



**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-2021-00626

WATERWAY: Mason Creek, irrigation drains, and adjacent wetlands

APPLICANT: Hayden Homes Idaho, LLC

DATE ISSUED: July 11, 2023

END DATE: August 10, 2023

**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 illustrated in the attached drawings.

- **NWW-2021-00626\_20230427\_APP\_Maps and Drawings**

**APPLICANT:** Tim Mokway, Hayden Homes Idaho, LLC, 1406 N. Main Street, Suite 109, Meridian, ID 83642

**AGENT:** Tamsen Binggeli, Ardurra Group Inc., 2471 S. Titanium Place, Meridian, ID 83642

**U.S. ARMY CORPS OF ENGINEERS PROJECT MANAGER:** Carolyn Smith, Boise Regulatory Office, 720 E. Park Boulevard, Suite 245, Boise, ID 83712, (208) 433-4497; [Carolyn.D.Smith@usace.army.mil](mailto:Carolyn.D.Smith@usace.army.mil)

**PURPOSE:** To construct single-family housing in northern Caldwell, Idaho.

**WATERWAY:** Mason Creek, irrigation drains, and adjacent wetlands.

**LOCATION:** The proposed project would be located north of Lincoln Road and west of Mason Road, within Section 14 of Township 4 North, Range 3 West, near coordinates 43.6786° N latitude and -116.6602° W longitude, in Caldwell, Canyon County, Idaho.

**DRIVING DIRECTIONS:** From Interstate-84 in Caldwell, Idaho, take Exit 28 and turn north onto N. Illinois Ave. Continue for approximately 0.12 miles, then turn east onto

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Marble Front Rd and continue for 0.23 miles. Take the next left (north) onto N. Indian Ave for approximately 0.26 miles. Turn east onto Lincoln St and continue for 0.78 miles. From there, the project is to the north, surrounding Mosaics Public School Property.

**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 would include the discharge of 2,128 cubic yards of material along 260 linear feet of Mason Creek; 2,446 cubic yards of material within two unnamed irrigation ditches; and 7,343 cubic yards of material within two unnamed wetlands areas to develop the Huntington Ridge East Subdivision.

The extent of work proposed would temporarily impact 260 linear feet of Mason Creek, 0.066 acres of PEM wetlands, 0.097 acres of PFO wetlands; and permanently impact 1.34-acres of PEM wetlands, and 0.14-acres of PFO wetlands within a 49-acre parcel.

The project proposes to remove one and construct two bridges spanning Mason Creek; pipe and backfill Irrigation Ditches 1 and 2; and fill two depressional wetlands in order to create 62 cottage lots, 125 single-family lots, 36 common lots, and associated infrastructure (utilities, roads, parking, storm water basin, pedestrian pathways, etc.). Construction would be anticipated to occur in 6 phases between fall of 2023 and winter of 2030. Appendix A of this Public Notice details the total impacts of the proposed activity.

**ADDITIONAL INFORMATION:** Construction staging area would be located in uplands and away from Mason Creek and wetland areas. Best management practices (BMPs) would be implemented before, during and after construction following guidelines from the Storm Water Pollution Protection Plan (SWPPP) and Erosion and Sediment Control (ESC) Plan. Such BMPs may include fiber wattles, silt fencing, or other sediment control measures along adjacent waterways.

Additional work associated with the development of the subdivision would occur in upland locations and outside of DA authority. Such work would include, but is not limited to, mechanical grading and land manipulation, installation of utilities, and construction of residential and common area lots.

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**CONSTRUCTION PERIOD:** The Applicant proposes to start construction of Phase 1 in Fall 2023 and all 6 phases of work is estimated to be complete by Winter 2030. 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.

- To compensate for permanent impacts to wetlands, the applicant proposes to purchase wetland mitigation credits from the Wetlands Group, LLC.
- To compensate for temporary impacts to wetlands, the applicant proposes to install woody vegetation stakes every 5 feet off center along the Mason Creek channel at the location where the existing bridge would be removed. Plantings would consist of species appropriate for stake planting, such as willow (*Salix spp.*), golden currant (*Ribes aureum*), and redosier dogwood (*Cornus sericea*).
- All disturbed wetland areas would be reseeded with a wetland seed mix consisting of species appropriate for the region.

**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:

IDEQ – Boise Office  
1445 North Orchard Street  
Boise, Idaho 83706  
or emailed to the State Office at: [certificationrequests@deq.idaho.gov](mailto:certificationrequests@deq.idaho.gov)

**SECTION 401 (A)(2) NEIGHBORING JURISDICTION:** Per 33 CFR 325(b)(1)(i), this public notice serves as notification to the Environmental Protection Agency that the

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Corps will provide a copy of IDEQ's water quality certification, if issued, initiating EPA's 30-day review period under Section 401(a)(2).

**AQUATIC RESOURCE DESCRIPTION:** Mason Creek is a natural tributary to the Boise River which also serves as an agricultural drain in the central portion of the Lower Boise River watershed. Mason Creek flows perennially and contains a dense canopy of wetland tree and shrub species with an herbaceous wetland understory. Plant communities observed on the subject parcel consisted of assorted trees, shrubs, and herbaceous species. The tree layer within the parcel is dominated by Russian Olive (*Elaeagnus angustifolia*). The shrub layer within the parcel is dominated by Wood's rose (*Rosa woodsii*) and the occasional willow (*Salix* sp.). The herbaceous layer within the parcel is dominated by Kentucky bluegrass (*Poa pratensis*), poison hemlock (*Conium maculatum*), quackgrass (*Thinopyrum*), reed canarygrass (*Phalaris arundinacea*), and yellow iris (*Iris pseudacorus*).

**OTHER AUTHORIZATIONS:** N/A

**CULTURAL RESOURCES:** Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer (SHPO) to determine if this activity will affect a site that is listed on the National Register of Historic Places (NHRP), 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 (THPO) for the Shoshone Bannock and Shoshone-Paiute 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 the Shoshone Bannock and Shoshone-Paiute 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 is a need for additional and on-going consultation.

**ENDANGERED SPECIES:** No listed threatened or endangered species or designated critical habitats are known to exist in the project area. Coordination is currently being 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

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Endangered Species Act, or their critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844; 16 U.S.C. 1531 et.seq.).

**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 species are known to use the project area. Preliminarily, we have determined the described activity would have no effect 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.

**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

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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.

**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 email all comments to:

U.S. Army Corps of Engineers  
Walla Walla District  
Boise Regulatory Office  
Attn: Carolyn Smith  
720 E Park Boulevard, Suite 245  
Boise, Idaho 83712  
Carolyn.D.Smith@usace.army.mil

Comments should be received no later than the comment due date of August 10, 2023, as indicated on this notice, to receive consideration.

**APPENDIX A  
Total Impacts**

Aquatic Resource	TEMPORARY (SF)				PERMANENT (SF)				FILL (CY)*							
	PEM	PFO	Waters Below the OHWM	TOTAL	PEM	PFO	Waters Below the OHWM	TOTAL	Asphalt	Concrete	Gravel	Pipe (PVC/HDPE)	Sand	Backfill/ Dirt	Riprap	TOTAL
Mason Creek	1,852	4,266	1,214	7,332	851	5,871	0	6,722	0	188	0	0	0	0	1,940	2,128
Irrigation Drain 1	68	0	0	68	9,029	0	0	9,029	60	21	81	3	0	1,672	10	1,847
Irrigation Drain 2	0	0	0	0	2,828	0	0	2,828	3	3	16	1	0	576	0	599
Depressional Wetland 1	965	0	0	965	40,440	0	0	40,440	155	53	207	2	340	5,955	0	6,712
Depressional Wetland 2	0	0	0	0	5,270	0	0	5,270	30	7	38	1	0	555	0	631
<b>TOTAL</b>	<b>2,885</b>	<b>4,266</b>	<b>1,214</b>	<b>8,365</b>	<b>58,418</b>	<b>5,871</b>	<b>0</b>	<b>64,289</b>	<b>250</b>	<b>280</b>	<b>350</b>	<b>10</b>	<b>350</b>	<b>8,760</b>	<b>1,950</b>	<b>11,950</b>

\*The total fill volumes are rounded up to the nearest whole number to provide a conservative materials estimate.