



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-2015-114-I01

WATERWAY: Fox Creek, tributaries, adjacent wetlands

APPLICANT: Teton County Public Works

DATE ISSUED: July 14, 2015

END DATE: August 4, 2015

21-Day Notice

Interested parties are hereby notified that the Walla Walla District has received an application for a Department of the Army (DA) permit for certain work in Waters of the United States, including wetlands, as described below and shown on the attached drawings:

- ***PN_NWW-2015-114_drawings.pdf***: Revised March 27, 2015, entitled "Teton County Idaho, W5750S-Chaplin Ln-W6000S Road Rehabilitation Project," depicts location and plan views of the project.
- ***PN_NWW-2015-114_drawings(2).pdf***: Dated 2015/05/15, entitled "Teton County Idaho, W5750S-Chaplin Ln-W6000S Road Rehabilitation Project, Culvert Section Sta.," depict proposed culvert sections at various road locations.
- ***PN_NWW-2015-114_MitigationPlan.pdf***: Entitled "W6000S Road Rehabilitation Teton County, Idaho, Conceptual Compensatory Mitigation Plan," provides a basic plan for replacing wetlands and stream functions lost as a result of the proposed project.

APPLICANT: Teton County Public Works, Attn: Daryl Johnson, 150 Courthouse Drive, Room 117, Driggs, Idaho 83422, 208-354-0245 or email: djohnson@co.teton.id.us

AGENT: Alder Environmental, LLC, Attn: Brian Remlinger, PO Box 6519, Jackson, Wyoming 832002
307-690-3625 or email: brian@alderenvironmental.com

U.S. ARMY CORPS OF ENGINEERS PROJECT MANAGER: Robert A. Brochu, Senior Project Manager, 208-522-1645 or email: Robert.A.Brochu@usace.army.mil

PURPOSE: To improve safety and structural integrity of the West 6000 South roadway corridor.

WATERWAY: Fox Creek, and several unnamed tributaries.

LOCATION: The proposed project would be located within portions of Sections 27, 28 and 29 Township 4 North, Range 45 East, near latitude 43°38'08.76" N and longitude -111°09'22.41" W in Teton County, north of Victor, Idaho.

DRIVING DIRECTIONS: From the City of Victor drive north on State Highway 33 for 2.3 miles. Turn west/left onto county road W6000S (West 6000 South) and proceed 1 miles west to the intersection of a subdivision road known as Head Way or 3000 feet west of S1000W. This is the eastern project limit. The project extends west approximately 2.5 miles on W6000S, past the Teton River until 256 feet west of River Bend Drive.

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: Discharge of approximately 1,000 cubic yards (cy) of dirt or topsoil and 2,880 cy of gravel, rock, or stone into approximately 1.79 acres of Waters of the U.S. to widen the road by flattening side slopes, placing new culverts in the road bed and replacing existing culverts in the road bed. The proposed work is depicted on PN NWW-2015-114 sheets 1 to 14.

This is a two lane county road oriented east – west. It connects the east and west sides of Teton Valley. The existing 20 foot driving surface width (two 10 foot wide lanes) is to be maintained, however the road will be raised and flatter 2 foot (horizontal) wide shoulders will be constructed, extending the road width to 24 feet.

To improve structural integrity of the road, an engineered fabric will be placed on top of the existing road. On the fabric an 8 inch layer of -2 inch sub-base materials will be laid. Pit-run gravel will be used to build new shoulders with a minimum of 4 inches of topsoil laid on the slope surface. The shoulders will be a 2:1 slope (horizontal to vertical).

The existing road in the project area has numerous culverts that cross through the road. These culverts convey surface water, creek/stream water, and irrigation flow. Nearly all the culverts will be replaced. The Fox Creek concrete bridge will not be replaced. Further, additional culverts will be installed in the road to improve cross drainage and reduce frost damage. While construction is to be performed during low flow periods it may be necessary to divert ditch and creek/stream flows at some locations to replace culverts.

The two options proposed will be implemented depending on site conditions. The first option is to install a new culvert near the existing culvert, then breach and divert flow into the new culvert. The second option is to construct an open ditch close to the existing culvert, breach and divert flow into the ditch, and then install a new culvert in the original location. Once installed, the diversion would be undone and flow returned to the original channel.

Prior to construction, silt fence will be installed between the work area and adjacent areas. This will protect adjacent wetlands and streams from movement of earthen material into these areas.

ADDITIONAL INFORMATION: The construction contractor, chosen by Teton County, will perform all work per contract requirements with Teton County. Borrow/road construction fills will be obtained from existing approved county, city, state or federal sources. A conceptual wetland mitigation site which lies adjacent the road project may contain suitable borrow material. All staging sites, including equipment storage sites will be in non-wetland/uplands and surrounded

by an erosion control barrier. Borrow and staging locations will be disclosed prior to construction.

CONSTRUCTION PERIOD: The proposed work window is during low stream flow conditions and outside spawning season for trout. Applicant proposes to start construction in late summer and continue until winter shut-down is required. Work would resume the following season during the same periods. The permit would authorize construction for a period of three years.

PROPOSED MITIGATION: Teton County has evaluated alternatives to the proposed project to avoid, minimize, and compensate for impacts to Waters of the United States from activities involving discharges of dredged or fill material. These alternatives are listed below.

Teton County explored three compensatory mitigation sites that could in whole or in part offset the wetlands and streams adversely impacted by the project. A conceptual plan is provided with this Public Notice. See enclosure: PN_2015-114-I01_MitigationPlan.pdf.

- The first proposal is to improve flow and fish passage in Darby Creek. This is an off-site and out-of-kind proposal. It would improve regional fisheries by increasing trout movement in Darby Creek. It would not fully offset impacts from the proposed project.
- The second proposal is to construct new wetlands and expand existing wetlands by excavating and grading existing uplands into palustrine emergent or scrub-shrub wetlands. This is on-site and in kind wetland mitigation. Depending on the area excavated and site hydrology, this project has the capacity to fully mitigate project impacts.
- The third proposal is to reconstruct a straightened portion of Fox Creek that parallels W6000S. This mitigation would, in part, be out-of-kind mitigation. This proposal has the potential to provide positive stream functions and values which outweigh project impacts. This project would result in overall increased aquatic and riparian habitat function for Fox Creek and fully replace lost functions and values from the proposed project.

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 DA 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 days of this Public Notice, any person may provide written comments to IDEQ and 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, Idaho Falls Regional Office, 900 North Skyline Drive, Suite B, Idaho Falls, Idaho 83402-1718.

AQUATIC RESOURCE DESCRIPTION: Approximately 1.6 acres of palustrine emergent wetlands and approximately 0.2 acres of palustrine scrub shrub wetlands are to be filled to facilitate this project. In addition, 340 linear feet, of stream/creek channel is proposed to impacted, temporarily during the replacement of six existing culverts. The inlet and outlet of culverts will be protected from erosion either with flared end pierces and/or faced with large angular rock.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: The proposed project is anticipated to directly fill approximately 1.79 acres of wetland and/or stream. Indirectly, the project would improve cross-drainage with new and replacement culverts by improving surface and subsurface water drainage on the road. This would also result in less impoundment of water on the south side of the road. This could change the character and extent of roadside wetlands. The improved road will require less road repair. Road maintenance activities can potentially push gravel and soil into adjacent wetlands and streams. The overall project, if permitted as proposed, would eliminate wetlands located in road, of marginal quality. With the conceptual mitigation these lower quality wetlands would be replace with potentially higher quality wetlands. The conceptual compensatory mitigation would improve the abundance and quality of Teton Valley wetlands in the immediate road area.

OTHER AUTHORIZATIONS: The proposed project will require approval from the State of Idaho Department of Water Resources to alter several perennial streams. The Corps of Engineers is also coordinating with the Tribal Historic Preservation Offices for the Shoshone-Bannock Tribes to determine if there are any tribal historic or cultural interests within the project area.

CULTURAL RESOURCES: The Corps is coordinating with the Idaho State Historic Preservation Officer to determine if this project will affect a site 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 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. 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 close to or within the known or historic range of the Grizzly bear (*Ursus arctos horribilis*), a threatened species, and the Ute Ladies'-tresses (*Spiranthes diluvialis*), a threatened orchid. The Corps is coordinating with the U.S. Fish and

Wildlife Service (USFWS) to determine if the proposed project 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. 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 for 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
Robert A Brochu
Idaho Falls Regulatory Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718
Robert.A.Brochu@usace.army.mil

Comments should be received no later than the comment due date of **August 4, 2015**, as indicated on this notice, to receive consideration.

Robert A. Brochu
Sr. Project Manager
Walla Walla District

Enclosures:

PN_NWW-2015-114_drawings.pdf
PN_NWW-2015-114_drawings(2).pdf
PN_NWW-2015-114_MitigationPlan.pdf