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-2023-00032

WATERWAY: Mace-Catlin Canal, drainage swale, and adjacent wetlands

APPLICANT: Mace 1, LLC

DATE ISSUED: November 29, 2023

30-Day

END DATE: December 29, 2023

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

- **NWW-2023-00032-Silvercreek Subdivision Wetland Impact Detail Drawings, dated April 25, 2023**

APPLICANT: Dave Yorgason, Mace 1, LLC, P.O. Box 1752, Eagle, ID 83616

AGENT: James Fronk, James Fronk Consulting, LLC., P.O. Box 576, McCall, ID 83638

U.S. ARMY CORPS OF ENGINEERS PROJECT MANAGER: Nicole Deinarowicz, Boise Regulatory Office, 720 E. Park Boulevard, Suite 245, Boise, ID 83712, (208) 433-4478; nicole.e.deinarowicz@usace.army.mil

PURPOSE: To construct single-family housing in Eagle, ID.

WATERWAY: Mace-Catlin Canal, drainage swale, and adjacent wetlands.

LOCATION: The proposed project would be located south of West Mace Road, east of Eagle Island State Park and north of the Boise River within Sections 18 and 17 of Township 4 North, Range 1 East, near coordinates 43.682678º N latitude and -116.375819º W longitude, in Eagle, Ada County, Idaho.

DRIVING DIRECTIONS: From Downtown Boise, head northwest on ID-44/State Street for approximately 9.0 miles then take a left onto to ID-55/S Eagle Road. Stay on ID-55

for approximately 0.6 miles then take a right onto W Island Wood Drive which turns into W Mace Road. Project site would be located on the south side of W Mace 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 permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands.

WORK: The project proposes to discharge approximately 3,500 cubic yards (cy) of fill material into 1,500 linear feet (0.36 acres) of Mace-Caitlin Canal and relocate the canal into a gravity flow 24-inch irrigation pipe; discharge approximately 630 cy of fill material into 1,130 linear feet (0.07 acres) of drainage swale and relocate the drainage flow into an existing adjacent irrigation ditch; and discharge approximately 1,600 cy of fill material into approximately 0.99 acres of PEM wetland areas along the Mace-Catlin Canal and drainage swale to facilitate the construction 50 residential lots and associated infrastructure (utilities, roads, parking, irrigation pond, pedestrian pathways, ponds, etc.) for the Silvercreek Subdivision.

The extent of work proposed would permanently impact 0.65 acres of PEM wetlands and 0.36 acres of open water from filling the Mace-Catlin Canal, as well as 0.34 acres of PEM wetlands and 0.07 acres of open water from filling the drainage swale within the 65-acre parcel, for a total of 1.42 acres.

ADDITIONAL INFORMATION: 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.

CONSTRUCTION PERIOD: Applicant would start construction in 2024 and estimates to complete work by Fall of 2025. The permit would authorize construction for a period of three (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.

- Construction staging area would be located in uplands and away from the Boise River and riparian 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 wetlands and adjacent waterways.
- To compensate for the permanent loss of 0.99 acres of Palustrine Emergent (PEM) wetlands, the applicant proposes to purchase higher value Palustrine

Scrub Shrub (PSS) wetland mitigation credits at a 1:1 ratio from The Wetlands Group, LLC.

- The applicant also proposes to enhance 1.61 acres of PEM wetlands located on the property adjacent to the Boise River by removing the grazing and farming land use practices and leaving the wetland area in a Platted Open Space-No Build Flood Plain Area designation and encompass the area by an access easement to the City of Eagle, Idaho. The applicant also proposes to plant native facultative plant materials guided by a professional wetland scientist within the existing wetland area.

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

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 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: The Mace-Catlin Canal is a slough that has been modified to historically provide irrigation water to the site for flood irrigation. The Canal is located on the northern portion of the site and flows from east to west. The Canal is diverted from the Boise River 0.5 miles east and upstream from the South Eagle Road Bridge. Wetland indicators are present along the canal banks along with several small adjacent depressional areas. The drainage swale located in the center of the site flows from north to south and captures water from offsite areas and onsite irrigation flows.

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 Northern Paiute, 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, 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 Northern Paiute, 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 may be a need for additional and on-going consultation.

ENDANGERED SPECIES: The project is within the known or historic range of Slickspot Peppergrass, designated as threatened. 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 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 species are known to use 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.

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.

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: Nicole Deinarowicz
720 E Park Boulevard, Suite 245
Boise, Idaho 83712
Nicole.E.Deinarowicz@usace.army.mil

Comments should be received no later than the comment due date of December 29, 2023, as indicated on this notice, to receive consideration.