



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
IDAHO FALLS REGULATORY OFFICE
900 NORTH SYLINE DRIVE, SUITE A
IDAHO FALLS, IDAHO 83402-1718

March 29, 2011

Regulatory Division

SUBJECT: NWW-2010-421-I01

Andy Daniels
100 South Wacker Drive
Chicago, Illinois 60606

Dear Mr. Daniels:

We hereby verify that your proposal to restore wetlands adjacent to the Teton River by excavating a lawn and placing wetland sod is authorized in accordance with Department of Army (DA) **Nationwide Permit (NWP) No. 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities**. Specific work includes the excavation of lawn areas to a suitable elevation and replanting the area with wetland sod excavated from nearby wetlands. Approximately 2200 square feet of lawn will be restored to wetlands. All work will be done in accordance to the enclosed Joint Application for Permit as supplemented by emails from you agent Mr. Arlin Grimes. The project is located at Section 17, Township 4 North, Range 45 East, in Teton County, Idaho. Please refer to File Number NWW-2010-421-I01 in all future correspondence with our office regarding this project.

The work you propose to excavate a boat channel and construct a boat house in wetlands adjacent to the Teton River does not require a DA permit provide the construction technique is as described in the application wherein there is no discharge of dredged or fill material into waters of the U.S., except for the aforementioned discharge of wetland sod

DA permit authorization is necessary for the wetland restoration part of the project because your it would involve discharge of dredged or fill material into Waters of the U.S., including wetlands under our regulatory jurisdiction. Specifically, the work would involve the discharge of wetland sod within an area excavated from upland lawn. The depth of excavation would be to an elevation suitable to sustain wetlands. Sod is to be excavated within nearby wetlands as part of your overall project to excavate a boat channel and construction of an elevated boat house in wetlands. With the exception of the wetland sod all excavated material will immediately removed to uplands and will not be temporarily or permanently discharged into waters of the U.S.

PERMIT CONDITIONS:

You must comply with all of the Regional, General, and Water Quality Certification Conditions of this Nationwide Permit. The Regional, General, and Water Quality Certification Conditions for this Nationwide Permit can be accessed on our webpage at

www.nww.usace.army.mil/html/offices/op/2007NWRegionalCondition_Idaho.pdf . In addition, you must also comply with the Special Conditions of this verification, listed below, or you may be subject to enforcement action.

The following Special Conditions include:

- a. The construction sequence and techniques described in the application and supplemental emails from Arlin Grimes must be followed to preclude the discharge of dredged or fill material into waters of the U.S., with the exception that excavated sod is to be placed to restore wetlands.
- b. Permittee is responsible for all work done by any contractor. Permittee shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this authorization, including any Special Conditions listed above. Permittee shall also ensure these terms and conditions are incorporated into engineering plans and contract specifications.

Please carefully review all conditions referenced above. If you cannot meet these conditions, or if you change the project described in your application, this NWP verification letter becomes invalid.

This verification is valid until March 18, 2012, which is the date all of the existing Nationwide Permits will expire. If you have commenced or are under contract to commence this activity before March 18, 2012, you will have twelve (12) months from this date to complete the activity under the present terms and conditions of the above-referenced Nationwide Permits. In the event you have not commenced or completed construction of your project by this date, a new application or verification is required.

Attached to this verification of NWP 27 is the DA Approved Jurisdictional Determination (A-JD) Form showing Waters of the United States, including wetland(s), are located on your project area. This Approved JD is valid for a period of five (5) years from the date of this letter, unless new information supporting a revision is provided to this office before the expiration date. Please note we do not concur with the location of the ordinary high water mark as depicted on your application. We believe it is substantially closer to the upland/wetland boundary but we have not set the boundary. We do concur with the wetland delineation performed by North Wind, Inc. Also enclosed, please find the Notification of Administrative Appeals Options and Process and Request for Appeal Form (RFA) regarding this Approved JD. Should you disagree with certain terms and/or conditions of the Approved JD, the Notification of Administrative Appeal Options form outlines the steps you must take to file your objection.

Please note, Nationwide Permit General Condition 26 (*Compliance Certification*) requires that every permittee who has received NWP verification must submit a signed certification regarding the completed work and any required mitigation. The enclosed Compliance Certification form is enclosed for your convenience and must be completed and returned to us in order to comply with this requirement.

This letter of authorization does not convey any property rights, or any exclusive privileges and does not authorize any injury to property or excuse you from compliance with other Federal, State, or local statutes, ordinances, regulations, or requirements which may affect this work.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. A survey is available online at www.nww.usace.army.mil/html/offices/op/rf/survey.asp or you may call and request a paper survey. For additional information about the Walla Walla Regulatory please visit us at www.nww.usace.army.mil/html/offices/op/rf/rfhome.asp.

Please contact me by telephone at 208-522-1645, by mail at the address in the letterhead, or via e-mail at robert.a.brochu@usace.army.mil if you have any questions or need additional information. A copy of this letter is being sent to your agent Arlin Grimes as well North Wind, Inc. and electronically to: Idaho Department of Water Resources, Boise; Idaho Department of Fish and Game, Idaho Falls; Idaho Department of Environmental Quality, Idaho Falls; and Teton County Planning and Zoning.

Sincerely,

A handwritten signature in black ink, appearing to read "R.A. Brochu", with a long horizontal flourish extending to the right.

Robert A. Brochu
Project Manager
Idaho Falls Regulatory Office

Enclosures:

Joint Application with drawings

Approved JD Form

Notification of Administrative Appeal Options and Process Fact Sheet and Request for Appeal Form

Nationwide permit conditions

Compliance certification form

NWP Transfer form

TRANSFER OF NATIONWIDE PERMIT

When the structures or work authorized by this Nationwide Permit (NWW-2010-421-I01) are still in existence at the time the property is transferred, the terms and conditions of this Nationwide Permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this Nationwide Permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEEEE)

(DATE)

COMPLIANCE CERTIFICATION



**US Army Corps of Engineers
Walla Walla District**

Permit Number: NWW-2010-421-I01

Name of Permittee: Andy Daniels

Date of Issuance: March 29, 2011

Upon completion of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Walla Walla District
Idaho Falls Regulatory Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718
or FAX 208-522-2994

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and the required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS



Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code) and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code).

Joint Application: Applicant will need to send a completed application, along with one (1) set of legible and reproducible drawings illustrating the location and character of the proposed activities/project to both the Corps and the State of Idaho. Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary, however, if the information is not provided, the application may not be processed and permits may not be issued. Information requested in Block 26 and Block 27 are not required to process the application. **DO NOT START WORK UNTIL YOU RECEIVE ALL PERMITS FROM BOTH THE CORPS AND THE STATE OF IDAHO.**

Drawings & Supplemental Requirements: See Instruction Guide for required vicinity map, plan-view, and section-view drawings on 8-1/2 x 11 paper size.

INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED

¹ DATE: 01-18-2011

² CONTACT INFORMATION - APPLICANT: Required Name: Andy Daniels Company: Mailing Address: 100 South Wacker Dr. City: Chicago State: IL Zip: 60606 PH #: (317) 706-7600 E-mail:				³ CONTACT INFORMATION - AGENT: Completion of Block #29 Required Name: Arlin Grimes Company: Aqua Terra Restoration Mailing Address: P.O. Box 651 City: Driggs State: ID Zip: 83422 PH #: (208) 351-2616 E-mail: Badgenwatershed@aol.com				
⁴ PROJECT NAME or TITLE: Daniels Teton				⁵ PROJECT STREET ADDRESS: 3593 Royal Wulff RD				
⁶ PROJECT CITY: Driggs		⁷ PROJECT COUNTY: Teton		⁸ PROJECT ZIP CODE: 83422		⁹ NEAREST WATERWAY/WATERBODY: Teton River		
¹⁰ TAX PARCEL ID#: RP00079002006A	¹¹ LATITUDE/LONGITUDE (Required with vicinity Map): 43,40,15N 111,10,03W			^{12a} 1/4 SW	^{12b} 1/4 NE	^{12c} SECTION 17	^{12d} TOWNSHIP 4N	^{12e} RANGE 45E
^{13a} ESTIMATED START DATE: 3/21/2011				^{13b} ESTIMATED END DATE: 3/25/2011				
¹⁴ DESCRIBE INTENDED USE (Commercial, Industrial, Public, Private, Other): Private								
¹⁵ HAVE ALL ADJACENT PROPERTY OWNERS BEEN NOTIFIED OF PROPOSED ACTIVITY OR PROJECT? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Complete the attached sheet by providing list of contact information (including names, address, phone number) of all adjacent property owners.								
¹⁶ <input type="checkbox"/> CHECK BOX IF ALTERATION(S) ARE LOCATED ON PUBLIC TRUST LANDS ADMINISTERED BY STATE OF IDAHO DEPARTMENT OF LANDS.								
¹⁷ DIRECTIONS TO PROJECT SITE Include vicinity map with legible crossroads, street numbers/names, landmarks, attach additional sheet(s), if needed: From the traffic light in Driggs take Bates road heading west. Keep left onto 5000 west. Keep left onto 4000 south and follow keeping left again onto 4000 west. Turn right onto 3750 south. Go just past 3500 west and turn left onto Royal Wulff road. Follow to the end, the project is on the right.								
¹⁸ HAS WORK BEGAN ON THIS PROJECT/ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES If yes, describe ALL work that has occurred, including dates; attach additional sheet(s), if needed:								
¹⁹ PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:								
²⁰ TYPE, MATERIAL AND AMOUNT BEING DISCHARGED BELOW THE ORDINARY HIGH WATER MARK, IN CUBIC YARDS: (1) TYPE None Cubic Yards (2) TYPE Cubic Yards (3) TYPE Cubic Yards								
²¹ SURFACE AREA IN ACRES OF WETLAND OR OTHER WATERS FILLED See Instructions Guide: none Acres OR Square Feet								
²² SIZE AND FLOW CAPACITY OF BRIDGE OR CULVERT & DRAINAGE AREA SERVED: NA Square Miles								
²³ IS PROJECT LOCATED IN A MAPPED FLOODWAY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-Rise Certification may be required.								

FOR AGENCY USE ONLY

Corps of Engineers #: <i>NW 2011-82-103</i>	IDWR Water Resources #:	ID Dept of Lands #:
Date Received: <i>Feb. 15, 2011</i>	Date Received:	Date Received:
<input type="checkbox"/> Incomplete App. - Return Date:	Fee Received: Receipt #:	Fee Received: Receipt #:

24a OVERALL DESCRIPTION & PURPOSE OF PROJECT TO WATERS OF U.S., INCLUDING WETLANDS Attach additional sheet(s), if needed:

The purpose of this project is to provide canoe access to the river and construct a boat house for canoe storage.

24b DETAILED DESCRIPTION OF EACH INDIVIDUAL ACTIVITY, WITHIN OVERALL PROJECT (Include dimensions, equipment, construction, methods, etc.):

A boat house will be constructed on piers. A walk way to the boat house will be constructed. This walk way will be on piers from the boat house to the edge of the delineated wetlands. A small dock will be built on piers at the edge of the yard. An existing canal will be dredged deeper and wider as well as lengthened. Please refer to the attachments for more detail.

25a DESCRIBE MEASURES TAKEN TO AVOID, MINIMIZE, COMPENSATE FOR IMPACTS TO WATERS OF THE UNITED STATES, INCLUDING WETLANDS:

See Instruction Guide for specific details.

The edges of the canal will be varied both vertically and horizontally to produce a natural appearance. The boat house will be constructed on piers over existing open water and placed as far from the river as possible. Existing willows will be preserved to screen the boat house from the river. Excavation will occur when there is a winter snow pack and low ground pressure tracked dump trucks will be used to avoid damage to the ground. Straw wattles will be installed where there is potential for runoff from the project during construction.

25b PROPOSED MITIGATION PLAN: Attach copy of proposed mitigation plan or statement/reasoning why no mitigation plan is required. Attach additional sheet(s), if needed.

All dredged material will be placed directly into trucks avoiding any temporary fill or discharge. 5125 square feet of historical fill will be removed and graded to the adjacent wetland contours. 2900 square feet of existing yard will be graded to match surrounding wetland areas. Both sites will be planted with native wetland plugs.

26 LIST EACH IMPACT TO STREAM, RIVER, LAKE, RESERVOIR, INCLUDING SHORELINE. Attach site map with location of EACH impact listed. Attach additional sheet(s)

Activity Number	Name of Waterbody	Seasonal or Perennial	Avg. Stream Width (Linear Feet)	Description of Impact (road crossing, impound, culvert, etc.)	Impact Length (Linear Feet)
1	Teton River	Perennial	150ft	No work will occur within 10 feet of the OHW mark	0
2					
3					
4					

TOTAL STREAM IMPACTS (Linear Feet): 0

27 LIST EACH WETLAND IMPACT, INCLUDING MECHANIZED CLEARING, FILL, EXCAVATION, FLOOD, DRAINAGE, ETC.

Attach site map with location of EACH impact listed; attach additional sheet(s)

Activity Number	Wetland Type (Emergent, Forested, Scrub/Shrub)	Distance to Waterbody (Linear Feet)	Description of Impact (purpose of road crossing, impoundment, culvert, etc.)	Impact Size (Acres or Square Feet)
1	Scrub/shrub and emergent	10 to 300 feet	Excavation for an open water canoe trail	2200 sqft
2				
3				
4				

TOTAL WETLAND IMPACTS (Linear Feet): 2200 sqft

28 AUTHORIZATION OF AGENT/ACCESS: I hereby authorize the Agent (listed in Block 3 of this application) to act in my behalf in the processing of this application and to furnish all information, drawings, maps, and supplemental information in support of this application. I hereby grant to the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

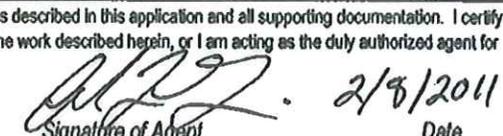
Signature of Applicant

Date

29 CERTIFICATION: Application is hereby made for permit, or permits, to authorize the work and uses of the work as described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein, or I am acting as the duly authorized agent for the applicant.*


Signature of Applicant

2-11-11
Date


Signature of Agent

2/8/2011
Date

* The application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent, if the authorization statement in both Blocks 3 & 28 have been completed and signed. 18 USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREMENT

Provide the name, physical address, and telephone number of ALL adjacent property owners.

This includes adjacent property owners with ownership located on both sides of the near stream bank AND/OR all other ownership on the waterway that may be affected by the proposed activities/project. Also, include homeowner or community associations within the proposed project area.

CONTACT INFORMATION - OWNERSHIP NEAR STREAM BANK

DOWNSTREAM NOTIFICATION

Name: Karen Scheid
Mailing Address: 14 Moloaa
City: Honolulu State: HI Zip: 96825
PH #: (808) 395-9649 E-mail:

UPSTREAM NOTIFICATION

Name: William Dorrill
Mailing Address: 1546 Bayview Dr
City: Sarasota State: FL Zip: 34239
PH #: (941) 955-4709 E-mail:

CONTACT INFORMATION - OWNERSHIP ON WATERWAY

Name: Teton Valley Subdivision HOA
Mailing Address: P.O.Box 1141
City: Driggs State: ID Zip: 83422
PH #: () E-mail:

Name:
Mailing Address:
City: State: Zip:
PH #: () E-mail:

Name:
Mailing Address:
City: State: Zip:
PH #: () E-mail:

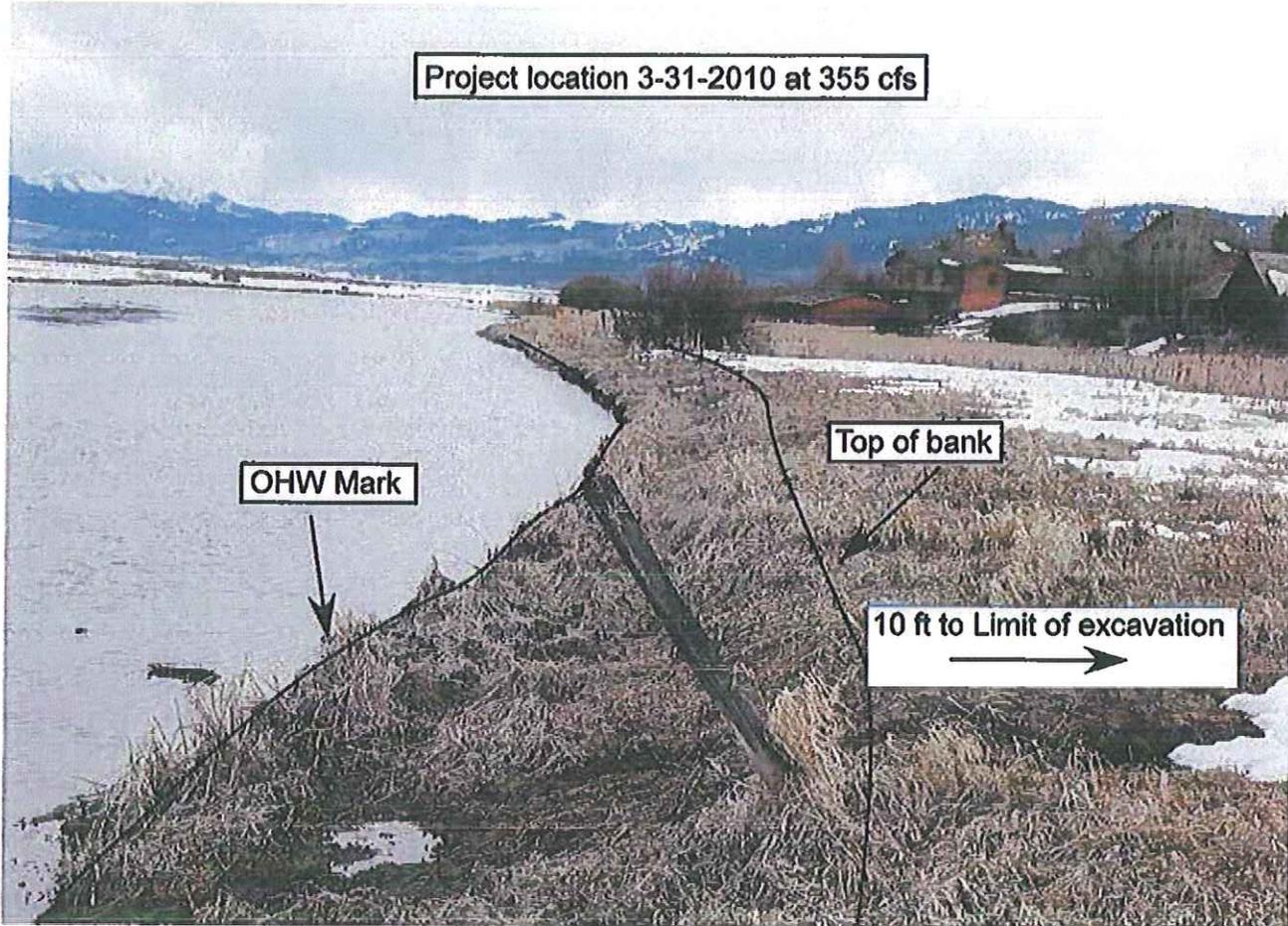
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Mailing Address:
City: State: Zip:
PH #: () E-mail:

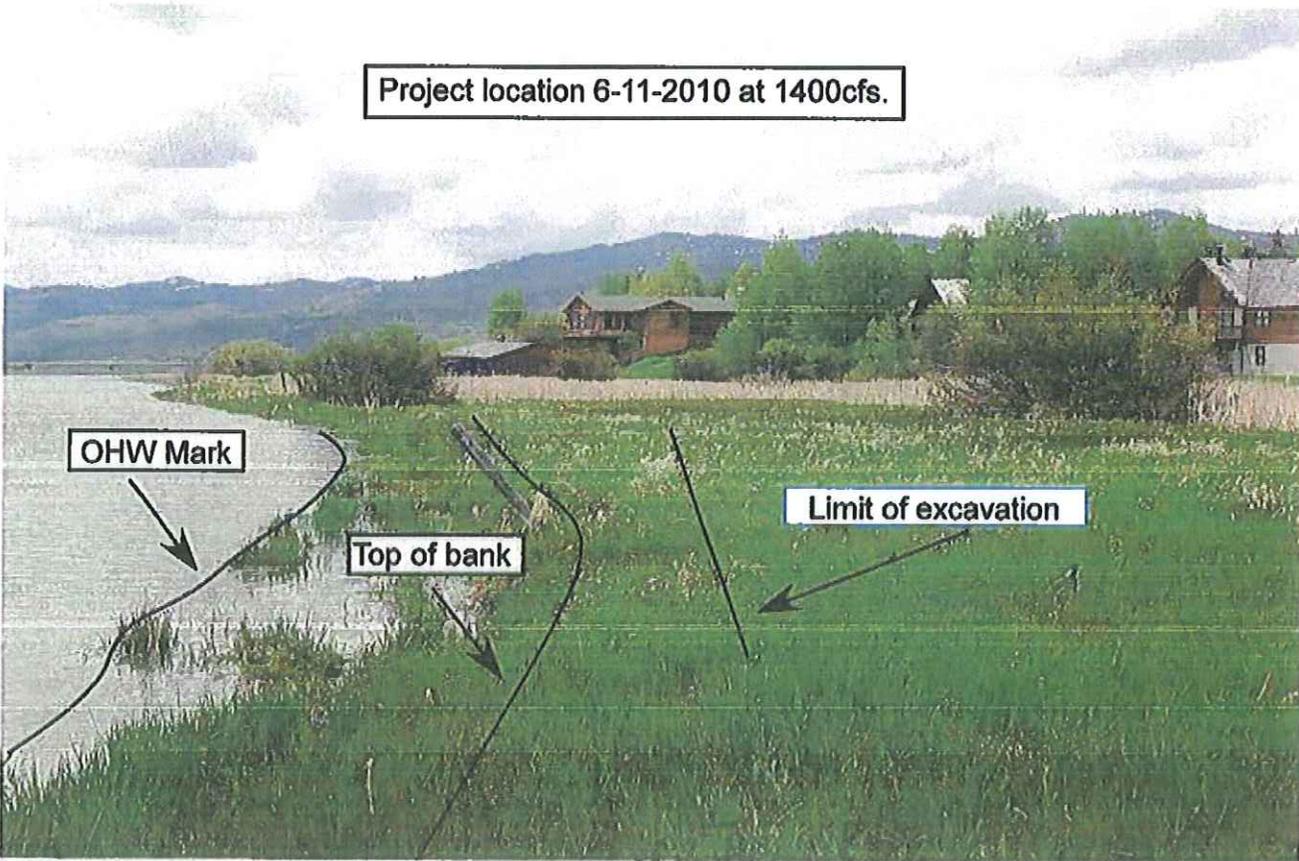
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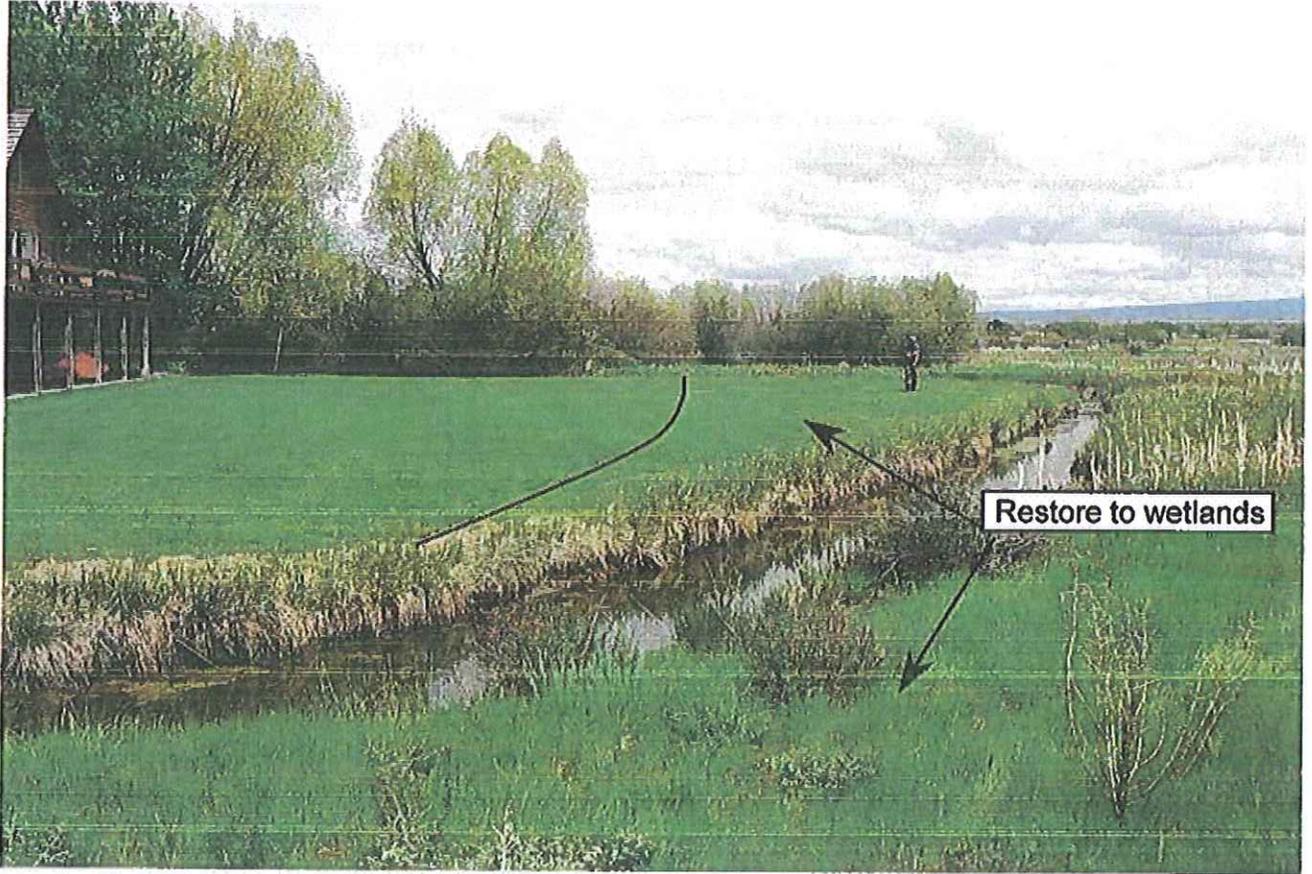
Attach as many additional sheets as needed.

Project location 3-31-2010 at 355 cfs



Project location 6-11-2010 at 1400cfs.





View of yard, historic drainage channel and fill



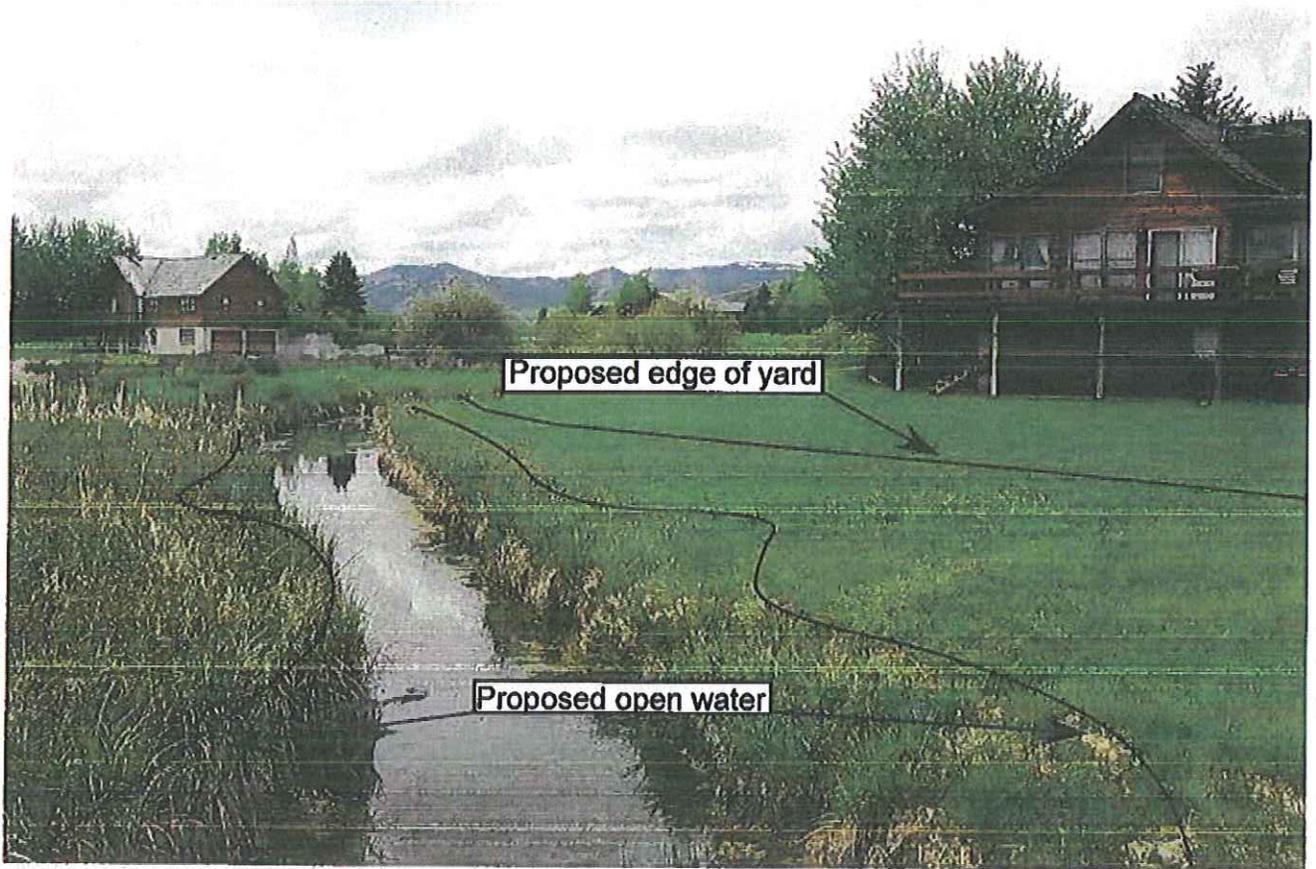
**Existing conditions at site of proposed boat house
Willows are to be preserved to screen the boat house from the river
Boathouse and access walk will be built on piers**

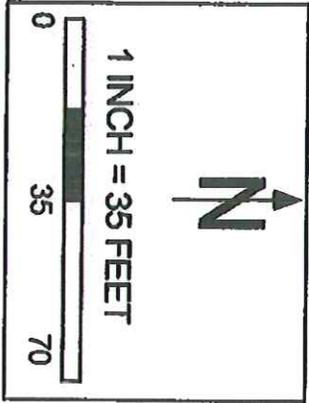


Boathouse location largely screened by existing willows

View from direction of river towards boat house location

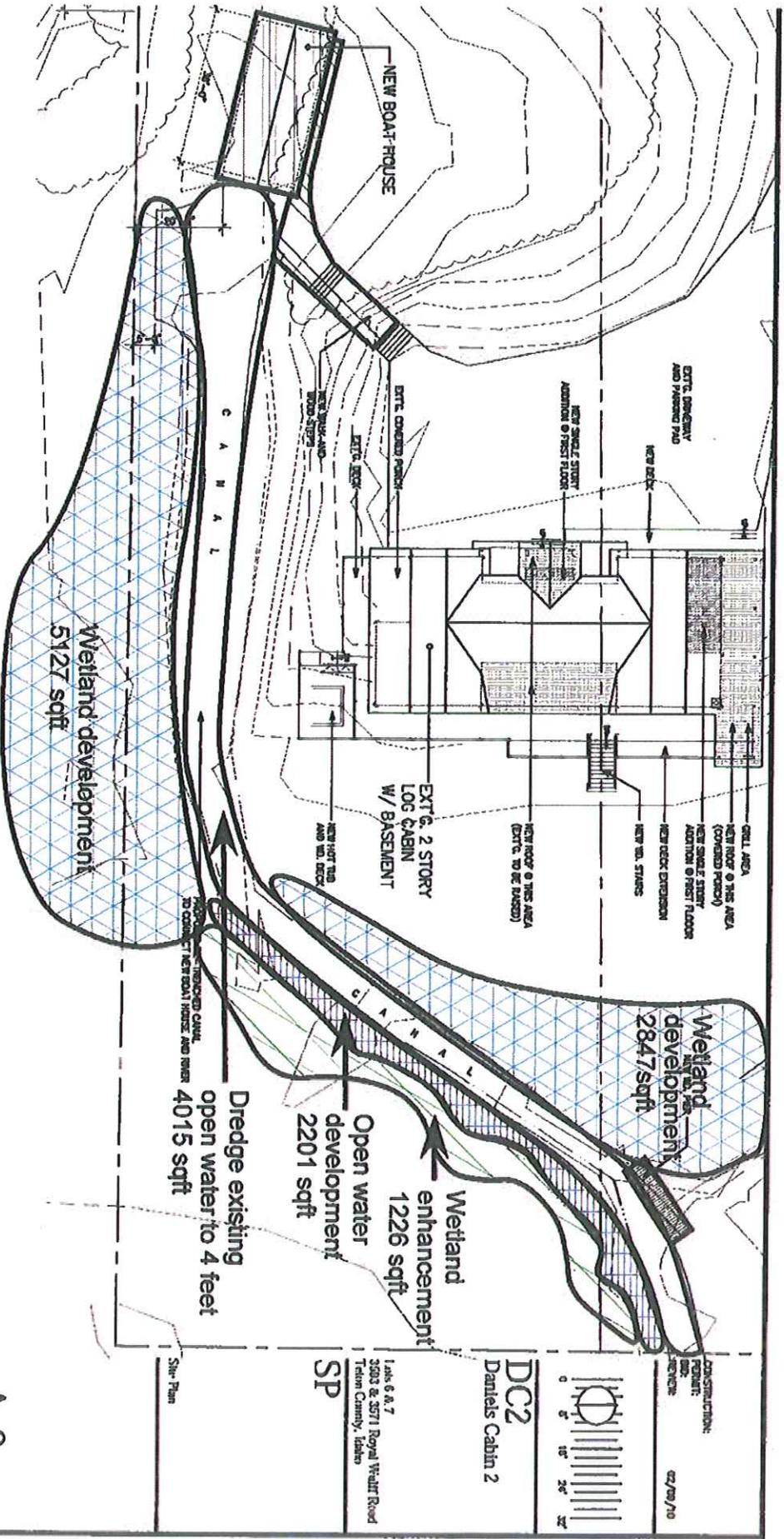
Existing conditions 6-11-2010

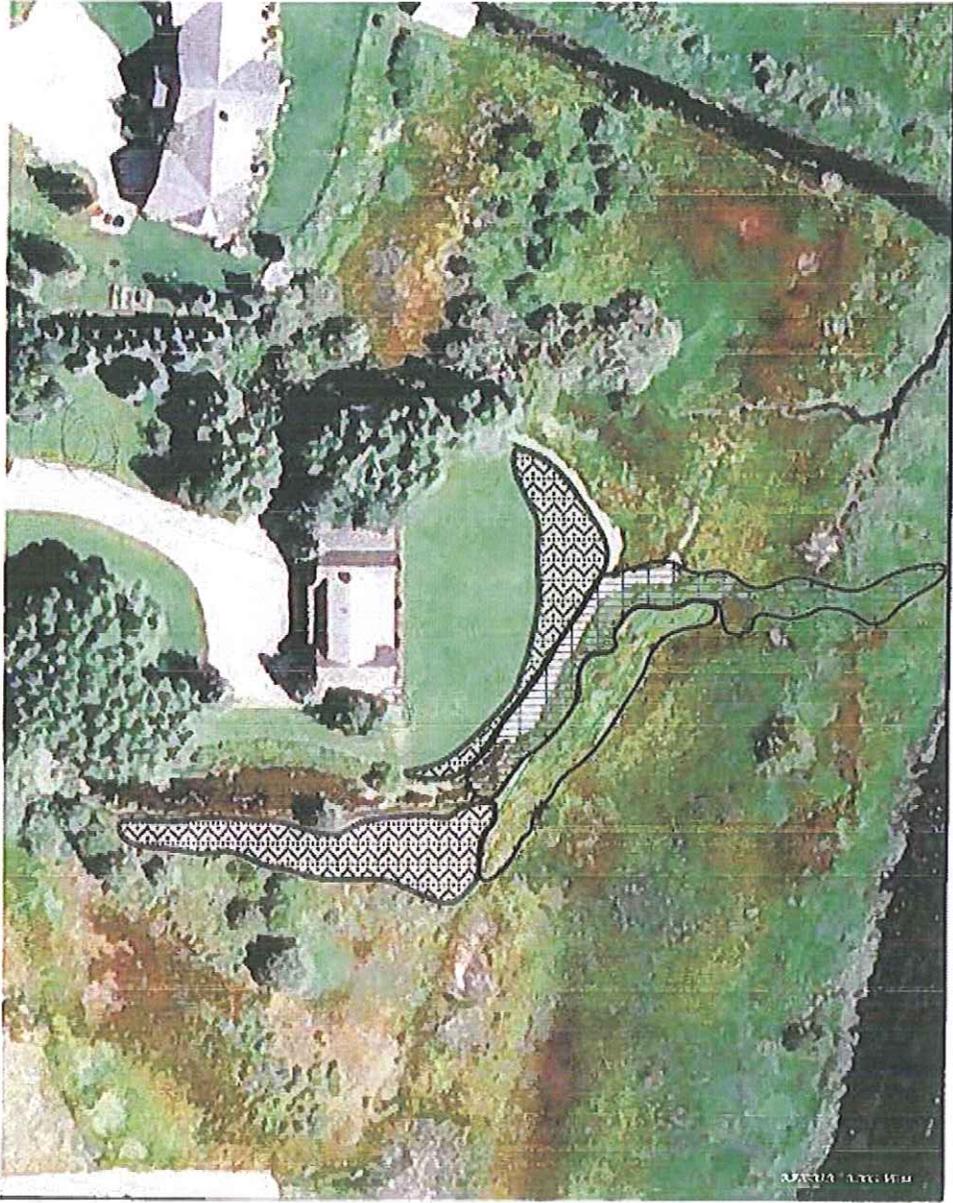


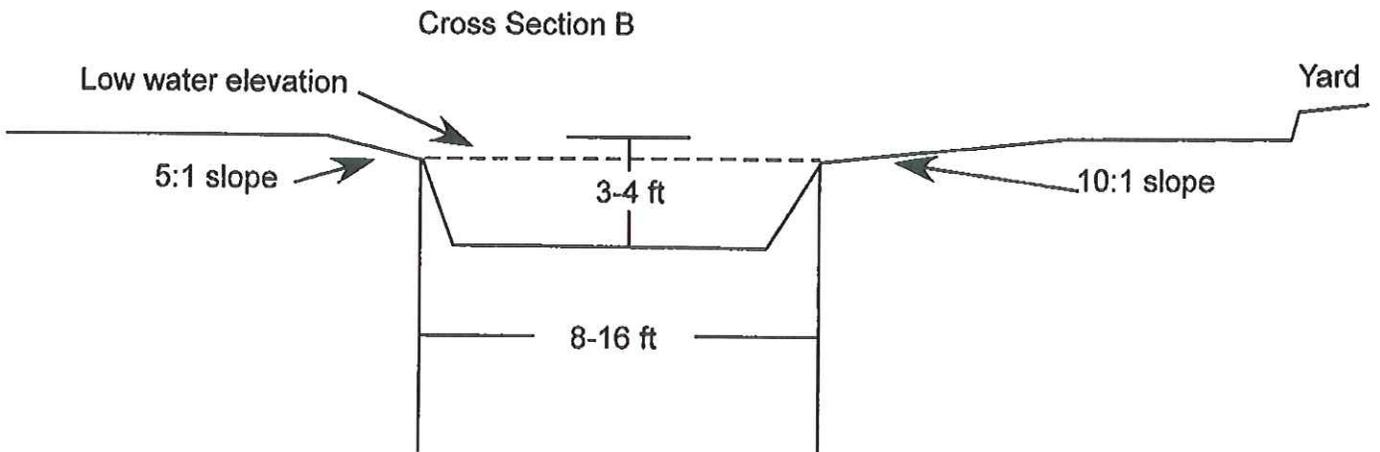
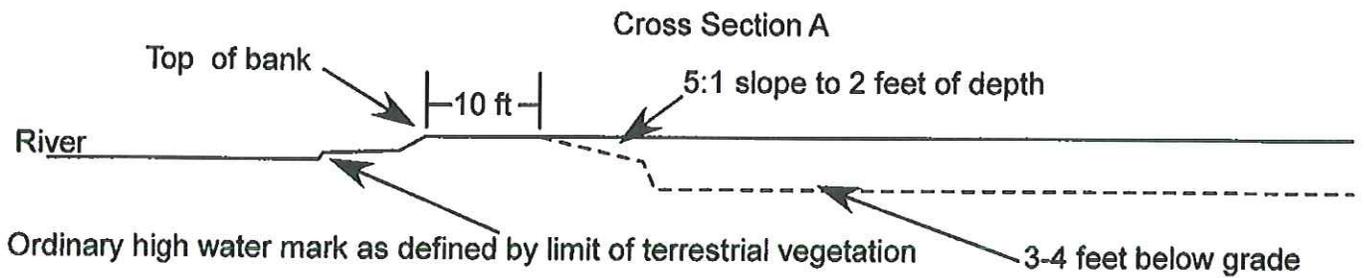


Excavation	
Open water dredging	223 cyds
Open water creation	326 cyds
Wetland enhancement	45 cyds
Wetland creation	443 cyds
Total	1037 cyds

Aqua Terra Restoration LLC
Specializing in Land & Water Restoration
 Idaho Office: P.O. Box 651 • Driggs, ID 83422
 e-mail: Badgerwatershed@aol.com







Side slopes will vary from 5:1 to 10:1 along the length of the excavation.
 The toe of the slopes will tie in at or below the low water elevation.
 There will be no vertical banks visible at low water.
 Slopes below water will not be steeper than 2:1
 A sharp transition from wetland to yard will be created to define boundary