

Exhibit K

Response to COE Question 7(c)

REVISED PERFORMANCE STANDARDS

COE Question 7(c)

***“Revised Performance Standards.** The vegetation standards on page 3 of Attachment L of your application in the PHEP are, by themselves, not enough to measure wetland mitigation success. We will need you to provide performance standards that we can use to measure other aspects of your mitigation for success, in addition to vegetation. It is not clear from your vegetation standards how much of the 2.71 acres you propose to plant. A standard on page 3 says native sedges, bulrushes, and shallow water aquatic plants shall be planted along the lower banks and within the shallow-water areas. Another standard says willow, alder, dogwood, cottonwood, and other shrub and tree species shall be planted on the lower bank of constructed habitat berms. It is not clear what acreage this comprises. If you are proposing to construct 2.71 acres wetland, we will need you to add a performance standard that requires 2.71 acres of wetland to meet the wetland delineation criteria in the 1987 Corps of Engineers Wetland Delineation Manual within 5 years after construction for emergent and 10 years after construction for forested wetland. The performance standards should also identify the source and duration for wetland hydrology and the method you propose to ensure long-term management of the mitigation site.”*

Response:

ITD reiterates that the PHEP provides benefits beyond mitigation for wetlands impacts of the project and is not required as mitigation. As such, it does not need to be monitored against the performance criteria for the wetlands mitigation sites. Nevertheless, ITD reasonably assumes that plant survival will be achieved and has prepared a wetlands mitigation plan for the North Interchange (attached hereto) which will be followed for purposes of implementing the PHEP. Furthermore, ITD does not expect hydrological difficulties based on the annual inundation of Sand Creek. The PHEP area will be inundated during the majority of the growing season, including during the hottest part of the summer and early fall. Erosion control efforts, as defined in the PHEP plan, are substantial. The lower banks and shallow water areas will be predominately sedges, bulrushes, and aquatic plants. Starting at the toe of the slope at water's edge (lower bench) and going upslope, alder and willow, then dogwood, and finally cottonwood will be planted as slope becomes drier. These are the typical zones along the natural slope in the Sandpoint area currently and we believe they are the design that has the highest potential of survival.