**DEPARTMENT OF THE ARMY**
**WALLA WALLA DISTRICT, CORPS OF ENGINEERS**
**BOISE REGULATORY OFFICE**
**720 EAST PARK BOULEVARD, SUITE 245**
**BOISE, IDAHO 83712-7757**

August 29, 2022

Regulatory Division

SUBJECT: NWW-2004-0600046, Nationwide Permit 14 Verification Suspension, US-95 Thorn Creek Road to Moscow, ITD Key No. 09294

Mr. Doral Hoff
Idaho Transportation Department, District 2
Post Office Box 837
Lewiston ID, 83843

Dear Mr. Hoff:

This letter concerns the Corps' August 9, 2022, decision to suspend its verification of authorization under Nationwide Permit (NWP) No. 14: Linear Transportation Projects, for Site 1 of the Thorn Creek Road to Moscow highway improvement. As discussed more fully below, the Corps now finds it appropriate to also suspend the verification as it applies to Sites 2-13.

On August 9, 2022, authorization for Site 1 was suspended. This decision was based on new information obtained and verified by the Corps that indicated previously unaccounted for aquatic resources at Site 1 could be lost as a result of highway construction activities. These possible additional losses, when added to expected losses at Site 1, could amount to over 0.5 acre of permanent impacts and disqualify Site 1 from verification under NWP 14.

At this time, it is unclear what type of Department of Army authorization will be required to construct Idaho Transportation Department's (ITD) proposed (or any revised) highway improvement plan at Site 1. For example, if expected losses to aquatic resources at Site 1 exceed 0.5 acre and cannot be authorized under NWP 14, an individual permit may be required. Corps regulations at 33 C.F.R. §330.6(d) direct the Corps to make certain administrative findings about the overall project and the other sites in the event that Site 1 requires an individual permit.

For this reason, the Corps is hereby exercising its authority under 33 C.F.R. §330.5 to suspend each of the other March 9, 2021, verification decisions (Sites 2-13) and await clarity on this issue. Effective immediately you must stop all activities in reliance on the March 9, 2021, verification decisions for Sites 2-13 under NWP 14. You may take

measures necessary to stabilize any work in progress. This suspension will remain in effect until the authorization is reinstated, modified, or revoked.

Within 10 days of receipt of this suspension letter, you may request a meeting with the Walla Walla District to present information on this matter. After completion of such meeting or within a reasonable period of time after this notice, if no meeting is requested, the Corps may take action to reinstate, modify, or revoke the verification. At present, the Corps anticipates that this suspension and its prior suspension of Site 1 will be in effect for approximately 60 days or longer.

If you have any questions or need additional information about this decision, you can contact Michaela Murdock at Michaela.M.Murdock@usace.army.mil. For informational purposes, a copy of this letter will be sent to Mr. Shawn Smith of the Idaho Transportation Department (ITD), Ms. Aimee Hill of the ITD, Mr. Brent Inghram of the Federal Highways Administration, Ms. Sujata Connell of the Idaho Department of Environmental Quality, Mr. Clay Hickey of the Idaho Department of Fish and Game, Ms. Christina Hacker of the U.S. Fish and Wildlife Service, and Ms. Ashley Brown of the Idaho State Historic Preservation Office.

Sincerely,

Kelly J. Urbanek

Kelly J. Urbanek
Regulatory Division Chief