



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-2007-1061-C09

WATERWAY: Hayden Lake

APPLICANT: Gem Shores Home Owners  
Association II

DATE ISSUED: April 16, 2014

END DATE: May 16, 2014

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, as described below and shown on the attached drawings, entitled *Gem Shores Homeowners Association II, File No, NWW-2007-1061-C09, Dredge channel for access to cove, stabilize eroding shoreline, and replenish beach lost to erosion, Sheets 1 through 5, dated prepared April 15, 2014.*

**APPLICANT:** William Walkup, Gem Shores Home Owners Association II, 10807 East 48<sup>th</sup> Street, Spokane Valley, Washington 99202, 509-844-5545.

**AGENT:** Jeramey Gilbreath, Specialty Construction, Inc, 1750 Meyer Road, Post Falls, Idaho 83854.

**USACE PM CONTACT:** Michael Burgan, Walla Walla District, Coeur d'Alene Regulatory Field Office, 208-765-8135, [michael.a.burgan@usace.army.mil](mailto:michael.a.burgan@usace.army.mil).

**PURPOSE:** 1. Restore boating access between a cove and Hayden Lake. 2. Restore sandy beach that has been lost through erosion. 3. Stabilize shoreline of newly restored beach and stabilize western edge of channel excavated to restore boat access to cove.

**WATERWAY:** Hayden Lake.

**LOCATION:** The proposed project would be located on Hayden Lake between Skinner Bay and Mokins Bay within Section 10, Township 51 North, Range 3 West; near latitude, 47.7819 and longitude -116.6853, in Kootenai County, in Hayden, Idaho (see attached Sheet 1 of 5).

**DRIVING DIRECTIONS:** From the intersection of Interstate 90 and US Highway 95 in Coeur d'Alene, Idaho, take US 95 north approximately 6.2 miles. Turn right on East Lancaster Road. Stay on Lancaster Road for approximately 3.9 miles. Lancaster Road turns left and becomes East Hayden Lake Road. Follow East Hayden Lake Road approximately 4.1 miles. Turn right onto Chicken Point Road. Follow Chicken Point Road, approximately 0.13 miles, turning right onto East Hayden Haven Road. Follow East Haven Hayden Road to Gem Shores Homeowners Association II private community beach area.

**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:** The applicant proposes to excavate 1,350 cubic yards of sandy material, and discharge 355 cubic yards of the excavated sandy material and 310 cubic yards of angular riprap into Hayden Lake. The 1,350 cubic yards of sandy material will be excavated from a submerged sandbar, and is necessary to restore boating access between a cove and Hayden Lake (see attached Sheets 2 through 5). Of the 1,350 cubic yards of material excavated, 355 cubic yards will be discharged into 0.08 acre of Hayden Lake along the existing shoreline to restore beach area that has been lost since 2006 through erosion (see attached Sheets 2, 3, and 4). The applicant also proposes to discharge 225 cubic yards of 2-inch to three-foot diameter angular riprap along the southern shoreline of the restored beach (see attached Sheets 2, 3, and 4). The 225 cubic yards of riprap will be placed up to, and tie into, a line of two-foot to three-foot diameter angular riprap placed in 2006, and visible in Google Earth images of the area (see attached Sheet 4). Riprap will be placed to a top elevation no higher than 2241 above mean sea level (msl). Ordinary high water line on Hayden Lake is 2238 above msl. Finally, the applicant proposed to discharge 85 cubic yards of 2-inch to three-foot diameter angular riprap along the western edge of the excavated boat access channel to stabilize it, and prevent the sandy substrate from collapsing back into the excavated channel (see sheets 2, 3, and 5). The Corps will evaluate all impacts to the aquatic and terrestrial environmental related to the project as per the National Environmental Policy Act of 1969 (NEPA, Public Law. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended), the 404(b)(1) Guidelines, and all relevant laws prior to making a discussion on issuance of the permit.

**ADDITIONAL INFORMATION:** Of the 1,350 cubic yards of material excavated to restore boating access between the cove and Hayden Lake, the 995 cubic yards of excavated material that will not be used to restore the beach will be disposed of in an upland area on the applicant's property. It should be noted the uplands surrounding the cove to which boating access to and from Hayden Lake will be restored is controlled by two separate homeowners associations: Gem Shores Home Owners Association II (the applicant), and Gem Shore Home Owners Association I (GSHOA I). The applicant controls the uplands surrounding approximately the western half of the cove, while GSHOA I controls the uplands surrounding approximately the eastern half of the cove. To date, GSHOA I has not proposed any similar activities.

**CONSTRUCTION PERIOD:** In December 2013, the applicant excavated 1,350 cubic yards of sandy material from Hayden Lake to restore boating access between the cove and Hayden Lake. The applicant has stated the remaining work will occur during low winter pool. Therefore, the remaining portions of the project, including the discharge of 355 cubic yards of excavated sandy material, and the discharge of the 310 total cubic yards of angular riprap will occur during low winter pool 2014/2015. The permit would authorize construction for a period of one year.

**PROPOSED MITIGATION:** No compensatory mitigation is proposed for the area to be dredged because the impacts of the dredging are anticipated to be temporary and will not result in loss of aquatic habitat. The applicant has not proposed mitigation for the 0.08 acre of lakebed that will be filled to restore the beach that has been lost through erosion, because they believe the impacts are minimal and simply involve restoring beach that has been lost through erosion. No additional lakebed that was not previously beach will be filled.

**OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT:** The riprap placed along the shoreline in 2006 was authorized under nationwide permit 13. The Corps has not issued any other permits to the applicant.

**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 cannot be issued, waived or denied within sixty (60) days of this public notice date, IDEQ will notify the Corps that additional time is required for them to complete their review. 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 Water Quality Certification for this project mail to: Idaho Department of Environmental Quality, Coeur d'Alene Regional Office, 2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814.

**AQUATIC RESOURCE DESCRIPTION:** Hayden Lake bed in this area is sandy and gently sloping. It is possible the sandiness of the lakebed and surrounding shoreline, currents within the lake, and wakes from passing boats contribute to the erosion that has eroded the applicant's beach and reduced access to the cove by boat traffic.

**ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT:** Dredging of 1,350 cubic yards of material to restore the boating access between the cove and Hayden Lake has already occurred. The dredging took place in December 2013, when Hayden Lake was drawn down to low winter pool. Discharge of the excavated native sand will occur in the dry, when Hayden Lake is again drawn down to low winter pool elevation during the winter of 2014/2015. Discharge of the excavated native sand and placement of riprap in the dry will not disturb fish or aquatic invertebrates. There is no aquatic vegetation in the area proposed to be filled. Discharge of the rock riprap to create the submerged retaining wall on the west side of the excavated channel will also occur during the winter of 2014/2015, but will require placement of the riprap in live water. However, impacts to the aquatic environment are anticipated to be minimal, as the rock will be discharged during low winter pool elevation as well.

Impacts to the aquatic environment have been minimized by conducting all proposed work during low water, thereby reducing potential sedimentation. The applicant has limited the size of the beach being restored to the approximate shoreline as it existed 2006. The location of the shoreline is established by a line of rocks placed by the applicant under nationwide permit 13 in approximately 2006 as shown on Google Earth images of the area. This line of existing rocks will be extended to the northwest to tie into the current shoreline along an alignment approximating the 2006 shoreline. The existing line of rocks will also be extended to the northeast along approximating the 2006 shoreline. The riprap is proposed to limit future erosion of the restored beach, therefore reducing future impacts to the aquatic environment from sedimentation. In addition, by constructing the submerged retaining wall in the newly excavated channel between Hayden Lake and the cove, the applicant will minimize the potential for the side of the channel to collapse, releasing uncontrolled sediment into Hayden Lake.

**OTHER AUTHORIZATIONS:** On November 20, 2013, the Idaho Department of Lands issued an encroachment permit to the applicant for the project.

**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 Coeur d'Alene, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Kalispel, Kootenai, Nez Perce, and Spokane 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, statutes, 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 Coeur d'Alene, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Kalispel, Kootenai, Nez Perce, and Spokane 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 Endangered Species Act of 1973 (ESA), requires all Federal agencies to consult with the US Fish and Wildlife Service and the National Marine Fisheries Service on all or proposed actions, permitted, funded or undertaken by the agency that may adversely affect species listed under the ESA. No listed threatened or endangered species or designated critical habitats are known to exist in the project area. Preliminarily, we have determined the described activity would have no effect on listed species or their critical habitat.

**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. 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 by the Corps of Engineers, will be considered 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 considered in the final decision.

Please mail all comments to:

U.S. Army Corps of Engineers  
Walla Walla District  
Michael Burgan  
Coeur d'Alene Regulatory Office  
2065 West Riverstone Drive, Suite 201  
Coeur d'Alene, Idaho 83814  
[michael.a.burgan@usace.army.mil](mailto:michael.a.burgan@usace.army.mil)

Comments should be received no later than the comment due date of **May 16, 2014**, as indicated on this notice, to receive consideration.

Enclosures