



Department of the Army
Eastern Region
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
201 NORTH THIRD AVENUE
WALLA WALLA, WASHINGTON 99362-1876

December 20, 2007

DEC 24 2007

Regulatory Division
RECEIVED

SUBJECT: NWW-2007-1308-W04

Mr. James Richards
City of Pierce
PO Box 356
Pierce, Idaho 83546

Dear Mr. Richards

This concerns your application for a Department of the Army permit to discharge gravel, silt, sand and concrete into Orofino Creek to construct a raw water intake. Your project meets the terms and conditions of our Nationwide Permit Program at 33 CFR 330, Appendix A. Before we can authorize your project, you will need to obtain water quality certification or waiver of certification from the Idaho Department of Environmental Quality.

To help you through the certification process, we sent a letter to the Lewiston IDEQ office asking them to consider water quality certification for your project. We also asked them to notify you of their decision. If you do not receive their response by February 20, 2008, you may assume water quality certification has been waived. If IDEQ denies water quality certification, your application for permit will be denied and you may not construct the project. You may check on the status of IDEQ's water quality certification by contacting Ms. Cindy Barrett at 208-799-4370.

If IDEQ issues water quality certification or waiver of certification, your project will be authorized under Department of the Army Nationwide Permit No. 12 (33 CFR 330, Appendix A) and you may proceed with construction as shown on the enclosed drawings, subject to the conditions of the water quality certification, the terms and conditions of the enclosed nationwide permit, and the special conditions listed below. If you cannot meet these conditions, or if you change the project described in your permit application, this nationwide permit verification letter is not valid.

- a. Conduct work located below the ordinary high water mark only during the low flow period between July 1 and August 15.
- b. Revegetate or provide other adequate means of protection for all areas disturbed by project construction immediately upon completion of the project to prevent erosion.

- c. During construction, silt fencing or other erosion and sedimentation control devices shall be installed between any area of earth disturbance and Orofino Creek. The silt fencing must be installed according to the manufacturer's specifications during construction and must be maintained until the construction activity is completed and the disturbed ground is revegetated and stable to prevent erosion and the release of sediments downstream.
- d. Perform work according to the November 14, 2007 drawing sheets 1 through 4 provided in the application. No other discharge of dredged or fill material below the ordinary high water mark is authorized.
- e. Do not discharge temporary fills or stockpile excess dredged or fill material below the ordinary high water mark of Orofino Creek, its tributaries or adjacent wetlands. Excess dredged or fill material must be spoiled in upland areas where it cannot reenter waters of the United States, including wetlands.
- f. Equipment must work from the top of the bank and not in the channel to minimize impacts to the aquatic environment.
- g. Equipment operated adjacent to the channel must be free of fuel and lubricant leaks to reduce the potential for accidental release of fuels or lubricants.
- h. Remove equipment and machinery to an upland location at least 100 feet from the waterway prior to refueling, repair or maintenance or as designated by other regulatory agencies.
- i. Existing vegetation along the waterway shall be left undisturbed to the maximum extent possible to minimize impacts to aquatic and riparian habitat.
- j. The permittee is responsible for all work done by any contractor. The permittee shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this authorization (including any special conditions listed above). The permittee shall also ensure these terms and conditions are incorporated into engineering plans and contract specifications.
- k. The permittee shall notify me at 509-527-7156 when construction begins. The permittee shall sign and return the enclosed Compliance Certification when the project is completed.

This verification is valid for 2 years from the date of this letter, unless the NWP is modified, suspended or revoked. In addition, if you start or are under contract to start this activity before this date, you may have another year to complete the activity under the present terms and conditions of this nationwide permit.

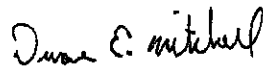
This determination applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other Federal, state, and local agencies. If your work requires a permit from the Idaho Department of Water Resources, you will need to obtain their approval before starting work. You should also contact your local city or county zoning office for any permits they may require for your project.

We have enclosed our approved jurisdictional determination for your project. This determination identifies waters of the United States on your project site that are subject to jurisdiction under Section 404 of the Clean Water Act. This jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date. We are enclosing an appeals form which explains the options you have if you do not agree with this approved jurisdictional determination. If you decide to appeal this determination, you need to send the appeals form to the Division Engineer, Northwestern Division, so he receives it within 60 days of this letter. If you have new information you want us to consider, you may send it to the Regulatory Division, Walla Walla District, at the letterhead address before you file the appeal

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access and are interested in letting us know how we are doing, you can complete an electronic version of our Customer Service Survey form on our web site at: <http://per2.nwp.usace.army.mil/survey.html> which will be automatically submitted to us. Alternatively, you may call and request a paper copy of the survey you may complete and return to us by mail or fax.

We have enclosed a Compliance Certification for you to sign and return when you have completed your project. Please contact me at 509-527-7156 if you have any questions. A copy of this letter is being sent to Mr. Greg Taylor, Idaho Department of Water Resources, Northern Regional Office, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815; Mr. Kerby Cole, Regional Administrator, Idaho Department of Environmental Quality, 1118 F Street, Lewiston, Idaho 83501; and Mr. Ray Hennekey, Idaho Department of Fish and Game, 1540 Warner Avenue, Lewiston, Idaho 83501.

Sincerely,



Duane E. Mitchell
Regulatory Project Manager

Enclosures