



**US Army Corps
of Engineers** ®
Walla Walla District

News Release

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Corps issues draft permit to Idaho Transportation Department for Sand Creek Byway

Decision “balances the needs of the public and community with protection of aquatic resources”

WALLA WALLA, Wash. – After an extensive application review, the U.S. Army Corps of Engineers (Corps) Walla Walla District issued a draft permit, today, to the Idaho Transportation Department (ITD) for the Sand Creek Byway.

The Department of the Army draft permit was issued with conditions to minimize impacts to Sand Creek and to mitigate wetlands proposed to be filled for construction of the project. If ITD agrees to the permit conditions, they will sign and return the draft to the Corps, at which time the Corps will issue a permit allowing ITD to conduct work in Sand Creek and adjacent wetlands necessary to construct the Sand Creek Byway Project.

“We received substantial public comments supporting the project during the course of our review of this permit application,” said Brad Daly, chief of the Corps’ Walla Walla District Regulatory Division. “In addition, we also received substantial public comments raising concerns, issues and objections with the project. We believe our permit decision balances the needs of the public and community with protection of the aquatic resources of Sand Creek and its adjacent wetlands,” he said.

The project involves construction of a new section of US 95 starting at the north end of the Long Bridge and instead of curving to the left to enter Sandpoint, the new highway will continue straight across Sand Creek on a new bridge. It will then follow the railroad tracks along the east side of Sand Creek to a point where it will reconnect with the existing US 95/US 2 just north of the existing bridge over Sand Creek north of Sandpoint.

This project is part of a four-phase effort to improve US 95 between Sagle and the Kootenai Cut-Off Road. This phase of the project is designed to reduce traffic congestion and increase public safety by eliminating through traffic, especially truck traffic, from the streets of downtown Sandpoint.

The permit will authorize construction of a new bridge near the mouth of Sand Creek, as well as a pedestrian/bicycle pathway along the eastern edge of Sand Creek.

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The Corps received the initial permit application from ITD in May 2004. It was revised after receiving public comments at a public hearing and following the Corps' initial review. The Idaho Transportation Department submitted revised permit applications on June 16 and Aug. 3, 2006 and a second public hearing was held in Nov. 2006. Following that meeting the Corps requested ITD provide additional data required to complete the evaluation.

"We have included several permit conditions which we believe will avoid or minimize adverse impacts to Sand Creek during construction and provide mitigation for the wetlands proposed to be filled to construct the project," Daly said.

Those conditions are as follows:

1. Turbidity curtains, cofferdams, sheet piles or other types of cofferdams will be used to keep work areas isolated from flowing water, dewater construction areas, and to prevent erosion of sediments into Sand Creek and Lake Pend Oreille.
2. Prior to the removal of the temporary inflatable cofferdams, temporary turbidity curtains will be installed around the perimeter of the cofferdams. Individual cofferdam segments will be slowly and carefully deflated so that water is slowly returned to the proposed dredging location to minimize turbidity in Sand Creek. Turbidity curtains shall not be removed until water quality testing indicates that turbidity levels in the dredging area do not exceed those in Sand Creek.
3. Dredging shall occur only during the winter drawdown or low water period.
4. All clearing and grubbing immediately adjacent to Sand Creek shall be done during the winter drawdown or low water period.
5. All disturbed soil areas along Sand Creek, including authorized fill areas, shall be adequately stabilized and protected to minimize erosion of sediment into open water areas.
6. Best Management Practices will be installed as specified in the Storm Water Pollution Prevention Plan to isolate any potential water run-off from disturbed areas into Sand Creek and Lake Pend Oreille during storm events.
7. All surface water and water generated from dredging activities will be pumped to stormwater treatment ponds, construction detention basins, vegetated swales, or stormwater treatment systems and treated to eliminate turbidity prior to discharge in Sand Creek through controlled outlets.
8. Fish passage in the project area will be maintained throughout construction of the project.
9. Construction of the North Interchange Mitigation Site shall occur as soon as possible once the initial function of sediment pond during construction is no longer necessary. The site will be contoured and planted per the "US 95 Sandpoint, North & South, North Interchange Wetland Mitigation Plan" sheets 2-4 of 14. The following acreage and wetland types shall be established: 0.51 acres of forested wetlands, 0.18 acres of scrub-shrub wetlands, and 0.86 acres of emergent wetlands.
10. Construction of the Habitat Enhancement Areas shall be completed concurrent with project construction to mitigate for impacts to aquatic areas as a result of the construction of the pedestrian/bicycle path.

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11. Mitigation sites shall be monitored for a period of five years. Mitigation wetlands shall meet the 1987 Corps of Engineers Wetland Delineation Manual criteria at the end of the five-year monitoring period. For all types of wetland mitigation (emergent, scrub-shrub and forested wetlands), the mitigation sites will have at least 45 percent cover at all sample sites at the end of three years. The mitigation wetlands will have at least 80 percent cover at all sample sites at the end of five years. The mitigation sites will have an observable, continual increase in cover percentage, plant species diversity, and plant age/size class diversity throughout the five-year monitoring period. The sites will allow for natural recruitment of desirable wetland species to be included as cover and as species diversity during long-term monitoring. The mitigation wetlands shall be dominated by native vegetation. Non-native noxious weeds shall cover less than 10 percent of the mitigation sites at the end of three years. For scrub-shrub wetland mitigation sites, ITD will establish at least 15 percent cover of all shrub species at the end of three years, and 30 percent cover of all shrub species at the end of the five-year monitoring period. ITD shall maintain at least 75 percent survival of planted shrubs at the end of the five-year monitoring period. For forested wetland mitigation sites, ITD will establish at least 15 percent cover of all tree species at the end of three years, and establish at least 30 percent cover of all tree species at the end of the five-year monitoring period. ITD shall maintain at least 75 percent survival of planted trees and shrubs at the end of the five-year monitoring period. Wetland mitigation sites monitoring reports shall be submitted to this office by the following January of each year monitoring is required. Should the site(s) not meet the success criteria above at the end of the five-year monitoring period, ITD will submit a contingency plan.

12. ITD is responsible for the long-term maintenance of the Sandpoint High School Mitigation Site, North Interchange Mitigation Site, and the Habitat Enhancement Areas regardless of any agreements made with third parties related to these sites.

13. ITD shall provide copies of all written agreements executed with the Cities of Sandpoint and Ponderay regarding the operation and maintenance and protection of the Habitat Enhancement Areas within one year of the completion of construction of these areas. However, this does not relieve ITD of the responsibility for long-term maintenance of these areas.

14. Four core samples of new surface material at the channel hydraulic dredging site would be collected after the final grade has been reached and prior to the removal of the cofferdam. Samples will be collected when the final grade has been reached to assure the required one-foot sample depth is achieved. If samples from the newly exposed channel bottom have contaminant concentrations above the Dredged Material Evaluation Framework screen levels and Idaho Initial Default Target Levels, an additional one foot of material would be removed and the excavation backfilled with clean fill to the designed elevation to prevent direct contact with the water column and biota.

15. ITD shall comply with all requirements of the Memorandum of Agreement developed and executed on April 14, 2005 between the Idaho State Historic Preservation Office, FHWA, ITD, the Corps (Walla Walla and Seattle Districts), the Kootenai Tribe of Idaho, and the Kalispel Tribe to mitigate adverse effects of the project on historic properties.