



**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-2013-00621

WATERWAY: Wetlands adjacent to Squaw Creek

APPLICANT: Woodside Harris LLC

DATE ISSUED: January 23, 2014

END DATE: February 21, 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, including wetlands, as described below and shown on the attached drawings, entitled *Woodside Harris LLC; Exhibit A; Sheets 1-4*.

APPLICANT: Mr. Chad Hamel, Woodside Harris LLC., 1025 S. Bridgeway Place, Suite 290, Eagle, Idaho 83616, telephone 208-577-5501, email: chamel@boisehunterhomes.com

AGENT: Mr. John Carpenter, T-O Engineers, Inc., 332 N. Broadmore Way, Nampa, Idaho 83687, telephone 208-442-6300, email: jcarpenter@to-engineers.com

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

PURPOSE: Fill 0.71 acre of emergent wetlands to develop Lucky Harris 13 residential subdivision.

WATERWAY: Wetlands adjacent to Squaw Creek, tributary to the Boise River.

LOCATION: The proposed project would be located within Section 29, Township 3 North, Range 3 East, near latitude 43° 34' 08.74" N and longitude -116° 07' 24.14" W, in Ada County, near Boise, Idaho (*Sheets 1 & 2, Woodside Harris LLC Drawings*).

DRIVING DIRECTIONS: From Capital Boulevard in downtown Boise, travel east on W. Main, turn right on S. Broadway, turn left onto Park Center Boulevard, continue east till Park Center Boulevard merges with E. Warm Springs Avenue. Continue traveling east to S. Eckert Road. Project site is at intersection of E. Warm Springs Avenue and S. Eckert Road, roughly 5.5 miles east of Boise, Idaho.

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: Project activities include the discharge of 573 cubic yards of dirt fill material into 0.71 acre of emergent wetlands to allow construction of a portion of Morning Dunn Drive and 11 residential lots (*Sheets 3 & 4, Woodside Harris LLC Drawings*).

ADDITIONAL INFORMATION: The proposed development would consist of 96 residential lots and six common lots in the proposed Lucky Harris 13 Subdivision. The applicant has proposed to purchase 13.24 acres of which 0.71 is wetlands and is part of the 400 acre Harris Ranch Master Plan Development approved by the City of Boise. Several phases have already been developed to include Harris Ranch No. 1, Harris Ranch No. 5 and Dallas Harris Estates. Access to the site would be from E. Warm Springs Avenue and S. Eckert Road, existing roadways.

CONSTRUCTION PERIOD: The applicant proposes to start construction upon receipt of a Section 404 Clean Water Act permit. Work is anticipated to take one year to complete. The permit would authorize construction for a period of three years.

ALTERNATIVES: The applicant evaluated two other locations to include a site located roughly 0.5 mile to the east (Sheet 2) and a parcel of land in Star, Idaho.

The tract to the east is comprised of three former sewer ponds. One pond is dry and two contain water. To develop the site the ponds would need to be drained, unsuitable soils and debris removed and the site filled with clean fill material. The applicant evaluated the site and determined that the cost of cleanup made the site cost prohibitive.

The applicant also evaluated an approximate 60 acre tract of land north of Star, Idaho. This tract of land is presently in agricultural production. The site has the Middleton Canal, several irrigation laterals and a drainage canal which flow across the site from east to west that would be impacted by development to include wetlands adjacent the various waterways. For a number of environmental and logistical reasons i.e. impacts to aquatic resources and distance to Boise the applicant concluded that marketability was questionable. Therefore this site was rejected by the applicant.

The applicant also evaluated other design layouts to avoid the wetland, however site conditions require a large amount of fill in the areas adjacent the wetland in order to transition from the higher upland bench (elevation 2786) down onto the floodplain which is at elevation 2767. This would leave the wetland in a hole surrounded by higher ground. This situation lead to poor roadway and utility connectivity within the site and made avoiding the wetland impossible. Based on site conditions there was no suitable layout that could avoid or minimize impacts to the wetland.

MITIGATION: The applicant proposes to purchase wetland credits from an approved wetland bank to compensate for project losses or mitigate for project losses by going to a wetland mitigation site that was approved under a previous permit, NWW-2008-00141. This mitigation site was established to compensate for wetland impacts associated with the development of Dallas Harris Estates located to the west of the project area. The mitigation site was over built with the idea that mitigation would be needed to compensate for future phases of the Harris Ranch Master Plan Development.

OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT: None

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 to 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 emergent wetland is dominated by cattail in the wetter areas and Baltic rush along the drier fringe. It is located on an alluvial fan at the toe (elevation 2767) of what may be a fault scarp or highly eroded zone that forms a distinct elevation break. The top of the bench is at elevation 2786. The wetland is in a convex depression with two narrow channels that extend southwest from the body of the wetland towards a man-made channel that carries a portion of Squaw Creek that was diverted into this channel in 2006. Ground water supplying the wetland emanates from the toe of the land form. The source of the ground water likely is natural run-off in the winter and spring and irrigation during the summer. Observation of the area since 1985 suggests the area may have been used as a collection area for irrigation run-off and is becoming drier as irrigation practices on the higher bench and adjacent uplands have changed over time. A review of historical Google Earth aerial photo from 1992 through 2012 show that during the drought years of 2001 through 2005 the wetland completely dried and was hayed. The two narrow channels which appear to be man-made are present in the photos from 1992 to 1998, then disappear and re-appeared as distinct channels in 2006. This suggests that the narrow channels are maintained to provide drainage.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: Fill 0.71 acre of emergent wetland.

OTHER AUTHORIZATIONS: None

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 of the Fort Hall Reservation and Shoshone Paiute Tribes of Nevada and Idaho, 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 Tribes of the Fort Hall Reservation and Shoshone Paiute Tribes of Nevada and Idaho. 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 (87 Stat. 844; 16 U.S.C. 1531 et.seq.).

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.

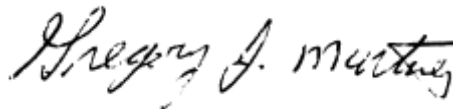
PUBLIC HEARING: Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

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
Mr. Greg Martinez
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 **February 21, 2014**, as indicated on this notice, to receive consideration.



Greg Martinez
Sr. Project Manager
Walla Walla District

Enclosures