



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

SWEETWATER CREEK ECOSYSTEM RESTORATION

**Feasibility Report with
Integrated Environmental Assessment**

**Appendix J
Correspondence**

FISH AND WILDLIFE COORDINATION ACT CORRESPONDENCE

CENWW-PPL-C

MEMORANDUM FOR RECORD 2 August 2023

SUBJECT: U.S. Fish and Wildlife (USFWS) Coordination for Sweetwater Creek Section 203 Feasibility Study.

1. Purpose: The purpose of this memorandum is to document Walla Walla District's attempts to complete Fish and Wildlife Coordination Act (FWCA) consultation with the USFWS on the subject study.
2. Study Background:
 - a. The purpose of the Sweetwater 203 project is to address restoration of riparian and aquatic habitat in the Sweetwater Creek watershed located in north-central Idaho.
 - b. The main features in the recommended plan include installing large woody debris, boulders, side channels, and bank shaping to increase floodplain conductivity and restore habitat conditions.
 - c. The existing and future without project condition of the creek includes degraded riparian habitat, decreased floodplain activation, and increase in invasive vegetation.
 - d. Future with project condition would include an increase in aquatic and riparian habitat from the bank shaping and pool development in selected reaches, coupled with the upstream floodplain enhancement.
3. Fish and Wildlife Coordination Act (FWCA) Communications:
 - a. Sent letter to USFWS requesting early coordination/comments under FWCA on April 16, 2019. USFWS declined to enter coordination in letter dated June 24, 2019, due to prior commitment of resources.
 - b. Sent letter requesting the USFWS to formally coordinate on Sweetwater Restoration Project on May 5, 2020. USFWS declined to coordinate under FWCA on this project and reminded USACE of prior resource commitments in letter dated May 12, 2020.
 - c. Note: above documented in attached correspondence.
4. Status of FWCA Consultation:
 - a. As of July 28, 2022, USACE has received no further correspondence from USFWS specific to FWCA coordination for the Sweetwater Restoration Project.
 - b. Given that habitat conditions and fish passage would be improved by the proposed project, it is unlikely that FWCA coordination would result in additional measures not already under consideration in the project.

5. Recommendation:

- a. Due to USACE repeated attempts to engage USFWS in coordination under FWCA with repeated and responses declining to participate, this MFR documents the completion of coordination under the FWCA for the subject project.
- b. This MFR will be included in the Final Feasibility Report package to document compliance with the FWCA and recommends no further attempts to engage with USFWS in FWCA.

Signed,

ERICKSON.MICHAEL.SCOTT.1
151172349

Digitally signed by
ERICKSON.MICHAEL.SCOTT.1151172349
Date: 2023.08.03 12:20:51 -07'00'

Michael S. Erickson
Chief, Environmental Compliance Section
U.S. Army Corps of Engineers Walla Walla District

Encl.

1. USACE FWCA Initiation Request Letter dated 16 April 2019
2. USFWS Response Letter dated 24 June 2019
3. Second USACE Request Letter dated 5 May 2020
4. Final USFWS Response Letter dated 12 May 2020



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, WALLA WALLA DISTRICT
201 NORTH THIRD AVENUE
WALLA WALLA, WA 99362-1876

MAY 5, 2020

Planning, Programs, and Project
Management Division

Subject: Fish and Wildlife Coordination Act Request for the Sweetwater Creek
Ecosystem Restoration Project

Ms. Christy Johnson-Hughes
U.S. Fish and Wildlife Service
11103 E Montgomery Drive
Spokane Valley, WA 99206-5755

Dear Ms. Johnson-Hughes:

In April 2019, The U.S. Army Corps of Engineers, Walla Walla District (Corps) initiated an ecosystem restoration project in partnership with the Nez Perce Tribe under the Corps Tribal Partnership Program. Project goals are to improve degraded aquatic and riparian habitat quality, quantity and function on Sweetwater Creek, Lapwai, Idaho.

On 24 June 2019, the U.S. Fish and Wildlife Service (Service) declined the Corps 24 April 2019 request to initiate early coordination under the Fish and Wildlife Coordination Act (FWCA) due to prior commitment of resources and staff.

Presently, the Corps and Nez Perce Tribe have identified restoration alternatives and are nearing project selection. Per the Corps Planning process, once a project is selected, the Corps will design the project to approximately 30% before contracting design completion and implementation, which is likely more than a year out.

Therefore, the Corps request that the Service formally initiate FWCA coordination or waive such coordination in writing, along with any reporting requirement as redundant to the ecosystem restoration Planning process. Documentation either way is necessary for our records. If you have any questions or would like to discuss the project, please contact Mr. Brad Trumbo, Biologist, at 509-529-7253 or bradly.a.trumbo@usace.army.mil.

Sincerely,

Michael S. Erickson
Chief, Environmental Compliance Section

cc:
Bob Ries, NMFS



United States Department of the Interior

FISH AND WILDLIFE SERVICE
11103 E. Montgomery Road
Spokane Valley, WA 99206



In Reply Refer to:
FWS/IR09/01EIFW00-2020-CPA-0005

May 12, 2020

Mr. Bradley Trumbo
Biologist
US Army Corps of Engineers
Walla Walla District
201 N. Third Ave.
Walla Walla, Washington 99362

Subject: Fish and Wildlife Coordination Act Request for the Sweetwater Creek Ecosystem
Restoration Project

Dear. Mr. Trumbo:

Thank you for your letter of May 7, 2020, regarding the Sweetwater Creek Ecosystem Restoration Project. You requested that the U.S. Fish and Wildlife Service (Service) initiate coordination on this project under the Fish and Wildlife Coordination Act (FWCA; 16 U.S.C. 661-667e, as amended). However, due to prior commitment of resources and staff, the Service must decline the U.S. Army Corps of Engineers request for FWCA coordination on this project. If you have any questions, please contact Cara Christofferson at cara_christofferson@fws.gov.

Sincerely,

Patricia C. Johnson-Hughes

Christopher Swanson
Acting State Supervisor

INTERIOR REGION 9
COLUMBIA-PACIFIC NORTHWEST

IDAHO, MONTANA*, OREGON*, WASHINGTON

*PARTIAL

INTERIOR REGION 12
PACIFIC ISLANDS

AMERICAN SAMOA, GUAM, HAWAII, NORTHERN
MARIANA ISLANDS

CLEAN WATER ACT CORRESPONDENCE

March 15, 2023

U.S. Army Corps of Engineers
ATTN: PPL-C (Sweetwater Ecosystem Project)
201 N. 3rd Ave.
Walla Walla, WA 99362

To Whom It May Concern:

The U.S. Environmental Protection Agency has reviewed the Walla Walla District of the U.S. Army Corps of Engineers' (Corps) Sweetwater Creek Ecosystem Restoration Draft Feasibility Report with Integrated Environmental Assessment (FR/EA)¹ and draft Finding of No Significant Impact (FONSI).² The FR/EA evaluates several options to "riparian and aquatic habitat and ecosystem functionality in Sweetwater Creek on the Nez Perce Reservation in north-central Idaho." Seven action alternatives are assessed with seven different combinations of locations and restoration techniques. Alternative 7 is identified as the tentatively selected plan (TSP) that would include "restoration of 34.8 acres of riparian restoration and 2.5 miles of creek restoration"³ in Sweetwater Creek.

EPA is providing the following comments pursuant to our authorities under Clean Water Act Section 404.⁴ EPA also has a unique role pursuant to NEPA and its authority under Section 309 of the Clean Air Act, which requires EPA to review and comment publicly on any proposed federal action subject to NEPA's environmental impact statement requirement. This comment letter is separate from EPA's NEPA and CAA authorities. Please note that EPA may submit comments under those authorities at a future point in the project development.

We would first like to express our full support for this project and others that improve ecosystem function and habitat for Endangered Species Act listed steelhead and culturally significant Coho salmon. To help support the Corps' decision, EPA believes additional information is needed regarding this proposal to demonstrate compliance with the restrictions on discharge contained in the CWA Section 404(b)(1) Guidelines (Guidelines).⁵ Specifically, additional information is needed to fully evaluate the impacts of the TSP and to demonstrate it is the Least Environmentally Damaging Practicable Alternative (LEDPA) to meet the project purpose.

The FR/EA indicates the TSP complies with the requirements of Nationwide Permit 27.⁶ EPA believes this determination may be premature based on the information summarized in the FR/EA, but such a determination is expected to be feasible. EPA believes more detailed aquatic resource inventory

¹ U.S. Army Corps of Engineers (Corps). 2023. Sweetwater Creek Ecosystem Restoration, Draft Feasibility Report with Integrated Environmental Assessment. Lapwai, Idaho: U.S. Army Corps of Engineers, Walla Walla District. January 2023.

² FR/EA, Appendix I.

³ FONSI, p. I-1.

⁴ 40 CFR Part 230.

⁵ 40 CFR Part 230; The Guidelines are the substantive environmental criteria for the evaluation of proposed discharges of dredged or fill material, which cannot be permitted unless compliance with the Guidelines has been demonstrated.

⁶ FR/EA, p. 101.

information and design work is necessary to demonstrate the project would comply with requirements of NWP 27. The preamble for NWP 27 explicitly states, “NWP 27 must include a delineation of wetlands, streams, and/or other aquatic habitats on the project site...A description of aquatic resources on the project site is not sufficient to help district engineers determine whether a proposed activity will satisfy the requirements of this NWP.”⁷ Yet, the affected environment section for wetlands provides no indication that a wetland delineation has been performed at this time and instead merely states, “Wetland inventories for the Lapwai watershed are limited.”⁸

The FR/EA concludes that almost no wetlands would be permanently lost as a result of the project. “The action alternatives would not have significant impacts to wetlands as they would not result in a permanent loss of more than one tenth of an acre of wetlands.”⁹ It is unclear how this conclusion was reached, as no supporting rationale, tables, or calculations are provided in the FR/EA to support that assertion. On March 8, 2023, EPA requested any additional information regarding the current extent of wetlands, i.e. wetland delineations, and information that was used to support the wetlands effects conclusions provided in the EA, but no additional information has been provided to EPA prior to the close of the public comment period.

Given the lack of wetland information provided in the FR/EA and the fact that all designs are merely conceptual at this point, EPA believes the project does not yet comply with the requirements of NWP 27. EPA recommends that the aquatic resources in the project area be fully evaluated for current conditions and the project be designed so that it results in aquatic habitat that resembles an ecological reference. These steps will help ensure the project can satisfy the restrictions on discharge contained within the Guidelines, as well as any applicable terms and conditions of CWA Section 404 permits and applicable CWA Section 401 water quality certifications (WQC) that are available as the project prepares for construction.

Furthermore, the FR/EA and FONSI are incongruent regarding which agency is responsible for providing the CWA Section 401 WQC. The FR/EA indicates the Corps plans to coordinate with Idaho Department of Environmental Quality for CWA Section 401 WQC,¹⁰ yet the FONSI states that further coordination with EPA would be conducted regarding 401 certification.¹¹ As such, we are clarifying that EPA is the appropriate certifying authority for the CWA Section 401 WQC on this project given that the project is proposed on Nez Perce Tribal Trust Lands or Tribal Allotments. A 401 WQC must be obtained from EPA prior to beginning work. If the Corps determines that the proposed activities are covered under the CWA 404 NWP 27 after additional information has been obtained, EPA will determine if the project meets the general and specific conditions for certification under EPA’s programmatic WQC for NWP 27.

As indicated in Section 2.2.7 of the FR/EA, Sweetwater Creek within the study area is categorized as impaired in terms of bacteria, flow alterations, habitat alterations, nutrients, sediments, and water temperature. Although the FR/EA indicates the action alternatives would not result in significant impacts to water quality, EPA is hopeful this project would contribute to water quality improvements in the affected reaches. Nonetheless, these water quality impairments mean EPA may need to issue an

⁷ 86 FR 73542.

⁸ FR/EA, p. 16.

⁹ FR/EA, p. 64.

¹⁰ FR/EA, p. 104.

¹¹ FONSI, p. I-2 and I-3.

individual 401 WQC regardless of the permitting mechanism used to address CWA Section 404 requirements.¹²

To initiate the WQC process, a pre-filing request must be submitted to R10-401-Certs@epa.gov. No sooner than 30-days after pre-filing, an individual WQC request may be submitted. Under the 2020 CWA Section 401 WQC Rule, a WQC cannot be modified once issued.¹³ EPA recommends that a 401 WQC request not be made until the preferred alternative and project design have been finalized to avoid having to restart the WQC process.

EPA appreciates the opportunity to provide comments on this proposal. Should you have any questions or require further information, please do not hesitate to contact me at (206) 553-0285 or by email at jensen.amy@epa.gov.

Sincerely,

Amy Jensen
Regional Wetland Coordinator
Wetlands and Oceans Section

cc: Ken Clark, Nez Perce Tribe Water Resources, kenc@nezperce.org

¹² For example, General Condition 4 of EPA's programmatic WQC for the 2021 NFPs states, "Projects or activities are not authorized under the NFPs if the project will involve point source discharges into an active channel (e.g., flowing or open waters) of a water of the U.S. listed as impaired under CWA Section 303(d) and/or if the waterbody has an approved Total Maximum Daily Load (TMDL) and the discharge may result in further exceedance of a specific parameter (e.g., total suspended solids, dissolved oxygen, temperature) for which the waterbody is listed or has an approved TMDL."

¹³ Clean Water Act Section 401 Certification Rule, 85 Fed. Reg. 42247 (July 13, 2020)

From: [Jensen, Amy A.](#)
To: [Herzog, Kathryn M CIV USARMY CENWW \(USA\)](#); [Hook, John D CIV USARMY CENWW \(USA\)](#); [Burgess, Sarah \(she/they\)](#)
Subject: [Non-DoD Source] RE: EPA-USACE Chat about CWA Pathway for Sweetwater Creek Restoration Project
Date: Tuesday, April 4, 2023 10:33:42 AM
Attachments: [image001.png](#)

Hello,

Thank you for taking the time to meet with us regarding the Environmental Compliance process that will be used to develop the Sweetwater Ecosystem Restoration Project. We understand the project will next proceed into the Design and Implementation phase where more detailed designs will become available. EPA looks forward to continuing coordination on the project to help answer questions and enable an efficient CWA 401 water quality certification process. Feel free to email us with any 401 cert questions at R10-401-Certs@epa.gov.

Sincerely,
Amy Jensen



Amy Jensen
Regional Wetland Coordinator
U.S. EPA, Region 10
Wetlands and Oceans Section, Water Division
1200 6th Ave, Suite #155, Mail Stop 19-C04
Seattle, Washington 98101-3188
Office: (206) 553-0285
Email: jensen.amy@epa.gov

From: Herzog, Kathryn M CIV USARMY CENWW (USA) <Kathryn.M.Herzog@usace.army.mil>
Sent: Monday, April 3, 2023 3:40 PM
To: Hook, John D CIV USARMY CENWW (USA) <John.D.Hook@usace.army.mil>; Jensen, Amy A. <jensen.amy@epa.gov>; Burgess, Sarah (she/they) <Burgess.Sarah@epa.gov>
Subject: RE: EPA-USACE Chat about CWA Pathway for Sweetwater Creek Restoration Project

Thanks all for today's meeting. Just to follow up for documentation purposes, we discussed the following:

1. Corps planning process and the different phases of the project
2. Level of detail for each phase, to include only 10-30% design during feasibility study
3. Process of obtaining a water quality certification during the next phase, Design and Implementation.
4. Nationwide 27 vs Individual Permit

Can either one of you respond acknowledging that the Corps has agreed to conduct additional coordination with EPA during the next phase of the project (Design and Implementation)? This

ongoing coordination is necessary to further understand details and will be added to the schedule to successfully obtain the Section 401 water quality certification prior to construction.

Please reach out with any additional questions/concerns.

Thank you both for your time and support,
Kat

Kat Herzog
Planner/Project Manager
509-491-2755
United States Army Corps of Engineers
Walla Walla District
201 N. Third Ave.
Walla Walla, WA 99362

-----Original Appointment-----

From: Hook, John D CIV USARMY CENWW (USA) <John.D.Hook@usace.army.mil>
Sent: Wednesday, March 29, 2023 1:55 PM
To: Hook, John D CIV USARMY CENWW (USA); Amy Jensen; Burgess, Sarah (she/they); Herzog, Kathryn M CIV USARMY CENWW (USA)
Subject: EPA-USACE Chat about CWA Pathway for Sweetwater Creek Restoration Project
When: Monday, April 3, 2023 1:30 PM-2:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Webex

Please join us at 1:30 to talk about our Sweetwater Creek Ecosystem Restoration Project.

<https://usace1.webex.com/meet/kathryn.m.herzog> or just join by phone:

+1-844-800-2712 US Toll Free

+1-669-234-1177 US Toll

Access code: 1992 07 4851

Thanks!

John Hook
Senior Environmental Resources Specialist
U.S. Army Corps of Engineers
Walla Walla District
John.d.hook@usace.army.mil
Office: 509-527-7239
Mobile: 509-876-6136

ENDANGERED SPECIES ACT CORRESPONDENCE

From: [Christofferson, Cara E](#)
To: [Trumbo, Brady A CIV USARMY CENWW \(USA\)](#)
Subject: [Non-DoD Source] Re: [EXTERNAL] FW: Sweetwater Creek - Restoration Programmatic Biological Opinion
Date: Tuesday, August 25, 2020 10:07:43 AM

Mr. Trumbo,

Thank you for the May 2020 update on the U.S. Army Corps of Engineers (Corps) Sweetwater Creek Restoration Project (Project). The U.S. Fish and Wildlife Service (Service) has reviewed the proposed Project information and determined that the proposed Project tiers to the Service's biological opinion for the Idaho Habitat Restoration Programmatic Biological Opinion (Opinion) (01EIFW00-2014-F-0456). The Project applies to the following Opinion restoration categories: 4) In-Stream Structures, 5) Side Channels and Floodplain Function, 6) Channel Reconstruction, and 7) Riparian Habitat. Provided the project continues to be implemented consistent with the Programmatic's terms and conditions, no additional consultation under section 7 of the Endangered Species Act is required. We look forward to receiving Appendix A, as required, at least 90 days before the scheduled beginning of construction. As well as Appendix B, as required, when the project is completed. Once we receive Appendix A we can send you a more formal letterhead response.

Thank you for your communication to date and please continue to coordinate Project progress with the Service as the design develops.

Thank you for your continued interest in the conservation of threatened and endangered species. If you have any questions regarding this technical assistance (01EIFW00-2020-TA-1469), please contact Cara Christofferson of the Idaho Fish and Wildlife Office-Spokane at cara_christofferson@fws.gov.

Sincerely,

Cara Christofferson

Cara Christofferson (she/her)
U.S. Fish and Wildlife Service
Fish and Wildlife Biologist
IFWO-Spokane
11103 E. Montgomery Dr.
Spokane Valley, WA 99206
Cell: (515) 520-7525

From: Trumbo, Bradly A CIV USARMY CENWW (USA) <Bradly.A.Trumbo@usace.army.mil>
Sent: Wednesday, August 19, 2020 2:30 PM
To: Christofferson, Cara E <cara_christofferson@fws.gov>
Subject: RE: [EXTERNAL] FW: Sweetwater Creek - Restoration Programmatic Biological Opinion

Excellent, thanks!

Brad

Bradly A. Trumbo
Fish and Wildlife Biologist
US Army Corps of Engineers
Walla Walla District
201 N Third Ave
Walla Walla WA 99362
bradly.a.trumbo@usace.army.mil
509-527-7253

From: Christofferson, Cara E <cara_christofferson@fws.gov>
Sent: Wednesday, August 19, 2020 2:13 PM
To: Trumbo, Bradly A CIV USARMY CENWW (USA) <Bradly.A.Trumbo@usace.army.mil>
Cc: Bob Ries (bob.ries@noaa.gov) <bob.ries@noaa.gov>
Subject: [Non-DoD Source] Re: [EXTERNAL] FW: Sweetwater Creek - Restoration Programmatic Biological Opinion

Brad,

Not a problem I'll try and get that to you by the end of the week.

Thanks,

Cara Christofferson (she/her)
U.S. Fish and Wildlife Service
Fish and Wildlife Biologist
IFWO-Spokane
11103 E. Montgomery Dr.
Spokane Valley, WA 99206
Cell: (515) 520-7525

From: Trumbo, Bradly A CIV USARMY CENWW (USA) <Bradly.A.Trumbo@usace.army.mil>
Sent: Wednesday, August 19, 2020 12:51 PM
To: Christofferson, Cara E <cara_christofferson@fws.gov>
Cc: Bob Ries (bob.ries@noaa.gov) <bob.ries@noaa.gov>
Subject: RE: [EXTERNAL] FW: Sweetwater Creek - Restoration Programmatic Biological Opinion

Ms. Christofferson,

I hope all is well in Spokane and that you have had an opportunity to enjoy the summer, at least a little!

I have a request. Would it be possible to receive confirmation that the Corps can get coverage for our restoration project under the programmatic opinion on electronic letterhead? We (Corps staff) need to brief our Division office on next steps with plan selection and design and they want to have something they feel is official that documents I am properly coordination with the Service on ESA compliance. I asked Bob Reis with NMFS for the same thing (but did not provide him an example – sorry Bob).

It can be very simple as you have stated in prior email, similar to the following.

USFWS Ref # 01EIFW00-2014-F-0456

Mr. Trumbo,

Thank you for the May 2020 update on the Corps Sweetwater Creek Restoration Project (Project) with the Nez Perce Tribe. Based on the measures and alternatives identified in your update, the Service believes the Project would fit under the Idaho Restoration Programmatic Biological Opinion (Opinion). The Project applies to Opinion restoration categories 4) In-Stream Structures, 5) Side Channels and Floodplain Function, 6) Channel Reconstruction, and 7) Riparian Habitat. Per the instructions on pages 9-10 of the Opinion Proposed Action section, you will need to populate Appendix A of the Opinion, Project Information Form, and submit with design drawings at least 90 days before the scheduled beginning of construction.

Additionally, literature review and discussions with the Idaho Department of Fish and Game, there is no know use of Lapwai and Sweetwater Creeks by bull trout. Sediment pulses that may result from Project construction are expected to be far enough removed from the Clear Water (>600 ft) that the Service believes there will be no effect to bull trout designated critical habitat.

Thank you for your communication to date and please continue to coordinate Project progress with the Service as the design develops.

If you could assist with this letter it would be much appreciated. Please let know how else I may assist you.

Thanks,

Brad

Bradly A. Trumbo
Fish and Wildlife Biologist
US Army Corps of Engineers
Walla Walla District
201 N Third Ave
Walla Walla WA 99362
bradly.a.trumbo@usace.army.mil
509-527-7253

From: Christofferson, Cara E <cara_christofferson@fws.gov>
Sent: Wednesday, June 24, 2020 11:34 AM
To: Trumbo, Bradly A CIV USARMY CENWW (USA) <Bradly.A.Trumbo@usace.army.mil>
Cc: Bob Ries (bob.ries@noaa.gov) <bob.ries@noaa.gov>; Zelch, Karen S CIV USARMY CENWW (USA) <Karen.S.Zelch@usace.army.mil>; Erickson, Michael S CIV USARMY CENWW (USA) <Michael.Erickson@usace.army.mil>
Subject: [Non-DoD Source] Re: [EXTERNAL] FW: Sweetwater Creek - Restoration Programmatic Biological Opinion

Brad,

It looks like your restoration project would fit under the Idaho Restoration Programmatic. From what I have gathered through literature and discussions with IDFG Lapwai and Sweetwater don't have known use by bull trout. In addition, sediment pulses that may result from your project appear to be far enough way from the Clear Water (>600 ft) that we can safely say there will be no effect to DCH. When you have a more formal project plan I would be happy to take a look at it.

Apologies for the delay in getting back to you.

Thank you,

Cara Christofferson
U.S. Fish and Wildlife Service
Fish and Wildlife Biologist
IFWO-Spokane
11103 E. Montgomery Dr.
Spokane Valley, WA 99206
Work: (509) 893-8022
Cell: (515) 520-7525

From: Trumbo, Bradly A CIV USARMY CENWW (USA) <Bradly.A.Trumbo@usace.army.mil>
Sent: Thursday, June 18, 2020 6:30 AM

To: Christofferson, Cara E <cara_christofferson@fws.gov>
Cc: Bob Ries (bob.ries@noaa.gov) <bob.ries@noaa.gov>; Zelch, Karen S CIV USARMY CENWW (USA) <Karen.S.Zelch@usace.army.mil>; Erickson, Michael S CIV USARMY CENWW (USA) <Michael.Erickson@usace.army.mil>
Subject: [EXTERNAL] FW: Sweetwater Creek - Restoration Programmatic Biological Opinion

Hello, Cara! Please find attached a copy of the NMFS restoration programmatic opinion for Idaho watersheds that would apply to Sweetwater Creek. Also attached is the USFWS opinion written on the BA that NMFS submitted on their programmatic for consultation. The consultation history shows a fair amount of collaboration between the Services on the proposed action.

I would like Sweetwater Creek restoration to be covered under this opinion, as Bob has indicated we should be able to get coverage under the NMFS opinion. In this case I would submit a project information form (found in the opinion appendix) to both Services once we have enough detail.

Thanks for your assistance and please provide any guidance you may have.

Brad

Bradly A. Trumbo
Fish and Wildlife Biologist
US Army Corps of Engineers
Walla Walla District
201 N Third Ave
Walla Walla WA 99362
bradly.a.trumbo@usace.army.mil
509-527-7253

-----Original Message-----

From: Schrader, William C CIV USARMY CENWW (USA)
Sent: Monday, June 08, 2020 10:37 AM
To: Trumbo, Bradly A CIV USARMY CENWW (USA) <Bradly.A.Trumbo@usace.army.mil>
Subject: RE: Restoration Programmatic Biological Opinion

Hi Brad,

Please see the attached habitat restoration programmatic for both the USFWS and NMFS. These programmatic should be available for use by all divisions of NWW: Some of our other programmatics, such as SLOPES, are limited to just the Regulatory Division.

I know Bob Ries with NMFS worked for quite a bit of time on the Lewiston Orchard project; he may be able to shed some light on doing stream restoration projects in the Lewiston area, including Lapwai:

bob.ries@noaa.gov

(208) 882-6148

Please let me know if you have any other questions.

Thanks,

William C. Schrader

U.S. Army Corps of Engineers | Walla Walla District | Regulatory Division

Boise Forward Office | 720 E. Park Blvd., Suite 245 | Boise, ID 83712-7757 | (208) 433-4471

-----Original Message-----

From: Trumbo, Bradley A CIV USARMY CENWW (USA) <Bradly.A.Trumbo@usace.army.mil>

Sent: Wednesday, June 3, 2020 9:59 AM

To: Schrader, William C CIV USARMY CENWW (USA) <William.C.Schrader@usace.army.mil>

Subject: RE: Restoration Programmatic Biological Opinion

Not a problem. Thanks!

Brad

Bradly A. Trumbo

Fish and Wildlife Biologist

US Army Corps of Engineers

Walla Walla District

201 N Third Ave

Walla Walla WA 99362

bradly.a.trumbo@usace.army.mil

509-527-7253

-----Original Message-----

From: Schrader, William C CIV USARMY CENWW (USA)

Sent: Wednesday, June 03, 2020 8:56 AM

To: Trumbo, Bradley A CIV USARMY CENWW (USA) <Bradly.A.Trumbo@usace.army.mil>

Subject: RE: Restoration Programmatic Biological Opinion

Hi Brad,

There is indeed a habitat restoration programmatic that could be helpful. Unfortunately, I'm having real trouble updating my CAC card right now and as a result cannot get into my computer. Hopefully, I can send you the programmatic later today.

Thanks,

William C. Schrader
Natural Resource Specialist and Project Manager

U.S. Army Corps of Engineers | Walla Walla District | Regulatory Division
Boise Forward Office | 720 E. Park Blvd., Suite 245 | Boise, ID 83712-7757
(208) 433-4471 <[tel:\(208\)%20433-4471](tel:(208)20433-4471)> | william.c.schrader@usace.army.mil
<<mailto:william.c.schrader@usace.army.mil>>
[BlockedBlockedBlockedwww.nww.usace.army.mil/Business-With-Us/Regulatory-Division/](http://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/)
<[BlockedBlockedBlockedhttp://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/](http://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/)>

From: Trumbo, Bradly A CIV USARMY CENWW (USA) <Bradly.A.Trumbo@usace.army.mil>
<<mailto:Bradly.A.Trumbo@usace.army.mil>> >
Date: Monday, Jun 01, 2020, 9:39 AM
To: Schrader, William C CIV USARMY CENWW (USA) <William.C.Schrader@usace.army.mil>
<<mailto:William.C.Schrader@usace.army.mil>> >
Subject: Restoration Programmatic Biological Opinion

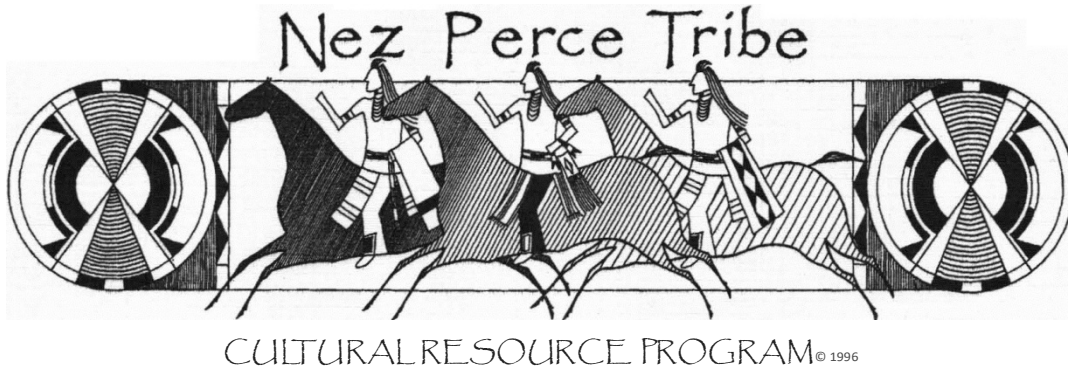
Hello, Will. I hope all is well! I was talking with NMFS and Kelly Urbanek about a stream restoration project I am working on in Lapwai, Idaho, and it was mentioned that Regulatory has a NMFS programmatic restoration opinion that I might be able to couch my project under. Could you share that opinion and any other information you may have, please?

Thanks,

Brad

Bradly A. Trumbo
Fish and Wildlife Biologist
US Army Corps of Engineers
Walla Walla District
201 N Third Ave
Walla Walla WA 99362
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**SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
CORRESPONDENCE**



October 25, 2023

Scott M. Hall
Supervisory Archaeologist
U.S. Army Corps of Engineers, Walla Walla District
201 North 3rd Avenue
Walla Walla, WA 99362-1876

RE: THPO 2024-003, ACEWW Sweetwater Creek Ecosystem Restoration Project

Dear Scott,

Thank you for sending the determination of effect and the findings report for the Sweetwater Creek Ecosystem Restoration Project proposal on Tribal lands.

I concur with the determination of no historic properties for the undertaking, with the caveat that Project Area 2 be surveyed before any work is completed in that section, as permission for access has not yet been granted.

Let me know if you have questions or comments.

Thanks,

A handwritten signature in black ink, appearing to read "Patrick Baird".

Patrick Baird
Tribal Historic Preservation Officer



Planning, Programs, and Project
Management Division

Mr. Patrick Baird
Tribal Historic Preservation Officer
Nez Perce Tribe, Cultural Resources Program
PO Box 365
Lapwai, ID 83540
keithb@nezperce.org

Dear Mr. Baird:

Please find enclosed a copy of the Section 106 compliance report prepared by the Nez Perce Cultural Resources Program (Report No. 23-NPT-32). The attached report summarizes the survey undertaken in support of the Tribal Partnership Program to restore habitat on Sweetwater Creek to benefit endangered Salmonids, a joint effort of the Nez Perce Tribe and the US Army Corps of Engineers, Walla Walla District (USACE). The project area of potential effect (APE) is completely within the external boundaries of the Nez Perce reservation.

The enclosed report contains the results of the professional survey of two of the three tracts (*areas 1 and 3*, a total of 44-acres) identified within the preferred plan by the USACE and the Nez Perce Tribe. Permission to enter the third parcel (*area 2*, 32-acres), which we hope may be included in the project, has yet to be secured for either survey or the underlying project. Therefore, no survey was completed this area. No new historic properties were identified within the two parcels surveyed, and the report concludes that the proposed restoration project within the two accessible tracts will result in *no historic properties affected*. The enclosed report also recommends that the USACE ensure a survey is completed for area 2 prior to the commencement of construction. Finally, the report also recommends that construction work stop if any unanticipated discoveries occur during construction.

USACE agrees with all the recommendations made in the report. has determined that the proposed project will result in *no historic properties affected*. In the construction phase, USACE will ensure that the construction contract contains the requirement to stop work in the event of any post-review discoveries. The USACE also agrees that if access is acquired to area 2, it will need to be surveyed prior to engaging in any activity within area 2. If access to area 2 is acquired, USACE will re-engage with you in order to confirm if the current determination remains appropriate, if not, we intend to re-initiate consultation.

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Please review this determination of effect and the additional provisions discussed and advise whether you concur. If you have any questions or comments, please contact me at Scott.M.Hall@usace.army.mil or 509-527-7274.

Sincerely,

Scott M. Hall
Supervisory Archaeologist

Enclosure