



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
720 EAST PARK BOULEVARD, SUITE 245
BOISE, IDAHO 83712

October 20, 2017

Regulatory Division

SUBJECT: NWW-2009-489, Boise River Flood Control District 10

Mr. Mike Dimmick, District Manager
Boise River Flood Control District 10
PO Box 140396
Garden City, Idaho 83714-0396

Dear Mr. Dimmick:

Enclosed is the signed Department of the Army Permit NWW-2009-489 extending your permit for three years until December 5, 2020 and modifying Special Conditions 3 and 4. The project site is located from Boise River Mile 21.5 upstream to Boise River Mile 50.0 (Figure 1), within portions of Sections 10,11,12, 14 and 15 of Township 4 North, Range 3 West, in portions of Sections 7, 8,13,14,15,16,17, and 18 of Township 4 North Range 2 West, in portions of Sections 7,12,13,14,15,16,17, 18, 23 and 24 of Township 4 North, Range 1 West, in portions of Sections 15,16,17,18,19,20,21,22,23,24, and 25 of Township 4 North, Range 1 East and Section 30 of Township 4 North, Range 2 East, in Ada and Canyon Counties, Idaho.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

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. Please visit us online at http://corpsmapu.usace.army.mil/cm_apex/P?p=regulatory_survey and complete an electronic version of our Customer Service Survey form, which will be automatically submitted to us. Alternatively, you may call and request a paper copy of the survey, which you may complete and return to us by mail. For additional information about our Regulatory program please visit us at <http://www.nww.usace.army.mil/BusinessWithUs/RegulatoryDivision.aspx>.

Please contact Mr. Greg Martinez by telephone at 208-433-4465, by mail at the address in the above letterhead, or via e-mail at greg.j.martinez@usace.army.mil if you have any questions regarding this matter.

Sincerely,



Kelly J. Urbanek
Chief, Regulatory Division

Enclosure(s)

DA Permit NWW-2009-489

Electronic Copies Furnished to following Agencies:

Tom Bassista
Idaho Department of Fish and Game
Thomas.bassista@idfg.idaho.gov

Tracy Peak
Environmental Protection Agency
peak.tracy@epa.gov

Aaron Golart
Idaho Department of Water Resources
Aaron.golart@idwr.idaho.gov

Bob Kibbler
US Fish and Wildlife Service
bob_kibbler@fws.gov

Dean Johnson
Idaho Department of Lands
djohnson@idl.idaho.gov

Lance Holloway
Idaho Department of Environmental Quality
Lance.holloway@deq.idaho.gov

DEPARTMENT OF THE ARMY PERMIT
(Permit Modification 1, time extension and modification of Special Conditions 3 and 4)

PERMITEE: Boise River Flood Control District #10

PERMIT NO.: NWW-2009-489-B01

ISSUING OFFICE: Walla Walla Regulatory District Office

NOTE: *The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office, acting under the authority of the commanding officer.*

You are authorized to perform work in accordance with the terms and conditions, as specified below:

WORK DESCRIPTION:

Discharge an average of 1000 cubic yards of woody debris along the bank full channel annually. This amount may vary year to year depending upon the spring high flow. A tracked excavator will walk the river channel picking up downed trees and other woody debris within the bank full channel and re-depositing this material along the river bank. Standing trees or snags will be evaluated on a case by case basis prior to removal. When determined that no threat to river flows exist, trees and snags may be trimmed or portions left standing to maintain shading, protect banks from erosion and improve over all habitat for fish and game.

Standing trees that are removed would be cut down within a few feet of the ground with the root balls left to maintain bank stability. Woody debris removed from the river would be placed onto existing woody debris piles, placed into areas previously impacted or piled to create new waste piles. Disposal of woody debris previously placed along the river channel may be moved to dry river bed locations or burned in place. Wood ash will not be recovered from the river bed.

Single trees encountered in the channel will be cut into ten foot lengths and left in place where appropriate.

An additional 0.05 acres of riparian forest may be temporarily filled during annual maintenance activities as a result of this disposal method.

THE PROJECT SHALL BE CONSTRUCTED ACCORDING TO THE ENCLOSED PLANS AND DRAWINGS titled "Boise River Flood Control District, drawings 1 and 2, dated July 2012.

ATTACHMENTS:

1. Location /Vicinity Map

PROJECT LOCATION: The proposed project would be located on the Boise River from River Mile 21.5 to River Mile 50.0 (Figure 1) within portions of Sections 10,11,12, 14 and 15 of Township 4 North, Range 3 West, in portions of Sections 7, 8,13,14,15,16,17, and 18 of Township 4 North Range 2 West, in portions of Sections 7,12,13,14,15,16,17,18, 23 and 24 of Township 4 North, Range 1 West, in portions of Sections 15,16,17,18,19,20,21,22,23,24, and 25 of Township 4 North, Range 1

East and Section 30 of Township 4 North, Range 2 East, in Ada and Canyon Counties, Idaho.

GENERAL CONDITIONS:

1. **The time limit for completing the work authorized ends on December 5, 2020.** If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 60-days before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity; although you may make a good faith transfer to a third party in compliance with General Condition 4 below.

Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown cultural material or historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately stop all work activities and immediately notify this office of what you have found by calling (208) 433-4465.

Our office will initiate the required Federal and State coordination to determine if the remains warrant a recovery effort or if the site is eligible for listing in the *National Register of Historic Places*.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner, in the space provided (see attached) and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. A copy of the certification will be provided to you by Idaho Department of Water Quality.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SPECIAL CONDITIONS:

Special Condition 1: Woody debris removed from the waterway shall be placed into uplands to the extent practicable. If it is determined that the debris cannot be removed immediately to an upland disposal site, then the Permittee shall, to the extent possible, place debris on top of the existing wood debris piles or in locations where wood piles have been previously removed so as to avoid the impact to new wetland areas. If new wetland areas are impacted by the discharge of temporary woody debris, these locations shall be mapped using a Global Positioning System (GPS), and the lat/long provided to the Corps by June 1, following the construction season.

Special Condition 2: Starting with the 2013-2014 construction seasons and for the life of the permit, woody debris excavated during the prior year shall be either removed from adjacent wetlands or offset by removal of an equal amount from existing woody debris piles. Methods of removal shall include burning, chipping or completely removing the woody debris from wetlands to reduce the overall

footprint of woody debris storage within waters of the U.S. If the material is chipped, the wood chips shall be either burned on site or deposited into a truck and hauled away for disposal at an upland location.

Special Condition 3: The Permittee shall submit “a target area of channel cleaning activity” prior to the start of each work season. By June 1, of each work year, Permittee shall provide the Corps a list of the debris piles constructed and/or removed by number, cubic yards of material, location (GPS), method of removal, i.e. burning, chipping or complete removal. This information shall be incorporated into the annual report.

Special Condition 4: Permittee shall conduct work in the river when river flows are 500 cfs or less as measured at the USGS river gage at the Glenwood Bridge. When circumstances call for conducting work or emergency response at flows greater than 500 cfs, the Permittee shall contact the local Corps office for approval prior to performing work at the higher flow.

Special Condition 5: Permittee shall notify the Boise Regulatory Office at 208-433-4465 three days prior to start of channel cleaning activities in the Boise River. Notification shall include the location of the channel cleaning work.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- (x) Section 404 of the Clean Water Act (33 U.S.C. 1344)
- () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

2. Limits of this authorization:

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Re-evaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant.

Circumstances that could require a reevaluation include, but are not limited to, the following:

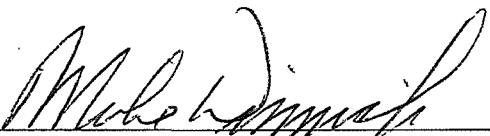
- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see #4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a re-evaluation may result in a determination that it is appropriate to use a suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.

You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations, such as those specified in 33 CFR 209.170, to accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 (page 1) establishes a three year time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

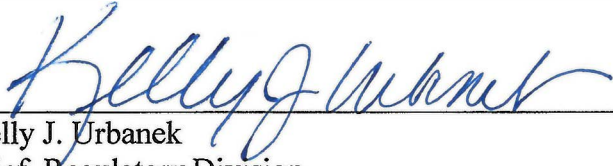
APPLICANT SIGNATURE: *Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.*



Mike Dimmick
Boise River Flood Control District #10
PO Box 140396, Garden City, Idaho 83714

10-1-2017
DATE

DEPARTMENT OF ARMY SIGNATURE: *This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.*



Kelly J. Urbanek
Chief, Regulatory Division
For
Damon Delarosa
Lieutenant Colonel, Corps of Engineers
District Commander

10/20/17
DATE