U.S. ARMY CORPS
Of Engineers
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice: Application for Permit

APPLICATION NO.: NWW-2014-00446
WATERWAY: Snake River
APPLICANT: Idaho Power
DATE ISSUED: January 19, 2016
END DATE: February 17, 2016

30-Day Notice

Interested parties are hereby notified that the Walla Walla 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 *Bayha Island Enhancement Research Project dated November 10, 2015*.

APPLICANT: Idaho Power Company, 1221 W. Idaho Street, Boise, Idaho 83702
Point of contact: Mr. Jeff Conner, 208-388-5472

U.S. ARMY CORPS OF ENGINEERS PROJECT MANAGER:
Greg Martinez
Work: 208-433-4465
Email: greg.j.martinez@usace.army.mil

PURPOSE: The purpose of the proposed research project is to demonstrate that increasing the depth of the Snake River in the project area (and other project features) will improve/reduce summer water temperatures and improve habitat conditions for native fish and the Snake River Physa snail.

Project features include:

- Excavating to increase the depth of the river
- Narrowing the channel on both sides of Bayha Island

This proposed activity will increase velocity and riparian shading to reduce summer water temperature while improving habitat conditions for native fish and Snake River Physa snail.

WATERWAY: Snake River

LOCATION: The proposed project would be located on the Snake River at River Mile 439.5 near Bayha and Wright Islands, within Section 6 of Township 1 South, Range 2 West, near latitude 43º 309899 N and longitude -116º 626241 W, in Owyhee County, near Melba, Idaho (See drawing 1.0).

DRIVING DIRECTIONS: The site can be reached by boating two miles downstream from the Walters Ferry boat ramp or by driving from the intersection of State Highway 45 and 78,

northwest on State Highway 78 for two miles, turning on to Young Lane, travelling 1.4 miles to the end, then on a private gravel road to the project site. Permission from the landowner is required on private property.

AUTHORITY: This permit will be issued or denied under the authority of Section 10 of the Rivers & Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). A Department of the Army permit is required for work or structures water ward 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. 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: The proposed project entails the following work:

- Excavation of 51, 200 cubic yards of river bed material from the Snake River impacting 7 acres of river bed
- Re-deposition of 47,800 cubic yards of dredged material into the Snake River
- Discharge of 22,100 cubic yards of imported gravel and cobble material into the Snake River
- Discharge of 6300 cubic yards of topsoil in the Snake River
- Fill of 1.35 acres of existing wetlands
- Temporary discharge of 6460 cubic yards of gravel fill bulk bags and gravel fill to install a cofferdam and equipment access road to allow the excavation and re-deposition of the dredged and fill material to be completed in the dry

ADDITIONAL INFORMATION: The main stem Snake River has been highly altered as a result of changes in flow due to upstream water uses, increased inputs of nutrients and fine sediments from agricultural run-off, and increases in water temperature due to reduced flows and velocities. This has resulted in increased aquatic plant growth and static physical conditions of the river. In order to counteract these altered river conditions, Idaho Power has designed a demonstration research project on the Snake River at River Mile 439.5.

The site consists of Bayha and Wright Islands and the adjacent river channel. The proposed research project includes dredging the channel between Bayha Island and the southwest bank of the Snake River for 2400 linear feet. Approximately 51, 200 cubic yards of river bed material would be removed from the river as shown on Drawing 3.0. Of this total 47,800 cubic yards would be re-deposited in the river around Bayha Island increasing the island size by 9.47 acres; and enlarging Wright Island by 1.12 acres and filling along the southwest bank opposite of Bayha Island (0.94 acre).

The remaining 3400 cubic yards of excavated material is expected to be un-suitable for re-deposition (silts, organic debris, and clay) back into the river and would be disposed of at an upland location. The work would increase water depth within the excavated channel by approximately 5 feet and narrow the channel on average 100 feet. Fill around the islands and along the southwest bank would be placed up to an elevation of 2245.88 which is normal high water. This elevation was selected to ensure the fill area would encounter over bank flooding or

be saturated to the surface at normal high water to promote the creation of at least 7 acres of wetlands on the new island filled areas. Refer to Drawing 5.1 for a typical planting plan and list of wetland plant species proposed for the project area.

Fill Material: All excavation and fill work between Bayha Island and the southwest bank would be conducted in the dry by installing a temporary cofferdam at the upstream and downstream end of Bayha Island the southwest bank and floating silt curtains from the downstream end of Bayha Island and the downstream end of Wright Island. Refer to Drawing 3.2 and 3.3 for details.

Excavated and imported fill material is proposed to be placed along the northeast side of Bayha Island, narrowing the main channel of the Snake River, at this location, on average 125 linear feet and reducing channel width, depending on location, from 600 feet wide to 400-500 feet wide. The discharge of excavated and imported fill material at the location would be conducted in open water.

To reduce transport of sediments downstream from the project area, a small kicker cofferdam would be installed at the upstream end of Bayha Island to direct flows away from the live water fill area. Refer to Drawing 3.2, General Note #7, of the attached document for further details. If turbidity levels exceed State water quality standards, the applicant would begin a process of working for 30 minutes and then ceasing fill activities for 60 minutes, allowing turbidity levels to dissipate.

Wetlands: At present 2.7 acres of wetlands exist within the project area (see Drawing 2.2). Of this total 1.35 acre (0.74 acre emergent; 0.58 acre scrub-shrub; 0.03 acre forested) would be filled as a result of enlarging the islands and work along the bank line. Refer to Drawing 3.0 for wetland fill locations. However, newly placed fill would be planted with a variety of wetland plants as shown on Drawings 5.1 and 5.2 resulting in an overall increase of wetlands within the project area of 9.7 acres.

The applicant also proposes to import gravel and cobble material to be used to cover the re-deposited excavated river bed material as shown on Drawings 4.1 through 4.3. Use of this clean gravel and cobble material is intended to provide a suitable substrate for resident fish and Snake River Physa snail a species listed as Endangered under the Endangered Species Act. This material would be sourced from upland areas adjacent the project site as shown on Drawing 3.1.

Sediment Sampling: The applicant has completed sediment sampling and analysis to ensure dredged material is suitable for re-deposition back into the river. The analysis did determine a small percentage of the fine grained sediments exceeded Idaho State standards for sulfides. The results were submitted and further analyzed by the Portland District Corps of Engineers sediment evaluation team, comprised of staff from the Portland District Corps of Engineers, Walla Walla District Corps of Engineers, EPA Region 10, Washington State Ecology Department, National Marine Fisheries Service, and Idaho Department of Environmental Quality.

The sediment evaluation team found that the high sulfide sediments are suitable for use in the island building project so long as they are adequately covered by other clean bulk fill material. To comply with this finding, the high sulfide sediment material will be placed as far away from open water as possible and covered with 3 to 5 foot thick bulk fill depending upon location. Refer to Drawing 4.3 for additional information.

CONSTRUCTION PERIOD: The applicant proposes to start construction on July 01, 2016 and end by September 30, 2016. The permit would authorize construction for a period of three years.

OTHER ENVIRONMENTAL DOCUMENTS AND DA PERMITS ISSUED TO APPLICANT: Project Design Report, *Bayha Island Enhancement Research Project dated June 2015*; Technical Memorandum Snake River Restoration Hydrologic Analysis dated November 2015 (available upon request); Snake River Wetland Delineation Report Bayha and Wright Islands dated July 2014 (available upon request); Archaeological and Historical Inventory Report, Cultural Resource Inventory for Bayha Island Research Project, Owyhee County, Idaho dated June 2015.

Other permits issued to Idaho Power associated with the research project include a Nationwide Permit 6 (Survey Activities) issued on September 5, 2014 to conduct sediment sampling and a Nationwide Permit 5 (Scientific Measurement Devices) issued on May 20, 2015 to install temperature and water level monitoring equipment.

WATER QUALITY CERTIFICATION: This notice will also serve as public notice that the Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify 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, requesting 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
Boise, Idaho 83706

AQUATIC RESOURCE DESCRIPTION: The project area is located about two miles downstream of the State Highway 45 Bridge crossing of the Snake River at Walters Ferry and consists of Bayha and Wright Islands and the adjacent river. The Snake River at the State Highway 45 bridge crossing is roughly 520 feet wide and at Bayha Island is 1300 feet wide, with

the wider channel being on the northeast side of the island and being about 520 feet wide. The channel on the southwest side of Bayha Island is roughly 200 feet wide and at summer flows of 8000 cfs is about two feet deep. At ordinary high water flows (elevation 2244.88 msl) the side channel is around five foot deep. The main channel at summer flows is about six feet in depth and increases to near 10 foot in depth at ordinary high water. Sediment sampling of the side channel found that the riverbed surface substrate is dominated by gravel to small cobble with a mix of coarse to fine sand.

The project site is within the Marsing Reach of the Snake River and consists of a large, stable channel that is exceptionally wide and low gradient. Historically, Bayha Island has been used primarily for recreation purposes to include water fowl hunting and fishing. Bayha and Wright Islands are part of the Deer Flat National Wildlife Refuge and is managed by the U.S. Fish and Wildlife Service. The floodplain to each side of the river at the project area is primarily in agricultural crops.

In general the river at the project site is wide and shallow with a dominance of invasive aquatic macrophytes and substrate impacted with coarse to fine sand. Riparian vegetation is primarily ground vegetation and provides little shade. The Marsing Reach of the Snake River has been heavily impacted from fine sediment from agricultural runoff, increased water temperature due to reduced flows and shallow water depths and the proliferation of invasive aquatic plants.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: The proposed project would impact total of 17 acres of the river channel due to dredging activities (7 acres) and fill activities associated with re-working 2 acre of the river channel and enlarging Bayha and Wright Islands and fill along the southwest bank (10 acres). Included in this total would be 1.35 acres of wetlands located between the low water line and the ordinary high water mark along the edge of Bayha and Wright Islands and a reach of the southwest bank line. Wetland impacts would include 0.74 acre of emergent wetlands; 0.58 acre of scrub-shrub wetlands and 0.03 acre of forested wetlands.

OTHER AUTHORIZATIONS: The proposed project would require approval from the Idaho Department of Water Resources under the Stream Protection Act; a submerged land easement from the Idaho Department of Lands; and a section 401 water quality certification from the Idaho Department of Environmental Quality.

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 Tribe and the Shoshone Paiute Tribes, 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 and the Shoshone Paiute 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: The project is within the known or historic range of the Snake River Physa snail. 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. 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.

Comments are used to make this decision, 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
ATTN: Greg Martinez
Boise Regulatory Office
720 E. Park Boulevard, Suite 245
Boise, Idaho 83712

or email the Project Manager at greg.j.martinez@usace.army.mil.

Comments should be received no later than the comment due date of **February 17, 2016**, as indicated on this notice, to receive consideration.

Gregory J. Martinez

Greg Martinez
Sr. Project Manager, Walla Walla District

1 Enclosure
Bayha Island Enhancement Research Project dated November 10, 2015