



**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- 2022-00315

WATERWAY: BOISE RIVER and DRY CREEK

APPLICANT: FLOOD CONTROL DISTRICT #10

DATE ISSUED: September 09, 2022

END DATE: October 10, 2022

30-Day

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 document:

- **NWW-2022-00315_FCD10_ Area_Map**

APPLICANT: Mr. William Clayton, District Board Chairman, Boise River Flood Control District #10, P.O. Box 140396, Garden City, Idaho 83714.

AGENT: Mr. Mike Dimmick, District Manager, Boise River Flood Control District #10 P.O. Box 140396, Garden City, Idaho 83714.

U.S. ARMY CORPS OF ENGINEERS PROJECT MANAGER: Christen Marve Griffith
720 E. Park Center Blvd. Suite 245, Boise, Idaho 83712,
Christen.m.griffith@usace.army.mil, (208) 433-4470.

PURPOSE: The purpose of the proposed work is to conduct regular and emergency debris removal from the Boise River and Dry Creek, associated with the Boise Flood Control District's authority to maintain the Boise River channel and prevent damage to private and public property.

WATERWAY: Boise River and Dry Creek.

LOCATION: Work will occur within the boundaries of Boise River Flood Control District #10 (FCD 10), between River Miles 22-49 of the Boise River, River Miles 1-6 of the Boise River South Channel at Eagle Island, and Dry Creek from the Boise River to

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Beacon Light Road. The proposed project is located in part, within the cities of Boise, Garden City, Eagle, Star, Middleton, Meridian, Nampa and Caldwell within Ada and Canyon Counties, Idaho.

DRIVING DIRECTIONS: The project area can be accessed from State Highway 44 which parallels the north side of the Boise River and on State Highway 20/26 which parallels the south side of the river. Major arterials that cross the river and from which the river can be viewed include Glenwood Avenue, Eagle Road, Linder Road, Star Road and Middleton Road.

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 (DA) permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands.

WORK: Discharges in waters of the U.S. will either consist of woody debris that has been removed from below the ordinary high water mark (OHWM) of either the Boise River or Dry Creek, or material necessary to create access to the Boise River or Dry Creek for debris removal activities. Discharges are generally temporary in nature. It is anticipated that up to 2,000 cubic yards of woody debris could be removed annually, which would then be temporarily stockpiled above the OHWM or repurposed to reduce bank instability and support fisheries habitat. The amount of woody debris removed annually will vary depending on spring high flows and their capacity to erode and transport debris, as well as the condition of trees along the riverbanks (e.g., at risk of falling into the channel). The work may impact up to 0.5 acres of forested wetlands over the life of the permit.

Proposed changes from the previous authorizations include:

- 1) Increasing the work window flow restriction from 350 CFS to below 500 CFS.
- 2) Authorizing the repurposing of woody debris within the channel. The amount and extent will be determined followed receipt of public and agency comment.
- 3) Increasing the allowable volume of woody debris from 1000 CY to 2000CY Annually. This amount has not been utilized in most years but could occur post high-water events.

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Additionally, the Applicant has provided the following general description of the methods and sequence for the proposed work:

All project activities take place in and adjacent to waters of the U.S. Heavy equipment (excavators) capable of lifting water-logged trees and logs to move debris from the channels to a dry disposal site either on an exposed gravel bar or piled above the OHWM. Project work is performed when river flows are less than 500 cfs and in winter months to limit turbidity and take advantage of exposed gravel bars for transit, thus limiting impacts to banks and water quality. Disposal is either by burning under DEQ approval or grinding and hauling for recycling such as for cattle bedding or landscape mulch.

Regular Debris Removal occurs as follows:

- 1.) Monitor the Boise River channel and the Dry Creek channel year round to identify woody debris and trash having the potential to block flows resulting in flooding property adjacent to the river channels.*
- 2.) Determine disposition and/or use of woody debris: removal, disposal, relocation and repurposing.*
- 3.) Brief FCD 10 contractor on use of equipment to accomplish no. 2.*
- 4.) Schedule and conduct debris removal operations when Boise River flows measured at Glenwood Bridge do not exceed 500 cfs:
 - a. trash removal and disposal;*
 - b. woody debris removal and disposal by chipping or burning in accordance with Idaho Department of Environmental Quality ("DEQ") approval.**
- 5.) Prepare and submit debris removal and disposition report to IDWR and USACE.*

Emergency Debris Removal Generally Occurs as follows:

- 1.) Receive report of debris blocking river channel flows.*
- 2.) FCD 10 review and determination of flood risk or safety hazard, and removal and disposition of debris (as previously described).*
- 3.) Conduct removal through FCD 10 contractor and/or cooperating local agency.*

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ADDITIONAL INFORMATION: The Applicant has and continues to conduct and support communities and individuals within their jurisdiction in pursuing flood damaged channel repair, stream channel improvements, flood risk reduction measures, studies, and other activities. Those activities are not proposed to be covered under this authorization and will be evaluated on a case-by-case basis for future permitting. This authorization is limited to the Flood Control District's regular and emergency debris removal activities.

CONSTRUCTION PERIOD: Applicant proposes to Begin Work Fall, 2022. The permit would authorize construction for a period of 10 years.

PROPOSED MITIGATION: The applicant proposes the following measures to avoid and minimize impacts to Waters of the United States from activities involving discharges of dredged or fill material: Compensatory Mitigation is not proposed.

FCD 10 has sponsored field trips with IDWR, USACE, IDL, DEQ and IDFG to gather professional input to establish protocols for debris disposition in and adjacent to the river channel. Based on this input, FCD 10 has adopted a protocol to only move trees that are in the channel or leaning severely and in imminent danger of falling into the channel and causing a blockage. This protocol helps to maintain shading which reduces thermal heating and limits the loss of forested wetlands. Currently, FCD 10 is experimenting with repurposing woody debris to create fish habitat and protect banks from erosion during high flows.

After debris piles are burned per DEQ approval, FCD 10 scarifies the site and seeds the disturbed area with IDFG seed mix. This approach has resulted in very good site rehab in the riparian zone. Woody debris that is chipped and hauled has been recycled and used for cattle bedding. Trash consisting of garbage is hauled off to the landfill and old tires are recycled by a local tire manufacturing company.

Project work is performed during low flows and cool temperatures to limit impacts to the channel and the surrounding riparian zone. Equipment fueling is performed away from the river channel and spill kits are on site at all times as per FCD River Maintenance Contract Requirements.

FCD 10 works with IDFG and fishing clubs to identify and map spawning redds for rainbow and brown trout in the Boise River FCD 10 crews use these maps to avoid redds while conducting channel debris removal. Some woody debris is repurposed to protect the bank and provide habitat for fry survival. This activity helps to minimize

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woody material loss and keep a balance of woody material benefiting the wetlands while reducing flood risk.

OTHER ENVIRONMENTAL DOCUMENTS AND DA PERMITS ISSUED TO

APPLICANT: The Corps previously authorized the described work under DA# NWW-2009-00489 between December 2012 and April 2022. These same activities have also been regulated by the Idaho Dept. of Water Resources Permit No. S63-20403.

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 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: The lower Boise River within the project impact area averages 150 to 200 feet wide and 3 to 6 feet deep. Flows vary from highs in the spring of 5000 to 7000 cfs to winter flows of 240 cfs. Water is typically clear and supports a resident brown trout fishery and stocked rainbow trout fishery. A riparian forested wetland flanks the river and varies in width from 10 to several hundred feet wide with the average width being 50 to 75 feet. The forest is composed primarily of cottonwood and silver maple, with an under story of willow, red stem dogwood, yellow currant and woods rose.

Dry Creek is a perennial tributary to the Boise River. Generally, the stream and adjacent riparian area averages 20-50 feet wide, and contains of similar canopy composition to the Boise River.

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ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: Work as proposed may impact up to 0.5 acres of riparian forested wetlands due to the temporary storage of woody debris removed from the river. Where possible, removed woody material would be placed into areas that were previously use for storage of woody debris but which have been removed by burning. Disposal of woody debris in this manner would generally not impact any new areas, however, due to limited access some new riparian forested areas may temporarily impacted. The applicant anticipates a maximum estimate of up to 0.5 acres of wetland impact over the ten year life of the permit.

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 Shoshone Paiute Tribes and the Shoshone Bannock 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, 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 Shoshone Paiute Tribes and the Shoshone Bannock Tribes. 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 Yellow-billed Cuckoo (*Coccyzus americanus*) and the Monarch Butterfly (*Danaus plexippus*). Coordination may be conducted with the U.S. Fish and Wildlife Service (USFWS) 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.

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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.

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 or email all comments to:

U.S. Army Corps of Engineers
Walla Walla District
Christen Marve Griffith
Boise Regulatory Office
720 Park Boulevard, Suite 245
Boise, Idaho 83712-7757
Christen.m.griffith@usace.army.mil

Comments should be received no later than the comment due date of October 10, 2022, as indicated on this notice, to receive consideration.