



**US Army Corps
Of Engineers**

Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Special Public Notice:

2012 Nationwide Permit and
Water Quality Certification for Idaho
NWW- 2010-621-B01
DATE ISSUED: July 24, 2012

INFORMATIONAL PUBLIC NOTICE

ANNOUNCING the APPROVAL of
SECTION 401 WATER QUALITY CERTIFICATION
for NATIONWIDE PERMITS (NWP) in IDAHO and INDIAN COUNTRY

On February 21, 2012, the U.S. Army Corps of Engineers (Corps) published notice in the *Federal Register* announcing the reissuance of all existing NWPs, general conditions, and definitions with some modifications. The Corps also issued two new NWPs, three new general conditions, and three new definitions. The NWPs became effective on March 19, 2012 and will expire on March 18, 2017.

The Northwestern Division Commander on March 16, 2012 approved the revised Regional Conditions for Idaho. The 2012 Final Regional Conditions for Idaho became effective on March 19, 2012. The final Regional Conditions for the 2012 NWPs can be viewed at on-line at <http://www.nww.usace.army.mil/Businesswithus/regulatorydivision/nationwidepermits.aspx>.

The publication of the *Federal Register* notice on February 21, 2012 started the process for states, Indian Tribes, and the U.S. Environmental Protection Agency (EPA) to complete their Section 401 Water Quality Certification (WQC) process for the NWPs.

The Idaho Department of Environmental Quality (IDEQ) issued its final certification for the 2012 NWPs, on July 5, 2012. IDEQ certified all NWPs except for NWPs 12, 13 and 14 which it partially denied and NWPs 16, 17, 51 and 52 which it denied without prejudice. IDEQ also denied certification for any activities authorized by the NWPs that may result in the discharge to an Outstanding Resource Water. The Northwest Division Commander accepted the IDEQ's final WQC on July 13, 2012. The final IDEQ WQC can be viewed at http://www.nww.usace.army.mil/Portals/28/docs/regulatory/NWPs/401_WQC.pdf.

On March 28, 2012 EPA denied without prejudice, the WQC for the Section 404 NWP activities in Indian Country within Idaho except for the Coeur d'Alene Tribal lands and Shoshone Bannock Tribal lands. This includes activities authorized by the Nationwide Permits on Tribal lands of the Kootenai Tribe of Idaho, Nez Perce Tribe and Shoshone-Paiute Tribe of the Duck Valley Indian Reservation and

lands with exclusive Federal jurisdiction in the state of Idaho. An individual 401 certification is required for any project within these specified areas, from EPA.

On April 17, 2012 the Coeur d' Alene Tribe denied without prejudice, the WQC for all Section 404 NWP activities. This applies to all activities that may be authorized by NWPs on Treatment in the same manner as a state (TAS) approved waters of the Coeur d'Alene Reservation. An individual 401 certification is required for any project within these TAS approved waters of the Coeur d'Alene Reservation.

On May 11, 2012 the Shoshone Bannock Tribe denied, without prejudice, WQC for all Section 404 NWP activities. This applies to all activities that may be authorized by NWP on the Fort Hall Reservation. An individual 401 certification is required for any project within the Fort Hall Reservation.

For further information about the Department of the Army Nationwide Permit Program in Walla Walla District, please contact Mr. Greg Martinez at 208-345-2154 or email at greg.j.martinez@usace.army.mil.

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