



US Army Corps
of Engineers
Seattle District



US Army Corps
of Engineers
Walla Walla District

Joint Public Notice

Application for a Department of the Army Permit

Port of Lewiston & Port of Clarkston Dredging – Snake River

US Army Corps of Engineers
Seattle District
Reference No.: NWS-2022-00381
Name: Port of Clarkston
Regulatory Branch
4735 E Marginal Way S.
Seattle, WA 98134-2385
Telephone: (206) 316-3166
Email: David.J.Moore@usace.army.mil
ATTN: David Moore,
Regulatory Project Manager

US Army Corps of Engineers
Walla Walla District
Reference No: NWW-2013-00519
Name: Port of Lewiston
Coeur d'Alene Regulatory Office
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, Idaho 83814
Telephone: (208) 433-4474
Email: Megan.Biljan@usace.army.mil
ATTN: Megan Biljan,
Regulatory Project Manager

Public Notice Date: July 22, 2022

Expiration Date: August 22, 2022

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) have received applications to perform work in navigable waters of the United States, as described below and shown on the enclosed documents:

- **20220618-PmtDrawings-NWW-2013-00519**
- **20220719-PmtDrawings-NWS-2022-00381**

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act.

APPLICANT: NWS-2022-00381
Attention: Wanda Keefer
Port of Clarkston
849 Port Way
Clarkston, WA 99403
Telephone: (509) 758-5272

APPLICANT: NWW-2013-00519
Attention: David Doeringsfeld
Port of Lewiston
1626 6th Avenue North
Lewiston, ID 83501
Telephone: (208) 743-5531

AGENT: NWW-2013-00519
Attention: Sally Fisher
Berger ABAM
33301 Ninth Avenue South,
Suite 300
Federal Way, WA 98660
Telephone: (206) 431-2263

NWS-2022-00381, Port of Clarkston; and NWW-2013-00519, Port of Lewiston

LOCATION (Port of Clarkston): Dredging: In the Snake River at Clarkston, Asotin County, Washington. Disposal: In the Snake River near Bishop Bar at River Mile 118, in Garfield County, Washington.

WORK: Dredge approximately 21,600 cubic yards of accumulated sediment from four berthing areas, with in-water disposal of the dredged material to create shallow water resting/rearing habitat for juvenile salmonids.

LOCATION (Port of Lewiston): Dredging: In the Clearwater River at Lewiston, Nez Perce County, Idaho. Disposal: In the Snake River at River Mile 118, Garfield County, Washington.

WORK: Dredge approximately 4,380 cubic yards of accumulated sediment from the berthing areas at the Port of Lewiston, with in-water disposal of the dredged material to create shallow water resting/rearing habitat for juvenile salmonids.

PURPOSE: To maintain a navigable water depth at the Ports' berthing facilities.

DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP):

Dredged Material Testing: Sediment sampling and testing has been completed according to the procedures specified in the 2014 *Lower Snake River Programmatic Sediment Management Plan Final Environmental Impact Statement (FEIS)* and the 2018 *Dredged Material Evaluation and Disposal Procedures (Users' Manual)*. The Dredged Material Management Program agencies have determined that the dredged material is suitable for disposal at an open-water disposal site at Snake River Mile 118 in Garfield County, Washington. We will consider this suitability determination prior to completing our review. The sediment testing data will be available at the Corps, Seattle District, Dredged Material Management Office and on the Walla Walls District's website at: <https://www.nww.usace.army.mil/Missions/Projects/Programmatic-Sediment-Management-Plan/>

Disposal Site Use Conditions: The following standard site-use condition will be specified by the Corps and the Washington Department of Natural Resources as part of the Federal/State permitting processes:

- (1) disposal operations must not interfere with Indian treaty fishing at the disposal site, including gill nets and other fishing gear.

Other appropriate special conditions may be added as a result of comments received during the public review period for this public notice.

NWS-2022-00381, Port of Clarkston; and NWW-2013-00519, Port of Lewiston

CONSTRUCTION PERIOD: The Applicants propose to start construction on December 15, 2022 and end March 1, 2023. However, the permit would authorize construction for a period of three (3) years.

ADDITIONAL INFORMATION: On November 14, 2014, both the Port of Lewiston and Port of Clarkston were issued permits to dredge the berthing areas of both Ports. Dredging occurred in 2015. Sediment surveys at the Port of Lewiston in 2019 showed that sediment composition was 97 percent sand and 3 percent fines, and surveys at the Port of Clarkston showed that composition was primarily of 64- to 93-percent sand and 7- to 36-percent fines. Sediment samples were analyzed for contaminants, and it was determined to be suitable for in-water disposal. Survey results from April 2020 indicate that deposition of sediment has occurred in berthing areas resulting in water depths that impact access to port facilities and berth operations.

MITIGATION: Neither Port has proposed compensatory mitigation as it is anticipated the impacts of the dredging will be temporary and the disposal of the material is proposed for beneficial use to provide shallow water resting/rearing habitat for juvenile salmonids.

WATER QUALITY CERTIFICATION: The Idaho Department of Environmental Quality (IDEQ) and the Washington State Department of Ecology (ECY) will evaluate whether to certify that the discharge of fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit would not be issued until water quality certification has been issued or waived by the IDEQ and ECY, as required by Section 401 of the Clean Water Act. Comments or questions concerning Water Quality Certification for this project should be mailed to:

Idaho Department of Environmental Quality
Lewiston Regional Office
1118 F Street
Lewiston, Idaho 83501
or sent to Sujata Connell at sujata.connell@deq.idaho.gov

Washington State Department of Ecology
ATTN: Federal permit coordinator
Post Office Box 47600
Olympia, Washington 98504-7600
or to ecyrefedpermits@ecy.wa.gov

SECTION 401 (A)(2) NEIGHBORING JURISDICTION: Per 40 CFR Ch. 1 Subpart C 121.12(a) the (a)(2) neighboring jurisdiction notification will be sent to the Environmental Protection Agency (EPA) within 5 days of receiving 401 water quality certification.

NWS-2022-00381, Port of Clarkston; and NWW-2013-00519, Port of Lewiston

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat.

The US Army Corps of Engineers, Walla Walla District, as the lead agency for demonstrating compliance with Section 7 of the ESA, is consulting with the NMFS and the USFWS as part of the *Lower Snake River Channel Maintenance Immediate Need Dredging for Commercial Navigation Environmental Assessment (EA)*. The Corps has determined:

1. the project may affect, is likely to adversely affect Snake River Spring/Summer Chinook, Snake River Fall Chinook, Snake River Basin Steelhead, and Bull trout and their designated critical habitat;
2. the project may affect, is not likely to adversely affect Snake River Sockeye; and
3. the project may affect, is likely to adversely affect Snake River Sockeye designated critical habitat.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action may impact EFH in the project area.

The U.S. Army Corps of Engineers, Walla Walla District, as the lead agency for a determination regarding EFH, has determined that the proposed action will have the same effect on designated EFH for federally managed fisheries as those for designated critical habitat under ESA as stated above, and has initiated EFH consultation with the National Marine Fisheries Service.

CULTURAL RESOURCES: The U.S. Army Corps of Engineers, Walla Walla District, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, has consulted with the State Historic Preservation Officer(s) and Native American Tribes as appropriate and determined the actions described in this public notice will result in “no historic properties affected”. The consultation is documented in the Environmental Impact Statement prepared for the Lower Snake River Programmatic Sediment Management Plan.

TRIBAL TREATY RIGHTS AND INTERESTS: Federal agencies acknowledge the federal trust responsibility arising from treaties, statues, 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 Colville Tribe, Spokane Tribe, Yakama Tribe, Umatilla Tribe and the Nez Perce Tribe. The Corps has a

NWS-2022-00381, Port of Clarkston; and NWW-2013-00519, Port of Lewiston

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.

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 application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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 public interest. This 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.

ENVIRONMENTAL IMPACT STATEMENT: The effects of the proposed dredging by the Ports was evaluated in the *Lower Snake River Programmatic Sediment Management Plan Final Environmental Impact Statement* (PSMP FEIS), dated August 2014, that was completed by the U.S. Army Corps of Engineers Walla Walla District. Information regarding the EIS can be found at <https://www.nww.usace.army.mil/Missions/Projects/Programmatic-Sediment-Management-Plan/>. Information in the EIS will be utilized in the Corps analysis of the Ports proposed projects. Additionally, the Corps has prepared an EA for Walla Walla District's proposed action to dredge the navigation channel below the Ice Harbor Dam navigation lock and near the confluence of the lower Snake and Clearwater Rivers. The draft EA can be found at <https://www.nww.usace.army.mil/Missions/Environmental-Compliance/>.

SOURCE OF FILL MATERIAL: The source of the fill material will be the areas dredged within the Ports of Clarkston and Lewiston.

CONSIDERATION OF PUBLIC COMMENTS: The Corps of Engineers is soliciting comments from the general public; Federal, State and local agencies and officials, Tribal entities 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

NWS-2022-00381, Port of Clarkston; and NWW-2013-00519, Port of Lewiston

determine the need for a public hearing and to determine the overall public interest of the proposed activity

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize the proposals. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentator's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

CORPS COMMENTS: Please mail or email comments for the Port of Clarkston (NWS-2013-00916) and Port of Lewiston (NWW-2013-00519) to appropriate contact below:

Port of Clarkston (NWS-2022-00381):

U.S. Army Corps of Engineers
Regulatory Branch
ATTN: David Moore
4735 E Marginal Way S.
Seattle, WA 98134-2385
David.J.Moore@usace.army.mil

Port of Lewiston (NWW-2013-00519):

U.S. Army Corps of Engineers
Coeur d'Alene Regulatory Office
ATTN: Megan Biljan
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, Idaho 83814
Megan.Biljan@usace.army.mil

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Port of Clarkston: NWS-2013-00916 or Port of Lewiston: NWW-2013-00519

Comments should be received no later than the comment due date of **August 22, 2022**, as indicated on this notice, to receive consideration.

To access the electronic version of this public notice, go to the Seattle District's web page at: <http://www.nws.usace.army.mil/> and under the heading Open Public Comment Periods select Regulatory Public Notices. The notice can also be accessed at the Walla Walla District's web page at: <http://www.nww.usace.army.mil/BusinessWithUs/RegulatoryDivision/PublicNotices.aspx>. Recently-issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

Encls: Figures (17)