



Public Notice

US Army Corps Of Engineers

Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

REGIONAL GENERAL PERMIT-27 (RGP-27)

Request for Comments on Re-Issuance

DATE OF NOTICE: October 28, 2014

COMMENTS DUE DATE: November 26, 2014

30-Day Notice

Walla Walla District of the U.S. Army Corps of Engineers is soliciting public comment on a proposal to re-issue Regional General Permit-27 (RGP-27) to authorize certain work in Navigable Waters of the United States in Lake Pend Oreille and the Pend Oreille River within the State of Idaho. Comments on this proposal may be submitted on or before November 26, 2014. The proposed regional permit is attached to this notice, and is available on our website at <http://www.nww.usace.army.mil/BusinessWithUs/RegulatoryDivision/PublicNotice>.

ACTIVITIES – The following non-commercial activities would be authorized under the RGP-27 provided they meet the required terms and conditions. Separate approval for these activities may be required from the Idaho Department of Lands and/or the Idaho Department of Water Resources.

- Piers and floating docks
- Marine launching rails
- Mooring piles
- Portable boat lift stations
- Small diameter waterline intakes
- Mooring buoys

WATERS COVERED BY RGP-27 – Areas of Lake Pend Oreille, Pend Oreille River and their tributaries that are inundated by the summer pool elevation of 2062.5 feet, NGV Datum, in Bonner and Kootenai counties, Idaho. This area includes all navigable waters of the United States located upstream of the Albeni Falls Dam. Certain geographic areas within these waters are excluded from RGP-27 and are described in the body of the permit along with a map depicting their location.

REGULATORY AUTHORITY – Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) requires a Department of the Army permit for work or structures waterward of the ordinary high water mark in navigable waters of the United States or that would affect the course, condition, or capacity of the navigable waters. Section 404 of the Clean Water Act (33 CFR 1344) requires a Department of the Army permit for the discharge of dredged or fill material into waters of the United States, including wetlands.

BACKGROUND – Regional permits are Department of the Army permits issued on a regional basis for categories of activities that: 1) are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or 2) would avoid unnecessary duplication of regulatory control exercised by another Federal, state, or local agency.

WATER QUALITY CERTIFICATION – This notice will also serve as public notice that Idaho Department of Environmental Quality is evaluating whether to certify that the discharges of dredged and fill material proposed for the RGP-27 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 State of Idaho, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within 60

days of this public notice date, and an extension of this period is not granted to the Idaho Department of Environmental Quality, certification will be considered waived. Comments concerning certification for this regional permit should be mailed to Mr. Barry Burnell, Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho, 83706.

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 entities or the Tribal Historic Preservation Offices for the Coeur d’Alene Tribe, Kootenai Tribe of Idaho, Kalispel Tribe of Indians, and the Confederated Salish-Kootenai Tribe 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, statutes, 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 Coeur d’Alene Tribe, Kootenai Tribe of Idaho, Kalispel Tribe of Indians, and the Confederated Salish-Kootenai 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 - Coordination is currently being conducted with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to determine if this activity will have any affect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat.

EVALUATION – The decision whether to re-issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That 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 230.7) 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 public; Federal, State, and local agencies and officials; Indian Tribes; 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 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 AND REVIEW PERIOD - Interested parties are invited to provide their comments on the proposed activity, which will become a part of the record and will be considered in the decision. **Comments should be mailed to:**

**U.S. Army Corps of Engineers
Walla Walla District
Regulatory Division
Duane Mitchell
201 North 3rd Avenue
Walla Walla, Washington 99362-1876**

Or e-mail to: duane.e.mitchell@usace.army.mil

Comments should be received no later than the comments due date of this notice to receive consideration. For further information about the Department of the Army permit program in Walla Walla District, please visit our web page at: <http://www.nww.usace.army.mil/BusinessWithUs/RegulatoryDivision.aspx> or call Duane Mitchell at 509-527-7156.

Kelly J. Urbanek
Chief, Regulatory Division

Enclosure