



US Army Corps
Of Engineers
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice:

Application for Permit

APPLICATION NO.: NWW-2009-489-B01

WATERWAY: Boise River

APPLICANT: Boise River Flood Control District #10

DATE ISSUED: July 30, 2012

END DATE: August 29, 2012

30-Day Notice

Interested parties are hereby notified that this District has received an application for a Department of the Army (DA) permit for certain work in waters of the United States, including wetlands, as described below and shown on the attached drawings, entitled Boise River Flood Control District #10 (FCD10) dated July 2012.

APPLICANT: Boise River FCD10, PO Box 46, Star, Idaho 83669. Contact Mr. Charles Ferguson for additional information at 208-861-2766 or by email at: fergyriver@msn.com.

USACE PM CONTACT: Greg Martinez, Boise Regulatory Office, telephone 208-345-2154 or by email at: greg.j.martinez@usace.army.mil.

PURPOSE: Conduct annual channel cleaning in Boise River from River Mile 22.0 upstream to River Mile 49.0.

WATERWAY: Boise River

LOCATION: The proposed project would be located on the Boise River from River Mile 21.5 to River Mile 50.0 (Figure 1) within portions of Sections 10,11,12, 14 and 15 of Township 4 North, Range 3 West, in portions of Sections 7, 8,13,14,15,16,17, and 18 of Township 4 North Range 2 West, in portions of Sections 7,12,13,14,15,16,17, 18, 23 and 24 of Township 4 North, Range 1 West, in portions of Sections 15,16,17,18,19,20,21,22,23,24,and 25 of Township 4 North, Range 1 East and Section 30 of Township 4 North, Range 2 East, in Ada and Canyon Counties, Idaho.

DRIVING DIRECTIONS: The project area can be accessed from State Highway 44 which parallels the north side of the Boise River and on State Highway 20/26 which parallels the south side of the river. Major arterials that cross the river and from which the river can be viewed include Glenwood Avenue, Eagle Road, Linder Road, Star Road and Middleton Road.

AUTHORITY: This permit will be issued or denied under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344). A Department of the Army permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands.

WORK: Discharge an average of 1000 cubic yards of woody debris along the bank full channel annually. This amount may vary year to year depending upon the spring high flow. A tracked excavator would walk the river channel picking up downed trees and other woody debris within the bank full channel and re-depositing this material along the river bank. Cottonwood trees standing on the river bank and leaning 30 degrees or more over the river channel; willow trees standing on the river bank and leaning 45 degrees or more over the river channel; and beaver damaged trees standing on the river bank maybe cut and re-deposited along the bank. Standing trees that are removed would be cut down within a few feet of the ground with the root balls left to maintain bank stability. Woody debris removed from the river would be placed onto existing woody debris piles, or piled to create new waste piles. Single trees removed from the channel would be cut into ten foot length and scattered along the bank full channel. The applicant estimates up to 0.5 acres of riparian forest may be filled over the five year period as a result of the disposal method.

ADDITIONAL INFORMATION: FCD10 has been removing woody debris from the river and placing it along the river bank in the forested riparian area in piles since about 1993. In 2009 FCD10 conducted a survey to determine the number and size of the existing piles within their area of jurisdiction. Each pile found was GPS marked (Figure 2) and its size estimated. After the survey FCD10 concluded that there were 492 woody debris piles along the river. These piles were placed into three categories, Class A, B and C. Class A piles (large) are generally over 10 feet tall, by 25-feet wide and 20 feet long. Piles have an average foot print of 300 square feet (0.007 ac) and a volume of 100 cubic yards or more. The 2009 inventory located 119 Class A piles. During the winter of 2010 and 2011, 13 Class A piles were burnt, leaving 106 Class A piles. Class B (Medium) piles are less than 10 feet tall, by 15 feet wide by 20 feet long but greater than 5 feet tall by 5 feet wide and 10 feet long. These piles have an estimated foot print of 200 square feet (0.005 ac) and a volume between 10 to 100 cubic yards. The survey identified 136 Class B piles. During the winter of 2010 and 2011, eight Class B piles were burnt leaving 128 piles. Class C piles include the remainder of the 237 piles. These piles are generally less than 5 feet tall, by 5 feet wide by 10 feet long and have an average foot print of 50 square feet (0.001 ac). During the winter of 2010 and 2011, seven Class C piles were burnt leaving 230 piles. The total woody volume of the 464 piles remaining is estimated between 21,000 to 33,000 cubic yards. The total area covered by the foot print of these piles is estimated to be 68,900 square feet (1.6 acres).

CONSTRUCTION PERIOD: Applicant proposes to conduct channel work during the winter months from November 1 to January 31, roughly a 90 day work season each year. The permit would authorize construction for a period of five years.

PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

Avoidance: Applicant proposes to access to the river from existing access points, no new access points will be developed to avoid impacting wetlands; work where possible will be conducted from the river bank or on exposed gravel bars.

Minimization: Conduct work during the wintertime when flows in the river are reduced (350 cfs or less) and equipment can operate within dried portions of the channel or from the bank; where possible woody debris would be disposed of above the ordinary high water mark and in upland areas. Where access is limited and the river flanked by forested wetlands that disposal of woody material would be placed on top of existing debris piles to avoid additional wetland fills or placed in areas that were previously impacted by woody debris piles but which have been removed by burning over the last two years. This would limit the amount of new forested wetland areas impacted by the annual channel cleaning.

Compensatory Mitigation: Mitigation under this application will be a net 20 percent overall reduction of the existing inventory of Class A and B piles. This equates to the removal of up to 43 Class A or B piles over the five year life of the permit. This would be accomplished by removing selected piles from within the riparian forest, re-depositing them onto the dry and exposed river bed during the winter months and burning them until only a small amount of ash exists. Where possible piles located within the riparian forest will be burnt in place, but this will only be done if it can be accomplished without damaging the surrounding forest. If burning is not an option because of climatic conditions, piles identified to be eliminated would be removed by chipping and/or hauling away to an upland area for disposal. Material removed annually from the channel where possible would be piled on top of the piles selected to be removed as part of the reduction mitigation plan thus removing this annual material as well. The applicant anticipates that up to 0.3 acres of forested wetlands impacted by past disposal practices would be restored under the reduction mitigation plan.

OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT: The applicant has been issued several Nationwide Permits from 1988 through 2008 to remove accumulated gravel and to remove woody debris and use this material to construct habitat debris piles in the adjacent riparian forested wetlands.

WATER QUALITY CERTIFICATION (WQC): This notice will also serve as Public Notice that the Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharge of dredge and/or fill material proposed for this project will not violate existing water quality standards. A Department of the Army

permit will not be issued until WQC has been issued or waived by the IDEQ, as required by Section 401 of the Clean Water Act. If a WQC is not issued, waived or denied within sixty (60)-days of this public notice date, and an extension of this period is not requested by and granted to the IDEQ, certification will be considered waived. Additionally, within thirty (30)-days of this Public Notice, any person may provide written comments to IDEQ and request in writing that IDEQ, provide them notice of their preliminary 401 Certification decision. Comments concerning WQC for this project should be mailed to: IDEQ Boise Regional Office, 1445 Orchard Street, Boise, Idaho 83706.

AQUATIC RESOURCE DESCRIPTION: The lower Boise River within the project impact area is a median sized river averaging 150 to 200 feet wide and 3 to 6 feet deep. Flows vary from highs in the spring of 5000 to 7000 cfs to winter flows of 240 cfs. Water is typically clear and supports a resident brown trout fishery and stocked rainbow trout fishery. A riparian forested wetland flanks the river and varies in width from 10 to several hundred feet wide with the average width being 50 to 75 feet. The forest is composed primarily of cottonwood and silver maple, with an under story of willow, red stem dogwood, yellow currant and woods rose.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: Work as proposed may impact up to 0.5 acres of riparian forested wetlands due to the disposal of woody debris removed from the river. Where possible removed woody material would be placed onto the existing debris piles or into areas that were previously impacted by woody debris but which have been removed by burning. Disposal of woody debris in this manner would not impact any new areas, however, due to limited access some new riparian forested areas may be filled with woody debris. The applicant worst case scenario anticipates up to 0.5 acres of impact over the five year life of the permit. No woody debris would be re-deposited within the bank full channel.

OTHER AUTHORIZATIONS: The proposed work also requires a stream alteration permit from the Idaho Department of Water Resources, and floodplain development permits from cities Boise, Garden City, Eagle, Star, Middleton, and from Ada County Development Services and Canyon County Planning and Zoning.

CULTURAL RESOURCES: Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places or a site that may be eligible for listing on the Register. We are also coordinating with the appropriate Tribal entity or the Tribal Historic Preservation Offices for the Shoshone-Bannock Tribe of the Fort Hall Reservation and the Shoshone-Paiute Tribe of the Duck Valley Reservation, to determine if there are any tribal historic or cultural interests within the project area.

TRIBAL TREATY RIGHTS and INTERESTS: Federal agencies acknowledge the Federal Trust responsibility arising from treaties, statues, executive orders and the historical relations between the United States and American Indian Tribes. The Federal Government has a unique trust relationship with federally recognized American Indian Tribes, including the Shoshone-Bannock Tribe of the Fort Hall Reservation and the Shoshone-Paiute Tribe of the Duck Valley Reservation. The Corps has a responsibility and obligation to consider and consult on potential effects to Tribal rights, uses and interests. The Corps further recognizes there may be a need for additional and on-going consultation.

ENDANGERED SPECIES: No listed threatened or endangered species or designated critical habitats are known to exist in the project area. Coordination is currently being conducted with the U.S. Fish and Wildlife Service to determine if the activity will have any effect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat, under the Endangered Species Act of 1973 as amended.

ESSENTIAL FISH HABITAT (EFH): No EFH species or EFH species are known to use the project area. Preliminarily, we have determined the described activity would have no effect on EFH.

ENVIRONMENTAL IMPACT STATEMENT (EIS): Preliminary review indicates the proposed activities will not require preparation of an EIS. Comments provided will be considered in preparation of an Environmental Assessment (EA).

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. This decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be

expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are 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 will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

CONSIDERATION OF PUBLIC COMMENTS: The Corps of Engineers is soliciting comments from the general public; Federal, State and local agencies and officials, Tribal entities and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an EA and/or an EIS pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT & REVIEW PERIOD: Interested parties are invited to provide comments on the proposed activity, which will become a part of the record and will be considered in the final decision.

Please mail all comments to:

U.S. Army Corps of Engineers
Greg Martinez
Boise Regulatory Field Office
10095 West Emerald Street
Boise ID 83704-9754
greg.j.martinez@usace.army.mil

Comments should be received no later than the comment due date of **August 29, 2012**, as indicated on this notice, to receive consideration.

Greg Martinez
Regulatory Project Manager
Boise Regulatory Field Office
Walla Walla District

Enclosures