



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, WALLA WALLA DISTRICT  
201 NORTH 3RD AVENUE  
WALLA WALLA, WA 99362-1876

CENWW-PPL-C

24 August 2018

MEMORANDUM FOR RECORD

SUBJECT: Emergency declaration to proceed with repair of a 1,000 foot section of the Carmen Levee Project near Carmen, Idaho on the Salmon River in Lemhi County (File Number PM-EC-2018-0030).

1. Introduction: This document provides justification for the U.S. Army Corps of Engineers, Walla Walla District (Corps) to use emergency procedures for National Environmental Policy Act (NEPA) and Endangered Species Act (ESA) compliance in order to award a construction contract immediately for the proposed emergency levee repair of a 1,000 foot section of the Carmen Levee Project on the Salmon River in Lemhi County, Idaho. The proposed action is considered an emergency due to the imminent risk of embankment failure separating the Salmon River from the town of Carmen, Idaho. This will allow the Corps to proceed toward repair while related environmental procedures and documentation progress to completion. This memorandum for record reflects current plans, environmental compliance status, and coordination.
2. Project Purpose and Description: The purpose of this project is to immediately repair a section of the Carmen Levee, which was damaged during the 2017 and 2018 flood seasons, to prevent further erosion which poses a threat to the structural integrity of the levee and about 23 homes located within the leveed area, which are valued at \$5.9 million. The work will consist of replacing large riprap to form a solid toe at the base of the levee and then replacing riprap on the face of the levee.
3. NEPA: An Environmental Assessment (EA) and Finding Of No Significant Impact (FONSI) have been drafted by the Corps for the proposed levee rehabilitation action, which is authorized under Public Law 84-99. The proposed action is an emergency situation and the Corps NEPA regulation regarding "Emergency Actions" (33 CFR 230.8) allows for completion of NEPA documentation after the fact. The associated FONSI cannot be signed, however, until the ESA process (see next paragraph) is complete.
4. ESA: Three ESA-listed species under jurisdiction of the National Marine Fisheries Service (NMFS) can be found in the area; Snake River sockeye salmon, Snake River spring/summer Chinook salmon, and Snake River steelhead. The Corps found that the emergency repair project may affect, and is likely to adversely affect salmon and steelhead. Consultation with NMFS is near completion, but will not be completed in time to finish the proposed work prior to the onset of winter weather. A contract must be

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awarded by 4 September 2018 to ensure the contractor has enough time to complete the repairs. Draft conditions expected to be included in the NMFS Biological Opinion have been taken into consideration in planning the project work to avoid and minimize environmental effects.

In addition, Columbia Basin bull trout, under jurisdiction of the U.S. Fish and Wildlife Service, can be found in the area. The proposed project may affect, but is not likely to adversely affect bull trout (a concurrence letter from USFWS was received on 1 June 2018; FWS ref no. 01EIFW00-2018-I-1315).

5. Clean Water Act: The proposed levee repair does not require compliance with Section 404 of the Clean Water Act. It is exempt under 33 CFR 323.4, 13 November 1986, as amended, 25 August 1993. The exemption reads as follows: "Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that visibly or appreciably changes the character, scope, or size of the original fill design."

6. National Historic Preservation Act: The Carmen levee is over 50 years old, but is not considered eligible for listing in the National Register under any criteria. The Corps did not identify any other potential historic property in the project area and no further historic/cultural property clearance is required.

7. Summary: Due to the imminent threat of levee failure during the next flood season, and the pending onset of severe weather conditions, the Corps needs to award the levee repair contract immediately. ESA and NEPA documentation cannot be completed prior to the award and may not be complete prior to the start of work. The District Engineer's concurrence with the statement that the Corps has complied with NEPA "to the fullest extent possible" under the circumstances is required and will trigger the implementation of alternative emergency environmental compliance procedures.



MICHAEL S. ERICKSON  
Chief, Environmental Compliance Section

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Concur that the project (1) is an emergency action due to imminent risk of levee failure, and (2) should proceed prior to completion of NEPA documents, and (3) my concurrence approves the implementation of emergency NEPA procedures under ER 200-2-2 (33 CFR 230).

Not Concur

For  Alan Feistner  
CHRISTIAN N. DIETZ  
Lieutenant Colonel, EN  
Commanding DPM