



**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- 2014-293

WATERWAY: Pend Oreille River

APPLICANT: City of Dover

DATE ISSUED: September 16, 2015

END DATE: October 16, 2015

30-Day Notice

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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; *City of Dover, Pea Gravel Beach Area, Sheets 1 through 5.*

**APPLICANT:** City of Dover, PO Box 115, Dover, Idaho 83824. Phone: 208-263-4720

**U.S. ARMY CORPS OF ENGINEERS PROJECT MANAGER:** Mr. Shane Slate, U.S. Army Corps of Engineers, Coeur d'Alene Regulatory Office, 1910 Northwest Boulevard, Suite 210, Coeur d'Alene, ID 83814. Phone: 208-433-4474. Email: [shane.p.slate@usace.army.mil](mailto:shane.p.slate@usace.army.mil)

**PURPOSE:** Discharge of fill material for the construction of a beach area for the City of Dover.

**WATERWAY:** Pend Oreille River

**LOCATION:** The proposed project would be located on the Pend Oreille River, at Dover City Park, at 699 Lakeshore Avenue, within Section 31, Township 57 North, Range 2 West, near latitude 48.24614<sup>o</sup> N and longitude -116.61816<sup>o</sup> W, in Bonner County, in Dover, Idaho.

**DRIVING DIRECTIONS:** From Highway 2, turn South on Roosevelt to Dover Bay Parkway, turn west on Lakeshore Avenue and proceed to the Dover City Park.

**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.

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). 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:** Discharge 333 cubic yards of washed pea gravel into 0.41 acres of the Pend Oreille River associated with creating a more stable river bottom for swimmers at Dover City Park. The project would create a pea gravel pad on the riverbed along 600 feet of the shoreline that would extend 30 feet out into the water during summer pool, and be 6 inches thick.

**CONSTRUCTION PERIOD:** Applicant proposes to start construction during winter/fall of 2015/2016, during the drawdown period for the Pend Oreille River. The permit would authorize construction for a period of three 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.

Applicant proposes to perform all work during the drawdown period for the Pend Oreille River to reduce the possibility of turbidity impacts to the river and allow the work to be conducted under dry conditions. Further, washed pea gravel will be utilized to create the beach area, rather than sand, to reduce initial turbidity impacts and reduce the needed for future maintenance due to the possibility of the sand fill migrating out into the river.

**OTHER ENVIRONMENTAL DOCUMENTS AND DA PERMITS ISSUED TO APPLICANT:** None

**WATER QUALITY CERTIFICATION:** This notice will also serve as a 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 as 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, 2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814,

**AQUATIC RESOURCE DESCRIPTION:** Lake Pend Oreille and the Pend Oreille River are one of the largest water bodies in the state of Idaho. It is a natural lake that has been enlarged by the construction of the Albeni Falls Dam, near Oldtown, ID, a multi-purpose project on the Pend Oreille operated by the Corps of Engineers. It covers an area exceeding 90,000 acres of water and has a shoreline of 226 miles. The Albeni Falls Project is operated to maintain a water surface elevation of 2062.5 feet NGVD during summer recreation season and can be drawn down to 2051 feet NGVD during the winter. There are several communities around the lake including Hope, East Hope, Bayview, Laclede, Priest River, Dover, and Sandpoint. Most of the riparian lands along the lake and river are privately owned. However, there are substantial areas in the southern portion of Lake Pend Oreille under federal ownership. Residences and summer cabins are common along much of the waterfront properties along the lake and river. Population growth in North Idaho has steadily increased over the last 15 years. This growth has created the need for more residential and commercial development, particularly on desirable land along the lake and river.

**ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT:** The proposed project would alter 18,000 square feet of silt/cobble river bed.

**OTHER AUTHORIZATIONS:** The proposed project will require approval from the Idaho Department of Lands.

**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 Confederated Salish and Kootenai Tribes of the Flathead Reservation, The Kalispel Tribe of Indians, and the Kootenai Tribe of 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 Confederated Salish and Kootenai Tribes of the Flathead Reservation, The Kalispel Tribe of Indians, and the Kootenai Tribe of 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:** 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. Preliminarily, we have determined the described activity would have no effect 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. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

**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: Shane Slate  
Coeur d'Alene Regulatory Office  
1910 Northwest Boulevard, Suite 210  
Coeur d'Alene, Idaho 83814-2676  
[shane.p.slate@usace.army.mil](mailto:shane.p.slate@usace.army.mil)

Comments should be received no later than the comment due date of October 16, 2015, as indicated on this notice, to receive consideration.

Shane Slate  
Project Manager  
Walla Walla District

Enclosure:  
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