



**US Army Corps
Of Engineers**
Walla Walla District
Boise Regulatory Office
720 E. Park Boulevard, Suite 245
Boise, Idaho 83712-7757

Public Notice:

Application for Permit

APPLICATION NO.: NWW-2003-2300370-B02
WATERWAY: Wetlands, emergent and scrub-shrub
APPLICANT: Idaho Transportation Department
DATE ISSUED: June 10, 2015
END DATE: July 10, 2015

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 "*US 95, Council Alternate Route,*" *Sheets 1-15 dated April 20, 2015.*

APPLICANT: Ms. Amy Revis, P.E., Idaho Transportation Department, c/o Mr. Nick Petersen, Post Office Box 8028, Boise, Idaho 83707-2028. Phone: 208-332-7164. Email: Nick.Petersen@itd.idaho.gov

USACE PM CONTACT: Ms. Nicholle Braspennickx, U.S. Army Corps of Engineers, Boise Regulatory Office, 720 E. Park Boulevard, Suite 245, Boise, Idaho 83712-7757. Phone: 208-433-4461. Email: Nicholle.M.Braspenn@usace.army.mil

WORK: Discharge 13,157 cubic yards of road fill materials (gravel, rock, soil, asphalt) into 5.15 acres of wetlands for the construction of the U.S. 95, Council Alternate Route. Work includes the construction of a new 1.08 mile road, drainage and accesses. The project would permanently fill 4.85 acres of emergent wetland, and 0.30 acres of scrub-shrub wetlands.

PURPOSE: Improve pedestrian and traffic safety, reduce congestion, and reduce U.S. 95 through-traffic within the downtown and southerly areas of Council, Idaho. The project is needed to: reduce safety hazards, congestion, and disruption of free-flow movement through downtown Council; reduce clearance and traction issues for trucks and cars travelling through town; reduce incompatibility between U.S. 95 traffic and downtown parking and pedestrian use; and reduce conflicts and congestion near school facilities.

WATERWAY: Emergent and scrub-shrub wetlands located approximately $\frac{1}{4}$ - $\frac{1}{2}$ mile north of Cool Creek, a tributary to the Weiser River.

LOCATION: The proposed project would be located east of US 95 at Mile Post (MP) 135.09, extending northeast to the intersection at Lucille Avenue (MP 136.17) within Sections 14 & 15, Township 16 North, Range 1 West, near latitude $44^{\circ} 43' 21.52''$ N and longitude $- 116^{\circ} 26' 27.17''$ W, in Adams County, in Council, Idaho.

DRIVING DIRECTIONS: See vicinity map. The site would be a new alignment of US 95 starting at Mile Post 135.09 and continuing in a north east direction for 1.08 miles, tying into an intersection with Lucille Avenue, in Council, Idaho.

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.

ADDITIONAL INFORMATION: Current land uses in the project area are agricultural (pasture, grazing) and developed urban (residential, school, businesses).

CONSTRUCTION PERIOD: Applicant proposes to start construction in November 2015 and end in the fall of 2016. The permit would authorize construction for a period of 3 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.

The Applicant's preferred alignment, Alternative B, was evaluated for impacts to all environmental resources, including wetlands and stream channels. The preferred alternative does not include stream channel crossings. The preferred alignment impacts wetlands that have been degraded by existing land uses. The applicant is proposing to provide compensatory mitigation for unavoidable wetland losses at an approved wetland mitigation bank.

OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT: Preliminary Jurisdictional Determination dated January 2, 2012

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 (WQC) has been issued or waived by the IDEQ, as required by Section 401 of the Clean Water Act. If 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, WQC 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 WQC decision. Comments concerning WQC for this project should be mailed to: Idaho Department of Environmental Quality, Boise Regional Office, 1445 North Orchard Street, Boise, Idaho 83706.

AQUATIC RESOURCE DESCRIPTION: Wetlands to be impacted by the new US 95 road alignment are emergent and scrub-shrub wetlands, often grazed or subject to agricultural practices (haying, etc.).

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: Five and fifteen one-hundredths acres of wetlands (4.85 acres emergent wetlands and 0.30 acres of scrub-shrub wetlands) would be permanently filled by the proposed project.

CULTURAL RESOURCES: Coordination has occurred with the Idaho State Historic Preservation Office (ISHPO). The ISHPO office has agreed the project will have no adverse effects to eligible and/or listed historic properties. We are also coordinating with the appropriate Tribal entity or the Tribal Historic Preservation Offices for the Shoshone Bannock Tribes and the Shoshone Paiute Tribes, 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 and Shoshone Paiute Tribes. 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: The project is within the known or historic range of the Northern Idaho Ground Squirrel. Idaho Transportation Department conducted two surveys, one in 2004 and another in 2015. Neither survey found squirrels or burrows. The project area does not contain suited habitat. Therefore, the project will have no effect to Northern Idaho Ground Squirrel. The project also does not contain suited habitat for Canada lynx. The project should have no effect to Canada lynx. The project should therefore have no effect to listed species under the Endangered Species Act of 1973 (87 Stat. 844).

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, Walla Walla District
ATTN: Ms. Nicholle Braspennickx
Boise Regulatory Office
720 E. Park Boulevard, Suite 245
Boise, Idaho 83712-7757

Phone: 208-433-4461

Email: Nicholle.M.Braspenn@usace.army.mil

Comments should be received no later than the comment due date of **July 10, 2015**, as indicated on this notice, to receive consideration.

Enclosure

"US 95, Council Alternate Route," Sheets 1-15 dated April 20, 2015