Idaho Department of Environmental Quality
Final Section 401 Water Quality Certification

December 16, 2025

Modified by agreement August 28, 2026

2026 US Army Corps of Engineers § 404 Nationwide Permits (NWPs)

Pursuant to Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended; 33 U.S.C. Section 1341(a)(1); 40 CFR § 121; and Idaho Code §§ 39-101 et seq. and 39-3601 et seq., the Idaho Department of Environmental Quality (DEQ) has the authority to review and certify that any discharge of dredged or fill material into waters of the United States will comply with water quality requirements under state law and the Clean Water Act. DEQ provided a 30-day public notice to solicit comments on the draft certification on October 6, 2025, through November 5, 2025, and considered all comments in making the final certification decision and establishing conditions.

This certification does not authorize activities by any other federal or state agency or any private individual or entity and does not relieve the permittee of the responsibility to obtain all other required approvals, authorizations, or permits that may be necessary for the project. This includes, but is not limited to, obtaining authorization from the owner of any private water conveyance system, where such approval is required, for use of that system in connection with the permitted activities.

This certification is granted with conditions and applies only to the activities authorized under the 2026 NWPs and associated Regional Conditions. All discharges under these activities must comply with 33 U.S.C. § 1341, 40 CFR § 121, and other applicable water quality requirements, including 33 U.S.C. § 1311(a); Idaho Code § 39-108; and IDAPA 58.01.02.051, IDAPA 58.01.02.052, IDAPA 58.01.02.080, 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 (Appendix D).

Modifications to a grant of certification will be processed in accordance with the requirements of Clean Water Act § 401 in effect at the time the modification is proposed. This certification is valid for the duration of activities authorized and conducted under the 2026 NWPs.

1 Antidegradation Review

Idaho's antidegradation policy (IDAPA 58.01.02.051), establishes three tiers of water quality protection. All discharges authorized under the 2026 NWPs must comply with Tier I, II, and III requirements of this policy.

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).

1.1 Pollutants of Concern

The primary pollutant of concern, for projects permitted under the 2026 NWPs administered by the USACE, is sediment. In locations where heavy metals are present due to mining activities, or where high concentrations of nutrients may be associated with sediments, additional considerations may be necessary. If the project reduces riparian vegetation, then temperature (thermal loading) may also be of concern.

The procedures outlined in the *Sediment Evaluation Framework for the Pacific Northwest* (RSET 2018) may be applied to assess and characterize sediment to determine the suitability of dredged material for unconfined aquatic placement, to determine the suitability of postdredge surfaces, and to predict effects on water quality during dredging. Additional details are provided in section 2.5.

As part of the § 401 water quality certification, DEQ requires the applicant to comply with various conditions to protect water quality and meet all of Idaho's water quality standards.

1.2 Receiving Water Body Level of Protection

The USACE NWPs authorize the discharge of dredged or fill material associated with regulated activities within waters of the United States under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. In Idaho, jurisdictional waters can potentially receive direct discharges from activities authorized under the NWPs.

All waters in Idaho that receive discharges from activities authorized under a NWP will receive, at minimum, Tier I antidegradation protection because Idaho's Tier I antidegradation policy applies to all state waters (IDAPA 58.01.02.052.01). Water bodies that fully support their aquatic life or recreational uses are considered *high-quality waters* and will receive Tier II antidegradation protection (IDAPA 58.01.02.051.02). Because of the statewide applicability, the antidegradation review will assess whether the NWP permit complies with both Tier I and Tier II antidegradation provisions (IDAPA 58.01.02.052.03).

Although Idaho does not currently have any Tier III designated outstanding resource waters (ORWs), it is possible for a water body to be designated as an ORW during the term of the NWPs (which are reissued every 5 years). Because of this potential, the antidegradation review also assesses whether the permit complies with the ORW requirements of Idaho's antidegradation policy (IDAPA 58.01.02.051.03).

In accordance with IDAPA 58.01.02.052.05, to determine the beneficial use support status of the receiving water body, DEQ uses the most recent Integrated Report approved by the US Environmental Protection Agency (EPA), which is available on DEQ's website at Monitoring and Assessment.

In the Integrated Report, all state waters are placed into at least one of five primary reporting categories. Category 1 (waters wholly within designated wilderness) and Category 2 (waters fully supporting assessed beneficial uses) are considered high-quality waters that must receive Tier II antidegradation protection.

Unassessed waters are identified as Category 3 in DEQ's Integrated Report. These waters require a case-by-case determination made by DEQ based on information available at the time of the application for permit coverage (IDAPA 58.01.02.052.05.b). For activities authorized under this certification that occur in unassessed waters, DEQ has determined that compliance with the conditions of the applicable NWP, Regional Conditions, and the conditions of this certification will ensure consistency with the requirements of IDAPA 58.01.02.052.

Impaired waters are identified in Categories 4 and 5 of the Integrated Report. Category 4(a) contains impaired waters for which a total maximum daily load (TMDL) has been approved by EPA. Category 4(b) contains impaired waters for which controls other than a TMDL have been approved by EPA. Category 5 contains waters identified as *impaired* for which a TMDL is needed. These waters are Tier I waters for the use which is impaired. With the exception, if the aquatic life uses are impaired for any of these three pollutants—dissolved oxygen, pH, or temperature—and the biological or aquatic habitat parameters show a healthy, balanced biological community, then the water body will receive Tier II protection, in addition to Tier I protection, for aquatic life uses (IDAPA 58.01.02.052.05.c.i).

DEQ's Monitoring and Assessment web page provides access to the state's current map-based Integrated Report, which presents information in a searchable format.

Water bodies can be in multiple categories for different causes. If additional information or clarification about the support status of the receiving water body is needed or assistance is

required for using the interactive mapper, contact the appropriate DEQ regional or state office (Table 1).

Table 1. DEQ regional and state office contact information.

Office	Address	Phone Number
Boise	1445 N. Orchard Street Boise, ID 83706	(208) 373-0550
Coeur d'Alene	2110 Ironwood Parkway Coeur d'Alene, ID 83814	(208) 769-1422
Idaho Falls	900 N. Skyline, Suite B Idaho Falls, ID 83402	(208) 528-2650
Lewiston	1118 "F" Street Lewiston, ID 83501	(208) 799-4370
Pocatello	444 Hospital Way, #300 Pocatello, ID 83201	(208) 236-6160
Twin Falls	650 Addison Ave. W., Suite 110 Twin Falls, ID 83301	(208) 736-2190
State Office	1410 N. Hilton Street Boise, ID 83706	(208) 373-0502

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

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.

Narrative (non-numeric) effluent limitations in the NWPs and associated Regional Conditions for the USACE Walla Walla District, and this water quality certification address best management practices (BMPs) aimed at minimizing impacts to the aquatic environment and are focused on sediment and turbidity impacts including: shoreline and riverbank vegetation protection and restoration, dewatering requirements, erosion and sediment controls, soil stabilization requirements, pollution prevention measures, prohibited discharges, and wildlife and habitat considerations. Excavation and fill work should be conducted in dry or low water conditions to the maximum extent practicable. Working in a dry setting minimizes the project's impacts to surface waters, helps meet sediment stabilization requirements outlined in the certification, and supports compliance with the Tier I provisions of Idaho's water quality standards.

Although the NWPs do not contain specific (numeric) effluent limitations for sediment or turbidity, the conditions identified in the permits and in this water quality certification will ensure compliance with DEQ's water quality standards, including the narrative sediment criteria (IDAPA 58.01.02.200.08) and turbidity criteria (IDAPA 58.01.02.250.02.e). The criterion states, "Turbidity shall not exceed background turbidity by more than 50 nephelometric turbidity units (NTU)[1] instantaneously or more than 25 NTU for more than 10 consecutive days" (IDAPA 58.01.02.250.02.e). If a visible plume is observed, the permittee must implement corrective

[1]*NTU is a unit of measure of the concentration of suspended particles in the water (turbidity). It is determined by shining a light through a sample and measuring the incident light scattered at right angles from the sample.*

measures and conduct turbidity monitoring consistent with section 2.7 (Table 2) (IDAPA 58.01.02.054.01).

If an EPA-approved TMDL exists for the receiving water body, projects must comply with all wasteload and load allocation requirements applicable to the pollutant(s) of concern.

For activities requiring a preconstruction notification (PCN), the USACE will evaluate the NWP activities on a case-by-case basis to ensure they do not result in more than minimal individual or cumulative adverse environmental effects (33 U.S.C. § 1344(e)). The USACE has agreed to forward project verification letters to the appropriate DEQ regional and state offices (Table 1) for all authorized activities. This process will help keep DEQ informed of authorized activities statewide and support evaluation of whether additional conditions are needed when the USACE reissues the NWPs.

1.3.1 DEQ's Determination

DEQ concludes that the activities authorized under the 2026 NWPs will comply with Idaho's Tier I requirements (IDAPA 58.01.02.051.01 and 58.01.02.052.07), provided they are conducted in accordance with the limitations and associated requirements of the 2026 NWPs, Regional Conditions, and this water quality certification. The conditions in this certification ensure that water quality is maintained at levels necessary to protect both existing and designated uses, consistent with the Tier I provisions of IDAPA 58.01.02.051.01 and 58.01.02.052.07.

1.4 Protection of High-Quality Waters (Tier II Protection)

Water bodies that fully support their beneficial uses are recognized as high-quality waters and receive Tier II protection in addition to Tier I protection (IDAPA 58.01.02.051.02; 58.01.02.052.05.a).

The USACE is prohibited from authorizing projects under a NWP that would result in more than minimal individual or cumulative impacts to the aquatic environment (33 U.S.C. § 1344(e)). As required by the National Environmental Policy Act (NEPA), the USACE has evaluated both the individual and cumulative environmental effects of NWP activities. DEQ acknowledges that short-term water quality impacts, such as temporary increases in sediment, may occur as a result of authorized activities. However, DEQ has determined that compliance with permit terms and conditions—including the USACE Regional Conditions and the conditions in this water quality certification—will ensure no long-term adverse impacts to water quality or beneficial use support (IDAPA 58.01.02.052.03).

As a general principle, DEQ interprets "degradation" under antidegradation review as a permanent or long-term adverse change in water quality (DEQ 2024). Temporary or short-term reductions in water quality do not constitute significant degradation requiring Tier II analysis, provided that reasonable measures are implemented to minimize those effects (e.g., the certification conditions in section 2) (IDAPA 58.01.02.052.03 and 58.01.02.080.02).

For certain NWPs, project proponents must submit a PCN to the USACE before beginning regulated activities. This case-by-case review process allows the district engineer to determine

whether additional conditions or mitigation are necessary to ensure the activity will not result in more than minimal individual or cumulative impacts on the aquatic environment.

DEQ denies certification for NWPs 16, 23, 44, and 53 (section 3.1). Activities authorized under these NWPs will require individual certification from DEQ.

DEQ grants certification with conditions for NWPs 3, 12, 13, 14, 21, 29, 39, 40, 42, 43, 49, 50, 51, 52, 57, 58, and 59. This certification applies only to the activities described in section 3.2 and is subject to the conditions specified therein. Activities that exceed the limits outlined in section 3.2 for these NWPs must obtain an individual § 401 water quality certification. DEQ will review individual requests to determine whether additional conditions—or denial—are necessary to ensure no lowering of water quality occurs in Tier II waters.

1.4.1 DEQ's Determination

DEQ concludes that the activities authorized under the 2026 NWPs will comply with Idaho's Tier II requirements (IDAPA 58.01.02.051.02 and 58.01.02.052.08), provided they are conducted in accordance with the limitations and requirements of the 2026 NWPs, Regional Conditions, and this water quality certification. The conditions in this certification ensure that high-quality waters—those fully supporting their beneficial uses—are maintained and protected, consistent with Tier II provisions.

1.5 Protection of Outstanding Resource Waters (Tier III Protection)

Idaho's antidegradation policy requires that the quality of ORWs be maintained and protected from the impacts of point and nonpoint source activities (IDAPA 58.01.02.051.03).

DEQ denies certification for any activities on any ORW (section 3.1) and is requiring that any activities proposed on an ORW apply for individual certification (section 2.4).

1.5.1 DEQ's Determination

DEQ concludes that the activities authorized by the 2026 NWPs and this certification will comply with Idaho's Tier III requirements under IDAPA 58.01.02.051.03 providing permitted activities are carried out in compliance with the limitations and associated requirements of the 2026 NWPs, Regional Conditions, and conditions of this water quality certification.

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

Appendix A includes a summary of DEQ's certification conditions.

2.1 General Conditions

To ensure compliance with water quality standards and Idaho law this certification applies only to the activities authorized in the 2026 NWPs and associated Regional Conditions. All discharges under these activities must comply with 33 U.S.C. § 1341, 40 CFR § 121, and other applicable water quality requirements, including without limitation, 33 U.S.C. § 1311(a), Idaho Code § 39-108, IDAPA 58.01.02.051, IDAPA 58.01.02.052, IDAPA 58.01.02.080, 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. If ownership of the project changes, the certification holder must notify DEQ, in writing, upon transferring this ownership or responsibility for compliance with these conditions to another person or party. The new owner/operator must request, in writing, the transfer of this water quality certification to the new name. This condition ensures that, if ownership changes, DEQ has the minimum information to support ongoing compliance with 33 U.S.C. § 1341, 40 CFR 121, this water quality certification, and other applicable water quality requirements, including without limitation, Idaho Code § 39-108, IDAPA 58.01.02.080, and IDAPA 58.01.02.400.
2. 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.
3. 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.
4. The applicant must provide access to the project site upon request by DEQ personnel for site inspections, monitoring, and/or to ensure that conditions of this certification are being met.
5. Projects must be conducted in a manner that complies with numeric and narrative criteria in Idaho's water quality standards, including criteria for sediment, turbidity, temperature, and dissolved oxygen.

2.2 Design, Implementation, and Maintenance of Best Management Practices

The following condition is necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation, IDAPA 58.01.02.200, IDAPA 58.01.02.250, IDAPA 58.01.02.251, IDAPA 58.01.02.252, IDAPA 58.01.02.350, and IDAPA 58.01.02.401.

1. BMPs must be properly designed, implemented, and maintained to protect beneficial uses and minimize pollutant loading to surface waters. Proper installation and operation of BMPs are required to ensure the provisions of IDAPA 58.01.02.052 are met. To ensure that BMPs are operating properly and to demonstrate that degradation has not occurred, the permittee must monitor and evaluate BMP effectiveness daily during project activities to ensure that water quality standards are met. BMP inspection logs

and documentation of corrective measures (if necessary) must be maintained on site, along with a copy of this certification and provided to DEQ upon request.

DEQ publishes the Idaho Catalog of Storm Water Best Management Practices, which identifies approved practices for controlling erosion and sediment during and following construction. Alternative sources of BMPs may be used only where consistent with state water quality standards and the conditions of this certification.

2.3 Total Maximum Daily Load Compliance

The following condition is necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation, IDAPA 58.01.02.055.

1. If an EPA-approved TMDL exists for the receiving water body, projects must comply with all wasteload and load allocation requirements applicable to the pollutant(s) of concern.

Approved TMDLs are found on DEQ's Total Maximum Daily Loads web page or by contacting the appropriate regional office contact (Table 1).

2.4 Outstanding Resource Waters

If any waters are designated as ORWs during the term of the NWPs, permittees must notify the appropriate DEQ regional office (Table 1) and obtain an individual § 401 water quality certification prior to project authorization. This ensures no lowering of water quality in any ORW in compliance with Idaho's Antidegradation Policy (IDAPA 58.01.02.051.03).

2.5 Fill Material

The following conditions are necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation, IDAPA 58.01.02.051, IDAPA 58.01.02.200, IDAPA 58.01.02.210, 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 materials may be placed as fill.
2. If dredged material is proposed for reuse as fill material and there is a possibility the materials may be contaminated, then the permittee must assess and characterize sediment to determine the suitability of dredged material for unconfined-aquatic placement; determine the suitability of postdredge 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.
3. When sand is utilized as fill material, appropriate BMPs must be implemented to ensure sand will not be easily dispersed (e.g., filter fabric anchored over the sand or other confinement).

4. Temporary fills must be removed in their entirety on or before construction completion.

2.6 Erosion and Sediment Control

The following conditions are necessary for the protection of 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. BMPs for sediment and erosion control suitable to prevent exceedances of Idaho's water quality standards and consistency with TMDLs must be selected and installed before starting construction at the site.
2. Temporary and permanent erosion and sediment control measures must be installed around the perimeter of the project or work areas to control and prevent excess sediment from entering waters of the United States.
3. Temporary and permanent erosion and sediment control measures must be installed at the earliest practicable time consistent with good construction practices and must be maintained as necessary throughout the project.
4. Structural fill or bank protection must consist of materials that are placed and maintained to withstand predictable high flows in the waters of the United States.
5. 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. BMP inspection logs and documentation of corrective measures (if necessary) must be maintained on site, along with a copy of this certification and provided to DEQ upon request.
6. All excess dredged or fill material generated by the authorized activity must be contained and properly disposed of so it does not enter waters of the United States or cause water quality degradation.
7. Disturbed project areas suitable for vegetation must be seeded or revegetated to stabilize soils and prevent erosion to the maximum extent practicable (EPA 2000).
8. Maximum fill slopes must 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.
9. 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 United States. 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.

2.7 Turbidity

The following conditions are necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation, IDAPA 58.01.02.051, IDAPA 58.01.02.200.08, IDAPA 58.01.02.210, IDAPA 58.01.02.250.02.e, IDAPA 58.01.02.253, and IDAPA 58.01.02.400.

1. Sediment resulting from activities—including BMP failures, construction mishaps, spills, or any unplanned event—must be mitigated to prevent violations of Idaho's turbidity standards. Any violation of this standard must be reported to the appropriate DEQ regional office immediately (Table 1).
2. Throughout the life of the project, the applicant must implement, maintain, monitor, and adaptively manage BMPs—such as silt curtains, geotextile fabrics, and silt fences—to minimize instream sediment suspension, turbidity, and the potential for spills or mishaps to affect surface waters.
3. Visual observation is acceptable to determine whether project activities, BMPs, or unanticipated events (e.g., construction mishaps or spills) are contributing to increased turbidity. If a sediment plume is observed, the project may be causing an exceedance of water quality standards, and the permittee must inspect BMPs and the project activity area to identify the cause. If the BMPs, site conditions, or any incident are contributing to turbidity, the permittee must take corrective measures and modify the activity, address the incident, and implement additional or revised BMPs.
4. If a visible sediment plume persists after corrective measures have been implemented, turbidity monitoring consistent with Table 2 and Appendix C is required.
    a. A properly and regularly calibrated turbidimeter is required for field measurements. The turbidimeter must be calibrated before each use or in accordance with the manufacturer's recommendations. Calibration logs must be maintained and made available to DEQ upon request. Instantaneous grab samples must be collected upstream of the disturbance to determine background turbidity and downstream within the visible plume to evaluate project impacts. Location, date, time, and turbidity values must be recorded for each sample.
    b. Results from the downstream sampling location must be compared to the upstream sample location or background turbidity to determine whether project activities are causing an exceedance of Idaho's water quality standards. 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 appropriate DEQ regional office (Table 1) within 24 hours of the sample event.
    c. Work (or earth-disturbing activities) may resume when turbidity readings return to within 50 NTU above background. If turbidity has exceeded 25 NTU above background for more than 10 consecutive days, work may resume once readings have remained below 25 NTU above background for at least 24 consecutive hours.

d. Daily turbidity monitoring logs must be available to DEQ upon request. Logs must describe all exceedances, the causes (including spills or incidents, if applicable), corrective measures taken, and the effectiveness of those measures.

Table 2. Turbidimeter monitoring and sampling when a plume is observed.

Turbidity Above Background[a]	Monitoring/Sampling Frequency[a]	Additional Actions Required
0 to 24 NTU	Visual monitoring every 2 hours. No sampling required.	None
25 to 49 NTU	Collect samples every 2 hours.	Continue work for up to 8 hours within any 24-hour period, then STOP work until turbidity returns to acceptable levels.
25 NTU for 10 or more consecutive days	Sample before and after implementing corrective actions, following instructions[b]	STOP work, implement corrective actions, and follow instructions[b]; notify DEQ regional office
50 NTU or more	Sample before and after implementing corrective actions, following instructions[c]	STOP work, implement corrective actions, and follow instructions[c]; notify DEQ regional office

a. For any required turbidity sampling, collect and report three measurements at each monitoring location. Use the maximum value of the three measurements to determine compliance following Table 2 directions.
b. Instructions: If BMPs appear to be functioning properly, the permittee must modify the activity or implement corrective actions, such as installing additional or modifying existing BMPs, until turbidity measurements indicate turbidity standards are met. Sampling may cease once a sediment plume is no longer observed. Work may resume when the sediment plume is no longer visible and turbidity measurements remain consecutively below 25 NTU.
c. Instructions: If BMPs appear to be functioning properly, the permittee must modify the activity or implement corrective actions, such as installing additional or modifying existing BMPs, until turbidity measurements indicate turbidity standards are met. Sampling may cease once a sediment plume is no longer observed. Work may resume when the sediment plume is no longer visible and turbidity measurements remain below 50 NTU.

2.8 In-Water Work

The following conditions are necessary for the protection of 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. When practicable, equipment must work from an upland site to minimize disturbance of waters of the United States.
2. Construction affecting the streambed or streambanks must generally occur during low-flow periods, and where practicable, coincide with suitable in-water work periods for aquatic life.
3. To the maximum extent practicable, where fill is needed, temporary crossings must be installed perpendicular to the channel and located in areas that will result in the least environmental impact. Temporary crossings must be stabilized with clean gravel or treated with other measures that are equally effective in reducing impacts. All temporary crossings must be removed as soon as practicable after project completion or when they are no longer needed.
4. To the maximum extent practicable, heavy equipment operating in wetlands must be placed on mats or suitably designed pads to prevent damage to wetland soil and vegetation. However, during winter conditions, mats or pads may not be required if the

ground is adequately frozen and construction activities are expected to result in minimal impacts.

5. In-water activities in spawning areas must be avoided to the maximum extent practicable during spawning and incubation periods.
6. Prior to project commencement, the applicant should consider contacting the Idaho Department of Lands (IDL) and Idaho Department of Fish and Game (IDFG) offices for potential permit applicability.
7. Prior to the start of in-water work, the applicant must contact the local IDFG Regional Office to determine if spawning areas are present in the work area, and if so, the applicant must work with IDFG to determine an appropriate work window so as not to disturb spawning fish, incubating fish eggs, or newly emerged fry.
8. Prior to conducting fish salvage activities, the applicant must obtain all necessary authorizations, permits, and approvals. Fish salvage activities must be conducted by qualified personnel in accordance with a valid IDFG *Scientific Collecting Permit* and any applicable permit conditions. Applications for an IDFG Scientific Collecting Permit must be submitted a minimum of thirty days before fish salvage activities occur, unless otherwise authorized by IDFG. The applicant must comply with conditions specified in the salvage plan outlined in the Scientific Collecting Permit, including approved salvage activities and relocation requirements for salvaged fish. Additional authorizations, permits, or approvals required for the handling of species protected under the Endangered Species Act must also be obtained, as applicable.
9. Activities that construct and maintain intake structures must include adequate fish exclusion screening devices in accordance with the National Marine Fisheries Services *Fish Screening Criteria for Anadromous Salmonids* (NMFS 1997) to minimize and prevent fish entrainment or capture.
10. Wastewater from concrete washout and equipment cleaning must be managed to prevent discharge to waters of the United States. Control measures must be maintained to prevent or minimize the potential for wet concrete, slurry, or wash water from entering waters of the United States.
11. To the maximum extent practicable, equipment operating over water or directly adjacent to the channel must utilize environmentally acceptable lubricants or hydraulic fluids that are less toxic to fish and other aquatic organisms.

2.9 Vegetation Protection and Restoration

The following conditions are necessary for the protection of 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 practicable, locate staging areas and access points in open, upland areas.

   a. Fencing and other protective barriers must be used to clearly mark construction areas.
   b. To the maximum extent practicable, minimize disturbance of native vegetation to reduce soil erosion, sediment delivery to waterways, and impacts to aquatic biota, including Bull Trout.

2. Existing riparian vegetation within the project area must remain undisturbed to the maximum extent practicable. Where disturbance is unavoidable, implement BMPs to minimize impacts and replant disturbed areas with native riparian species that provide equivalent or improved shading, bank stability, and habitat functions within the current or next appropriate planting season.
3. Where project activities unavoidably remove native riparian or wetland vegetation, successfully reestablish native species within the current or next appropriate planting season to the maximum extent practicable. Restoration must achieve, at minimum, preproject levels of water quality benefit or result in an overall ecosystem improvement.

2.10 Management of Hazardous or Deleterious Materials

The following conditions are necessary for the protection of 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 58.01.02.210, 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 United States. Adequate measures and controls must ensure that those materials will not enter waters of the United States because of high water, precipitation runoff, wind, storage facility failure, accidents, or unauthorized third-party activities.
2. Secondary containment must be provided for all chemical materials stored or used on-site to prevent spills, leaks, or releases to waters of the United States. Containment systems must be designed and maintained in accordance with applicable industry standards and manufacturer recommendations.
3. Daily inspections of all fluid systems on equipment to be used in or near waters of the United States 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.
4. Equipment and machinery must not be refueled, repaired, or serviced within waters of the United States.
5. 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 United States. Any wastewater or wash water must not enter waters of the United States and be properly disposed.

6. Emergency spill response procedures must be in place and include a spill response kit (e.g., oil absorbent booms or other equipment).
7. If an unauthorized release of hazardous material to waters of the United States or to land occurs and there is a likelihood it will enter waters of the United States, 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 waters of the United States.
    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 (Table 1) 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).
8. Collect, remove, and properly dispose of spill and cleanup materials in accordance with all federal, state, and local regulations.

2.11 Mixing Zones

The following condition meets Idaho's water quality standards, including without limitation, IDAPA 58.01.02.060.

No mixing zones are authorized through this certification. If a mixing zone, or alternatively, a point of compliance, is desired, the permittee must apply for an individual certification and must contact the appropriate DEQ regional office (Table 1) to request authorization for a mixing zone.

2.12 Culverts

The following conditions to control erosion, sediment, and turbidity are necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation, IDAPA 58.01.02.200 and IDAPA 58.01.02.250.

1. To prevent road surface and culvert bedding material from entering a stream, culvert crossings must include BMPs to retain road base and culvert bedding material. For perennial waters, the permittee should consider Idaho's "Stream Channel Alterations Rules" (IDAPA 37.03.07). Another source of BMPs for culvert installation are found in the "Rules Pertaining to the Idaho Forest Practices Act" (IDAPA 20.02.01). Examples of BMPs include, but are not limited to, parapets, wing walls, inlet and outlet rock armoring, compaction, suitable bedding material, antiseep barriers such as bentonite clay, or other acceptable roadway retention systems.
2. Culverts must be sized appropriately to maintain the natural drainage patterns.

3. Culverts must not constrict the stream channel or direct flow toward the streambank. Adequate grade control must be installed to prevent channel erosion or sediment buildup.
4. Culverts for fish-bearing waterways must be installed so they do not impede fish passage.
5. The culvert outflow must be armored with riprap to provide erosion control. This riprap must be clean, angular, dense rock that is free of fines and resistant to aquatic decomposition.

2.13 Treated Wood

The following conditions are necessary for the protection of beneficial uses according to Idaho's water quality standards, including without limitation, IDAPA 58.01.02.200 and IDAPA 58.01.02.210. These conditions ensure that toxic chemicals are not introduced into waters of the United States.

1. The *Guidance for the Use of Wood Preservatives and Preserved Wood Products In or Around Aquatic Environments* (DEQ 2008) must be considered when using treated wood materials in the aquatic environment. The DEQ guidance references *Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments* (Western Wood Preservers Institute et al. 2011). This BMP document provides recommended guidelines for producing and installing treated wood products for use in sensitive environments.
2. All treated wood must be treated in a manner consistent with the pesticide's EPA-approved labeling. As a matter of good industry practice, pressure-treated wood ties must also be treated in accordance with standards established by the American Wood Protection Association. Additionally, only wood treated with ACQ, ACZA, CA-B, and copper naphthenate may be used. Wood treated with creosote, CCA, pentachlorophenol (Penta), or any other prohibited chemical will not be covered under this water quality certification.
3. Adhere to the manufacturer's guidelines for proper storage, handling, and usage.
4. Materials must be stored out of direct soil or standing water, away from drainage conveyances adjacent to waters of the United States and covered until needed for use.
5. Set up a controlled workspace or designated work area with barriers to capture and contain debris to prevent it from spreading.
6. Collect and properly dispose of sawdust and wood scraps in accordance with federal, state, and local regulations. Treated wood waste must not be burned or composted.

2.14 Dredge Material Management

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.

1. Upland disposal of dredged material must prevent the material from reentering waters of the United States.

2.15 Pollutants/Toxins

In conformance with IDAPA 58.01.02.200, the use of chemicals such as sterilants, growth inhibitors, fertilizers, and deicing salts during construction must be limited to the best estimate of optimum application rates. All reasonable measures must be taken to avoid excess application and introduction of chemicals into waters of the United States.

3 Project Certification

Appendix B includes a summary of DEQ's certification decisions.

3.1 Certification Denied: Individual Certification Required

DEQ denies certification for NWPs 16, 23, 44, and 53, as well as for all projects in high-quality (Class I) wetlands. To identify wetland classifications, contact the Idaho Department of Fish and Game.

DEQ cannot certify that the following activities will comply with water quality requirements. Applicants must request an individual § 401 water quality certification before the activity can proceed. Upon review of an individual certification request, DEQ may:

- Grant certification;
- Grant certification with conditions necessary to meet water quality requirements;
- Deny certification for projects that will not meet water quality requirements; or
- Expressly waive certification (40 CFR § 121.7).

DEQ also denies certification for all activities proposed to occur in waters designated as ORWs for the duration of the permit. This denial is necessary to comply with Idaho's antidegradation policy (IDAPA 58.01.02.051.03) and implementation procedures (IDAPA 58.01.02.052.09.g).

NWP 16—Return Water from Upland Contained Disposal Areas

Return water from upland disposal areas may contribute turbidity, sediment, and other pollutants to receiving waters that exceed Idaho's water quality standards, requiring site-specific review.

NWP 23—Approved Categorical Exclusions

DEQ is unable to determine that the broad range of activities receiving categorical exclusions under NEPA will meet state water quality requirements because the exclusions lack sufficient detail to evaluate potential water quality impacts. Individual certification is required.

NWP 44—Mining Activities

Mining activities may generate sediment, metals, and other pollutants that may pose elevated risks to water quality. Since impacts depend on site-specific geology, hydrology, and operational practices, these activities require individual certification to ensure compliance with state water quality standards.

NWP 53—Removal of Low-Head Dams

Dam removals may mobilize contaminated sediments and alter downstream water quality in ways that require site-specific conditions and are best addressed through individual review.

3.2 Certification Granted with Conditions

DEQ grants certification with conditions for NWPs 3, 12, 13, 14, 21, 29, 39, 40, 42, 43, 49, 50, 51, 52, 57, 58, and 59.

DEQ recognizes that these activities may have the potential to disturb large areas of an assessment unit, that may result in permanent and significant impairment of designated or existing beneficial uses. The conditions of the NWPs, associated Regional Conditions, and this certification are not sufficient to ensure that projects of this scale will fully protect designated beneficial uses or prevent degradation of high-quality waters.

To comply with Idaho's antidegradation implementation procedures (IDAPA 58.01.02.052), protect beneficial uses, and meet surface water quality criteria for sediment (IDAPA 58.01.02.200.08), DEQ must evaluate certain projects individually through an individual § 401 water quality certification.

3.2.1 NWPs 3, 12, 13, 14, 29, 49, 57, 58, and 59

The proposed 2026 NWPs 3, 12, 13, 14, 29, 49, 57, 58, and 59 require preconstruction notification (PCN) for certain activities so the USACE district engineer can determine whether an activity will result in minimal environmental impacts. While PCN review provides an additional safeguard under the USACE's permitting program, it does not ensure compliance with Idaho's antidegradation implementation procedures (IDAPA 58.01.02.052).

DEQ's § 401 review focuses on Idaho water quality standards and antidegradation requirements. Activities that remain within the limits specified below are covered by the general certification with conditions. Activities that exceed these limits require an individual § 401 water quality certification.

NWP 3—Maintenance

Certification is granted for activities that:

- Do not expand the existing permanent project footprint by more than 0.1 acre within waters of the United States.
- Do not involve activities authorized by paragraph (b) of NWP 3.

When records of the original authorization or footprint are incomplete or unavailable—such as for older transportation infrastructure—the best available information may be used to determine whether the activity maintains the existing footprint, rather than expanding it by more than 0.1 acre.

NWP 12—Oil or Natural Gas Pipeline Activities

Certification is granted for activities that:

- Result in no more than 0.1 acre of permanent wetland loss.
- Result in no more than 500 linear feet of permanent streambed impact.

NWP 13—Bank Stabilization

Certification is granted for activities that:

- Do not result in more than 0.1 acre of permanent loss of waters of the United States.
- Do not exceed 500 linear feet of permanent streambed or streambank impact.
- Do not exceed 1 cubic yard of fill per linear foot.

NWP 14—Linear Transportation Projects

Certification is granted for activities that:

- Do not result in more than 0.1 acre of permanent loss of waters of the United States.
- Do not cause permanent loss of more than 300 linear feet of streambed.

NWP 29—Residential Developments

Certification is granted for activities that:

- Do not result in more than 0.1 acre of permanent loss of waters of the United States.
- Do not cause permanent loss of more than 300 linear feet of streambed.

NWP 49—Coal Remining Activities

Certification is granted for activities that:

- Result in no more than 0.5 acre of permanent loss of waters of the United States.

NWP 57—Electric Utility Line and Telecommunications Activities

Certification is granted for activities that:

- Do not result in more than 0.1 acre of permanent loss of waters of the United States.
- Do not exceed 500 linear feet of permanent streambed impacts.

NWP 58—Utility Line Activities for Water and Other Substances

Certification is granted for activities that:

- Do not result in more than 0.1 acre of permanent loss of waters of the United States.
- Do not exceed 500 linear feet of permanent streambed impacts.

NWP 59—Water Reclamation and Reuse Facilities

Certification is granted for activities that:

- Result in no more than 0.5 acre of total loss of waters of the United States.
- Result in no more than 300 linear feet of permanent streambed loss.

3.2.2 NWPs 21, 39, 40, 42, 43, 50, 51, and 52

These NWPs may involve activities with a higher potential for pollutant discharges and land-disturbing impacts (e.g., sediment, nutrients, metals, hydrocarbons, and other pollutants). Many are land-intensive or industrial in nature and therefore present elevated risks to water quality. Because the federal NWP program does not require project-specific demonstration of compliance with Idaho's antidegradation procedures, DEQ limits certification to activities that protect Idaho water quality standards.

Certification is granted for activities that:

- Do not exceed 300 linear feet of permanent streambed loss, or
- Do not result in more than 0.5 acre of permanent loss of waters of the United States.

Activities exceeding these limits, or otherwise likely to cause permanent degradation of surface waters, are not covered by this general certification and require an individual § 401 water quality certification.

Based on DEQ's 2010 Beneficial Use Reconnaissance Program (BURP) monitoring of 48 wadeable streams, the median bankfull width was 19.7 feet. At this width, a 0.5-acre loss corresponds to approximately 1,105 linear feet of stream (about 0.2 miles). DEQ cannot certify that permanent streambed losses of this magnitude, measured solely under the 0.5-acre limit, would avoid permanent degradation of surface waters.

Using both linear-foot and acreage-based metrics accounts for differences in how aquatic resources may be affected. For example, a project may result in a small acreage of impact while permanently altering a long segment of stream channel, or may affect fewer linear feet of stream while causing a large loss of wetlands or open waters. Applying both measures supports consistent implementation of Idaho's antidegradation requirements, particularly for high-quality waters, impaired waters, and waters with approved TMDLs.

Applicable NWPs:

- NWP 21—Surface Coal Mining Activities
- NWP 39—Commercial and Institutional Developments
- NWP 40—Agricultural Activities
- NWP 42—Recreational Activities
- NWP 43—Stormwater Management Activities
- NWP 50—Underground Coal Mining Activities
- NWP 51—Land-Based Renewable Energy Generation Facilities

- NWP 52—Water-Based Renewable Energy Generation Pilot Projects

3.3 Certification Granted

DEQ grants § 401 water quality certification for NWPs 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 15, 17, 18, 19, 20, 22, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 45, 46, 48, 54, 55, and A.

These NWPs authorize activities that, when implemented in accordance to their terms and conditions, are expected to result in only minimal adverse environmental effects and can be reasonably conditioned to ensure compliance with Idaho's water quality standards and antidegradation implementation procedures (IDAPA 58.01.02.052).

Certification is granted provided the activity complies with all the following conditions:

- Terms and conditions of the applicable NWP.
- Regional Conditions established by the USACE Walla Walla District.
- Conditions necessary to ensure compliance with water quality standards, outlined in this certification (section 2).

These NWPs generally involve activities of limited scope, scale, or intensity and are designed to authorize projects with minimal individual and cumulative adverse effects on the aquatic environment. When conducted in accordance with Regional Conditions and the general conditions of this certification, these activities can be implemented without lowering water quality or degrading high-quality waters. As a result, DEQ can certify these NWPs in full while relying on the safeguards provided through existing permit conditions and state oversight.

4 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 Tambra Phares, Boise State Office at (208) 373-0187 or by email at tambra.phares@deq.idaho.gov.

Mary Anne Nelson, PhD
Surface & Wastewater Division Administrator
Idaho Department of Environmental Quality

References

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Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Southern Forest Products Association. 2011. *Best Management Practices: For the Use of Treated Wood in Aquatic and Wetland Environments.* Vancouver, WA: Western Wood Preservers Institute. https://preservedwood.org/wp-content/uploads/BMP_Specifiers_Guide.pdf

Appendix A. Summary of § 401 Certification Conditions

Section 1. General Conditions (Apply to All NWPs in Idaho)

- Projects must comply with Idaho's numeric and narrative water quality criteria, including for sediment, turbidity, temperature, and dissolved oxygen.
- Approved erosion and sediment control practices must be properly designed, installed, maintained, and monitored daily during construction.
- BMP inspection logs and documentation of corrective measures (if necessary) must be maintained. Records must be kept on site along with a copy of this certification.
- DEQ may inspect projects at any time to verify compliance with the § 401 water quality certification.
- A copy of this water quality certification must be kept on-site and provided to all contractors.

Section 2. Additional Conditions

- BMPs must be properly designed, implemented, and maintained to protect beneficial uses and minimize pollutant loading to surface waters.
- If an EPA-approved TMDL exists for a receiving water body that requires a load reduction for a pollutant of concern, then the project must be consistent with the provisions of that TMDL (IDAPA 58.01.02.055.05).
- An individual § 401 water quality certification is required for project activities in ORWs.

Section 3. Certification Scope

- This certification is granted with conditions and applies only to the activities authorized under the 2026 NWPs and associated Regional Conditions.
- Modifications to a grant of certification will be processed in accordance with the requirements of Clean Water Act § 401 in effect at the time the modification is proposed.

Section 4. Certification Decisions

4.1 Certification is Denied: Individual Certification Required

DEQ denies certification for NWPs 16, 23, 44, and 53, as well as for all projects in high quality (Class I) wetlands. To identify wetland classifications, contact the Idaho Department of Fish and Game.

Individual § 401 water quality certification is required before these activities may proceed:

- NWP 16 — Return Water from Upland Contained Disposal Areas
- NWP 23 — Approved Categorical Exclusions

- NWP 44 — Mining Activities
- NWP 53 — Removal of Low-Head Dams

4.2 Certification Granted with Conditions

DEQ grants certification with conditions for NWPs 3, 12, 13, 14, 21, 29, 39, 40, 42, 43, 49, 50, 51, 52, 57, 58, and 59.

Certification applies only within the thresholds and limitations specified in section 3. Projects exceeding these limits must obtain an individual § 401 water quality certification.

4.3 Full Certification Granted with General Conditions

DEQ grants § 401 water quality certification for all other NWPs 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 15, 17, 18, 19, 20, 22, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 45, 46, 48, 54, 55, and A.

Certification is granted for activities that comply with the applicable NWP terms, the USACE Regional Conditions, and the conditions of this certification.

Appendix B. Summary of DEQ's Certification Decisions

DEQ denies certification for all projects in high-quality (Class I) wetlands. To identify wetland classifications, contact the Idaho Department of Fish and Game.

NWP #	NWP Title	DEQ 401 Decision
1	Aids to Navigation	Granted
2	Structures in Artificial Canals	Granted
3	Maintenance	Granted for activities that: • Do not expand the existing permanent project footprint by more than 0.1 acre within waters of the United States. • Do not involve activities authorized by paragraph (b) of NWP 3.
4	Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	Granted
5	Scientific Measurement Devices	Granted
6	Survey Activities	Granted
7	Outfall Structures and Associated Intake Structures	Granted
8	Oil and Gas Structures on the Outer Continental Shelf	Granted
9	Structures in Fleeting and Anchorage Areas	Granted
10	Mooring Buoys	Granted
11	Temporary Recreational Structures	Granted
12	Oil or Natural Gas Pipeline Activities	Granted for activities that: • Result in no more than 0.1 acre of permanent wetland loss. • Result in no more than 500 linear feet of permanent streambed impact.
13	Bank Stabilization	Granted for activities that: • Do not result in more than 0.1 acre of permanent loss of waters of the United States. • Do not exceed 500 linear feet of permanent streambed or streambank impact. • Do not exceed 1 cubic yard of fill per linear foot.
14	Linear Transportation Projects	Granted for activities that: • Do not result in more than 0.1 acre of permanent loss of waters of the United States. • Do not cause permanent loss of more than 300 linear feet of streambed.
15	US Coast Guard Approved Bridges	Granted
16	Return Water From Upland Contained Disposal Areas	Denied
17	Hydropower Projects	Granted
18	Minor Discharges	Granted
19	Minor Dredging	Granted
20	Response Operations for Oil or Hazardous Substances	Granted

NWP #	NWP Title	DEQ 401 Decision
21	Surface Coal Mining Activities	Granted for activities that: • Do not exceed 300 linear feet of permanent streambed loss, or • Do not result in more than 0.5 acre of permanent loss of waters of the United States.
22	Removal of Vessels	Granted
23	Approved Categorical Exclusions	Denied
24	Indian Tribe or State Administered Section 404 Program	Granted
25	Structural Discharges	Granted
27	Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities	Granted
28	Modifications of Existing Marinas	Granted
29	Residential Developments	Granted for activities that: • Do not result in more than 0.1 acre of permanent loss of waters of the United States. • Do not cause permanent loss of more than 300 linear feet of streambed.
30	Moist Soil Management for Wildlife	Granted
31	Maintenance of Existing Flood Control Facilities	Granted
32	Completed Enforcement Actions	Granted
33	Temporary Construction, Access, and Dewatering	Granted
34	Cranberry Production Activities	Granted
35	Maintenance Dredging of Existing Basins	Granted
36	Boat Ramps	Granted
37	Emergency Watershed Protection and Rehabilitation	Granted
38	Cleanup of Hazardous and Toxic Waste	Granted
39	Commercial and Institutional Developments	Granted for activities that: • Do not exceed 300 linear feet of permanent streambed loss, or • Do not result in more than 0.5 acre of permanent loss of waters of the United States.
40	Agricultural Activities	Granted for activities that: • Do not exceed 300 linear feet of permanent streambed loss, or • Do not result in more than 0.5 acre of permanent loss of waters of the United States.
41	Reshaping Existing Drainage and Irrigation Ditches	Granted
42	Recreational Activities	Granted for activities that: • Do not exceed 300 linear feet of permanent streambed loss, or • Do not result in more than 0.5 acre of permanent loss of waters of the United States.
43	Stormwater Management Facilities	Granted for activities that: • Do not exceed 300 linear feet of permanent streambed loss, or • Do not result in more than 0.5 acre of permanent loss of waters of the United States.

NWP #	NWP Title	DEQ 401 Decision
44	Mining Activities	Denied
45	Repair of Uplands Damaged by Discrete Events	Granted
46	Discharges in Ditches	Granted
48	Commercial Shellfish Mariculture Activities	Granted
49	Coal Remining Activities	Granted for activities that: • Result in no more than 0.5 acre of permanent loss of waters of the United States.
50	Underground Coal Mining Activities	Granted for activities that: • Do not exceed 300 linear feet of permanent streambed loss, or • Do not result in more than 0.5 acre of permanent loss of waters of the United States.
51	Land-Based Renewable Energy Generation Facilities	Granted for activities that: • Do not exceed 300 linear feet of permanent streambed loss, or • Do not result in more than 0.5 acre of permanent loss of waters of the United States.
52	Water-Based Renewable Energy Generation Pilot Projects	Granted for activities that: • Do not exceed 300 linear feet of permanent streambed loss, or • Do not result in more than 0.5 acre of permanent loss of waters of the United States.
53	Removal of Low-Head Dams	Denied
54	Living Shorelines	Granted
55	Seaweed Mariculture Activities	Granted
57	Electric Utility Line and Telecommunications Activities	Granted for activities that: • Do not result in more than 0.1 acre of permanent loss of waters of the United States. • Do not exceed 500 linear feet of permanent streambed impacts.
58	Utility Line Activities for Water and Other Substances	Granted for activities that: • Do not result in more than 0.1 acre of permanent loss of waters of the United States. • Do not exceed 500 linear feet of permanent streambed impacts.
59	Water Reclamation and Reuse Facilities	Granted for activities that: • Result in no more than 0.5 acre of total loss of waters of the United States. • Result in no more than 300 linear feet of permanent streambed loss.
A	Activities to Improve Passage of Fish and Other Aquatic Organisms	Granted

Appendix C. Turbidity Monitoring Overview

TURBIDITY MONITORING DECISION TREE

PROJECT ACTIVITIES OCCURRING IN OR NEAR WATER

STEP 1 Conduct Visual Monitoring

Is there a visible sediment plume or any indication of increased turbidity?

YES → NO

STEP 2 Inspect BMPs and Activity Area for:

✓ BMP failures ✓ Construction mishaps ✓ Spills or leaks ✓ Any unanticipated event causing turbidity

Is the cause identified and correctable?

NO → YES

Implement corrective actions. Modify BMPs or activities as needed. After corrections, visually monitor again.

Does the plume persist? YES → NO

STEP 3 Begin Turbidity Monitoring

Collect grab samples:

1. Upstream (background conditions)
2. Downstream (within the visible plume)

✓ Record date, time, location, and turbidity sample results.

STEP 4 Compare Results

Is downstream turbidity ≥ 50 NTU above background?

YES → NO

A water quality exceedance has occurred.

✓ Report to DEQ regional office within 24 hours.

✓ Implement additional corrective measures.

✓ Continue monitoring until conditions improve.

STEP 5 Pause Work and Monitor Turbidity Levels

Have turbidity levels returned to the appropriate thresholds?

YES → NO

IF TURBIDITY WAS:	THE APPROPRIATE THRESHOLD IS:
≥ 50 NTU over background	< 50 NTU over background
> 25 NTU over background for >10 days	< 25 NTU over background for 24 consecutive hours

END Continue project activities and maintain routine BMP inspections.

Appendix D: IDAPA 58 Citation Index

Rule 58.01.02 - WATER QUALITY STANDARDS

1. § 58.01.02.000 - LEGAL AUTHORITY
2. § 58.01.02.051 - ANTIDEGRADATION POLICY
3. § 58.01.02.052 - ANTIDEGRADATION IMPLEMENTATION
4. § 58.01.02.053 - PUBLIC PARTICIPATION
5. § 58.01.02.054 - BENEFICIAL USE SUPPORT STATUS
6. § 58.01.02.055 - WATER QUALITY LIMITED WATERS AND TMDLS
7. § 58.01.02.056. - 059 - RESERVED
8. § 58.01.02.060 - MIXING ZONE POLICY
9. § 58.01.02.080 - VIOLATION OF WATER QUALITY STANDARDS
10. § 58.01.02.200 - GENERAL SURFACE WATER QUALITY CRITERIA
11. § 58.01.02.210 - NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE
12. § 58.01.02.250 - SURFACE WATER QUALITY CRITERIA FOR AQUATIC LIFE DESIGNATIONS
13. § 58.01.02.251 - SURFACE WATER QUALITY CRITERIA FOR RECREATION USE DESIGNATIONS
14. § 58.01.02.252 - SURFACE WATER QUALITY CRITERIA FOR WATER SUPPLY USE DESIGNATIONS
15. § 58.01.02.253 - SURFACE WATER QUALITY CRITERIA FOR WILDLIFE AND AESTHETICS USE DESIGNATIONS
16. § 58.01.02.400 - RULES GOVERNING POINT SOURCE DISCHARGES
17. § 58.01.02.800 - HAZARDOUS AND DELETERIOUS MATERIAL STORAGE
18. § 58.01.02.850 - HAZARDOUS MATERIAL SPILLS