



**US Army Corps  
Of Engineers**  
Walla Walla District  
201 North Third Avenue  
Walla Walla, WA 99362-1876

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# Public Notice: Application for Permit

APPLICATION NO.: NWW-2014-92

WATERWAY: Lake Pend Oreille

APPLICANT: City of Sandpoint

DATE ISSUED: March 12, 2014

END DATE: April 12, 2014

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 *Sandpoint Parks and Recreation Sand Re-distribution and Riprap Project, Sheets 1-10, dated 1/30/14 and 2/25/14.*

**APPLICANT:** City of Sandpoint, Parks and Recreation Department, 1123 Lake Street, Sandpoint, ID 83864.  
Attention: Mr. Kim Woodruff, Director.

**USACE PM CONTACT:** Ms. Beth Reinhart, Coeur d'Alene Regulatory Field Office, 2065 W. Riverstone Drive, Suite 201, Coeur d'Alene, ID 83814; phone number (208) 765-8971; e-mail [mary.e.reinhart@usace.army.mil](mailto:mary.e.reinhart@usace.army.mil)

**PURPOSE:** 1. Perform routine maintenance at City Beach by re-distributing beach sand to improve swimming safety for the public. 2. Stabilize the Lady Liberty Pier. 3. Dredge accumulated sand from the marina to allow water to drain during drawdown benefitting management and control of Eurasian milfoil.

**WATERWAY:** Lake Pend Oreille

**LOCATION:** The proposed project would be located on Lake Pend Oreille at Sandpoint City Beach within Section(s) 23, Township 57 North, Range 2 West, near latitude 48° 16' 29.45" N and longitude -116° 32' 31.46" W, in Bonner County, in Sandpoint, Idaho.

**DRIVING DIRECTIONS:** From Sandpoint go east to the end of Bridge Street to city beach.

**AUTHORITY:** This permit will be issued or denied under the authority of Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344) and Section 10 of the Rivers & Harbors Act of 1899 (33 U.S.C. 403). Under Section 404 of the CWA a Department of the Army (DA) 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 & Harbors Act a DA 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:** Dredge 1,230 cubic yards of sand from 1.44 acres of lakebed, and discharge 1,230 cubic yards of native sand over 0.07 acres below the ordinary high water mark of Lake Pend Oreille (see figures 3, 3A and 3B *Sandpoint Parks and Recreation Sand Re-distribution and Riprap Project*) in the vicinity of the marina and city

beach during the annual beach re-distribution of sand. In addition to the maintenance, the applicant proposes to dredge 26.5 cubic yards of sand to construct a 2' x 2' toe trench, and to discharge 148.7 cubic yards of rock riprap over 177 linear feet along the Lady Liberty pier to eliminate erosion and undermining of the pier.

**ADDITIONAL INFORMATION:** Sand re-distribution at City Beach has been performed for over 25 years. In order to provide the City with a long range permit to conduct annual maintenance they are requesting an Individual Permit for a period of 10 years.

Work will be performed in the dry during the annual drawdown of Lake Pend Oreille. Within the City Beach property, loaders, tractors and a track hoe will move approximately 1,230 cubic yards of accumulated sand from depositional areas to areas of beach that have eroded.

At the Lady liberty Pier a silt fence will be installed prior to the excavation of the 2' x 2' toe trench. The excavated material will be used in the beach restoration or moved to an upland site. Filter fabric and 2-4' rock will be placed in the toe trench with successively smaller rock to be placed as the riprap is built upward.

**CONSTRUCTION PERIOD:** Applicant proposes to start construction April 2014 and end April 2024. The permit would authorize annual construction activities for a period of 10 years.

**ALTERNATIVES:** Do to the nature of the proposed work; the applicant is not considering alternative locations.

The applicant stated, a no action alternative would create a public safety hazard, diminish the area of the City beach and potentially block ingress and egress to the marina.

These alternatives will be reviewed by the Corps as part of its analysis and determination of the least environmentally damaging practicable alternative (LEPDA).

**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: In order to accomplish the project goal, it is impossible to avoid impacts to Waters of the United States.

Minimization: Work will be performed in the dry. Only native sand will be re-distributed during the beach restoration. Each year the minimal amount of dredging and discharge will be performed to restore the beach to reduce safety concerns for swimmers. Compensatory Mitigation: No mitigation is proposed for annual maintenance or stabilization of the Lady Liberty pier.

**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, 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, 2011 Ironwood Parkway, Coeur d'Alene, Idaho 83814,

**AQUATIC RESOURCE DESCRIPTION:** Sandpoint City Beach and Marina on Lake Pend Oreille are characterized by sandy substrate. The marina is heavily vegetated with Eurasian milfoil and *Potamogeton* sp., the swimming beach area is minimally vegetated with *Potamogeton* sp. when the lake is at full summer pool elevation 2062.5. During the annual drawdown October –May these areas of the lake are dry.

**ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT:** Dredging and discharge of native sand and discharge of rock riprap in the dry will not disturb fish or aquatic invertebrates as work will be performed in the dry. Vegetation may perish from winterkill, however that is viewed as a positive management tool to control the growth and spread of milfoil. Some temporary turbidity resulting from re-distribution of fines in the sand may be seen as the lake elevation is raised.

**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 Kalispel Tribe of Indians, Kootenai Tribe of Idaho and Confederated Salish Kootenai Tribes of the Flathead Reservation, 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 Kalispel, Kootenai Tribe of Idaho and Confederated Salish Kootenai Tribes of the Flathead 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 was completed with the U.S. Fish and Wildlife Service (USFWS) March 4, 2014. The USFWS agreed that the project as proposed will not likely adversely affect bull trout or its critical habitat.

**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  
Beth Reinhart  
Coeur d'Alene Regulatory Office  
2065 W. Riverstone Drive, Suite 201  
Coeur d'Alene, ID 83814  
[mary.e.reinhart@usace.army.mil](mailto:mary.e.reinhart@usace.army.mil)

Comments should be received no later than the comment due date of **April 12, 2014**, as indicated on this notice, to receive consideration.



Beth Reinhart  
Sr. Project Manager  
Walla Walla District

Enclosures  
Application, dated February 10, 2014  
Vicinity Map and Drawings, Figures 1-10