



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-2009-00090

WATERWAY: Quinn's Pond

APPLICANT: City of Boise Parks and Recreation

DATE ISSUED: December 18, 2014

END DATE: January 16, 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 *Esther Simplot Park-Impacts*.

APPLICANT: City of Boise Parks and Recreation, 1104 Royal Blvd., Boise, Idaho 83706, telephone 208-409-4142, Ms. Wendy Larimore

AGENT: McMillen, LLC, 1401 Shore line Drive, Boise, Idaho 83702, telephone 208-342-4214, Mr. Greg Allington, greg.allington@mcmillen-llc.com

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

PURPOSE: Discharge fill material into Quinn's Pond, Ponds 1 & 2, Veterans Pond and adjacent wetlands to develop beaches and other types of open areas and walking paths for the Esther Simplot Park.

WATERWAY: Quinn's Pond, Ponds 1 & Pond 2, Veterans Pond and adjacent wetlands

LOCATION: The proposed project would be located on Quinn's Pond, Ponds 1 & 2 and Veterans Pond within Sections 4 and 5 Township 3 North, Range 2 East, near latitude 43.6290° N and longitude -116.2329° W, in Ada County, in Boise, Idaho.

DRIVING DIRECTIONS: From downtown Boise travel west on Idaho Street to Main Street, turn north on Whitewater Park Blvd travel to roundabout. Drive around the roundabout travel south on Whitewater Park Blvd until entrance to park turn right into parking areas.

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 71,666 cubic yards of granular fill material into Quinn's Pond, Pond 1, Pond 2, Veterans Pond and adjacent wetlands impacting 2.299 acre of open water and 0.648 acre of wetlands to develop the Esther Simplot Park. Work entails the following work activities:

Quinn's Pond: Discharge 44,000 cubic yards of granular fill material into 1.45 acre of open water and discharge 415 cubic yards of granular fill material into 0.064 acre of palustrine scrub-shrub wetland to create 0.26 acre of upland beach (See Drawing Sheets 3 and 4).

Pond 1: Discharge 370 cubic yards of granular fill material into 0.057 acre of open water and discharge 520 cubic yards of granular fill material into 0.107 acre of palustrine forested wetland to reshape pond shoreline (See Drawings Sheets 5 and 6).

Ponds 1 and 2: Discharge 60 cubic yards of granular fill and concrete into 0.014 acre of open water and 0.005 acre of palustrine forested wetland to construct a pedestrian bridge over an existing breach that connects Pond 1 and Pond 2 (See Drawings Sheets 7 and 8) .

Veterans Pond: Discharge 21,070 cubic yards of granular fill material into 0.778 acre of open water and discharge 4306 cubic yards of granular material into 0.159 acre of palustrine forested wetland along the east bank to widen the upland buffer between Veterans Pond and the Farmers Union Canal to construct the Boise green belt pathway and strengthen the buffer to prevent a breach of the canal into the pond during a 100 year flood event (See Drawings Sheets 9 and 10).

Wetlands Adjacent to Farms Union Canal: Discharge 925 cubic yard of granular fill material into 0.313 acre of palustrine scrub-shrub wetlands to develop grassed open space for the park (See Drawing Sheet 11 and 12).

ADDITIONAL INFORMATION: Applicant also proposes to conduct work that does not require Department of the Army approval to include the following:

Excavate along roughly 220 linear feet of shoreline on Quinn's pond to remove miscellaneous debris and reshape and flatten the shoreline to allow flow from Quinn's Pond into the open channel that will connect Quinn's Pond and Esther's Pond (See Drawing Sheets 2 and 3). Approximately 2735 cubic yards of pond bed material would be removed from 0.13 acre of open water. In addition the shoreline would be excavated back eliminating 0.046 acre of palustrine scrub-shrub wetlands.

Excavate a new 5 acre pond in uplands located between Quinn's Pond and Pond 1. This new pond would be known as Esther's Pond. The new pond would be excavated in uplands and include a small island with a connecting bridge to the east shoreline and a connecting channel to Quinn's Pond. An undisturbed buffer between Esther's Pond and Pond 1 would be maintained during construction. Once the new pond and all shoreline features to include piers and beach areas are complete the connecting channel to Quinn's Pond would be completed by breaching the bank on Quinn's Pond. The undisturbed buffer between Esther's Pond and Pond 1 would be breached creating one large pond as shown on drawing Sheet 2, 5 and 6. This breaching would result in the loss of 0.218 acre of palustrine forest wetland and deepen 0.216 acre of open water.

CONSTRUCTION PERIOD: Applicant proposes to start construction once the DA permit is issued and end in December 2015. The permit would authorize construction for a period of three 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: The City of Boise Parks and Recreation has conducted numerous private and public meetings with stake holders and resources agencies to design the new park to avoid impacts to existing open water and wetlands while still meeting overall purpose. Since submission of the application in August 2014 the

applicant has reduced open water (0.21 ac) and wetland (0.17 ac) impacts to Pond 1 by eliminating fill activities to widen the buffer between Pond 1 and Pond 2.

Minimization: To minimize construction impacts to Quinn's Pond, Pond 1 and 2 and Veterans Pond work would be conducted during the winter when water levels in the ponds are at the lowest level to allow fill and excavation activities to occur in the dry to the extent possible. Silt curtains would be installed in the outlets of the ponds to retain any turbid water within the ponds and keep it from reaching the Boise River.

Landscaping is proposed throughout the project area in all disturbed areas. Grading of the project site would be sloped into the ponds to allow storm water run-off to settle into the ponds rather than in the Boise River.

Compensatory Mitigation: To mitigate for the filling (0.648 ac) and excavation (0.264ac) of scrub-shrub wetlands and forested wetlands the applicant will purchase in-kind wetlands from the Wetlands Bank of Idaho. The bank sponsor by letter dated September 18, 2014 has informed the Corps that the City of Boise Park and Recreation has arranged to purchase in-kind credits from the Strut Ranch Wetland Mitigation Bank. The project area is within the primary service area of the Strut Ranch Wetland Mitigation Bank. The construction of Esther's Pond would fully compensate for fill impacts to 2.299 acre of open water. No additional compensation will be required of the applicant for open water impacts.

OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT:

A Department of the Army Permit NWP 42 was issued to City of Boise Parks and Recreation on May 21, 2010 to discharge 350 cubic yards of native rock fill into Quinn's Pond and 250 cubic yards of native rock fill into wetlands adjacent Quinn's Pond to construct a separated bike/pedestrian pathway and kayak user pathway.

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 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, Boise Regional Office, 1445 North Orchard Street, Boise, Idaho 83706.

AQUATIC RESOURCE DESCRIPTION: The City of Boise owns an undeveloped 55-acre parcel encompassing 17 acres of ponds, 8.9 acres of riparian natural areas and 29.1 acres of uplands. The proposed park is located between Main Street and Veterans Parkway on the north side of the Boise River. The Boise green belt parallels the north bank of the river in the project area along with numerous un-improved dirt pathways. The ponds within the project area to include Quinn's Pond, Pond 1, Pond 2 and Veterans Pond were mined for gravel during the 1930's and have changed little over the years. The banks are steep, with water depths varying from 25 to 40 feet deep. A narrow fringe of scrub-shrub or forested wetlands rings the ponds with Veterans pond having a floating dock and Quinn's Pond having two dock structures. The ponds are used by the general public for recreation such as swimming, fishing and kayaking.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: The proposed project would result in the discharge of fill material into Quinn's Pond, Pond 1, Pond 2 and Veterans Pond and adjacent wetlands impacting a total of 2.299 acre of open water and 0.648 acre of wetlands (0.377 ac PSS/ 0.271 ac PFO) to develop park amenities. Excavation activities would impact an additional 0.346 acre of open water and 0.264 acre of wetlands (0.046 ac PSS/0.218 ac PFO).

OTHER AUTHORIZATIONS: Currently, we are coordinating with the Tribal Historic Preservation Offices for the Shoshone Bannock Tribe to determine if there are any tribal historic or cultural interests within the project area.

CULTURAL RESOURCES: Applicant has submitted a cultural resource survey for the proposed Esther Simplot Park, dated July 15, 2014 prepared by Bionomics Environmental. Coordination is currently being conducted with the office of the Idaho State Historic Preservation Office 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, 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. 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) and the National Marine Fisheries Service (NMFS/NOAA Fisheries 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.

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.

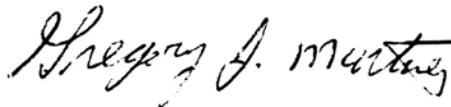
CONSIDERATION OF PUBLIC COMMENTS: The Corps of Engineers is soliciting comments from the general public; Federal, State and local agencies and officials, Tribal entities and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be 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
Boise Regulatory Office
10095 West Emerald Street
Boise, Idaho 83704
greg.j.martinez@usace.army.mil

Comments should be received no later than the comment due date of January 16, 2015, as indicated on this notice, to receive consideration.



Greg Martinez
Project Manager
Walla Walla District

Enclosures