



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

September 15, 2022

Regulatory Division

SUBJECT: Department of Army Permit No. NWW-2007-001218, Trestle Creek Marina,  
Permit Suspension/Revocation

Mr. William Haberman  
Valiant Idaho II, LLC  
The Idaho Club  
151 Clubhouse Way  
Sandpoint, Idaho 83864

Dear Mr. Haberman:

This letter is in regard to the Corps' decision, dated August 12, 2021, to suspend Department of Army (DA) Permit No. NWW-2007-001218 for the Idaho Club, Trestle Creek Marina Project, which was issued on November 22, 2019 (hereafter, the "2019 Permit"). As explained below, the Corps now deems it appropriate to maintain the suspension and proposes to revoke the 2019 Permit effective September 26, 2022.

The Corps suspended the 2019 Permit in August 2021 to reinitiate consultation with the U.S. Fish and Wildlife Service (USFWS) under section 7(a)(2) of the Endangered Species Act. Although USFWS has now completed a Biological Opinion pursuant to the reinitiated consultation, continued suspension and ultimately revocation of the 2019 Permit are warranted for other reasons—specifically, changes in the proposed project, as well as significant objections to the authorized activity that were not earlier considered.

The 2019 Permit authorized work occurring within waters of the United States (WOTUS) related to the Idaho Club Trestle Creek Marina. This permit authorization did not extend to other portions of your entire project (e.g., proposed residential and recreational development) because a sufficient interrelationship between these activities and the specific activity requiring a Corps permit was not found.

In August 2022, updated design information was provided for your proposed project that contains plans for development and construction that were not previously included in the drawings or documents submitted to or evaluated by the Corps in issuing the 2019 Permit. The newly provided designs now include five waterfront single-family

residential parcels, a community pavilion, and additional features such as road infrastructure. The Corps' scope of analysis for the 2019 Permit did not include these design items, which appear to warrant Federal review. Moreover, significant objections related to these new designs, raised in litigation associated with this project, were not earlier considered by the Corps in issuing the 2019 Permit.

For these reasons, the Corps is exercising its authority under 33 C.F.R. §325.7 to continue the suspension currently in effect and to propose revocation of the permit effective September 26, 2022. No work may occur in reliance on the 2019 Permit. Within 10 days of receipt of this letter, you may request a meeting with the Walla Walla District to present information on this matter. After completion of such meeting or by September 26, 2022, if no meeting is requested, the Corps will revoke the 2019 Permit.

If you have any questions or need additional information about this decision, you can contact Michaela Murdock at (509) 527-7707 or via email at [Michaela.M.Murdock@usace.army.mil](mailto:Michaela.M.Murdock@usace.army.mil).

Sincerely,



Kelly J. Urbanek  
Regulatory Division Chief