



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-2012-34-I02

WATERWAY: South Fork of the Snake River

APPLICANT: US Department of the Interior,
Bureau of Land Management

DATE ISSUED: 16 March 2012

END DATE: 16 April 2012

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; "Vicinity Map" Sheet 1 of 6 (Mar-2012), "Access Road To Site" Sheet 2 of 6 (Feb-2012), "Site Layout" Sheet 3 of 6 (Feb-2012), "Boat Ramp Access Road" Sheet 4 of 6 (Feb-2012), "Boat Ramp Plan and Profile" Sheet 5 of 6 (Feb-2012), and "Boat Ramp Plan and Profile" Sheet 6 of 6 (Feb-2012).

APPLICANT: US Department of the Interior (DOI), Bureau of Land Management (BLM), 1405 Hollipark Drive, Idaho Falls, Idaho 83401, (208) 524-7529, Point of Contact: Mr. Dan Kotansky (dkotansky@blm.gov).

USACE PM CONTACT: Mr. James Joyner, 900 N Skyline Drive, Suite A, Idaho Falls, Idaho, (208) 522-1676 or james.m.joyner@usace.army.mil.

PURPOSE: Replace the old Lorenzo Boat Ramp and access point with a new boat ramp and attendant features. The old ramp needs to be replaced due to the extremely dynamic river morphology at the old site, e.g. large deposits one year followed by severe erosion the next and the Idaho Transportation Department's (ITD) elimination of access to the site from US Hwy 20 for safety concerns.

WATERWAY: South Fork of the Snake River

LOCATION: The proposed project would be located on and adjacent to the South Fork of the Snake River within Section(s) 28, Township 5 North, Range 39 East, near latitude 43.73591° N and longitude - 111.8791° W, in Jefferson County, Lorenzo, Idaho.

DRIVING DIRECTIONS: From Idaho Falls head north on US Hwy 20 to the Lorenzo Exit. At the Lorenzo Exit head west on E 700 N (Menan-Lorenzo Hwy) approximately ½ mile. The project site is located on the north side of the highway.

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. The applicant is also seeking approval from the Corps under 33 USC 408 (Section 408). The Section 408 review and approval would be for potential impacts the proposed dock expansion may have on the federal flood control levee at the

site. The Corps a Section 404 review will not be finalized until such time as issues associated Section 408 review is complete.

WORK: Applicant proposes to discharge an estimated 9,150 cubic yards of pit run, 2950 cubic yards of gravel, and 100 cubic yards of concrete fill material below the ordinary high water mark of the South Fork of Snake River and in its adjacent wetlands. The proposed project would impact approximately 3.3 acres of wetlands and 0.05 acres of other waters of the US. Specific activities include:

- 1) The discharge of approximately 950 cubic yards of pit run and 950 cubic yards of gravel in approximately 1.1 acres of emergent wetlands to construct an access road from the Menan-Lorenzo Highway to the new boat ramp and parking area.
- 2) The discharge of approximately 8200 cubic yards of pit run, 1850 cubic yards of gravel, and 30 cubic yards of concrete in approximately 1.7 acres of emergent wetland and 0.5 acres of riparian forested wetland to construct the new parking area, turn-around at the top of the ramp, and the portion of the ramp above the ordinary high water mark of the South Fork of the Snake River.
- 3) The discharge of approximately 150 cubic yards of gravel and 70 cubic yards of concrete below the ordinary high water mark of the South Fork of the Snake River, impacting approximately 0.07 acres of river bottom, to construct the new boat ramp.

Construction will consist of building a new access road to the boat ramp and parking area from the Menan-Lorenzo Highway. The new access road would be approximately 3,500 feet in length with about half of that located in emergent wetland. Road construction would also require installation of a new 48" culvert in wetlands. Approximately 950 cubic yards of pit run and 950 cubic yards of gravel would be used as fill in wetlands to construct the road.

The project also calls for construction of a parking area, access road over the levee to the boat ramp, and a turn-around area at the top of the boat ramp. The parking area and access road would impact approximately 2 acres of emergent wetland. The access road and turn-around would impact approximately 0.3 acres of riparian forested wetlands. Approximately 8200 cubic yards of pit run and 1800 cubic yards of gravel would be used to construct the parking area, access road, and turn-around at the top of the ramp. The parking area, access road, and turn-around would be filled and constructed using a dozer, dump trucks, grader, and a front-end loader or excavator.

The boat ramp construction would require filling approximately 0.07 acres of riparian forested wetlands above the ordinary high water mark of the river and approximately 0.07 acres of river bottom below the ordinary high water mark of the river. Construction of the ramp would require excavation of approximately 200 cubic yards of native fill prior to backfilling with approximately 125 cubic yards of gravel and 100 cubic yards of concrete.

ADDITIONAL INFORMATION: As mentioned previously about half of the 3500 foot long access road to the site would be constructed in upland. Additionally the applicant has proposed to install floating boat docks on either side of the ramp that would be attached to steel pilings and anchored to the bank in concrete.

CONSTRUCTION PERIOD: Applicant proposes to start construction 1-Jul-2012 and end 15-Feb-2013. 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.

Avoidance: Avoidance measures considered by the applicant included not replacing the Old Lorenzo Boat Ramp and locating the New Lorenzo Boat Ramp at alternative sites.

Minimization: Minimization measures implemented by the applicant include locating as much of the project as possible to drier portions of the site and reducing the size of the facility to the minimum necessary to replace existing functions of the Old Ramp while providing adequate facilities for current and future use considering the safety of users. The original design plans called for impacts to approximately 6.17 acres of wetlands and other waters. The facility went through several re-designs and is currently proposed to impact approximately 3.3 acres of wetlands and other waters.

Compensatory Mitigation: The applicant has proposed a combination of activities at the Old Lorenzo Boat Ramp and the New Lorenzo Boat Ramp sites that would serve as mitigation for any unavoidable impacts to wetlands and waters of the US associated with the proposed project. Specifically, the applicant proposes to:

- 1) Restore approximately 0.3 acres of riparian forested wetland at the Old Lorenzo Boat Ramp site by removing the old concrete boat ramp, reconstructing the bank line and replanting the area with willows, cottonwoods, and dogwoods.
- 2) Preserve approximately 4.23 acres of riparian forested wetland at the Old Lorenzo Boat Ramp site by maintaining existing fencing with the first maintenance scheduled during construction at the New Lorenzo Boat ramp site.
- 3) Preservation and enhancement of approximately 11.88 acres of emergent wetlands at the New Lorenzo Boat Ramp. Wetlands at the site are currently impacted by existing grazing/ranching activities. New fencing would be installed to exclude cattle from the area. The area is also infested with knapweed and thistle. The area would be managed by the applicant for noxious weeds further improving the function of the wetlands.

The applicant has developed a compensatory mitigation plan and conducted a functional assessment of wetlands at the project sites and submitted both the plan and assessment to the Corps with their application.

OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT:

The applicant previously prepared an Environmental Assessment (EA) for the project and has submitted that EA to the Corps along with their application for permit. The Corps intends to incorporate and utilized information contained in the EA in order to make a more informed decision.

Additionally, the applicant has applied to the Corps by separate application for a permit under Section 404 of the CWA for fills necessary to rehabilitate the Old Lorenzo Boat Ramp site. Rehabilitation of the Old Lorenzo Boat Ramp site primarily involves removal of the old facilities (ramp, parking, vault toilet, etc.) and replanting. Some fill below the ordinary high water mark of the South Fork of the Snake River and in adjacent wetlands is anticipated as part of rehabilitating the streambank. This proposal is being review independently as it will be required whether the construction of a new access point is authorized.

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 and 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, Idaho Falls Regional Office, 900 N Skyline Road, Suite B, Idaho Falls, Idaho 83402.

AQUATIC RESOURCE DESCRIPTION: The proposed project would be located on wetlands adjacent to the South Fork of the Snake River as well as below the ordinary high water mark of the river. Wetlands at the project site consist of emergent and forested wetlands. The emergent and forested wetlands are separated from each other by a flood control levee, with forested wetlands occurring on the waterward side of the levee. Emergent wetlands at the site are heavily impacted by historic and current land use, e.g. farming and ranching. The area is currently grazed by livestock. The emergent wetlands at the site are also heavily infested with knapweed and thistle. Emergent wetlands at the site are not inundated by overbank flooding from the river due to the presence of the flood control levee. Emergent wetlands at the site appear to be wetted primarily as a result of a seasonal high water table. Riparian forested wetlands are composed of narrowleaf cottonwood, red-osier dogwood, snowberry, common chokecherry, and other species. Some invasive/noxious weed species have (knapweed and thistle) have become established in open areas such as along the crown of the levee.

The proposed ramp would be built on the South Fork of the Snake River. The new ramp is located approximately 54 river miles below Palisades Dam and 6 river miles above the confluence with the Henrys Fork. The drainage area upstream of this location is approximately 5,810 square miles. Average annual flow is approximately 4,030 cfs. The maximum flow recorded since the construction of Palisades Dam was 38,300 cfs (Jun-1997) while the minimum flow was 48 cfs (Nov-1979). The river at this location provides habitat for Yellowstone cutthroat trout, rainbow trout, brown trout, and mountain whitefish. The river bottom/bed is composed largely of cobble and gravel.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: The project would result in the permanent loss of approximately 2.8 acres of emergent wetlands, 0.5 acres of riparian forested wetlands, and 0.07 acres of riverbed/bottom. Additionally the project is likely to result in some temporary impacts to water quality as the result of construction. However, those impacts are expected to be minimal given the implementation of construction best management practices, e.g. installation of silt screen, in water work during low flows, etc. Secondary impacts anticipated as a result of the project include impacts to adjacent wetland areas resulting from road and parking area runoff, on-going maintenance at the site, and increased recreational use of the riparian area along the boat ramp. Impacts of fills in the floodway are being evaluated as part of the Corps Section 408 review. The Corps has requested that the applicant prepare a hydraulic analysis to determine what impacts might occur as a result of fills in the floodway.

OTHER AUTHORIZATIONS: Currently, we are coordinating with the Tribal Historic Preservation Offices for the Shoshone-Bannock Tribes to determine if there are any tribal historic or cultural interests within the project area. As previously indicated the Corps will also need to conduct a Section 408 evaluation and authorization under 33 USC 408 (Section 14 of the Rivers and Harbors Act). The Section 408 evaluation must be completed and approval given before a decision on the Section 404 CWA permit application can be made. Additionally the IDEQ will need to issue or waive Section 401 Water Quality Certification 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

Shoshone-Bannock Tribes, to determine if there are any tribal historic or cultural interests within the project area. The applicant has submitted an EA indicating that cultural resources would not be impacted as part of the project. However the applicant has indicated that they would stop work and consult with the Idaho State Historic Preservation Office (ISPO) and/or the appropriate Native American tribes should cultural resources be identified during construction.

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 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 Ute ladies'-tresses (*Spiranthes diluvialis*). The EA provided by the applicant/BLM indicated that the nearest population occurs in the Twin Bridges Area approximately six (6) miles upstream. The project area was searched and no Ute ladies'-tresses or suitable habitat were found.

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
James M. Joyner
Idaho Falls Regulatory Field Office
900 N Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Comments should be received no later than the comment due date of **April 16, 2012**, as indicated on this notice, to receive consideration.

James M. Joyner
Sr. Project Manager
Walla Walla District

Enclosures