



**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- 2009-00710

WATERWAY: Lake Coeur d'Alene

APPLICANT: Kootenai County Parks and Waterways

DATE ISSUED: December 21, 2015

END DATE: January 20, 2016

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 waters of the United States, including wetlands, as described below and shown on the attached drawings, entitled *Kootenai County Parks and Waterways, Sediment Removal and Bank Stabilization, Sheets 1 through 8, dated December 21, 2015.*

**APPLICANT:** Kootenai County Parks and Waterways, 10905 North Ramsey Road, Hayden, Idaho. Phone: 208-466-1275, Point of Contact: Mr. Nick Snyder

**AGENT:** Mr. Terry Kincaid, 1819 N. 9<sup>th</sup> Street, Coeur d'Alene, Idaho. Phone: 208-755-1054

**USACE PM CONTACT:** Mr. Michael Burgan, U.S. Army Corps of Engineers, Coeur d'Alene Regulatory Field Office, 1910 Northwest Blvd, Suite 210, Coeur d'Alene, Idaho, 83814, Phone: 208-433-4475. Email: [michael.a.burgan@usace.army.mil](mailto:michael.a.burgan@usace.army.mil).

**PURPOSE:** The purpose of the proposed project is to maintain and improve recreational boat access, launching and navigation.

**WATERWAY:** Lake Coeur d'Alene, Mica Bay

**LOCATION:** The proposed project would be located at the Mica Bay Boater Park at 8340 South Tall Pines Road, within Section 9 of Township 49 North, Range 4 West, near latitude 47.59917° N and longitude -116.85997° W, in Kootenai County, near Coeur d'Alene, Idaho.

**DRIVING DIRECTIONS:** From Coeur d'Alene, Idaho, take U.S. Highway 95 south to Kidd Island Road. Turn left (east) onto Kidd Island Road. Go 0.5 mile, turning right (south) onto Tall Pines Road. Follow Tall Pines Road 1.7 miles. Mica Bay Boater Park and boat launch site are on the right.

**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.

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**WORK:** The applicant proposes to excavate 1,020 cubic yards (CY) of accumulated sediment from approximately one acre of lakebed waterward of the existing Mica Bay boat launch facility (see attached drawings) to improve boating access through an area that has become too shallow for safe navigation. Excavators will be used to move the excavated material closer to shore in a series of lifts, where it will be loaded into dump trucks parked on the boat ramp or other upland areas, and hauled to an upland area for disposal.

The applicant also proposes to excavate 140 CY of lakebed material to create keyways, and discharge 300 cubic yards of angular riprap below the ordinary high water mark to construct three rock vanes in the keyways. Rock vanes are intended to deflect flows from Mica Creek away from the project area and farther into the lake to prevent re-accumulation of sediment within the project area. The rock vanes will be 49.1-, 48.5-, and 56.5-feet long by approximately 6-feet tall. Warning signs, as shown on Sheet 8 of 8 of the attached drawings will be placed on posts in uplands adjacent to the rock vanes to warn boaters of their presence when submerged.

**ADDITIONAL INFORMATION:** Sediment samples from the proposed excavation areas have been, or will be, collected and analyzed as per the *Sediment Evaluation Framework for the Pacific Northwest*. If determined to be acceptable, all excavated material will be disposed of at Kootenai County's Fighting Creek landfill. If sediment is determined to exceed contamination, it will be disposed of at an appropriately approved disposal facility.

**CONSTRUCTION PERIOD:** Applicant proposes to start construction December 2016 and end March 2017. The permit would authorize construction for a period of three (3) years.

**PROPOSED MITIGATION:** The applicant has not proposed any compensatory mitigation for impacts to Waters of the United States from the proposed project action. However, the applicant has included measures to reduce potential impacts that may occur during construction.

Applicant proposes to perform all work during the drawdown period for the Pend Oreille River to reduce the possibility of turbidity impacts to the river and allow the work to be conducted under dry conditions. Silt fences will be erected between the project and the lake to prevent sediment from entering the lake. All work will take place in the dry. No compensatory mitigation is proposed.

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

**WATER QUALITY CERTIFICATION:** This notice will also serve as a 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.

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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, 2110 Ironwood Parkway Coeur d'Alene, Idaho 83814.

**AQUATIC RESOURCE DESCRIPTION:** Lake Coeur d'Alene (CdA) is 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 Post Falls Dam, in Post Falls, ID, a multi-purpose project on the Spokane River operated by Avista Corp, in Spokane, WA. The lake is 25 miles long, has a surface area of 49.8 square miles, with 109 miles of shoreline, and a maximum depth of 220 feet. Avista maintains the lake at an elevation of 2128 above mean sea level (MSL) during the summer recreation season, with winter pool elevations as low as 2121 feet above MSL. Communities around Lake CdA include: Coeur d'Alene, Harrison, Post Falls, and St. Maries. Lake CdA and the City of Coeur d'Alene, ID are among the top tourist destinations in Idaho. The majority of the littoral area along the lake and riparian area along river is privately owned. However, the Coeur d'Alene Reservation encompasses approximately the lower (southern) 1/3 of the shoreline. Heyburn State Park is also located at the southern end of the lake. Residences and summer cabins are common along much of the waterfront properties along the lake and the Spokane 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:** The proposed project would alter approximately one acre of lakebed through excavation and discharge of 300 cubic angular rock riprap.

**OTHER AUTHORIZATIONS:** The Idaho Department of Lands (IDL) issued Encroachment Permit L-95-S-2309D for the project on September 29, 2015.

**CULTURAL RESOURCES:** 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 Coeur d'Alene Tribe, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Kalispel Tribe of Indians, the Kootenai Tribe of Idaho, and the Spokane Tribe of Indians, 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 Coeur d'Alene Tribe, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Kalispel Tribe of Indians, the Kootenai Tribe of Idaho, and the Spokane Tribe of Indians. The Corps has a responsibility and obligation to

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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 (*Salvelinus confluentus*). 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). The USFWS designated Lake Coeur d'Alene as critical habitat for bull trout on September 30, 2010.

**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 is designated in or near 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

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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  
Michael Burgan  
Coeur d'Alene Regulatory Office  
1910 Northwest Boulevard, Suite 210  
Coeur d'Alene, Idaho 83814-2676

[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 **January 20, 2016**, as indicated on this notice, to receive consideration.

Michael Burgan  
Project Manager  
Walla Walla District

Enclosures