



**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-2005-1500016

WATERWAY: Pend Oreille River

APPLICANT: The Lodge at Sandpoint

DATE ISSUED: January 23, 2014

END DATE: February 22, 2014

30-Day Notice

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Interested parties are hereby notified that this District has received an application for a Department of the Army permit for certain work in navigable waters of the United States, as described below and shown on the attached drawings, entitled *The Lodge at Sandpoint, Dock System Expansion; Sheets 1 – 5; dated December 17, 2013.*

**APPLICANT:** The Lodge at Sandpoint, 41 Lakeshore Drive, Sagle, Idaho 83860, Point of Contact: Mr. Glenn Harvey, (802) 680-5547

**AGENT:** Laneco Marine, PO Box 182, Sagle, Idaho 83860, Point of Contact: Mr. Lance Lane, (208) 610-3713

**USACE PM CONTACT:** Coeur d'Alene Regulatory Office, 2605 West Riverstone Drive, Suite 201, Coeur d'Alene, Idaho 83814, Mr. Shane P. Slate, [shane.p.slate@usace.army.mil](mailto:shane.p.slate@usace.army.mil), (208) 765-8961

**PURPOSE:** The project purpose is to expand the existing dock system at The Lodge at Sandpoint to provide additional boat moorage to accommodate restaurant patrons and guests staying at the lodge, and to install wave attenuators to protect moored vessels and to reduce shoreline erosion.

**WATERWAY:** Pend Oreille River

**LOCATION:** The proposed project would be located on the Pend Oreille River at 41 Lakeshore Drive within Section 35, Township 57 North, Range 2 West, near latitude 48.24054 and longitude -116.53991, in Bonner County, near Sandpoint, Idaho.

**DRIVING DIRECTIONS:** From Sandpoint, Idaho head south on US Highway 95 across the long bridge. Turn west on Lakeshore Drive and then take an immediate right into the lodge's driveway.

**AUTHORITY:** This permit will be issued or denied under the authority of Section 10 of the Rivers & Harbors Act of 1899 (33 U.S.C. 403). A Department of the Army permit is required for work or structures waterward of the ordinary high water mark located in or over navigable waters of the United States, including the excavation, dredging or deposition of material in navigable waters, or any alteration obstructing or affecting the course, location, condition, or capacity of the navigable waterway.

**WORK:** Expand an existing 1,365 square foot dock which currently extends 56' water ward from the Ordinary High Water Mark (OHWM) and runs 160' parallel to the shore. The dock currently has four, 27' wide by 25' long double slips and a section 70' long x 6' wide for side ties.

The newly proposed dock system will be expanded by 2,775 square feet for a total of 4,140 square feet. Once completed, the new dock would extend 139' from the OHWM and run 250' parallel to the shore with nine additional double slips. In addition, wave attenuator boards will be installed 5-8' deep to reduce shoreline erosion and provide private safe moorage for vessels using the proposed dock system.

Construction of the dock system will occur during winter drawdown of the Pend Oreille River and will require driving eighty-five 8-inch steel pilings using a vibratory hammer. A 4"x6" treated timber frame will be built on site, transported and bolted to those piles. Composite decking will then be attached to the timber framework.

**CONSTRUCTION PERIOD:** Applicant proposes to start construction March 2014 and end April 2014. The permit would authorize construction for a period of three (3) years.

**PROPOSED MITIGATION:** The project does not require the discharge of dredged and/or fill material into waters of the U.S. No mitigation is being proposed.

**OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT:** None

**AQUATIC RESOURCE DESCRIPTION:** Lake Pend Oreille and the Pend Oreille River are one of the largest water bodies in the state of Idaho. It is a natural lake that has been enlarged by the construction of the Albeni Falls Dam, near Oldtown, ID, a multi-purpose project on the Pend Oreille operated by the Corps of Engineers. It covers an area exceeding 90,000 acres of water and has a shoreline of 226 miles. The Albeni Falls Project is operated to maintain a water surface elevation of 2062.5 feet NGVD during summer recreation season and can be drawn down to 2051 feet NGVD during the winter. There are several communities around the lake including Hope, East Hope, Bayview, Laclede, Priest River and Sandpoint. Most of the riparian lands along the lake and river are privately owned. However, there are substantial areas in the southern portion of Lake Pend Oreille under federal ownership. Residences and summer cabins are common along much of the waterfront properties along the lake and river. Population growth in North Idaho has steadily increased over the last 15 years. This growth has created the need for more residential and commercial development, particularly on desirable land along the lake and river.

**ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT:** There will be some temporary disturbance to the riverbed while piles are being driven, resulting in localized, temporary turbidity, as well as temporary disturbance to benthic (bottom dwelling) organisms. However, the applicant has proposed to minimize those impacts by using a vibratory hammer instead of a pile driver to install the piles which will greatly reduce the amount of sound generated during pile installation compared to the use of a standard impact pile driver. Fish and birds will likely avoid the area while work is ongoing. There is low likelihood of fuel leakage from equipment used during construction, which would result in adverse impacts to water quality. The applicant has stated that they will have U.S. Coast guard approved spill response and containment kits on site and available in case any such spills or leakage occur.

**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 Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Kalispel Tribe of Indians, and the Kootenai Tribe of Idaho, 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 Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Kalispel Tribe of Indians, and the Kootenai Tribe of Idaho. 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 bull trout and their critical habitat. Coordination is currently being conducted with the U.S. Fish and Wildlife Service (USFWS) 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 (87 Stat. 844).

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, permitted, funded or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). No 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:** 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.

**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  
Shane Slate  
Coeur d'Alene Regulatory Office  
2065 West Riverstone Drive, Suite 201  
Coeur d'Alene, Idaho 83814  
[Shane.p.slate@usace.army.mil](mailto:Shane.p.slate@usace.army.mil)

Comments should be received no later than the comment due date of **February 22, 2014**, as indicated on this notice, to receive consideration.

Michael Burgan  
Environmental Resource Specialist  
Walla Walla District

Enclosures