



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS,
Walla Walla District
Coeur d'Alene Regulatory Office
1910 Northwest Blvd, Suite 210
Coeur d'Alene, ID 83814-2676

December 22, 2025

Regulatory Division
Corps No. NWW-2007-001218

SUBJECT: NWW-2007-01218, The Idaho Club Marina and Lakeshore Community,
Non-Compliance with Terms and Conditions of the Permit

William Haberman
Valiant Idaho, LLC,
151 Clubhouse Way
Sandpoint, Idaho 83864

Dear Mr. Haberman:

This letter is in regard to the Idaho Club Marina permit issued on September 29, 2025. On December 10, 2025, the U.S. Army Corps of Engineers (Corps) was notified of construction activities occurring in the marina area as well as areas surrounding the North Branch of Trestle Creek (NBTC). The Corps contacted you on December 15, 2025, and it was verified during that call that some work had been performed for both Phase 1 of the restoration/mitigation project reconnecting the NBTC to the Main Channel of Trestle Creek and work associated with marina construction. This letter is to inform you that work associated with the marina construction was not in compliance with the terms and conditions of your permit. As we understand, you stopped work associated with NBTC restoration due to sustained flows resulting from recent weather events.

Please note: Work occurring in the NBTC cannot occur until the stream has no-flow or dry conditions. Work in the marina area cannot occur until such time that the restoration of the North Branch of Trestle Creek has been completed.

Special Condition 1 of your permit states that "the permittee shall complete compensatory mitigation in accordance with, and as specified in, the mitigation plan titled '20250828_NWW-2007-01218_IdahoClub_MitigationPlan,' dated August 28, 2025, and the associated drawings dated August 28, 2025. Mitigation shall be accomplished concurrent with, or prior to, the discharge of fill material authorized by this permit."

According to the final mitigation plan, page 3, Section C (Project Description), "restoration work in the North Branch of Trestle Creek (NBTC) will be completed in two phases. Phase 1 of the restoration work is proposed to be completed prior to marina construction and during the annual no-flow or dry conditions in the NBTC, typically between August and November, but may extend into the winter if dry conditions persist. Phase 2 of the restoration work, which involves erosion protection of streambanks and

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vegetation restoration of work areas associated with reconnecting the NBTC to the Main Channel of Trestle Creek, will be completed during and immediately following the channel reconnection work, primarily in late summer and fall, with planting occurring in late fall and early spring.”

Special Condition 3 of your permit states that “your authorization under this Corps permit is conditional upon your compliance with the special conditions of this permit and adherence to the construction procedures described in your application and Biological Assessment (BA). Failure to comply with these conditions, or deviation from the approved construction procedures that results in a take of listed species under the Endangered Species Act (ESA), would constitute an unauthorized take and noncompliance with your Corps permit. To ensure ESA compliance, any changes or deviations from the permitted action as described in the BA may necessitate reinitiation of consultation with the U.S. Fish and Wildlife Service (USFWS).”

According to the Biological Assessment (BA), page 10, under the description of the proposed action, restoration work in the North Branch of Trestle Creek (NBTC) will be completed in two phases. Phase 1 of the restoration work is proposed to be completed prior to marina construction and during the annual low-water or dry conditions in the NBTC, typically between August and November. If work cannot be completed during that period, diversion and restoration of the NBTC would then occur during lower winter flows and in accordance with the protocols defined in the River Design Group plans (updated April 18, 2024). Phase 2 of the restoration work, which involves erosion protection of streambanks and vegetation restoration of work areas associated with reconnecting the NBTC to the Main Channel of Trestle Creek, will be completed during and immediately following the channel reconnection work, likely in late fall, winter, or early spring.

To comply with Special Conditions 1 and 3, you must cease all work not related to the approved final mitigation plan in order to remedy the identified noncompliance. The Corps received your December 15, 2025, response, in which you stated that “the Permittee, Valiant Idaho II, LLC, will suspend work in areas within the U.S. Army Corps of Engineers’ jurisdiction until such time as the restoration of the North Branch of Trestle Creek has been completed.” No work may be performed in the NBTC or in the marina area if that work deviates in any way from the permit, its special conditions, or the Mitigation Plan and BA, on which the permit relies. It is essential that you communicate this to any and all contractors performing work on this site. The Corps will be coordinating with the United States Fish and Wildlife Service regarding any additional actions that may be necessary to evaluate this noncompliance.

Please confirm receipt of this letter and confirm that all work that is required to cease has ceased. Please work with Mr. Garrett Schock to schedule a site visit to the site as soon as is practicable. The Corps is also requesting that Valiant Idaho, LLC

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provide three (3) business days' notice that you propose to resume work. If you have any questions or need additional information about this permit authorization, you can contact me by phone at 986-810-0175, by mail at the address in the letterhead, or email at Garrett.N.Schock@usace.army.mil. For informational purposes, a copy of this letter has been sent to: The Idaho Department of Environmental Quality, the Idaho Department of Lands and your authorized agent Pierre Bordenave.

Sincerely,

A handwritten signature in blue ink that reads "Kelly J. Urbanek". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kelly J. Urbanek
Chief, Regulatory Division