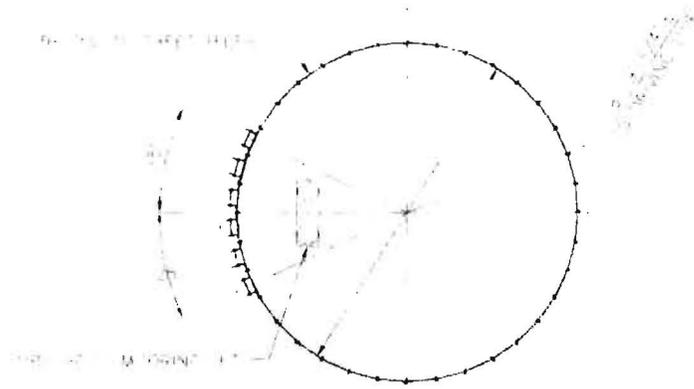
ADJACENT PROPERTY OWNERS:  
REIDNER, LYONS, CITY OF LEWISTON,  
US ARMY CORP OF ENGINEERS

FIGURE 3  
TYPICAL DOCK SECTION

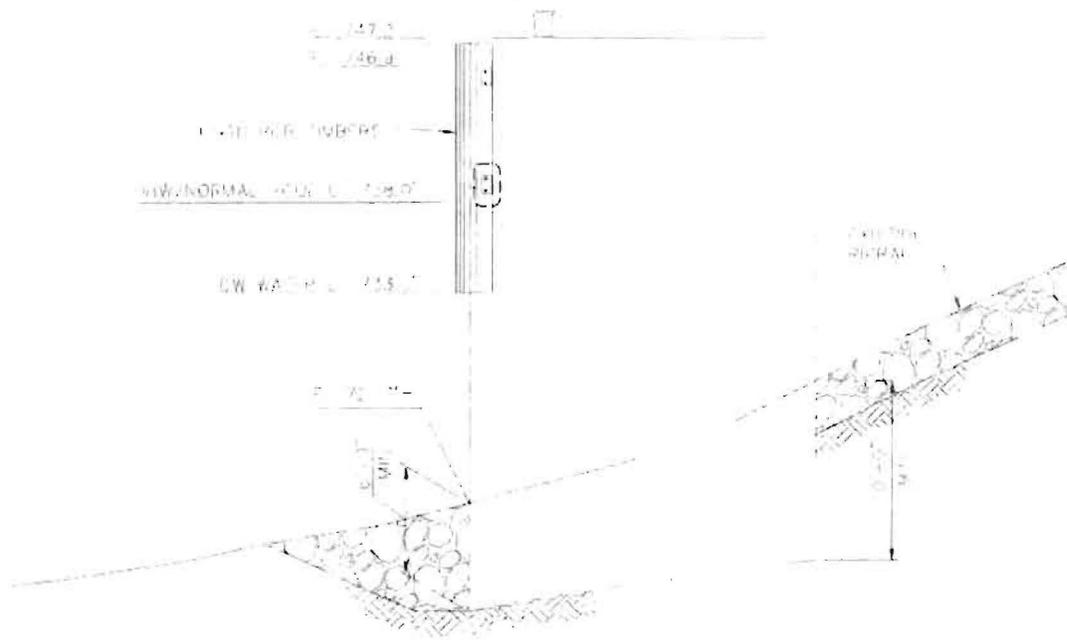


Proposed Construction of Barge Dock Extension  
**File No. NWW-2010-213-W04**

IN: Clearwater River at RM 1  
AT: Port of Lewiston  
COUNTY: Nez Perce  
APPLICATION BY: Port of Lewiston  
DATE: MARCH 2011 SHEET: 3 OF 7



PLAN - DOLPHIN  
SCALE: 1/8" = 1'-0"



ELEVATION - DOLPHIN  
SCALE: 1/8" = 1'-0"

PURPOSE: PROVIDE EXPANDED BARGE DOCKING FACILITIES FOR CONTAINER YARD.

DATUM: NAD 29, OHWM= 738 FT.  
LAT: 46°25'29" LONG: 117°0'57"

ADJACENT PROPERTY OWNERS:  
REIDNER, LYONS, CITY OF LEWISTON,  
US ARMY CORP OF ENGINEERS

FIGURE 4 - DOLPHIN DETAILS



1626 6TH AVENUE N.  
LEWISTON, IDAHO 83501  
208-742-5531

PROPOSED CONSTRUCTION OF  
BARGE DOCK EXTENSION

File No. NWW-2010-213-W04

IN: CLEARWATER RIVER AT RM 1  
COUNTY OF: NEZ PERCE STATE OF: ID  
APPLICATION BY: PORT OF LEWISTON  
SHEET 4 OF 7 MARCH 2011



Photo 1: Aerial photo of Port of Lewiston and surrounding area.



Photo 2: Photo looking southeast upstream of the Clearwater River toward the Port of Lewiston Dock. Notice the abundance of rip-rap along the shoreline with no complex habitat features.

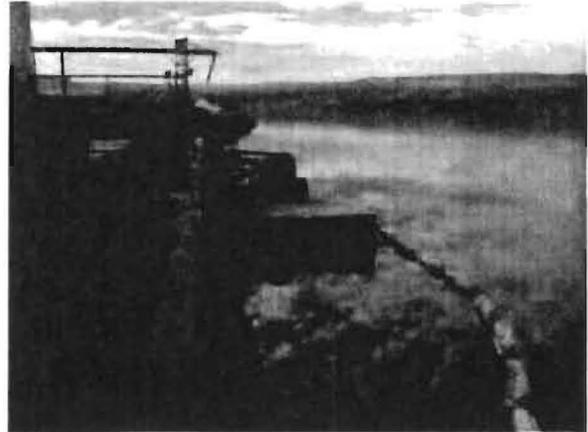


Photo 3: Photo looking southeast upstream along existing Port of Lewiston dock. Photo depicts fender system repair that took place during summer 2010.

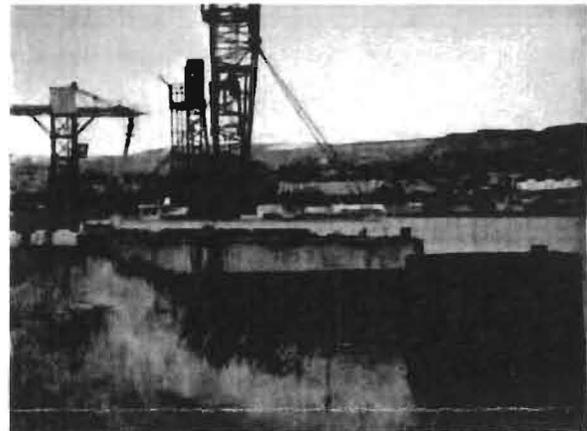


Photo 4: Photo looking southeast upstream of the Clearwater River at west end of the Port of Lewiston Dock. Notice the large crane used for loading and unloading ships depicting heavy industry.



Photo 5: Photo looking northwest downstream along existing Port of Lewiston Dock showing section where the dock will be extended.

PURPOSE: PROVIDE EXPANDED BARGE DOCKING FACILITIES FOR CONTAINER YARD.

DATUM: NAD 29, OHWM= 738 FT.  
LAT: 46°25'29" LONG: 117°0'57"

ADJACENT PROPERTY OWNERS:  
CARGILL, LEWIS, EDDINS, MCCANN,  
CITY OF LEWISTON,  
US ARMY CORP OF ENGINEERS

FIGURE 5 - PHOTOGRAPHS

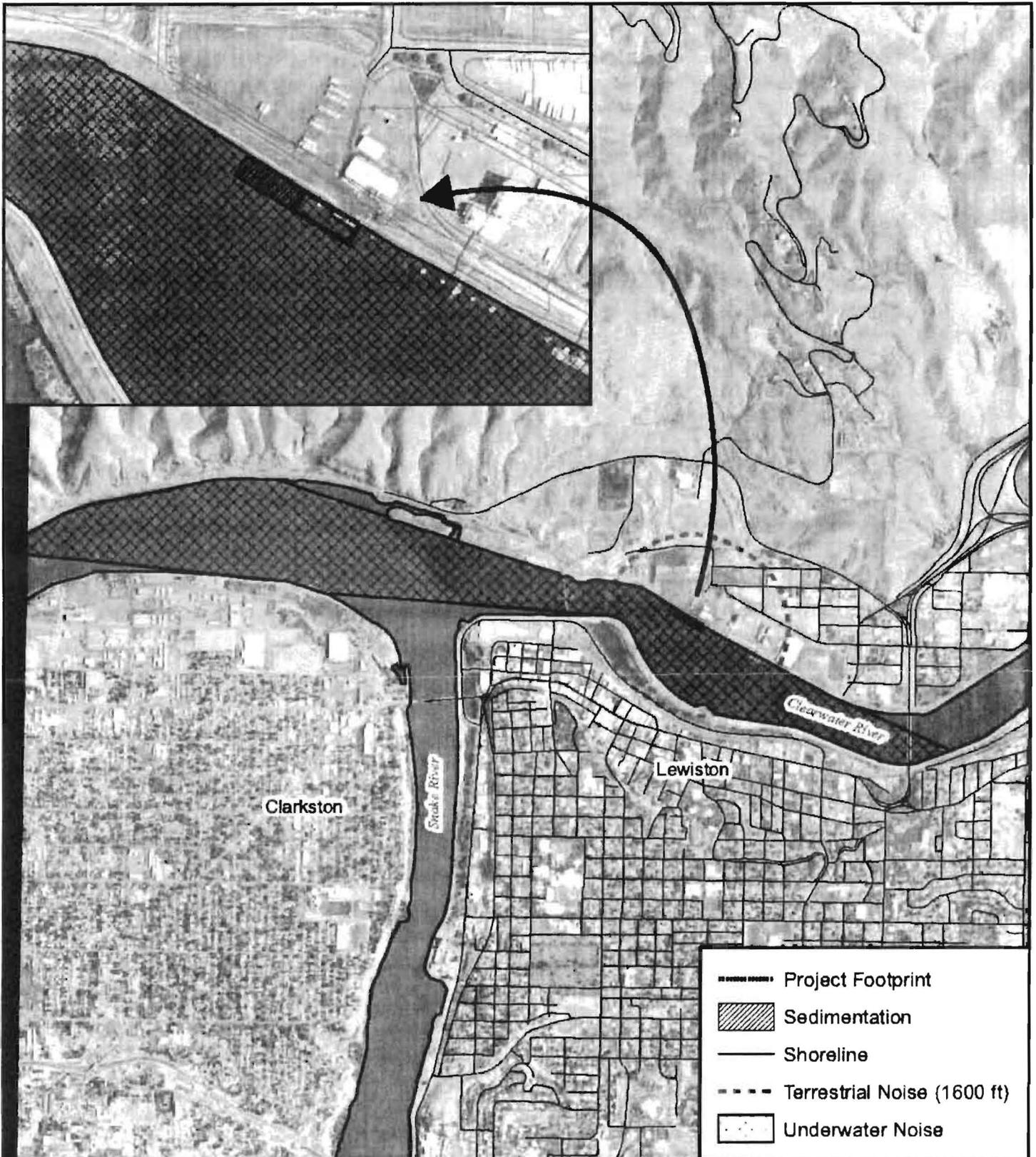
 Port of  
**Lewiston**

1626 6TH AVENUE N.  
LEWISTON, IDAHO 83501  
208-742-5531

PROPOSED CONSTRUCTION OF  
BARGE DOCK EXTENSION

File No. NWW-2010-213-W04

IN: CLEARWATER RIVER AT RM 1  
COUNTY OF: NEZ PERCE STATE OF: ID  
APPLICATION BY: PORT OF LEWISTON  
SHEET 5 OF 7 MARCH 2011



PURPOSE: PROVIDE EXTENDED BARGE DOCKING FACILITIES FOR CONTAINER YARD.

DATUM: NAD 29, OHWM= 738 FT.  
LAT: 46°25'29" LONG: 117°0'57"

ADJACENT PROPERTY OWNERS:  
REIDNER, LYONS, CITY OF LEWISTON,  
US ARMY CORP OF ENGINEERS

FIGURE 6 - ACTION AREA

# Port of Lewiston

1626 8TH AVENUE N  
LEWISTON, IDAHO 83501  
208-742-5531

PROPOSED CONSTRUCTION OF  
BARGE DOCK EXTENSION

0 0.25 0.5 1 Miles

File No. NWW-2010-213-W04

IN: CLEARWATER RIVER AT RM 1

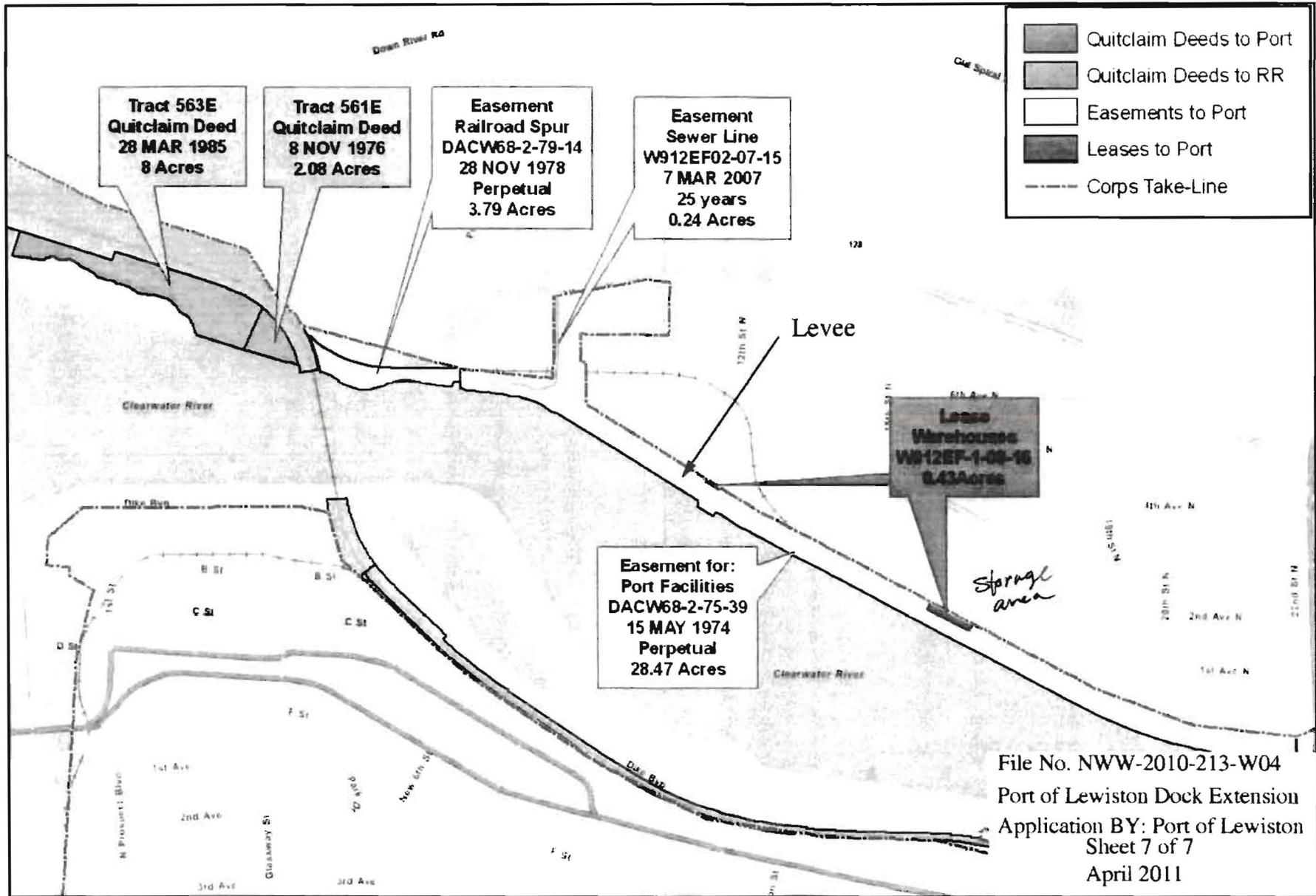
COUNTY OF: NEZ PERCE

STATE OF: ID

APPLICATION BY: PORT OF LEWISTON

SHEET 6 OF 7

MARCH 2011



Prepared by **John Gordon**  
Clarkston Natural Resources Office  
100 1st St, Clarkston, WA 99403  
john.l.gordon@usace.army.mil  
509.751.0252



**Port of Lewiston**  
**Quitclaim Deeds, Leases and Easements**  
April 6, 2011

This product was produced from geospatial information by the U.S. Army Corps of Engineers. Geospatial data and products may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. Using this product for purposes other than those for which it was intended may yield inaccurate or misleading results. The U.S. Army Corps of Engineers assumes no liability for correctness or accuracy and reserves the right to correct, update, or modify geospatial data and/or products without notification.