STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814 • (208) 769-1422

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

November 19, 2009

Ms. Beth Reinhart
U.S. Army Corps of Engineers
Coeur d'Alene Regulatory Field Office
3815 Schreiber Way
Coeur d'Alene, ID 83815

RE: Final §401 Certification of Regional Permit Number 27

Dear Ms. Reinhart,

We have reviewed the Regional Permit 27 public notice dated September 29, 2009 regarding the placement of piers, floating docks, marine launching rails, mooring piles and portable boat lifts in Pend Oreille Lake and Pend Oreille River.

Under Section 401 of the Federal Clean Water Act, federal agencies issuing discharge permits must be provided a notice of certification from the State of Idaho that there is a reasonable assurance the project will meet state water quality standards and other appropriate requirements of state water quality law. By copy of this letter, the Army Corps of Engineers is being notified of our final certification decision.

IDEQ certifies that permit holders authorized under Regional Permit 27 who comply with the terms and conditions imposed by the above referenced permit, set forth by the Army Corps of Engineers Walla Walla District, provides reasonable assurance that the discharges will comply with the applicable requirements of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and will not violate Idaho Water Quality Standards and other appropriate requirements of state law.

Any modification or amendment to Regional Permit 27, which DEQ expects will result in additional impacts to water quality, shall require a new 401 water quality certification from DEQ before any construction activities affected by the modification or amendment may proceed.

The Final §401 Water Quality Certification may be appealed pursuant to the Environmental Protection and Health Act, Idaho Code 39-107(5), the Idaho Administrative Procedure Act and the rules of Administrative Procedure before the Board of Environmental Quality, IDAPA 58.01.23. Such an appeal is a prerequisite to any district court action and must be initiated by filing a petition for a contested case in accordance with the Rules of Administrative Procedure before the Board of Environmental Quality (IDAPA 58.01.23) within thirty-five (35) days of the date of this 401 certification.

This certification does not constitute authorization of the permitted activities by any other local, state or federal agency or private person or entity. This certification does not excuse the permit holder from any obligation that may exist to obtain any other necessary approvals, authorizations or permits, including without limitation, any approval, if one is required, from the owner of a water conveyance system to use the system in connection with the permitted activities.

Sincerely,

Daniel Redline, Regional Administrator
Coeur d'Alene Regional Office

cc:

Jim Brady - Idaho Department of Lands
Mary Terra-Berns, Idaho Fish and Game
John Olson - U.S. Environmental Protection Agency
Johnna Sandow – DEQ Boise