



Idaho Department of Environmental Quality Final Section 401 Water Quality Certification

November 22, 2022

Project Name: NWW-2022-00415 Fun Farm Bridge Replacement Project

Permit Number (if applicable): NWP # 14, Linear Transportation Projects

Applicant/Authorized Agent: Brandon Harris, Local Highway Technical Assistance Council

Project Location: 2663 South River Road, Fremont, Idaho (43.983276°N, -111.624861°W); approximately 3 miles east of St. Anthony, Idaho.

Receiving Water Body: Henry's Fork of the Snake River (ID17040203SK002_06)

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 federal permits and issue water quality certification decisions.

In accordance with the Clean Water Act §§ 121.4 and 121.5, all project proponents must submit a request for a prefiling meeting at least thirty days in advance of submitting a certification request. A prefiling meeting request was received by DEQ on 5/20/2022. DEQ reviewed the prefiling meeting request and determined that necessary project information submitted with advance notice was sufficient to evaluate potential water quality impacts to act on the certification request within a reasonable period of time.

Based upon its review of the certification request in accordance with the Clean Water Act § 121.5 (b) and (c), received on 9/22/2022, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit and the conditions set forth in this water quality certification, then it is reasonable for DEQ to conclude that the activity will comply with water quality requirements, including applicable requirements of the Clean Water Act §§ 301, 302, 303, 306, and 307, Idaho's "Water Quality Standards" (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.

Accessibility Services: The Idaho Department of Environmental Quality will provide reasonable language access services and/or disability services for documents at no charge. To request an accommodation under Title VI of the Civil Rights Act of 1964 or Americans with Disabilities Act, contact DEQ's nondiscrimination coordinator at (208) 373-0271 or accessibility@deg.idaho.gov. Para obtener información en español, visite <https://www.deq.idaho.gov/about-us/accessibility/>.

1 Project Description

Proposed project activities include replacement of the structurally deficient Fun Farm Bridge over the Henry's Fork of the Snake River. The project will involve removing the existing bridge and abutments, excavating for new footings, constructing new abutments and wing walls, placing rip rap, setting the new bridge deck, and grading fill embankments on both sides of the bridge approaches.

The proposed excavation, in-stream work, fill removal and embankment fill will result in an estimated total stream impact of 170 linear feet and an estimated total wetland impact of 2,899 square feet.

Prior to construction activities, wetlands (that are not designated to be impacted) will be flagged and protected, sediment best management practices (BMPs) will be placed, and coffer dam structures will be installed. Best management practices will be in maintained throughout the life of the project. During the clean-up phase, impacted areas will be permanently stabilized through seeding and placing of large angular rip rap rock.

2 Antidegradation Review

As part of its water quality standards program, Idaho has an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051). DEQ adopted regulations to implement the antidegradation policy (IDAPA 58.01.02.052).

Tier I 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 I review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.07).

Tier II 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 necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).

Tier III Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities do not lower water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ employs 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 I protection for that use, unless specific circumstances warranting Tier II protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved [DEQ Integrated Report](#) and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

2.1 Pollutants of Concern

The pollutant of concern for this project is sediment. As part of the § 401 water quality certification, DEQ requires the applicant to comply with various conditions to protect water quality and meet Idaho's water quality standards, including the water quality criteria applicable to sedimentation.

2.2 Receiving Water Body Level of Protection

This project is located on the Henry's Fork within the Lower Henry's subbasin assessment unit (AU) ID17040203SK002_06. According to DEQ's 2022 Integrated Report, 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 2022 Integrated Report, the cold water aquatic life and salmonid spawning uses are not fully supporting for this AU. Temperature is the cause of impairment for both uses. As stated above, DEQ employs a water-body-by-water-body approach to implementing Idaho's antidegradation policy. If a waterbody is impaired for dissolved oxygen, pH, or temperature, but *"biological or aquatic habitat parameters show a healthy, balanced biological community is present"* then *"the water body must receive Tier II protection for aquatic life uses"*. (IDAPA 58.01.02.052.05.c.i.). Given that the Henry's Fork famously possesses an ecologically and economically significant trout fishery (see section 2.4), DEQ will provide Tier I protection for the domestic water supply designated beneficial use and both Tier I and Tier II protection for the cold water aquatic life, salmonid spawning, and primary contact recreation beneficial uses.

2.3 Protection and Maintenance of Existing Uses (Tier I Protection)

As noted above, a Tier I 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 will be maintained and protected. The numeric and narrative criteria in the water quality standards are set at levels that ensure protection of existing and designated beneficial uses.

Throughout the life of the project, the applicant will implement, install, maintain, monitor, and adaptively manage best management practices (BMPs) to reduce erosion and minimize turbidity levels in receiving water bodies downstream of the project. In addition, permanent erosion and sediment controls will be implemented that will minimize or prevent future sediment contributions from the project area.

If the project is conducted according to the provisions of the project plans, federal permit, and conditions of this certification, then it is reasonable for DEQ to conclude that the project will comply with the state's numeric and narrative criteria. These criteria are set at levels that protect and maintain existing and designated 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. The permit ensures that the level of water quality necessary to protect both existing and designated uses is maintained and protected in compliance with the Tier I provisions of IDAPA 58.01.02.051.01 and 58.01.02.052.07.

2.4 High-Quality Waters (Tier II Protection)

As mentioned above, this section of the Henry's Fork of the Snake River is not fully supporting cold water aquatic life and salmonid spawning, due to a temperature impairment. However, the Henry's Fork is a very popular location for recreation, especially fishing. Fishery data collected by the Idaho Fish and Game in the reaches upstream of the Fun Farm Bridge show that the trout population (Rainbow Trout and Brown Trout) is relatively stable, shows strong recruitment, and is in overall good condition (Heckel and High, 2022). Given the quality and importance of this fishery, the Henry's Fork is considered high quality for cold water aquatic life and salmonid spawning. The water quality relevant to these uses must be maintained and protected, unless lowering water quality is 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 each pollutant that is relevant to cold water aquatic life and salmonid spawning uses of this section of the Henry's Fork (IDAPA 58.01.02.052.06). As mentioned above, the main pollutant of concern is sediment. The proposed project activities that could impact beneficial uses include the following: the removal of the existing bridge and abutments, construction of new bridge and abutments, placements of rip rap, removal of coffer dam structures, and the clearing of vegetation and wetlands.

Before the project is implemented, the following stormwater pollution prevention BMPs will be utilized: adjacent wetlands will be flagged and protected, and coffer dam structures and fiber wattles will be placed in and around the appropriate locations in the project area. Removal of the existing bridge and abutments will permanently alter the waterbody, but long-term sedimentation effects post-removal are not expected. Similarly, the construction of the new bridge and abutments will permanently alter the waterbody; however, the sedimentation concern from these actions is not expected to last long-term if the BMPs for site stabilization (seeding, revegetation, rip rap placement) are followed correctly.

Temporary impacts that would be expected during the construction and clean-up phase of the project relating to the potential for increased sediment loads include the installation and removal of coffer dams and impacts to wetlands. These impacts are temporary in nature and should not contribute to long term sedimentation post-construction. As such, the project complies with IDAPA 58.01.02.051 .02 and IDAPA 58.01.02.052.06.

To maintain the ambient water quality conditions, permanent erosion and sediment controls must be implemented to minimize or prevent future sediment contributions from the project area. The provisions in the federal permit and the conditions of this certification ensure that degradation to the Henry's Fork (ID17040203SK002_06) will not occur. If these provisions are

followed, DEQ concludes that this project will comply with the Tier II provisions of Idaho's WQS (IDAPA 58.01.02.051.02, 58.01.02.052.06, and 58.01.02.052.08).

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

The following conditions ensure the Fun Farm Bridge Replacement Project complies with Idaho's water quality standards and other appropriate water quality requirements of state law applicable to Henry's Fork of the Snake River.

3.1 General Conditions

1. 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 water quality standards—there is no longer reasonable assurance of compliance with the water quality standards or other appropriate requirements of state law.
2. If ownership of the project changes, the certification holder will notify DEQ, in writing, upon transferring this ownership or responsibility for compliance with these conditions to another person or party. The new owner/operator will request, in writing, the transfer of this water quality certification to the new name.
3. 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.
4. 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 federal permit.
5. If this project disturbs more than 1-acre and there is potential for discharge of storm water to waters of the state, then coverage under the [DEQ Construction General Permit Program](#) may be required.

3.2 Fill Material

The following conditions are necessary to protect beneficial uses in accordance with Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.210, IDAPA 58.01.02.250, IDAPA 58.01.02.251, IDAPA 58.01.02.252, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. Fill material subject to suspension will be free of easily suspended fine material. Only clean material may be placed as fill. If dredged material is proposed for use as fill material and there is a possibility the material may be contaminated, then the permittee

must assess and characterize sediment to determine the suitability of dredge material for unconfined-aquatic placement; determine the suitability of post-dredge surfaces; and predict the effect on water quality during dredging. Sediment assessment and characterization following the procedures in the *Sediment Evaluation Framework for the Pacific Northwest* (RSET 2018) satisfies this requirement. A different assessment and characterization methodology may be used if the DEQ approves the methodology in writing.

2. Temporary fills will be removed in their entirety on or before construction completion.
3. 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.
4. Placement of fill material in excavated wetlands shall be minimized to the greatest extent possible

3.3 Erosion and Sediment Control

The following conditions protect beneficial uses in accordance with Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.250, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. BMPs for sediment and erosion control suitable to prevent exceedances of Idaho's water quality standards and TMDLs will be selected and installed before starting construction at the site. One resource to evaluate appropriate BMPs is the *Idaho Catalog of Storm Water Best Management Practices* (DEQ 2020). Other resources may also be used for selecting appropriate BMPs.
2. Permanent and temporary erosion and sediment control measures will be installed at the earliest practicable time consistent with good construction practices. This control measures will be maintained as necessary throughout project operation to provide short-and long-term sediment and erosion control and prevent excess sediment from entering waters of the state.
3. Structural fill or bank protection will consist of materials that are placed and maintained to withstand predictable high flows in the waters of the state.
4. A BMP inspection and maintenance plan must be developed and implemented. At a minimum, BMPs must be inspected and maintained daily during project implementation and replaced or augmented if they are not effective.
5. All construction debris, scraps, particles, and other associated materials will be captured and properly disposed of so they cannot enter waters of the state or cause water quality degradation.
6. Disturbed areas suitable for vegetation will be seeded or revegetated to prevent subsequent soil erosion (EPA 2000).
7. Maximum fill slopes will be material that is structurally stable once placed and does not slough into the stream channel during construction, during periods before revegetation, or after vegetation is established.
8. Sediment from disturbed areas or sediment that can be tracked by vehicles onto pavement must not leave the site in amounts reasonably 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 to prevent track-out.

3.4 Turbidity

The following conditions protect beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200.08, IDAPA 58.01.02.250.02.e, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. Sediment resulting from this activity must be mitigated to prevent violations of the turbidity standards stipulated in Idaho's water quality standards (IDAPA 58.01.02.250.02.e). *Any violation of this standard must be reported to the DEQ regional office immediately.*
2. Containment measures such as silt curtains, geotextile fabrics, and silt fences must be implemented and properly maintained to minimize instream sediment suspension and resulting turbidity. One resource to evaluate appropriate BMPs is the *Idaho Catalog of Storm Water Best Management Practices* (DEQ 2020). Other resources may also be used for selecting appropriate BMPs.
3. All practical BMPs on disturbed banks 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 sediment plume is observed, the project may be causing an exceedance of water quality standards, and the permittee must inspect the condition of the project BMPs. If the BMPs appear to be functioning improperly, then corrective action must be taken, and the permittee must modify the activity or implement additional BMPs (this may also include modifying existing BMPs).
4. Turbidity monitoring must be conducted, recorded, and reported as described below. Monitoring must occur each day during project implementation when project activities may result in turbidity increases above background levels. A properly and regularly calibrated turbidimeter is required.
 - a. *A properly and regularly calibrated turbidimeter is required for sample collection measurements to be analyzed in the field.* The calibration log should be maintained and made available to DEQ upon request. All measurements must be in NTUs. Background turbidity, latitude/longitude, date, and time must be recorded before monitoring downstream. A sample must be collected immediately downstream from the in-water disturbance or point of discharge and within the visible sediment plume, if present. The turbidity, latitude/longitude, date, and time must be recorded for each sample. The downstream sample must be taken immediately following the upstream sample to obtain meaningful and representative results.
 - b. If the downstream turbidity is 50 nephelometric turbidity units (NTUs) or greater than the upstream turbidity, then the project is causing an exceedance of the water quality standards. Any exceedance of the turbidity standard must be reported to the Idaho Falls DEQ regional office within 24-hours of the sample event. The report must describe all exceedances and subsequent actions taken and the effectiveness of the action including subsequent monitoring.

3.5 In-Water Work

The following conditions protect beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.250, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. Work in open water must be kept at a minimum and only when necessary. Equipment must work from an upland site to minimize disturbance of waters of the state. If this is not practicable, take appropriate measures to ensure disturbance to the waters of the state is minimized.
2. Construction affecting the bed or banks must occur only during periods of low flow.
3. Forging the channel is not permitted. Build temporary bridges or other structures if crossings are necessary.
 - a. Temporary crossings must be perpendicular to channels and located in areas with the least impact. The temporary crossings must be supplemented with clean gravel or treated with other mitigation methods at least as effective in reducing impacts.
 - b. Temporary crossings must be removed as soon as possible after the project is completed or the crossing is no longer needed.
4. Heavy equipment working in wetlands must be placed on mats or suitably designed pads to prevent damage to the wetlands.
5. Activities in spawning areas must be avoided to the maximum extent practicable.
6. Work in waters of the state is restricted to areas specified in the application.
7. Measures must be taken to prevent wet concrete from entering waters of the state when placed in forms and/or from truck washing.
8. Activities that construct and maintain intake structures must include adequate fish screening devices to prevent fish entrainment or capture.
9. Stranded fish found in dewatered segments should be moved to a location (preferably downstream) with water.
10. To minimize sediment transport, stream channel or streambank stabilization must be completed before returning water to a dewatered segment.

3.6 Vegetation Protection and Restoration

The following conditions protect beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.250, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. To the maximum extent practical, staging areas and access points should be placed in open, upland areas.
2. Disturbance of existing wetlands and native vegetation shall be kept to a minimum.
3. Fencing and other protective barriers should be used to mark the construction areas.
4. Where possible, alternative equipment should be used (e.g., spider hoe or crane).

5. If authorized work results in unavoidable vegetative disturbance, native riparian and wetland vegetation must be successfully reestablished to benefit water quality at pre-project levels or improved at the completion of authorized work.

3.7 Management of Hazardous or Deleterious Materials

The following conditions protect beneficial uses according to Idaho's water quality standards, including without limitation IDAPA 58.01.02.051, IDAPA 58.01.02.080, IDAPA 58.01.02.200, IDAPA 58.01.02.400, IDAPA 58.01.02.800, and IDAPA 58.01.02.850.

1. Petroleum products and hazardous, toxic, and/or deleterious materials must not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of waters of the state. Adequate measures and controls must ensure that those materials will not enter waters of the state because of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third-party activities.
2. Secondary containment is required for chemical materials.
3. Vegetable-based hydraulic fluid should be used on equipment operating in or directly adjacent to the channel if this fluid is available.
4. Daily inspections of all fluid systems on equipment to be used in or near waters of the state must ensure no leaks or potential leaks exist before equipment use. A logbook of daily equipment inspections must be kept on site and provided to DEQ upon request.
5. Equipment and machinery must be removed from the vicinity of the waters of the state before refueling, repair, and/or maintenance.
6. Equipment and machinery must be steam cleaned of oils and grease in an upland location or staging area with appropriate wastewater controls and treatment capability before entering waters of the state. Any wastewater or wash water must not enter waters of the state.
7. Emergency spill response procedures must be in place and include a spill response kit (e.g., oil absorbent booms or other equipment).
8. If an unauthorized release of hazardous material to state waters or to land occurs and there is a likelihood it will enter state waters, the responsible persons in charge must:
 - a. Make every reasonable effort to abate and stop a continuing spill.
 - b. Make every reasonable effort to contain spilled material so it will not reach surface or ground waters of the state.
 - c. Call 911 if immediate assistance is required to control, contain, or clean up the spill. If no assistance is needed in cleaning up the spill, contact the appropriate DEQ regional office during normal working hours or Idaho State Communications Center after normal working hours (1-800-632-8000). If the spilled volume is above federal reportable quantities, contact the National Response Center (1-800-424-8802).
 - d. Contact the Idaho Falls Regional Office: 208-528-2650
9. Collect, remove, and properly dispose of spill and cleanup materials in a manner approved by DEQ.

3.8 Dredge Material Management

Upland disposal of dredged material must prevent the material from reentering waters of the state.

This condition ensures that there is no unauthorized discharge from upland disposal sites according to 33 U.S.C. § 1311(a) and Idaho's water quality requirements, including without limitation Idaho Code § 39-108, IDAPA 58.01.02.080, and IDAPA 58.01.02.400

4 Required Notification

The permittee must notify the Idaho Falls DEQ Regional Office when authorized work begins.

5 Right to Appeal Final Certification

The final § 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 Alex Bell, Water Quality Manager, Idaho Falls Regional Office, 208-528-2679, alex.bell@deq.idaho.gov



Troy Saffle
Regional Administrator
Idaho Falls Regional Office

References

- DEQ (Idaho Department of Environmental Quality). 2020. *Idaho Catalog of Storm Water Best Management Practices*. Boise, ID: DEQ. <https://www.deq.idaho.gov/water-quality/wastewater/storm-water/>
- DEQ (Idaho Department of Environmental Quality). 2022. *Idaho Department of Environmental Quality 2022 Integrated Report*. Boise, ID: DEQ. <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/16619>
- EPA (US Environmental Protection Agency). 2000. *National Menu of Best Management Practices (BMPs) for Stormwater*. <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>
- Heckel and High. 2022. Henry's Fork Snake River–Vernon and Chester [Electrofishing Report], Idaho Fish and Game, Upper Snake Region.
- RSET (Northwest Regional Sediment Evaluation Team). 2018. *Sediment Evaluation Framework for the Pacific Northwest*. Prepared by the RSET Agencies.