



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-2012-447-C03

WATERWAY: Wetlands Adjacent to Pend Oreille River

APPLICANT: Tom McGarragh

DATE ISSUED: September 27, 2012

END DATE: October 26, 2012

30-Day Notice

Interested parties are hereby notified that this District has received an application for a Department of the Army permit for certain work in waters of the United States, including wetlands, as described below and shown on the attached drawings, entitled McGarragh Vicinity Map, Joint Application and Wetlands Boundary and Yard Fill Area, Sheet 1 of 4, dated September 6, 2012 .

APPLICANT: Mr. Tom McGarragh , c/o James A. Sewell & Associates, LLC, 1205 Highway 2, Suite 101, Sandpoint, ID 83864

AGENT: James A. Sewell & Associates, LLC, 1205 Highway 2, Suite 101, Sandpoint, ID 83864. Point of Contact: Mr. Martin Taylor, telephone 208-263-4160 or by email at mtaylor@jasewell.com.

USACE PM CONTACT: Beth Reinhart, Coeur d'Alene Regulatory Office, telephone 208-765-8971 or by email at mary.e.reinhart@usace.army.mil.

PURPOSE: The purpose of the proposed project is to create building sites for two residences, and associated attendant features, in wetlands adjacent to the Pend Oreille River.

WATERWAY: Wetlands Adjacent to the Pend Oreille River

LOCATION: The proposed project would be located in wetlands adjacent to the Pend Oreille River at 539 and 575 Thistledown Lane, within Section 20, Township 56 North, Range 3 West, near latitude 48.1843° N and longitude -116.72568° W, in Bonner County, near Laclede, Idaho.

DRIVING DIRECTIONS: From Sandpoint, Idaho, proceed west on US Highway 2 approximately 11 miles to Thistledown Lane. The project site is located at 539 and 575 Thistledown Lane.

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: Applicant proposes to discharge 1,020 cubic yards of fill material into 0.90 acres of wetlands associated with the development of two residential home sites, in wetlands adjacent to the Pend Oreille River, a waters of the United States.

Specific activity includes:

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Specific activity includes:

Two Building sites: total pad site is proposed to be 130'x130' (16900 s.f.) for Parcel 1 and 150'x150' (22500 s.f.) for Parcel 2) of which approximately five hundred thirty-seven cubic yards of fill will be discharged in 0.50 acres of wetlands.

Driveways: will have a total length of 310, a fire code width of 20 feet and a depth 16 inches of which approximately 152 cubic yards of fill in 0.10 acres of wetlands for driveways,

Pathways: will have a total length of 160 feet, a width of 10 feet and a depth of 12 inches on Parcel 1, and a total length of 210 feet, a width of 10 feet and a depth of 12 inches on Parcel 2, of which-80 cubic yards of fill in 0.10 acres of wetlands.

Shared Waterfront Yard: will have an average length of about 100 feet, a width of 40 feet and a depth of 12 inches on Parcel 1, and an average length of about 135 feet, a width of 40 feet and a depth of 12 inches on Parcel 2, of which 251 cubic yards of fill in 0.20 acres of wetlands.

Applicant proposes the use of dump trucks, front end loaders, and or backhoes to prepare the site. The source of fill material is an established gravel pit in Dover. Erosion and sediment will be controlled as described in the "Stormwater Management, Grading and Erosion Control Plan", dated August 1, 2012 and in accordance with the Bonner County code.

ADDITIONAL INFORMATION: On March 30, 2006 a permit was issued to Mr. Jeffery Christiaansen at this location authorizing 500 cubic yards of rock riprap to be placed over 1000 linear feet of shoreline for bank stabilization, of that approximately 400 linear feet of rock riprap currently exists at or above the ordinary high water mark. The authorization expired and a new authorization would be required to discharge any material for additional bank stabilization. Grading will take place in uplands on the property preparatory to construction of buildings, together with utilities installation, development of storm water management features and driveway construction.

CONSTRUCTION PERIOD: Applicant proposes to start construction upon issuance of permit and end approximately October 15, 2015. The permit would authorize construction for a period of 3 years.

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

Avoidance: As part of the alternatives analysis, several potential building sites, each of which involved additional wetland fill (± 1.3 acres total), were considered. However, the applicant proposes to lessen fill. Preferred sites were selected that include less than one-half acre of wetland fill per parcel while still maintaining the desired proximity to the Pend Oreille River authorized by Bonner County's development standards. Further, additional lake and river front properties were analyzed, none of which included sufficient acreage for the proposed pasturing of horses and continued forage production.

Minimization: Building sites have been adjusted and fill areas reduced to minimize wetland impacts. No fill is proposed below the Ordinary High Water Mark 2062.5' (summer pool) in the Pend Oreille River. A 0.2 acre yard area will be shared to reduce fills in wetlands while providing usual and customary access to waterfront property.

Compensatory Mitigation: As proposed it is necessary to fill more than 0.1 acre in order to prepare the property for homesite construction, including driveways, parking areas, garages, pathways, yards and stormwater management facilities. Applicant has completed a Montana Wetland Assessment (v.1999) and proposes to purchase 5.40 functional units from the Valencia Wetland Trust as compensatory mitigation.

OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT: N/A

WATER QUALITY CERTIFICATION: 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 water quality certification has been issued or waived by the IDEQ, as required by Section 401 of the Clean Water Act. If water quality certification 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, as request in writing that IDEQ provide them notice of their preliminary 401 Certification decision. Comments concerning Water Quality Certification for this project should be mailed to: Idaho Department of Environmental Quality, Coeur d'Alene Regional Office, 2100 Ironwood Parkway, Coeur d'Alene, Idaho 83814.

AQUATIC RESOURCE DESCRIPTION: Proposed fill area is .90 acres within a total 7.73 acres palustrine emergent wetland complex adjacent to the Pend Oreille River. Soils are identified as Mission Loam and Wrenco. Mission Loam is characterized by poorly drained soils shallow to a hardpan. Permeability and runoff are slow, water is perches above the hardpan in winter and spring. Wrenco is characterized as poorly drained soil with slow permeability and runoff. Soil is subject to very long periods of flooding in winter and spring. Both soils are described as poorly suited to homesite development. The current land use is a hayed pasture with an undisturbed 10-20 foot reed canary grass buffer along the river.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: Fill material placed to create suitable building pads and other residential attendant features will cause a permanent net loss of .90 acres of palustrine emergent wetland adjacent to the Pend Oreille River. All work will be above elevation 2062.5' the summer pool elevation for the Pend Oreille River. Applicant states there will be no sediment delivery to flowing water due to stormwater and erosion controls as well as the proposed rock landscape feature which will prevent the yard fill from eroding into the river.

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.

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 Kalispel Tribe of Indians, the Kootenai Tribe of Idaho and the Confederated Salish Kootenai Tribe. 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 (USFWS) to determine if the activity will have any affect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat, under the Endangered Species Act of 1973.

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

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 Environmental Assessment and/or an Environmental Impact Statement 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
Beth Reinhart
Coeur d'Alene Regulatory Field Office
2065 W Riverstone Drive, Suite 201
Coeur d'Alene, Idaho 83814
mary.e.reinhart@usace.army.mil

Comments should be received no later than the comment due date of **October 26, 2012**, as indicated on this notice, to receive consideration.

Beth Reinhart
Sr. Project Manager
Coeur d'Alene Regulatory Field Office
Walla Walla District

Enclosures