



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

Brad Little / Governor
Jim Fredericks / Director

September 26, 2024

Gwen Victorson
Land Resource Specialist, Navigable Waters
Idaho Department of Lands
Pend Oreille Supervisory Office
2550 Highway 2 West
Sandpoint ID 83864

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

REFERENCE: L-96-S-2798A– Valiant Idaho, LLC / Valiant Idaho II, LLC
NWW-2007-01218 - Valiant Idaho, LLC / Valiant Idaho II, LLC

Dear Gwen:

The Idaho Department of Fish and Game (IDFG) has reviewed the above-named application to permit a commercial marina, dredging, installation of riprap, installation of a pedestrian bridge and creek rerouting on the shoreline of Lake Pend Oreille (LPO) adjacent to the mouth of Trestle Creek. The purpose of these comments is to assist the decision-making authority by providing technical information that can be used to minimize fish and wildlife impacts.

Proposed work includes:

- Removal of existing wooden piles, docks, boardwalks, decking and concrete boat ramp.
- Excavation of approximately 12,500 cubic yards (CY) of material and modifying 139,640 sq. ft. of shoreline that consists of the existing boat basin, slack water channel, island within the boat basin, and the LPO shoreline.
- Construct a boat pump out station.
- Rip rap 3,830 linear feet of shoreline below the OHWM.
- Installation of a 358' long by 10' wide 3,580 square foot breakwater that includes 84 10" diameter steel piles.
- Installation of 88 steel frame fixed docks (13,324 sq. ft.) that will include 378 10" diameter steel piles.
- Installation of 7 individual steel frame fixed pier docks (1,680 sq. ft.) that includes 56 10" diameter steel piles.
- Installation of 1 steel frame fixed pier dock (240 sq. ft.) which will include eight 10" diameter steel piles.
- Discharge approximately 390 CY of excavated material and 130 CY of rock below the OHWM of 0.08 acre of the North Branch Trestle Creek.

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IDL-026

- Disturb and fill 0.01 acre of palustrine emergent wetland (PEM) and 0.04 acre of palustrine forested wetland (PFO).
- Redirect the North Branch of Trestle Creek back to the main channel of Trestle Creek.

Currently the area is lightly developed with aging and dilapidated docks, walkways, a bridge, and a boat launch. None of these structures will remain and will be disposed of during the construction of a new facility. The North Branch of Trestle Creek, which functions as a high-water channel runs through the property and empties into a backwater area through a perched culvert.

This project has been proposed several times, with many different designs since approximately 2008. IDFG has concerns with the location of the project, and possible negative effects to fish and wildlife.

Lake Pend Oreille is a high-quality multi-species fishery supported by over a dozen sport fish, including Gerrard Rainbow Trout, Westslope Cutthroat Trout, Kokanee, Bull Trout, and Smallmouth Bass. The current world record Bull Trout is from LPO, and the lake previously held the world record for Rainbow Trout. Lake Pend Oreille continues to provide trophy fishing opportunities, with rainbow trout over 20 pounds taken regularly. Additionally, Lake Pend Oreille supports a variety of warmwater fishes, including Smallmouth Bass, Perch, Walleye, and Northern Pike. A 2022-23 creel survey completed by Idaho Fish and Game and Avista showed nearly 200,000 angler hours/year dedicated to the Lake Pend Oreille fishery. Trestle Creek is an important spawning tributary for migratory Bull Trout, Westslope Cutthroat Trout, and Kokanee that help support the popular Lake Pend Oreille sport fishery. Bull Trout and Westslope Cutthroat Trout are both native species, while kokanee are the primary forage species for many of the large predatory fish in the lake and a valued sport fish. Substantial investments and intensive management efforts to limit the negative impacts of species such as Lake Trout, Northern Pike and Walleye on the trout, kokanee, and bass fisheries have resulted in a resurgence in the Lake Pend Oreille fishery. In addition to creating satisfied anglers, this resurgence has also been very beneficial for local communities and businesses.

Bull Trout are listed as threatened under the Endangered Species Act, and Lake Pend Oreille and its major tributaries, including Trestle Creek, have been designated as critical habitat for Bull Trout by the United States Fish and Wildlife Service (USFWS). A critical habitat designation identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and that may require special management or protection. Trestle Creek is one of the most important spawning and rearing tributaries in the Pend Oreille watershed. Historically, Trestle Creek has supported a large percentage (10–54%) of the total number of Bull Trout redds counted annually in the Pend Oreille Basin, but those numbers have dwindled since the mid-2000s. In 2021, Trestle Creek redd counts experienced a resurgence and it again supported nearly 50% of the basin-wide Bull Trout redds, but that surge was short-lived as shown in Appendix A.

Trestle Creek typically supports a high density of spawning Bull Trout relative to other Bull Trout spawning streams in their range across the northern Rockies and in the Pend Oreille Basin (Appendix B) and averaged 120 Bull Trout redds from 2011–2020. The North Branch of Trestle Creek, although dry during most of the year, can serve as a seasonal high-water channel that creates

a brief passage for out-migrating Bull Trout, Westslope Cutthroat Trout, and Kokanee. IDFG and Avista spend tens of thousands of dollars every year on monitoring both adult and juvenile Bull Trout within Trestle Creek. Recognizing the importance of Trestle Creek and looking to bolster habitat for juvenile Bull Trout to try and ameliorate lagging redd counts numbers within the drainage, a three-part habitat improvement and road protection project was completed in the lower section in 2022. This \$120,000 project was supported by Avista, IDFG, Bonner County Road and Bridge, and the Federal Highway Administration.

The quality of the Lake Pend Oreille fishery is in no small part a function of the lake's excellent water quality. Shoreline construction, septic, stormwater runoff, day-to-day marina operations and increased boat traffic can all lead to increased nutrient inputs to the lake. Resultant declines in water quality would be expected to negatively affect the fishery. A Total Maximum Daily Load (TMDL) for nutrients has been established for the nearshore waters of Lake Pend Oreille by the Idaho Department of Environmental Quality. A TMDL listing for nutrients is an action plan to restore clean water by defining how much of a pollutant a water body can tolerate and continue to meet water quality standards. Additional development, dredge and fill projects, marina operations, nearshore septic systems and increased boat traffic will likely lead to increased nutrient inputs to Lake Pend Oreille in a local area that is extremely valuable to many species of fish species in the system.

It is critical that the mouth of Trestle Creek be undisturbed and protected to maintain year-round connectivity to Lake Pend Oreille and not impede fish movement to and from spawning and rearing habitat.

The realignment of the North Branch of Trestle Creek will benefit downstream migrating salmonids including Bull Trout by routing them back into the mainstem Trestle Creek rather than through a perched culvert into a slackwater channel. This includes post-spawn adults and juveniles. While this part of the project is proposed as mitigation/restoration, it should be noted that without this reroute, the North Branch would continue to drain into the proposed marina which would have negative effects on Bull Trout. Additionally, within the application packet it is mentioned that IDFG would be willing to assist with a weir on the downstream side of the North Branch. IDFG could find no record of this agreement and contends that the operation of weirs during high water can be dangerous and ineffective. Alternatively, IDFG recommends that the proposed reroute use simple channel morphology, and not provide holding habitat to encourage fish to remain within the channel to prevent possible strandings of both adults and juveniles when it goes dry. IDFG would be happy to collaborate on a design for the reroute so that it may provide a net conservation benefit to migrating salmonids.

Docks, piers, marinas and pilings are an encroachment in lakes and rivers that can be detrimental to fish, aquatic habitat, and public use of those waterways. Shoreline modifications such as docks and breakwaters create structure that is commonly used by species such as Smallmouth Bass, Largemouth Bass, Walleye, and Northern Pike, all of which have become increasingly abundant in the LPO system in recent years. Northern Pike and Walleye pose a risk to the existing fishery, based on diet analysis, which includes native Bull Trout and Westslope Cutthroat Trout. Management direction for sportfish populations is provided in the Department's "Fisheries Management Plan 2019–2024" ("Fisheries Plan"). The Fisheries Plan identifies the management

of native fish as a priority and directs Department staff to “work with land and water users, Indian tribes, and federal and state resource agencies to reduce human- caused impacts to native trout habitat.” Day-to-day marina operations create a variety of potential hazards near an extremely valuable fisheries resource:

- Increased ambush predator habitat near the mouth of Trestle Creek.
- Potential spills including oils, fuels, and mechanical fluids.
- Grey and black water pump out spills— IDFG did not find anything addressing this issue in the application. This is a potential source of nutrient input in LPO.
- Propwash and wake erosion/sedimentation.
- Aquatic Invasive Weeds—with flowering rush already being found in the area, a plan to deal with aquatic invasives should be developed. With increased boat traffic the likelihood of spreading aquatic invasive weeds is greatly increased as many spread through boat prop fragmentation. Bull Trout and kokanee concentrate at the tributary-lake interface prior to moving upstream as adults, moving back out after spawning, or migrating out into the lake as juveniles. While the marina itself will provide predator habitat, it will be separated from the mouth of Trestle Creek by a thin but armored spit of land. If a weed line were to get established at the tributary/lake interface where species congregate, it would provide predator ambush habitat in an area where these fish are vulnerable that could lead to increased predation.
- Increased boat traffic in the area will increase baseline noise levels that may affect use by native salmonids.
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In addition to providing Bald Eagle nesting habitat, the area provides habitat for furbearers, wading birds, waterfowl, and passerine birds. Elk, Whitetail Deer, Moose and Turkey may occasionally pass through and may remain in the area. To conclude, at some level wildlife will be permanently displaced with conversion of forested open space to homes and a marina. The following IDFG recommendations will reduce that impact.

If this project is approved, IDFG recommends the following:

- All current sound and vibration suppression BMPs as outlined by the USACE and FWS be employed during construction.
- Dredging be conducted during low water and all appropriate erosion, sediment, and turbidity control BMPs be employed during dredge and fill operations.
- Adhering to the most up to date erosion and sedimentation siltation BMPs during construction and maintaining or establishing riparian buffers. One resource to find and evaluate appropriate BMPs is the Idaho DEQ *Idaho Catalog of Storm Water Best Management Practices* available online at: <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/14968>
- A native riparian vegetation buffer functions efficiently as a biofiltration agent and may also provide shade and additional wildlife habitat. Native riparian vegetation buffers do not require the fertilizers, herbicides, and watering that grass lawns require which can be a source of additional nutrient inputs.
- All revegetation plantings be monitored and maintained, with replacement of dead plants, until at least 80% survival is achieved through at least one growing season.
- The vegetation buffers remain protected in perpetuity.

- Integration of willows into the riprap would help to improve habitat for more age classes and species.
- Any bank hardening or dredging work near the mouth of Trestle Creek be consulted with a licensed professional geomorphologist for possible effects that could be detrimental to fish movements.
- The North Branch of Trestle Creek be realigned to empty into the main channel without the addition of holding water or pool habitat.
- That large cottonwood trees, especially the one containing an eagle nest, be retained, along with as much native, established, riparian vegetation as practicable.
- No beach sand be permitted to be used along the shoreline.
- In-water work be completed during winter to avoid fish migrations and spawning periods.
- IDFG recommends a large "No-Wake" area be created around the marina area and the mouth of Trestle Creek to prevent negative effects of boat wake erosion and sedimentation to the area.
- All Bonner County setback distances (wetlands, shoreline) be adhered to during the development of the uplands.
- Bonner County impervious surfaces within 200' of water regulations be adhered to.
- Create mitigation plan for fuel spills and black/grey water discharge from boats.
- Create mitigation plan for aquatic invasive weeds in area.

Thank you for the opportunity to comment.

Sincerely,

Carson Digitally signed by
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Carson Watkins
 Panhandle Regional Supervisor

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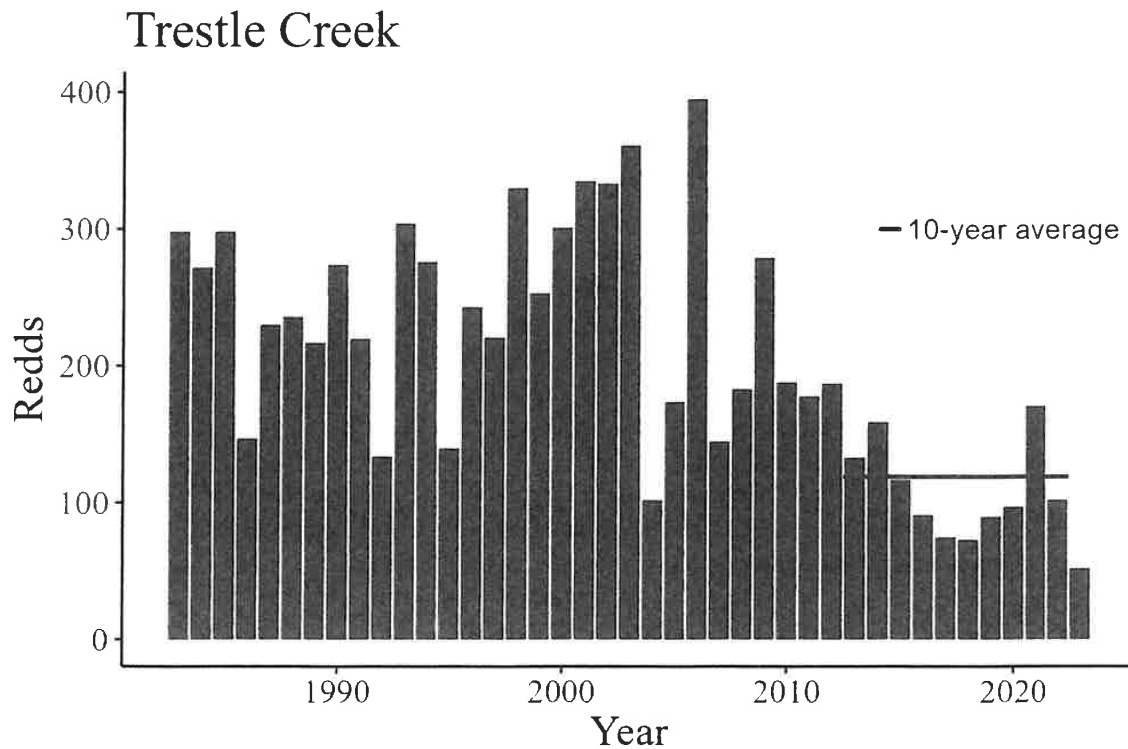
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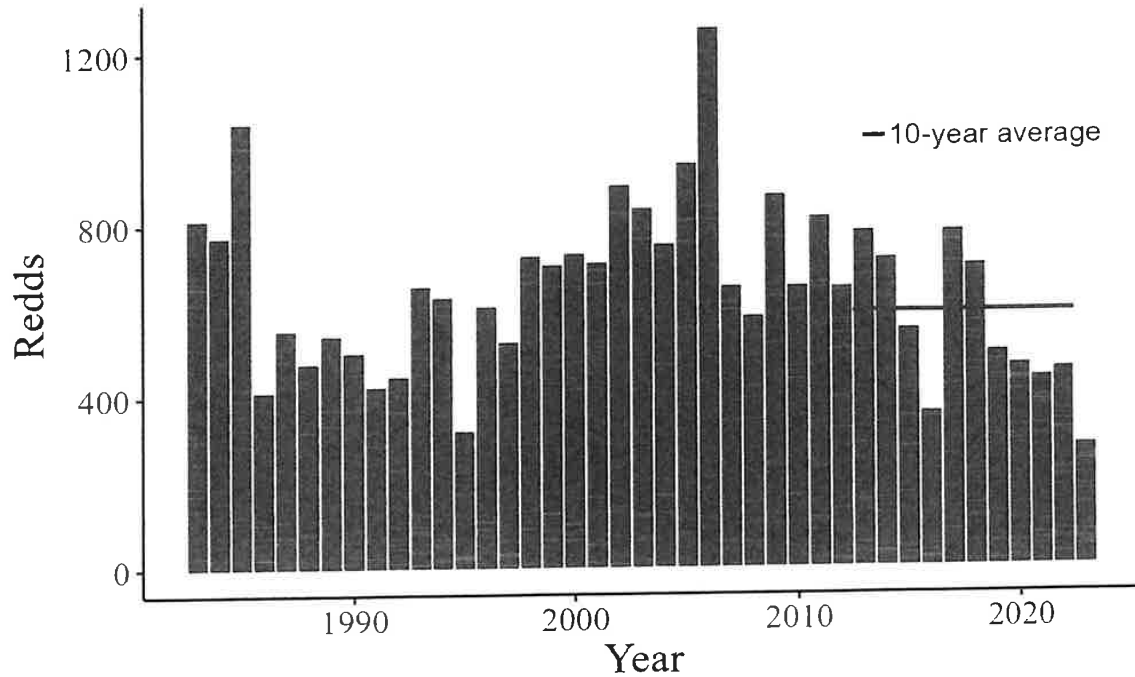
Appendix A



Number of Bull Trout redds counted in Trestle Creek from 1983–2023. The horizontal red line represents the prior 10-year average (2013–2022).

Appendix B

Lake Pend Oreille Bull Trout Redds



Total number of Bull Trout redds counted in all surveyed streams in the Pend Oreille drainage 1983–2023. The horizontal red line represents the prior 10-year average (2013–2022).

