



**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-1992-100530

WATERWAY: Lake Pend Oreille

APPLICANT: Charles Kramer-Kramer Marina

DATE ISSUED: October 17, 2012

END DATE: November 1, 2012

15-Day Notice

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Interested parties are hereby notified that an application has been received to modify Department of the Army permit NWW-1992-100530, issued on January 25, 2005, for certain additional work in waters of the United States, as described below and shown on the attached plans entitled *Kramer Marina, Sheets 1-10, dated September 13, 2012*.

**APPLICANT:** Mr. Charles Kramer, 495670 Highway 95, Naples, Idaho 83847

**USACE PM CONTACT:** Ms. Beth Reinhart, 2065 W. Riverstone Drive, Suite 201, Coeur d'Alene, Idaho 83814, Phone (208) 765-8971 or e-mail at [mary.e.reinhart@usace.army.mil](mailto:mary.e.reinhart@usace.army.mil)

**PURPOSE:** To modify and expand an existing commercial marina to meet the needs of the boating public during the annual lake drawdown and to provide moorage for larger commercial fishing vessels. A floating breakwater will be added to provide protection from easterly winds. In addition, some previously unauthorized minor modifications to slips and docks within the marina as described below will be authorized by this permit modification. These modifications are minimal and did not result in increasing the overall size or moorage capacity of the marina.

**WATERWAY:** Lake Pend Oreille

**LOCATION:** The proposed project would be located on Lake Pend Oreille at 46820 highway 200 East Hope, Idaho within Section(s) 1, Township 56 North, Range 1 East, near latitude 45° 14.01' 23" N and longitude -116° 16.55' 82" W, in Bonner County, in/near East Hope, Idaho.

**DRIVING DIRECTIONS:** Marina is located on State Highway 200 between Sandpoint and Clark Fork, in East Hope, Idaho

**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). 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.

**WORK:** A total of 24-10 inch steel piles will hold the 10' x 50' fixed pier, 10' x 60' floating boat dock and 250' floating breakwater at the existing marina. The steel piles will be driven in the lakebed with an impact hammer and crane mounted barge. Applicant proposes to reduce noise and pressure waves by utilizing a wood cushion to be placed between the hammer and the piling, and a bubble curtain will be placed around the piling. The dock will be constructed at the marina and floated into place. Light penetrating decking material will be used on the ramp and floating dock. The breakwater will be recycled from Farragut State Park; it will be floated into place and attached to the steel piling. The breakwater will not be decked.

**ADDITIONAL INFORMATION:** The original permit number for this marina was 071-OY6-1-002225 authorized in 1984. In March 1992, a Public Notice was issued for a seawall, walkway, rip rap and to remove and replace deleterious pilings. The new permit number NWW-1992-100530 was assigned with all future authorizations recorded under this number. In November 1992, the permit was modified to authorize dredging 3,000 cubic yards of lakebed sediment and to re-locate docks, add piers, a ramp, a floating dock, an "L"-shaped dock with 8 slips and the addition of breakwater boards to docks within the existing marina footprint. In 1996 a Public Notice was issued for authorization of new slips, pier, ramps floating docks and finger piers. Work was authorized as requested. In 2000, the permit was modified to include 6 additional slips and a 150' x 10' floating breakwater. In 2005, a permit modification was authorized to three 12' x 30' floating slips, a 10' x 50' floating dock with a sewer pump out station and a 250' extension to the permitted breakwater.

**CONSTRUCTION PERIOD:** Applicant proposes to start construction in October 2012 and end in December 2012. The permit would authorize construction for a period of three (3) years.

**PROPOSED MITIGATION:** The project does not require the discharge of fill into waters of the U.S. No mitigation is being proposed.

**OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT:** See additional information above.

**WATER QUALITY CERTIFICATION:** A water quality certification is not necessary for the proposed work as there will not be any discharges of fill into waters of the US.

**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 impounded by the construction of the Albeni Falls Dam near Newport, Washington, 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 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:** There will be short-term localized disturbance of the lakebed and increased noise levels associated with pile driving. Since the marina is the base of operations for Kramer Crane and Contracting business, crane and barge operations associated with the proposed work will not represent noticeable increases in boating activity or odors from petroleum products. The proposed pier, ramp and floating dock will cover approximately 1260 square feet of water. The light penetrating decking on the ramp and floating dock will minimize shading. The additional square footage of mooring will allow for additional boating activity within the marina however this represents less than a 3% increase. The floating breakwater will reduce wave action affecting the outermost dock and slips. The proposed work represents negligible alterations to the existing marina or the aquatic environment.

**OTHER AUTHORIZATIONS:** On August 8, 2012 the Idaho Department of Lands issued an encroachment permit No. L-96-S-0248H for the proposed work.

**CULTURAL RESOURCES:** Coordination was conducted with the office of the Idaho State Historic Preservation Officer (SHPO) 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. On May 4, 2012, the SHPO issued a Section 106 evaluation stating no historic properties were identified within the project area, and that no additional investigations are recommended; project may proceed as planned.

**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. On April 12, 2012, the Corps notified the Coeur d'Alene Tribe, the Kalispel Tribe, the Kootenai Tribe of Idaho and the Confederated Salish Kootenai Tribe of the Flathead Reservation of the applicants request for an authorization to perform work and requested comments. No Tribe provided comments regarding the proposed action.

**ENDANGERED SPECIES:** The project is within the known or historic range of bull trout and their critical habitat. On March 21, 2012, the Corps initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) to determine if the activity will have any affect 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). On March 29, 2012, the USFWS provided a concurrence letter agreeing with the Corps' determination that the implementation of the proposed project "*may affect, but is not likely to adversely affect bull trout and its critical habitat*". Concurrence by the USFWS was contingent upon implementation of the project and conservation measures, as described in the March 15, 2012, biological assessment.

**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  
Ms. Beth Reinhart  
Coeur d'Alene Regulatory Field Office  
2065 W. Riverstone Drive, Suite 201  
Coeur d'Alene, Idaho 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 **November 1, 2012**, as indicated on this notice, to receive consideration.

Beth Reinhart  
Sr. Project Manager  
Coeur d'Alene Regulatory Office  
Walla Walla District

Enclosures