March 18, 1999

Planning, Programs, and Project
Management Division

Dear Interested Party:

Enclosed for your review and comment is the Environmental Assessment (EA) and a draft Finding of No Significant Impact (FONSI), for the proposed bank stabilization project at the wastewater treatment facility in Payette, Idaho. The EA describes the impacts associated with stabilizing 300 feet of shoreline near Payette, Idaho. The purpose of this project is to prevent bank failure. If the bank fails the wastewater treatment oxidation trenches would be undermined and portions of the treatment facility destroyed, leaving the city without sanitation services and contaminating the Payette River.

We invite interest parties to provide commenets on the proposed project. Please provide your comments to:

Walla Walla District
Corps of Engineers
Environmental Compliance Section
ATTN: Linda Carter
201 N. 3rd Avenue
Walla Walla, WA 99362-1876

Comments should be postmarked no later than April 1, 1999, to ensure consideration.

Should you need additional information or have any questions, please contact Linda. Carter at 509-527-7244.

Sincerely,

/s/ March 18, 1999
Peter F. Poolman
Chief, Environmental Compliance Section

DRAFT

FINDING OF NO SIGNIFICANT IMPACT

PAYETTE, IDAHO, BANK STABILIZATION

The U.S Army Corps of Engineers (Corps), Walla Walla District, proposes to stabilize approximately 300 feet of shoreline. The purpose of the project is to prevent bank failure. Bank failure at the proposed location would undermine the oxidation trenches at the wastewater treatment plant for the City of Payette. If the oxidation trenches become undermined, portions of the treatment facility would be destroyed, leaving the city without sanitary services and contaminating the Payette River.

On June 30, 1998 the City of Payette requested assistance from the Corps as authorized by Public Law (PL) 79-526, Flood Control Act of 1946, Section 14, as amended. The Corps determined there was an imminent threat to the City's wastewater treatment facility and that the proposed project would qualify for assistance under the Section 14 authority.

The Corps prepared an Environmental Assessment (EA) to evaluate the potential effects of bank stabilization along approximately 300 feet of shoreline. Stabilization efforts will include re-shaping and riprapping an over-steepened bank, establishment of a hardened toe, placement of two bank barbs, and planting 100 willow stakes along the shoreline. To mitigate for the loss of a potential bald eagle perch tree, a raptor nest will be installed in the riprap. No other long-term adverse impacts have been identified.

The Corps evaluated the no action alternative and determined bank failure would be imminent without bank stabilization. The "no action" alternative would have long term adverse impacts to the City's sanitary facilities and contamination of the Payette River. For these reasons the Corps eliminated the no action alternative from further consideration.

I have taken into consideration the technical aspects of the project, best scientific information available, public comment, and determinations of the EA. Based on this information, I have determined that the proposed action would not significantly affect the quality of the human environment, and that an Environmental Impact Statement is not required.

DATE:_____ _____

William H. Bulen, Jr.
Lieutenant Colonel, Corps of Engineers,
District Engineer

ENVIRONMENTAL ASSESSMENT

PAYETTE WASTEWATER TREATMENT PLANT

BANK STABILIZATION

PAYETTE, IDAHO

Prepared by
Walla Walla District
Corps of Engineers

March, 1999

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FIGURES

APPENDICES

1. INTRODUCTION

This environmental assessment considers effects of protecting approximately 300 feet of stream bank on the Payette River near the City of Payette's wastewater treatment plant (see Figure 1). The proposed project would consist of riprap, bank barbs and vegetative plantings to stabilize the shoreline and prevent bank failure. As required by the National Environmental Policy Act (NEPA) of 1969 and subsequent implementing regulations promulgated by the Council on Environmental Quality, this assessment is prepared to determine whether the action proposed by the Corps of Engineers (Corps) constitutes a " . . . major Federal action significantly affecting the quality of the human environment . . . " and whether an environmental impact statement is required.

2. PROJECT PURPOSE AND NEED

The purpose of this project is to prevent bank failure, by stabilizing the shoreline, on the Payette River approximately 1 mile upstream of the confluence with the Snake River. On June 30, 1998 the City of Payette requested assistance from the Corps as authorized by PL 79-526, Flood Control Act of 1946, Section 14, as amended. The Corps determined there was an imminent threat to the City's wastewater treatment facility and that it would qualify for assistance under the Section 14 authority. The work would take place on the north bank of the river, located in Township 17 south, Range 47 east, Section 33 of the Payette Quadrangle in Idaho (see Figure 1). Flooding in 1996 and 1997 damaged the bank adjacent to the oxidation trenches of the wastewater treatment facility. Since the 1996 and 1997 flooding bank erosion has continued due to the velocity of the river at the wastewater treatment plant. If the bank fails the oxidation trenches would be undermined and portions of the treatment facility destroyed, leaving the city without sanitary services and contaminating the Payette River.

3. ALTERNATIVE ACTIONS

The Corps considered two alternatives in evaluating the probable bank failure of the Payette River. The two alternatives considered were 1) protecting the bank with riprap/vegetation and bank barbs and 2) no action.

a. Preferred Action

Under the preferred action the Corps would provide bank stabilization along approximately 300 feet of shoreline. The over-steepened bank at the wastewater treatment plant would be reshaped to create a 2:1 slope. A toe trench would be dug approximately 3 feet below the adjacent riverbed and parallel to the bank. Approximately 700 cubic yards of dense clean angular riprap would be used to establish a toe, create two bank barbs, and armor the re-shaped slope. The bank would then be re-vegetated with willows and a bald eagle perch pole would be installed.

Three hundred feet of the existing chain-linked fence that surrounds the wastewater treatment facility would be removed to allow work access to the bank. The fence fabric and top rail would be reused. Fence posts and wire ties would be replaced with new. The old fence posts, etc. would be stockpiled in the treatment plant storage yard where they could not enter the river channel at high flows. Upon completion of the bank protection and vegetative plantings, and installation of a perch pole, the chain-linked fence would be reinstalled parallel to the existing alignment and set back 4 ½ feet from the edge of the bank.

There are approximately 20 non-native shrubs/trees along the failing bank. As the bank continues to fail these shrubs/trees are being washed into the river. The remaining shrubs/trees range in size from 1 to 12 inches in diameter. In order to the reshape the over-steepened bank, all vegetation must be removed. To mitigate for the removal of existing vegetation, live willow stakes would be incorporated into the completed bank. One hundred stakes would be placed on 3-foot centers along the toe of the newly constructed riverbank. The willow stakes would be placed in such a manner that one end is in contact with permanent moisture and three to four leaf nodes are exposed to daylight. Additionally, a perch pole would be constructed to mitigate for the loss of a tree used as a bald eagle perch tree (bald eagles are listed as endangered by the US Fish and Wildlife Service [USFWS]). The perch pole would be a 20-30 foot telephone pole with a 3-foot square platform attached to the top of the pole. (See Figure 2)

The bank would be sloped utilizing a backhoe. The backhoe would work from the top of the bank. Materials would be pulled landward to create the desired 2:1 slope. In order the establish a hardened toe along the bank, material must be removed from below the ordinary high water mark (OHWM). All material removed from below the OHWM would be disposed of upland.

Riprap would be placed on the newly re-sloped bank using the backhoe bucket. Rock used for riprap would be 1 to 3 feet in diameter and consist of sound, dense, durable, angular rock fragments, resistant to weathering and free from large quantities of soil, shale, and organic matter. Rounded cobbles, boulders, and streambed gravels would not be used. The toe would be set

approximately 3 feet below the adjacent riverbed and the top of the riprap would be set at the top of the existing bank. The finished riprapped bank would be within the limits of the bank that existed prior to erosion.

Two bank barbs would be placed in conjunction with the riprap, each consisting of approximately 45 cubic yards of dense, clean, angular rock, 1 to 3 feet in diameter. One barb would be placed at the downstream end of the proposed project area and the other midpoint in the project area. The barbs would be placed using a backhoe that would be located at the top of the bank and/or on the riprapped slope. The backhoe tracks would not be in the water. The barbs would extend into the channel not more than 20% of the bank full width of the channel. Rock used for riprap and barbs would be 1 to 3 feet in diameter, this size rock should not be moved by the stream during peak flows. The barbs would be placed with a downstream angle of no less than 100 degrees and no greater than 135 degrees from the upstream bank. Figure 3 is a typical bank barb construction detail. The installation of two bank barbs would not adversely impact the floodplain. Since the last flood insurance study in 1982, the channel cross-sectional area at this location has increased due to bank erosion. That coupled with the proposed bank sloping more than compensates for the area that may be lost by the placement of the bank barbs.

b. No Action

Under this alternative the Corps would take no action. The Corps would not take measures to stabilize the failing bank that is located adjacent to the Payette wastewater treatment plant. This alternative may have detrimental environmental impacts. Continued erosion of the bank would eventually take out the existing vegetation, some of which may be used by bald eagles as perch trees. Additionally, the oxidation trenches, which are gunite lined, are partially located on fill next to the river. If the bank failure is allowed to continue into these fill zones there would be failure of the oxidation trenches and the river would become contaminated. This scenario is not acceptable therefore it will not be discussed further.

4. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

a. Aesthetics/Visual Quality

The City of Payette is located within one mile of the confluence of the Snake and Payette Rivers approximately 60 miles northwest of Boise, Idaho. The proposed work area is bordered on one side by the City's wastewater treatment plant and on the other side by riparian vegetation. Vegetation existing near the wastewater treatment plant is primarily non-native shrubs and trees and will eventually be eroded away by the river, leaving an open view of the treatment facility on the north side of the river. The south side of the river consists of a

willow and cottonwood community, which is typical of lowland riparian areas located within the southeast region of Idaho.

During bank stabilization activities the remaining vegetation on the north side of the river would be removed to allow for bank re-sloping, toe establishment and riprap placement. Once the bank has been stabilized, approximately 100 willow stakes would be planted (approximately 3 feet on center) near the toe of the new bank to partially replace lost vegetation. Until the willows begin to grow, the 300-foot section of bank would have a barren rock look to it. Once the willows are established the aesthetics of the area would be a more natural setting than that previously seen in this area.

b. Recreation

Recreational use in the proposed work area is minimal. Two types of recreation that take place along this stretch of the Payette River are fishing and boating. Opportunities exist to fish for species such as rainbow trout, small mouth bass, and catfish. The 300 foot section of bank proposed for stabilization is too steep for fishermen to use, therefore fishing from the bank in the proposed project area is either upstream of the treatment plant or on the south side of the river. Small motor boats, rafts, and/or canoes are also used for fishing in this area, however due to the swift current at the proposed project site, fishing from a boat is usually either upstream of the proposed work area or on the south bank. Jet boats frequently use this section of the river as they travel from the Snake River to the upper portions of the Payette River.

Stabilization of 300 feet of failing bank and placement of two bank barbs should have little impact on recreation in the area. During the actual construction of this project there would be increased traffic and noise along the north bank of the river. The installation of two bank barbs would not extend far enough into the river to become a hazard to boaters. Creation of a sloped, vegetated bank, as well as the addition of two bank barbs may increase fish habitat, attracting more fish to the area. This, in turn, may increase fishing along this stretch of the Payette River.

c. Aquatic Resources

The Payette River is a tributary to the Snake River. There are no aquatic species listed as endangered in this section of the Payette River. Anadromous fish species are unable to swim upstream past Hells Canyon Dam on the Snake River. Bull trout populations do occur in the South Fork of the Payette River above the mouth of Deadman River, where water temperatures are cooler than those near the mouth of the river. Aquatic species that occupy this section of the river include rainbow trout, small-mouth bass, and catfish.

Adverse impacts to the aquatic resources in the project area are expected to be minimal. Fish in the immediate project vicinity may be temporarily displaced during the two-week construction period. Fish normally avoid such disturbances and the width of the river at the proposed work site is adequate to allow for avoidance of construction activities. Overhead cover not already lost due to erosion would be removed. The newly stabilized slope along with the willow stake plantings would provide a more permanent and natural overhead cover once the plantings begin to grow. The bank barbs may create areas of flow diversity beneficial to some fish. These impacts are minimal compared to the severe impacts which would be caused if sewage was released into the river due to a bank failure.

d. Wildlife

Currently the work area consists of a failing bank with willow clumps and a few black locust trees. Much of the existing vegetation is showing exposed roots due to bank erosion. Wildlife that would typically use this area include mammals, raptors, songbirds, some shorebirds, waterfowl, reptiles and amphibians. Mammals include muskrat, beaver, mink, river otter, mule deer, white-tailed deer, coyote, elk, and a host of small rodents. Raptors include red-tailed hawk, northern harrier, osprey, bald eagle, kestrel, merlin, sharp-shinned hawk, and Cooper's hawk. Songbirds include, lazuli bunting, western bluebird, American goldfinch, pine siskin, yellow warbler, ruby-crowned kinglet, black-capped chickadee, song sparrow, American crow, black-billed magpie, belted kingfisher, northern oriole, American robin, bank swallow, barn swallow, and others. Shorebirds include ring-billed and California gulls, western sandpiper, killdeer, great blue heron, black-crowned night heron and others. Waterfowl include common merganser, bufflehead, mallard, wood duck, Canada goose, green-winged teal and others. Reptiles may include pacific rattlesnake, Great Basin gopher snake, garter snake, western racer, and others. Amphibians include western and Woodhouse's toad, pacific treefrog, long-toed salamander, and bullfrog.

The project would result in the temporary removal of all vegetation along approximately 300 feet of shoreline. Animals that depend on the willows for food, cover or nesting habitat would not be able to use the area until replacement willows, planted in the riprap, obtain a size suitable for habitat. Most aquatic mammals are adapted to the proposed shoreline arrangement. Larger land mammals such as deer and elk would not be able to use this shoreline for travel. Waterfowl, such as wood ducks, which rely on vegetation would be minimally affected, while other waterfowl would incur no negative effects from the proposed project. Reptiles would probably benefit from the bank stabilization and bank barbs. Amphibians should be relatively unaffected by the completed construction, since the habitat was relatively poor to begin with. As the willows grow, birds such as yellow warblers and song sparrows would gain habitat along the river. Birds, which require trees for nesting such as orioles and goldfinches,

would lose some habitat, however there are trees suitable for nesting adjacent to the project area that could be utilized. Raptors would loose perching habitat, which would be offset by constructing a raptor nest in the affected area.

Some direct impacts to wildlife may occur during construction, however construction noise and activity would cause most species to avoid the area. Some wildlife would become habituated to the disturbance. Small mammals, reptiles and amphibians may be inadvertently injured or killed by the construction activities. Most of these animals would leave the area as construction progresses. Construction is planned for late summer when river flows are lowest. By the time construction begins migratory birds such as orioles, crows, robins, goldfinches, herons, seagulls and osprey would be finished nesting. During construction activities, care would be taken to minimize harassment or injury to wildlife

e. Endangered Species

There are two listed wildlife species and one listed plant species that may be found in the area of the Payette wastewater treatment facility (Appendix A). A biological assessment of possible project impacts to the species listed on the endangered species list has been prepared and submitted to U.S. Fish and Wildlife Service. If additional issues are identified in the response from USFWS those will be incorporated into this EA. The wildlife species are the gray wolf and the wintering bald eagle. The plant species is Ute ladies'-tresses.

Bald eagles are a common winter resident in the geographic area of this project. Between 1980 and 1997 between 0 and 14 eagles were seen each year along the stretch between Emmett and the mouth of the Payette River (Karen Steenhof, USGS, Pers. Comm. 1999). Most of these sightings were closer to Emmett than to Payette. Since 1991 an average of three eagles per year has been seen each year. Nesting within the vicinity of the City of Payette has not been documented. The closest nesting documented is over 50 miles away at Lake Lowell.

The project would lead to the removal of several trees from the work area. (two willows and five black locusts). These trees are 10-15 feet in height. Since 1989 several black locusts have already been lost along the shoreline due to erosion. Mature cottonwoods, willow, and black locusts are found across the river from the proposed work site and immediately upstream and downstream from the proposed work site. These trees range from 15 to 50 feet in height. No specific information on bald eagle use could be obtained at this time. A grove of cottonwoods is located on an island just upstream from the waste water treatment plant. These cottonwoods appear to provide the highest value perching habitat in the area. This information was derived from a site visit last summer and aerial and oblique photos of the site.

The design of this work makes it difficult to use cottonwood trees (as replacement for the removed black locust) in the planting scheme. The selected mitigation measure would be to install a perch pole, with platform, on the new slope within the riprap (Figure 2). The work would occur outside of the winter period (November 1st through March 1st), so there should be no direct conflicts with eagle use of the area.

Gray wolf sightings or evidence of gray wolf use in the general area of the project has not been documented. Proposed project actions are occurring within an area having a large amount of human disturbance and urban development. The work should not affect travel corridors or den sites for wolves. The completed project would provide a better buffer between the river and the wastewater treatment plant for animal travel along the river. No predator control action is connected to this proposed project. The completed project would not encourage future reduction of wolf prey-base species. Therefore, the proposed project is not likely to adversely affect habitats necessary for the continued survival of the Idaho gray wolf population.

Ute ladies'-tresses are usually found at elevations of between 4,300 and 7,000 feet and along riparian edges, gravel bars, old oxbows, and moist to wet meadows along perennial streams. Ute ladies'-tresses have not been documented in the project area, and the nearest occurrence known to the Idaho Department of Fish and Game occurs in southeastern Idaho (personal communications on January 22, 1999, Mr. George Stephens, Idaho Conservation Data Center).

The work site is well out of the known range for Ute's ladies'-tresses. The work would focus on a highly eroded cut bank on the river, vegetated with non-native species. It is highly unlikely that Ute ladies'-tresses would be found, as the proposed project area is not consistent with habitat requirements for this species. For this reason the project action is not likely to adversely affect the continued existence of this species or its potential habitat

f. Cultural Resources

The proposed project area is located in an area where there is a high probability of cultural properties. However, extensive disturbance caused by the construction of the wastewater treatment plant is likely to have destroyed any cultural deposits in the project area.

On August 24, 1998 a visual survey of the project area was conducted. During that survey it was noted that eroded areas created by recent flooding provided excellent exposure of deposits normally covered by vegetation. Considerable sediment has been scoured from the project area by the floods. The exposed cut bank appears to hold no cultural material, therefore it is unlikely

that cultural properties exist in the project footprint. (See Appendix B for Idaho State Historic Preservation Office [SHPO] concurrence).

If cultural material is found during the project construction, work would stop until the find could be evaluated by a member of the Walla Walla District Corps of Engineers archaeological staff. If prehistoric cultural material is found, the cultural resources coordinator of the appropriate tribe would be informed. If the find should be determined to be sacred or sensitive in nature, it would be left in place, protected, and secured until appropriate actions are determined by the involved parties.

g. Water

Water quality in the Payette River is generally high most of the year. Turbidity is the greatest water quality problem and increases with high runoff. Sources of turbidity at high flows are generally erosion from surface runoff and tributaries.

Water quality during construction of this project would be impacted. During establishment of the toe trench and placement of the bank barbs a turbid plume would occur. This plume would be rapidly dissipated by the flow of the river.

The Nationwide Permit (NWP) program is part of the national general permitting process used by the Corps in an effort to reduce duplication in implementing Section 404 of the Clean Water Act. This project would meet the requirements of NWP #13, Bank Stabilization: 1) There would be no material placed that is in excess of the minimum needed for erosion protection. 2) The activity is less than 500 feet in length. 3) The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark. 4) No material is placed in any special aquatic site. 5) No material is of the type, or is placed in any location, or in any manner, so as to impair surface water flow into or out of any wetland area. 6) No material is placed in a manner that will be eroded by normal or expected high flows. 7) The activity is part of a single and complete project. Idaho Department of Environmental Quality has not specified additional requirements for Clean Water Act Section 401, therefore an individual Section 401 is not required.

The purpose of this project is to provide bank stabilization along a 300-foot section of eroding shoreline. Bank stabilization would include establishment of a rock toe, re-sloping and placement of riprap on the bank and placement of two bank barbs, one at mid point of the project and one at the downstream end of the project.

5. ENVIRONMENTAL REVIEW REQUIREMENTS

a. Federal Statutes

1. National Historic Preservation Act, As Amended; Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971.

As stated in 3.f above, stabilization of the shoreline near the wastewater treatment plant at Payette, Idaho would have no effect on cultural resources. Because of the previous disturbance to the area it is unlikely that cultural properties exist in the project footprint. See Appendix B for Idaho SHPO concurrence.

2. Clean Air Act, As Amended

The project would comply with the Clean Air Act, as amended. Only temporary and minor effects on air quality would occur due to the operation of motorized vehicles and equipment. As a requirement of Section 176© and 309 of the Act, this EA will be provided to the Environmental Protection Agency.

3. Clean Water Act

The project meets the requirements of NWP #13, Bank Stabilization, therefore a Section 404(b)(1) evaluation is not being prepared and individual state Section 401 is not required.

4. Endangered Species Act of 1973, As Amended

See Section 3.e. above.

5. National Environmental Policy Act (NEPA)

This EA has been prepared pursuant to requirements of NEPA. No significant impacts have been identified at this time. If no significant impact is identified during the public review process, an Environmental Impact Statement (EIS) would not be required. If an EIS is not required, full compliance with NEPA would be achieved once the Finding of No Significant Impact (FONSI) is signed.

6. Wild and Scenic Rivers Act

The Payette River is not included on the inventory of wild and scenic rivers. (National Wild and Scenic Rivers System, December 1192 and its 1998

updates, published by the Department of the Interior and the Department of Agriculture, Forest Service).

7. Migratory Bird Treaty Act

The bank stabilization work would be performed in such a manner that migratory birds or their habitat would not be harmed or harassed. The proposed work would be performed outside of the nesting season.

b. Executive Orders

1. Executive Order 11988, Flood Plain Management, May 24, 1977

The Executive Order objective is the avoidance, to the extent possible, of long and short-term adverse impacts associated with the occupancy and modification of the base flood plain wherever there is a practicable alternative. The completion of this project would not decrease the base floodplain or support development in the floodplain, therefore the project is in compliance with the Executive Order.

2. Executive Order 11990, Protection of Wetlands, May 24, 1977

There would be no placements of material in any special aquatic site nor any material place in any location so as to impair surface water flow into or out of any wetland area.

c. Executive Memorandums

1. CEQ Memorandum, 11 August 1980, Analysis of Impacts on Prime and Unique Agricultural Lands in Implementing NEPA.

No prime or unique farmland would be adversely impacted by construction.

6. CONSULTATION AND COORDINATION

This bank stabilization project has been coordinated with applicable agencies including U.S. Fish and Wildlife Service, Idaho Department of Environmental Quality, Idaho Department of Fish and Game, and Idaho State Historic Preservation Office. Additionally, the EA has been distributed to interested Federal and state agencies, groups, and the public for review and comment.

FIGURE 1

Project Location Map


Payette Idaho Quad.
Bank Stabilization Area
DOUGLAS
CEDAR
BIRCH
Duncan
SNAKE
RIVER
Island
Pool
Orchard Grange
Mile 365
Mile 0
MALHEUR CO
PAYETTE CO
Riverside
Cemetery
Trailer Park
UNION PACIFIC
LOVERS
LANE
West Side Sch
Courthouse
PAYETTE
(BM 2150)
Station
PO
High Sch
East Side Sch
Central Park
CENTER
SOUTH
Clay Pit
Natl Guard Armory
Wells
Payette Heights
Rosedale
Race Track
Kiwanis Park
DITCH
WASHOE
LOWER
IOWA
AVE
BM 2138
BM 2129
BM 2140
BM 2146
BM 2141
BM 2196
10
11
15
14
21
22
27
28
29
32
33
34
4
3

FIGURE 2

Typical Design for Raptor Nest

RAPTOR NEST

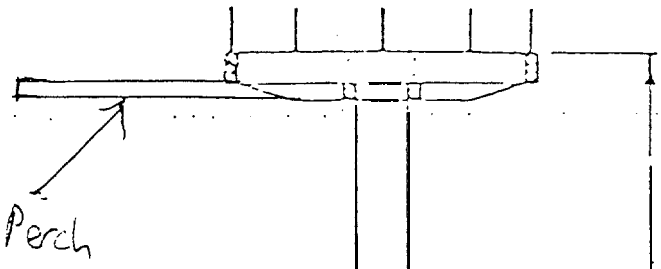
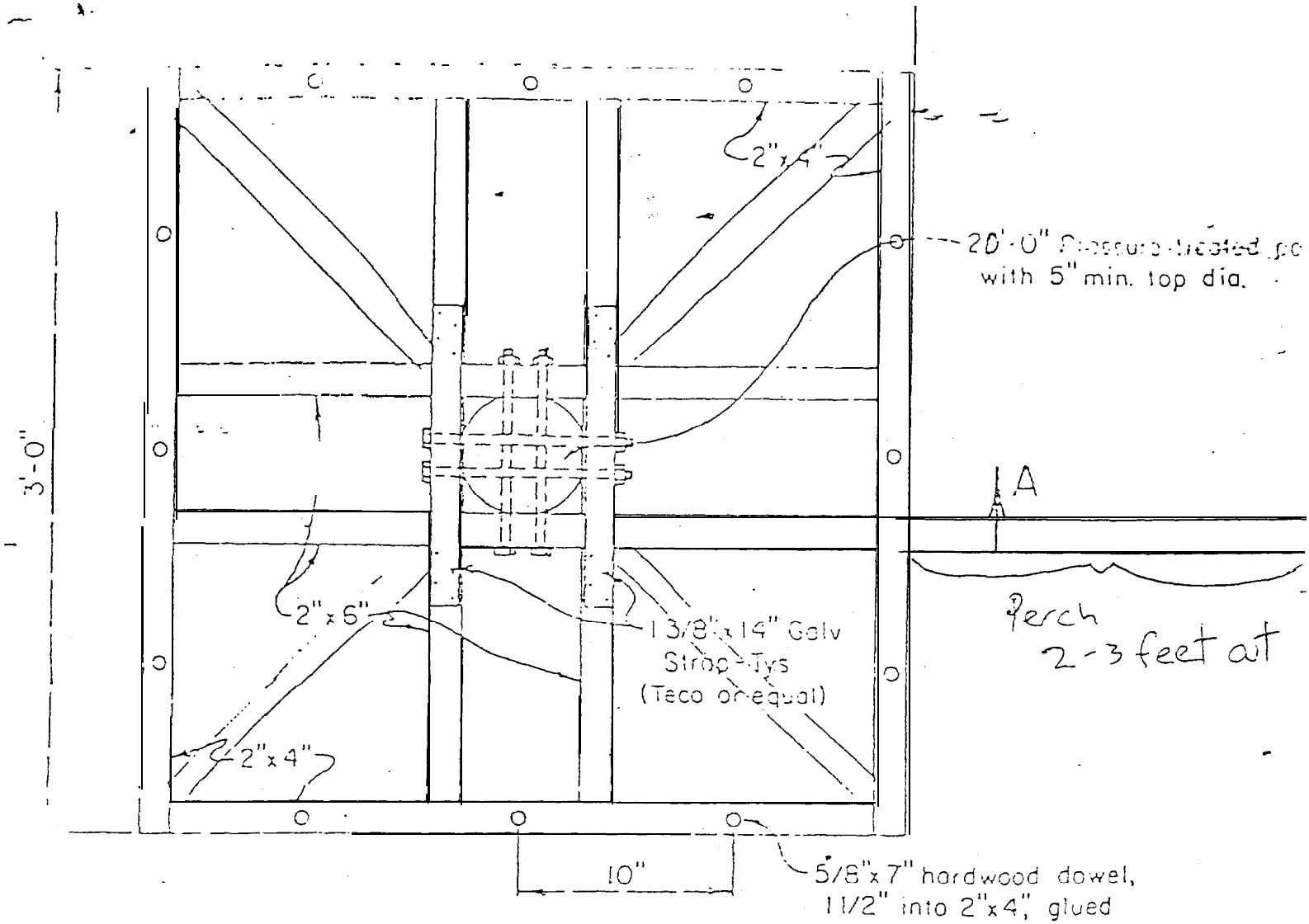


PLATE 4.16



PLAN VIEW

RAPTOR NEST

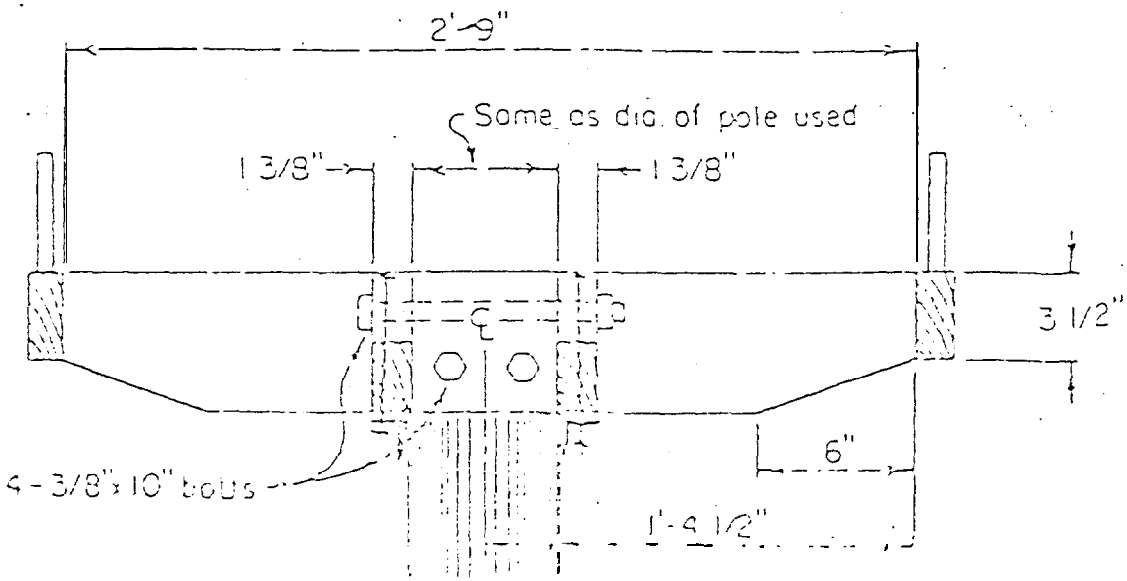


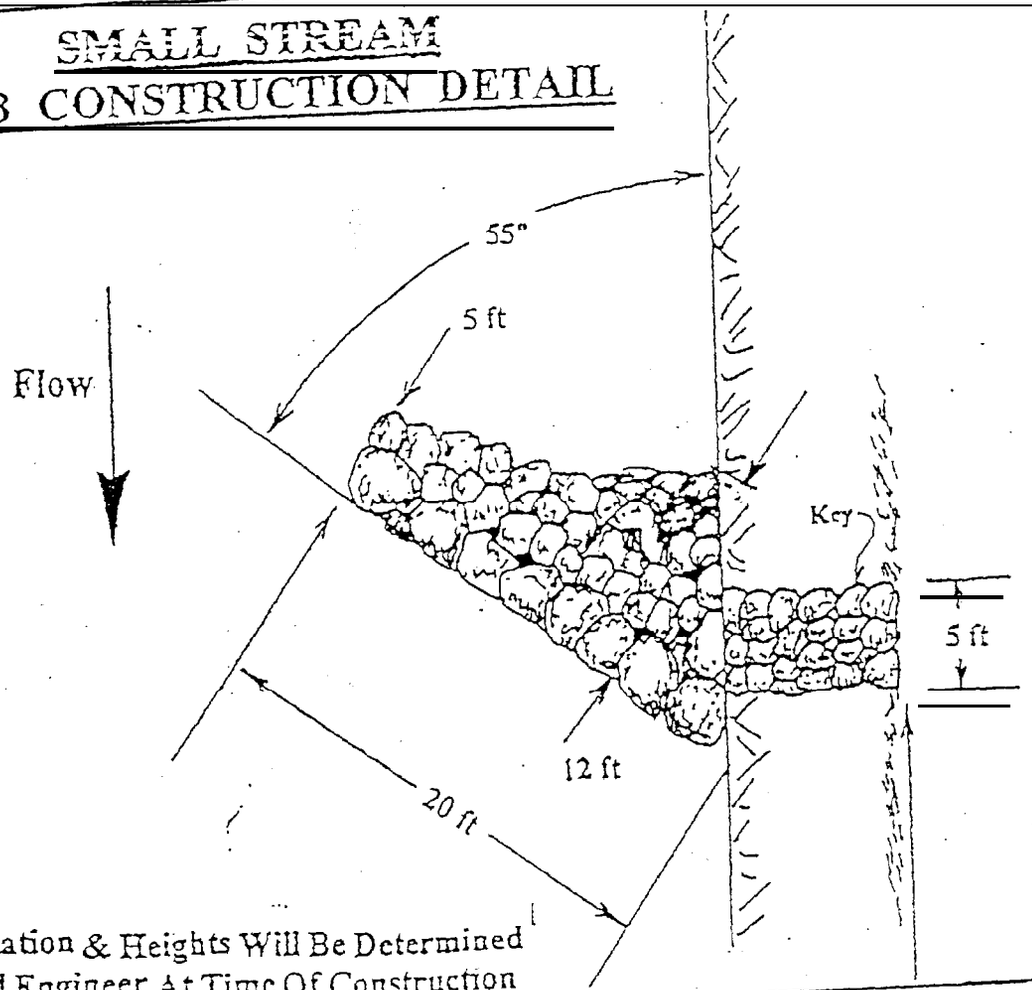
PLATE 4.16

FIGURE 3

Typical Bank Barb Design

SMALL STREAM
BARB CONSTRUCTION DETAIL

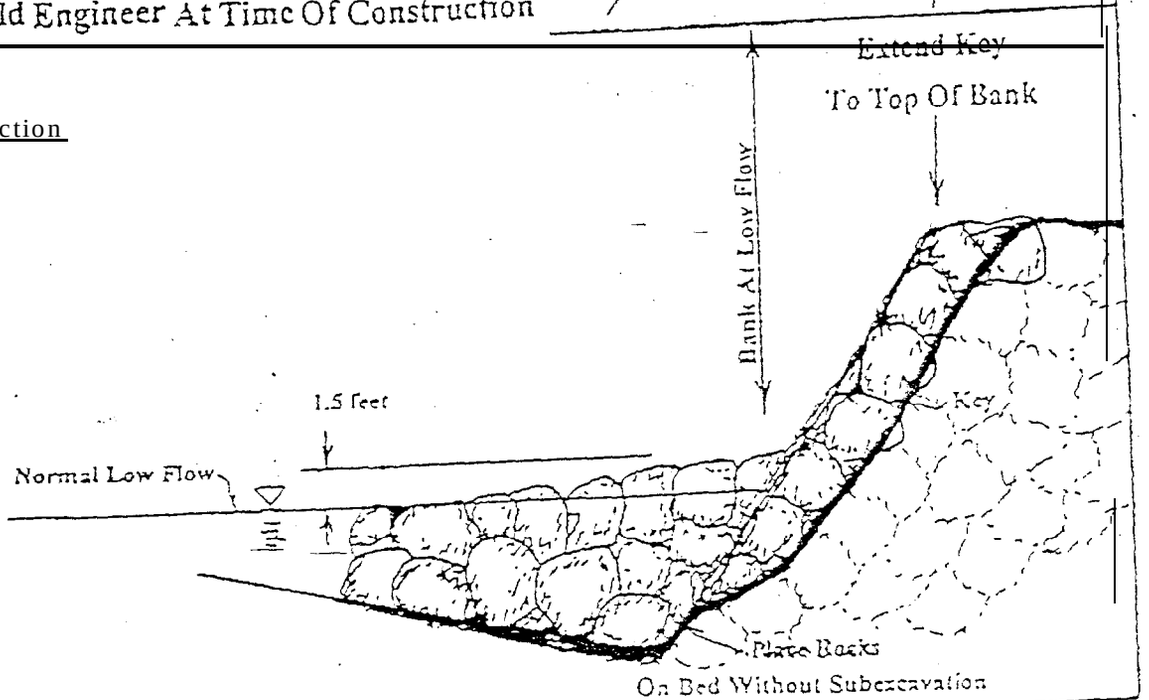
Plan



NOTE:

Final Orientation & Heights Will Be Determined By The Field Engineer At Time Of Construction

Cross-Section

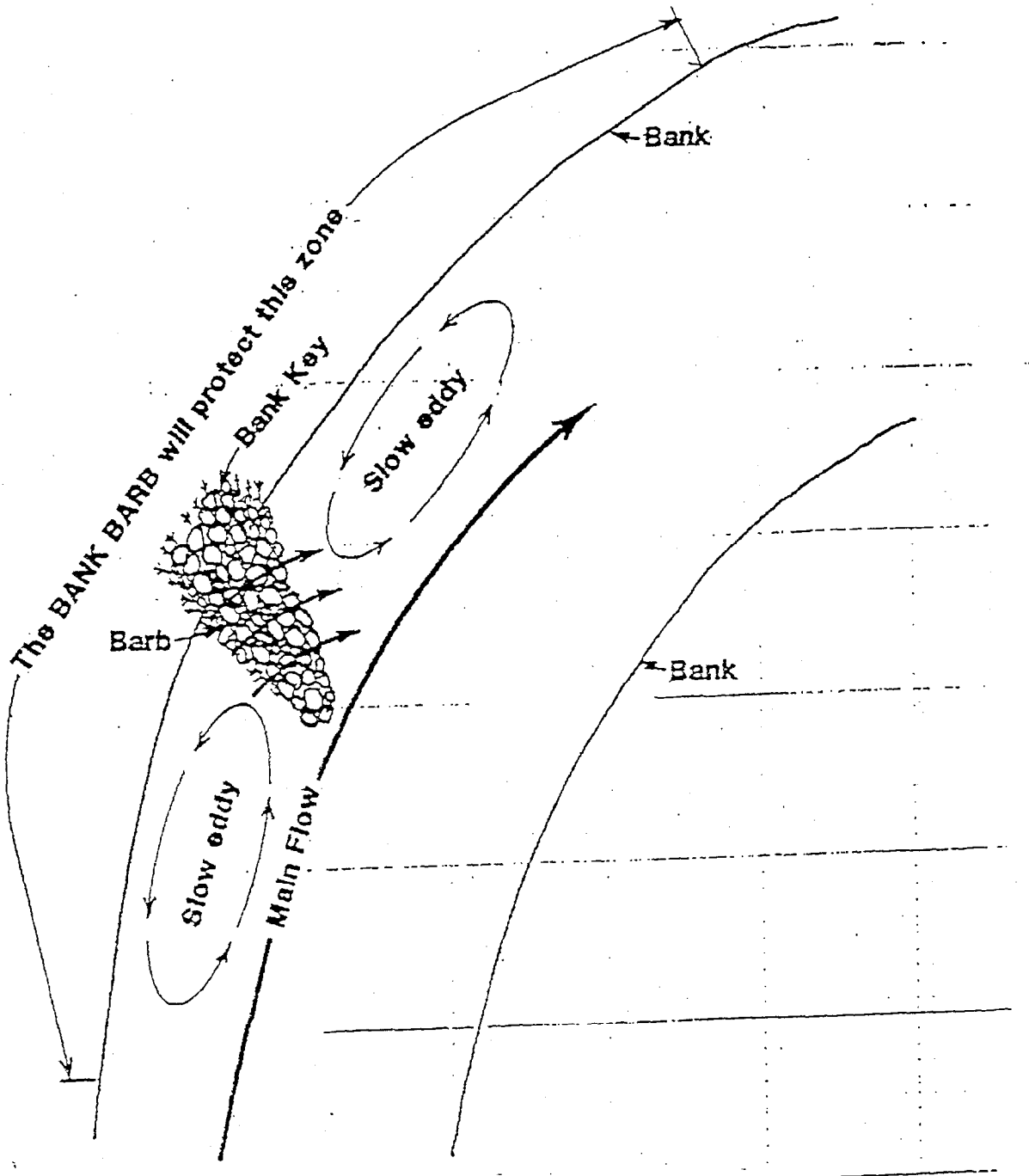


ROCK SPECIFICATIONS		
%Larger Than	Effective Diameter	Weight
10%	3 ft	2000 lb
80%	2 ft	600 lb
95%	1 ft	80 lb

ROCK VOLUME
Per Structure
45 cu. yds.

NOTE: Willow cuttings to be planted in keys during construction.

NOTE: Flow is directed perpendicular to the downstream face of the barb.



BANK BARB

APPENDIX A

Endangered Species List
From
U.S. Fish and Wildlife Service

And

Draft Biological Assessment

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Snake River Basin Office, Columbia River Basin Ecoregion
1387 South Vinnell Way, Room 368
Boise, Idaho 83709

December 14, 1998

Scot Ackerman
Planning Division - Environmental Compliance
U.S. Army Corps of Engineers
Walla Walla District
201 North Third Avenue
Walla Walla, Washington 99362-1876

Subject: City of Payette Wastewater Treatment Plant Species List
SP #1-4-99-SP-27 File: [illegible]

Dear Mr. Ackerman:

The U.S. Fish and Wildlife Service (Service) is providing you with a list of endangered, threatened, candidate, and/or proposed species which may be present in the proposed City of Payette Wastewater Treatment Plant project. The list fulfills requirements for a species list under Section 7(c) of the Endangered Species Act of 1973 (Act), as amended. The requirements for Federal agency compliance under the Act are outlined in Enclosure 2. If the project is not started within 180 days of this letter, regulations require that you request an updated list. Please refer to the number shown on the list (Enclosure 1) in all correspondence and reports.

Section 7 of the Act requires Federal agencies to insure that their actions are not likely to jeopardize the continued existence of endangered or threatened species. Federal funding, permitting, or land use management decisions are considered to be Federal actions subject to Section 7. If the proposed action involves any construction activity that may affect a listed species, Federal agencies are required to prepare a Biological Assessment (BA). If the determination of that BA is that a listed species is likely to be affected adversely by the proposed project, the Act calls for formal Section 7 consultation through this office. If a proposed species is likely to be jeopardized by a Federal action, regulations require a conference between the Federal agency and the Service.

National Wetland Inventory (NWI) maps show wetlands in the vicinity of the project area. These NWI maps provide general information on wetlands but do not preclude the need for a site specific wetland inventory of the project area.

If you need any further information, please contact Deb Carter at (208) 378-5261. Thank you for your continued interest in endangered species conservation.

Sincerely,

Brian B. Marsh

Acting Supervisor, Snake River Basin Office

Enclosures

cc: IDFG, Nampa

ENCLOSURE 1

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, AND CANDIDATE SPECIES, THAT MAY OCCUR WITHIN THE AREA OF THE CITY OF PRICE WASTE WATER TREATMENT PLAN? PROJECT
FWS-[illegible]-99-SP-27

LISTED SPECIES	*GENERAL COMMENTS*
Birds	
Bald eagle (LT) *(Haliaeetus leucocephalus)*	Wintering area
Mammals	
Gray wolf (LE;XN) (*Canis lupus*)	Experimental/Non-essential population
Plants	
Ute-ladies'tresses (LT *(Spiranthes diluvialis)*	

PROPOSED SPECIES

None

CANDIDATE SPECIES

None

GENERAL COMMENTS

GRAY WOLF -- Since the translocation of ...ves from Canada, the population in Ida... outh of Interstate Highway 90 is considered "ex... ...ntal, non-essential" under Section 10(...he Endangered Species Act. Under these circ... ...ces, Federal action agencies are requ... confer with the Service if their actions are li... ...y to jeopardize the continued existence ... wolves (see 50 CFR 17.83). Of course, you... ...y opt to confer with the Service regardl... ...your determination.

DRAFT
~~January 24, 1999~~

Planning Division (11652-26a)

Mr. Robert G. Ruesink, Supervisor
U.S. Fish and Wildlife Service
Snake River Basin Office
1387 Vinnell Way, Room 368
Boise, Idaho 83709

Dear Mr. Ruesink:

Pursuant to Section 7(c) of the Endangered Species Act, we request your review and informal consultation on the action described in the biological assessment below and concurrence on our *"May Affect But Is Not Likely* To *Adversely Affect"* determination for the project.

Project Title

City of Payette Waste Water Treatment Plant: Shoreline Protection along the Payette River.

Project Description

The Corps of Engineers (Corps) has started negotiations with the City of Payette, Idaho with regard to a bank stabilization project proposed for the Payette River adjacent to the city waste water treatment plant. The work will be a cooperative agreement under Section 14 of the 1946 Flood Control Act.

The work will focus on approximately 300 feet of shoreline along the Payette River starting at the downstream boundary of the City of Payette waste water treatment plant. The slope of the of the shoreline will be reshaped to a 2: 1 ratio with heavy equipment. Approximately 600 cubic yards of rip rap will be placed on this slope. The plan also calls for the planting of approximately 100 willow stakes, on one meter centers, within the rip rap. (See attached drawings).

Project Location

The project actions will occur in the NE of the NW Section 33, Township 17 S and Range 47 E.

Listed Species

The Snake River Basin Office of the U.S. Fish and Wildlife Service provided "Listed and Proposed Endangered and Threatened Species and Candidate Species" that could potentially occur at the work site in a letter dated December 14, 1998 (SP#1-4-99-SP-27). This list included the bald eagle *(Haliaeetus leucocephalus)*, .Gray Wolf (Canis Lupis), and Ute-ladies' tresses (Spiranthes divuvialis). All species listed are threatened under the Endangered Species Act.

Bald Eagle

Bald eagles are a common winter resident in the geographic area of this project. From 1980 through 1997 between O-14 eagles were seen yearly along the stretch between Emmett and the mouth of the Payette River (Karen Steenhof, USGS, Pers. Comm, 1999). Most of these sightings were closer to Emmett than Payette. The last time 14 eagles were seen was in 1991. Since then an average of three eagles have been seen each of the last six years. Nesting within the vicinity of the City of Payette has not been documented. The closest nesting is documented over 50 miles away at Lake Lowell. This nest has not been used since 1995. Most bald eagle nesting in the State of Idaho occurs east of Boise (Idaho Conservation Database Center, Bob Lehman, USGS, Pers. Comm, 1999). Cottonwoods are the preferred perch trees of bald eagles in this region.

The project will lead to the removal of several trees from the work area. Two willows (peach leaf?) and five black locusts. These trees are 10 to 15 feet in height. Since 1989 several black locusts have already been lost along the shoreline due to erosion. Mature cottonwoods, willow and black locusts are found across the river from the work site and immediately upstream and downstream from the work site. These trees range from 15 to 50 feet in height. No specific information on bald eagle use could be obtained at this time. It is suspected that wintering bald eagles would prefer the taller trees off the site for perching purposes. A grove of cottonwoods is located on an island just upstream from the waste water treatment plant. These cottonwoods look to provide the highest value perching habitat in the area. This information was derived from a site visit last summer and aerial and oblique photos taken of the site.

The design of this work will make it difficult to use cottonwood trees in the planting scheme. The reason for this is because cottonwoods are shallow-rooted and will pose a threat to the future of the bank stabilization project. The willows being planted are fairly low-growing and **mat** forming. They will be less susceptible to wind damage. Since the current quality of roosting trees is fairly low, an alternative to the loss of these trees would be to install a perch pole, with platform, on the new slope within the rip rap. The platform would be a solid structure to perching raptors including bald eagles. The platform may also attract ospreys, which do nest in the region.

The work is scheduled outside of the winter period (November 1st through March 1st) so no direct conflicts with eagles should occur. The work should take one to two weeks to complete. It is hoped the work will be completed this summer. If the work looks like it will be delayed into next winter, the USFWS will be consulted on how to proceed. For these reasons, the project *"May Affect But Are* Not *Likely To Adversely Affect"* bald eagles.

Gray Wolf

Gray wolf sightings, or evidence of gray wolf use, in the general area of the project site has not been documented. Project actions are occurring within an area having a large amount of human disturbance and a lot of urban development. The work should not affect travel corridors or den sites for wolves. The finished work will provide a better buffer between the river and waste treatment plant for animal travel along the river. No predator control action is connected to this project and its completion will not encourage future reduction of wolf prey-base species. Therefore, this project's is not likely to adversely affect habitats necessary for the continued survival of the Idaho gray wolf population.

Ute-ladies' Tresses

Ute's ladies tresses is not documented in the project area, and the nearest occurrence known to the Idaho Department of Fish and Game occurs in southeastern Idaho (personal communication on 22 January 1999 Mr. George Stephens, Idaho Conservation Data Center). The work site is well out the known range of this plant. The work site will also focus on a highly eroded cut bank on the river, vegetated with non-native species. It is highly unlikely that Ute-ladies' tresses would be found in the work site. For this reason the project action is not likely to adversely affect the continued existence of this species or its potential habitat.

Conclusion

Based on the above lack of anticipated negative impacts it is determined that the proposed project *"May Affect But Are Not Likely To Adversely Affect"* bald eagles use of the area or their habitat.

If you have any questions or require additional information about this project or the biological evaluation , please contact Mr. Scott Ackerman at 509-527-7272.

Sincerely,

CARTEIUPD-EC
ACKERMAN/PD-EC
POOLMAN/PD-EC
EC FILES

Peter F. Poolman
Chief, Environmental Compliance Branch

Enclosure: Location of Project Site

Copy Furnished:
CENWW-PD-EC (Carter)

APPENDIX B

Cultural Resource Concurrence Letter
From
Idaho State Historic Preservation Office

IDAHO STATE HISTORICAL SOCIETY
FOUNDED IN 1881

Our mission: to educate through the identification, preservation, and interpretation of Idaho's cultural heritage.

Philip E. Batt
Governor of Idaho

Steve Guerber
Director

Administration
1109 Main Street, Suite 250
Boise, Idaho 83702-5642
Office: (208) 334-2682
Fax: (208) 334-2774

Archaeological Survey
210 Main Street
Boise, Idaho 83702-7264
Office: (208) 334-3847
Fax: (208) 334-2775

Historical Museum and Education Programs
610 North Julia Davis Drive
Boise, Idaho 83702-7695
Office: (208) 334-2120
Fax: (208) 334-4059

Historic Preservation Office
210 Main Street
Boise, Idaho 83702-7264
Office: (208) 334-3861
Fax: (208) 334-2775

Historic Sites Office
2445 Old Penitentiary Road
Boise, Idaho 83712-8254
Office: (208) 334-2844
Fax: (208) 334-3225

Library/Historical Collection
450 North Fourth Street
Boise, Idaho 83702-6027
Office: (208) 334-2356
Fax: (208) 334-3198

Library/Genealogical Collection
450 North Fourth Street
Boise, Idaho 83702-6027
Office: (208) 334-3357
Fax: (208) 334-3198

Oral History
450 North Fourth Street
Boise, Idaho 83702-6027
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Memberships and Outreach and Development
1109 Main Street, Suite 250
Boise, Idaho 83702-5642
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Fax: (208) 334-3198

State Archives/Manuscripts
450 North Fourth Street
Boise, Idaho 83702-6027
Office: (208) 334-3356
Fax: (208) 334-3198

DATE: October 16, 1998
TO: Perer F. Poolman, Corps of Engineers
FEDERAL AGENCY: Corps of Engineers
PROJECT NAME: Payette Bank Stabilization, Payette Waste Water Treatment Plan

Section 106 Evaluation

	The State Historic Preservation Office concurs with tiidings and recommendations presented in this report, and the field work and documentation meet the Secretary of the Interior's Standards.
X	No additional investigations are recommended: project can proceed as planned.
	Additional information is required to complete the project review. (See comments.)
	Additional investigations are recommended (See comments.)

National Register Eligibility (36 CFR 800.4):

X	No historic properties were identified within project area.
	Property is listed in National Register of Historic Places.
	Property is eligible for listing in the National Register of Historic Places. Criterion: A B C D Context For evaluation:
	Property is not eligible. Reason:

Assessment of Effects (36 CFR 800.5, 800.9):

	Project **will** have **no** *effect* **on** historic properties.
	Project will have no adverse *effect* on historic properties.
	Project will have an *adverse effect* on historic properties; further consultation is recommended.

If you have any questions, feel free to contact **Suzi Neitzel at 208-334-3847.**
comments:

Deputy SHPO
State Historic Preservation Office

10/ 16/98
Date

The Idaho State Historical Society is an Equal Opportunity Employer.