



**US Army Corps
Of Engineers**

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

Public Notice of Application for Permit

APPLICATION NO.: NWW No. 042100151

APPLICANT: Mr. Burton Webb

PUBLIC NOTICE DATE: October 18, 2004

21-Day Notice

COMMENTS DUE DATE: November 8, 2004

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plans.

APPLICANT – Mr. Burton Webb, 2537 Decatur Pike, Athens, Tennessee 37303, telephone 423-745-8993 (work), 423-746-2966 (home). For more information, contact Mr. James Fronk, Secesh Engineering, Inc, telephone 208-634-6336 (work). For information from the Corps of Engineers, contact Mr. Gregory J. Martinez at 208-345-2154.

LOCATION – Wetland adjacent to Poison Creek, Sec. 5, T.15N., R.3E., Boise Meridian, Donnelly, Idaho USGS Quadrangle, near Donnelly, in Valley County, Idaho.

WORK – The discharge of 80 cubic yards of pit-run fill material into 0.05 acre of wet meadow wetlands associated with building a residential home on Lot 87. Location and description as shown on the enclosed drawing sheets 1 through 3.

CONSTRUCTION PERIOD - Applicant proposes to start construction on approval and work would be completed in 2 weeks. The permit would authorize construction for a period of 3 years.

PURPOSE - To build a residential home including an attached garage, back deck and yard.

ADDITIONAL INFORMATION - On February 8, 2002, we verified authorization under Nationwide Permit 26 to Tamarack Resort, formerly known as WestRock Associates LLC, to develop a 2,043 residential unit, four seasons resort, including a golf course and downhill ski facility. The permit authorized the filling of 2.32 acres of wetlands to develop the necessary infrastructure, such as residential roads, buried utilities, golf cart paths, and fills for fairways, tee boxes and greens. This authorization to Tamarack Resort, however, did not include any fills for the development of residential lots. The proposed project increases the scope of the original project by 0.05 acres to 2.37 acres of wetlands.

The proposed project cannot be authorized under this same nationwide permit because NWP 26 expired on February 11, 2002. Also, the proposed project cannot be evaluated by itself as a single and complete project because it is interrelated and interdependent to the development of the original resort. The proposed project

must be evaluated under our individual permit processing procedures because there is currently no nationwide permit that would authorize the original project with the addition of the proposed project.

To compensate for wetland losses resulting from the proposed project, the applicant proposes to create an equal amount of wetlands along a small ditch that collects surface run-off from adjacent ground as well as from a constructed residential road. The ground to both sides of the ditch would be excavated to an elevation suitable to support wetland plants. Soils collected from the project impact area would be used as a seed and plant source to create the new wetland.

AREA DESCRIPTION – The project area is located on the end of a low ridgeline that overlooks fairway 4 of the golf course. Two minor drainages flow down both sides of lot 87 as shown on drawing 3 of 3. The drier of the two drainages is proposed to be impacted by the proposed work.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT - Work as proposed would impact 0.05 acre of sedge meadow wetland. The wetland is the upper reach of a stringer wetland swale that collects seasonal surface snow melt and other surface water and discharges to Poison Creek, several hundred feet downstream.

OTHER AUTHORIZATIONS - Other authorization obtained or requested include a water quality certification from the Idaho Department of Environmental Quality.

WATER QUALITY CERTIFICATION - This will also serve as public notice that Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharges of dredged and 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 60 days of this public notice date, and an extension of this period is not granted to the IDEQ Quality, certification will be considered waived. Additionally, within 30 days of this public notice, any person may provide written comments to IDEQ and/or request in writing that IDEQ provide them notice of their preliminary 401 certification decision. Comments concerning certification for this project should be mailed to Idaho Department of Environmental Quality, Boise Regional Office, 1445 North Orchard, 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.

ENDANGERED SPECIES – In 2001, the Corps of Engineers requested formal consultation with the U.S. Fish and Wildlife Service on the proposed Tamarack Resort development. The U.S. Fish and Wildlife Service in their December 18, 2001 Biological Opinion issued their Opinion on the entire resort development not just that portion of the project that was being evaluated for a Section 404 permit at that time. Therefore, additional consultation with the US Fish and Wildlife Service for the proposed project is not required.

ENVIRONMENTAL IMPACT STATEMENT - Preliminary review indicates that the activity will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

AUTHORITY - This permit will be issued or denied under the authority of Section 404 of the Clean Water Act.

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. 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) 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 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.

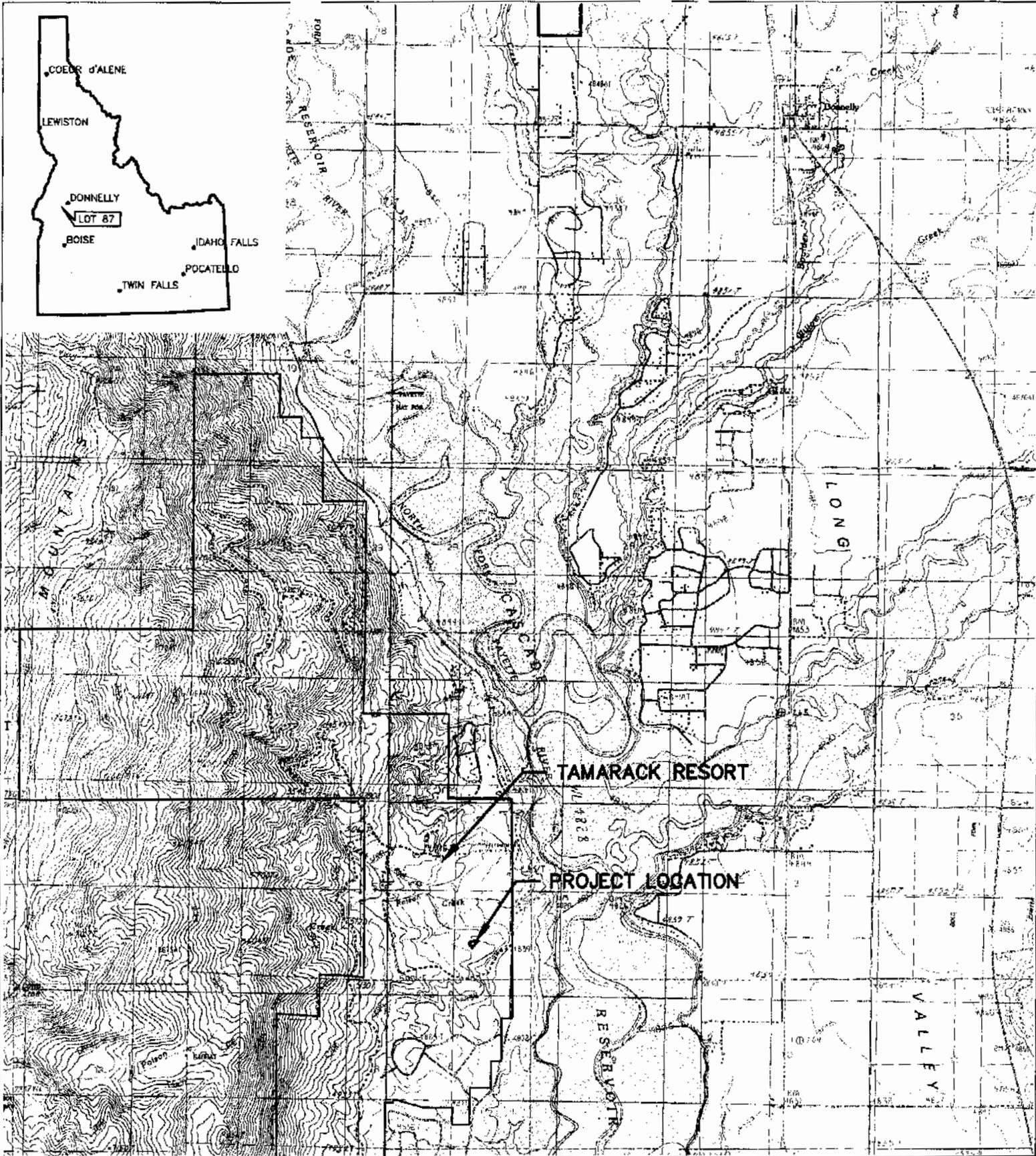
PUBLIC HEARING - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT 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
Boise Regulatory Office
304 North 8th, Room 140
Boise, Idaho 83702-5820**

Comments should be received not later than the comments due date of this notice to receive consideration.

/signed/
A. Bradley Daly
Chief, Regulatory Division



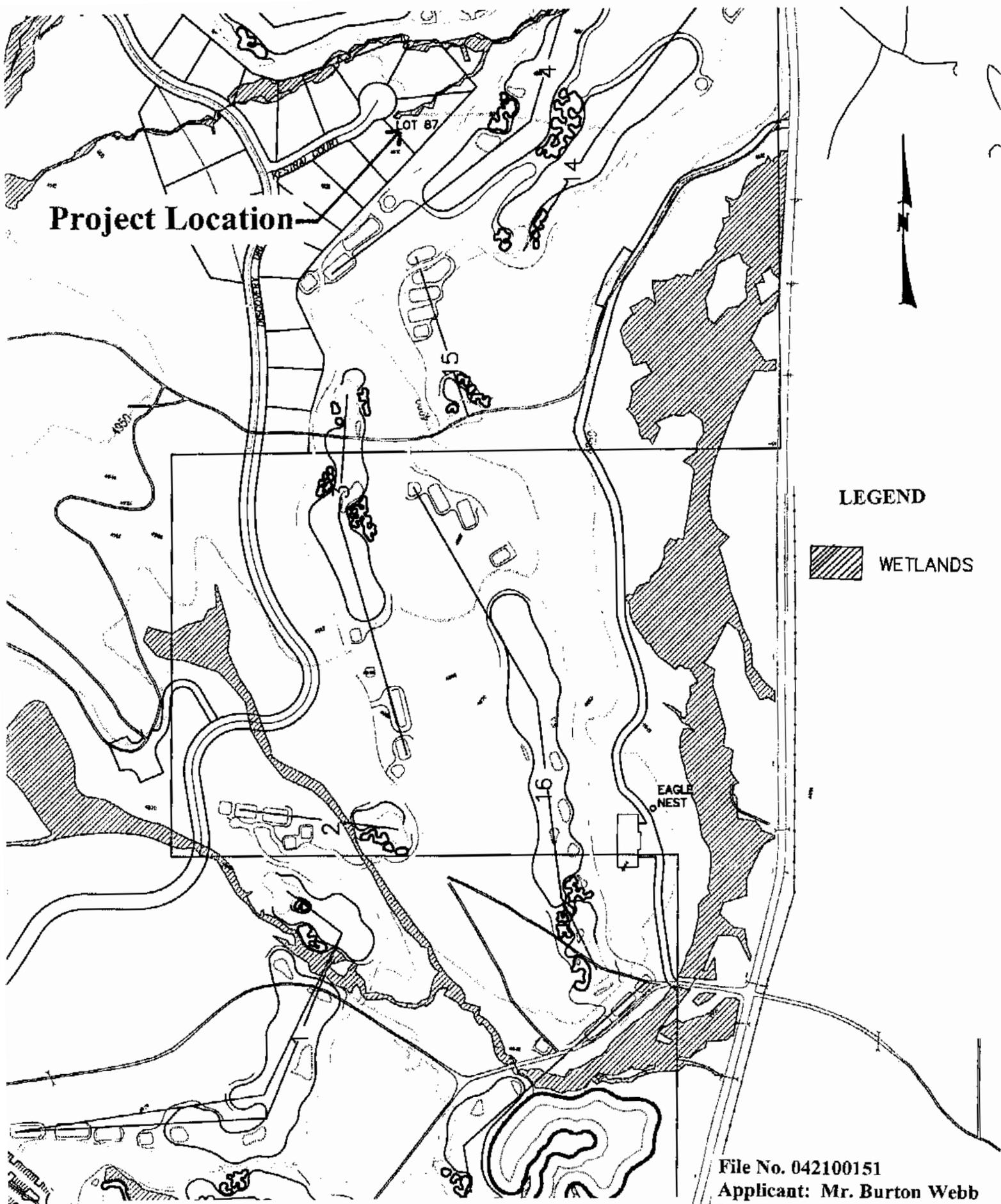
SCALE: 1" = 4000'

VICINITY MAP

LOT 87, TAMARACK RESORT

File No. 042100151
Applicant: Mr. Burton Webb
Tamarack Resort Lot #87
Donnelly, Valley County, Id.
Sheet 1 of 3
Dated: 9-9-04

Project Location

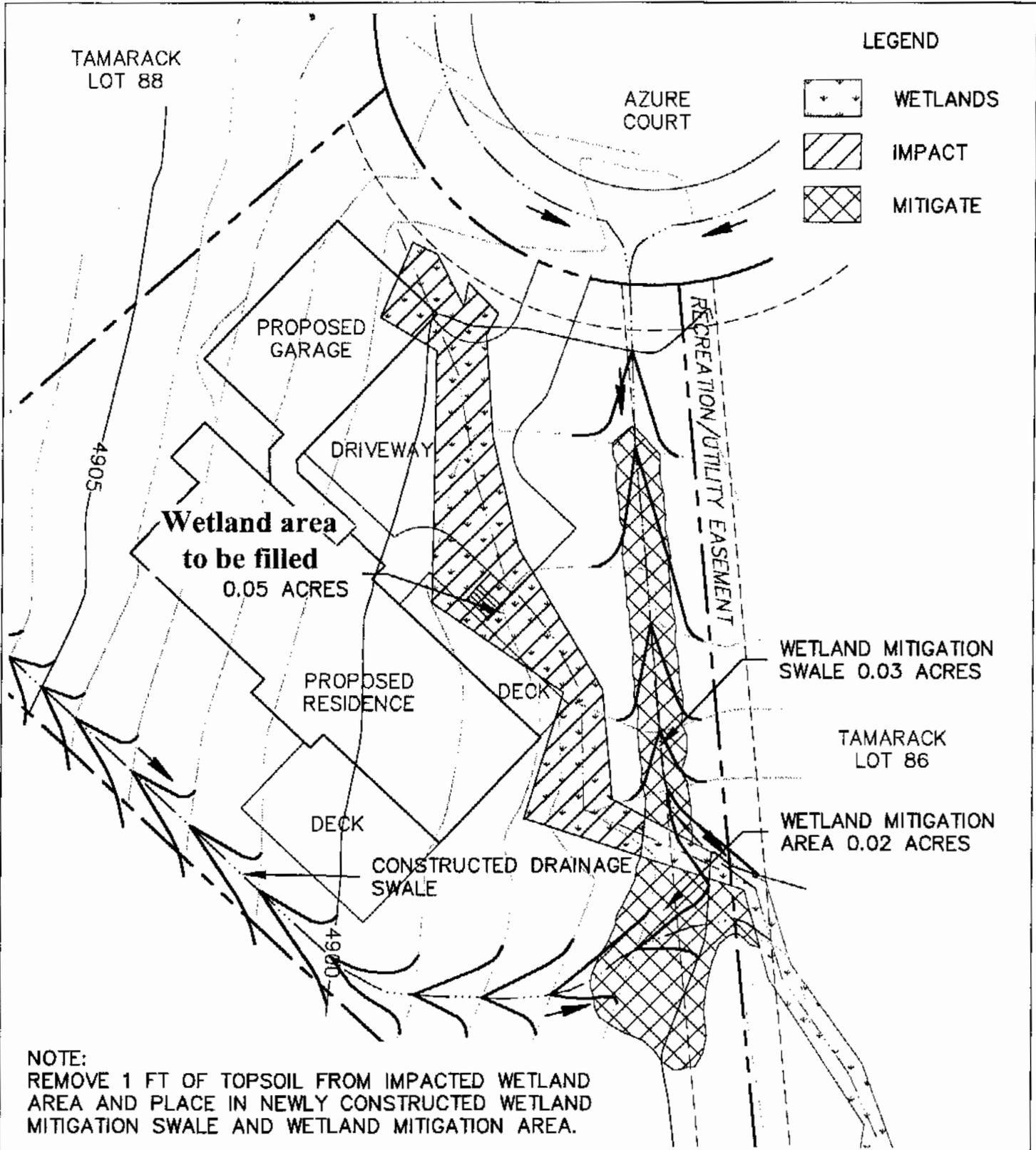


LEGEND

 WETLANDS

VICINITY MAP AND WETLANDS IN PROJECT AREA

File No. 042100151
Applicant: Mr. Burton Webb
Tamarack Resort Lot #87
Donnelly, Valley County, Id.
Sheet 2 of 3
Dated: 10-5-04



NOTE:
 REMOVE 1 FT OF TOPSOIL FROM IMPACTED WETLAND
 AREA AND PLACE IN NEWLY CONSTRUCTED WETLAND
 MITIGATION SWALE AND WETLAND MITIGATION AREA.

WETLAND IMPACT
 FIGURE 1



SCALE: 1" = 30'

File No. 042100151
 Applicant: Mr. Burton Webb
 Tamarack Resort Lot #87
 Donnelly, Valley County, Id.
 Sheet 3 of 3
 Dated: 9-9-04