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-2013-126-C03

WATERWAY: Pend Oreille River

APPLICANT: TransCanada Pipelines, LTD

DATE ISSUED: May 31, 2013

30-Day Notice

END DATE: July 1, 2013

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 *Crossing of Lake Pend Oreille, 36" GTN Line "A" and "B"-Approx Mile Post 61.4, sheets 1-10.*

APPLICANT: TransCanada Pipelines, LTD, 717 Texas Street, Suite 24445B, Houston, Texas 77002.

AGENT: CH2M Hill, 1100 112th Avenue, Suite 500, Bellevue, WA 98004, P.O.C. Ms. Dana West, (425) 233-3309, dana.west@ch2m.com

USACE PM CONTACT: Ms. Beth Reinhart, 2065 W. Riverstone Drive, Suite 201, Coeur d'Alene, Idaho 83814. (208) 765-8971, mary.e.reinhart@usace.army.mil

PURPOSE: Stabilization of four (4) exposed portions of the parallel submerged Gas Transmissions Northwest (GTN) A and B natural gas lines (owned and operated by TransCanada). Stabilization must occur prior to November 2013 in-line inspection required by United States Department of Transportation (USDOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) Minimum Federal Safety Standards (40 CFR 192) on the A transmission line.

WATERWAY: Pend Oreille River

LOCATION: The proposed project would be located on Pend Oreille River within Section(s) 31, Township 57 North, Range 2 West, near latitude 48º 14' 43.19" N and longitude -116º 37' 40.77" W, in Bonner County, in Dover, Idaho.

DRIVING DIRECTIONS: South shore access, from Idaho State Highway 95 in Sandpoint, to Lakeshore Drive in Sagle, to Wooded Acres Drive to Boat Club Drive. The north shore right-of-way can be accessed from Idaho State Highway 2 in Sandpoint, head west to Dover, then to O'Donnell St in the Dover Bay Development.

AUTHORITY: This permit will be issued or denied under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344) and of Section 10 of the Rivers & Harbors Act of 1899 (33 U.S.C. 403). Under Section 404 a Department of the Army permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands. Under Section 10 of the Rivers and Harbors Act 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: Proposed work includes the discharge of 9,355 cubic yards of grade AASHTO #1 gradation washed stone over 1.53 acres of riverbed. An excavator mounted on a barge outfitted with a mounted rock funnel and tremie tube will be utilized to place the rock on the river bottom. Dive teams with remote operated vehicles (ROV's) will be used to verify rock placement. Twelve (12) -10 inch steel piles will be driven for temporary riverbank structures to aid project construction and to protect the riverbank, including two piles for a temporary floating dock (size to be determined by the contractor) and 10 piles for temporary dolphins for mooring barges. Two (2) -10 inch steel spud piles will be driven into place when the barge is in shallow water (>40'). Spud piles will be driven approximately 100 times over 25 days. Tug boats will be utilized to position the barges, and to hold the barges in place when working in water deeper than 40 feet. Temporary no wake buoys will be placed around the barge sites.

ADDITIONAL INFORMATION: The aggregate material will be hauled via highway dump trucks and stockpiled on the south side of the river on the existing pipeline ROW. The material will then be loaded via front end loader into rock skiffs (bedding boxes that hold 6-9 cubic yards of rock) for transfer to the barges by a large crane. These skiffs are steel boxes that will be lifted by a large crane onto the transfer barge. The empty skiffs will be removed from the transfer barge, staged for preloading and replaced with loaded skiffs. The transfer barges will not contact the shore during unloading and reloading operations. The transfer barges will move the aggregate to the placing barge. The placing barge will have an excavator (100,000 lb. Cat 345 or similar class) with a mounted rock funnel and tremie tube to place the rock on the river bottom, as well as an excavator (40,000 lbs. Cat 320 or similar class) for loading rock into the funnel from the transfer barges. This barge will be 40 foot by 70 foot minimum.

In shallow areas the placing barge will be held in place by two, ten-inch spud piles driven into the river bottom. In deeper sections of the river the barges will be held in place by tug boat. The transfer barge will be tied to the placing barge while the transfer excavator loads the rock into the funnel. Underwater cameras and lights will be used to facilitate the placement of rock. This will enable the rock funnel excavator to move the funnel to accurately place the rock. Dive teams and remote operated vehicles (ROVs) will also be used to verify placement of rock. This process will be completed in segments and the placing barge will be relocated as work progresses. Temporary pile-supported structures (stairway, floating dock, dolphins) will be installed at the water's edge and riverbank to facilitate access to the river from the upland work area.

CONSTRUCTION PERIOD: Applicant proposes to start construction July 9, 2013 and end October 31, 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.

The Pend Oreille River Pipeline Stabilization Project (Project) was designed and will be implemented to avoid and minimize adverse environmental impacts. TransCanada Pipeline, LTD (TransCanada) met or corresponded with the key Federal, State and county environmental agencies early in the project planning phase to identify potential environmental issues and to determine the regulatory requirements and best management strategies required for the Project. Agency guidance on these issues was

incorporated into project planning by the various elements of the Project Team including, design/engineering, land, construction, and environmental. As a result, many of the key issues discussed during pre-application agency meetings have been addressed early in the design phase and the construction work planning process.

The Project's Construction Work Plan is incorporated herein by reference and included within the Joint Application for Permit as Attachment D; it provides construction sequencing as well as the preliminary layout of the construction equipment and mitigation measures. Table 1.1- Mitigation Plan Summary below lists the mitigation measures prepared for the Project. The contents of the table provide a more thorough understanding of the avoidance and minimization steps to be undertaken during Project implementation.

TABLE 1.1
Mitigation Plan Summary
Pend Oreille River Pipeline Stabilization Project

Work Activity	Environmental Concern	Mitigation Measures
A. Upland Works – Description and Sequence		
1. Construction Site Preparation & Equipment Staging		
a. Location of Equipment	Surface and ground water quality - release of petroleum products; erosion and sedimentation into waters	• Equipment and vehicles (except for the stationary crane) will be located no closer than 50 feet to the top of the bank and located as far upland as feasibly possible when not in use. • Equipment matting will be placed on the ground within the existing right-of-way to protect the pipeline and decrease the potential for erosion. • Stationary crane for hoisting rock skiffs will be located on an equipment mat no closer than 50 feet from the top of the bank. • Each piece of equipment will be outfitted with a spill kit.
b. Equipment and Vehicle Traffic	Surface water quality - erosion and sedimentation of waters	• Rock will be placed and maintained in working areas to reduce dust and mud tracking. • The main access road into the work site will be maintained with a grader and additional rock material, as necessary.
c. Fueling - Equipment and Vehicles	Surface and ground water quality - release of petroleum products	• A single fueling site for shore-based equipment will be established at least 200 feet upland from the river. • Fuel supply tank will be stored in a secondary containment structure with a capacity of 125% of the stored fuel. • Refueling nozzles will be of the automatic shut off type. • A dedicated absorbent spill kit (12-gallon minimum) will be available at the fueling site. • Refer to TransCanada's Spill Prevention, Control and Countermeasure Plan in Attachment G of the Joint Application for Permit.
d. Sanitary and Solid Waste Management Facilities	Surface and ground water quality - Bacterial contamination; solid waste.	• Restrooms and waste/storage containers will be placed as far from the riverbank as possible. • Restrooms will be routinely maintained and waste/storage containers will be emptied regularly.

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e. Site control and access	Environmental, health, and safety concerns. Accidental releases of contaminants.	• Site access will be tightly controlled. Visitors will be required to check in the site office and receive orientation training and wear proper Personal Protective Equipment (PPE) per TransCanada guidelines. • Temporary fencing will be put up to control site access. • Site signage will be posted to warn/direct visitors, workers and other foot/vehicular traffic.
2. Material (rock) stockpiling	Surface water quality - erosion and sedimentation of waters	• Stockpile will be located in an upland area approximately 250 feet from the top of bank. • A dedicated silt fence will be installed downslope of the stockpile. The fence will be inspected on a daily basis and necessary repairs made per TransCanada's Best Management Practices included as Attachment G of the Joint Application for Permit.
3. Shoreline and river construction access structures	Riverbank disturbance; erosion and sedimentation of waters	• Temporary stairway and temporary pile supported floating dock installed for construction foot traffic. • Crane for transferring rock skiffs and equipment to barges will be located 30 feet or more from the top of bank on a dedicated equipment pad. • A perimeter silt fence will be installed at the bottom of the slope above the armored riverbank. The fence will be inspected on a daily basis and necessary repairs made per TransCanada's Best Management Practices included as Attachment G of the Joint Application for Permit.
4. Environmental Inspection and Monitoring	Erosion and sedimentation control; environmental permit compliance	• Inspections will be conducted within 24 hours of rainfall to record and correct any changes to erosion control and spill prevention measures. • A full-time Environmental Inspector will be assigned to the Project to be responsible for inspecting and monitoring environmental controls and permit compliance for the duration of the Project.
5. Upland Restoration Activities		
a. General site		• Disturbed areas will be graded to pre-construction conditions and a certified weed-free seed mix sourced from a local business or U.S. Department of Agriculture Natural Resource Conservation Service or Department of Soil and Water District office will be applied.
b. Access Roads		• Rock laid down as bedding for equipment and vehicle movement will be removed.
c. Bank areas		• All pile supported or anchored structures such as stairs or catwalks will be removed upon completion of the project and disturbed areas will be returned to previous grade and reseeded.

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Work Activity	Environmental Concern	Mitigation Measures
B. On-Water Works Description and Sequence		
1. Vessels and Equipment		
a. Vessel traffic and mooring	Environmental, health, and safety. Accidental releases of fill or contaminants from construction vessels.	• No Wake Zone to be established. Orange and white buoys will be deployed to delineate the No Wake Zone in accordance with U.S. Coast Guard regulations of Private Aids to Navigation (PATON). • Boating safety signage to alert boats to stay back 200 feet. • Moored barges will be lighted at night in accordance with maritime safety standards. • The spill boat will be moored to one of the barges and the support boat will be anchored/beached near shore. • Request for project information to be included in the U.S. Coast Guard Local Notice to Mariners for Idaho waters. • The Bonner County Sheriff's Department will be notified of operations on the river prior to the commencement of on-water work. • All vessels will be maintained in good, clean working condition and be equipped with lighting and other navigational safety equipment per federal regulations. • All vessels will be required to carry a current sticker from the State of Idaho indicating it has undergone inspection for aquatic invasive species.
a. Vessel traffic and mooring (cont.)	Environmental, health, and safety. Accidental releases of fill or contaminants from construction vessels (cont.).	
b. Fueling of vessels and onboard equipment	Surface water quality impacts - release of petroleum products into the river.	• The Project will develop and keep onboard construction vessels an applicable Spill Prevention, Countermeasure, and Contingency Plan. • TransCanada and its marine contractor will develop a critical area refueling plan to direct fueling of the crane at the riverbank, vessels, and onboard equipment. TransCanada and/or its marine contractor will provide this upon request. • Bulk fuel storage will be in secondary containment on barges at all times. • Adequate containment booms and a dedicated spill boat will be on hand for the duration of on-water construction activities. • The safety/spill response boat and crew support boat will be fueled at established commercial fueling docks in the area. • All vessels will be supplied with spill kits. • Supplemental spill supplies (e.g. pads and booms) will be kept on hand in storage on the upland work site.
c. Pile Driving (Spud barge piles; temporary shoreline structures, temporary moorings)	Acoustical impacts to aquatic life.	• The pile drive hammer will be cushioned by wood between the follower and piles. • An air bubbler (bubble curtain) will be used to reduce the transmission of impact pulses underwater.

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2. Material Handling and Placement		
a. Shore-to-barge transfer of fill	Surface water quality; incidental release of fill (stone); turbidity	• Stone will be loaded into rock skiffs on land with an excavator and hoisted by crane to transfer barges.
b. Supply of fill to placement barge	Surface water quality; incidental release of fill (stone); turbidity	• Transfer barges (2 - 3) will transport laden and unladen rock skiffs to/from the placement barge. • Transfer barges will be equipped with sides/toe boards to prevent the incidental release of fill material.
c. Transfer of fill to placement barge	Surface water quality; incidental release of fill (stone); turbidity	• An excavator will scoop fill material from the rock skiffs and load the rock funnel/tremie assembly.
d. Placement of fill in Pend Oreille River	Surface water quality; incidental release of fill (stone); turbidity	• A rock funnel with tremie pipe will carry/direct the fill material through the water column to the river bottom. • Divers, underwater lighting, and cameras will guide the placement of the fill at the pipelines.
e. Sanitary and solid waste management	Surface water quality - Bacterial contamination; solid waste.	• The placement barge will have an adequate number of portable restrooms for the number of construction crewmembers. The portable restrooms will be securely fastened to the deck of the placement barge. • Storage and waste containers will be aboard the barges and other vessels for solid waste and to prevent incidental releases of materials overboard. • No pump-outs or discharge of sanitary facilities from vessels will be allowed. • Restrooms will be routinely maintained and waste/storage containers will be emptied regularly.

COMPENSATORY MITIGATION: In addition to the above avoidance and minimization TransCanada is currently working on a mitigation plan to offset unavoidable impacts to aquatic resources. The mitigation plan will be completed prior to issuance of a permit.

OTHER ENVIRONMENTAL DOCUMENTS & DA PERMITS ISSUED TO APPLICANT: Non-Applicable

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/or 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, 2100 Ironwood Parkway, Coeur d'Alene, Idaho 83814.

AQUATIC RESOURCE DESCRIPTION: The Pend Oreille River is a traditionally navigable water. It is a tributary of the Columbia River, approximately 130 miles long, in northern Idaho and northeastern Washington. The river drains an area of 25,792 sq mi. The Pend Oreille River is regulated by the Albeni Falls Dam in Priest River, Idaho. The project site is approximately 4.25 miles downstream of the Long Bridge and 23 miles upstream of the Albeni Falls Dam. At the project location the River is approximately 70 wide with a maximum depth of 65 feet. The south shore will be used as the base of operations and upland storage site. It has a vertical bank which has been riprapped and there are residences up and down stream of the site. The north shore has a gradual drop off and is located in a residential development; there are no plans for construction activities on the north shore. During construction the water elevation will be at 2062.5'.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: Short term impacts include noise construction activities such as from pile driving, barge and crane operation, and the discharge of rock into the river. During the discharge of the rock onto the riverbed there will be localized turbidity. The discharge of rock will cause the loss of some invertebrates. Long term impacts include changes to the riverbed contours and substrate. These changes may alter the species (fish and invertebrate) composition in the vicinity of the rock. See Appendix A for additional information.

OTHER AUTHORIZATIONS: Proposed work may require authorization for Idaho Department of Lands.

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.

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 Kalispel Tribe, Kootenai Tribe of Idaho, and the Confederated Salish Kootenai Tribe of the Flathead Lake Reservation. 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. 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.

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
Ms. Beth Reinhart
Coeur d'Alene Regulatory Office
2065 W. Riverstone Drive, Suite 201
Coeur d'Alene, Idaho 83814
mary.e.reinhart@usace.army.mil

Comments should be received no later than the comment due date of **July 1, 2013**, as indicated on this notice, to receive consideration.

Beth Reinhart
Sr. Project Manager, Regulatory
Walla Walla District

Enclosures