#9

Gwen Victorson

From: William Haberman <william.haberman@me.com>
Sent: Wednesday, July 17, 2024 4:58 PM
To: Fischer, Steven M CIV USCG D13 (USA)
Cc: Garrett Schock; Gwen Victorson; Jeremy Grimm; Pierre Bordenave; Scott Brown
Subject: The Idaho Club Marina & Lakeshore Community - US Coast Guard - Bridge Permit Application & Exemption
Attachments: IdahoClub-Marina&LakeshoreCommunity-USCG-CoverLetter.pdf; IdahoClub-Marina&LakeshoreCommunity-USCoastGuard-BridgePermitApplication-July2024.pdf; IdahoClub-Marina&LakeshoreCommunity-USCoastGuard-BridgePermit-ExemptionRequest-July2024.pdf; IdahoClub-Marina&LakeshoreCommunity-USCoastGuard-SitePhotos-July2024.pdf; IdahoClub-Marina&LakeshoreCommunity-USCoastGuard-BridgePermit-Exhibits-July2024.pdf; IdahoClub-Marina&LakshoreCommunity-Sewell-ExistingEncroachments.pdf

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Steven — Per our conversation a few weeks ago, attached please find the following items in connection with our proposed pedestrian bridge at above captioned project.

As you will see, we have included both a bridge permit application and a bridge permit exemption request. We believe that what we are proposing likely will qualify for an exemption.

Please review the attachments and let me know if you have any questions or need anything else from us.

Regards, Bill

William Haberman
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Manager
Valiant Idaho II, LLC
The Idaho Club
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THE IDAHO CLUB

Steven Fischer
Bridge Administrator
U.S. Coast Guard
Thirteenth District
VIA EMAIL: Steven.M.Fischer3@uscg.mil

RE: The Idaho Club Marina & Lakeshore Community
Lake Pend Oreille, Bonner County, Idaho
USACE Permit Application No. NWW-2007-01218

Dear Steven:

Per the request and advice from Garrett Schock, Project Manager, U. S. Army Corps of Engineers, and Idaho Department of Lands, I am providing the attached:

1. Application for Bridge Replacement;

2. Application for Bridge Exemption;

3. Photo documentation of the existing site conditions supporting an exemption and/or replacement permit;

4. A set of relevant plan sheets defining the work area and conditions of the site in the location of the proposed replacement bridge; and

5. A map defining other public or commercial marina services within three miles of the proposed The Idaho Club Marina and Lakeshore Community Development.

We have included both an Application for Bridge Replacement and Application for Bridge Exemption, because we believe that what we are proposing may very well qualify for an exemption, but if not, you will have what you need to evaluate this as bridge replacement requiring a permit.

Once you have had an opportunity to review the documentation provided, please let know if you have any questions or need anything else from us.

Regards,

VALIANT IDAHO II, LLC

William Haberman
Manager

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This template has been developed to be used in conjunction with the Coast Guard Bridge Permit Application Guide (BPAG), COMDTPUB P16591.3(series), to complete the application material required by Section 3 of the BPAG for an application for a Coast Guard bridge permit or permit amendment. It is permissible to copy and paste this template onto letterhead before submitting to the Coast Guard. Please do not delete any language from the template. Double clicking on a box allows you to check/uncheck it.

Application is hereby made for a Coast Guard bridge permit (or permit amendment).

A. ADMINISTRATIVE AND NAVIGATION INFORMATION

1. Application Date: **July 9, 2024**

   a. Applicant information:

      1) Name: **Valiant Idaho, LLC & Valiant Idaho II, LLC, Co-Applicants**

      2) Address: **c/o William Haberman, 151 Clubhouse Way, Sandpoint, ID 83864**

      3) Telephone number: **(208) 263-0400 Main / (407) 973-7875 Mobile**

      4) Email address: **william.haberman@me.com**

   b. Consultant/Agent information (if employed): **Not Applicable**

      1) Name (company or individual):

      2) Address:

      3) Telephone number:

      4) Email address:

      5) Letter authorizing a consultant/agent to obtain permits on behalf of the applicant included: Yes No

   c. Name of Proposed Bridge(s): **The Idaho Club Marina Pedestrian Bridge**

      1) Name of the waterway that the bridge(s) would cross: **Unnamed backwater slough attached to Lake Pend Oreille near Hope, Bonner County, ID. See attached Exhibits.**

      2) Number of miles above the mouth of the waterway where the bridge(s) would be located and provide latitude and longitude coordinates (degree/minute/second) at centerline of navigation channel (contact the local Coast Guard Bridge Office for guidance): **Zero miles. Lat: 48 17'00.03" N Long: 116 21'08.96"W**

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3) City or town, county/parish, and state where the bridge(s) would be located at, near, or between: **Adjacent to Trestle Creek near Hope, Bonner County, ID**

4) Brief description of project to include type of bridge(s) proposed [fixed or movable (drawbridge, bascule, vertical lift, swing span, pontoon), highway, railway, pedestrian, pipeline] and existing bridge(s) at project site, if applicable:

Existing Condition: There is an existing dilapidated bridge in approximately the same location as the proposed bridge. (See attached Photo Documentation Numbers 1. and 2. taken on July 2. 2024) This bridge spans an approximately 60 foot wide shallow channel at the south end of a backwater slough with no navigable outlet at the north end of the slough. The existing broken bridge is 66 feet long, 5 feet wide, with a 36 foot center horizontal clear span area. On July 2, 2024 the Low Chord clearance from the Ordinary High Water Mark of 2062.5 (Nav 29) was approximately 6 feet due to the existing collapsed condition. It appears the low chord clearance was approximately 7-8 feet when the bridge was functional (estimated based on adjacent intact portions of the bridge). The depth of the water in the center the channel below the bridge was 34 inches. There is no navigation in the slough at this time due to the existing bridge state of collapse and the shallow depth of the channel and slough.

Proposed Condition: The proposed fixed, pedestrian walking bridge will be six feet (6') wide, with seventy feet (70') of clear span over the channel, and ramped approach section (not within the waterway). The proposed low chord clearance is 10 feet above the Ordinary High Water Mark of 2062.5 (Nav 29). The channel below the bridge will be excavated at low water (no water remains in either the channel or the slough at winter draw down of Lake Pend Oreille) to allow for a water depth of 5-6 feet below the bridge and deeper within the slough.

As part of the overall Marina Project Development Plans, the construction of eight (8) private docks are proposed for the private parcels that will be bordering the slough. Access under the bridge is primarily for those 8 private docks. There will be significant near shore excavation during low water season to improve navigability throughout the parcel. This will include the removal of an existing low pedestrian bridge at the north end of the slough which allows no navigability from the slough to the North. (See Photo Documentation # 3 and 4). The channel at this location will be deepened and widened to allow for clear navigation of boats with less than 6 feet of draft. See attached project existing conditions, excavation plan, site plan, and associated cross sections

5) Drawbridge Regulations (if applicable): **Not Applicable**

6) Date of plans and number of plan sheets: **6/26/2024. 7 Plan Sheets.**

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7) Estimated cost of bridge(s) and approaches:

a) Provide the estimated cost of the bridge(s) as proposed, with vertical and

horizontal navigational clearances: **Estimated cost is $30,000 to $40,000, with ten feet (10') vertical clearance and seventy feet (70') of horizontal clearance**

b) Provide the estimated cost of a low-level bridge(s) on the same alignment with only sufficient clearance to pass high water while meeting the intended purpose and need: **Estimated cost would also be $30,000 to $40,000**

8) Type and source of project funding (federal, state, private, etc.): **Private**

9) Proposed project timeline: **September 2024 to November 2025**

10) Other Federal actions (e.g., permits, approvals, funding, etc.) associated with the proposal: **Requires USACE CWA Section 404 permit; ID Department of Lands encroachment permit; ID Department of Environmental Quality CWA Section 401 Water Quality Certification and CWA Section 402 NPDES coverage; and, Bonner County, ID amendment to approved PUD**

d. Legal authority for proposed action:

1) Cite appropriate Bridge Act: **General Bridge Act of 1946 as amended**

2) If not the owner of the existing bridge(s) that is being replaced or modified, include a signed statement from the bridge owner authorizing the removal or modification work and cite its location: **Not Applicable**

3) For privately owned bridges, cite authorization for right to build (e.g. deed or easement from the property owner authorizing the proposed construction or modification work): **Deed / Fee Ownership by Co-Applicants**

e. International bridges (if applicable): **Not Applicable**

1) Cite the International Bridge Act of 1972, or a copy of the Special Act of Congress if constructed prior to 1972, as the legislative authority for international bridge construction:

2) For permits issued under the International Bridge Act of 1972, cite Presidential approval, via the State Department, included with the application as required:

NOTE: Please include a copy of State Department approval for international bridges in the application package for a Coast Guard bridge permit.

f. Dimensions of the proposed bridge(s):

1) Vertical clearance as indicated on plan sheets: **Ten feet (10'); Replaces existing pedestrian bridge with approximately seven feet (7') of vertical low chord clearance.**

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2) Horizontal clearance as indicated on plan sheets: **Seventy feet (70'), replacing existing pedestrian bridge with thirty-four feet (34') of horizontal clearance**

3) Length of bridge(s) project: **Seventy feet (70')**

If no prior permit exists, and this is a modification or replacement project, is the length the same as the old bridge: **Four feet (4') longer**

If not, what is the difference: **Existing pedestrian bridge is approximately sixty-six feet (66') long**

4) Width of bridge(s) project: **Six feet (6')**

If no prior permit exists, and this is a modification or replacement project, is the width the same as the old bridge: **One foot (1') wider**

If not, what is the difference: **Existing pedestrian bridge is approximately five feet (5') wide**

5) Depth of the waterway at project site at MHW if tidal or OHW if non-tidal, using the appropriate elevation and datum (e.g., NGVD 1929, NAVD 1988, etc.): **Current, during OHW, is thirty-four inches (34") at its deepest point. Based on the proposed plans, this will be increased by approximately thirty-six to thirty-eight inches (36" to 38"), resulting in approximately six feet (6') of channel depth under the proposed pedestrian bridge.**

6) Width of waterway at project site at MHW if tidal or OHW if non-tidal: **Current, during OHW, the width of the free span over the center of the water channel is thirty-four feet (34') at its widest point. Based on the proposed plans, this will be increased by approximately thirty-six feet (36'), resulting in nearly double the free span by the proposed pedestrian bridge.**

7) Significant effect on flood heights and associated drift, if any, that could cause a navigation hazard: **None**

g. Temporary Bridge(s) dimensions (vertical clearance, horizontal clearance, length and width), if applicable: **Not Applicable**

h. [Include the following language, if applicable] Enclosed are the waterway data requirements as determined by the Coast Guard District Bridge Office. If a navigation impact report was conducted please cite location(s) in the case file, list title and date of document as appropriate: **Not Applicable**

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i. Existing bridge(s) if applicable:

1) Name of bridge(s): **Not named**

2) Type of bridge(s) and number of lanes (e.g., fixed or moveable (drawbridge,

bascule, vertical lift, swing span, pontoon, etc.); highway, railway, pedestrian, pipeline): **Pedestrian, single lane, approximately five feet (5') wide, sixty-six (66') feet long; Currently in severe disrepair and is dangerous to pass over or under**

3) For movable spans identify the existing drawbridge operating regulation governing the structure (e.g. 33 CFR 117.XXX, if applicable): **Not Applicable**

When applicable, identify if the local Coast Guard Bridge Office identified that modification of an existing drawbridge requires revision or removal of the existing regulation (e.g. if the bridge project involves replacing the existing drawbridge with a fixed bridge):

NOTE: If the waterway is not already identified in 117 Subpart B, please note if an operating schedule other than open on demand is being considered.

4) Latitude and longitude coordinates (degree/minute/second) at centerline of the bridge(s): **Latitude: 48.284113; Longitude: -116.352081**

5) Dimensions of the existing bridge(s): **Sixty-six feet (66') Long X five feet (5') Wide**

a) Vertical clearance(s) as indicated on previous plan sheets (include both the open and closed-to-navigation clearances for movable spans). [The proposed and existing vertical clearances must be compared using the same datums. This may require surveying the existing bridge]:

Current bridge: Vertical clearance = seven feet (7') above OHW; and Horizontal clearance of free span = thirty-four feet (34');

Proposed bridge: Vertical clearance = ten feet (10') above OHW; and, Horizontal clearance from free span = seventy feet (70')

b) Horizontal clearance as indicated on previous plan sheets: **Thirty-four feet (34') of free span**

c) Length of existing bridge(s): **Sixty-six feet (66')**

d) Width of existing bridge(s): **Five feet (5')**

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6) Owner of the existing bridge(s): **Co-Applicants**

j. Discuss construction methodology, if known, and removal of existing bridge(s), as applicable:

1) Discuss proposed construction methodology and restrictions: **Existing bridge and supports will be removed during low water periods, allowing all work to occur when there is no potential for boat traffic in the area, and the work can**

be done without impacting any open water feature.

2) Discuss maintenance of land traffic during construction activities: **None needed. There is no traffic on the broken bridge at this time. There will be no traffic of any kind allowed until a new bridge is constructed.**

3) Discuss extent of removal of existing bridge(s) (e.g. in its entirety, two feet below the mud line, down to or below the natural bottom of the waterway or to a specific elevation), time needed for removal, etc.: **To be removed in its entirety, down to the natural bottom of the waterway, further excavation to increase the depth will also be completed, removal time will be minimal**

4) Discuss demolition methodology: **Removal will be by crane and excavator at low water and result in no impact to any open water areas.**

NOTE: In the interest of navigational safety, the Coast Guard must make the final decision concerning the extent of bridge(s) removal.

k. Other agencies with jurisdiction over the proposed project:

1) Agency: **USACE; ID Department of Lands; ID Department of Environmental Quality; ID Department of Water Resources; and, Bonner County, ID**

2) Permits or type of approvals required for the project: **USACE CWA Section 404 permit; ID Department of Lands encroachment permit; ID Department of Environmental Quality CWA Section 401 Water Quality Certification and CWA Section 402 NPDES coverage; and, Bonner County, ID amendment to approved PUD**

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B. ENVIRONMENTAL INFORMATION:

1. **National Environmental Policy Act**

Lead Federal Agency: **USACE**

List Cooperating Agencies for project: **USF&W; ID Department of Lands; ID Department of Environmental Quality; ID Fish & Game; ID Department of Water Resources; and, Bonner County, ID**

a. Type of environmental document.

Environmental Impact Statement/Record of Decision (EIS/ROD) **Not Applicable**

Cite location(s) in the application package:

Environmental Assessment/Finding of No Significant Impact (EA/FONSI) **Pending**

Cite location(s) in the application package: **USACE**

Categorical Exclusion (CE). **Hereby request this due to improvements to navigability proposed with replacement of existing pedestrian bridge, removal of second impediment and project related excavation.**

Cite location(s) in the application package:

b. Has the environmental document been modified, reevaluated, supplemented or rescinded for the proposed action?

Yes **No**

If yes, cite location(s) in the application package:

2. **Environmental Effects Abroad**

a. Does the proposed project involve a bridge connection to Canada or Mexico?

Yes **No**

If yes, cite location(s) in NEPA document where environmental effects abroad are described:

3. **Clean Water Act**

a. Has a Water Quality Certification (WQC), waiver or statement that the WQC is not required been obtained from the appropriate federal, interstate, or state agency?

Yes **No**

If yes, cite location(s) in the application package: **Applied and pending review by ID Department of Environmental Quality; WQC has been previously issued twice for projects with significantly greater impacts than this presently proposed project.**

NOTE: The USCG will not accept an application package as complete if a WQC, waiver, or statement from the appropriate regulatory body has not been obtained.

b. Name of the Federal, State or Tribal certifying agency and point of contact with phone and email address, if available: **ID Department of Environmental Quality, Chantilly Higbee, (208) 666-4605, Chantilly.Higbee@deq.idaho.gov**

c. If the WQC is granted under a Programmatic Agreement (e.g., U.S. Army Corps of Engineers (USACE) Nationwide Permit (NWP) include the date of the NWP, the type of NWP (14, 15, etc.) and the NWP number and title: **Not Applicable**

d. For permit amendment actions, include a new WQC or a written confirmation from the certifying agency that the existing WQC has been reissued/renewed or is still valid for the proposed action.

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New WQC Attached. **WQMP Submitted for review; Review pending**

Written Confirmation of WQC validity attached

4. **Wetlands**

   a. Is the proposed project located in or adjacent to a wetland?

      Yes. Wetland area delineated on proponents property. No

   b. If yes, what is the acreage of wetlands that will be permanently and temporarily impacted by the proposed project? **0.015 acres of total impacts, being reviewed and pending with USACE; No wetlands are impact from the proposed pedestrian bridge**

      Include USACE permit (nationwide authorization or individual), if required, and cite where wetland mitigation measures are described in the application package: **NA**

5. **Coastal Zone Management Act** - The Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. § 1451), as amended, and its implementing regulations (15 CFR Part 930), requires all projects located within the designated coastal zone of a state to be consistent with the State's federally approved CZM plan (CZMP). **Not Applicable**

   a. Is the project located in a state that has an approved Coastal Zone Management Act Plan (CZMP)?

      Yes **No**

   b. If yes, is the project within an area included in the federally approved CZMP?

      Yes **No**

   c. If yes, has the State specifically excluded this activity from its federally approved CZMP?

      Yes No

      Include State CZM concurrence/with consistency certification and cite location(s) in the application package:

6. **Floodplains**

   a. Is the proposed project located in the base floodplain? An encroachment into the base floodplain does not exist when only the piers, pilings, or pile bents are located in the floodplain.

      Yes No

   b. Is there a significant encroachment (constituting a considerable probability of loss of

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human life; likely future damage associated with the encroachment that could be substantial in cost or extent; or a notable adverse impact on natural and beneficial floodplain values) into the floodplain?

Yes **No**

c. If yes, provide documentation and cite location(s) in the application package: **Not Applicable**

7. **Wild and Scenic Rivers**

a. Is the river involved in the proposed bridge project a designated Wild and Scenic River?

Yes **No**

b. If yes, attach correspondence with the river-administering agency and cite location(s) in the application package: **Not Applicable**

8. **Coastal Barrier Resources Act**

a. Does the proposed project connect to a unit of the Coastal Barrier Resources System?

Yes **No**

b. If yes, and the project is federally funded, cite location of Section 6 exception in the application package and any correspondence with the FWS: **Not Applicable**

9. **Land and Water Conservation Fund Act**

a. Does the proposed project involve a conversion of land or facilities funded under Section 6(f) of the Land and Water Conservation Fund Act?

Yes **No**

b. If yes, include correspondence with the NPS and authorization from the Secretary of the Interior for that conversion and cite location(s) in the application package: **Not Applicable**

10. **National Marine Sanctuaries Act**

a. Is the proposed project in or adjacent to a National Marine Sanctuary?

Yes **No**

b. Is the proposed bridge(s) likely to destroy, cause loss of, or injure a resource of a National Marine Sanctuary? (If no, provide evidence)

Yes **No**

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c. If yes, include evidence of consultation with Office of National Marine Sanctuaries and the agency's findings/conditions and cite location(s) in the application package: **Not Applicable**

11. **Marine Protected Areas**

a. Is the proposed project in or adjacent to a Marine Protected Area (MPA) as defined in section 4(d) of Executive Order 13158?

Yes **No**

b. If yes, will the proposed project affect the natural or cultural resources that are protected by the MPA? (If no, provide evidence)

Yes **No**

c. If yes, include evidence of correspondence with MPA Center, if applicable, and cite location(s) in the application package: **Not Applicable**

12. **Endangered Species Act**

a. Are there federally designated threatened or endangered species and/or critical habitat in the area that the proposed project is located? (If no, provide evidence)

Yes No

b. May the proposed project affect federally designated threatened or endangered species and/or critical habitat? (If no, provide evidence)

Yes No

c. If yes, was there formal or informal consultation with the United States Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS)?

Formal consultation — Yes, pursuant to previous USACE permit issued; Pending review for new permit application for same project location / site with significantly reduced impacts.

Informal consultation

d. If formal, provide date(s) and attach biological assessment, biological opinion, and any other relevant correspondence and cite location(s) in application package: **In progress with USACE as Lead Agency.**

e. If informal, provide dates and include correspondence or documented phone conversations with and from USFWS/NMFS and cite location(s) in the application package: **Not Applicable**

f. Include Biological Assessment/Biological Evaluation, as appropriate.

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13. **Fish and Wildlife Coordination Act**

a. Include any correspondence with USFWS and the relevant state wildlife agency regarding Fish and Wildlife Coordination Act coordination and cite location(s) in the application package: **Pending; USACE & USF&W are coordinating**

14. **Magnuson-Stevens Fishery Conservation and Management Act**

a. Will the proposed project likely adversely affect designated Essential Fish Habitats (EFH) as defined in the Magnuson-Stevens Act? (If no, provide evidence)

Yes **No**

b. Identify location of EFH assessment and relevant correspondence with NMFS in the application package: **Not Applicable**

15. **Marine Mammal Protection Act**

a. Does the proposed project involve a "take" of marine mammals as defined in the Marine Mammal Protection Act?

Yes **No**

b. If yes, include the incidental harassment authorization or letter of authorization from NMFS and any relevant correspondence and cite location(s) in the application package: **Not Applicable**

16. **Migratory Bird Treaty Act**

a. Does the proposed project involve a potential take of migratory birds as defined in the Migratory Bird Treaty Act? (If no, provide evidence)

Yes No

b. If yes, is a permit required?

Yes No

c. If a permit is required, include it and any correspondence with USFWS and cite location(s) in the application package: **Previously obtain an eagle's nest take permit from USF&W; Due to changes to proposed development plan, an eagle's nest take permit may not be required**

17. **Bald and Golden Eagle Protection Act**

a. May the proposed project take or disturb bald or golden eagles (including nests) as defined in the Bald and Golden Eagle Protection Act? (If no, provide evidence)

Yes No

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b. If yes, is a permit required?

Yes No

c. If a permit is required, include it and any correspondence with USFWS and cite location(s) in the application package. **Previously obtain an eagle's nest take permit from USF&W; Due to changes to proposed development plan, an eagle's nest take permit may not be required. Continued ongoing review with USFWS.**

18. **Invasive Species**

a. Does the proposed project have potential to introduce or foster the spread of invasive species?

Yes **No**

b. If yes, cite the document that describes measures that will be taken to minimize this risk and location(s) in the application package: **Not Applicable**

19. **Section 106**

a. Does the proposed project have potential to impact properties (including submerged abandoned shipwrecks) listed in or eligible for inclusion in the National Register of Historic Places?

Yes **No**

b. If yes, provide evidence of consultation with the State Historic Preservation Officer (and the Advisory Council on Historic Preservation, if applicable) and cite location (s) in the application package. Include: **Not Applicable**

Copies of the correspondence

Memorandum of Agreement

No effect determination

c. For projects involving Federal lands only provide: **Not Applicable**

Archeological clearances

Archeological reports

Archeological Report on file with the USACE permit application. Available upon request if needed for this application.

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20. **Clean Air Act**

a. Does the proposed project occur in an area of nonattainment or maintenance for any

criteria pollutant?

Yes **No**

b. If project occurs in a nonattainment or maintenance area, do the transportation or general conformity regulations, or both, apply? **Not Applicable**

General Transportation

c. Is the project exempt from a transportation conformity analysis for any of the reasons listed in 40 CFR § 93.126? Which reason? **Not Applicable**

Yes No Reason:

d. Is the project exempt from a general conformity analysis for any of the reasons listed in 40 CFR § 93.153(c)? **Not Applicable**

Yes No

e. If general conformity applies, is the project listed in a conforming State Implementation Plan (SIP)? **Not Applicable**

Yes No

f. If a general conformity determination was prepared, include the draft and final determinations and any relevant correspondence and cite their location(s) in the application package: **Not Applicable**

g. If transportation conformity applies, is the project listed in a conforming SIP, Transportation Improvement Program (TIP), Regional Transportation Plan (RTP), or Federal Implementation Plan (FIP)? **Not Applicable**

Yes No

h. If yes, cite location of information regarding listing in the application package: **Not Applicable**

i. If transportation conformity applies, does the project contribute to any new localized CO, PM_{10}, or $PM_{2.5}$ violations or increase the frequency or severity or any existing violations of the same? **Not Applicable**

Yes No

j. If yes, cite location of information in the application package: **Not Applicable**

21. **Actions to Address Environmental Justice in Minority or Low-Income Populations**

a. Does the proposed project involve disproportionate adverse impacts to minority and/ or low-income populations as defined in Executive Order 12898?

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Yes **No**

b. If yes, include the analysis describing the impacts and cite location(s) in the application package: **Not Applicable**

c. If yes, cite the location in the application package that describes measures to be taken to reduce those impacts: **Not Applicable**

22. **Hazardous Materials, Substances or Wastes**

a. Does the proposed project involve or is it located near a Superfund site or any site regulated under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA) or State law regulating hazardous materials, substances or wastes?

Yes **No**

b. If yes, cite the location(s) in the NEPA document where hazardous materials, substances or wastes are discussed:

See Enclosure [**B**] for plan sheets.

See Enclosure [**X**] for Waterway Data Requirements

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WATERWAY DATA REQUIREMENTS (as required by the Coast Guard, include the below information as an attachment to the application letter per Appendix A of the BPAG)

A. Means of Data Collection:

Surveyed by JA Sewell Engineers Using Nav 29 Base datum

B. Present governing bridge(s) or aerial structure(s) on the waterway:

1. Identify all bridges upstream and downstream of the proposed bridge site and their existing horizontal and vertical clearances to determine the existing minimum horizontal and vertical clearances (including overhead transmission line clearances). Provide in table format. **An existing dilapidated pedestrian bridge that would be replaced by the new proposed pedestrian is located where the new replacement bridge is proposed. The existing bridge is sixty-six feet (66') long, five feet (5') wide, has vertical clearance at OHW of seven feet (7'), and horizontal clear span of thirty-four feet (34') at its widest point. A second existing dilapidated pedestrian bridge at the north end of the Slough is twenty-two feet (22') long, six feet (6') wide, has minimal vertical clearance at OHW of eighteen inches (18"), and virtually no horizontal clearance due to vegetative overgrowth and sediment build up. There is no possibility of any navigation at any time of year under this bridge. (See Attached Photos 3 and 4. As part of the project this bridge will be removed and the channel widened and deepened to provide for navigation. (See Attached Plan Sheets)**

   (If all bridges downstream have the same minimum clearance, state instead of the above requested information.)

2. Does the proposed bridge(s) match (or is greater than) the navigational clearance of existing structures on the waterway? **Greater**

3. What is the most restrictive horizontal clearance on the waterway? (This may be a fixed bridge downstream/upstream of the proposed structure, a low hanging power line downstream/upstream of the bridge(s), or it may be some other structure that limits horizontal clearance. Sometimes the existing to-be-replaced bridge(s) is the most restrictive structure.) **North end is non-navigable due to low water level and pedestrian bridge with low vertical and narrow horizontal clearances.**

   a. Milepoint: **NA**

   b. Horizontal clearance: **5'**

4. What is the most restrictive vertical clearance on the waterway? (This may be a fixed bridge downstream/upstream of the proposed structure, a low hanging power line downstream/upstream of the bridge(s), or it may be some other structure which limits vertical clearance. Sometimes the existing to-be-replaced bridge(s) is the most restrictive structure.)

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a. Milepoint: **NA**

b. Vertical clearance: **1' to 2'**

5. Will the proposed bridge(s) become the most restrictive/obstructive structure across the waterway? **Two currently existing bridges are more restrictive than the proposed one that will replace them.**

C. **Waterway characteristics:** (All domestic bridge navigational clearances should be stated in linear feet in decimal form vs. feet and inches. All international bridge navigational clearances should be stated in linear unit of measure as well as the metric equivalent.)

1. Various waterway stages: (Datum that is used). **Nav 29: OHWM = 2062.5; OHLM = 2051.0**

2. Natural flow of the waterway including currents, waterway velocity, water direction, and velocity fluctuations (seasonal, daily, hourly, etc.), that might affect navigation. **No flows; North end is blocked by one of two pedestrian bridges and shallow channel depth; Pool level only.**

3. Width of the waterway at bridge site: **Approximately 60' at proposed site**

4. Depth of the waterway and elevation fluctuations at bridge site: [List the depth at each waterway bridge stage (ex. Range of tides, average high water elevation, etc.)]. **2057.0 to 2062.5**

5. Waterway layout and geometry: (For example, is there a dam or lock; does the elevation of the approach impact the required bridge(s) clearance?). **No**

6. Channel and waterway alignment: Location of the channel(s): **Generally North / South; Closed at the North end**

7. Other limiting factors: (For example, bends in the waterway within one-half mile of project site, hindrances to free navigation, fog, hydraulics, etc.) **North end of channel / man-made slough is non-navigable. South end of the channel is hindered by an existing pedestrian bridge that is in disrepair. Proposed bridge will replace the existing dilapidated bridge to provide more vertical and horizontal clearances that currently exist. A low pedestrian bridge that is impassible, will be removed and the North end of the channel / slough will be excavated to improve navigability.**

D. **Do vessels that engage in emergency operations (i.e., law enforcement, fire, rescue, emergency dam repair, etc.), national defense activities (i.e. cruisers, fuel barges, munitions ships, etc.) or channel maintenance (i.e., dredges, dam and levee repair, etc.) operate on the waterway? If yes, describe the vessels and provide the following information:** **Not Applicable**

1. Does levee maintenance, bridge work (other bridges), channel maintenance and emergency operations upstream of bridge require certain vessels to transit the waterway?

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Not Applicable

2. Does the proposed bridge(s) impact USCG and/or other government vessels' ability to transit the bridge(s) to conduct mission essential functions (icebreakers, patrols, etc.)? **Not Applicable**

3. Vessels using the waterway during the proposed bridge(s) lifespan (should include): **Not Applicable**

   a. Vessel name;

   b. Registration/documentation numbers;

   c. Vessel type;

   d. Vessel owner contact information (company/individual name, address, contact info.);

   e. Primary vessel mooring location (include waterway milepoint, if known);

   f. Vessel overall length;

   g. Vessel beam;

   h. Vessel draft (depth of hull below waterline at full load);

   i. Vessel air draft (height of the highest fixed point of the vessel above the waterline, when empty);

   j. Specialized vessels that use the waterway (e.g. vessels which have limited maneuverability due to inherent design or mode of operation);

   k. Safety margin required by vessel to navigate through the bridge(s);

   l. Vessel transit frequencies under proposed bridge(s), transit speeds, and load configurations; and

   m. Vessel traffic characteristics (to include if tug assist is required for transit through the bridge(s) due to limited horizontal clearance).

4. Will the proposed bridge(s) provide the horizontal and vertical clearances for the safe, efficient passage of the largest of these vessels? Why? **Not Applicable**

5. If no, estimate the number of vessels in each of the above categories unable to pass through the proposed bridge(s). Give the name, length overall (LOA), beam, draft and height of highest fixed point above the waterline for vessels affected by the bridge(s).

6. Can these vessels be modified (i.e., folding mast, relocation or equipment, etc.) without decreasing their respective response times? If so, name the vessels.

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7. If modifications are feasible, state the name of the vessel(s), their trip frequency, the necessary modifications, the cost of the modification(s) and who will pay for them (i.e., vessel owner, applicant, other).

8. Provide any additional information concerning the potentially impacted or burdened users of the waterway as well as the future use of the waterway.

E. <u>Has the United States Corps of Engineers (USACE) completed or does it plan to complete a federal navigation project on the waterway? If yes, provide the following information:</u> **No, Not Applicable**

1. Project name, downstream/upstream milepoints, depth, type of project, scope, status of project and other limiting factors.

2. Whether there is/was a "design vessel" used in planning the channel? What is/was the design vessel? Was the design vessel reviewed by the Coast Guard?

3. The following specifications of the vessel for which the navigation project is or will be designed: LOA, beam, draft and height of highest fixed point above the waterline.

4. Will the proposed bridge(s) provide the horizontal and vertical clearances necessary for the safe, efficient passage of the vessel for which the navigation project was designed?

5. If so, can the vessel be modified to clear the proposed bridge(s) without substantially increasing operating costs?

6. If modifications are feasible, state the necessary modifications, costs of any modification(s), and who will pay for the modifications.

7. Are there projected changes in waterway usage based upon anticipated waterway improvement projects?

8. Does the proposed bridge(s) impact USACE ability to transit the bridge(s) in a Federal project channel?

F. <u>Describe the present and prospective recreational navigation:</u> Will the proposed bridge(s) affect the safe, efficient movement of any segment of the present or prospective recreational fleet operation on the waterway? If yes, provide the following information: **No, Not Applicable**

1. Vessels utilizing the waterway during the proposed bridge(s) lifespan. (Information in this bullet should include:)

   a. Vessel name;

   b. Registration/documentation numbers;

   c. Vessel type;

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d. Vessel owner contact information (company/individual name, address, contact info.);

e. Primary vessel mooring location (include waterway milepoint, if known);

f. Vessel overall length;

g. Vessel beam;

h. Vessel draft (depth of hull below waterline at full load);

i. Vessel air draft (height of the highest fixed point of the vessel above the waterline, when empty);

j. Specialized vessels that use the waterway (e.g., vessels which have limited maneuverability due to inherent design or mode of operation);

k. Safety margin required by vessel to navigate through the bridge(s);

l. Vessel transit frequencies under proposed bridge(s), transit speeds, and load configurations; and

m. Vessel traffic characteristics (to include if tug assist is required for transit through the bridge(s) due to limited horizontal clearance).

2. What is the estimated percentage of the recreational fleet, which may be affected by the proposed bridge(s)?

3. Will the proposed bridge(s) eliminate the access of these vessels to existing or planned commercial, water-oriented facilities (i.e., restaurants, shops, recreational areas, marinas, etc.) in the vicinity of the proposed bridge(s)? If yes, describe these facilities.

4. Is it feasible to modify the affected segments of the fleet to clear the proposed bridge(s) without substantially increasing operating costs? If yes, name the vessel(s), state the necessary modifications, cost of modifying each vessel and person or entity responsible for financing the modifications.

5. Provide any additional information concerning the potentially impacted or burdened users of the waterway as well as the future use of the waterway.

NOTE: Check with local USACE District Office, Chamber of Commerce or other organizations for proposed marinas, recreational areas, shops, etc.

G. Describe the present and waterway and prospective commercial navigation and the cargoes moved on the waterway: Will the proposed bridge(s) affect the safe, efficient movement of any segment of the present or prospective commercial fleet operating on the waterway? If yes, provide the following information: **No, Not Applicable**

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1. Vessel name;

2. Registration/documentation numbers;

3. Vessel type;

4. Vessel owner contact information (company/individual name, address, contact info.);

5. Primary vessel mooring location (include waterway milepoint, if known); vessel overall length;

6. Vessel beam;

7. Vessel draft (depth of hull below waterline at full load);

8. Vessel air draft (height of the highest fixed point of the vessel above the waterline, when empty);

9. Specialized vessels that use the waterway (e.g. vessels which have limited maneuverability due to inherent design or mode of operation);

10. Safety margin required by vessel to navigate through the bridge(s);

11. Vessel transit frequencies under proposed bridge(s), transit speeds, and load configurations; and

12. Vessel traffic characteristics (to include if tug assist is required for transit through the bridge(s) due to limited horizontal clearance).

13. Does the proposed bridge(s) impact existing and future cruise ship ports-of-call/ terminals?

14. Does the proposed bridge(s) impact ports supporting post-Panamax vessels?

15. Does the proposed bridge(s) impact vessels that produce unique products for the region?

16. Does the proposed bridge(s) impact vessels that require helper boats/tugs? (Note the combined clearance requirement of the vessel and the helper boat/tug.)

17. Document annual cargo movements (cargo types and quantities);

18. State the estimated percentage of the commercial fleet, which may be affected by the proposed bridge(s).

19. Will the proposed bridge(s) clearance impact present and/or prospective upstream commercial activity, e.g., jobs and economic growth and development?

20. If yes, address any existing or planned commercial/industrial developments negatively affected by the proposed clearances and discuss the economic impacts the proposed clearances will have on these businesses:

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21. Document the foreseeable needs to future navigation;

22. Provide existing and historical navigational use and waterway conditions;

23. Provide input from waterway dependant facilities concerning future use;

24. Describe land use zoning along the waterway (particularly within the riparian zone);

25. Describe future vessel size and traffic trends;

26. Include input from states based on state development plans;

27. Include input from facilities based on business plans;

28. Document local commercial shipping and other businesses affected by this restriction.

Note: the next opportunity to adjust clearances for navigation is usually between 50-100 years unless interim waterway improvement projects include the cost of bridge alterations.

29. Is it feasible to modify the restricted vessels to clear the proposed bridge(s) without substantially increasing operating costs? If yes, name the vessel(s), state the necessary modifications, cost of modifying each vessel and company or entity responsible

30. Provide any additional information concerning the potentially impacted or burdened users of the waterway as well as the future use of the waterway.

H. Identify the name and contact information for marine facilities located within a 3-mile radius of the proposed project (public boat ramps, marinas or major docking facilities, boat repair facilities, etc.: **See Attachment C**

I. Will the proposed bridge(s) block access of any vessel presently using local service facilities (i.e., repair shops, parts distributors, fuel stations)? If yes, provide the following information **No, Not Applicable**

1. Describe the facilities impacted and estimate the number of vessels currently using these facilities.

   a. Vessel information should include the following for each blocked vessel:

      1) Vessel name;

      2) Registration/ documentation numbers;

      3) Vessel type;

      4) Vessel owner contact information (company/individual name, address, contact info);

      5) Primary vessel mooring location (include waterway milepoint, if known); vessel

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overall length;

6) Vessel beam;

7) Vessel draft (depth of hull below waterline at full load); and

8) Vessel air draft (height of the highest fixed point of the vessel above the waterline, when empty);

2. Could any of these facilities be considered critical infrastructure, key resources, or important/unique U.S. industrial capability (i.e., are these facilities unique or one of only a few of the type in the area?) Address whether the proposed clearances negatively affect those facilities and their customers.

3. What economic impact will loss of access have on these facilities? Include estimated dollar amount to support Commandant and DHS goals.

4. What is the distance to alternate service facilities capable of servicing the affected vessels? Describe the facilities.

5. Will use of these alternate facilities substantially increase vessel operation affected vessels? Describe the facilities.

6. Is it feasible to modify the affected vessels to clear the proposed bridge(s)?

7. If yes, state the name, necessary modifications, cost of modifying each vessel and who will pay for the modifications.

J. <u>Are alternate routes bypassing the proposed bridge(s) available for use by vessels unable to pass the proposed bridge(s)? If yes, provide the following information:</u>

Yes; All recreational vessels with less than 10' of vertical clearance will be able to use the opened north channel area which is now blocked with sediment and a low pedestrian bridge.

1. State the number of vessels that will be forced to use alternate routes.

2. For each vessel identified in section H1.a. above, include the following information:

   a. Vessel name;

   b. Registration/documentation numbers;

   c. Vessel type;

   d. Vessel owner contact information (company/individual name, address, contact info.);

   e. Primary vessel mooring location (include waterway milepoint, if known);

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f. Vessel overall length;

g. Vessel beam;

h. Vessel draft (depth of hull below waterline at full load);

i. Vessel air draft (height of the highest fixed point of the vessel above the waterline, when empty); and

j. Specialized vessels that use the waterway (e.g., vessels which have limited maneuverability due to inherent design or mode of operation);

3. Identify any alternate routes and provide the respective distances between the proposed bridge(s) and these routes.

4. Will use of these routes substantially increase the transit time and/or operating costs of the affected vessels? This relates to the mobility goals of the Commandant and DHS.

5. If yes, describe the impacts of increased transit time and/or operating costs.

6. Is it feasible to modify these vessels to clear the proposed bridge(s)?

7. If yes, state the name, necessary modifications, cost of modifying each vessel and who will pay for these modifications.

K. <u>Will the bridge(s) prohibit the entry of any vessels to the local harbor of refuge? If yes, describe the harbor and provide the following information</u>: No, Not Applicable

1. What percentage of vessels currently using the harbor refuge will not be able to pass the proposed bridge(s) to gain access to that refuge? Describe the vessels.

2. Provide vessel information for those vessels identified in J.1.:

a. Vessel name;

b. Registration/documentation numbers;

c. Vessel type;

d. Vessel owner contact information (company/individual name, address, contact info.);

e. Primary vessel mooring location (include waterway milepoint, if known);

f. Vessel overall length;

g. Vessel beam;

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h. Vessel draft (depth of hull below waterline at full load);

i. Vessel air draft (height of the highest fixed point of the vessel above the waterline,

when empty); and

j. Specialized vessels that use the waterway (e.g. vessels which have limited maneuverability due to inherent design or mode of operation);

3. Is it feasible to modify these vessels to clear the proposed bridge(s)?

4. If yes, state the name, necessary modification, cost of modifying each vessel and who will pay for the modifications.

5. If alternate refuges are available, describe them and state the distance of each from the present harbor of refuge.

NOTE: A harbor of refuge is defined as a naturally or artificially protected water area that provides a place of relative safety or refuge for commercial and recreational vessels traveling along the coast or operating in a region.

L. Will the proposed bridge(s) be located within one-half mile of a bend in a waterway? If yes, describe the bend and provide the following information: No, Not Applicable

1. Is there sufficient distance between the bridge(s) and the bend to allow proper vessel alignment for the safe, efficient passage of vessels through the proposed bridge(s)?

2. If no, what factors make construction of the bridge(s) at an alternate location impractical?

M. Are there other factors (i.e., dockages, lightering areas, existing bridges, etc.) located within one-half mile of the proposed bridge(s), which would create hazardous passage through the proposed structure? If yes, provide the following information:
No, Not Applicable

1. Describe the factors. (For example, construction impacts to navigation and waterway users, etc.)

2. What mitigative measures are being recommended? (For example, navigation safety during construction, etc.) Why?

N. Do local hydraulic conditions (i.e., wave chop, cross currents, tides, shoals, etc.) increase the hazard of passage through the proposed bridge(s)? If yes, provide the following information: No, Not Applicable

1. Describe the conditions:

2. What mitigative measures are being recommended? Why?

O. Do local atmospheric conditions (i.e., strong, prevailing winds, fog, rapidly developing storms, etc.) increase the hazard of passage through the proposed bridge(s)? If yes, provide the following information: No, Not Applicable

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1. Describe the conditions:

2. What mitigative measures are being recommended? Why?

P. **Have guide clearances been established for the waterway? If yes, provide the following information: No, Not Applicable**

1. Horizontal guide clearance;

2. Vertical guide clearance;

3. Do the proposed bridge(s) clearances differ from these guide clearances?

4. If yes, what factors justify deviating from these guide clearances?

Q. **Are there other natural or man-made conditions that affect navigation (atmospherics, exclusion zones, etc.)? No, Not Applicable**

1. Describe the conditions:

2. What mitigative measures are being recommended? Why?

R. **State any other factors considered necessary for the safe, efficient passage of vessels through the proposed bridge(s)? Are clearance gauges needed? Why? Vertical, Horizontal, Vertical, and Depth clearances will be posted on both sides of the proposed bridge**

S. **Include a description of the impacts to navigation caused or which could be reasonably caused by the proposed bridge(s) including but not limited to: proposed construction methodology, proposed or prospective changes to the existing bridge(s) operating schedule (for movable bridges), and any proposed mitigation to all unavoidable impacts to navigation.**

1. Conduct a navigational impact report, and include a review of all bridges upstream and downstream of the proposed site to determine the minimum vertical and horizontal clearances available on the waterway. **No, Not Applicable. Existing clearances to the North insufficient to allow any vessels to pass. Existing clearances to the South, are less than those to be provided by the proposed pedestrian bridge which will replace the existing dilapidated pedestrian bridge.**

2. If the proposed bridge(s) is fixed, and is replacing an existing drawbridge with unlimited vertical clearance, the applicant must determine whether the proposed bridge(s) will accommodate existing and perspective navigation. **Not Applicable**

T. **Is there any proposed or completed mitigation for impacted waterway users? Are there any impacts that cannot be mitigated? No, Not Applicable**

1. Can vessels and cargoes be partially disassembled/dismantled in order to transit the proposed bridge(s), and if so, is it economically reasonable? The Coast Guard must take into consideration a vessel's ability to adjust its operations without economic loss.

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Adjustment or mitigations techniques may include using other routes, lowering electronics (GPS, radar, communication antennae, etc.), lowering crane booms, etc.

2. Are alternative routes available for vessel passage?

3. Can vessels transit at typical lower water stages (mean low water, mean pool level, etc.)?

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U.S. Department of Transportation
Federal Highway Administration

INSTRUCTIONS FOR USE

This form provides the process for FHWA's preliminary determination to make an exception under 23 U.S.C. § 144(c)(2) to Coast Guard bridge permitting authorities. It is recommended that State DOT and/or FHWA division offices complete this form.

Section V of the 2014 USCG-FHWA Memorandum of Agreement (MOA) provides that FHWA makes the preliminary exception determination, followed by Coast Guard review to identify issues or concerns with FHWA's preliminary determination. The preliminary determination shall be made at an early stage of project development (as soon as the information is available to the applicant) so that coordination with the local Coast Guard District Bridge Office (DBO) can be accomplished before or during environmental processing (23 CFR Part 650.805(a)).

If the DBO identifies issues or concerns with the determination of the FHWA Division Office, he/she will identify the area of concern by marking the appropriate answer in the **"DBO Concerns"** areas included in this checklist. The DBO will also include written comments **"DBO Comments"** and supporting documentation with this form and return it to the FHWA Division Office. Any disputes resulting from this exception determination process will be resolved in accordance with the Dispute Resolution Section of the 2014 USCG-FHWA MOA.

When both the DBO and FHWA Division Office agree that a 23 U.S.C. 144(c)(2) exception applies to a project, the DBO will provide written concurrence to the FHWA division office. In addition, the DBO will identify if the proposed bridge will require the establishment, maintenance, and operation of lights and signals as required by 14 U.S.C. § 85 and 33 CFR Part 118 at that time.

The use of 23 U.S.C. § 144(c)(2) exceptions cannot be delegated to state transportation agencies as part of a NEPA assignment agreement.

1. Name of waterway:

   Unnamed Closed Backwater connected to Lake Pend Oreille

2. Has the waterway at the project location determined to be navigable waters of the United States per 33 CFR Part 2.36?

   Yes No X Do Not Know

   (If "**No**", then no USCG jurisdiction. If you do not know, contact DBO for confirmation of waterway status.)

3. At proposed site, mileage along waterway measured from mouth or confluence:

   NA

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4. Waterway is a tributary of Lake Pend Oreille which is tributary to Pend Oreille River at mile 0 (if applicable).

   Geographical location (city, state, county): Near Hope, Idaho. Bonner County

5. Lat-Long coordinates (if known, as precise as possible):

   a. Latitude: 48 17'00.03" N (N) (Example: 40° 48' 3.49" N)

   b. Longitude: 116 21'08.96"W (W) (Example: -73° 47' 16.19" W)

6. Is there an existing bridge at, or near the above location?

   Yes No (if **"Yes"** please answer questions 7a-7b)

   a. Does this bridge have a USCG or Army Corps of Engineers permit?

      Yes No **Do Not Know**

   b. Please provide vertical and horizontal clearances at:

      Normal Pool Mean High Water Ordinary High Water

      Vertical: 8' originally. 5' in present collapsed condition (photo 1) (feet)

      Horizontal: 36 (feet) Datum: Nav 29

7. Is the waterway tidal (As defined by the process outlined on pages 7-8)?

   Yes **No** **DBO Concerns Yes No**

   DBO Comments:

8. Is the waterway used by recreational, fishing or other vessels greater than 21 feet in length?

   Yes No **DBO Concerns Yes No**

   DBO Comments:

9. Is the waterway used to transport interstate or foreign commerce? (If **Yes**, permit might be required)

   Yes **No** Do Not Know **DBO Concerns Yes No**

   DBO Comments:

10. Is the waterway susceptible for use in its natural condition or by reasonable improvement as a means to transport interstate or foreign commerce? (If **Yes,** permit might be required)

    Yes **No** **DBO Concerns Yes No**

DBO Comments:

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11. Are there any Army Corps of Engineers permitted structures (piers, docks, dams, powerlines) on the waterway? [1] (contact USCG and/or Army Corps of Engineers to verify] (if **yes**, please attach document with names + locations (mile #))

Yes **No** Do Not Know **DBO Concerns Yes No**

DBO Comments:

Waterway information at proposed bridge site (if available/applicable)

12. Water depth at high tide (ft):

NA

13. Water depth at normal pool (ft):

3

14. Water depth at MLW or MLLW (ft):

0

15. Tidal range MHW to MLW or MHHW to MLLW (ft):

NA

16. Datum used for depths:

Nav29

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[1] This question seeks to determine whether the Army Corps of Engineers has asserted jurisdiction over the waterway or reach thereof by the issuance of a Jurisdictional Determination, or the issuance of permits of any type including those for structures under Section 10 of the Rivers and Harbors Act (33 U.S.C. § 403), or through any other USACE permitting authority including the Clean Water Act § 404.

Additional Documentation

Please include the following information when submitting to the DBO:

Location Map (8 ½" x 11")

Photo of existing bridge (if any) or proposed bridge location taken from the prospective of the waterway

NEXT STEP:

When both the DBO and FHWA Division Office agree that the 144(c)(2) exception applies to a project, the DBO will write a letter to that effect to the FHWA Division Office, attaching the completed checklist. In addition, in that letter the DBO will identify if the proposed bridge will require the establishment, maintenance, and operation of lights and signals as required by 14 U.S.C. § 85 and 33 CFR Part 118.

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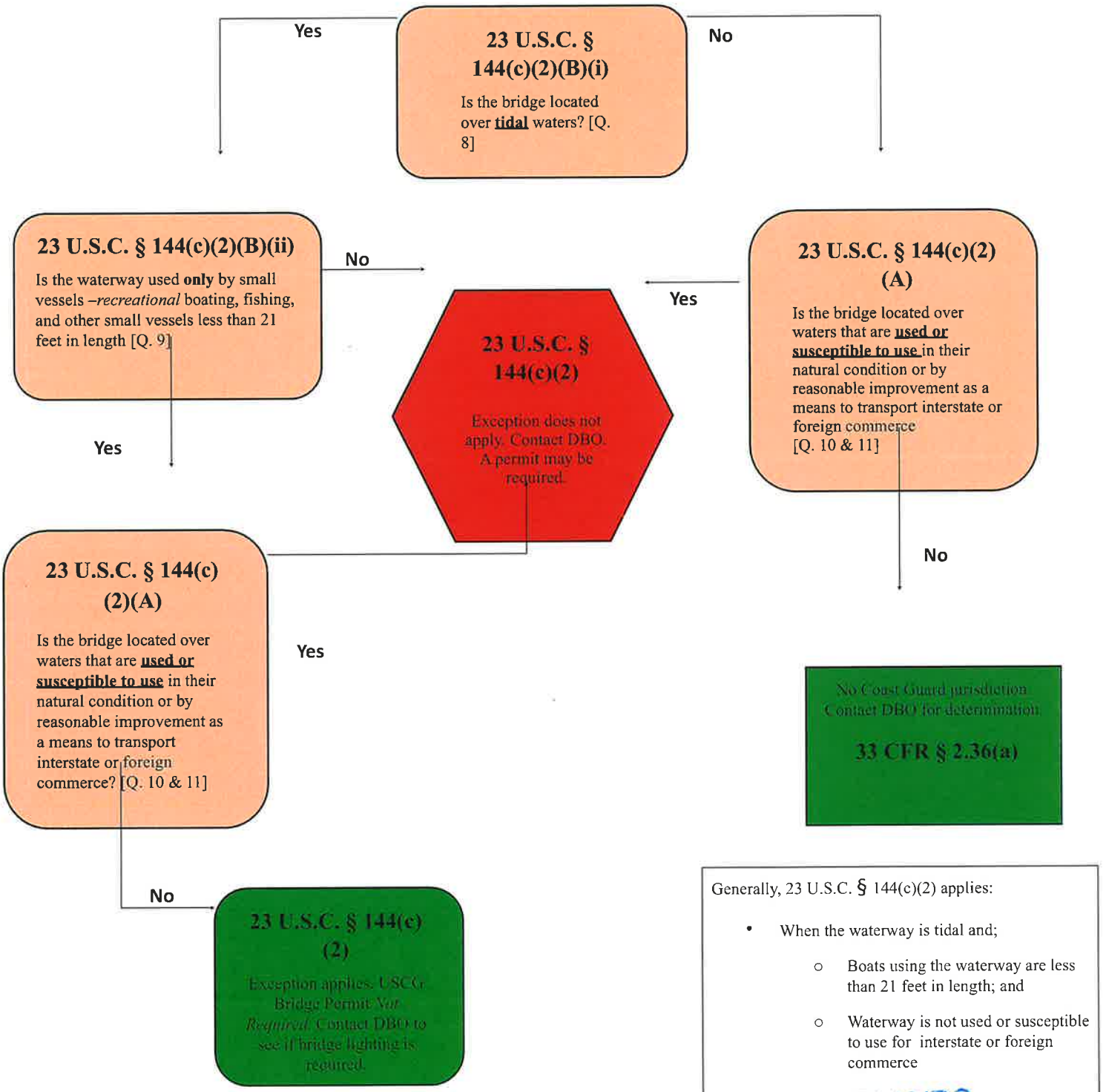

Generally, 23 U.S.C. § 144(c)(2) applies:

- When the waterway is tidal and;
  - Boats using the waterway are less than 21 feet in length; and
  - Waterway is not used or susceptible to use for interstate or foreign commerce

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Navigable waters of the U.S. for Coast Guard Jurisdiction

When Coast Guard navigability determinations are made in accordance with 33 CFR 2.36, they will be maintained at each Coast Guard District office and available for public review. These determinations may be modified or reversed by Congress or a federal court with jurisdiction over the waterway at issue.

33 CFR 2.36(a)

(a) Except as provided in paragraph (b) of this section, *navigable waters of the United States, navigable waters,* and *territorial waters* mean, except where Congress has designated them not to be navigable waters of the United States:

(1) Territorial seas of the United States;

(2) Internal waters of the United States that are subject to tidal influence; and

(3) Internal waters of the United States not subject to tidal influence that:

(i) Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage, or

(ii) A governmental or non-governmental body, having expertise in waterway improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in

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Process for Determining "Tidal Waters" for 144(c)(2) Exceptions

1. 23 U.S.C. § 144(c)(2) provides that a Coast Guard bridge permit is not required for projects that are over waters which are:

   a) **Not used and are not susceptible to** use in the natural condition of the bridge or by reasonable improvement as a means to transport interstate or foreign commerce; **and** are

   b) Not tidal; or

   c) If tidal, used by only recreational boating, fishing, and other small vessels that are less than

2. If 23 U.S.C. § 144(c)(2)(a) criteria are not met, the exception does not apply. As such, the tidal status of a waterway has no impact on a 23 U.S.C. § 144(c)(2) exception determination.

3. To determine whether a waterway is "tidal" for the purposes of the above statute, the coast Guard District Bridge Office with jurisdiction over the project will accept any of the below sources of information as sufficient to establish the tidal status of the reach of waterway in question. These determinations may be done as part of a 23 U.S.C. § 144(c)(2)(b) or (c) determination in consultation and concurrence with the applicant and Federal Highway Administration Office:

   a. Data from a NOAA Tidal Datum/Buoy, U.S. Army Corps of Engineers Tide Gauge, or other Federally-maintained data collection system showing such data that quantitatively evinces tidal influence in the project area as defined in 33 CFR § 2.34, or,

   b. A report from an official "state hydrologist" or other analogous official employed by the state government wherein the project lies, or,

   c. Physically-observable and recordable visual evidence of a "high tide line" including, but limited to:

      i. A line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying in a hurricane or other intense storm. (33 CFR § 328.3)

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4. Any disputes resulting from or related to the above determination process shall be resolved per the Dispute Resolution section of the 2014 USCG-FHWA Memorandum of Agreement

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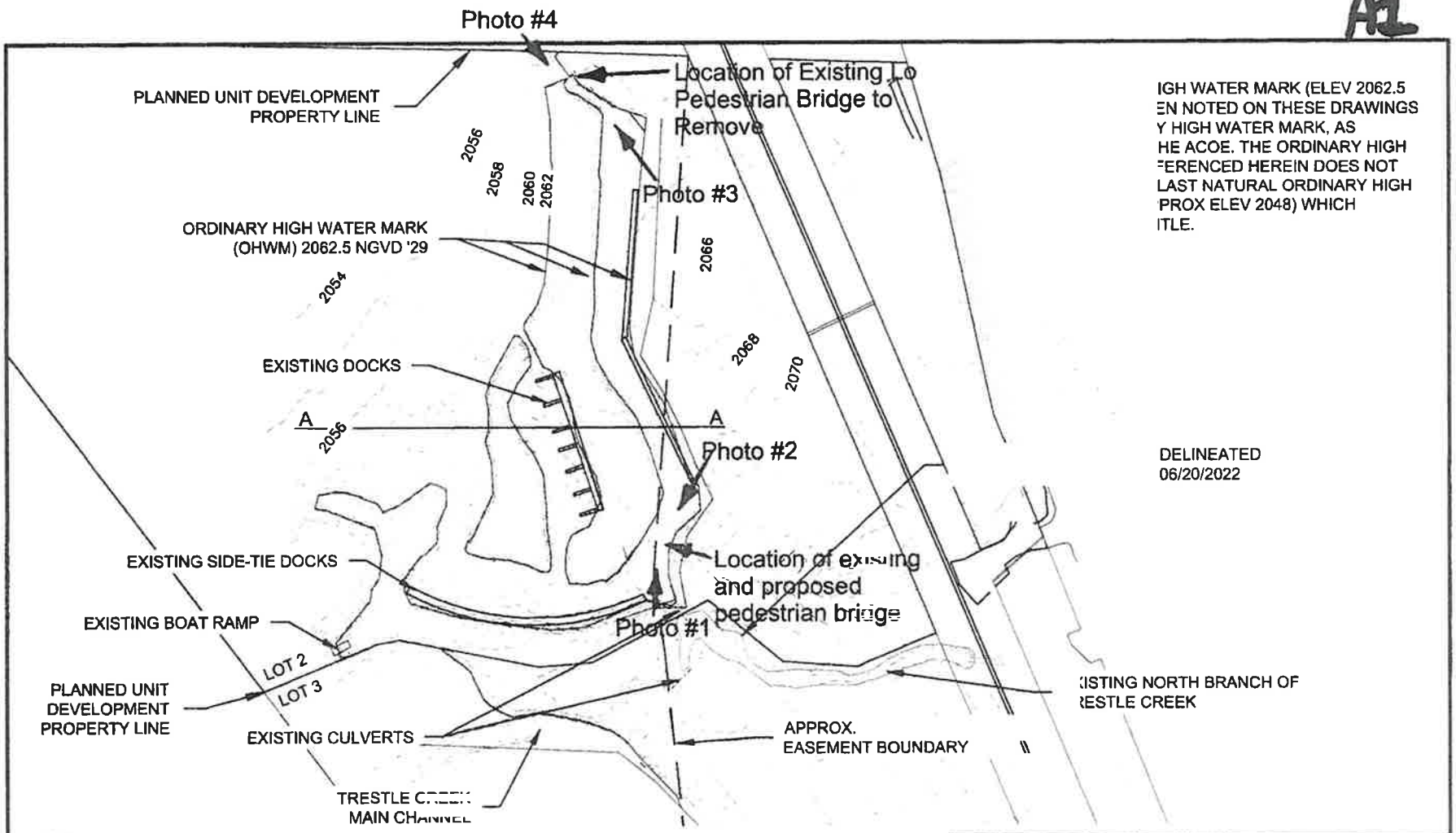
A1



IGH WATER MARK (ELEV 2062.5
EN NOTED ON THESE DRAWINGS
Y HIGH WATER MARK, AS
HE ACOE. THE ORDINARY HIGH
FERENCED HEREIN DOES NOT
LAST NATURAL ORDINARY HIGH
PROX ELEV 2048) WHICH
ITLE.

DELINEATED
06/20/2022

PROFESSIONAL ENGINEER
REGISTERED
B. Scott
8607
5/9/2024
STATE OF IDAHO
B. SCOTT BROWN

200 400

SCALE IN FEET
CONTOUR INTERVAL IS 1'
DATUM: NGVD '29

NOTE: SOME ELEVATIONS, CONTOUR LINES, AND ORIGINAL HIGH WATER MARK DEPICTED IN THIS DRAWING IS PER 2017 TOPOGRAPHIC SURVEY PREPARED BY WELCH-COMER ENGINEERS AND SURVEYORS

APPLICANT:	VALIANT IDAHO II, LLC
LOCATION:	BONNER COUNTY, IDAHO SECTION 16 & 17, T 57 N, R 1 E, B.M.
WATERBODY:	LAKE PEND OREILLE
DA NUMBER:	
SHEET TITLE	EXISTING SITE CONDITIONS
PROJECT:	IDAHO CLUB NORTH LAKE P.U.D.

DATE: 05/08/2024
SCALE: AS SHOWN
DRAWN: NCF
CHECKED: BSB
PROJ. NO.: 22043-20-001
CAD FILE: E-VALIANT
SHT 2 OF 15

James A. Sewell and Associates, LLC
1319 N. DIVISION
SANDPOINT, IDAHO 83864, (208) 263-4160

Attachment "A.2" to Coast Guard Bridge Application and Request for Bridge Exemption Photo-Documentation - Idaho Club Marina and Community Development Project

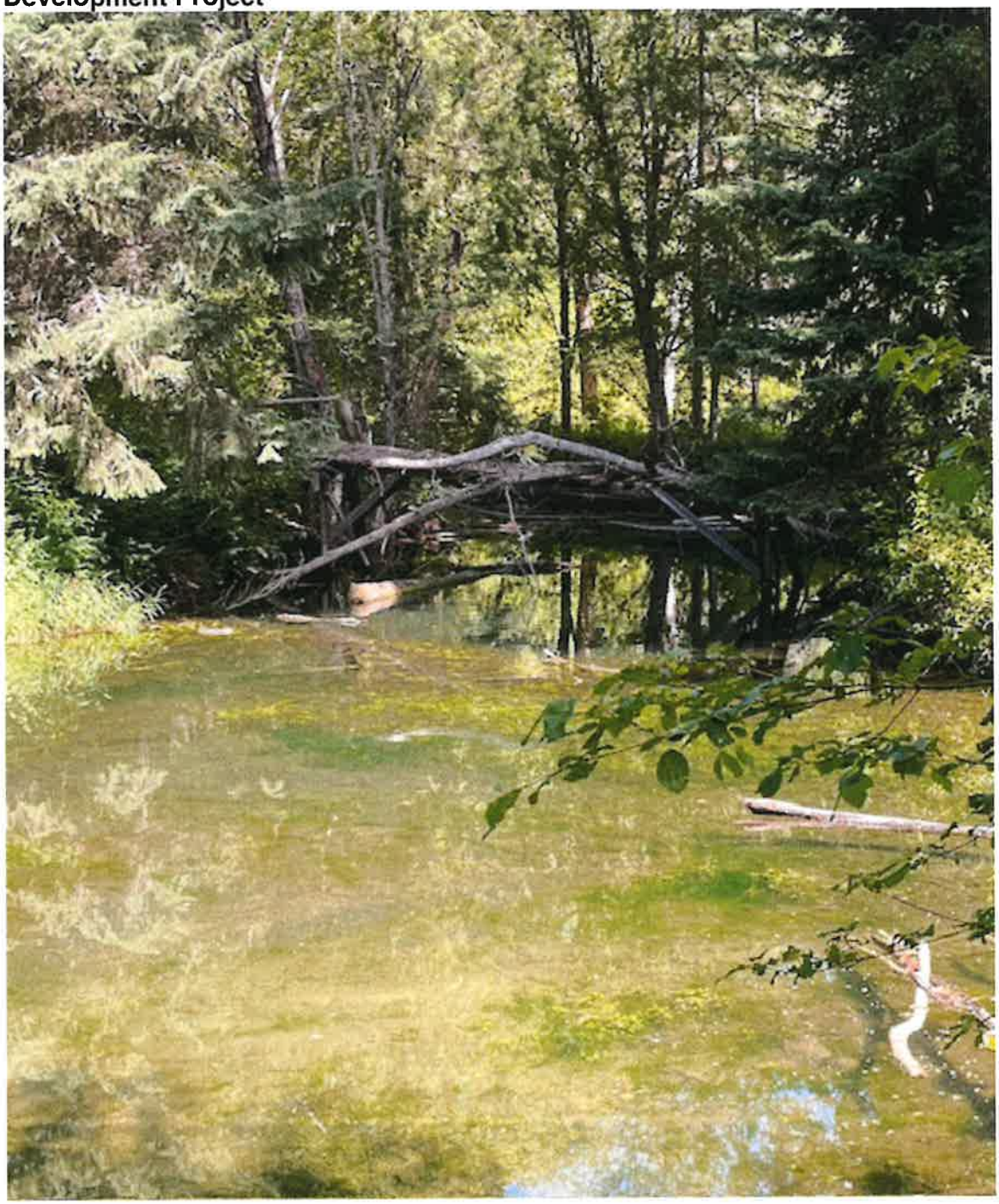


Photo 1. Existing Dilapidated Pedestrian Bridge at the south end of the Sough as viewed from the mouth of the North Branch Trestle Creek

DEPT OF LANDS
OCT 17 2024

Attachment "A.2" to Coast Guard Bridge Application and Request for Bridge Exemption Photo-Documentation - Idaho Club Marina and Community Development Project

Photo 2. Existing Dilapidated Pedestrian Bridge at the south end of the Sough as viewed from the north along the bank of the slough.

DEPT OF LANDS
JUL 17 2024

Attachment "A.2" to Coast Guard Bridge Application and Request for Bridge Exemption Photo-Documentation - Idaho Club Marina and Community Development Project

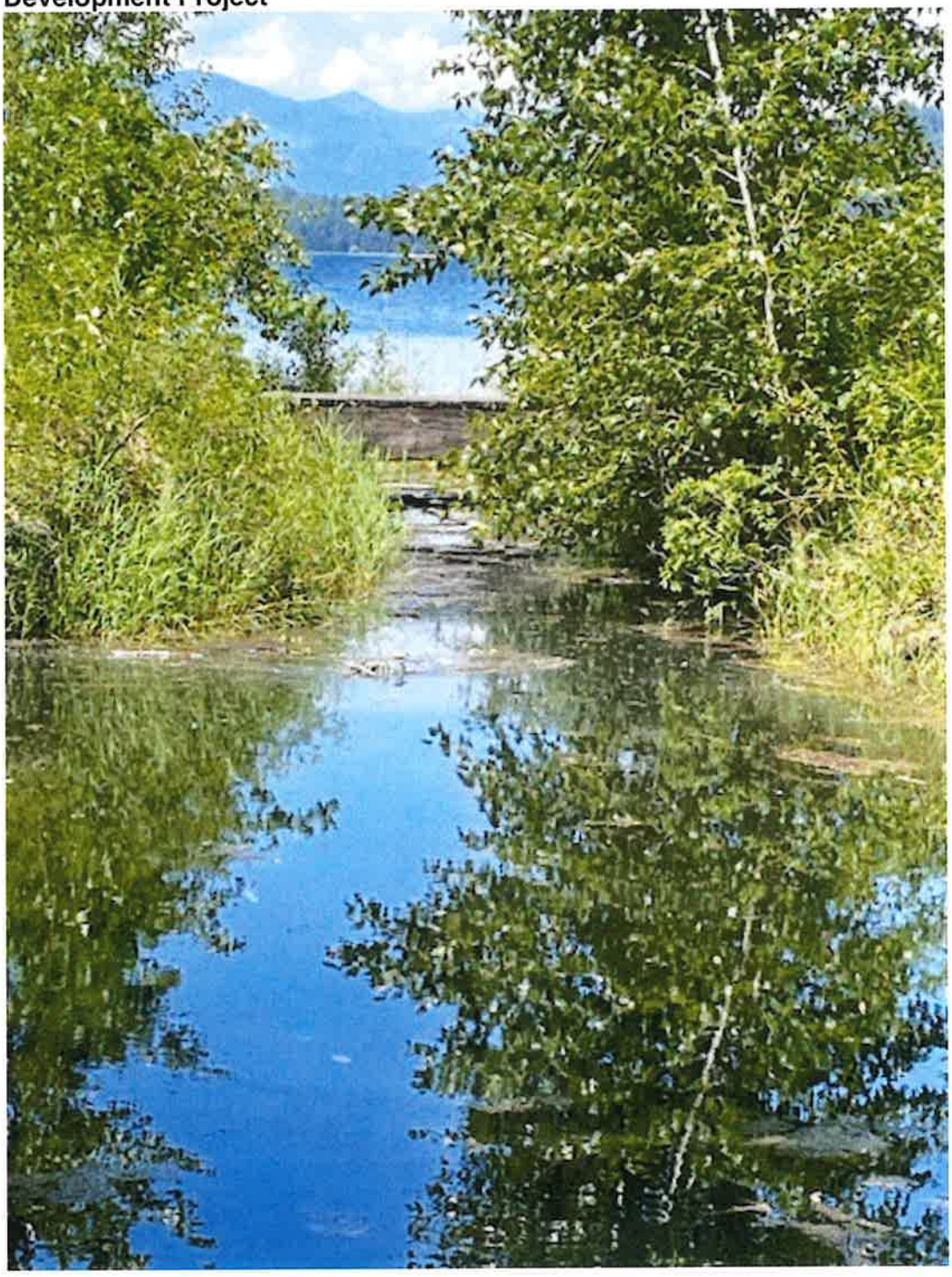


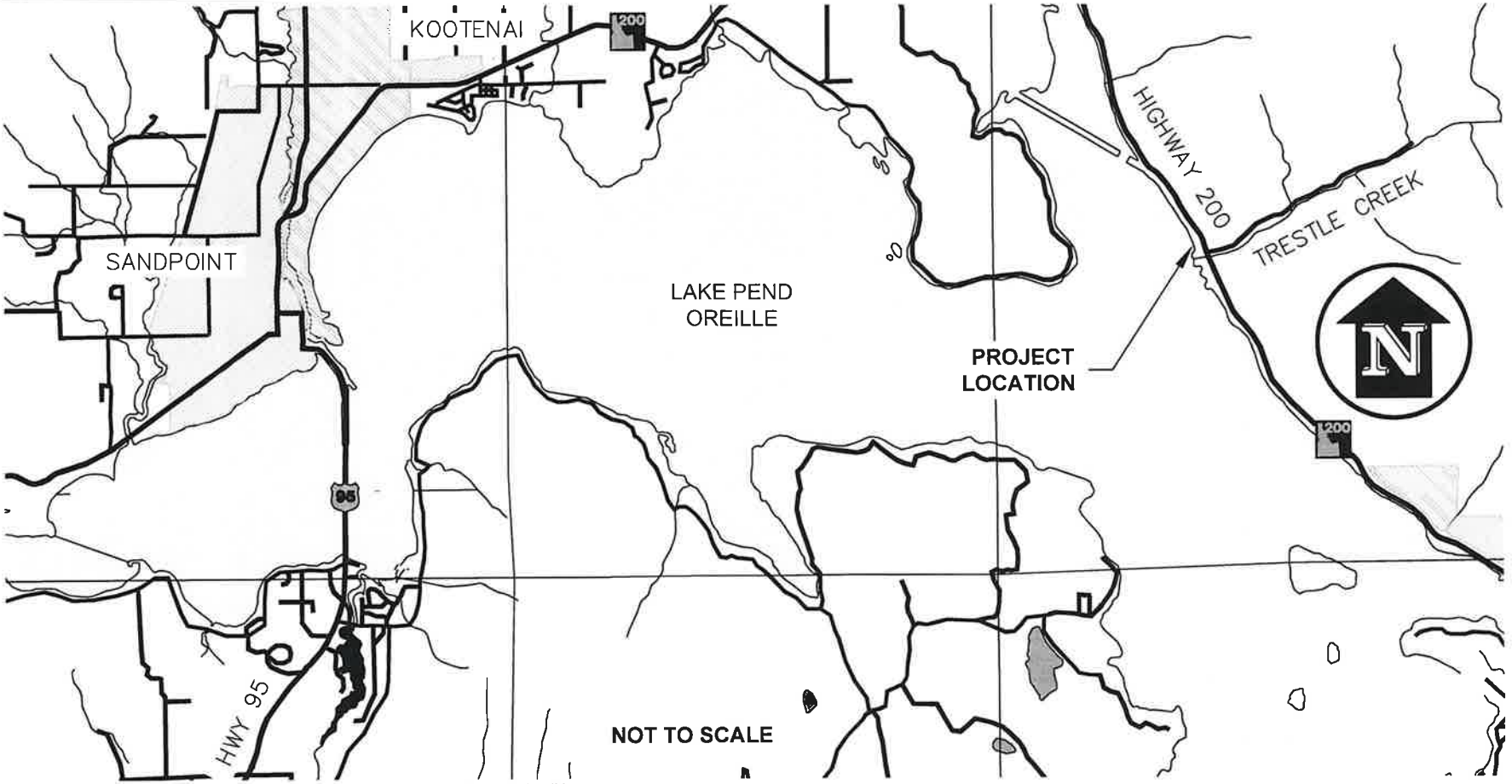
Photo 3. View of the low pedestrian bridge at the north end of the slough as viewed from the south along the bank of the sough

DEPT OF LANDS
OCT 17 2025

Attachment "A.2" to Coast Guard Bridge Application and Request for Bridge Exemption Photo-Documentation - Idaho Club Marina and Community Development Project

Photo 4. View of the low pedestrian bridge at the north end of the slough as viewed from the north at the "outlet" to the Lake

DEPT OF LANDS
JUL 1 5 2024



SHEET INDEX

SHEET #	SHEET TITLE
1	VICINITY MAP
2	EXISTING SITE CONDITIONS
3	EXCAVATION PLAN
4	FILL PLAN
5	MARINA SITE PLAN
6	SITE CROSS SECTION
7	SHORELINE PROTECTION CROSS SECT.
8	DOCK PLAN
9	DOCK CROSS SECTION
10	BREAKWATER CROSS SECTION
11	BRIDGE CROSS SECTION
12	BOAT PUMP OUT STATION PLAN
13	BOAT PUMP OUT STATION DETAIL
14	PRELIMINARY SWPPP PHASE 1
15	PRELIMINARY SWPPP PHASE 2

PROFESSIONAL ENGINEER REGISTERED
B. Scott
ODU
5/9/2024
STATE OF IDAHO
B. SCOTT BROWN

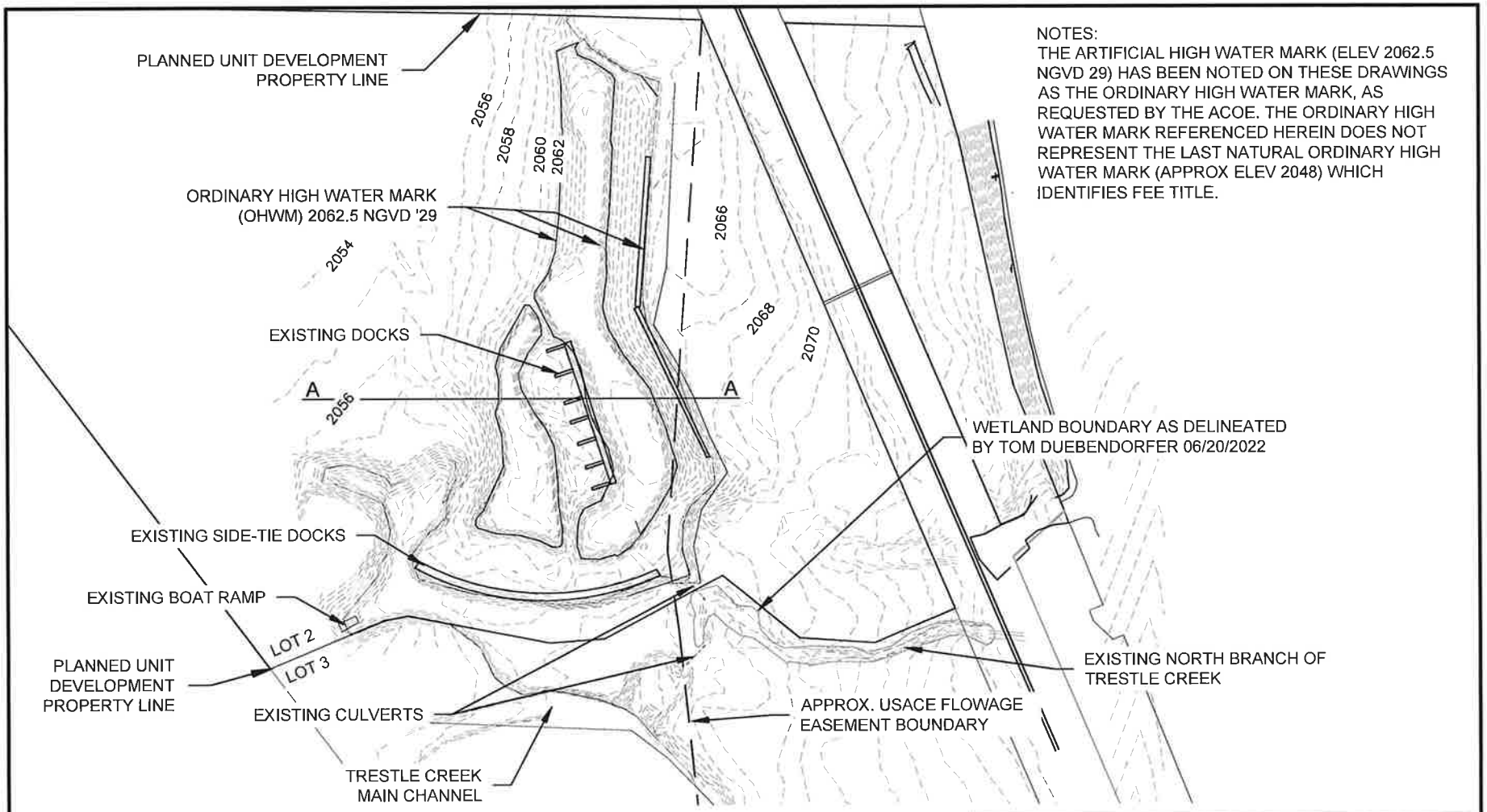
DEPT OF LANDS

APPLICANT:	VALIANT IDAHO II, LLC
LOCATION:	BONNER COUNTY, IDAHO SECTION 16 & 17, T 57 N, R 1 E, B.M.
WATERBODY:	LAKE PEND OREILLE
DA NUMBER:	

SHEET TITLE: VICINITY MAP
PROJECT: IDAHO CLUB NORTH LAKE P.U.D.

DATE: 05/08/2024
SCALE: AS SHOWN
DRAWN: NCF
CHECKED: BSB
PROJ. NO.: 22043-20-001
CAD FILE: E-VALIANT
SHT 1 OF 15

James A. Sewell and Associates, LLC
1319 N. DIVISION
SANDPOINT, IDAHO 83864, (208) 263-4160



NOTES:
THE ARTIFICIAL HIGH WATER MARK (ELEV 2062.5 NGVD 29) HAS BEEN NOTED ON THESE DRAWINGS AS THE ORDINARY HIGH WATER MARK, AS REQUESTED BY THE ACOE. THE ORDINARY HIGH WATER MARK REFERENCED HEREIN DOES NOT REPRESENT THE LAST NATURAL ORDINARY HIGH WATER MARK (APPROX ELEV 2048) WHICH IDENTIFIES FEE TITLE.

PROFESSIONAL ENGINEER REGISTERED
B. Scott
ODU/
5/9/2024
STATE OF IDAHO
B. SCOTT BROWN

RECEIVED
MAY 13 2024
BONNER COUNTY PLANNING

N

0 100 200 400

SCALE IN FEET
CONTOUR INTERVAL IS 1'
DATUM: NGVD '29

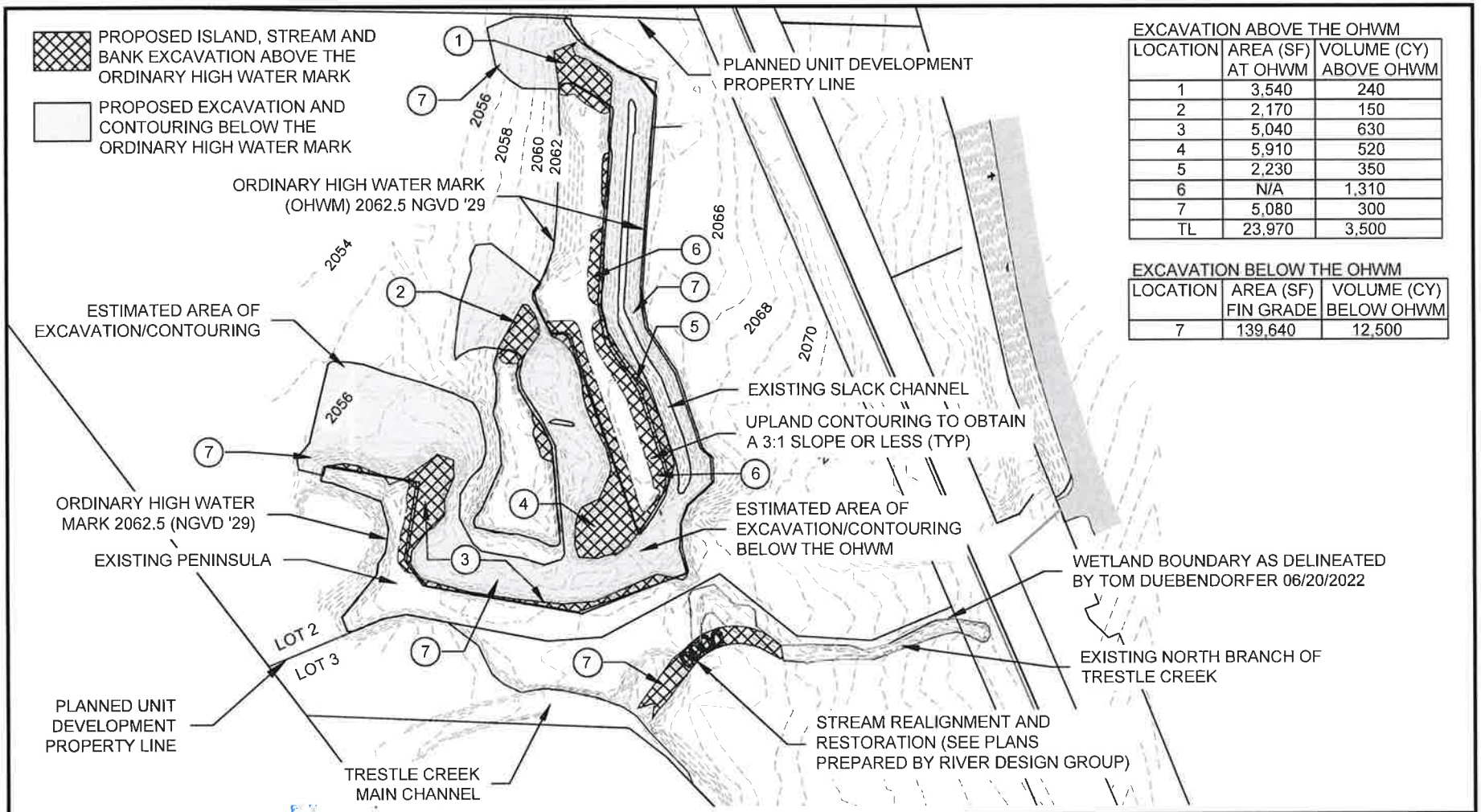
NOTE: SOME ELEVATIONS, CONTOUR LINES, AND ORIGINAL HIGH WATER MARK DEPICTED IN THIS DRAWING IS PER 2017 TOPOGRAPHIC SURVEY PREPARED BY WELCH-COMER ENGINEERS AND SURVEYORS

APPLICANT:	VALIANT IDAHO II, LLC
LOCATION:	BONNER COUNTY, IDAHO SECTION 16 & 17, T 57 N, R 1 E, B.M.
WATERBODY:	LAKE PEND OREILLE
DA NUMBER:	

SHEET TITLE: EXISTING SITE CONDITIONS
PROJECT: IDAHO CLUB NORTH LAKE P.U.D.

DATE: 05/08/2024
SCALE: AS SHOWN
DRAWN: NCF
CHECKED: BSB
PROJ. NO.: 22043-20-001
CAD FILE: E-VALIANT
SHT 2 OF 15

James A. Sewell and Associates, LLC
1319 N. DIVISION
SANDPOINT, IDAHO 83864, (208) 263-4160



EXCAVATION ABOVE THE OHWM

LOCATION	AREA (SF) AT OHWM	VOLUME (CY) ABOVE OHWM
1	3,540	240
2	2,170	150
3	5,040	630
4	5,910	520
5	2,230	350
6	N/A	1,310
7	5,080	300
TL	23,970	3,500

EXCAVATION BELOW THE OHWM

LOCATION	AREA (SF) FIN GRADE	VOLUME (CY) BELOW OHWM
7	139,640	12,500

PROFESSIONAL ENGINEER REGISTERED B. Scott 0001 5/9/2024 STATE OF IDAHO B. SCOTT BROWN

Dept of Lands

0 100 200 400

SCALE IN FEET
CONTOUR INTERVAL IS 1'
DATUM: NGVD '29

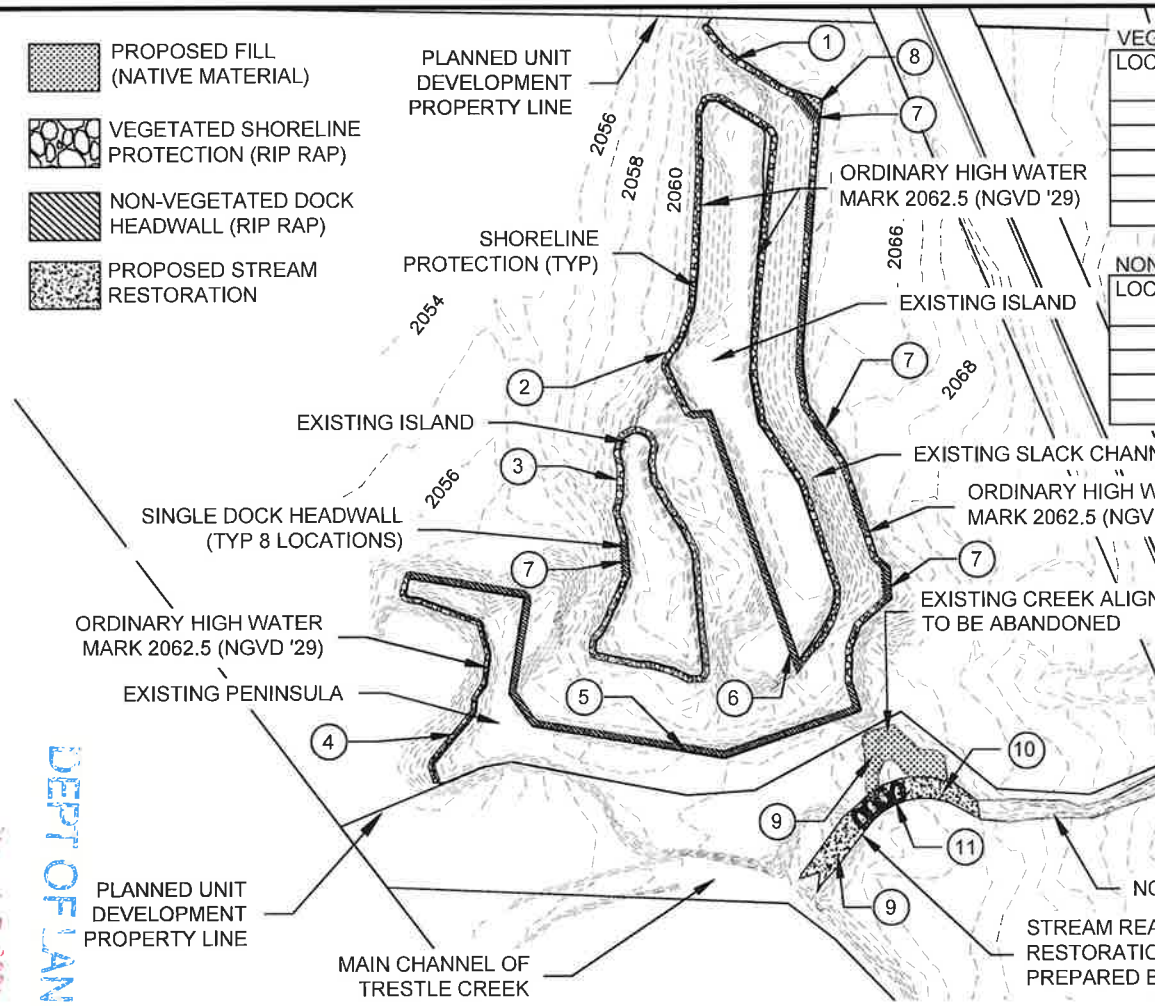
NOTE: SOME ELEVATIONS, CONTOUR LINES, AND ORIGINAL HIGH WATER MARK DEPICTED IN THIS DRAWING IS PER 2017 TOPOGRAPHIC SURVEY PREPARED BY WELCH-COMER ENGINEERS AND SURVEYORS

APPLICANT:	VALIANT IDAHO II, LLC
LOCATION:	BONNER COUNTY, IDAHO SECTION 16 & 17, T 57 N, R 1 E, B.M.
WATERBODY:	LAKE PEND OREILLE
DA NUMBER:	

SHEET TITLE: PROPOSED EXCAVATION PLAN
PROJECT: IDAHO CLUB NORTH LAKE P.U.D.

DATE: 05/08/2024
SCALE: AS SHOWN
DRAWN: NCF
CHECKED: BSB
PROJ. NO.: 22043-20-001
CAD FILE: E-VALIANT
SHT 3 OF 15

James A. Sewell and Associates, LLC
1319 N. DIVISION
SANDPOINT, IDAHO 83864, (208) 263-4160



VEGETATED SHORELINE PROTECTION

LOCATION	LENGTH (LF)	AREA (SF)	VOLUME (CY) BELOW OHW	VOLUME (CY) ABOVE OHW
1	550	4,950	450	100
2	1,040	8,680	790	190
3	630	4,950	450	110
4	300	1,500	150	30
TL	2,520	20,080	1,840	430

NON-VEGETATED ROCK HEADWALL

LOCATION	LENGTH (LF)	AREA (SF)	VOLUME (CY) BELOW OHW	VOLUME (CY) ABOVE OHW
5	680	6,120	550	130
6	310	2,790	250	60
7	320	2,880	260	60
TL	1,310	11,790	1,060	250

NATIVE FILL MATERIAL

LOCATION	AREA (SF)	VOLUME (CY) BELOW OHW	VOLUME (CY) ABOVE OHW
8	240	15	10
9	3,640	N/A	300
TL	3,880	770	150

STREAMBED FILL

LOCATION	AREA (SF)	(NO FILL BELOW THE OHWM)	JURISDICTIONAL FILL (CY)
10	5,080	N/A	90

CAT-1 AND CAT-2 ROCK (STEP POOLS)

LOCATION	AREA (SF)	VOLUME (CY) BELOW OHW	VOLUME (CY) ABOVE OHWM
11	1,450	N/A	130

RECEIVED
DEPT OF LANDS

PROFESSIONAL ENGINEER
REGISTERED
B. Scott
ODU
5/9/2024
STATE OF IDAHO
B. SCOTT BROWN

N

0 100 200 400

SCALE IN FEET
CONTOUR INTERVAL IS 1'
DATUM: NGVD '29

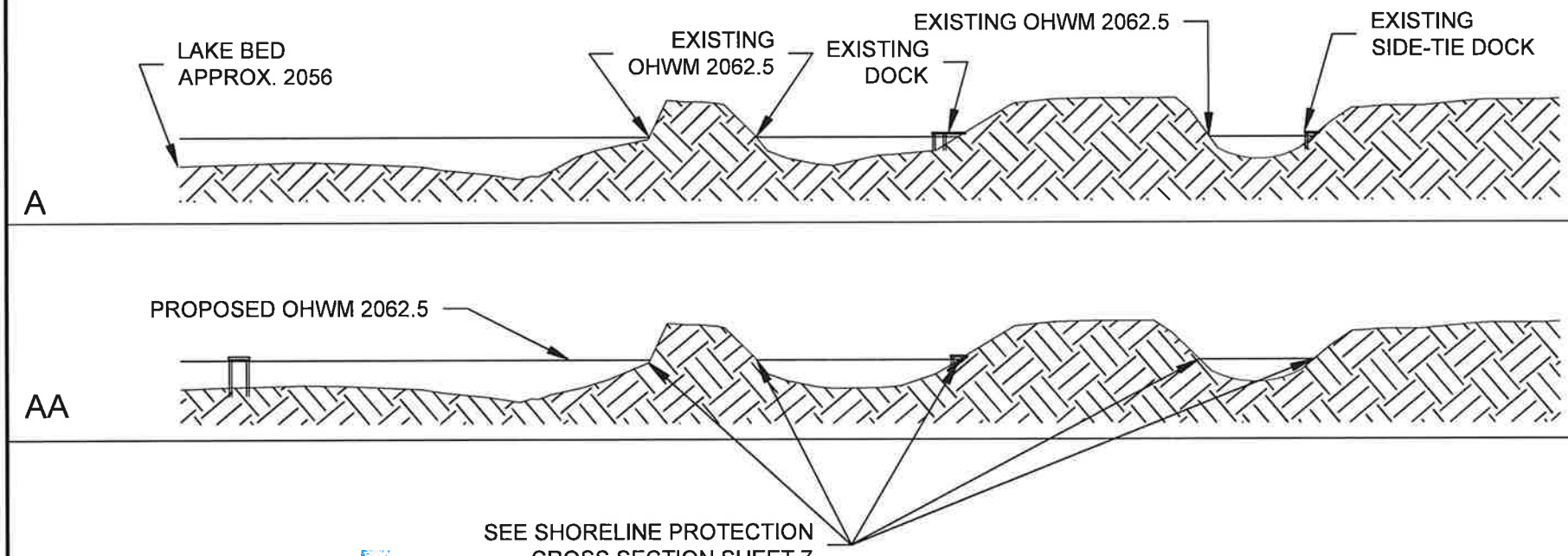
NOTE: SOME ELEVATIONS, CONTOUR LINES, AND ORIGINAL HIGH WATER MARK DEPICTED IN THIS DRAWING IS PER 2017 TOPOGRAPHIC SURVEY PREPARED BY WELCH-COMER ENGINEERS AND SURVEYORS

APPLICANT:	VALIANT IDAHO II, LLC
LOCATION:	BONNER COUNTY, IDAHO SECTION 16 & 17, T 57 N, R 1 E, B.M.
WATERBODY:	LAKE PEND OREILLE
DA NUMBER:	

SHEET TITLE: PROPOSED FILL PLAN
PROJECT: IDAHO CLUB NORTH LAKE P.U.D.

DATE: 05/08/2024
SCALE: AS SHOWN
DRAWN: NCF
CHECKED: BSB
PROJ. NO.: 22043-20-001
CAD FILE: F-VALIANT
SHT 4 OF 15

James A. Sewell and Associates, LLC
1319 N. DIVISION
SANDPOINT, IDAHO 83864, (208) 263-4160



NOT TO SCALE

NOTES:
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PROFESSIONAL ENGINEER REGISTERED
B. Scott
5/9/2024
STATE OF IDAHO
B. SCOTT BROWN

Dept of Lands

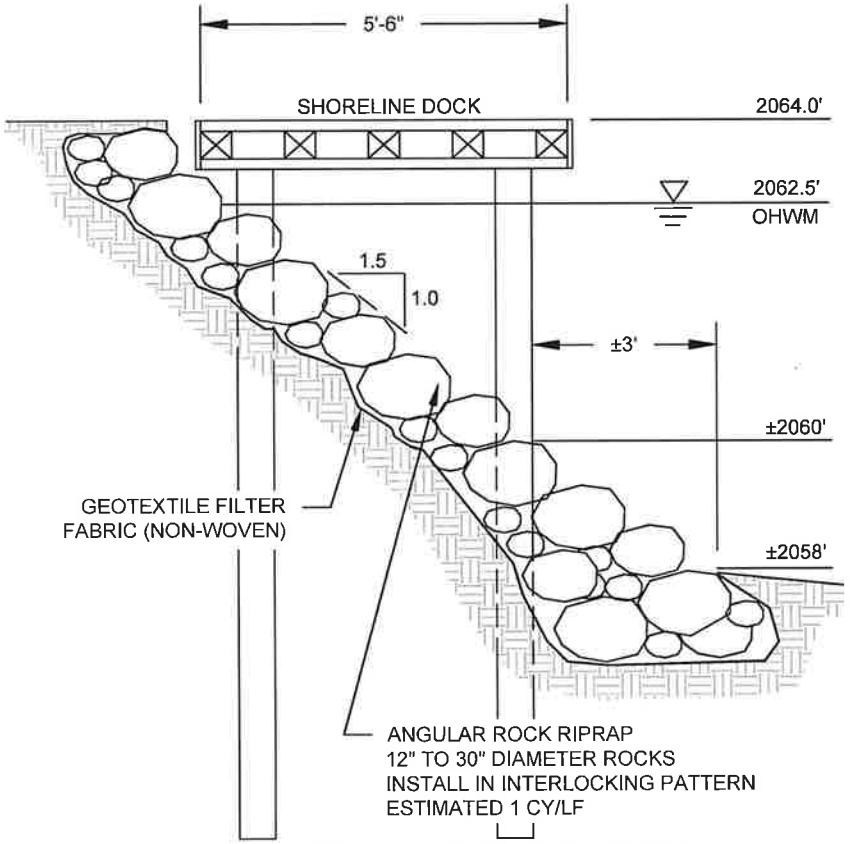
APPLICANT:	VALIANT IDAHO II, LLC
LOCATION:	BONNER COUNTY, IDAHO SECTION 16 & 17, T 57 N, R 1 E, B.M.
WATERBODY:	LAKE PEND OREILLE
DA NUMBER:	

SHEET TITLE	SITE CROSS SECTION
PROJECT	IDAHO CLUB NORTH LAKE P.U.D.

James A. Sewell and Associates, LLC
1319 N. DIVISION
SANDPOINT, IDAHO 83864, (208) 263-4160

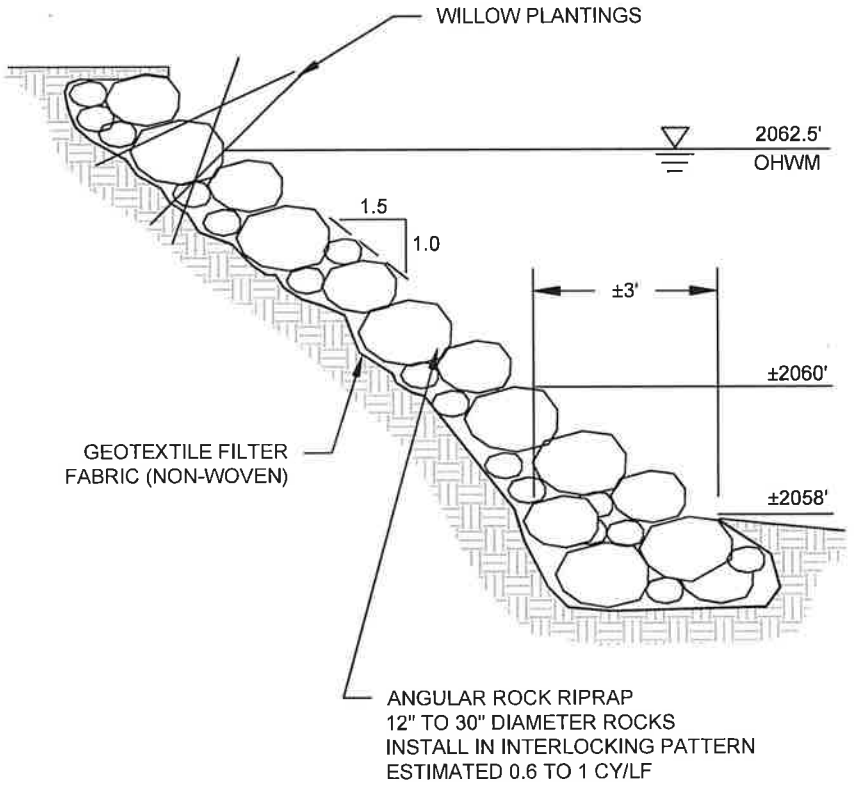
DATE	05/08/2024
SCALE	AS SHOWN
DRAWN	NCF
CHECKED	BSB
PROJ. NO.	22043-20-001
CAD FILE	E-VALIANT
SHT	6 OF 15

NOTE: ELEVATIONS SHOWN ARE BASED ON NGVD 29 DATUM



NON-VEGETATED SHORELINE PROTECTION
(NOT TO SCALE)

NOTE: ELEVATIONS SHOWN ARE BASED ON NGVD 29 DATUM



VEGETATED SHORELINE PROTECTION (NOT TO SCALE)

THIS DRAWING IS TO BE USED FOR PERMITTING PURPOSES - NOT FOR CONSTRUCTION

PROFESSIONAL ENGINEER REGISTERED
B. Scott
ODU
5/9/2024
STATE OF IDAHO
B. SCOTT BROWN

RECEIVED
MAY 10 2024
DEPT OF LANDS

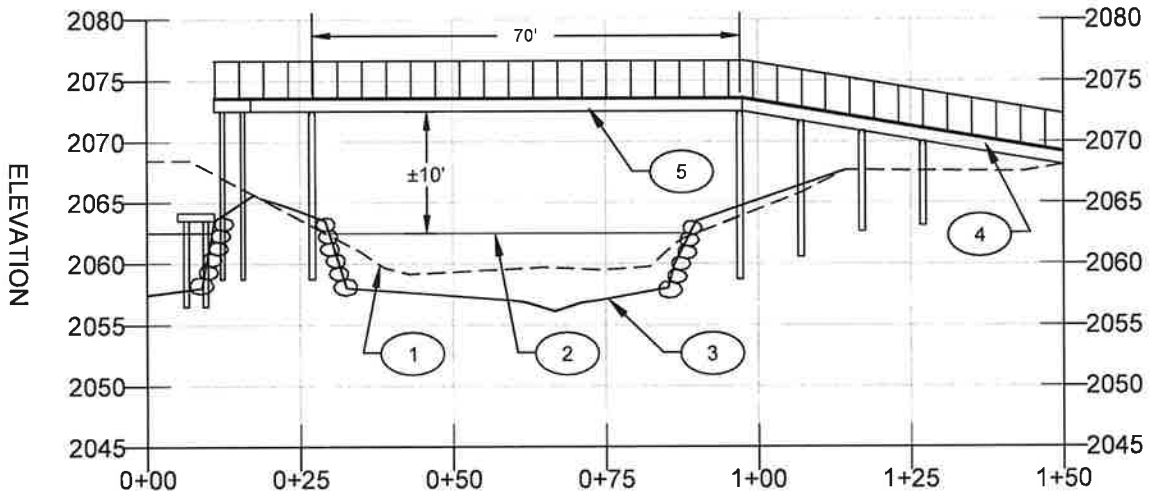
APPLICANT:	VALIANT IDAHO II, LLC
LOCATION:	BONNER COUNTY, IDAHO SECTION 16 & 17, T 57 N, R 1 E, B.M.
WATERBODY:	LAKE PEND OREILLE
DA NUMBER:	

SHEET TITLE: SHORELINE PROTECTION CROSS SECT.
PROJECT: IDAHO CLUB NORTH LAKE P.U.D.

DATE: 05/08/2024
SCALE: AS SHOWN
DRAWN: NCF
CHECKED: BSB
PROJ. NO.: 22043-20-001
CAD FILE: E-VALIANT

James A. Sewell and Associates, LLC
1319 N. DIVISION
SANDPOINT, IDAHO 83864, (208) 263-4160

SHT 7 OF 15



KEY NOTES

1. EXISTING CHANNEL CROSS SECTION
2. ORDINARY HIGH WATER MARK (2062.5 NGVD '29)
3. PROPOSED CHANNEL CROSS SECTION
4. PEDESTRIAN RAMP (MAX. 1:12)
5. FREE SPANNING BRIDGE WITH LIGHT PENETRATING DECKING

BRIDGE STRUCTURE CROSS SECTION
NOT TO SCALE

0 15 30 60

HORIZONTAL SCALE IN FEET

0 7.5 15 30

VERTICAL SCALE IN FEET

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THIS DRAWING IS TO BE USED FOR PERMITTING PURPOSES - NOT FOR CONSTRUCTION

PROFESSIONAL ENGINEER REGISTERED
B. Scott
5/9/2024
STATE OF IDAHO
B. SCOTT BROWN

RECEIVED
MAY 13 2024
DEPARTMENT OF LANDS

APPLICANT:	VALIANT IDAHO II, LLC
LOCATION:	BONNER COUNTY, IDAHO SECTION 16 & 17, T 57 N, R 1 E, B.M.
WATERBODY:	LAKE PEND OREILLE
DA NUMBER:	

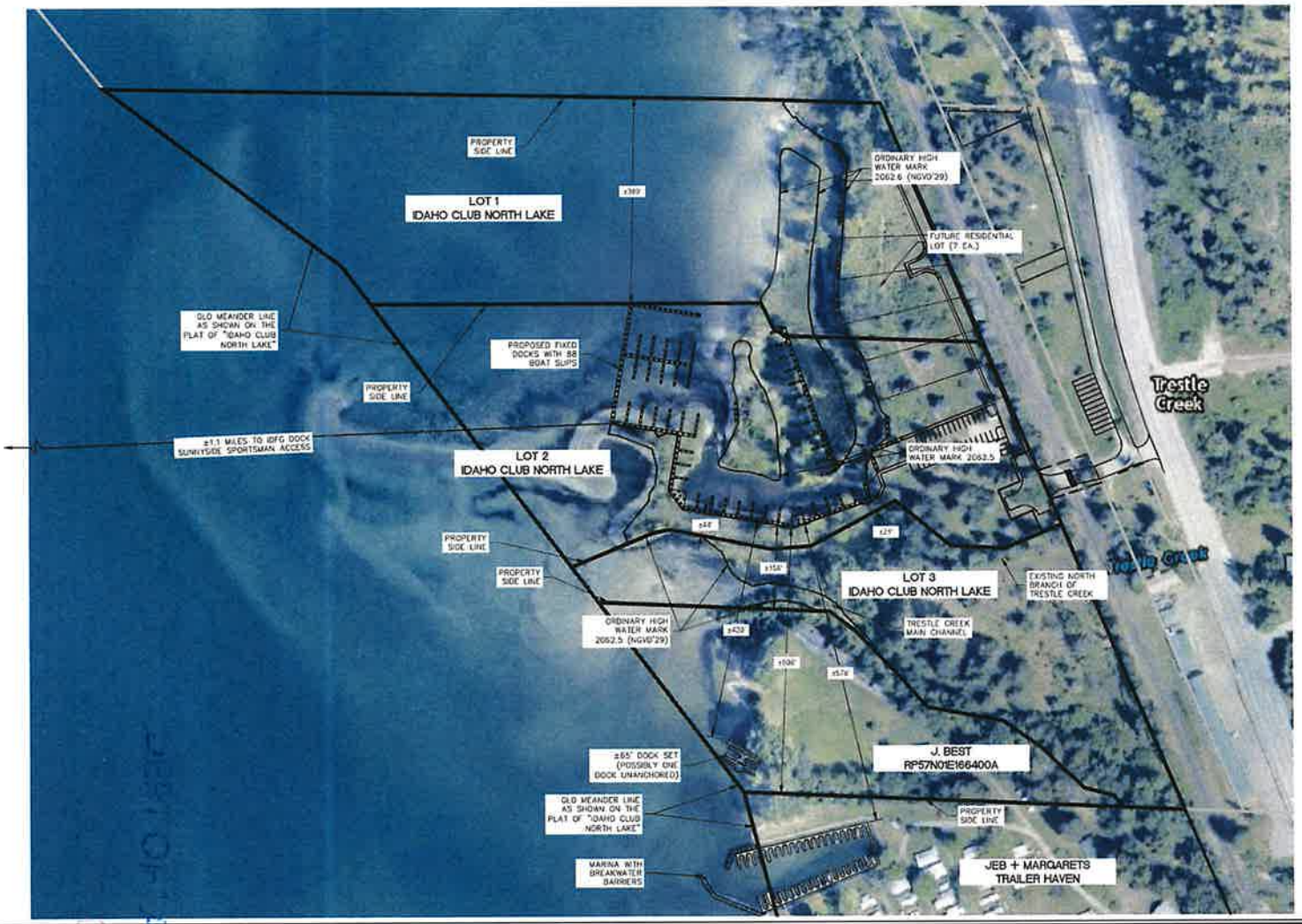
SHEET TITLE	BRIDGE CROSS SECTION
PROJECT	IDAHO CLUB NORTH LAKE P.U.D.

James A. Sewell and Associates, LLC
1319 N. DIVISION
SANDPOINT, IDAHO 83864, (208) 263-4160

DATE	05/08/2024
SCALE	AS SHOWN
DRAWN	NCF
CHECKED	BSB
PROJ. NO.	22043-20-001
CAD FILE	E-VALIANT
SHT	11 OF 15

IDAHO CLUB NORTH LAKE P.U.D.
DISTANCES TO PROPERTY LINES AND ENCROACHMENTS

LOTS 1 & 2, IDAHO CLUB NORTH LAKE, SEC 16 & 17,
T57N, R1E, BOISE MERIDIAN, BONNER COUNTY, IDAHO



PRELIMINARY
NOT FOR CONSTRUCTION

NO.	DATE	REVISION

James A. Sewall and Associates, LLC
1319 NORTH DIVISION AVENUE
SANDPOINT, IDAHO 83864
(208) 263-4160

SHEET TITLE
DISTANCES TO PROPERTY LINES AND ENCROACHMENTS

PROJECT
IDAHO CLUB NORTH LAKE P.U.D.
BONNER COUNTY, IDAHO

DATE	06/03/2024
SCALE	AS SHOWN
DESIGNED	BSB
DRAWN	BSB
CHECKED	BSB
PROJ.NO.	22043-20-001

SHEET 1 OF 1

SCANNED