STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

February 29, 2016

Nick Snyder
Kootenai County Parks and Waterways
10905 N. Ramsey Road
Hayden, ID 83835

RE: Final §401 Water Quality Certification Mica Boat Launch Dredging Coeur d'Alene Lake; NWW-2009-710-C09

Dear Mr. Snyder,

Enclosed is the final water quality certification for the above referenced project. The draft certification was advertised for public comment for 30 days from January 26 to February 25, 2016. One comment was received and you were notified of their concerns and the need for changes to future dredging applications. No substantive changes regarding this public comment were made to this final certification. If you have any questions or concerns, please contact June Bergquist at 208.666.4605 or via email at june.bergquist@deq.idaho.gov .

Sincerely,

Daniel Redline
Regional Administrator
Coeur d'Alene Regional Office

c: Michael Burgan, Corps of Engineers – Coeur d'Alene Field Office 1910 Northwest Blvd, Suite 210 Coeur d'Alene ID 83814
Nicole Deinarowicz, DEQ State Office

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Idaho Department of Environmental Quality

Final §401 Water Quality Certification

February 29, 2016

404 Permit Application Number: 2009-710-C09; Mica Bay Boat Launch Dredging

Applicant/Authorized Agent: Applicant: Kootenai County Parks and Waterways; Authorized Agent: Terry Kincaid 1819 N. 9th St. Coeur d'Alene, ID 83814

Project Location: Latitude 47°35'57" longitude 116°51'36" Mica Bay Public Boat Launch

Receiving Water Body: Coeur d'Alene Lake

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended; 33 U.S.C. Section 1341(a)(1); and Idaho Code §§ 39-101 et seq. and 39-3601 et seq., the Idaho Department of Environmental Quality (DEQ) has authority to review activities receiving Section 404 dredge and fill permits and issue water quality certification decisions.

Based upon our review of the joint application for permit and biological assessment, received on January 21, 2016, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit along with the conditions set forth in this water quality certification, then there is reasonable assurance the activity will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02), and other appropriate water quality requirements of state law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations, or permits.

Project Description

Kootenai County Parks and Waterways propose to dredge 1,020 cubic yards of accumulated sediment from approximately one acre of dry lakebed waterward of the existing Mica Bay boat launch and docks. The dredged sediments will be hauled to the Kootenai County Farm Landfill for disposal. This is phase 2 of a two part project. Phase 1 focused on excavation of lakebed sediments in the nearshore area around the launch and public docks. Phase 2 will continue excavation of lakebed sediments beyond the dock area to increase accessibility for boats and extend the boating season into times when the lake is being drawn down for power generation.

In addition to the dredging for boat access, the applicant also proposes to excavate an additional 140 cubic yards of lakebed sediments to create keyways (channels cut in the lakebed) for placement of 300 cubic yards of imported riprap to create three rock vanes. The vanes are necessary because the boat launch is located at the confluence of Mica Creek and Coeur d'Alene

Lake. The thalweg of Mica Creek currently parallels the boat launch and is thought to deposit a ridge of sediment that limits boat access to the launch. The vanes are designed to push the thalweg further south away from the launch area. This excavated sediment will also be hauled to the Kootenai County Farm Landfill along with the other dredged sediments. Warning signs will be placed on uplands that alert boaters of the vanes since they will be submerged during summer pool levels.

Sediments from the Coeur d'Alene Basin are often contaminated with metals from the Bunker Hill Superfund site. Sediments have been collected and analyzed per the Sediment Evaluation Framework for the Pacific Northwest and found to be acceptable for disposal at the Kootenai County Farm Landfill.

Best management practices are proposed by the applicant or required by this certification that prevents construction related sediments or hazardous material spills from entering the lake. These include the placement of a sediment barrier along the water's edge; work will be accomplished during low pool when the site is de-watered; geotextile will be placed in the keyways and wrapped around the riprap fill to enclose it; spill containment and petroleum absorbent materials will be available in the event of a spill; equipment will not be stored overnight on the lakebed; the shoreline riparian vegetation must be replanted if damaged; and sediment will be cleaned from the roadway and parking lot to prevent it from eroding into the shoreline area.

Antidegradation Review

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

- Tier 1 Protection. The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier 1 review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.07).
- Tier 2 Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).
- Tier 3 Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ is employing a water body by water body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier 1 protection for that use, unless specific circumstances warranting Tier 2 protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

Pollutants of Concern

The primary pollutant of concern for this project is sediment and heavy metals related to the Bunker Hill Superfund site, particularly cadmium, lead and zinc. As part of the Section 401 water quality certification, DEQ is requiring the applicant comply with various conditions to protect water quality and to meet Idaho WQS, including the water quality criteria applicable to these pollutants.

Receiving Water Body Level of Protection

This project is located on Coeur d'Alene Lake within the Coeur d'Alene Lake Subbasin assessment unit (AU) 17010303PN001L_0L (freshwater lake). This AU has the following designated beneficial uses: cold water aquatic life, salmonid spawning, primary contact recreation and domestic water supply. In addition to these uses, all waters of the state are protected for agricultural and industrial water supply, wildlife habitat, and aesthetics (IDAPA 58.01.02.100).

According to DEQ's 2012 Integrated Report, this AU is not fully supporting one or more of its assessed uses. The aquatic life use is not fully supported. Causes of impairment include cadmium, lead and zinc. As such, DEQ will provide Tier 1 protection (IDAPA 58.01.02.051.01) for the aquatic life use. The contact recreation beneficial use is unassessed. However, *E. coli* data collected in 2007 indicate that recreation uses are fully supported. As such, DEQ will provide Tier 2 protection in addition to Tier 1 for the recreation beneficial use (IDAPA 58.01.02.052.05.c).

The pollutants of concern associated with this project are sediment, cadmium, lead and zinc. Sediment is not relevant to recreational uses; however, there are human health criteria for zinc that relate to recreational use. Cadmium and lead are toxic metals regulated in the WQS so as to prevent the impairment of beneficial uses (IDAPA 58.01.02.200.02 and 58.01.02.210). Therefore, it is necessary for DEQ to conduct a Tier 2 review for this AU because this project may create impacts that could affect the recreation use.

Protection and Maintenance of Existing Uses (Tier 1 Protection)

As noted above, a Tier 1 review is performed for all new or reissued permits or licenses, applies to all waters subject to the jurisdiction of the Clean Water Act, and requires demonstration that existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. The numeric and narrative criteria in the WQS are set at levels that ensure protection of designated beneficial uses.

Water bodies not supporting existing or designated beneficial uses must be identified as water quality limited, and a total maximum daily load (TMDL) must be prepared for those pollutants causing impairment. Once a TMDL is developed, discharges of causative pollutants shall be consistent with the allocations in the TMDL (IDAPA 58.01.02.055.05). Prior to the development of the TMDL, the WQS require the application of the antidegradation policy and implementation provisions to maintain and protect uses (IDAPA 58.01.02.055.04).

During the construction phase as detailed under Project Description section of this certification, the applicant will implement, install, maintain, monitor, and adaptively manage best

management practices (BMPs) directed toward reducing erosion and minimizing turbidity levels in receiving water bodies downstream of the project. In addition, permanent erosion and sediment controls will be implemented, which will minimize or prevent future sediment contributions from the project area. As long as the project is conducted in accordance with the provisions of the project plans, Section 404 permit, and conditions of this certification, then there is reasonable assurance the project will comply with the state's numeric and narrative criteria. These criteria are set at levels that protect and maintain designated and existing beneficial uses.

There is no available information indicating the presence of any existing beneficial uses aside from those that are already designated and discussed above; therefore, the permit ensures that the level of water quality necessary to protect both designated and existing uses is maintained and protected in compliance with the Tier 1 provisions of Idaho's WQS (IDAPA 58.01.02.051.01 and 58.01.02.052.07).

High-Quality Waters (Tier 2 Protection)

The Coeur d'Alene Lake is considered high quality for recreational uses. As such, the water quality relevant to this use must be maintained and protected, unless a lowering of water quality is deemed necessary to accommodate important social or economic development.

To determine whether degradation will occur, DEQ must evaluate how the permit issuance will affect water quality for zinc which is relevant to recreational uses of the Coeur d'Alene Lake (IDAPA 58.01.02.052.06). There will be no degradation of water quality due to zinc because all construction activities are limited to the dewatered lakebed with erosion control barriers between the low water line and the construction. All dredged sediments will be hauled off site and conditions in the certification require that the parking lot staging area and track-out of sediment onto the roadway be cleaned so it doesn't re-enter the waterbody. No smoothing of the dredged lakebed surface will be allowed to prevent mobilization of disturbed sediments. As such, the project complies with IDAPA 58.01.02.051.02 and IDAPA 58.01.02.052.06.

Permanent erosion and sediment controls must be implemented, which will minimize or prevent future sediment contributions from the project area. The provisions in the 404 permit, coupled with the conditions of this certification, ensure that degradation to the Coeur d'Alene Lake will not occur. Therefore, DEQ concludes that this project complies with the Tier 2 provisions of Idaho's WQS (IDAPA 58.01.02.051.02; 58.01.02.052.06 and 58.01.02.052.08).

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

General Conditions

1. This certification is conditioned upon the requirement that any modification (e.g., change in BMPs, work windows, etc.) of the permitted activity shall first be provided to DEQ for review to determine compliance with Idaho WQS and to provide additional certification pursuant to Section 401. Such modifications may not be implemented until DEQ has determined whether additional certification is necessary.

2. DEQ reserves the right to modify, amend, or revoke this certification if DEQ determines that, due to changes in relevant circumstances—including without limitation, changes in project activities, the characteristics of the receiving water bodies, or state WQS—there is no longer reasonable assurance of compliance with WQS or other appropriate requirements of state law.
3. If ownership of the project changes, the certification holder shall notify DEQ, in writing, upon transferring this ownership or responsibility for compliance with these conditions to another person or party. The new owner/operator shall request, in writing, the transfer of this water quality certification to his/her name.
4. A copy of this certification must be kept on the job site and readily available for review by any contractor working on the project and any federal, state, or local government personnel.
5. Project areas shall be clearly identified in the field prior to initiating land-disturbing activities to ensure avoidance of impacts to waters of the state beyond project footprints.
6. The applicant shall provide access to the project site and all mitigation sites upon request by DEQ personnel for site inspections, monitoring, and/or to ensure that conditions of this certification are being met.
7. The applicant is responsible for all work done by contractors and must ensure the contractors are informed of and follow all the conditions described in this certification and the Section 404 permit.

Fill Material

8. Fill material shall be free of organic and easily suspended fine material.
9. All temporary fills shall be removed in their entirety on or before construction completion.
10. Excavated or staged fill material must be placed so it is isolated from the water edge or wetlands and not placed where it could re-enter waters of the state.

Erosion and Sediment Control

11. BMPs for sediment and erosion control suitable to prevent exceedances of state WQS shall be selected and installed before starting construction at the site. One resource that may be used in evaluating appropriate BMPs is DEQ's *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties*, available online at http://www.deq.idaho.gov/media/494058-entire.pdf. Other resources may also be used for selecting appropriate BMPs.
12. One of the first construction activities shall be placing permanent and/or temporary erosion and sediment control measures around the perimeter of the project or initial work areas to protect the project water resources.
13. Permanent erosion and sediment control measures shall be installed in a manner that will provide long-term sediment and erosion control to prevent excess sediment from entering waters of the state.

14. Permanent erosion and sediment control measures shall be installed at the earliest practicable time consistent with good construction practices and shall be maintained as necessary throughout project operation.
15. BMP effectiveness shall be monitored during project implementation. BMPs shall be replaced or augmented if they are not effective.
16. All construction debris shall be properly disposed of so it cannot enter waters of the state or cause water quality degradation.
17. Disturbed areas suitable for vegetation shall be seeded or revegetated to prevent subsequent soil erosion.
18. Sediment from disturbed areas or able to be tracked by vehicles onto pavement must not be allowed to leave the site in amounts that would reasonably be expected to enter waters of the state. Placement of clean aggregate at all construction entrances or exits and other BMPs such as truck or wheel washes, if needed, must be used when earth-moving equipment will be leaving the site and traveling on paved surfaces.
19. **Paved staging area (parking lot and roadway) must be cleaned so as to not allow sediment to runoff into shoreline areas.**
20. **The use of silt fences below the ordinary high water mark is not authorized by this certification. Other erosion control best management practices that do not require excavation of lakebed sediments such as fiber wattles are acceptable.**
21. **Windrowed or piled dredged sediment must be staged on lakebed yet to be dredged.**

Turbidity

22. Sediment resulting from this activity must be mitigated to prevent violations of the turbidity standard as stipulated under the Idaho WQS (IDAPA 58.01.02). *Any violation of this standard must be reported to the DEQ regional office immediately by calling 208.666.4605, leaving a message is acceptable.*
23. All practical BMPs on disturbed lakebed, shoreline, and within the waters of the state must be implemented to minimize turbidity. Visual observation is acceptable to determine whether BMPs are functioning properly. If a plume is observed, the project may be causing an exceedance of WQS and the permittee must inspect the condition of the projects BMPs. If the BMPs appear to be functioning to their fullest capability, then the permittee must modify the activity or implement additional BMPs (this may also include modifying existing BMPs) until the water clears.
24. Containment measures such as straw wattles must be implemented and properly maintained to minimize instream sediment suspension and resulting turbidity.
25. **If snow and ice are used as a barrier to sediment movement into the water then the snow and ice containing trapped sediments must be removed from the lakebed at the end of the project and disposed of at the landfill or sampled to determine if alternative disposal locations are an option.**

In-water Work

26. In-water work is not authorized by this certification.
27. **Work shall be executed during a period of favorable weather (no prediction of precipitation) and when the lake is at its lowest planned water level (low pool).**

Vegetation Protection and Restoration

28. Disturbance of existing wetlands and native vegetation shall be kept to a minimum.
29. To the maximum extent practical, staging areas and access points should be placed in open, upland areas.
30. If authorized work results in unavoidable vegetative disturbance, riparian and wetland vegetation shall be successfully reestablished to function for water quality benefit at pre-project levels or improved at the completion of authorized work. **This includes replanting of any disturbed riparian vegetation as a result of the vane installation.**

Dredge Material Management

31. Upland disposal of dredged material must be done in a manner that prevents the material from re-entering waters of the state.
32. **Dredged areas shall not be smoothed or shaped by filling in voids with lakebed sediments. All efforts shall be made to remove loose sediments from the lakebed that have been dislodged by the dredging activity. The concern is that loosened sediments are likely to be suspended in the water column when lake water levels rise and runoff increases the flow from Mica Creek.**

Management of Hazardous or Deleterious Materials

33. Petroleum products and hazardous, toxic, and/or deleterious materials shall not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of waters of the state. Adequate measures and controls must be in place to ensure that those materials will not enter waters of the state as a result of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third-party activities.
34. Vegetable-based hydraulic fluid should be used on equipment operating in or directly adjacent to the channel if this fluid is available.
35. Daily inspections of all fluid systems on equipment to be used in or near waters of the state shall be done to ensure no leaks or potential leaks exist prior to equipment use.
36. Equipment and machinery must be removed from the vicinity of the waters of the state prior to refueling, repair, and/or maintenance and for overnight storage.
37. Equipment and machinery shall be steam cleaned of oils and grease in an upland location or staging area with appropriate wastewater controls and treatment prior to entering a water of the state. Any wastewater or wash water must not be allowed to enter a water of the state. Cleaning should be sufficient to remove any invasive species body part, seed or larval stage.
38. Emergency spill procedures shall be in place and may include a spill response kit (e.g., oil absorbent booms or other equipment).

Right to Appeal Final Certification

The final Section 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5) and the "Rules of Administrative Procedure before the Board of Environmental Quality" (IDAPA 58.01.23), within 35 days of the date of the final certification.

Questions or comments regarding the actions taken in this certification should be directed to June Bergquist by telephone at (208)666-4605 or by email at june.bergquist@deq.idaho.gov .

Daniel Redline
Regional Administrator
Coeur d'Alene Regional Office