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- 2004-0600046-B02

WATERWAYS: Thorn Creek, South Fork Palouse River, unnamed tributaries and wetlands

APPLICANT: Idaho Transportation Department

DATE ISSUED: May 17, 2017

30-Day

END DATE: June 16, 2017

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 No. 2004-0600046-B02, PN exhibits.pdf

APPLICANT: Mr. David Kuisti, Idaho Transportation Department, 2600 Frontage Road, Lewiston, Idaho 83501. Care of: Mr. Ken Helm, ITD Project Manager: Phone: 208-799-5090, Email: Ken.Helm@itd.idaho.gov.

AGENT: Ms. Michelle Anderson, Anderson Environmental Consulting, LLC.
14234 N. Tormey Road, Nine Mile Falls, Washington 99026
Phone: 509-220-0045. Email: anderenv@q.com.

U.S. ARMY CORPS OF ENGINEERS PROJECT MANAGER: Ms. Nicholle Braspennickx, Phone: 208-433-4461, Email: Nicholle.M.Braspenn@usace.army.mil.

PURPOSE: The proposed project is to improve safety for the traveling public and to increase the capacity of US 95, between Mile Posts 337.67 and 344.00.

WATERWAY: Thorn Creek and the South Fork of the Palouse are the two main tributaries in/near the project area. There are also several unnamed drainages and associated wetlands located throughout the proposed project area.

LOCATION: The proposed project would be located on a new alignment to the east of the existing US 95, between Mile Posts 337.67 and 344.00, within Sections 19, 20, 29 - 32, of Township 39 North, Range 5 West; Sections 24, 25 & 36 of Township 39 North, Range 6 West; Sections 5-9, 17, 18, & 20 of Township 38 North, Range 5 West; and

Sections 1, 12, & 13 of Township 38 North, Range 6 West. Northern termini latitude 46° 42' 48.98" N and longitude -117° 0' 14.15" W, and southern termini latitude 46° 37' 40.00" North and longitude -116° 59' 43.37" W, in Latah County, near Moscow, Idaho.

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: Discharge 4,373 cubic yards of road fill materials (rock, dirt, gravel) permanently filling 3.43 acres of wetlands (3.23 acres of emergent and 0.20 acres of scrub-shrub) and discharge approximately 620 cubic yards of road fill materials below the ordinary high water mark of five (5) unnamed drainages, for the construction of 6.34 miles of new 4-lane divided highway for US 95, between Mile Posts 337.67 and 344.00. Five (5) drainages would be crossed with the new alignment, resulting in the piping of 4,290 linear feet of unnamed tributaries/drainages. The proposed project would construct 4,030 linear feet of drainages on-site, adjacent to the new roadway. Sixteen (16) culverts would convey drainage water under the new highway. The project also includes temporary fill of 0.25 acres of wetlands and drainages for the removal of vegetation for construction access, or the placement and use of temporary cofferdams and flume pipes for temporary dewatering, when necessary.

ADDITIONAL INFORMATION: The existing US 95 is a two lane highway. The proposed highway alignment would include four (4) lanes, divided with a variable width median, or a center turn lane, for the length of the project (6.34 miles).

CONSTRUCTION PERIOD: Applicant proposes to start construction in the fall of 2017. 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:.

In June of 2004, the Corps of Engineers Regulatory Division issued an Individual Permit (NWW-2004-0600013) to the Idaho Transportation Department for the US 95, Top of Lewiston Hill to Thorn Creek highway project. As part of this 2004 approved project, an 11.5 acre wetland compensatory mitigation site, to include 3,690 linear feet of stream enhancement along Cow Creek, in Genesee, Idaho, was approved.

This mitigation site was intended to compensate for all phases of the Top of Lewiston Hill to Moscow projects, and is fully described in the approved mitigation plan entitled: "Wetland Mitigation Plan for Top of Lewiston Hill to Genesee and Genesee to Moscow" dated December 18, 2003. The compensatory mitigation site was constructed in 2005 and determined to have met the success criteria in 2010.

The issuance of the 2004 permit to ITD (NWW-2004-0600013) approved the permanent filling of 2.75 acres of wetlands and impacts to 3.8 miles of stream channel.

The proposed permanent impacts to waters of the U.S. for the US 95, Thorn Creek to Moscow project (NWW-2004-0600046) include 3.43 acres of permanent wetland fill, and 4,290 linear feet of piping unnamed tributaries.

As part of the Corps' required evaluation, impacts to wetlands and streams will be evaluated and compared to the mitigation already established. Should additional compensatory mitigation be required above what was provided in the 2005 mitigation site, the applicant may propose additional compensatory mitigation be provided through the purchase of credits from an existing mitigation bank or through establishment of on-site mitigation.

The 2008 Corps of Engineers Compensatory Mitigation Rule [33 CFR Parts 325 and 332] recommends applicants use an approved Wetland Mitigation Bank, should the project be located within a service area of an approved bank, and the bank has the appropriate number and resource type of credits available. This proposed project is within a service area of the Valencia Wetland Mitigation Bank, located in Priest River, Bonner County, Idaho.

OTHER ENVIRONMENTAL DOCUMENTS AND DA PERMITS ISSUED TO APPLICANT: The July 28, 2015 Final Environmental Impact Statement for this proposed project is on-line at http://us95thorncreek.com/schedule/. The March 21, 2016 approved Record of Decision is also available at the same website. On June 21, 2004, the Corps Regulatory Division issued a Standard Permit to the Idaho Transportation Department for the US 95, Top of Lewiston Hill to Thorn Creek project (NWW No. 2004-0600013). That permit included the Cow Creek Compensatory Mitigation Site in Genesee, Idaho. The Idaho Department of Environmental Quality issued the Section 401 Water Quality Certification for the US 95 Top of Lewiston Hill to Thorn Creek project on March 15, 2004.

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, Lewiston Regional Office, 1118 F. Street, Lewiston, Idaho 83501.

AQUATIC RESOURCE DESCRIPTION: The project area is characterized by rolling hills, almost entirely in annually cropped farmland. The northern two-thirds of the project area is in the South Fork Palouse River watershed. The South Fork of the Palouse is an intermittent, interstate waterway. The South Fork Palouse watershed originates at Paradise Ridge and runoff is conveyed by a series of small intermittent tributaries and road culverts in a west, southwesterly direction toward the South Fork Palouse River. The southern third of the proposed project is within the Thorn Creek watershed.

Thorn Creek is also an interstate, intermittent waterway. The Thorn Creek watershed also originates at Paradise Ridge and runoff is conveyed by a series of small intermittent tributaries and road culverts in southerly direction toward Thorn Creek. Both the South Fork Palouse River and Thorn Creek are interstate intermittent tributaries to the Palouse River. The intermittent drainages/tributaries and the associated wetlands were delineated in 2005 and in 2012. The wetlands in the project area are mostly emergent, with some scrub-shrub vegetation, and are associated with linear drainage swales/tributaries in cultivated fields, stock watering ponds, land too wet to farm, or springs.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: The project would result in the permanent fill of 3.43 acres of wetlands (3.23 acres of emergent and 0.20 acres of scrub-shrub). The project would result in the piping of 4,290 linear feet of unnamed tributaries/drainages. The proposed project would create 4,030 linear feet of drainages on-site, adjacent to the new roadway, excavated primarily in uplands. Some wetlands

and drainages will be temporarily impacted by the removal of vegetation or the use of cofferdams and flume pipes to dewater drainages/tributaries during construction.

OTHER AUTHORIZATIONS: N/A

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. The Corps is also coordinating with the appropriate Tribal entity or the Tribal Historic Preservation Offices for the Spokane Tribe, the Nez Perce Tribe and the Colville Confederated Tribes, to determine if there are any tribal historic or cultural interests within the project area.

The proposed project's cultural report is posted on the web at: http://us95thorncreek.com/wp-content/uploads/2015/08/3-Cultural-Resources-TR-072015.pdf.

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 Spokane Tribe, the Nez Perce Tribe and the Colville Confederated 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 Spalding's catchfly and Water howellia. Surveys for Spalding's catchfly were performed in the proposed project area in 2005, 2006, 2011 and 2013. No specimens have been located near the proposed project area since 2006. Because of the agricultural uses of the land within and surrounding the project area, Water howellia is not present. Therefore, the Corps has determined the proposed project will have no effect to Spalding's catchfly or to Water howellia. The proposed project area contains no designated critical habitat for listed species under the Endangered Species Act of 1973 (87 Stat. 844).

ENVIRONMENTAL IMPACT STATEMENT: Pursuant to court order in the US District Court of Idaho on September 19, 2004, the Federal Highway Administration and the Idaho Transportation Department, were required to prepare an Environmental Impact Statement (EIS) for this project. The Final EIS was published on July 28, 2015 and the

Federal Highway Administration's Record of Decision was issued on March 21, 2016. Comments provided in the EIS as well as in response to this Public Notice, will be considered in preparation of the Corps' administrative record and 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 mail all comments to:

U.S. Army Corps of Engineers
Walla Walla District
Attn: Ms. Nicholle Braspennickx
Boise Regulatory Office
720 Park Boulevard, Suite 245
Boise, Idaho 83712-7757

Or email: Nicholle.M.Braspenn@usace.army.mil

Comments should be received no later than the comment due date of **June 16, 2017**, as indicated on this notice, to receive consideration.

Kelly J. Urbanek
Chief, Regulatory Division
Walla Walla District

Enclosure:

NWW No. 2004-0600046-B02, PN exhibits.pdf