



**US Army Corps  
Of Engineers**

Walla Walla District  
201 North Third Avenue  
Walla Walla, WA 99362-1876

# Special Public Notice:

## Authorization of Regional General Permit-Benthic Barriers (RGP-BB)

Date of Issuance: December 15, 2011

---

Walla Walla District of the U.S. Army Corps of Engineers has evaluated the scope of the described action and has decided to issue Regional General Permit Benthic Barrier (RGP-BB) to authorize certain work in waters of the United States, within the State of Idaho. Prior notification and request for comments on this action was given with issuance of a Public Notice dated May 13, 2011. To fully review the RGP-BB permit, please see attached or visit the Walla Walla Regulatory Division website at <http://wwwdev.nww.usace.army.mil/html/offices/op/rf/pn.asp>.

**ACTIVITIES:** The following activities would be authorized under RGP-BB, provided they meet the required terms and conditions of the permit (see attached RGP-BB permit for details):

- *The discharge of fill material, structures and/or work associated with the placement of temporary benthic (bottom) barriers to control growth of invasive, noxious aquatic vegetation as designated by the Idaho State Department of Agriculture and usually associated with docks and swimming areas for safety and navigation purposes.*

Separate approval for these activities may be required from the State of Idaho Department of Lands and/or the State of Idaho Department of Water Resources.

**GEOGRAPHIC AREA OF COVERAGE:** All waters of the United States, within the State of Idaho, except those waters listed as exclusion areas (see Table 1 of the RGP-BB permit).

**EXCLUSION AREAS:** Certain geographic areas within waters of the United States, located within the State of Idaho, are excluded from RGP-BB. The reason for exclusion of certain areas is the protection of aquatic flora and fauna that may be listed as threatened or endangered under the Endangered Species Act (ESA). The proposed exclusion areas and associated map are shown in Table 1 of the RGP-BB permit. A separate Department of Army Permit is required for work in these areas.

**PURPOSE:** To improve efficiencies and expedite permit processing for activities that have minimal individual and cumulative impacts on the aquatic environment and to reduce associated costs of permitting.

**REGULATORY AUTHORITY:** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) requires a Department of the Army permit for work or structures waterward of the ordinary high

water mark in navigable waters of the United States or that would affect the course, condition, or capacity of the navigable waters. Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit for the discharge of dredged or fill material into waters of the United States.

**BACKGROUND:** Regional General Permits are Department of the Army permits issued on a regional basis for categories of activities that:

- *Are substantially similar in nature and cause only minimal individual and cumulative environmental impacts;*
- *Would avoid unnecessary duplication of regulatory control exercised by another Federal, state, or local agency.*

**WATER QUALITY CERTIFICATION:** Coordination was conducted with Idaho Department of Environmental Quality (IDEQ) to determine if the activities, stated above, may affect water quality standards. On September 13, 2011, IDEQ issued a Water Quality Certification for activities, as authorized under the RGP-BB.

**CULTURAL RESOURCES:** Coordination was conducted with the Office of the Idaho State Historic Preservation Officer (SHPO) to determine if these activities may affect site(s) that is/are listed on the National Register of Historic Places, or a site(s) that may be eligible for listing on the Register. On June 28, 2011, the Idaho SHPO provided a Section 106 Evaluation that determined activities authorized under RGP-BB would not affect historic properties.

**TRIBAL CONSULTATION:** The Walla Walla District fully supports tribal self-governance and government-to-government relations between federally recognized Tribes and the Federal government. This action was coordinated with the following tribes:

- Coeur d'Alene Tribe
- Confederated Salish Kootenai Tribes of the Flathead Reservation
- Confederated Tribes of the Colville Reservation
- Confederated Tribes of the Umatilla Reservation
- Confederated Tribes of the Warm Springs Nation
- Fort McDermitt Reservation
- Kalispel Tribe of Indians
- Kootenai Tribe of Idaho
- Nez Perce Tribe
- Northwest Band of the Shoshone
- Shoshone-Bannock Tribes
- Shoshone-Paiute Tribes
- Spokane Tribe of Indians
- Wanapum Tribe
- Yakama Nation

No tribes opposed the activities authorized by Regional General Permit-Benthic Barriers.

**ENDANGERED SPECIES:** Coordination was conducted with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) to determine if this activity would have any affect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat in the State of Idaho. On July 8, 2011, the USFWS responded and on June 14, 2011, NMFS responded. Both agencies concurred activites authorized by RGP–BB would not adversely affect listed species or their critical habitat. For further information on endangered, threatened and critical habitat for the State of Idaho, please visit:

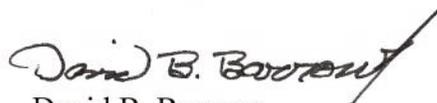
<http://www.fws.gov/idaho/species/T&E/TE072611IFWOREV.pdf> and  
<http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm>.

**EVALUATION:** The decision to issue the Regional General Permit was based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision reflects the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, was balanced against its reasonably foreseeable detriments. All factors that were relevant to the proposal were considered including the cumulative effects thereof; among those were conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. In addition, our evaluation included application of the EPA Guidelines (40 CFR 230.7) as required by Section 404(b)(1) of the Clean Water Act.

For further information about the Department of the Army permit program, Walla Walla District, please visit <http://www.nww.usace.army.mil/html/offices/op/rf/rfhome.asp> or call us direclty at telephone (509) 527-7150.

**PUBLIC HEARING:** No requests for a public hearing were received and it is determined that a public hearing is not warranted for authorization of RGP–BB.

**COMMENTS RECEIVED:** All comments received in response to the May 13, 2011, Public Notice: Request for Comments have been made part of the permanent record.

  
David B. Barrows  
Chief, Regulatory Division

Attachment