



**U.S. Army Corps  
Of Engineers**  
Walla Walla District  
201 North Third Avenue  
Walla Walla, WA 99362-1876

# Public Notice:

## Application for Permit

APPLICATION NO.: NWW- 2016-00462

WATERWAY: Unnamed irrigation ditch and adjacent wetlands

APPLICANT: Jerrod Warner with Brundage Mountain Resort

DATE ISSUED: May 31, 2022

END DATE: June 30, 2022

30-Day

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Interested parties are hereby notified that the Walla Walla District has received an application for a Department of the Army permit for certain work in Waters of the United States, including wetlands, as described below in the attached documents:

- **NWW-2016-00462\_20220331\_Maps&Designs(PN)**

**APPLICANT:**

Jerrod Warner with Brundage Mountain Resort  
3890 Goose Lake Road  
McCall, ID 83638

**AGENT:**

Katherine Lanspery with Crestline Engineers, Inc.  
P.O. Box 2330  
McCall, ID 83638

**U.S. ARMY CORPS OF ENGINEERS PROJECT MANAGER:**

William Schrader  
720 E. Park Blvd., Ste 245  
Boise, ID 83712  
william.c.schrader@usace.army.mil  
(208) 433-4471

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**PURPOSE:**

The purpose of this project is to improve recreational safety, prolong seasonal operations, and reduce costs and water usage associated with snow-making at the Activity Barn.

**WATERWAY:**

Unnamed irrigation ditch and adjacent wetlands (flowing into the North Fork of the Payette River)

**LOCATION:**

The proposed project would be located on the property of the Activity Barn at 141 Moonridge Drive within Section 29, Township 18 North, Range 03 East, near latitude 44.871450° N and longitude -116.114877° W, in Valley County, near the City of McCall, Idaho.

**DRIVING DIRECTIONS:**

From U.S. Highway 55, turn onto Johnson Lane, continue for 0.75 miles, turn right onto Norwood Road, continue for 1 mile, turn left onto Moonridge Drive, continue 0.75 miles, then turn left on the first access road to reach The Activity Barn.

**AUTHORITY:**

This permit will be issued or denied under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344). A Department of the Army permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands.

**WORK:**

The proposed work will result in the discharge of approximately 4,274 cubic yards of fill material across 1.60 acres of wetland and along 454 linear feet of unnamed irrigation ditch. Work will entail the following: Site preparation, including the installation of erosion control measures as necessary; installation a 21-inch HDPE pipe culvert, 454 feet in length, into the unnamed irrigation ditch, including connection to the existing culvert under an earthen dam at the upstream end of the project area; installation of fill material across 1.60 acres of wetlands, including leveling and revegetation with native species; enhancement of wetlands immediately upstream of the project area (described more specifically in the "Proposed Mitigation" section below); and site clean-up, including removal of all temporary erosion control measures. Equipment used may include a backhoe, loader, grader, and skidsteer.

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**ADDITIONAL INFORMATION:**

Additional work on the upstream dam is proposed, including maintenance of the headgate currently installed on the culvert in the earthen dam. These activities, which are being conducted for the purpose of maintenance or to service agricultural irrigation (i.e., maintain flow for downstream water rights), are considered exempt under Section 404(f) of the Clean Water Act.

**CONSTRUCTION PERIOD:**

Applicant proposes to start construction in the summer of 2022. The permit would authorize construction for a period of 3 years.

**PROPOSED MITIGATION:**

The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to Waters of the United States from activities involving discharges of dredged or fill material.

The applicant proposes to enhance 3.83-acres of existing wetlands directly to the north of the impacted area which has been degraded and impacted by livestock over-grazing and flood irrigation practices. The mitigation area currently has a large invasive and noxious weed populations, few wetland grasses, no shrubs or trees, a high percentage of bare ground, and eroded banks. Wetland enhancement would entail the following:

- Planting shrubs and trees that exist within the reference condition of the wetland area above;
- Seeding with wetland grasses and a variety of flowering forbs;
- Reducing and managing the noxious and invasive weed population; and
- Eliminating livestock grazing on the parcel.

**OTHER ENVIRONMENTAL DOCUMENTS AND DA PERMITS ISSUED TO APPLICANT:**

No previous DA permits have been issued to the applicant at this project site.

**WATER QUALITY CERTIFICATION:**

This notice will also serve as a Public Notice that the Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharge of dredge and/or 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

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Clean Water Act. If water quality certification is not issued, waived, or denied within sixty (60) days of this public notice date, and an extension of this period is not requested by and granted to the IDEQ, certification will be considered waived. Additionally, within thirty (30) days of this Public Notice, any person may provide written comments to IDEQ as request in writing that IDEQ provide them notice of their preliminary 401 Certification decision. Comments concerning Water Quality Certification for this project should be mailed to: Idaho Department of Environmental Quality, Boise Regional Office, 1445 North Orchard Street, Boise, Idaho 83706.

**SECTION 401 (A)(2) NEIGHBORING JURISDICTION:** Per CFR 325(b)(1)(i), this public notice serves as the (a)(2) neighboring jurisdiction notification to the EPA.

**AQUATIC RESOURCE DESCRIPTION:**

Wetlands surround an unnamed irrigation ditch flowing between The Activity Barn and the recreational tubing hill. Historically, the site was used for livestock grazing, and the resulting degraded wetland conditions persist today after the construction of The Activity Barn in 1999. The majority of the wetland present on the parcel consist of homogenous populations of hydrophytes with no vegetative diversity or structure, high percentages of bare soils, and eroding banks, which is common throughout Valley County and south of McCall. There is a unique scrub/shrub wetland that is hydrologically sustained by springs that emerge from the slope located on the east side of the unnamed irrigation ditch. This area has had minimal disturbance from livestock grazing and has not been impacted by flood irrigation.

Current wetlands were evaluated using the Montana Wetland Assessment Method and were assigned 2.5 functional points with an overall rating of Category III: This rating indicates that the wetlands are not unique and are not providing adequate ecological functions. Due to the historic disturbance, the wetland attributes that need to be enhanced are water quality, vegetative diversity and structure, and soil conditions. Non-native facultative and weedy vegetation, as well as bare ground, are present at the wetland edge which increases the potential for stream sedimentation and increased water temperatures.

**ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT:**

The proposed action would fill 1.60 acres of wetlands (resulting in a loss of waters of the U.S.), maintain flow through filled wetlands via 454-foot culvert, and enhance 3.83 acres of wetland immediately upstream from the project area as compensatory mitigation.

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**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. We are also coordinating with the appropriate Tribal entity or the Tribal Historic Preservation Offices for the relevant Tribes, to determine if there are any tribal historic or cultural interests within the project area.

**TRIBAL TREATY RIGHTS and INTERESTS:**

Federal agencies acknowledge the federal trust responsibility arising from treaties, statutes, 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 those Tribes with areas of interest that overlap with the project area. The Corps has a 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.

**ENDANGERED SPECIES:**

The project is within the known or historic range of the Northern Idaho Ground Squirrel (*Urocitellus brunneus*) and the Monarch Butterfly (*Danaus plexippus*). Coordination is currently being conducted with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS/NOAA Fisheries Service) to determine if the activity will have any effect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844).

**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 National Marine Fisheries Service on all actions or proposed actions, permitted, funded or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). No EFH is known to be present in the project area. Preliminarily, we have determined the described activity would have no effect on EFH.

**ENVIRONMENTAL IMPACT STATEMENT:**

Preliminary review indicates the proposed activities will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

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**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. 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.

**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 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. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

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**COMMENT & REVIEW PERIOD:**

Interested parties are invited to provide comments on the proposed activity, which will become a part of the record and will be considered in the final decision.

Please mail all comments to:

U.S. Army Corps of Engineers, Walla Walla District  
ATTN: William Schrader  
Boise Regulatory Office  
720 Park Boulevard, Suite 245  
Boise, Idaho 83712-7757

or:

[william.c.schrader@usace.army.mil](mailto:william.c.schrader@usace.army.mil)

Comments should be received no later than the comment due date of June 30, 2022, as indicated on this notice, to receive consideration.

Kelly J. Urbanek  
Chief, Regulatory Division  
Walla Walla District