



**US Army Corps
Of Engineers**

Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice of Application for Permit and Public Hearing

APPLICATION NO. NWW No. 051200031
(State No. L-95-S-4999)

APPLICANT: Marina Yacht Club, LLC

PUBLIC NOTICE DATE: April 28, 2009

COMMENTS DUE DATE: June 15, 2009

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plans.

APPLICANT – Marina Yacht Club, LLC, P.O. Box 6200, Coeur d’Alene, Idaho 83816. For additional information contact Mr. John Barlow at 208-667-3431. For information from the Corps of Engineers, contact Ms. Barbara Bengé at 509-527-7153.

LOCATION - Coeur d’Alene Lake at Blackwell Island Marina, Section 14, T.50 N., R.4 W., Boise Meridian, Coeur d’Alene, Idaho USGS Quadrangle, Coeur d’Alene, Kootenai County, Idaho.

WORK – Temporarily stockpile dredged lakebed sands, silts, and gravels during dredging of approximately 121,000 cubic yards of material from the marina basin. Construct 2 two inflatable water-filled cofferdams, one for each phase of project to dewater dredged area. Discharge approximately 5,100 cubic yards of gravel and rock riprap to stabilize the marina basin shoreline. Discharge approximately 3,400 cubic yards of clean dredged alluvium into an old man-made boat basin. Discharge 374 cubic yards of poured-in-place concrete walls and concrete slabs to construct a seawall, lift and launch ramp. Discharge approximately 3,000 cubic yards of imported clay material to line the bottom of the marina basin. The locations and descriptions are as shown on the enclosed drawing sheets. Color drawings of the project are available on our website at <http://www.nww.usace.army.mil/html/offices/op/rf/pn/pn.htm>

PUBLIC HEARING – A public hearing will be jointly conducted by the Idaho Department of Lands and the Corps of Engineers on Thursday, June 4, 2009 at 6:00 p.m. at the Idaho Department of Lands office, 3706 Industrial Way South, Coeur d’Alene, Idaho. The applicant will briefly describe the proposed activity followed by a period for the public to provide both written and verbal comments. The Corps of Engineers will keep the public comment period open for a period of 10 days following the public hearing.

CONSTRUCTION PERIOD – The applicant proposes to start activities in October of 2009. The dredging activities will be phased over a six-year period, and will be conducted between October 1 and November 30 of each year. The permit, if issued, will authorize construction for a period of 6 years.

PURPOSE – The overall project purpose is to expand and upgrade the Blackwell Island Marina. Dredging and temporary stockpiling will allow removal of material from the marina basin to provide year-round boat access to the marina basin. The two inflatable water-filled cofferdams will be used to dewater the marina basin to

allow dredging. The gravel and rock riprap will be discharged to construct a revetment to stabilize the shoreline within the marina basin. The dredged alluvium will be discharged into an existing old man-made boat basin to eliminate the boat basin and replace it with a parking lot. The proposed poured poured-in in-place concrete walls and concrete slabs will be used to construct a seawall and boat launch ramp to serve a commercial boat sales and service facility to be built on adjacent upland. The imported clay will be used to line the marina bottom to replace the natural seal.

ADDITIONAL INFORMATION – According to the applicant, Blackwell Island was originally developed at the turn of the century as a lumber mill. Blackwell canal was excavated during the lumber mill operation period. The existing marina began operations in the 1940's for use by the public. The existing marina includes two boat ramps, a man-made boat basin off the main marina basin, and 321 boat slips, some covered, and 14 boathouses. Between 1950 and 1968, portions of the island east and north of the marina were used as a sanitary landfill by the City of Coeur d'Alene.

The applicant proposes to deepen and straighten the shoreline of the existing main marina basin to achieve a uniform width and depth. Work will be accomplished in two phases. The lakebed of the marina will be dredged to an elevation of 2,112 feet NGVD. Approximately 8 feet of material will be removed. The applicant estimates approximately 121,000 cubic yards of silts, sands and gravels will be dredged from below the ordinary high water mark. This material will be temporarily stockpiled in the basin before being removed. The applicant has completed an approved Sampling and Analysis Plan per the Northwest Regional Sediment Evaluation Framework. The results of the Sampling and Analysis plan identified areas of sediment in the Marina Basin, Dredged Material Management Units (DMMU), which have elevated concentrations of Contaminants of Concern (COC) within the project area. The applicant has designed two separate confined disposal facilities (CDF) for disposal of those DMMU that have elevated concentrations of COC. Dredged materials from those DMMU that have high levels of lead and arsenic will be excavated and placed in a lined and asphalt capped CDF known as CDF-1. Other DMMU with moderate elevated levels of the other COC will be excavated and placed in an unlined and capped CDF known as CDF-2. Phase 1 and Phase 2 of the project will have separate confined disposal facilities as shown on Sheet 28 of the drawings. All other dredged material DMMU will be placed as cap material or general fill used as structural fill to cover and raise the elevation of upland areas of Blackwell Island above flood levels for future development. Deeper alluvial soils dredged from within the marina basin will be used to cover the sediments in CDF-1 and CDF-2. Measures have been taken for erosion control and free water treatment and disposal. Additional information on the DMMU locations, volumes and the disposal in the CDF -1 and CDF-2 is available from the applicant upon request.

Prior to dredging the marina basin, the applicant will construct a water-filled cofferdam for each Phase to separate work areas from Lake Coeur d'Alene. Lakeward of the cofferdams, the applicant proposes to construct a secondary silt fence to isolate the construction zone and control turbidity. Water will be pumped from the marina basin to an area between the cofferdam and the secondary silt fence. Applicant proposes to sample turbidity levels between the cofferdam and the silt fence during construction of the project to determine if turbidity exceeds limits required by Idaho Water Quality standards. If turbidity exceeds limits, pumping will be stopped. Upon completion of the dewatering the marina basin, the dredging will be achieved utilizing conventional excavation equipment including, excavators, loaders, dozers and dump trucks. Upon completion of the dredging operation, discharged material will be placed in the CDFs prior to the refilling of the lake in the work area.

The applicant proposes to stabilize the entire shoreline within the main marina basin with a revetment of rock riprap. This will consist of a 3-foot deep toe trench, a 6-inch layer of aggregate for a filter, and an 18-inch layer of 6" to -12" inch angular basalt riprap. The riprap shoreline protection will be at approximately a 1:1 slope.

At the north end of the marina basin, the applicant proposes to construct a 545-foot long seawall and a boat launch ramp, 485 feet of which is below the OHWM. This area will be to serve marina boat sales and service which will be located on the immediate uplands at this location. The launch ramp will be used exclusively for the boat sales operation. Note the applicant proposes to construct the seawall and boat ramp before dredging work. Thus only a portion of the boat ramp construction will occur below the current ordinary high water mark.

The remainder of the ramp and the entire seawall will be built in what is currently uplands, so no permit is required for this work. The ordinary high water mark will reach both the ramp and seawall when the dredging activity is completed.

Some of the soils to be dredged contain total metal concentrations in excess of the limits allowable for fish, wildlife and aquatic habitat. These materials cannot be placed where direct contact to the aquatic environment will be possible. Therefore, they will be placed in CDF-1 or CDF-2. Once placed, the applicant proposes to cap this material with a 12-inch minimum permeable layer of clean material as shown on Sheets 42 and 43 of the drawings. Approximately 3,400 cubic yards of the deeper dredged alluvium material will be used to fill the existing boat basin on site. This is a man-made boat basin constructed years ago.

Approximately 3,000 cubic yards of clay will be used to replace the natural seal following the excavation of the material from the marina basin as recommended by the Idaho Department of Environmental Quality. Clay soil used will meet or exceed hydraulic conductivity 1×10^{-8} cm/sec. The replacement seal (liner) will be constructed by spreading 1 - inch of clay material across the entire bottom of the excavated basin at the 2012 elevation and tilling the clay material to a depth of 6- inches. This area will then be compacted to a minimum of 90% percent maximum dry density. Section 6.3 in the *Permit Application Supplemental Information* further describes the construction of the construction of the liner. Sheets 10 through 13 and Sheets 18 through 21 as well as the plan view shown on Sheet 7 show the location and extent of the clay liner.

AREA DESCRIPTION – The shoreline in the marina basin is nearly totally developed. The west bank of the basin is sparsely vegetated with shrubs. There is a small marina to the west, along with commercial and residential developments.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT – The proposed dredging project will eliminate a 0.028-acre reed canary grass wetland area within the marina basin, totaling 0.028 acres (1,211 square feet) in size. This wetland provides low quality habitat for fish and wildlife, and some bank stability. To offset the loss of this wetland, the applicant proposes to replace the existing 0.028 acre of wetland with 0.117 acre of wetland. (See sheet 45 of the drawings). The applicant proposes to construct this wetland in an area where it will serve as waterfowl habitat and provide stormwater treatment on the west side of the Marina that currently does not exist. The wetland will be developed by planting it with a variety of native shrub and tree species, including willow, cottonwood, dogwood, spirea, alder and hawthorn. The planting protocol calls for 5-gallon or larger nursery stock, spaced on 5five-foot centers., The goal of the plan is to establish 80% percent survival of the plants 3three years after planting. Monitoring of the site will be done with annual reports submitted to the Corps to document compliance with performance standards. The applicant’s proposed mitigation is described on pages 92 to -97 of their March 27, 2009 report entitled “Blackwell Island Marina Permit Application Supplemental Information” report, dated March 27, 2009. Additional information on the mitigation is available on our website.

According to the applicant’s geotechnical/hydrologic consultant, Coeur d’Alene Lake and the Spokane River in the project area are perched above the Rathdrum Prairie Aquifer, which is about 80 feet below the surface water level. The lake and river recharge the aquifer slowly. The consultant investigated the subsurface conditions to ascertain what effect, if any, the dredging will have on seepage, breach of a lakebed seal, or leakage as well as water levels in the area. The results of their investigation concluded the proposed project is not likely to

significantly increase seepage, breach a seal, or cause rapid leakage. They also concluded it is unlikely the project will significantly affect water levels. The study was reviewed by Idaho Department of Environmental Quality and provided two alternatives. One alternative was to perform long-term groundwater monitoring. The other alternative was to replace the sediment 'seal' to reduce the initial seepage to current seepage rate or less. Applicant proposes to replace the seal. Additional information on their study is available from the applicant upon request.

None of the dredging will be in the old landfill. If any landfill material is encountered during dredging operations, the material will be removed to an appropriate landfill for the type of waste encountered.

OTHER AUTHORIZATIONS - Other authorizations obtained or requested include, but are not necessarily limited to: An encroachment permit from the Idaho Department of Lands.

WATER QUALITY CERTIFICATION - This will also serve as public notice that Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharges of dredged and 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 60 days of this public notice date, and an extension of this period is not granted to the IDEQ Quality, certification will be considered waived. Additionally, within (30) days of this public notice, any person may provide written comments to IDEQ and/or request in writing that IDEQ provide them notice of their preliminary 401-certification decision. Comments concerning certification for this project should be mailed to: Idaho Department of Environmental Quality, 2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814.

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. Due to the permit area having been extensively modified by previous activities, we believe no further cultural resource review is warranted.

ENDANGERED SPECIES - Coordination is currently being conducted with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to determine if the activity will have any affect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat.

ENVIRONMENTAL IMPACT STATEMENT - Preliminary review indicates the activity will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

AUTHORITY - This permit will be issued or denied under the authority of Section 404 of the Clean Water Act.

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 public; Federal, State, and local agencies and officials; Indian Tribes; 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.

COMMENT AND REVIEW PERIOD - Interested parties are invited to provide their comments on the proposed activity, which will become a part of the record and will be considered in the decision. **Comments should be mailed to:**

**U.S. Army Corps of Engineers
Walla Walla District Regulatory Office
201 North Third Avenue
Walla Walla, WA 99362**

Comments should be received not later than the comments due date of this notice to receive consideration.

//signed//

David B. Barrows
Chief, Regulatory Divisio