

ENVIRONMENTAL INFORMATION DOCUMENT ADDENDUM No. 2

FOR

HAUSER LAKE WATER SYSTEM

SUBMITTED TO THE HAUSER LAKE WATER ASSOCIATION

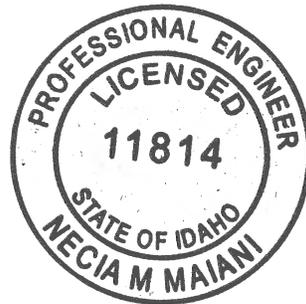
MARCH 2014

ENVIRONMENTAL INFORMATION DOCUMENT ADDENDUM No. 2

HAUSER LAKE WATER SYSTEM
PROJECT No. 41169

SUBMITTED TO THE:

HAUSER LAKE WATER ASSOCIATION



Necia Maiani
3/28/14

MARCH 2014

PREPARED BY:



350 E. Kathleen Avenue
Coeur d'Alene, ID 83815
208-664-9382 ♦ 208-664-5946 Fax
E-Mail: wc@welchcomer.com

1. INTRODUCTION

1.1. ORIGINAL PROJECT

The selected system improvement option that was described in Chapter 3 of the May 2012 Environmental Information Document (EID) for Hauser Lake Water System was defined as Option 3A and then amended in November 2012 to reflect a revision to the tank site location from what was called the Advent tank site to the Taylor property. The selected improvement option included the following improvements:

1. Construction of a new 300,000 gallon storage tank at the “Taylor” Tank Site which would provide gravity storage to the main service area.
2. Construction of approximately 2,600 lineal feet of transmission main to tie the new storage tank into the water system.
3. Replacement of the existing Well No. 1 pump with a new pump that will pump directly to the storage tank with a capacity of 1,000 gpm.
4. Addition of pump capacity at the Woodlake Booster to meet fire flow requirements.
5. The EID also includes numerous improvements to the distribution system required to correct various deficiencies, as follows:
 1. Fire Flow Capacity
 2. Transmission Capacity
 3. Front Currently Served Lots
 4. Upsize 4 inch Mains

1.2. PROJECT COMPONENT SITE CHANGE

The proposed modifications to the project impact improvement item 5 listed above and is described further herein.

1.2.1. *BACKGROUND*

In 2013, the Hauser Lake Water Association (Association) was contacted by the Post Falls Highway District (Highway District) and asked to relocate an existing waterline that would be impacted by a planned Highway District project. This relocation project was not anticipated at the time of the development of the Facility Plan and EID and thus is not included in the list of distribution improvements recommended in Section 4.1.1.5 of the Facility Plan and Section 3.1 and 3.2 of the EID.

The Highway District has jurisdiction over much of the road right of way located within the Association’s service area. An existing bridge exists at the Hauser Lake outlet¹ (Outlet) and Cliff House Road. This bridge is an open bottom culvert and the Highway District plans to remove and replace it with a longer culvert in order to increase the bridge width.

¹ The Hauser Lake outlet is also referred to by some as Hauser Creek, although Hauser Creek is technically located to the north of the Lake. All references to the Hauser Lake outlet or Hauser Creek apply to the same stream, within this document.

The Association owns, operates and maintains an existing 8 inch waterline located within the Highway District right of way, next to the bridge. This waterline is currently suspended above the Outlet on concrete supports. The new bridge will be widened to extend within 2 feet of the existing road right of way. The Association intends to relocate the waterline below ground and ideally outside of the footprint of the expanded bridge.

The purpose of locating the waterline outside of the bridge footprint is to maintain access to the waterline. In order to do this, it is necessary for the Association to obtain an easement from the adjacent property owner, which is Kootenai County. The Association has made contact with the County Commissioners and the Commissioners have indicated that they are agreeable to providing an easement for the new waterline.

1.2.2. ADDITIONAL SCOPE OF SERVICES

The Highway District's proposed culvert replacement will require the Association to remove the existing 8 inch waterline crossing the Outlet. The length of the existing crossing is approximately 100 feet.

The Association intends to install a new section of waterline approximately 100 feet in length. The new waterline will have an equivalent inside diameter of 10 inches.

1.2.3. ALTERNATIVES REVIEWED

Relative to the proposed Outlet crossing, the following options were reviewed:

1. Bore: This option would include completion of a bore below the Outlet bottom. The estimated engineer's opinion of probable project costs for this option is approximately \$99,500.

This option was initially considered in order to address the possibility that the Association would not be able to obtain an easement from the County. This option would allow the new waterline to be bored within the existing right of way below the footings for the new culvert. Additionally, this option would allow construction of the waterline to occur outside of the construction window for the Highway District's project. Lastly, it should be noted that this option would minimize impacts of the new waterline installation on the existing Outlet bed.

2. Open-Cut: This option would include an open cut of the Outlet to install the new waterline. The estimated engineer's opinion of probable project costs for this option is approximately \$82,000.

This option was considered in order to reduce project costs. During installation of the new culvert for the bridge, the Outlet bed will be disturbed. The Highway District plans to construct a dam to prevent water from crossing into the construction site. The Highway District has expressed their interest in working with the Association in order to allow the Association to complete the waterline replacement while the Outlet is dammed.

3. Do-Nothing: The do nothing option is not a feasible option. If the Association does nothing, the existing waterline will be removed during the bridge widening and there will be no way to serve the Association's customers located north of the Outlet.

1.2.4. SELECTED OPTION

Considering that the County Commissioners have agreed to allow an easement for installation of a new waterline, the engineer's opinion of probable project costs, as well as the Highway District's willingness to allow the Association to coordinate the waterline replacement with the culvert installation, the recommended option is an open cut of the Outlet².

The tables provided on the next pages provide a comparison of the options reviewed and a breakdown of the estimated project costs. Further information is provided in Appendix A.

² Both the bore and open cut options have been evaluated within this document.

Hauser Lake Water Association
Hauser Creek Waterline Replacement
2/4/2014

| | A | B | C |
|----|--|--------------------------------------|------------------------|
| 3 | <i>Table 1: Alignment within Highway ROW vs. Easement from County</i> | | |
| 4 | | Stay in District Right of Way | Obtain Easement |
| 5 | Bore | X | |
| 6 | Trench | X | X |
| 7 | Permit from Highway District | X | |
| 8 | Easement from County | | X |
| 9 | Coordination with Highway District | X | X |
| 10 | Waterline below Culvert Footings | X | |
| 11 | Waterline subject to Future Relocation | X | |
| 12 | | | |
| 13 | <i>Table 2: Comparison of Trench vs. Bore Costs</i> | | |
| 14 | | Trench in Easement | Bore in ROW |
| 15 | Easement/ROW | \$2,800.00 | |
| 16 | Environmental Document ¹ | \$3,200.00 | \$3,200.00 |
| 17 | Permits ¹ | \$500.00 | \$500.00 |
| 18 | Wetland Delineation | Not Anticipated | Not Anticipated |
| 19 | Design | \$5,350.00 | \$5,350.00 |
| 20 | Bid | \$3,150.00 | \$3,150.00 |
| 21 | Construction Admin | \$10,270.00 | \$10,270.00 |
| 22 | Construction | \$49,000.00 | \$68,000.00 |
| 28 | 10% Contingency | \$7,427.00 | \$9,047.00 |
| 29 | Engineer's Opinion of Total Probable Project Costs | \$81,697.00 | \$99,517.00 |
| 30 | 1. Based on preliminary conversations with the Corps, a joint permit is not anticipated as a requirement since | | |
| 31 | this work is less than 500 lineal feet and would fall under the NWP 12. Permit costs above reflect minor consultations. | | |
| 32 | 2. Construction estimates based on estimates provided by S and L Underground. See attached. | | |

S & L Underground, Inc.

S & L Underground, Inc.
66304 Hwy 2
P.O. Box 1952
Bonners Ferry, ID 83805
208-267-7996 – Office
208-267-8097 – fax
admin@slunder.com

Attention: Karen Osterdock
Welch Comer Engineering
350 East Kathleen Ave.
Coeur d'Alene, ID 83815
208-664-9382 – Office
208-664-5946 – Fax
kosterdock@welchcomer.com

November 25, 2013

RE: Cliff House Road Waterline Replacement

We are submitting a breakdown for the cost of the Cliff House Road Waterline Replacement for your consideration.

1 – Bore Quote

| | |
|-----------------------------------|-------------------|
| Mobilization.....LS | \$5,000.00 |
| 12" HDPE Bore.....LS | \$40,000.00 |
| 2 – Tie-in @ \$4,500.00/EA.....EA | \$9,000.00 |
| Testing.....LS | \$3,000.00 |
| Traffic Control.....LS | <u>\$1,500.00</u> |
| Sub total | \$58,500.00 |
| 15% P/O | <u>\$8,775.00</u> |
| TOTAL | \$67,275.00 |

2 – Open Cut Quote

| | |
|------------------------------------|-------------------|
| Mobilization.....LS | \$5,000.00 |
| 12" HDPE.....LS | \$24,000.00 |
| 2 – Tie-ins @ \$4,500.00/EA.....EA | \$9,000.00 |
| Testing.....LS | \$3,000.00 |
| Traffic Control.....LS | <u>\$1,500.00</u> |
| Sub total | \$42,500.00 |
| 15% P/O | <u>\$6,375.00</u> |
| TOTAL | \$48,875.00 |

If you have any questions regarding this breakdown, please call me at the office at (208) 267-7996 or on my cell at (208) 699-1596.

Sincerely,
Shem Johnson

2. UPDATED INFORMATION

This section includes environmental information that is now outdated or is changing due to the proposed water main crossing at the Outlet. Any information not included here is assumed not to have changed from the original document or Addendum No. 1.

2.1. PHYSICAL ASPECTS

The proposed water main crossing at the Outlet will occur within the existing proposed project planning area and the area of potential effect. Thus, the PPPA/APE boundary will not change as a result of crossing.

The proposed site for the crossing is located across the Outlet and is fairly flat around the crossing. The crossing will cause temporary disturbance of the topography but is not anticipated to change the topography significantly. There are no known physical conditions that will be adversely affected by this construction or that will present difficulties for the project.

2.2. PLANTS AND WILDLIFE

An updated list of endangered, threatened, and candidate species for Kootenai County was obtained from the US Fish and Wildlife Services website and is included in Appendix B.

3. ANTICIPATED ENVIRONMENTAL IMPACTS

This section includes any of the environmental impact information that is changing due to the proposed water main crossing at the Outlet. Any information not included here is assumed not to have changed from the original document, Addendum No.1 or be impacted by the site change.

3.1. PHYSICAL ASPECTS

The proposed crossing site will require disturbance of existing ground (approximately 20 feet wide in the case of trenching method or small areas for the bore pits in the case of boring method). After construction, the terrain will be returned to its original contours and vegetation reestablished. Best Management Practices (BMPs) will be utilized during construction to reduce the potential of erosion and to stabilize the site until vegetation is re-established. There are no known physical conditions that will be adversely affected by this construction or that will present difficulties for the project.

Therefore, short-term direct impacts are anticipated (due to temporary disturbance related to excavation), but indirect, long-term, or cumulative impacts are not anticipated.

3.2. WETLANDS

BMPs will be utilized to protect the water quality of the wetlands and to prevent sediment from leaving the construction site. Additionally, the culvert replacement project has obtained permit coverage with the following conditions: (1) work shall be done in the dry, or during low flows, and (2) flowing water shall be diverted around the work site to reduce turbidity and downstream impacts.

The Army Corps of Engineers provided consultation regarding the wetland locations for the crossing project for both trenching and boring³.

- **Trenching:** This is authorized under Nationwide Permit 12 (refer to Appendix C). A joint permit application⁴ for coverage under this NWP is only required under certain conditions; the most applicable condition for the application to this project is the 500 foot limit (if the project is under 500 feet, a permit application is not necessary). However, it will be necessary to comply with all conditions of the permit.
- **Boring:** Compliance with Nationwide Permit 12 would not be necessary under this option since there would be no discharge of fill into Waters of

³ The trenching method would involve discharging fill into a Water of the United States (Hauser Lake outlet), whereas the boring method would not involve discharging fill into a Water of the United States.

⁴ Joint Permit Application is submitted to the Army Corps of Engineers, Idaho Department of Lands, and the Idaho Department of Water Resources (as appropriate jurisdiction dictates). This permit application is considered a “pre-construction notification” for the Corps and is only required under certain conditions.

the United States. Thus, nothing further would be required for this option.

Refer to Appendix C for correspondence with the Corps.

Therefore, short-term direct impacts are anticipated for wetlands due to potential for sediment to leave the construction site and enter wetlands (within the Hauser Lake outlet area), which will be mitigated through BMPs. Indirect, long-term, or cumulative impacts are not anticipated.

3.3. CULTURAL RESOURCES

The Idaho State Historical Preservation Officer (SHPO) was consulted regarding the proposed crossing. They indicated that the area has been significantly disturbed, and that the previous survey indicated a low potential for undiscovered historic properties. Thus, they determined that no historic properties would be present or affected. Lastly, Kootenai County was consulted and it seems that the area was originally owned by the Spokane Valley Irrigation Company and records indicate that the outlet was used as a canal and may not be a natural drainage.

If artifacts are discovered during the course of construction, all work will halt, and the Coeur d'Alene Indian Tribe Historic Preservation Officer (THPO) and SHPO will be contacted (as well as the consultant who conducted the survey for the original site). Mitigation may be further evaluated by these entities. In addition, the Coeur d'Alene Indian Tribe was consulted but did not provide any response. Refer to Appendix C for correspondence with the SHPO and the Tribe.

Therefore, no impacts (short-term, long-term, direct, indirect, or cumulative) are anticipated.

3.4. PLANTS AND WILDLIFE

The project area is not located in a critical habitat area and it is not anticipated that the species or habitat areas will be affected by the project. Refer to Appendix B for a memorandum regarding threatened and endangered species and essential fish habitat.

Therefore, no impacts to plants and wildlife (short-term, long-term, direct, indirect, or cumulative) are anticipated at this point.

3.5. SURFACE WATER HYDROLOGY

The primary surface water body that would be impacted is the Outlet. As mentioned above, the culvert replacement project's special permit conditions include reducing impacts to the outlet during construction. Additionally, BMPs will be utilized to protect the outlet and control erosion and sedimentation.

Therefore, short-term direct impacts are anticipated, but the Outlet will be protected utilizing BMPs. Long-term, indirect, or cumulative impacts are not anticipated.

4. ENVIRONMENTAL IMPACT MITIGATION

| Section | Regulatory Agency | Mitigation |
|--|---|---|
| 3.1 Physical Aspects | Idaho Department of Environmental Quality | Stormwater controls will need to be developed that adequately protect surface waters from being impacted during construction. |
| 3.2 Wetlands AND 3.5 Surface Water Hydrology | Army Corps of Engineers and Idaho Department of Environmental Quality | <p>The conditions of the permit obtained for the culvert replacement will need to be met and complied with, in conjunction with the culvert replacement responsible parties.</p> <p>The conditions of NWP 12 will need to be met if the boring method is to be utilized.</p> <p>Stormwater controls will need to be developed that adequately protect surface waters (specifically Hauser Lake outlet) from being impacted during construction.</p> |
| 3.3 Cultural Resources | Idaho SHPO and Coeur d'Alene THPO | If artifacts are discovered during the course of construction, all work will stop, and the Coeur d'Alene Indian Tribe and SHPO will be contacted (as well as the consultant who conducted the survey for the original site). Mitigation may be further evaluated. |

5. PUBLIC PARTICIPATION

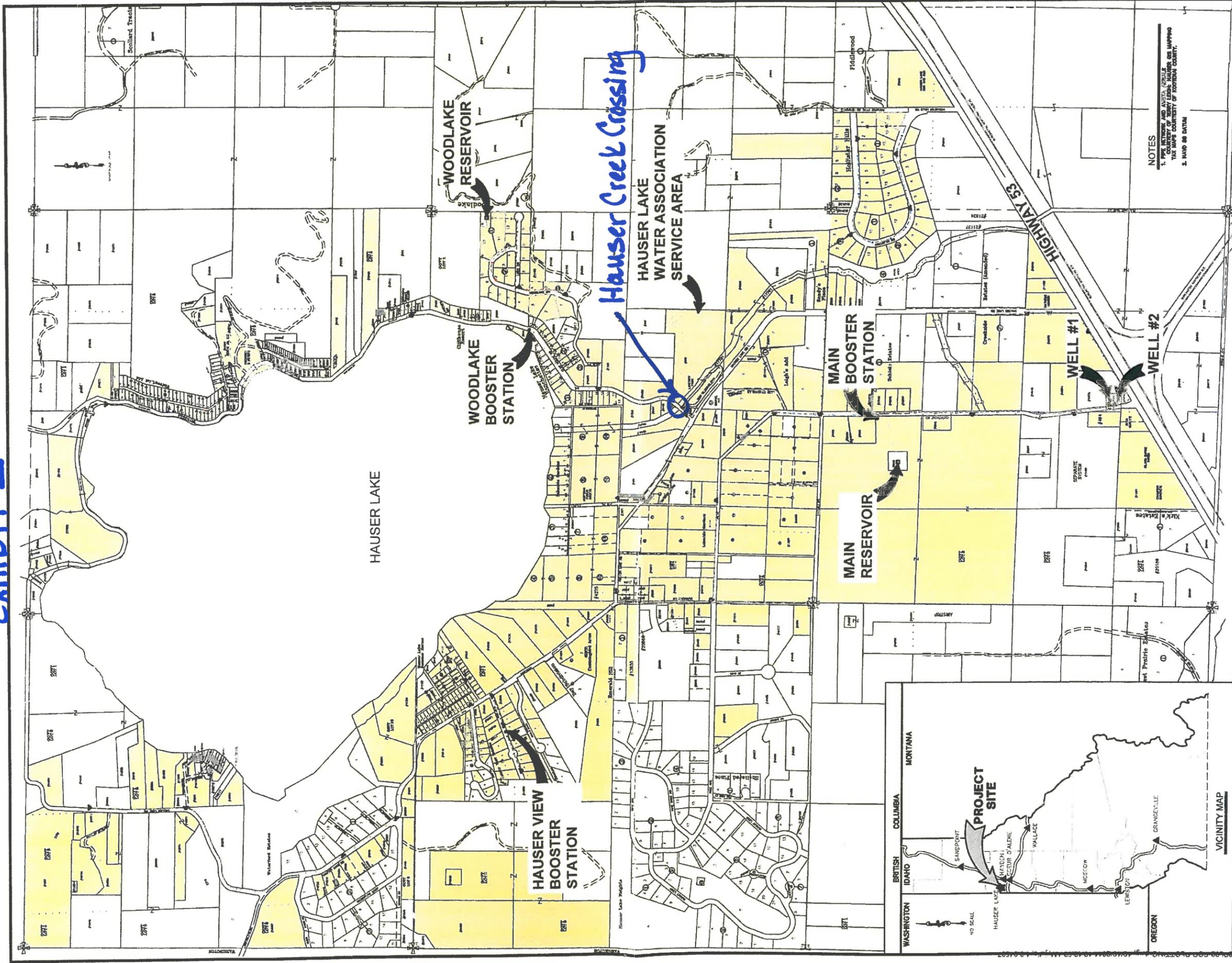
The Association plans to notify the public of the proposed changes through the Association's annual newsletter (mailed to each member in April). An official public comment period will not be completed since the project will not cause an increase in the allocated funds.

6. APPENDIX

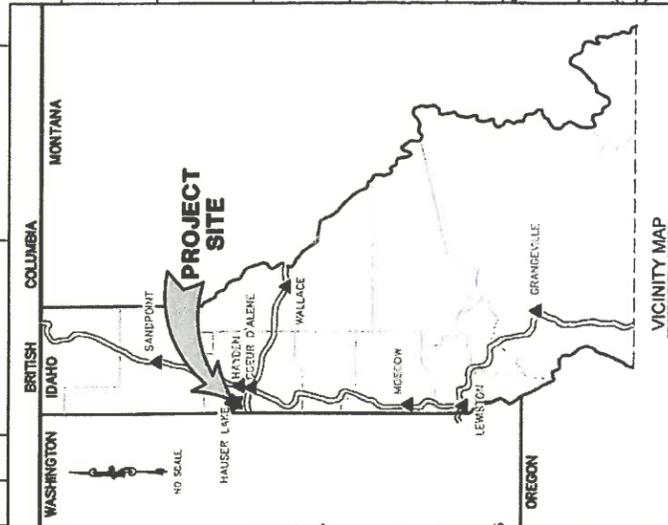
- A. Outlet Crossing Maps and Photos
- B. Plants and Wildlife Information (from DEQ)
- C. Agency Consultation Information

**APPENDIX A:
OUTLET CROSSING MAPS
AND PHOTOS**

Exhibit 1



NOTES
 1. PIPE NETWORK AND ASSOCIATED SERVICE AREAS SHOWN ARE BASED ON THE MOST RECENT AVAILABLE TAX MAPS OF TROUTEN COUNTY.
 2. HAND ON DATUM



HAUSER LAKE WATER ASSOCIATION EXISTING SYSTEM MAP

WELCH-COMER
 WATER & SEWER ENGINEERS
 208 6th Street
 Lewiston, ID 83501
 Phone: 208-843-5072
 Fax: 208-843-5073
 www.welchcomer.com

| | |
|--------------|------|
| PROJECT NO. | DATE |
| REVISION NO. | DATE |
| DESIGNED BY | DATE |
| CHECKED BY | DATE |
| APPROVED BY | DATE |
| DRAWN BY | DATE |
| SCALE | DATE |

Exhibit 2

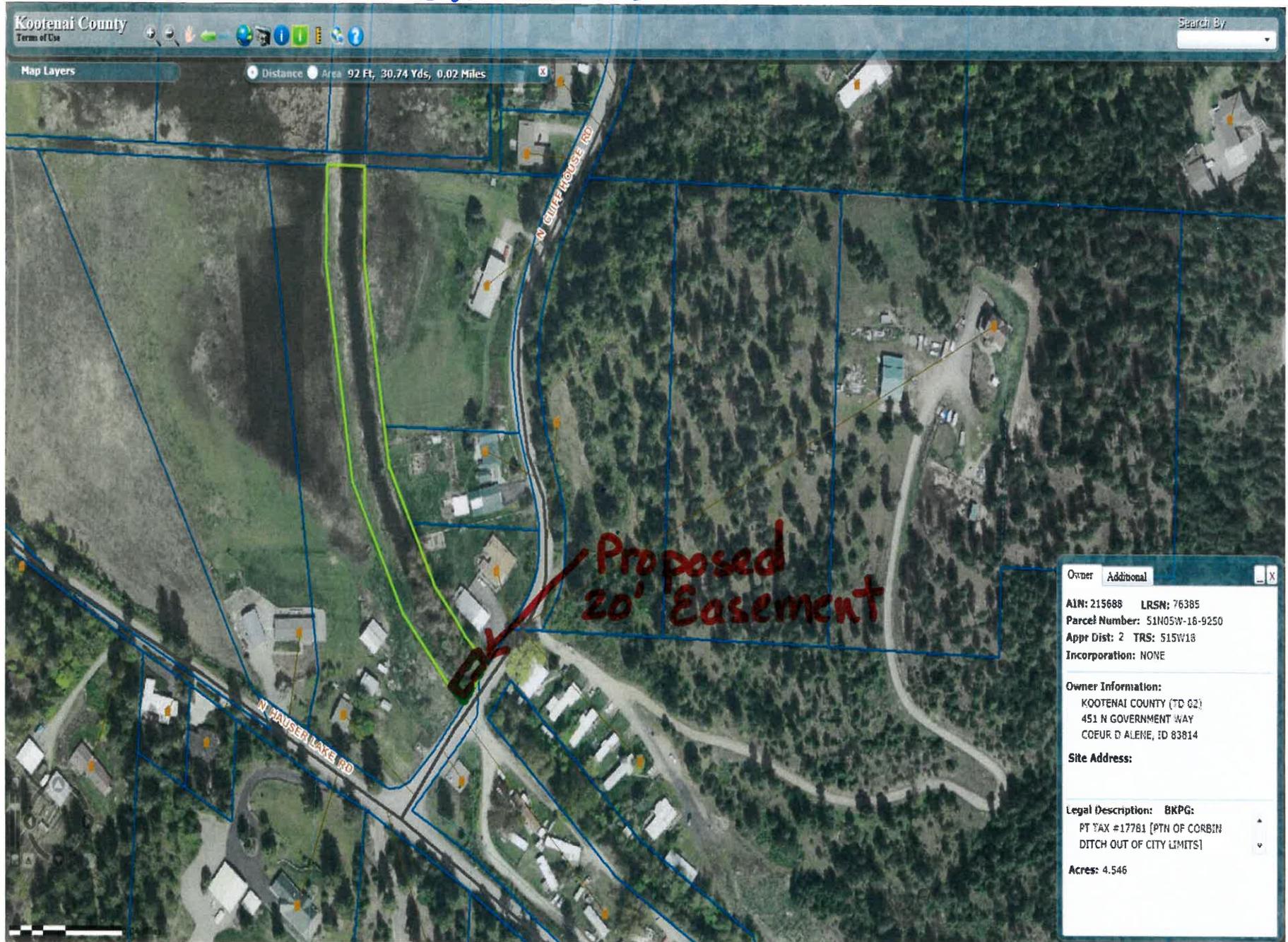
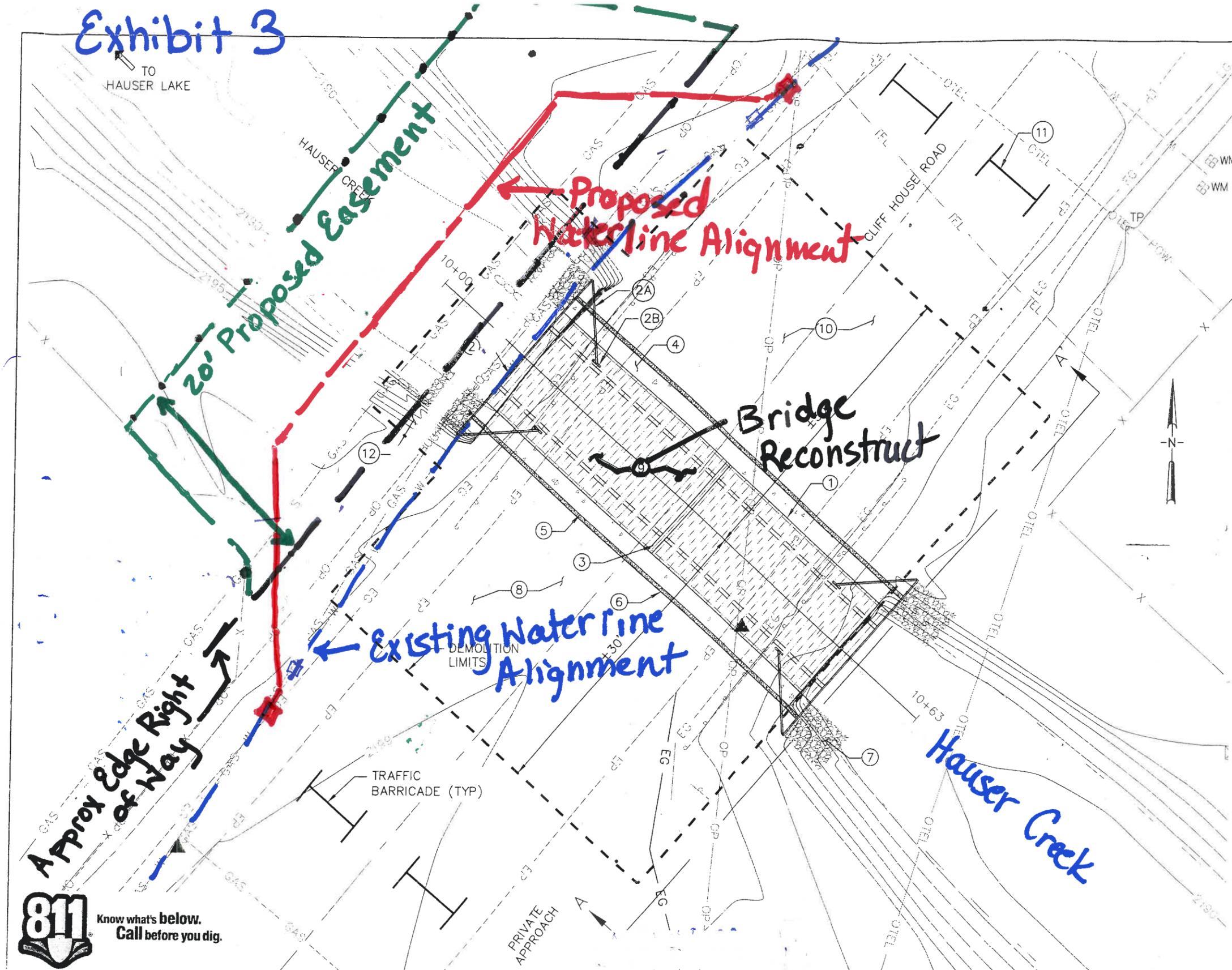


Exhibit 3



- LEGEND**
- ① INSTALL 138"W x 43'-6"L CMP ECOARCH PIPE ARCH SUPPLIED BY PFHD
 - ② INSTALL (2) 20'W x 81"H CMP END WALLS WITH TIE-BACKS (2A) AND ANGLE BRACING (2B)
 - ③ 6" OVERLAP BANDED/BOLTED CONNECTION
 - ④ INSTALL SUPERSILL EACH SIDE 3.5'W x 1.5'H x 44'L (2 @ 16' + 1 @ 12')
 - ⑤ PLACE ISPWC TYPE 4000B CONCRETE WITH 5" MAX. SLUMP, 6.5% AIR ENTRAINMENTS, AND 28 DAY COMPRESSIVE STRENGTH 4000 PSI IN SUPERSILLS
 - ⑥ INSTALL GEOCELL PERFORATED 8.5'W x 6"H x 23'L (CUT TO 4.25'W) TO BE INSTALLED WITH GRAVEL FILL (¾"(-) CRUSHED) COMPACTED TO 95% AASHTO T-99 PROCTOR OVER COMPACTED SUBGRADE
 - ⑦ RIPRAP (D₅₀ = 18") TYPICAL (4) LOCATIONS 5 CY EACH OF (4) LOCATIONS
 - ⑧ PLACE SELECT IMPORT STRUCTURAL FILL IN MAX. 12" LIFTS COMPACTED TO 95% AASHTO T-99 VOID AROUND PIPE ARCH TO EDGE OF DEMOLITION (ESTIMATED QUANTITY _____ CY)
 - ⑨ REPLACE STREAM BED GRAVEL UNDER PIPE ARCH WITH 1"-2½" FRACTURED GRAVEL 4" THICK - CONTRACTOR TO SUBMIT TO ENGINEER FOR APPROVAL OF GRAVEL
 - ⑩ POST FALLS HIGHWAY DISTRICT TO REMOVE EXISTING CULVERT, (2) HEADWALLS, PIERS, ABANDONED ABUTMENTS, CONCRETE BARRIER RAIL, ASPHALT, BASE, BALLAST, AND FILL.
 - ⑪ TRAFFIC CONTROL DEVICES, INCLUDING DETOUR SIGNS, TO BE PROVIDED BY PFHD AND MAINTAINED BY CONTRACTOR AFTER DEMOLITION UNTIL PROJECT COMPLETION
 - ⑫ REMOVE BRUSH AND SLOPE STREAM BANK TO 1:1 TO 1:1.5 TO MATCH EXISTING CONDITIONS. TYPICAL OF (4) LOCATIONS BY PFHD

Scale => 1" = 10'



| NO. | REVISION | BY | DATE | DESIGN BY: |
|-----|----------|----|------|-----------------|
| | | | | JJK |
| | | | | DRAWN BY: JJK |
| | | | | CHECKED BY: SDM |
| | | | | SCALE: JJK |

RUEN-YEAGER & ASSOCIATES, INC.
 CONSULTING ENGINEERS - LAND SURVEYORS - PLANNERS

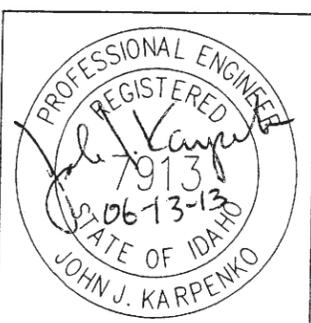
3201 N. HUETTER RD., STE. #102, COEUR D'ALENE, IDAHO 83814 (208)292-0820
 219 PINE ST. SANDPOINT, IDAHO 83864 (208)265-4629



**CLIFF HOUSE ROAD
 HAUSER CREEK CULVERT REPLACEMENT
 HAUSER, IDAHO**

SITE PLAN

| | |
|---------------|---------------|
| PROJECT: | P120106 |
| FILE NAME: | DE_DESIGN.DWG |
| PLOT DATE: | 5/31/13 |
| SHEET NUMBER: | C3 |













**APPENDIX B:
PLANTS AND WILDLIFE
INFORMATION (FROM DEQ)**

MEMO

TO: ASHLEY M. WILLIAMS, WELCH-COMER ENGINEERS
FROM: MIKE MAY
SUBJECT: HAUSER LAKE THREATENED/ENDANGERED SPECIES AND ESSENTIAL FISH HABITAT
DATE: MARCH 20, 2014

The proposed project for the Hauser Lake Water Association Drinking Water Improvements includes construction of a new storage tank, upsizing a well pump, converting a booster pump station to a pressure reducing valve station, installing an emergency generator and installing or replacing approximately 43,000 linear feet of distribution mains. Environmental information is being updated to address addition to the scope of a proposed replacement of a water main crossing of Hauser Creek, a distributary of Hauser Lake.

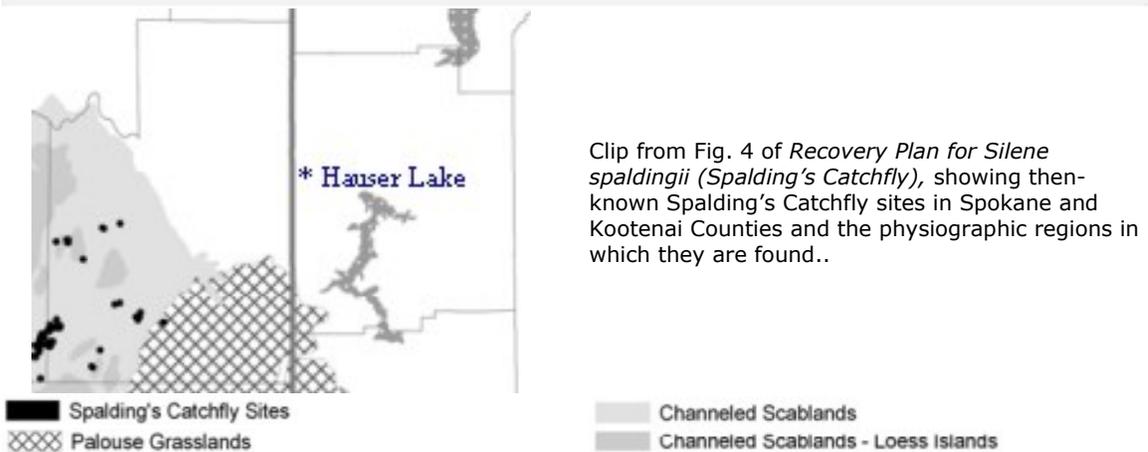
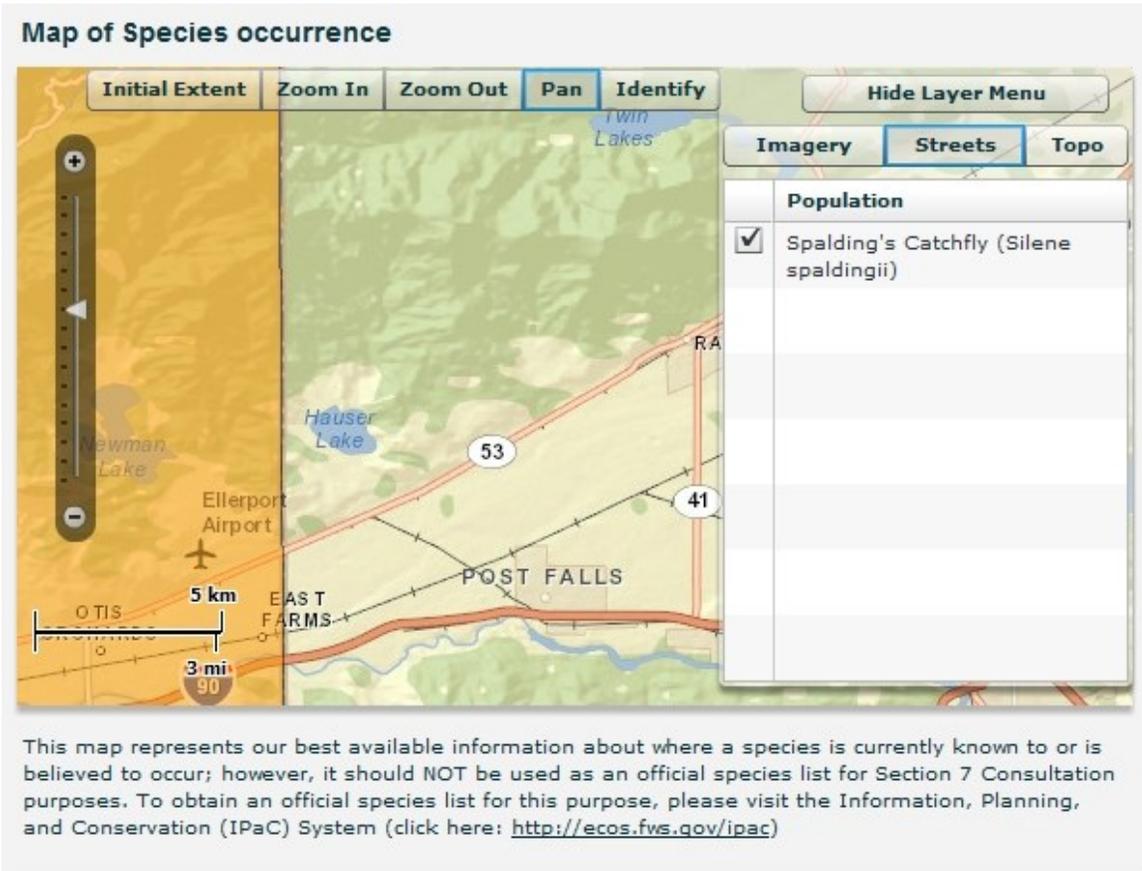
The project site is located in the Western Selkirk Maritime Forest ecoregion, absent of boreal influence and dominated by Douglas fir and Pacific species such as grand fir, western redcedar and western hemlock (McGrath, *et al.* 2002, *Ecoregions of Idaho*). The *Newman Lake 7.5 Minute Quadrangle* (USGS 1997) shows the lake elevation as 2,187 feet above sea level, with surrounding peaks ranging up to 2,735 feet. The January average snow depth at the nearby Coeur D'Alene weather station is 5 inches, with less snow cover in December, February and March, based on data from 1895 to 2013 (Western Regional Climate Center www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?id1956).

The U.S. Fish and Wildlife Service (USF&WS) threatened and endangered species list dated 03/18/2014 and email correspondence with the USF&WS Northern Idaho Field Office was used for determining endangered and threatened species within Kootenai County. Ben Conard of USF&WS indicated that none of the species below are present in the project area.

The following species are listed as threatened within Kootenai County:

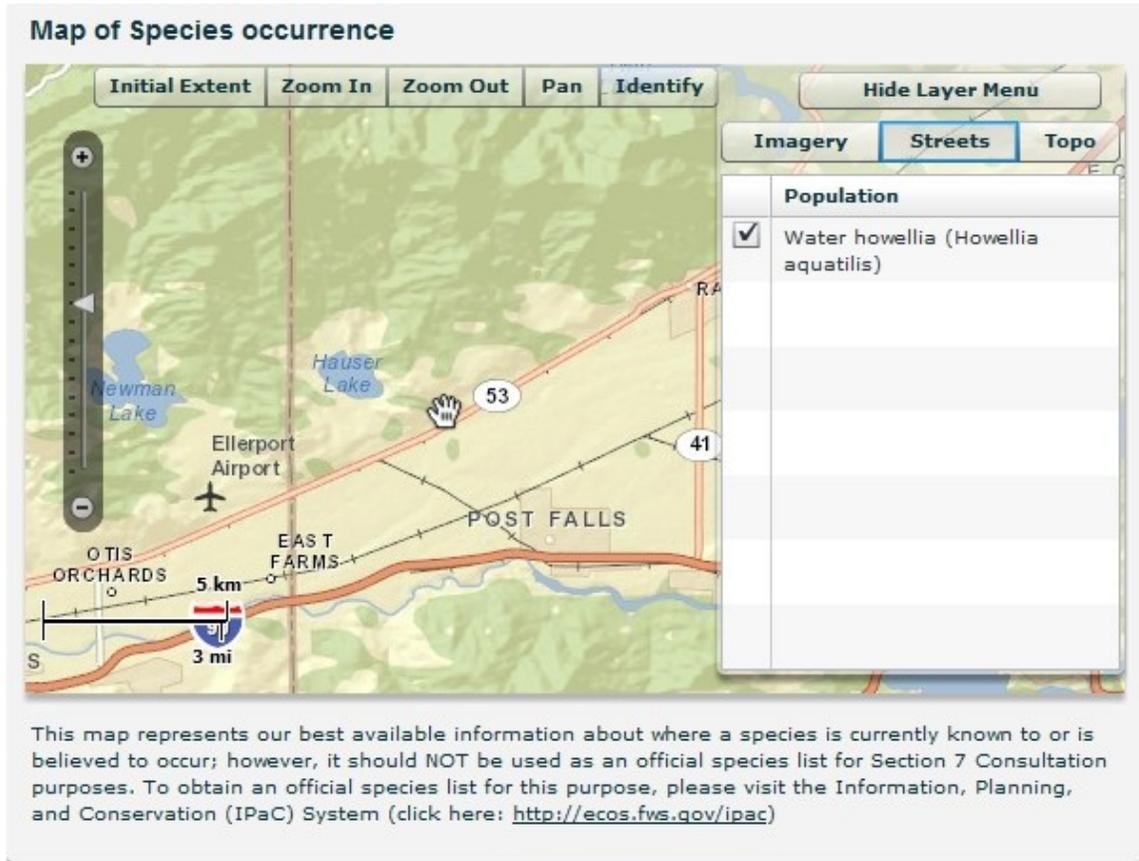
1. **Canada Lynx** (*Lynx canadensis*) – The Canada Lynx reside in boreal forest landscapes and provide one or more of the following beneficial habitat elements including snowshoe hares for prey, abundant, large, woody debris piles that are used as dens, and winter snow conditions that are generally deep and fluffy for extended period of time. The proposed project is located in suburban foothills environments not typical of boreal forests and having shallow winter snow depths. The proposed project will have “NO EFFECT” on the Canada Lynx.
2. **Bull Trout** (*Salvelinus confluentus*) – The project area does not contain critical habitat for bull trout (75FR63898, 2010). The Idaho Fish and Game Department does not list bull trout as a species present at Hauser Lake, although it does list rainbow trout <fishandgame.idaho.gov/ifwis/fishingPlanner/WaterInfo.aspx?qt=1&ID=83&WID=11637>. Hauser Lake discharges at its south end to Hauser Creek. The Newman Lake quadrangle indicates that it discharges to a series of ponds on the Rathdrum Prairie, and is thus isolated from the Spokane River and other surface waters. The proposed project will have “NO EFFECT” on Bull Trout.
3. **Spalding's Catchfly** (*Silene spaldingii*) – This herbaceous perennial is endemic to the Palouse region, and is found predominantly in Pacific Northwest bunchgrass grasslands and sagebrush-

steppe, and occasionally in open-canopy pine stands. The 2007 *Recovery Plan for Silene spaldingii* (*Spalding's Catchfly*) states that there were at that time 99 known populations, 66 of which were composed of fewer than 100 individual plants each <ecos.fws.gov/docs/recovery_plan/071012.pdf>. The USF&WS species mapper tool does not identify habitat in the immediate vicinity of Hauser Lake, but does indicate the entirety of nearby Spokane County as habitat. A map from the recovery plan (shown below) indicates that the populations known in 2007 were all southwest of Spokane. Therefore, the project will have “NO EFFECT” Spalding’s Catchfly.



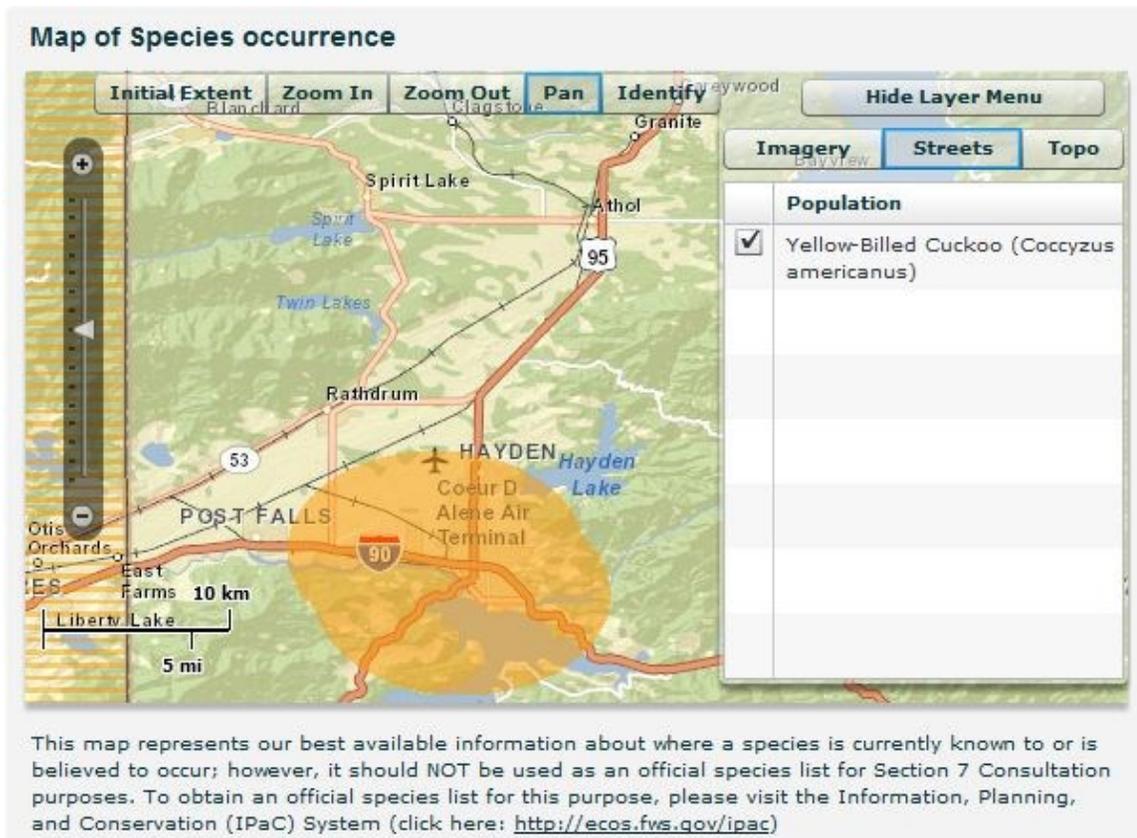
Clip from Fig. 4 of *Recovery Plan for Silene spaldingii* (*Spalding's Catchfly*), showing then-known Spalding's Catchfly sites in Spokane and Kootenai Counties and the physiographic regions in which they are found..

4. **Water Howellia** (*Howellia aquatilis*) – This winter annual grows in shallow water (1-2 meters) of wetlands often associated with glacial potholes and former oxbows that flood in the spring and are usually at least partly dry by late summer, since the seeds germinate when ponds are dry. The 1996 draft *Water Howellia (Howellia aquatilis) Recovery Plan* <ecos.fws.gov/docs/recovery_plan/960924.pdf> stated that it was currently found in Latah County and had historically (1892) been present in the vicinity of Spirit Lake in Kootenai County. The edges of Hauser Lake may provide a suitable habitat. However, the project will not disturb Hauser Lake, so it will have “NO EFFECT” on Water Howellia.



The following have been listed as Proposed Threatened Species:

1. **Yellow-Billed Cuckoo** (*Coccyzus americanus*) –Western cuckoos breed in large blocks of riparian habitats, particularly woodlands with cottonwoods and willows. Generally local and uncommon in scattered drainages of the arid and semiarid portions of western Colorado, western Wyoming, Idaho, Nevada and Utah. The Yellow-billed Cuckoo is known or believed by USFWS to be present in the near vicinity of the project area, as shown on the map below. However, USFWS also states that the species was considered a rare and local summer resident in Idaho, with only four records of Yellow-Billed cuckoo in northern and central Idaho over the last century. The majority of sightings have been in the Snake River corridor in southeast Idaho (USFWS 2011, *Species Assessment and Listing Priority Assignment Form*, obtained from ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B06R#candidate). The proposed project will have “NO EFFECT” on the Yellow-Billed Cuckoo.



2. **North American Wolverine (*Gulo gulo luscus*)** - The North American Wolverine is a proposed species which is not expected to be found in the proposed project planning area. The proposed project is located in suburban foothills environments. Wolverine distribution is restricted to high elevation areas of deep, persistent and reliable spring snow cover (April 15 to May 14) is the best overall predictor of wolverine occurrence in the contiguous U.S. (<http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=A0FA>). Wolverines are known to travel long distances, so any individuals which may be encountered are almost certain to be travelling between other suitable habitats. There is insufficient snow depth at the project site for wolverine dens. The proposed project will have “NO EFFECT” on the wolverine species.

Essential Fish Habitat

The project area is not located within Essential Fish Habitat (EFH) for **Chinook Salmon (*Oncorhynchus tshawytscha*)** or **Coho Salmon (*Oncorhynchus kisutch*)** as identified on the attached EFH map and will have “NO EFFECT.”

MLM

- Attachments
- Idaho Species List
 - Bull trout critical habitat map
 - EFH map
 - Email correspondence with USF&WS



United States Department of the Interior

Fish and Wildlife Service

Idaho Fish And Wildlife Office

1387 S. Vinnell Way, Room 368, Boise

Idaho 83709

Telephone (208) 378-5243

<http://www.fws.gov/idaho>



U.S. Fish and Wildlife Service - Idaho Fish and Wildlife Office Endangered, Threatened, Proposed, and Candidate Species With Associated Proposed and Critical Habitats in Idaho

This Letter and Species List

The U.S. Fish and Wildlife Service (Service) is providing this letter in response to your inquiry regarding federally listed, proposed, and candidate species, and proposed and designated critical habitats that may occur in Idaho. Use the attached Species List to ensure compliance with Sections 7 and 9 of the Endangered Species Act (Act). As a federal agent or designated non-federal representative, use this list in conjunction with best available information to assess whether a proposed action may affect these species or their habitats. If you determine a proposed action may affect a species or their habitats, contact the Service to initiate informal or formal consultation. This list is only valid for a period of 90 days. An updated list can be obtained from the Initial Project Scoping application accessed via the site: www.ecos.fws.gov/ipac/

Candidate Species Conservation

Though Candidate species have no protection under the Act, they are included in the Species List for early planning consideration. Candidate species could be proposed or listed during the project planning period. The Service advises project proponents to evaluate potential effects to Candidate species that may occur in the project area. Should the species be listed, this may expedite Section 7 consultation under the Act.

Effects Beyond Idaho

If the anticipated effects of an action extend beyond the range of Idaho, please contact the appropriate Service Contact for lists of species and habitats occurring in those adjacent states.

U.S. Fish and Wildlife Service Contacts

Idaho - Idaho Fish and Wildlife Office, Bob Kibler, bob_kibler@fws.gov, (208) 378-5255

Montana - Montana Ecological Services Field Office, (406) 449-5225

Nevada - Nevada Fish and Wildlife Office, (775) 861-6300

Oregon - LaGrande Field Office, (541) 962-8584

Utah - Utah Ecological Service Field Office, (801) 975-3330

Washington - Eastern Washington Field Office, (509) 891-6839

Wyoming - Wyoming Ecological Services Field Office, (307) 772-2374

NOAA Fisheries Species

Listed or proposed species that are under National Marine Fisheries Service's (NOAA Fisheries) jurisdiction do NOT appear on the Service's Species Lists. In Idaho, please contact NOAA Fisheries at (208) 378-5696 or visit NOAA Fisheries' webpage at

http://www.westcoast.fisheries.noaa.gov/#movedprotected_species/species_list/species_lists.html for consultation information.

Additional Information

To obtain additional information about the Act, please visit one of the Service's internet sites at <http://www.fws.gov/endangered/laws-policies/index.html>; <http://www.fws.gov/idaho/agencies.htm>; or speak with a Service Contact.

U.S. Fish and Wildlife Service • Idaho Fish and Wildlife Office

CANDIDATE, PROPOSED AND LISTED SPECIES & PROPOSED AND DESIGNATED CRITICAL HABITAT IN IDAHO

| Common Name | Herps | Birds | Mammals | | | | | Fish | Mollusks | | | | Plants | | | | | | | | | | | |
|-------------------|--|----------------------------------|----------------------------|------------------------|--------------------------------|---------------------------------------|------------------------------------|--|--------------------------|-------------------------------|--------------------------------|-----------------------|----------------------------------|---------------------------------|---------------------------------|-----------------------------|------------------------------|---|------------------------------|--------------------------|------------------------------|---------------------------|-------------------------|-------|
| | Columbia Spotted Frog (Great Basin Population) | Greater Sage-Grouse | Yellow-Billed Cuckoo | Canada Lynx | Grizzly Bear | Northern Idaho Ground Squirrel | Selkirk Mountains Woodland Caribou | Southern Idaho Ground Squirrel | North American Wolverine | Bull Trout | Kootenai River White Sturgeon | Banbury Springs Lanax | Bliss Rapids Snail | Bruneau Hot Springsnaill | Snake River Physa | Goose Creek Milkvetch | MacFarlane's Four-O'Clock | Packard's Milkvetch | Slickspot Peppergrass | Spalding's Catchfly | Ute Ladies'-Tresses | Water Howelia | Whitebark Pine | |
| Scientific Name | <i>Rana lateiventris</i> | <i>Centrocercus urophasianus</i> | <i>Coccyzus americanus</i> | <i>Lynx canadensis</i> | <i>Ursus arctos horribilis</i> | <i>Spermophilus brunneus brunneus</i> | <i>Rangifer tarandus caribou</i> | <i>Spermophilus brunneus endemicus</i> | <i>Gulo gulo luscus</i> | <i>Salvelinus confluentus</i> | <i>Acipenser transmontanus</i> | <i>Lanax</i> sp. | <i>Taylorconcha serpenticola</i> | <i>Pyrgulopsis bruneauensis</i> | <i>Haitia (Physa) natricina</i> | <i>Astragalus amerrinus</i> | <i>Mirabilis macfarlanei</i> | <i>Astragalus cusickii</i> var. <i>parkardiae</i> | <i>Lepidium papilliferum</i> | <i>Silene spaldingii</i> | <i>Spiranthes diluvialis</i> | <i>Howellia aquatilis</i> | <i>Pinus albicaulis</i> | |
| Ada | | C | P | | | | | | T | | | | | | | | | | | | | | | |
| Adams | | C | | T | | T | | C | P | T-DCH | | | | | | | | | | | | | | C |
| Bannock | | C | P | | | | | | P | | | | | | | | | | | | | | | |
| Bear Lake | | C | | T | | | | | P | | | | | | | | | | | | | | | |
| Benewah | | | | T | | | | | P | T-DCH | | | | | | | | | | T | | T | | |
| Bingham | | C | P | | | | | | P | | | | | | | | | | | | T | | | |
| Blaine | | C | P | T | | | | | P | T-DCH | | | | | | | | | | | | | | C |
| Boise | | | P | T | | | | | P | T-DCH | | | | | | | | | | | | | | C |
| Bonner | | | | T | T | | E | | P | T-DCH | | | | | | | | | | | | | | C |
| Bonneville | | C | P | T | T | | | | P | | | | | | | | | | | | T | | | C |
| Boundary | | | | T-DCH | T | | E-DCH | | P | T-DCH | E-DCH | | | | | | | | | | | | | C |
| Butte | | C | | T | | | | | P | T-DCH | | | | | | | | | | | | | | C |
| Camas | | C | P | T | | | | | P | T-DCH | | | | | | | | | | | | | | C |
| Canyon | | | | | | | | | | | | | | E | | | | | | | | | | P-PCH |
| Caribou | | C | | T | | | | | P | | | | | | | | | | | | | | | |
| Cassia | | C | P | | | | | | | | | | | E | C | | | | | | | | | |
| Clark | | C | P | T | T | | | | P | | | | | | | | | | | | | | | C |
| Clearwater | | | | T | | | | | P | T-DCH | | | | | | | | | | | | | | C |
| Custer | | C | P | T | | | | | P | T-DCH | | | | | | | | | | | | | | C |
| Elmore | | C | P | T | | | | | P | T-DCH | | T | | E | | | | | | | | | | P-PCH |
| Franklin | | C | | T | | | | | P | | | | | | | | | | | | | | | |
| Fremont | | C | P | T | T | | | | P | | | | | | | | | | | | T | | | C |
| Gem | | C | | | | | | C | P | T-DCH | | | | | | | | | | | | | | P-PCH |

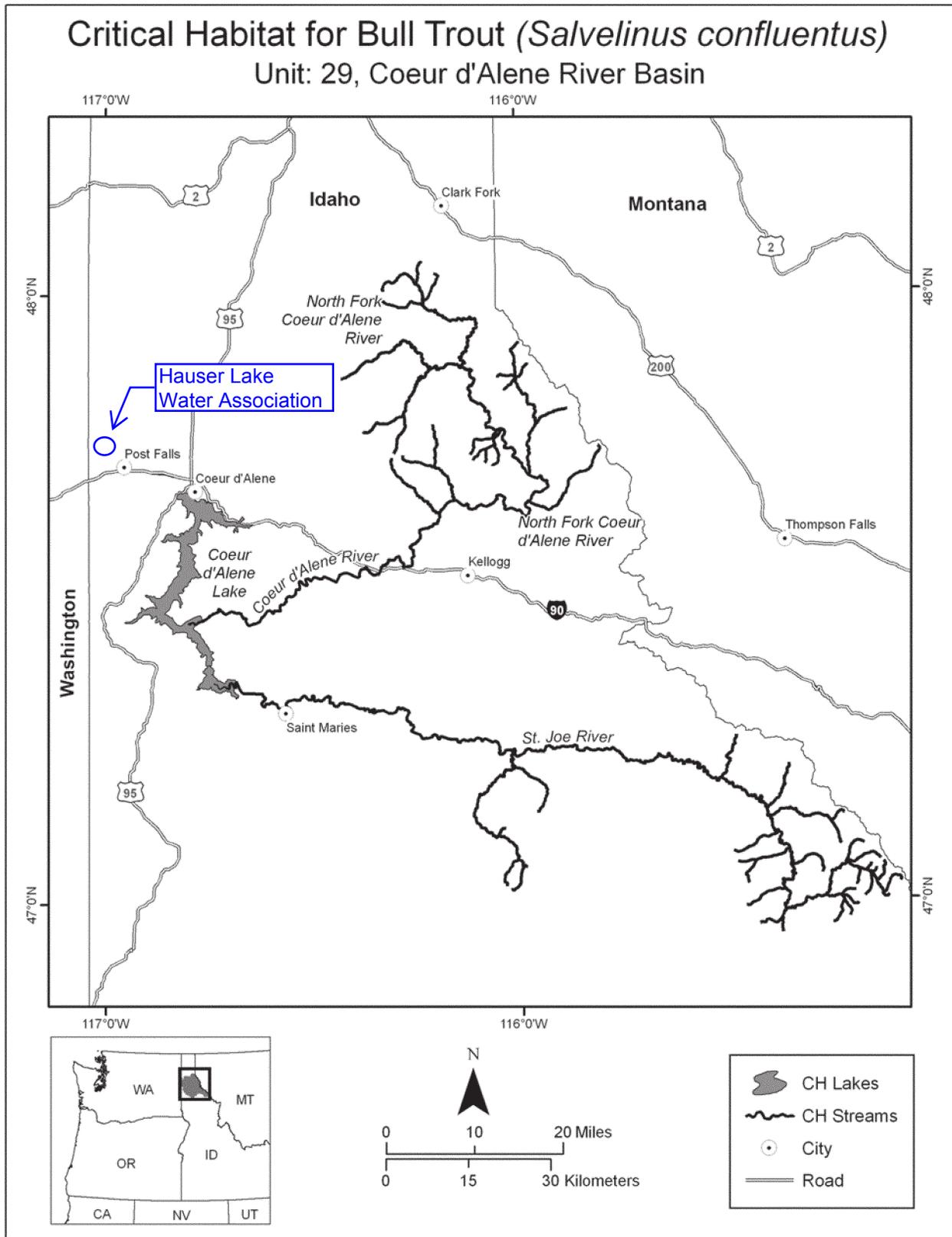
Table Key: C = Candidate Species P= Proposed Species T=Threatened Species E=Endangered Species PCH= Proposed Critical Habitat DCH=Designated Critical Habitat

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| Gooding | | C | | | | | | | | | | E | T | | E | | | | | | | | | |
| Idaho | | | | T | | | | P | T-DCH | | | | | | | T | | | T | | | | C | |
| Jefferson | | C | P | T | | | | P | | | | | | | | | | | | T | | | | |
| Jerome | | C | | | | | | | | | | T | | E | | | | | | | | | | |
| Kootenai | | | P | T | | | | P | T-DCH | | | | | | | | | | T | | T | | | |
| Latah | | | | T | | | | P | | | | | | | | | | | T | | T | | | |
| Lemhi | | C | P | T | | | | P | T-DCH | | | | | | | | | | | | | | C | |
| Lewis | | | | | | | | | T-DCH | | | | | | | | | | T | | | | | |
| Lincoln | | C | P | | | | | | | | | | | | | | | | | | | | | |
| Madison | | C | P | T | | | | P | | | | | | | | | | | | | T | | | |
| Minidoka | | C | P | | | | | | | | | | | E | | | | | | | | | | |
| Nez Perce | | | | T | | | | | T-DCH | | | | | | | | | | T | | | | | |
| Oneida | | C | | | | | | | | | | | | | | | | | | | | | | |
| Owyhee | C | C | P | | | | | | | T-DCH | | | | E | E | | | | | | | | P-PCH | |
| Payette | | C | | | | | | C | T | | | | | | E | | C | | | | | | P-PCH | |
| Power | | C | P | | | | | | | | | | | | | | | | | | | | | |
| Shoshone | | | | T | | | | P | T-DCH | | | | | | | | | | | | T | T | C | |
| Teton | | | | T | T | | | P | | | | | | | | | | | | | | | C | |
| Twin Falls | C | C | | | | | | | | | | T | | E | | | | | | | | | | |
| Valley | | | | T | | T | | P | T-DCH | | | | | | | | | | | | | | C | |
| Washington | | C | | | | T | | C | P | T-DCH | | | | | E | | | | | | | | C | |

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BILLING CODE 4310-55-C

(39) Unit 30: Kootenai River Basin

(i) This unit consists of 522.5 km (324.7 mi) of streams and 12,089.2 ha

(29,873.0 ac) of lakes and reservoirs. The unit is located in northern Idaho and northwestern Montana.

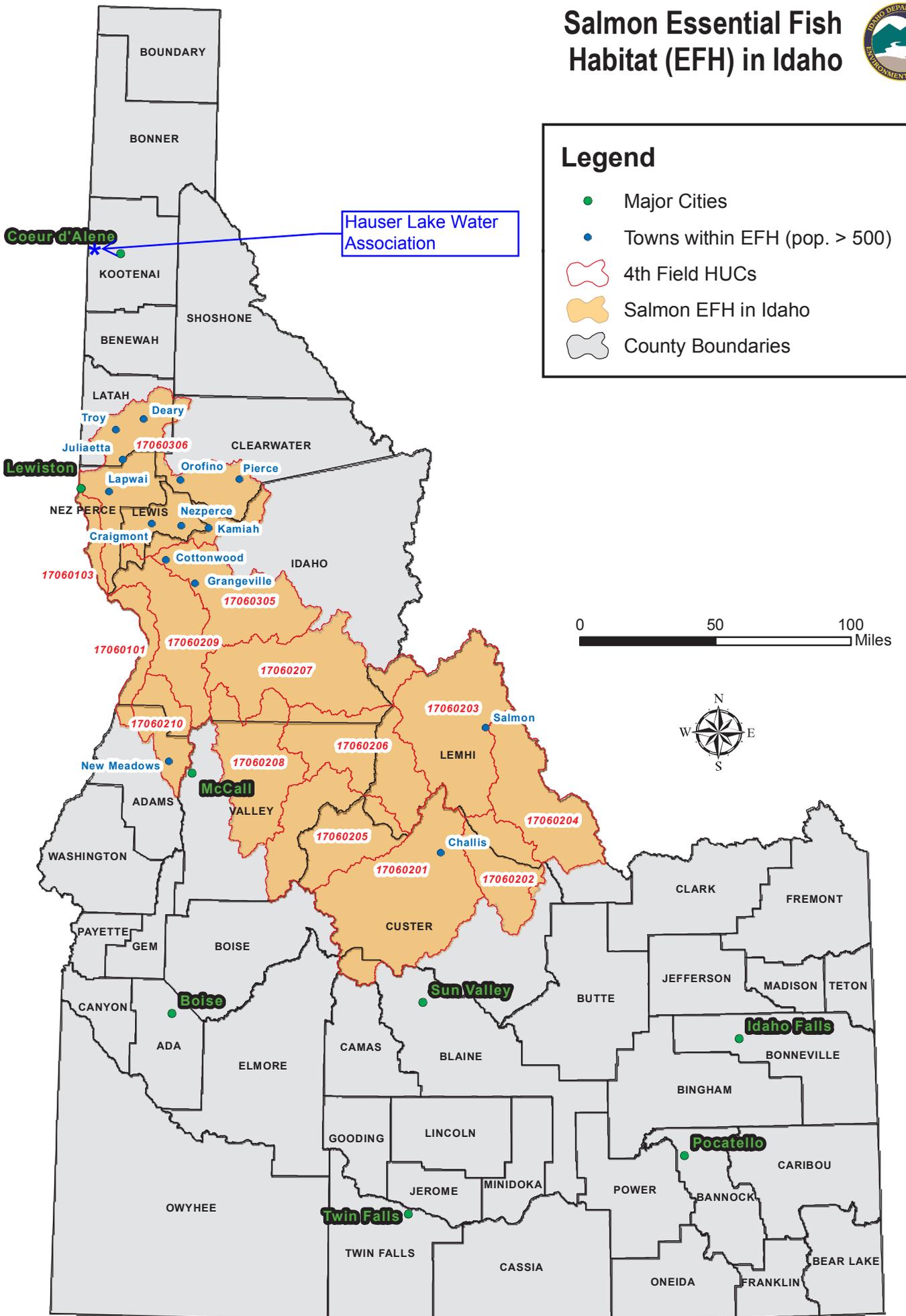
(ii) Individual waterbodies in the unit are bounded by the following coordinates:

Salmon Essential Fish Habitat (EFH) in Idaho



Legend

- Major Cities
- Towns within EFH (pop. > 500)
- 4th Field HUCs
- Salmon EFH in Idaho
- County Boundaries



From: Conard, Ben <ben_conard@fws.gov>
Sent: Thursday, March 20, 2014 08:56
To: Mike May
Cc: Bryon Holt; awilliams@welchcomer.com
Subject: Re: ESA consultation on Hauser Lake Drinking Water Improvements

Mike,

Thank for your inquiry. Based on your project location, your project description, and information about the listed species, we agree that your project would have "No Effect." Although some of those species may be present in suitable habitat in the county, they are not present in your project area. If you have questions or need additional information, please continue to use Bryon Holt as your point of contact. Thank again.

Regards,

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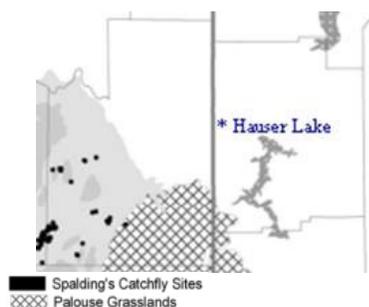
Ben Conard, Field Supervisor
U.S. Fish and Wildlife Service
Northern Idaho Field Office
11103 E. Montgomery Drive
Spokane Valley, WA 99206
Phone: (509) 893-8030
Fax: (509) 891-6748

On Wed, Mar 19, 2014 at 12:41 PM, <Michael.May@deq.idaho.gov> wrote:
Bryon,

I am writing to enquire about the likelihood of encountering T/E species on the Hauser Lake Drinking Water Improvements project. You have corresponded with Ashley Williams of Welch-Comer on this project previously. The scope is being changed to include replacing a water main crossing of Hauser Creek, about 0.4 miles below Hauser Lake. The water main crossing is being moved to accommodate refurbishing of the existing bridge. At this time, it has not been determined whether the new crossing will be installed by trenching or by directional drilling. From the information I have provided below, it seems clear that the project area is not suitable habitat for Canada Lynx or North American Wolverine. Please comment on the other species listed as being present in Kootenai County on the current Idaho Species List.

The project site is located in the Western Selkirk Maritime Forest ecoregion, absent of boreal influence and dominated by Douglas fir and Pacific species such as grand fir, western redcedar and western hemlock (McGrath, *et al.* 2002, *Ecoregions of Idaho*). The *Newman Lake 7.5 Minute Quadrangle* (USGS 1997) shows the lake elevation as 2,187 feet above sea level, with surrounding peaks ranging up to 2,735 feet. The January average snow depth at the nearby Coeur D'Alene weather station is 5 inches, with less snow cover in December, February and March, based on data from 1895 to 2013 (Western Regional Climate Center www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?id1956).

1. **Canada Lynx** (*Lynx canadensis*) – The Canada Lynx reside in boreal forest landscapes and provide one or more of the following beneficial habitat elements including snowshoe hares for prey, abundant, large, woody debris piles that are used as dens, and winter snow conditions that are generally deep and fluffy for extended period of time. The proposed project is located in suburban foothills environments not typical of boreal forests and having shallow winter snow depths. The proposed project will have "NO EFFECT" on the Canada Lynx.
2. **Bull Trout** (*Salvelinus confluentus*) – The project area does not contain critical habitat for bull trout (75FR63898, 2010). The Idaho Fish and Game Department does not list bull trout as a species present at Hauser Lake, although it does list rainbow trout <fishandgame.idaho.gov/ifwis/fishingPlanner/WaterInfo.aspx?qt=1&ID=83&WID=11637>. Hauser Lake discharges at its south end to Hauser Creek. The Newman Lake quadrangle indicates that it discharges to a series of ponds on the Rathdrum Prairie, and is thus isolated from the Spokane River and other surface waters. The proposed project will have "NO EFFECT" on Bull Trout.
3. **Spalding's Catchfly** (*Silene spaldingii*) – This herbaceous perennial is endemic to the Palouse region, and is found predominantly in Pacific Northwest bunchgrass grasslands and sagebrush-steppe, and occasionally in open-canopy pine stands. The 2007 *Recovery Plan for Silene spaldingii* (*Spalding's Catchfly*) states that there were at that time 99 known populations, 66 of which were composed of fewer than 100 individual plants each <ecos.fws.gov/docs/recovery_plan/071012.pdf>. The USF&WS species mapper tool does not identify habitat in the immediate vicinity of Hauser Lake, but does indicate the entirety of nearby Spokane County as habitat. A map from the recovery plan (shown below) indicates that the populations known in 2007 were all southwest of Spokane. Therefore, the project will have "NO EFFECT" Spalding's Catchfly.



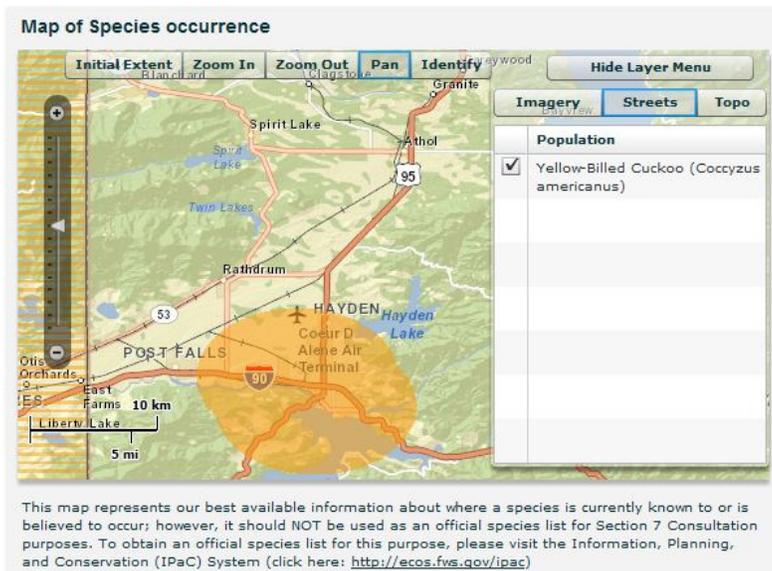
Clip from Fig. 4 of *Recovery Plan for Silene spaldingii* (*Spalding's Catchfly*), showing then-known Spalding's Catchfly sites in Spokane and Kootenai Counties and the physiographic regions in which they are found..

Legend:
■ Spalding's Catchfly Sites
▨ Palouse Grasslands
■ Channelled Scablands
■ Channelled Scablands - Loess Islands

4. **Water Howellia** (*Howellia aquatilis*) – This winter annual grows in shallow water (1-2 meters) of wetlands often associated with glacial potholes and former oxbows that flood in the spring and are usually at least partly dry by late summer, since the seeds germinate when ponds are dry. The 1996 draft *Water Howellia (Howellia aquatilis) Recovery Plan* <ecos.fws.gov/docs/recovery_plan/960924.pdf> stated that it was currently found in Latah County and had historically (1892) been present in the vicinity of Spirit Lake in Kootenai County. The edges of Hauser Lake or the intermittent distributary Hauser Creek may provide a suitable habitat. However, the project will not disturb Hauser Lake, so it will have “NO EFFECT” on Water Howellia.

The following have been listed as Proposed Threatened Species:

1. **Yellow-Billed Cuckoo** (*Coccyzus americanus*) –Western cuckoos breed in large blocks of riparian habitats, particularly woodlands with cottonwoods and willows. Generally local and uncommon in scattered drainages of the arid and semiarid portions of western Colorado, western Wyoming, Idaho, Nevada and Utah. The Yellow-billed Cuckoo is known or believed by USFWS to be present in the near vicinity of the project area, as shown in the map below. However, USFWS also states that the species was considered a rare and local summer resident in Idaho, with only four records of Yellow-Billed cuckoo in northern and central Idaho over the last century. The majority of sightings have been in the Snake River corridor in southeast Idaho (USFWS 2011, *Species Assessment and Listing Priority Assignment Form*, obtained from ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B06R#candidate). Therefore, the proposed project will have “NO EFFECT” on the Yellow-Billed Cuckoo.



2. **North American Wolverine** (*Gulo gulo luscus*) - The North American Wolverine is a proposed species which is not expected to be found in the proposed project planning area. The proposed project is located in suburban foothills environments. Wolverine distribution is restricted to high elevation areas of deep, persistent and reliable spring snow cover (April 15 to May 14) is the best overall predictor of wolverine occurrence in the contiguous U.S. (<http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A0FA>). Wolverines are known to travel long distances, so any individuals which may be encountered are almost certain to be travelling between other suitable habitats. There is insufficient snow depth at the project site for wolverine dens. The proposed project will have “NO EFFECT” on the wolverine species.

Thanks for your help with this. If we can provide any other information, please let me know.

Mike May
Sr. Water Quality Analyst
Idaho Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706
(208) 373-0406
Michael.May@deq.idaho.gov

**APPENDIX C:
AGENCY CONSULTATION
INFORMATION**

From: Ashley Williams
Sent: Tuesday, December 03, 2013 1:08 PM
To: Necia Maiani
Subject: FW: Hauser Creek crossing
Attachments: NWP 12.pdf

This email and any attachments are intended solely for the use of the individual to whom they are addressed. If you are not the intended recipient, you must not keep, use, disclose, take action, copy or distribute this email. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. This email and any attachments are the property of Welch Comer Engineers and may contain information that is copyrighted, or confidential and privileged and must not be distributed without Welch Comer Engineers permission. If this email contains contracts, survey or engineering data, design information, recommendations, plans, specifications or GIS information, these documents should be considered draft documents unless explicitly stated otherwise in the email text.

-----Original Message-----

From: Burgan, Michael A NWW [mailto:Michael.A.Burgan@usace.army.mil]
Sent: Friday, October 26, 2012 2:23 PM
To: Williams, Ashley
Subject: RE: Hauser Creek crossing

Hi Ashley,

I live in Hauser, and know the creek and bridge. Trenching through the creek is authorized under NWP12 (see attached). There are a couple thresholds that would trigger the need to submit an application (called a pre-construction notification in attached NWP). The most likely one they will hit is probably the 500 foot limit in waters of the US (but that is probably a stretch given how narrow the creek is).

Boring under the creek would not trigger the need permit because directional drilling does not result in the discharge of fill into waters of the US. However, if the work pad for the bore machine is located in wetlands, we probably ought to talk. That might or might not trigger the need for submitting an application.

Thanks,

Mike Burgan
Environmental Resources Specialist
Coeur d'Alene Regulatory Office
(208) 765-8139

-----Original Message-----

From: Williams, Ashley [mailto:awilliams@welchcomer.com]

Sent: Friday, October 26, 2012 1:59 PM

To: Burgan, Michael A NWW

Cc: Maiani, Necia M

Subject: Hauser Creek crossing

Mike,

We are working with a utility that has recently found out that they need to relocate a waterline to cross Hauser Creek (it is currently attached to a bridge). We have a few questions for you regarding this issue:

1. Is trenching an option for the crossing? It's a fairly small creek, but I don't believe it is fully dry at any point in the year. If trenching is an option, what permits would be required?
2. If the utility uses a trenchless method, such as boring, would there be any permits required?

Let me know if you have any questions or concerns.

Thanks!

AWilliams

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NATIONWIDE PERMIT 12

UTILITY LINE ACTIVITIES: Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in pre-construction contours.

A “*utility line*” is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term “*utility line*” does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily side cast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate.

In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States.

This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States.

This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322). Overhead utility lines constructed over

section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP also authorizes temporary structures, fills, and work necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites.

Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

* **Notification:** The permittee must submit a Pre-Construction Notification (PCN) to the district engineer prior to commencing the activity if any of the following criteria are met:

- (1) *The activity involves mechanized land clearing in a forested wetland for the utility line right-of-way;*
- (2) *A section 10 permit is required;*
- (3) *The utility line in waters of the United States, excluding overhead lines, exceeds 500 feet;*
- (4) *The utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area;*
- (5) *Discharges that result in the loss of greater than 1/10-acre of waters of the United States;*
- (6) *Permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or*
- (7) *Permanent access roads are constructed in waters of the United States with impervious materials;*

See general condition 31 (*Section 10 and 404*)

NOTE 1: Where the proposed utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

NOTE 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

NOTE 3: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

NOTE 4: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

WATER QUALITY CERTIFICATION, NWP 12:

Agency responsible for administration of water quality, based on project location is listed below. *If **DENIED**, then an Individual Water Quality Certification or Waiver of Certification is required, prior to the commencement of any work activities and/or issuance of a DA verification, authorization and/or permit.*

State of Idaho: **DENIED**, *except for activities occurring on man-made waters; activities requiring a PCN* (pre-construction notification) for NWP 12 are also categorically **DENIED***

Coeur d'Alene Tribal Lands: **DENIED**

Shoshone-Bannock Tribal Lands: **DENIED**

U.S. Environmental Protection Agency for all other Tribal Lands: **DENIED**

NATIONWIDE – SPECIFIC CONDITION

Trenching Materials: Materials from exploratory trenching may be temporarily side cast into the de-watered coffered area for up to 30 days but not within flowing waters. Materials from exploratory trenching in wetlands may be temporarily side cast into emergent and scrub-shrub wetlands up to 30 days. Materials from exploratory trenching in forested wetlands may be side cast up to 30 days provided the District Engineer determines in writing that the discharge will only result in minimal adverse effects.

REGIONAL CONDITIONS, WALLA WALLA DIVISION

Watersheds Requiring Pre-Construction Notification, Specific to Anadromous Fish:

“Pre-construction notification will be required for all nationwide permits in geographic areas as shown on Figure 1: *Watersheds Requiring Pre-Construction Notification*,” dated March 06, 2012 (see pg 16).

Vegetation Protection & Restoration: Permittee shall minimize removal of native vegetation in riparian and wetland areas to the maximum extent possible. Areas subject to temporary vegetation removal in riparian and wetland areas during construction shall be replanted with appropriate native species by the end of the first growing season following the disturbance, except as waived by the District Engineer.

Select Waters and Wetlands: Corps shall coordinate with Idaho Department of Fish and Game for activities in the following waters and wetlands that require notification:

| | |
|---|---|
| Henry’s Fork, Snake River | Medicine Lodge Creek |
| Teton River, upstream of State Highway 33 | Crooked Creek Mud Lake Basin |
| South Fork, Snake River | Kootenai River Basin |
| Big Lost River, upstream of US 93 crossing, south of Leslie | Big Sand Creek |
| East Fork Big Lost River | Potlatch River |
| Boise River, upstream of Arrow Rock Reservoir | Hog Meadow Creek |
| Salmon River and its tributaries | East Fork, Palouse River |
| St. Joe River | Lolo Creek |
| Priest River | Musselshell Creek |
| Falls River | Eldorado Creek |
| Big Wood River | Camas Prairie (northern Idaho) |
| Closed Basins of Beaver-Camas Creeks | Middle and South Fork Clearwater River Basins |
| | Weiser River Basin, Adams & Washington Counties |

Or, when the project would affect forested wetlands, peat lands, vernal pools, kettles or wetlands identified in Idaho Department of Fish and Game Wetland Conservation Strategy as Class I, Class II and Reference Habitat Sties.

De-Watering: Permittee shall comply with the following conditions:

- 1) Water removed from within the coffered area must be pumped to a sediment basin or otherwise treated to remove suspended sediments prior to its return to the
- 2) The intake of the water pipe must be screened (openings <3/32 inch) to prevent entrainment of fish trapped in the coffered area;
- 3) Where ESA listed fish are present, fish trapped within the coffered area shall be salvaged by a qualified professional and returned to the waterway upstream of the project area.

Waiver Requirement: The applicant must request a wavier in writing and provide documentation and environmentally based reasons to support the waiver request. Native riparian plants shall be incorporated into bank stabilization projects unless the permittee demonstrates, in writing, that a planting plan is not appropriate or practicable. District coordination with IDEQ and EPA (for projects on tribal lands) will be conducted prior to the District Engineer making the waiver determination to ensure the proposed activity will result in only minimal impacts and is in compliance with Section 401 Water Quality Standards.

REGIONAL ADDITIONS to the GENERAL CONDITIONS

General Condition #2, Aquatic Life Movement: The stream bed shall be returned to pre-construction contours after construction, unless the purpose of the activity is to eliminate a fish barrier and restore the natural substrate and contour.

General Condition #4, Migratory Bird Breeding Areas: The U.S. Fish and Wildlife Service (USFWS) is the primary Federal agency responsible for the conservation and management of migratory bird resources. Applicants should contact the Spokane Office at (509) 893-8009, for additional information.

General Condition #9, Management of Water Flows: Expected high flows referenced in this general condition are defined at the minimum as a 25-year flood event, as identified by the Idaho Department of Water Resources (IDAPA 37.03.07, Rule 62.03.04.a). For culverts or bridges located in a community qualifying for the national flood insurance program, the minimum size culvert shall accommodate the 100-year flood design flow frequency (IDAPA 37.03.07, Rule 62.03.04.c).

General Condition #12, Soil Erosion and Sediment Controls: If the permittee does not have a Best Management Plan (BMP), refer to the Idaho Department of Environmental Quality Catalog of Stormwater Best Management Practices for Idaho Cities and Counties at <http://www.deq.idaho.gov/media/494058-entire.pdf>.

Use of native vegetation is the preferred method to treat soil erosion and stabilize areas disturbed during construction. Eroded and/or disturbed areas shall be replanted with native vegetation and stabilized until vegetative root mass can become established, unless the District Engineer determines this is not practicable. Non-biodegradable materials, such as chicken or hog wire or plastic netting that may entrap wildlife or pose a safety concern should not be used for soil stabilization.

General Condition #13, Removal of Temporary Fills: Temporary stockpiles in waters of the United States may not be placed so a berm or levee is formed parallel to the stream that could confined flows or restrict overbank flow to the floodplain.

General Condition #18, Endangered Species: Non-Federal applicants must contact either their local Idaho Department of Fish and Game (IDFG) or the U.S. Fish and Wildlife Service (USFWS) to determine if any listed species or designated critical habitat might be in the vicinity of their project. Applicants shall notify District Engineer of their findings (see County contact numbers below).

Contact USFWS at (509) 893-8009 for *Bonner, Boundary, Kootenai, Shoshone, Benewah* and *Latah* Counties

Contact USFWS at (208) 378-5388 for all other Idaho Counties

General Condition #20, Historic Properties: Applicants must contact the Idaho State Historic Preservation Office at (208) 334-3847 located in Boise, Idaho to determine if their project may affect historic properties listed in the National Register of Historic Places. Applicant shall notify the District Engineer of their findings.

GENERAL CONDITIONS

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation.

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements.

**See Regional Addition*

No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbody shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas.

Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity)

of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas.

**See Regional Addition*

Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

5. Shellfish Beds.

No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material.

No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes.

No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments.

If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows.

**See Regional Addition*

To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream

channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course; condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year

Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment

Controls. **See Regional Addition*

Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills.

**See Regional Addition*

Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance.

Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions

added by the district engineer to an NWP authorization.

15. Single and Complete Project.

The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers.

No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or Study River (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights.

No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species.

**See Regional Addition*

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing

the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until

Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles.

The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection

Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

20. Historic Properties.

**See Regional Addition*

(a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultations is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the preconstruction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation

Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)).

When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k))

prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts.

If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters.

Critical resource waters include, NOAA managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are **not authorized** by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation.

The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate Compensatory Mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the

applicable requirements of 33 CFR 332.4(c)(2)–(14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible

mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures.

To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality.

Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management.

In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an

individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions.

The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits.

The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications.

If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide

permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property.

To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification.

Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification

(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to General Condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the

potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is “no effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction

Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed

project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-

Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction

Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater

than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, sites specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization

should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer

will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

Federal Register /Vol. 77, No. 34 /Tuesday, February 21, 2012 /Notices/10282-10287

FURTHER INFORMATION

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
 2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
 3. NWPs do not grant any property rights or exclusive privileges.
 4. NWPs do not authorize any injury to the property or rights of others.
 5. NWPs do not authorize interference with any existing or proposed Federal project
-

DEFINITIONS

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration, establishment (creation), enhancement, or preservation of aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Discharge: The term "discharge" means any discharge of dredged or fill material and any activity that causes or results in such a discharge.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from

rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects

waterbodies with their adjacent uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 20.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete project: The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete project must have independent utility (see definition). For linear projects, a “single and complete project” is all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a wetland (i.e., water of the United States) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line, which is defined at 33 CFR 328.3(d).

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWP, a waterbody is a jurisdictional water of the United States that, during a year with normal patterns of precipitation, has water flowing or standing above ground to the extent that an ordinary high water mark (OHWM) or other indicators of jurisdiction can be determined, as well as any wetland area (see 33 CFR 328.3(b)). If a jurisdictional wetland is adjacent—meaning bordering, contiguous, or neighboring—to a jurisdictional waterbody displaying an OHWM or other indicators of jurisdiction, that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of “waterbody” include streams, rivers, lakes, ponds, and wetlands.

DEFINITIONS, REGIONAL ADDITIONS

Forested Wetlands: Wetlands characterized by woody vegetation that is 6 meters tall or taller; They are located where moisture is relatively abundant, particularly along rivers and in the mountains and normally possess an overstory of trees and an understory of young trees or shrubs and an herbaceous layer.

REFERENCE: *Classification of Wetlands and Deepwater Habitats of the United States*, Mr. Lewis M. Cowardin; Office of Biological Services; Fish & Wildlife Services; 1979

High Value Wetlands: Forested wetlands, peatlands, vernal pools, playa lakes, kettles, prairie potholes and Class I, Class II, reference and habitat sites identified in Wetland Conservation Strategies, prepared by the Idaho Department of Fish & Game, Conservation Data Center.

Invasive Species: Species of plants not native to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

REFERENCE: *Executive Order No. 13112; U.S. Department of Agriculture National Invasive Species Information Center*

Kettle: A steep sided, usually basin or bowl shaped hole or depression, commonly without surface drainage, in glacial drift deposits, often containing a lake or swamp.

REFERENCE: *Bates, Robert L. & Jackson, Julia A.; Glossary of Geology, American Geological Institute; Falls Church; 1980*

Native Species: Species that occurs naturally in a particular region, state, ecosystem and habitat without direct or indirect human actions.

REFERENCE: *Federal Native Plant Conservation Committee; 1994*

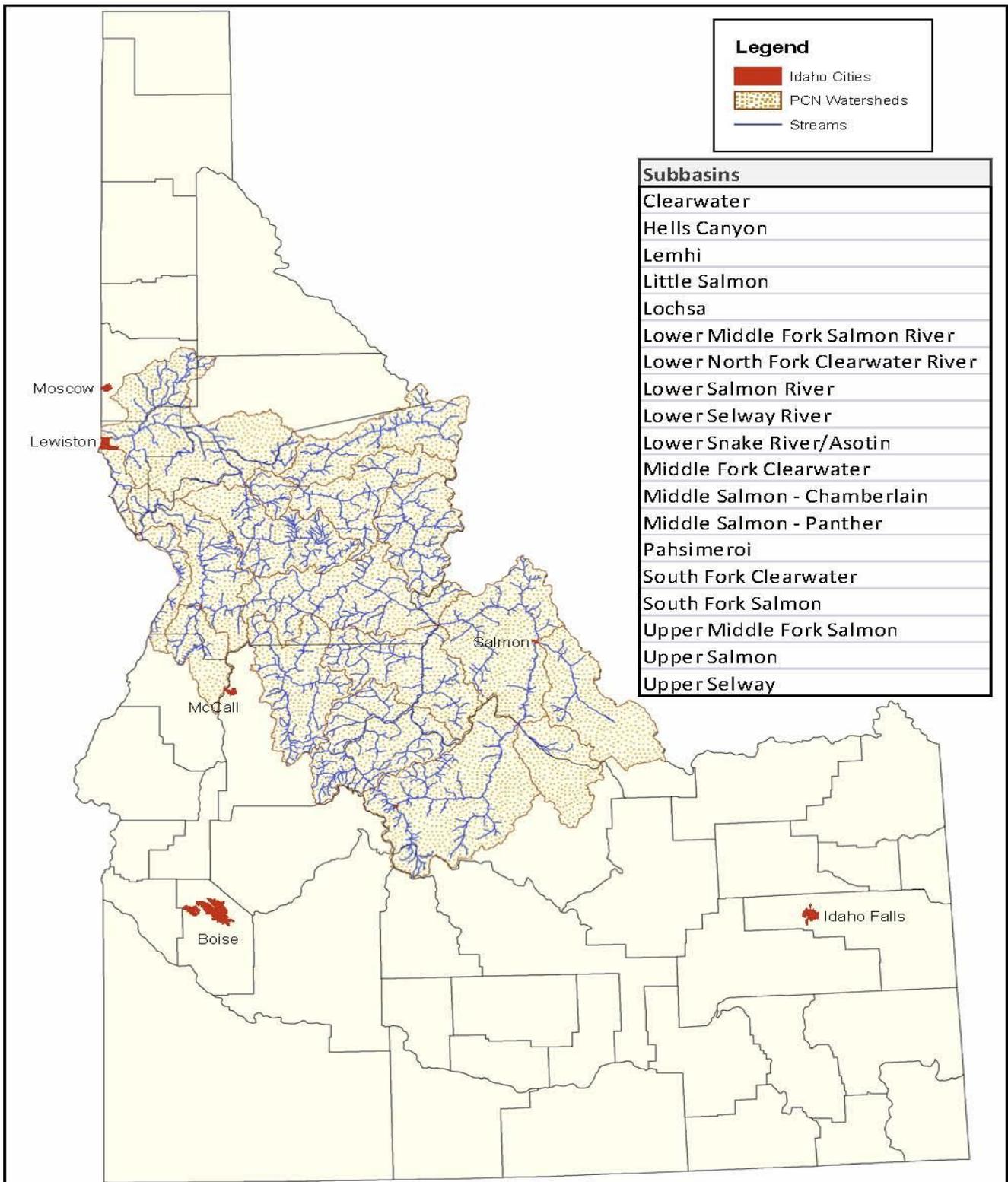
Peatland: Wetlands with waterlogged substrates and at least 30cm of peat accumulation.

REFERENCE: *Bursik, R.J. and Moseley, R.K.; Ecosystem Conservation Strategy for Idaho Panhandle Peatlands; Cooperative project between Idaho Panhandle National Forest and Idaho Department of Fish & Game; Conservation Data Center; Boise 28 pp plus Appendix; 1995*

Vernal Pools: Precipitation-filled seasonal wetlands inundated during periods when temperature is sufficient for plant growth, followed by a brief waterlogged-terrestrial stage and culminating in extreme desiccating soil conditions of extended duration.

REFERENCE: *Keely, J.E. & Zedler, P.H.; Characterization and Global Distribution of Vernal Pools; Pp 1-14 in C.W. Witham, E.T. Bauder, D. Belk, W.R. Ferren Jr., and R. Ornduff (Editors); Ecology, Conservation, and Management of Vernal Pool Ecosystems (Proceedings from Conference, 1996); California Native Plant Society, Sacramento, CA; 1998*

Figure 1: Watersheds Requiring Pre-Construction Notification



From: Ethan Morton <Ethan.Morton@ishs.idaho.gov>
Sent: Tuesday, January 07, 2014 2:37 PM
To: Ashley Williams
Subject: RE: 41082 - Hauser Lake Potential Waterline Relocation
Attachments: 2012-25_Hauser Lake Water System Improvements.pdf

Here you go Ashley.
Thank You,

Ethan Morton
Archaeologist
Idaho State Historic Preservation Office
210 Main Street
Boise, Idaho 83702
208-334-3861 x107
ethan.morton@ishi.idaho.gov

From: Ashley Williams [mailto:awilliams@welchcomer.com]
Sent: Wednesday, December 11, 2013 4:55 PM
To: Ethan Morton
Cc: Necia Maiani
Subject: 41082 - Hauser Lake Potential Waterline Relocation

Ethan –

I am working with the Hauser Lake Water Association to complete water system improvements (refer to attached original agency letter and maps). Suzi Pengilly had provided consultation on the originally proposed project in 2011 (also attached). An archeological assessment was completed on the project area, for the reservoir construction, which Suzi commented on (see attached).

The Association updated their improvements this last year to move their tank site and no additional assessment was required at that time.

The Association is now considering adding a waterline relocation to their improvements, at the Hauser Creek crossing. Hauser Creek was originally constructed for irrigation purposes. They are considering including this waterline relocation in their DEQ funding. They are also reviewing two options: bore and trench methods. I have attached some maps that show the potential work.

Can you review these documents and let me know if you have any additional comments or concerns or if an additional assessment will be recommended?

Please let me know if you have any questions or need anything further from me.

Thanks!

Ashley Williams, E.I.T.

Staff Engineer

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C.L. "Butch" Otter
Governor of Idaho

Janet Gallimore
Executive Director

Administration
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
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Fax: (208) 334-2774

Membership and Fund
Development
2205 Old Penitentiary Road
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Historical Museum and
Education Programs
610 North Julia Davis Drive
Boise, Idaho 83702-7695
Office: (208) 334-2120
Fax: (208) 334-4059

State Historic Preservation
Office and Historic Sites
Archeological Survey of Idaho
210 Main Street
Boise, Idaho 83702-7264
Office: (208) 334-3861
Fax: (208) 334-2775

Statewide Sites:
• Franklin Historic Site
• Pierce Courthouse
• Rock Creek Station and
• Stricker Homesite

Old Penitentiary
2445 Old Penitentiary Road
Boise, Idaho 83712-8254
Office: (208) 334-2844
Fax: (208) 334-3225

Idaho State Archives
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 334-2620
Fax: (208) 334-2626

North Idaho Office
112 West 4th Street, Suite #7
Moscow, Idaho 83843
Office: (208) 882-1540
Fax: (208) 882-1763



Historical Society is an
Equal Opportunity Employer.

TO: Ashley Williams, Staff Engineer, Welch-Comer

DATE: 1/7/2014

IDAHO SHPO REV#: 2014-125

STATE AGENCY: Department of Environmental Quality

PROJECT NAME: Hauser Lake Water System Improvements

AGENCY PROJECT NUMBER: NA

PROJECT LOCATION: NE ¼ SW ¼ Section 18, Township 51N, Range 5W, Boise Meridian, Kootenai County, Idaho

Step 1: Initiate the Section 106 Process (36 CFR 800.3)

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Establish Undertaking |
| <input checked="" type="checkbox"/> | Notify Idaho SHPO (30 days to respond) |
| <input type="checkbox"/> | Identify tribes and other consulting parties Include certified local governments if appropriate: |
| <input type="checkbox"/> | Involve the Public |
| <input type="checkbox"/> | No undertaking/potential to cause effects. (Section 106 concluded). |
| | Justification: |
| <input checked="" type="checkbox"/> | Undertaking may affect <i>historic properties</i> (proceed to Step 2) |
| <input checked="" type="checkbox"/> | Idaho SHPO internal review |
| <input type="checkbox"/> | Recommend independent study by a qualified consultant: http://www.preservationidaho.org/resources/cultural-resources-consultants |

Step 2: Identify Historic Properties (36 CFR 800.4)

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Determine Areas of Potential Effect (direct, indirect, and cumulative) |
| <input checked="" type="checkbox"/> | Identify <i>historic properties</i> (archival research, reconnaissance, inventory) |
| <input type="checkbox"/> | Present |
| <input type="checkbox"/> | Consult with Idaho SHPO (report) |
| <input checked="" type="checkbox"/> | No <i>historic properties</i> present/affected (Section 106 concluded). |
| | Justification: area is significantly disturbed, prior inventory in area indicated very low potential for undiscovered <i>historic properties</i> , action is not the type of activity that has a very low potential to adversely affect any undiscovered <i>historic properties</i> . |
| <input type="checkbox"/> | Potential Adverse Effects to <i>historic properties</i> (proceed to Step 3) |

Step 3: Assess Adverse Effects (36 CFR 800.5)

| | |
|--------------------------|---|
| <input type="checkbox"/> | Apply Criteria of Adverse Effect (effects to historic properties) |
| <input type="checkbox"/> | Consult with Idaho SHPO (report) |
| <input type="checkbox"/> | No <i>historic properties</i> adversely affected (Section 106 concluded) |
| | Justification: |
| <input type="checkbox"/> | Adverse Effects to <i>historic properties</i> (proceed to Step 4) |

Step 4: Resolve Adverse Effects (36 CFR 800.6)

| | |
|--------------------------|--|
| <input type="checkbox"/> | Notify Advisory Council on Historic Preservation |
| <input type="checkbox"/> | Avoid, minimize, or mitigate adverse effects |
| <input type="checkbox"/> | Consult with Idaho SHPO |
| <input type="checkbox"/> | Final Memorandum of Agreement or Programmatic Agreement (Section 106 concluded) |

Additional information on the Section 106 process can be found here: <http://www.achp.gov/flowexplain.html>

Thank You,

Ethan Morton, Archaeologist, Idaho State Historic Preservation Office



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502

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

February 6, 2012— actual date was February 6, 2014. MLM

Certified Mail No.: 7012 3050 0001 2126 2745

Chairman Chief Allan
Coeur d'Alene Tribe of Idaho
P.O. Box 408
Plummer, Idaho 83851

RE: Request for Tribal Consultation on Cultural Issues for the Hauser Lake Water Association Drinking Water Improvement Project

Dear Chairman Allan:

The Hauser Lake Water Association prepared a drinking water facility planning document for which the Coeur d'Alene Tribe has previously provided consultation. Because the Post Falls Highway District is replacing the bridge on Cliff House Road that crosses Hauser Creek, it has become necessary to modify the scope of the proposed drinking water improvements. It is anticipated that the proposed water line relocation will be financed by an increase to an existing federally funded State Revolving Fund loan, requiring compliance with the Idaho Department of Environmental Quality's State Environmental Review Process (SERP), which mirrors the National Environmental Policy Act. The purpose of this letter is to request your review and response regarding any cultural impact concerns that the Tribe may identify for this proposed project.

The proposed change to the project scope is the relocation of the existing water main from the existing bridge to an adjacent below-channel crossing. The location of the crossing in relation to the overall project is marked on the enclosed map titled "Option 3/3A-Selected Alternative." It has not yet been determined whether the new crossing will be constructed by trenching through Hauser Creek or by boring beneath it. Potential new crossing locations, which would be slightly different for the two construction options, are shown on the enclosed markup of the culvert replacement site plan and displayed on the enclosed site photos. For your convenience, copies of the correspondence with SHPO are also enclosed.

Please respond within 30 days, if possible, with any concerns or mitigation measures you have on the potential environmental impacts from this project. Please contact me at 208-373-0406 or by email at Michael.May@deq.idaho.gov if you have any questions.

Sincerely,


Mike May
Sr. Water Quality Analyst

Encl: maps and correspondence

c: Jill Wagner, Ph.D., Coeur d'Alene THPO (jwagner@cdatribe-nsn.gov)
Necia M. Maiani, P.E., Welch-Comer Engineers (nmaiani@welchcomer.com)



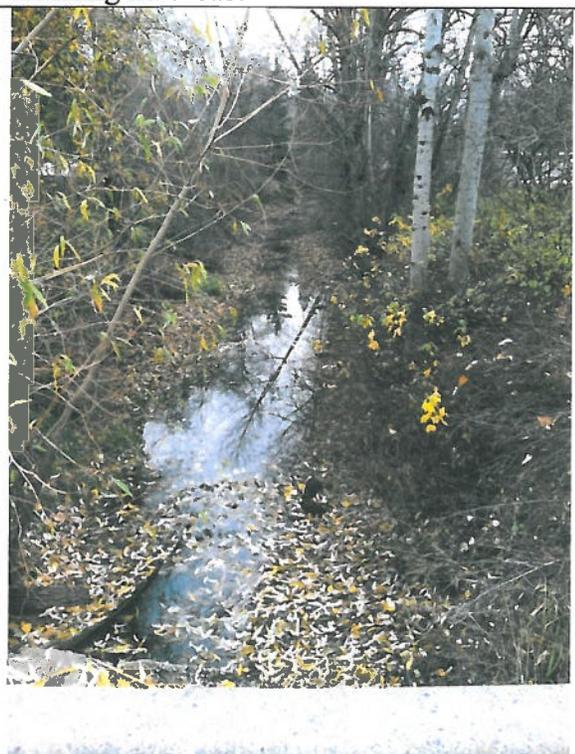
Looking north along existing crossing



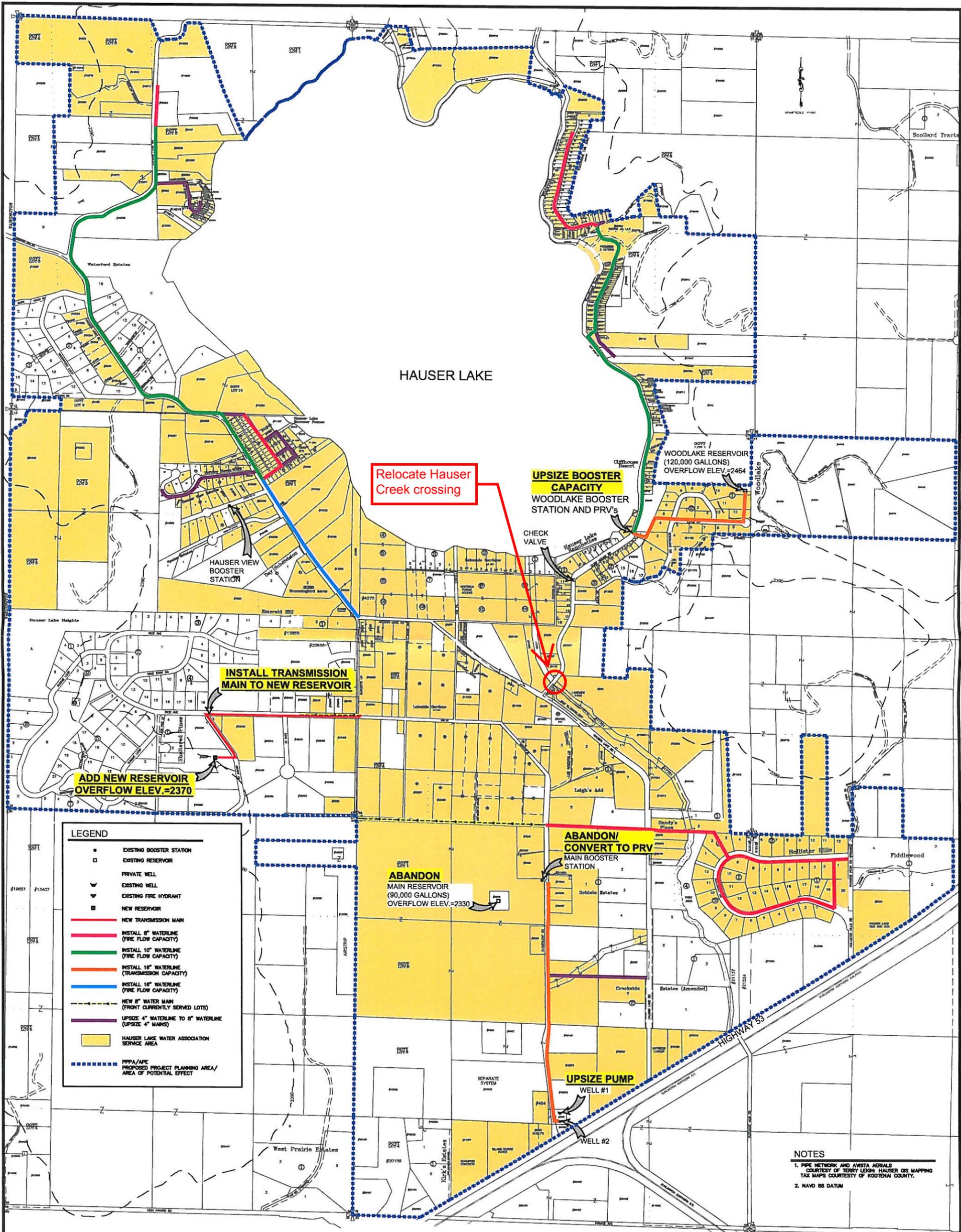
Looking northeast



Looking downstream



Looking downstream



Relocate Hauser Creek crossing

UPSIZE BOOSTER CAPACITY
WOODLAKE BOOSTER STATION AND PRV'S

INSTALL TRANSMISSION MAIN TO NEW RESERVOIR

ADD NEW RESERVOIR
OVERFLOW ELEV.=2370

ABANDON
MAIN RESERVOIR
(90,000 GALLONS)
OVERFLOW ELEV.=2330

ABANDON/
CONVERT TO PRV
MAIN BOOSTER STATION

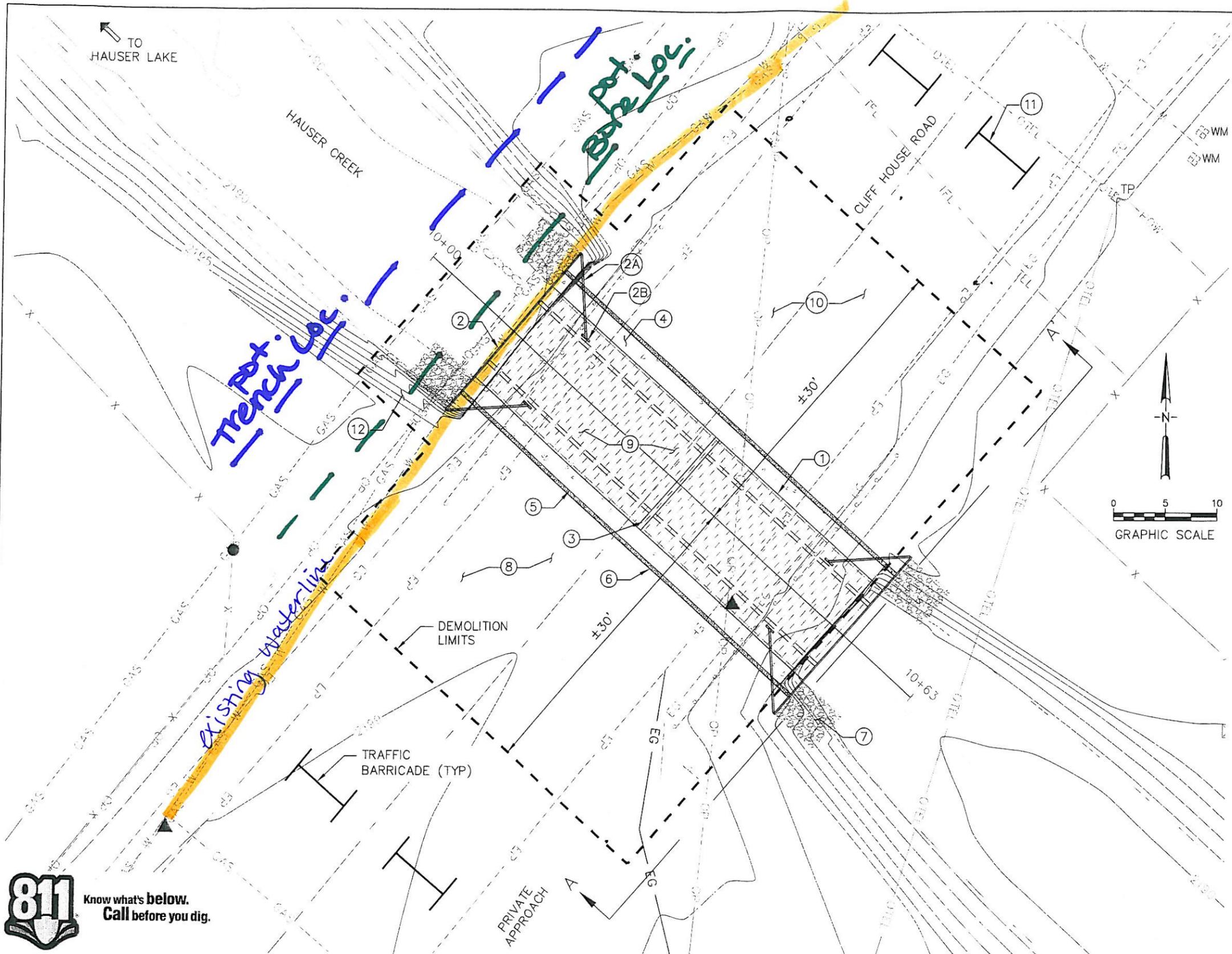
UPSIZE PUMP
WELL #1

LEGEND

- EXISTING BOOSTER STATION
- EXISTING RESERVOIR
- PRIVATE WELL
- ⊕ EXISTING WELL
- ⊕ EXISTING FIRE HYDRANT
- NEW RESERVOIR
- NEW TRANSMISSION MAIN
- INSTALL 8" WATERLINE (FIRE FLOW CAPACITY)
- INSTALL 10" WATERLINE (FIRE FLOW CAPACITY)
- INSTALL 16" WATERLINE (TRANSMISSION CAPACITY)
- INSTALL 18" WATERLINE (FIRE FLOW CAPACITY)
- NEW 8" WATER MAIN (FRONT CURRENTLY SERVED LOTS)
- UPSIZE 4" WATERLINE TO 8" WATERLINE (UPSIZING 4" MAINS)
- HAUSER LAKE WATER ASSOCIATION SERVICE AREA
- PPA/APE PROPOSED PROJECT PLANNING AREA/ AREA OF POTENTIAL EFFECT

NOTES

1. PIPE NETWORK AND AERIALS COURTESY OF TERRY LEIGH HAUSER GIS MAPPING TAX MAPS COURTESY OF KOOTENAI COUNTY.
2. NAVD 88 DATUM



LEGEND

- ① INSTALL 138"W x 43'-6"L CMP ECOARCH PIPE ARCH SUPPLIED BY PFHD
- ② INSTALL (2) 20'W x 81"H CMP END WALLS WITH TIE-BACKS (2A) AND ANGLE BRACING (2B)
- ③ 6" OVERLAP BANDED/BOLTED CONNECTION
- ④ INSTALL SUPERSILL EACH SIDE 3.5'W x 1.5'H x 44'L (2 @ 16' + 1 @ 12')
- ⑤ PLACE ISPWC TYPE 4000B CONCRETE WITH 5" MAX. SLUMP, 6.5% AIR ENTRAINMENTS, AND 28 DAY COMPRESSIVE STRENGTH 4000 PSI IN SUPERSILLS
- ⑥ INSTALL GEOCELL PERFORATED 8.5'W x 6"H x 23'L (CUT TO 4.25'W) TO BE INSTALLED WITH GRAVEL FILL (¾"(-) CRUSHED) COMPACTED TO 95% AASHTO T-99 PROCTOR OVER COMPACTED SUBGRADE
- ⑦ RIPRAP (D₅₀ = 18") TYPICAL (4) LOCATIONS 5 CY EACH OF (4) LOCATIONS
- ⑧ PLACE SELECT IMPORT STRUCTURAL FILL IN MAX. 12" LIFTS COMPACTED TO 95% AASHTO T-99 VOID AROUND PIPE ARCH TO EDGE OF DEMOLITION (ESTIMATED QUANTITY _____ CY)
- ⑨ REPLACE STREAM BED GRAVEL UNDER PIPE ARCH WITH 1"-2½" FRACTURED GRAVEL 4" THICK - CONTRACTOR TO SUBMIT TO ENGINEER FOR APPROVAL OF GRAVEL
- ⑩ POST FALLS HIGHWAY DISTRICT TO REMOVE EXISTING CULVERT, (2) HEADWALLS, PIERS, ABANDONED ABUTMENTS, CONCRETE BARRIER RAIL, ASPHALT, BASE, BALLAST, AND FILL.
- ⑪ TRAFFIC CONTROL DEVICES, INCLUDING DETOUR SIGNS, TO BE PROVIDED BY PFHD AND MAINTAINED BY CONTRACTOR AFTER DEMOLITION UNTIL PROJECT COMPLETION
- ⑫ REMOVE BRUSH AND SLOPE STREAM BANK TO 1:1 TO 1:1.5 TO MATCH EXISTING CONDITIONS. TYPICAL OF (4) LOCATIONS BY PFHD



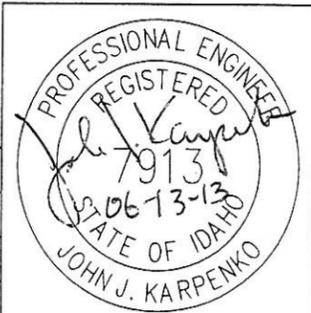
| NO. | REVISION | BY | DATE | DESIGN BY: |
|-----|----------|----|------|------------|
| | | | | JJK |
| | | | | SDM |
| | | | | JJK |
| | | | | SCALE: |

RUEN-YEAGER & ASSOCIATES, INC.
 CONSULTING ENGINEERS - LAND SURVEYORS - PLANNERS
 3201 N. HUETTER RD., STE. #102, COEUR D'ALENE, IDAHO 83814 (208)292-0820
 219 PINE ST. SANDPOINT, IDAHO 83864 (208)265-4629



CLIFF HOUSE ROAD
HAUSER CREEK CULVERT REPLACEMENT
HAUSER, IDAHO
 SITE PLAN

| | |
|---------------|---------------|
| PROJECT: | P120106 |
| FILE NAME: | DE_DESIGN.DWG |
| PLOT DATE: | 5/31/13 |
| SHEET NUMBER: | C3 |





C.L. "Butch" Otter
Governor of Idaho

Janet Gallimore
Executive Director

Administration
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 334-2682
Fax: (208) 334-2774

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Development
2205 Old Penitentiary Road
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Historical Museum and
Education Programs
610 North Julia Davis Drive
Boise, Idaho 83702-7695
Office: (208) 334-2120
Fax: (208) 334-4059

State Historic Preservation
Office and Historic Sites
Archeological Survey of Idaho
210 Main Street
Boise, Idaho 83702-7264
Office: (208) 334-3861
Fax: (208) 334-2775

Statewide Sites:
• Franklin Historic Site
• Pierce Courthouse
• Rock Creek Station and
• Stricker Homesite

Old Penitentiary
2445 Old Penitentiary Road
Boise, Idaho 83712-8254
Office: (208) 334-2844
Fax: (208) 334-3225

Idaho State Archives
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 334-2620
Fax: (208) 334-2626

North Idaho Office
112 West 4th Street, Suite #7
Moscow, Idaho 83843
Office: (208) 882-1540
Fax: (208) 882-1763



Historical Society is an
Equal Opportunity Employer.

TO: Ashley Williams, Staff Engineer, Welch-Comer

DATE: 1/7/2014

IDAHO SHPO REV#: 2014-125

STATE AGENCY: Department of Environmental Quality

PROJECT NAME: Hauser Lake Water System Improvements

AGENCY PROJECT NUMBER: NA

PROJECT LOCATION: NE ¼ SW ¼ Section 18, Township 51N, Range 5W, Boise Meridian, Kootenai County, Idaho

Step 1: Initiate the Section 106 Process (36 CFR 800.3)

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Establish Undertaking |
| <input checked="" type="checkbox"/> | Notify Idaho SHPO (30 days to respond) |
| <input type="checkbox"/> | Identify tribes and other consulting parties Include certified local governments if appropriate: |
| <input type="checkbox"/> | Involve the Public |
| <input type="checkbox"/> | No undertaking/potential to cause effects. (Section 106 concluded). |
| | Justification: |
| <input checked="" type="checkbox"/> | Undertaking may affect <i>historic properties</i> (proceed to Step 2) |
| <input checked="" type="checkbox"/> | Idaho SHPO internal review |
| <input type="checkbox"/> | Recommend independent study by a qualified consultant: http://www.preservationidaho.org/resources/cultural-resources-consultants |

Step 2: Identify Historic Properties (36 CFR 800.4)

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Determine Areas of Potential Effect (direct, indirect, and cumulative) |
| <input checked="" type="checkbox"/> | Identify <i>historic properties</i> (archival research, reconnaissance, inventory) |
| <input type="checkbox"/> | Present |
| <input type="checkbox"/> | Consult with Idaho SHPO (report) |
| <input checked="" type="checkbox"/> | No <i>historic properties</i> present/affected (Section 106 concluded). |
| | Justification: area is significantly disturbed, prior inventory in area indicated very low potential for undiscovered <i>historic properties</i> , action is not the type of activity that has a very low potential to adversely affect any undiscovered <i>historic properties</i> . |
| <input type="checkbox"/> | Potential Adverse Effects to <i>historic properties</i> (proceed to Step 3) |

Step 3: Assess Adverse Effects (36 CFR 800.5)

| | |
|--------------------------|---|
| <input type="checkbox"/> | Apply Criteria of Adverse Effect (effects to historic properties) |
| <input type="checkbox"/> | Consult with Idaho SHPO (report) |
| <input type="checkbox"/> | No <i>historic properties</i> adversely affected (Section 106 concluded) |
| | Justification: |
| <input type="checkbox"/> | Adverse Effects to <i>historic properties</i> (proceed to Step 4) |

Step 4: Resolve Adverse Effects (36 CFR 800.6)

| | |
|--------------------------|--|
| <input type="checkbox"/> | Notify Advisory Council on Historic Preservation |
| <input type="checkbox"/> | Avoid, minimize, or mitigate adverse effects |
| <input type="checkbox"/> | Consult with Idaho SHPO |
| <input type="checkbox"/> | Final Memorandum of Agreement or Programmatic Agreement (Section 106 concluded) |

Additional information on the Section 106 process can be found here: <http://www.achp.gov/flowexplain.html>

Thank You,

Ethan Morton, Archaeologist, Idaho State Historic Preservation Office

Mike May

From: Ashley Williams <awilliams@welchcomer.com>
Sent: Friday, January 24, 2014 16:14
To: Mike May
Subject: FW: 41082 - Hauser Lake Potential Waterline Relocation
Attachments: 41018_AgencyMaps_121113.pdf; 41018_AgencyLetter_121113.pdf; SHPO Consultation Letter.pdf; hauser lake.pdf; 41082_WaterlineRelocation_121113.pdf

Mike –

Here is what I sent SHPO.

Thanks!

Ashley Williams, E.I.T.
Staff Engineer
WELCH-COMER
208-664-9382
208-664-5946 (fax)
350 E. Kathleen Ave.
Coeur d'Alene, ID 83815
www.welchcomer.com

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From: Ashley Williams
Sent: Wednesday, December 11, 2013 3:55 PM
To: Ethan.Morton@ishs.idaho.gov
Cc: Necia Maiani
Subject: 41082 - Hauser Lake Potential Waterline Relocation

Ethan –

I am working with the Hauser Lake Water Association to complete water system improvements (refer to attached original agency letter and maps). Suzi Pengilly had provided consultation on the originally proposed project in 2011 (also attached). An archeological assessment was completed on the project area, for the reservoir construction, which Suzi commented on (see attached).

The Association updated their improvements this last year to move their tank site and no additional assessment was required at that time.

The Association is now considering adding a waterline relocation to their improvements, at the Hauser Creek crossing. Hauser Creek was originally constructed for irrigation purposes. They are considering including this waterline relocation in their DEQ funding. They are also reviewing two options: bore and trench methods. I have attached some maps that show the potential work.

Can you review these documents and let me know if you have any additional comments or concerns or if an additional assessment will be recommended?

Please let me know if you have any questions or need anything further from me.

Thanks!

Ashley Williams, E.I.T.
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STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502

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

February 6, 2012

Certified Mail No.: 7012 3050 0001 2126 2745

Chairman Chief Allan
Coeur d'Alene Tribe of Idaho
P.O. Box 408
Plummer, Idaho 83851

RE: Request for Tribal Consultation on Cultural Issues for the Hauser Lake Water Association Drinking Water Improvement Project

Dear Chairman Allan:

The Hauser Lake Water Association prepared a drinking water facility planning document for which the Coeur d'Alene Tribe has previously provided consultation. Because the Post Falls Highway District is replacing the bridge on Cliff House Road that crosses Hauser Creek, it has become necessary to modify the scope of the proposed drinking water improvements. It is anticipated that the proposed water line relocation will be financed by an increase to an existing federally funded State Revolving Fund loan, requiring compliance with the Idaho Department of Environmental Quality's State Environmental Review Process (SERP), which mirrors the National Environmental Policy Act. The purpose of this letter is to request your review and response regarding any cultural impact concerns that the Tribe may identify for this proposed project.

The proposed change to the project scope is the relocation of the existing water main from the existing bridge to an adjacent below-channel crossing. The location of the crossing in relation to the overall project is marked on the enclosed map titled "Option 3/3A-Selected Alternative." It has not yet been determined whether the new crossing will be constructed by trenching through Hauser Creek or by boring beneath it. Potential new crossing locations, which would be slightly different for the two construction options, are shown on the enclosed markup of the culvert replacement site plan and displayed on the enclosed site photos. For your convenience, copies of the correspondence with SHPO are also enclosed.

Please respond within 30 days, if possible, regarding any potential environmental impacts from this project to Michael.May@deq.idaho.gov if you have any questions.

Sincerely,

Mike May
Sr. Water Quality Analyst

Encl: maps and correspondence

c: Jill Wagner, Ph.D., Coeur d'Alene Tribe
Necia M. Maijani, P.E., Welches

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|---|--|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | | <p>A. Signature <input checked="" type="checkbox"/> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery Brad Williams 2/10/12</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> | |
| 1. Article Addressed to: | | 3. Service Type | |
| Chairman Chief Allan Coeur d'Alene Tribe of Idaho P.O. Box 408 Plummer, Idaho 83851 | | <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | |
| 2. Article Number (Transfer from service label) | | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |
| | | # 2745 | |