



**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-2007-01218

WATERWAY: Lake Pend Oreille and Trestle Creek

APPLICANT: Valiant Idaho, LLC, Valiant Idaho II,
LLC

DATE ISSUED: August 26, 2024

END DATE: September 25, 2024

30-Day

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, as described below and in the attached documents:

- **20240624_NWW-2007-01218_PN_NBTC_Designs.pdf**
- **20240624_NWW-2007-01218_PN_Designs.pdf**
- **20240624_NWW-2007-01218_PN_AR_Map.pdf**

APPLICANTS:

William Haberman
Valiant Idaho, LLC
151 Clubhouse Way
Sandpoint, Idaho 83864

William Haberman
Valiant Idaho II, LLC
151 Clubhouse Way
Sandpoint, Idaho 83864

AGENTS:

Jeremy Grimm

Application Number: NWW-2007-01218

Whiskey Rock Planning + Consulting
218 Cedar Street, Suite 208
Sandpoint, Idaho 83864

U.S. ARMY CORPS OF ENGINEERS PROJECT MANAGER:

Garrett Schock
Coeur d'Alene Regulatory Office
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, Idaho 83814
(986) 810-0175

PURPOSE: The applicant's stated purpose is to remove and reconstruct an existing dilapidated marina to meet current safety, environmental, and aesthetic commercial marina standards, and convert an old RV park property into seven private waterfront residential lots.

WATERWAY: Lake Pend Oreille and Trestle Creek.

LOCATION: The proposed project would be located at 88 North Park Road, within Sections 16 and 21, of Township 57 North, Range 1 East, near latitude 48.283458° N and longitude -116.353176°, Hope, Bonner County, Idaho.

DRIVING DIRECTIONS: From Sandpoint, head east on Highway 200 to North Park 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.

This permit will also be issued or denied under the authority of Section 10 of the Rivers & Harbors Act of 1899 (33 U.S.C. 403). A Department of the Army permit is required for work or structures waterward of the ordinary high water mark located in or over navigable waters of the United States, including the excavation, dredging or deposition of material in navigable waters, or any alteration obstructing or affecting the course, location, condition, or capacity of the navigable waterway.

Application Number: NWW-2007-01218

CLEAN WATER ACT SECTION 404(B)(1) GUIDELINES: The described discharge will be evaluated for compliance with guidelines promulgated by the U.S. Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. The 404(b)(1) Guidelines are the substantive criteria used in evaluating discharges of dredged or fill material into waters of the United States. The source of the fill material would be from excavated native material and from a commercial rock source in the Sandpoint area.

AQUATIC RESOURCE DESCRIPTION: Lake Pend Oreille is a 75,054.47-acre limnetic lacustrine waterbody that includes approximately 175 miles of shoreline. Located almost entirely in Bonner County, Pend Oreille Lake is the largest and deepest natural lake in Idaho. The lake is the source of the Pend Oreille River in northeastern Washington, which ultimately drains to the Columbia River. Lake levels are controlled by Albeni Falls dam with a full-pool elevation of 2,062 feet and normal drawdown around the first of December to 2,051 feet.

Trestle Creek is a 9.9 mile long stream located in Bonner County that is tributary to Lake Pend Oreille. The average depth of Trestle Creek is 0.7 feet, and the average wetted width is 16.8 feet. The North Branch Trestle Creek is an artificial branch of Trestle Creek suspected to have been constructed in the early 1900s as an irrigation canal and/or for flood control. The current configuration of the North Branch Trestle Creek within the project area includes an existing perched culvert that creates a temporary fish passage barrier during low flow periods, and during high flow periods fish traveling downstream exit through the culvert and enter Lake Pend Oreille at the shallow pre-existing marina basin. Abutting wetlands to North Branch Trestle Creek were delineated within the project area and include 0.01 acre of palustrine emergent (PEM) wetland and 0.11 acre of palustrine forested (PFO) wetland.

WORK: The proposed work would include:

- Removal of existing wooden piles, docks, boardwalks, decking, and a concrete boat ramp.
- Excavation of approximately 12,500 cubic yards (CY) of material and modifying 139,640 sq. ft. of shoreline that consists of the existing boat basin, slack water channel, island within the boat basin, and the lake shoreline.
- Construct a boat pump out station.

Application Number: NWW-2007-01218

- Discharge of approximately 2,915 CY of rock riprap below the OHWM to stabilize 3,830 linear feet of shoreline.
- Installation of a 358'L x 10'W steel frame light penetrating breakwater (3,580 sq. feet of overwater coverage) that will include 84 x 10" diameter steel piles being driven into the lake's substrate by a vibratory hammer.
- Installation of 88 steel frame light penetrating fixed pier docks (13,324 square feet of overwater coverage) that will include 378 x 10" diameter steel piles being driven into the substrate by a vibratory hammer.
- Installation of 7 individual steel frame light penetrating fixed pier docks (1,680 square feet of overwater coverage) located along each residential lot, which will include 56 x 10" diameter steel piles being driven in by a vibratory hammer.
- Installation of 1 steel frame light penetrating fixed pier dock (240 square feet of overwater coverage) located at the West Island for the purpose of maintenance access (removal of downed trees, riprap repair), the maintenance dock will include 8 x 10" inch diameter steel piles that will be driven into the substrate by a vibratory hammer.
- Discharge approximately 390 CY of native excavated material and 130 CY of rock below the OHWM of 0.08 acre of North Branch Trestle Creek, 0.01 acre of palustrine emergent (PEM) wetlands, and 0.04 acre of palustrine forested (PFO) wetlands. (Please note: The total area provided for Location 8, 9, and 10 on project drawing sheet 4 of 16 also includes fill associated with a newly constructed channel outside of the delineated wetlands and North Branch Trestle Creek.)

CONSTRUCTION SEQUENCING:

Restoration of the North Branch of Trestle Creek: The applicant has indicated that restoration activities reconnecting the North Branch Trestle Creek with the main branch of Trestle Creek will occur first. Excavation of the reconnected portion of the restoration work will occur when no water is present in the North Branch Trestle Creek. If water appears during such work, work will be suspended until the North Branch is dry again.

Application Number: NWW-2007-01218

Marina & Dock Excavation & Construction; The applicant has indicated that excavation of the bed of Lake Pend Oreille and areas of the existing islands will occur first, followed by shoreline stabilization and installation of riprap. Construction of the Marina Dock Piles, Support and Structures will occur next, followed by Marina Dock Assembly and Placement.

PROPOSED MITIGATION: The applicant has provided a proposed compensatory wetland mitigation plan to offset losses of waters of the United States that may result from the proposed project. The applicant has proposed to reconnect the North Branch Trestle Creek with the main channel Trestle Creek by constructing a new channel segment and confluence with the main Trestle Creek Channel, including constructing a boulder-step pool sequence and riparian habitat enhancement. The Corps will determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed project, should a permit be issued, including the approval of a final compensatory mitigation plan.

OTHER ENVIRONMENTAL DOCUMENTS AND DA PERMITS ISSUED TO

APPLICANT: The proposed project was previously authorized under DA Permit No. NWW-2007-001218, issued on May 27, 2009. The time limit for completing the work authorized by the permit was extended on March 14, 2012, and ended on March 15, 2017. The applicant re-applied for the proposed project on August 14, 2018, and a permit was issued on November 22, 2019. The time limit for completing the work authorized by the permit ended on November 13, 2022.

DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP): Dredged Material Testing: The proposed dredged material will be evaluated in accordance with the Sediment Evaluation Framework for the Pacific Northwest (SEF). The interagency Regional Sediment Evaluation Team (RSET) implements the SEF for the Corps Northwestern Division. The RSET will determine if sediment testing is required for this project. Project sediments may require physical, chemical, and/or biological testing to support the permit application evaluation. The RSET will evaluate the applicant's sediment testing results and determine if project sediments are suitable for unconfined, aquatic disposal and exposure.

WATER QUALITY CERTIFICATION: The Idaho Department of Environmental Quality (IDEQ) 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 will not be issued until water quality certification has been issued or waived by the

Application Number: NWW-2007-01218

IDEQ, 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
Coeur d'Alene Regional Office
2110 Ironwood Parkway
Coeur d'Alene, Idaho 83814
or sent to Chantilly Higbee at chantilly.higbee@deq.idaho.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.

CULTURAL RESOURCES: Coordination will be 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 (NRHP), or a site that may be eligible for listing on the Register. The Corps will also coordinate with the appropriate Tribal entity or the Tribal Historic Preservation Offices (THPO) for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Kalispel Tribe of Indians, and the Kootenai Tribe of Idaho 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 Confederated Salish and Kootenai Tribe of the Flathead Reservation, the Kalispel Indian Community of the Kalispel Reservation, and the Kootenai Tribe of Idaho. 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 proposed project is located within the known or historic range of Bull trout (*Salvelinus confluentus*) and its designated critical habitat. Consultation will 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

Application Number: NWW-2007-01218

threatened under the Endangered Species Act (ESA), or their designated 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). There is no designated EFH in the project area. Preliminarily, we have determined the described activity would have no effect on EFH.

OTHER AUTHORIZATIONS:

The U.S. Coast Guard, the Idaho Department of Lands, and the Idaho Department of Water Resources, are also reviewing the proposed project under their respective authorities.

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.

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

Application Number: NWW-2007-01218

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. Comments should be received no later than the comment due date of **September 25, 2024**, as indicated on this notice, to receive consideration.

Please mail or email all comments to:

U.S. Army Corps of Engineers
Walla Walla District
Coeur d'Alene Regulatory Office
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, Idaho 83814

Email: CENWW-RD-IdahoClubNorthMarina-PN@usace.army.mil