US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Joe Brock, Project Manager

Public Notice Date: January 20, 2005
Expiration Date: February 20, 2005
Reference: 200401331
Name: USDI (Bureau of Indian Affairs)

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT: U.S. Department of Interior Bureau of Indian Affairs-
Wapato Irrigation Project
ATTN: Pierce Harrison, Project Administrator
Post Office Box 220
Wapato, Washington 98951
Telephone: (509) 877-3155 ex. 208

AGENT: Yakama Nation Engineering
ATTN: Chane Salois, Engineering Manager
211 South Toppenish Avenue
Toppenish, Washington 98948
Telephone: (509) 865-1409

LOCATION - In the Yakima River near Union Gap, Yakima County, Washington. The project is at the Wapato Diversion Dam located in the SW ¼ of Section 17, T.12 N., R. 19 E.

WORK - Place 3,550 cubic yards of riprap within the ordinary high water mark to construct rock weirs and an access road.

PURPOSE - To protect the Wapato Diversion Dam and associated facilities from flood flows, to improve fish passage, and to create rearing habitat for juvenile salmonids.

ADDITIONAL INFORMATION - The Wapato Diversion Dam was constructed in 1917 and diverts water to the Wapato Canal. The dam spans an island within the Yakima River and is composed of a concrete structure across the east channel, an earthen dike with sheet pile core across the island, and a concrete structure across the west channel. The structure in the west channel has one fish ladder and the structure in the east channel has two fish ladders. The Applicant proposes to lower the elevation of the earthen dike by 8.5 feet to create a spillway for high flows. To protect the structure and to facilitate flows over the dike, gravel would be removed from an upstream gravel bar (above the ordinary high water mark), a rock weir would be constructed upstream of the dike, the dike would be armored with rock, and rock weirs would be constructed in the existing flood channel below the dam. Rock weirs would be constructed in the east and west channels below the concrete dam structures. Rock weir No. 7 would serve as a haul route during construction and as a

crossing point for future access. The rock weirs would raise the elevation of the tail water below the east and west concrete structures.

The Applicant also proposes to divert water (10-20 cfs) from the east channel of the river into the flood channel on the island to create off channel rearing habitat for juvenile fish. A channel approximately 10 feet wide by 400 feet long would be constructed in uplands to allow water to flow from the river into the flood channel. The diverted water would flow down the flood channel, 3,200 feet, and return to the Yakima River at the southern end of the island.

ENDANGERED SPECIES - The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The Middle Columbia River steelhead (*Oncorhynchus mykiss*), threatened; the Columbia River bull trout (*Salvelinus confluentus*), threatened; the Bald eagle (*Haliaeetus leucocephalus*), threatened; and the Ute ladies'-tresses (*Spiranthes diluvialis*), threatened in the state of Washington, may occur in the proposed project area.

The Bureau of Indian Affairs (BIA) is the lead agency for ESA consultation. The BIA has consulted with the NMFS and USFWS as required under Section 7 of the ESA. The USFWS concurred with the BIA's effect determination on May 2, 2001. The NMFS issued a Biological Opinion for the project on May 12, 2003, and an amendment to the Biological Opinion on December 6, 2004.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact approximately 2 acres of EFH for Pacific salmon in the project area. The BIA has determined that the proposed project will adversely affect EFH and has consulted with the NMFS.

CULTURAL RESOURCES - The BIA, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Office as appropriate.

PUBLIC HEARING - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision,

comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

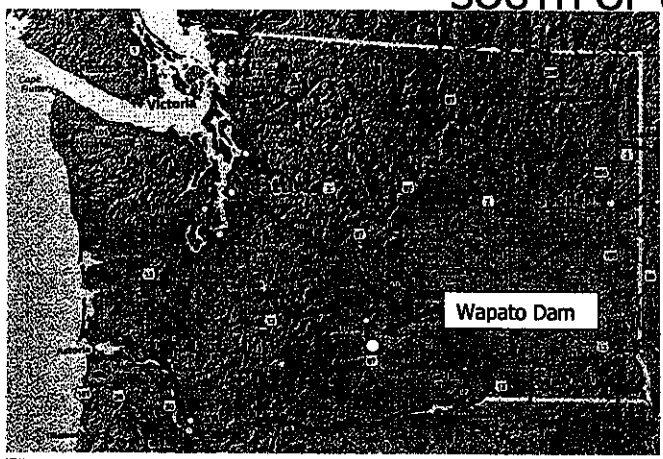
ADDITIONAL EVALUATION - The State of Washington and the Environmental Protection Agency are reviewing this work for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

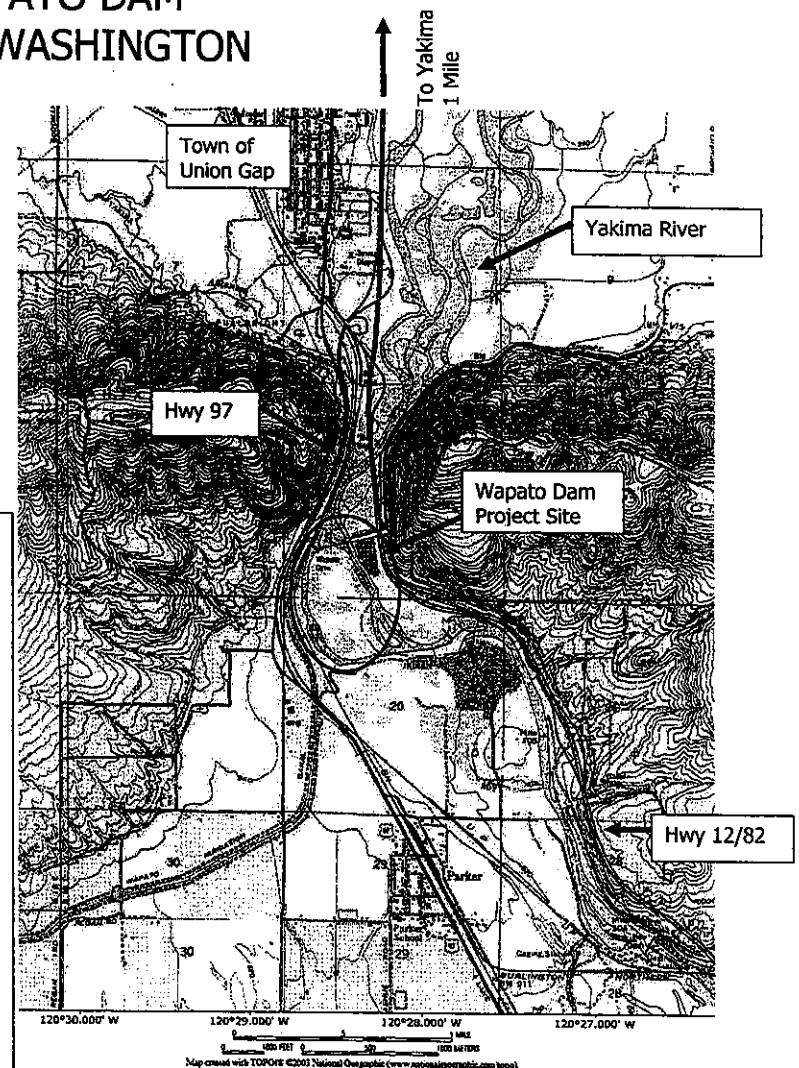
COMMENT AND REVIEW PERIOD - Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to Joseph.W.Brock@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

USDI (Bureau of Indian Affairs), 200401331

Encl
Drawings (12)

LOCATION MAP- WAPATO DAM
SOUTH OF UNION GAP, WASHINGTON





PROJECT LOCATION

U.S. Department of Interior Bureau of Indian Affairs Wapato Diversion Dam

Located near the Town of Union Gap, on the Yakima River between River Mile 106 and 107, Yakima County, Washington

Latitude 46 deg. 31 min. North, Longitude 120 deg. 28.5 min. West

SW ¼ of Section 17, Township 12 North, Range 19 East

PROJECT DATUM

Brass cap at Wapato Diversion gatehouse elevation 946.77 feet, North American Datum 1927

PURPOSE

Improve flood protection for Wapato Dam irrigation diversion and fish passage facilities, allow flooding events of the 1996 magnitude to safely pass without major damage, improve fish passage, improve floodplain ecological function, and increase juvenile salmon and steelhead rearing habitat.

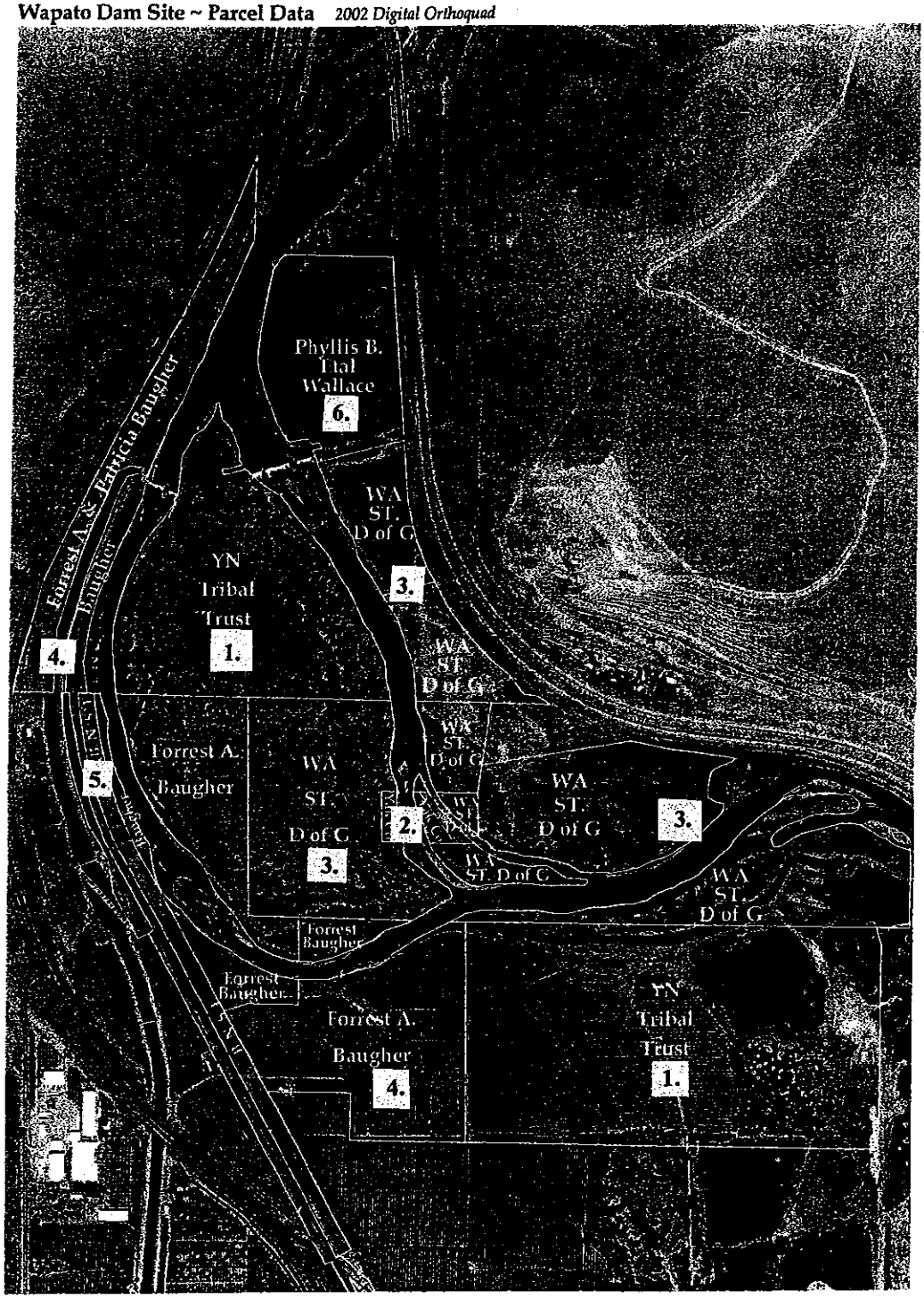
ADJACENT PROPERTY OWNERS

See attached property ownership map

Permit Reference #: 200401331	**Proposed: YAKIMA RIVER WAPATO DAM FLOOD CONTROL MEASURES, CHANNEL STABILIZATION AND HABITAT ENHANCEMENT**	**Geomax** GEOMORPHOLOGY, GEOMECHANICS, GEODESIGN	**Date:** 12/20/04
Applicant: US Dept of Interior Bureau of Indian Affairs- Wapato Irrigation Project	**Location: Yakima River Mile 106.6, south of the Town of Union Gap, WA**	**Prepared For: Yakama Nation Engineering**	**Sheet** 2 **Of** 12

ADJACENT PROPERTY OWNERSHIP PER YAKIMA COUNTY

Wapato Dam Site ~ Parcel Data *2002 Digital Orthoquad*



0 500 1000 1500 Feet

N

Parcel data from Yakima County GIS,
Cynthia Kozma GIS Analyst/Systems Programmer
Map layout done by: YN Water Resource GIS, I. James
April 9, 2004

1. Yakama Nation
2. Yakima County
3. Washington Department of Fish and Wildlife
4. Forrest A. Baugher
5. Burlington Northern Santa Fe Railroad
6. Phylis B. Wallace

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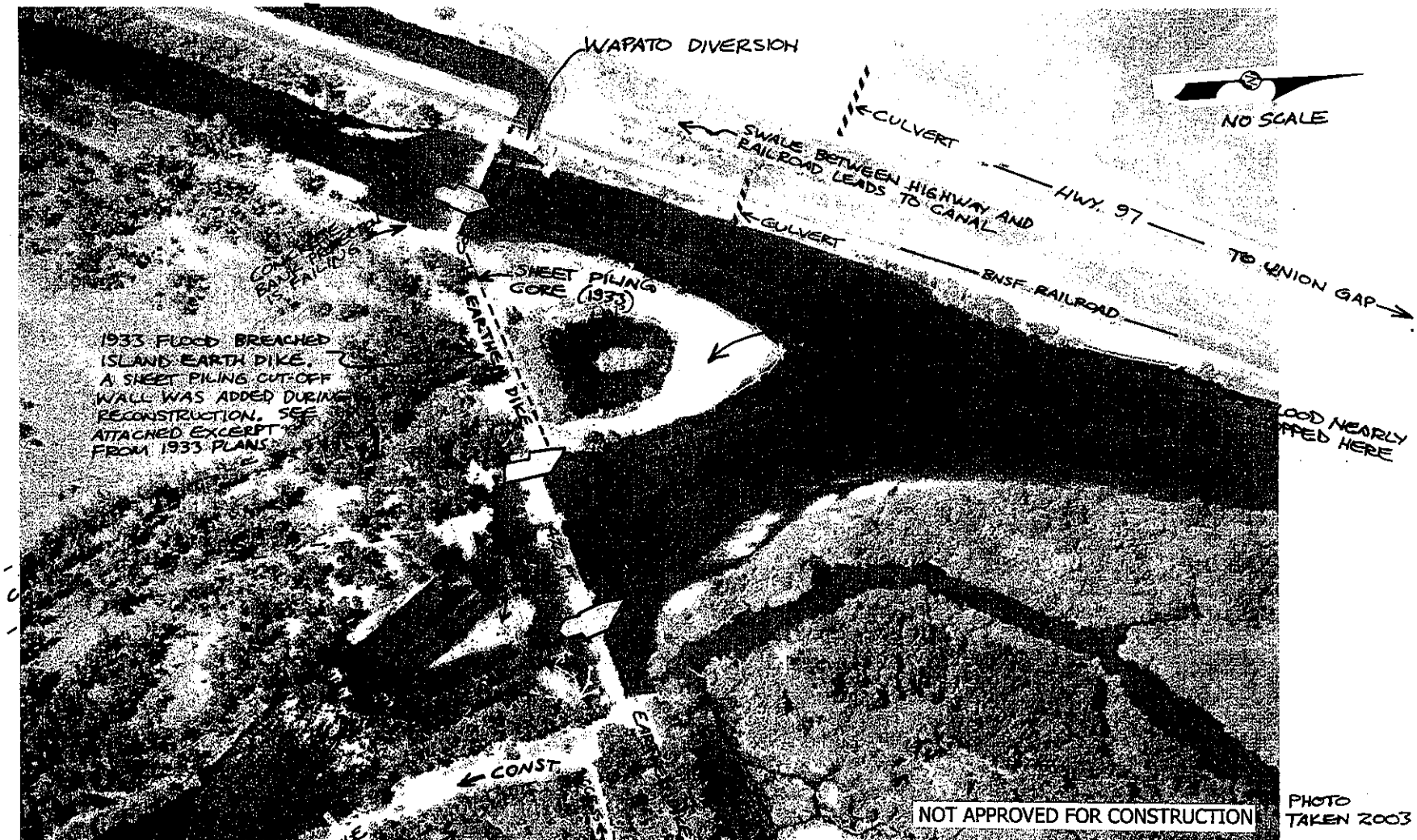
FIGURE 1- AERIAL PHOTOGRAPH SHOWING EXISTING CONDITIONS AT WAPATO DAM



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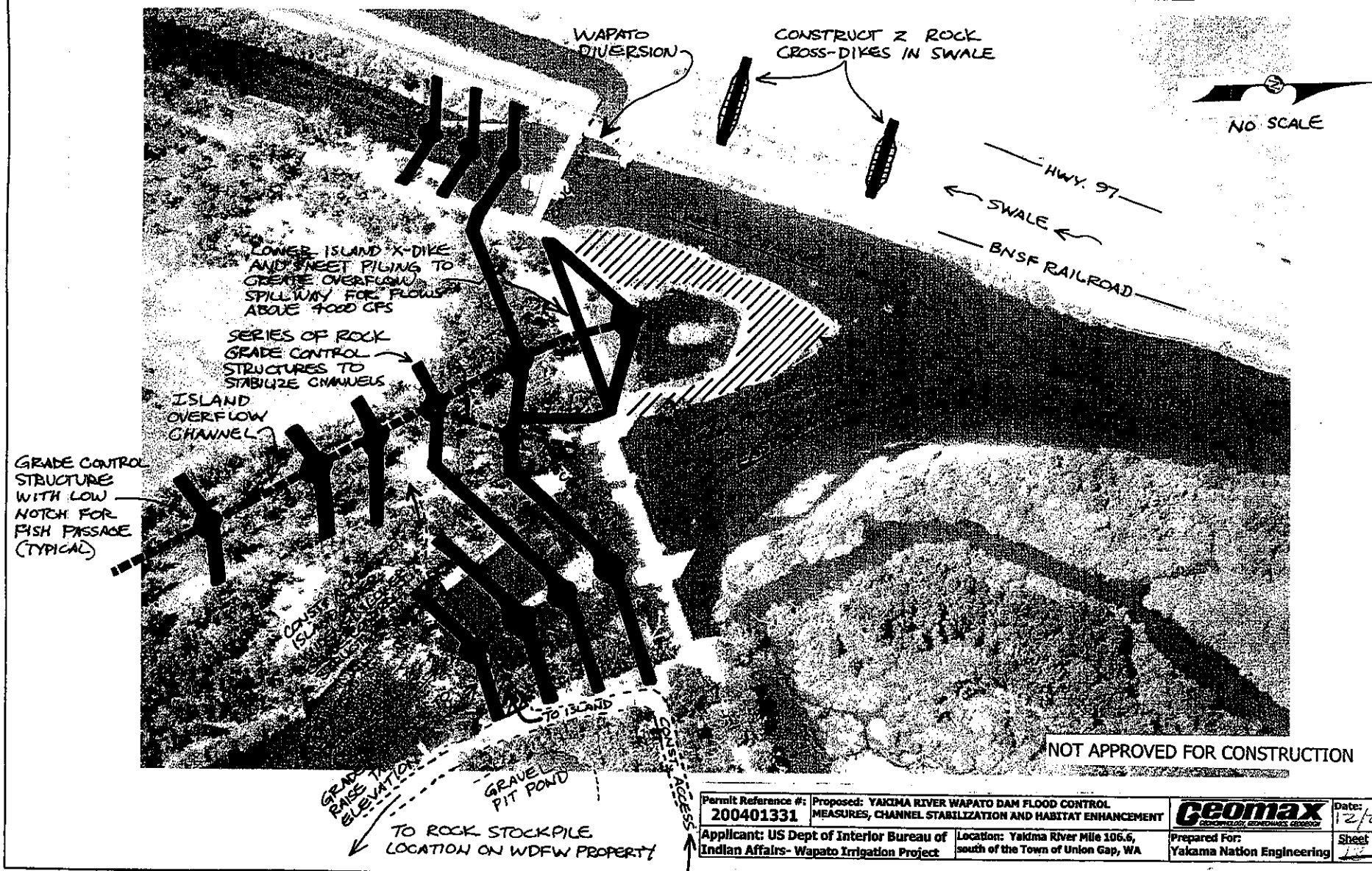
Applicant: US Dept of Interior Bureau of Indian Affairs- Wapato Irrigation Project	Location: Yakima River Mile 106.6, south of the Town of Union Gap, WA	Prepared For: Yakama Nation Engineering	Sheet 9 Of 9

FIGURE 5- SCHEMATIC OF PROPOSED WAPATO DAM IMPROVEMENTS



NOT APPROVED FOR CONSTRUCTION

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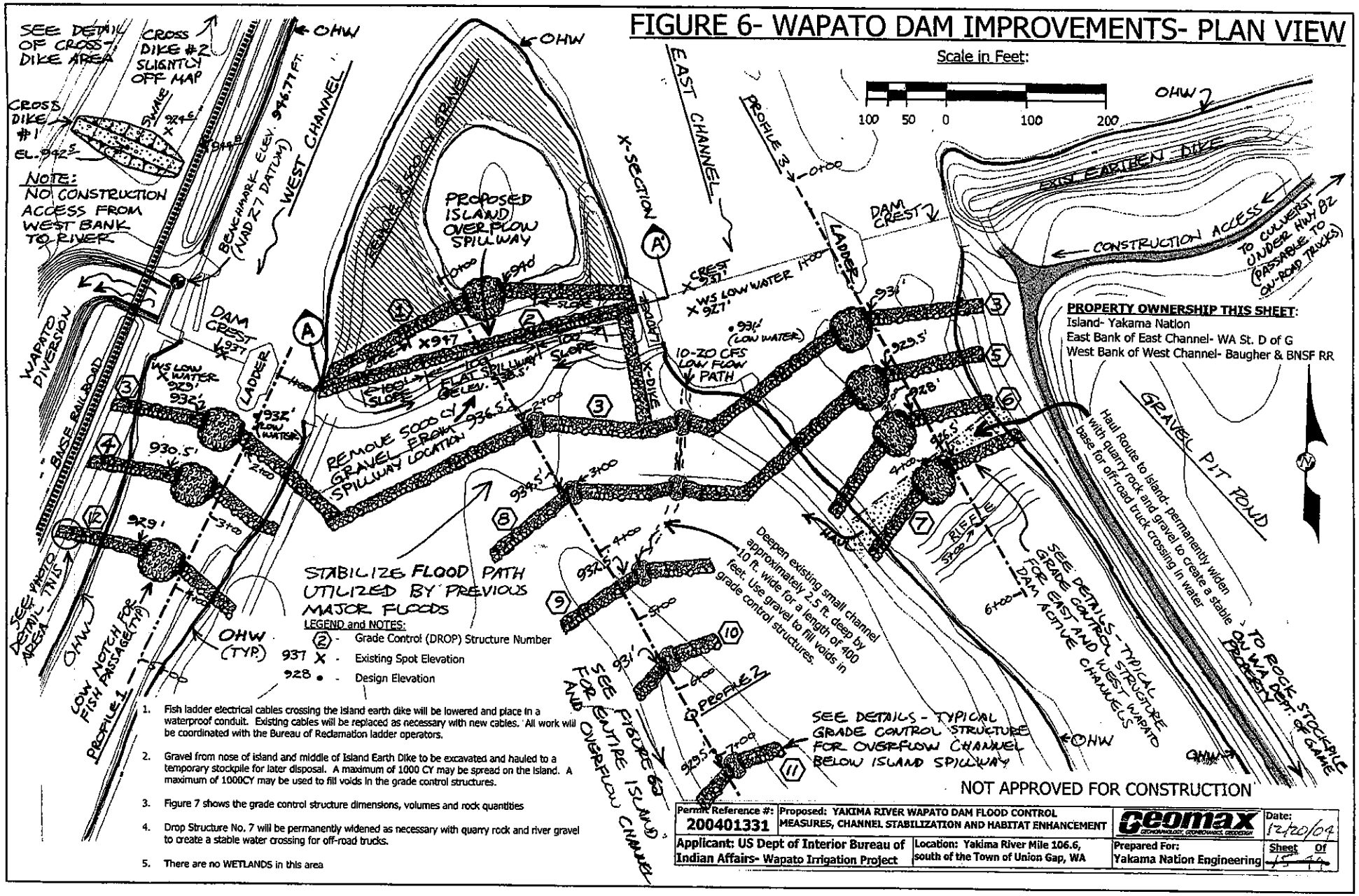
Applicant: US Dept of Interior Bureau of Indian Affairs- Wapato Irrigation Project	Location: Yakima River Mile 106.6, south of the Town of Union Gap, WA	Prepared For: Yakama Nation Engineering	Sheet 11 Of 11

FIGURE 6- WAPATO DAM IMPROVEMENTS- PLAN VIEW



1. Fish ladder electrical cables crossing the island earth dike will be lowered and place in a waterproof conduit. Existing cables will be replaced as necessary with new cables. All work will be coordinated with the Bureau of Reclamation ladder operators.
2. Gravel from nose of island and middle of Island Earth Dike to be excavated and hauled to a temporary stockpile for later disposal. A maximum of 1000 CY may be spread on the island. A maximum of 1000CY may be used to fill voids in the grade control structures.
3. Figure 7 shows the grade control structure dimensions, volumes and rock quantities
4. Drop Structure No. 7 will be permanently widened as necessary with quarry rock and river gravel to create a stable water crossing for off-road trucks.
5. There are no WETLANDS in this area

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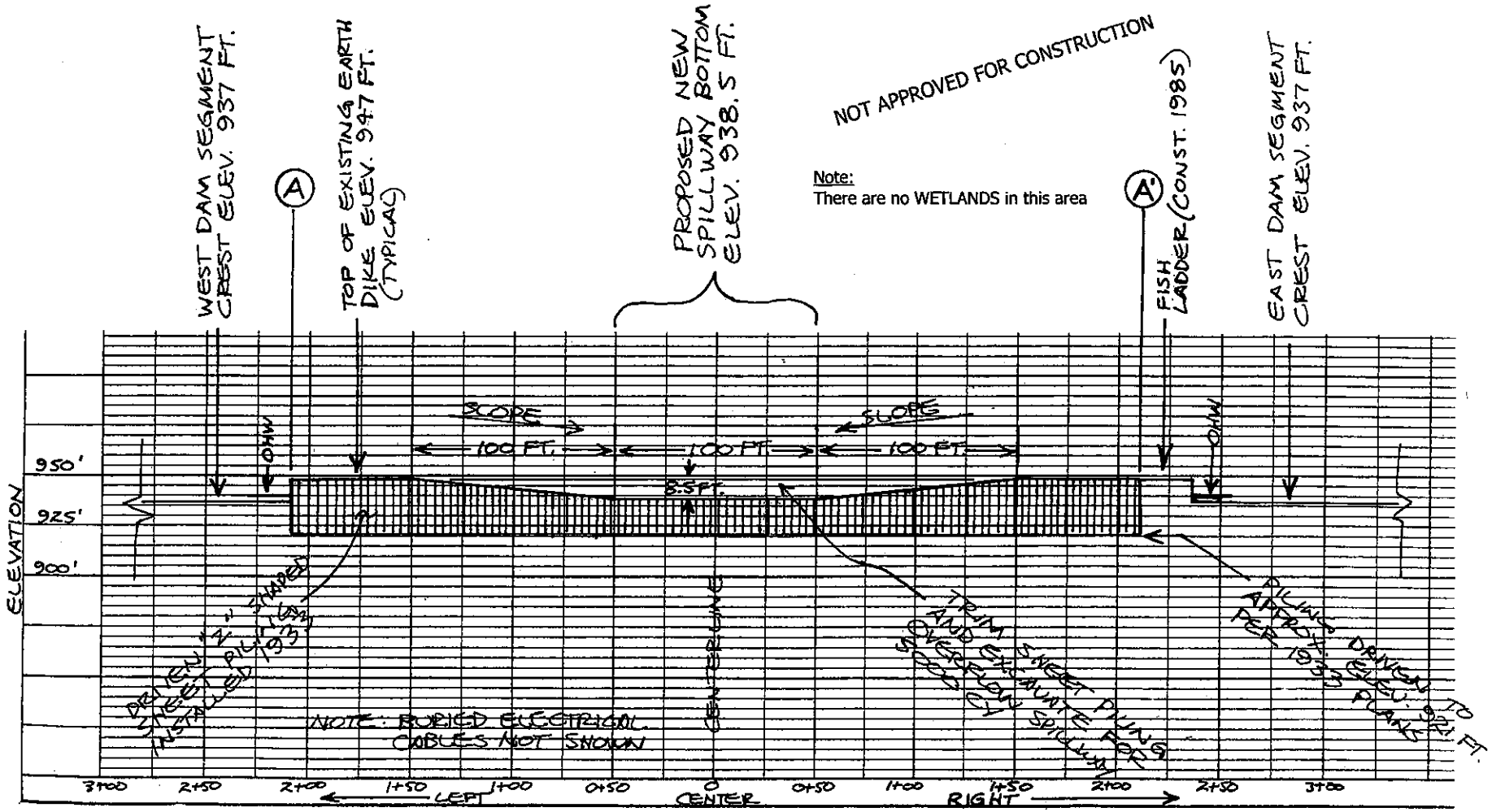
CROSS-SECTION A - A' ALONG ISLAND EARTH DIKE AND SHEET PILING CUTOFF WALL
LOOKING NORTH



SCALE: IN FEET 50 25 0 50 100
HORIZONTAL AND VERTICAL

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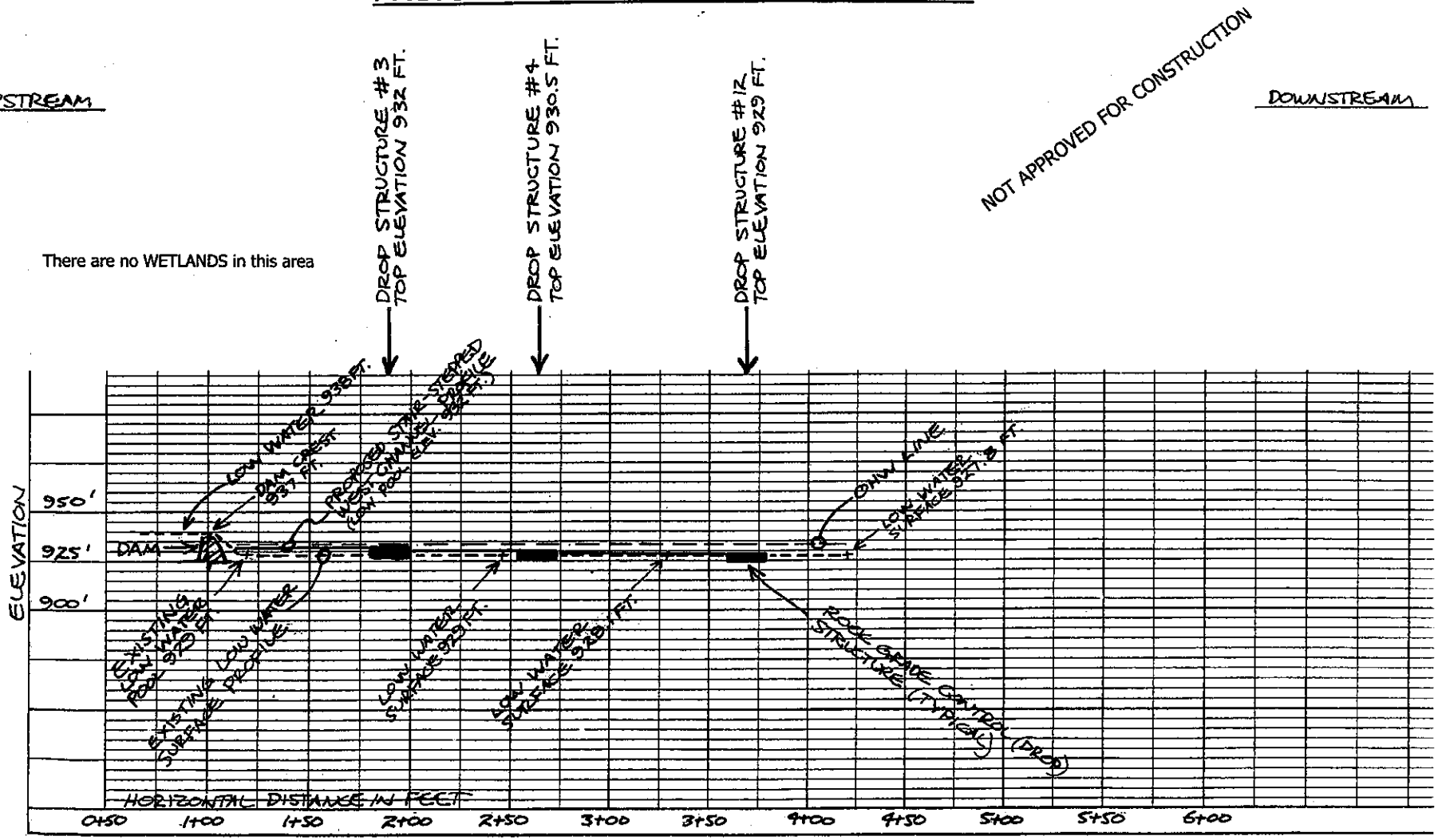
PROFILE 1- PROFILE OF WEST CHANNEL



SCALE: IN FEET

50 25 0 50 100

HORIZONTAL AND VERTICAL

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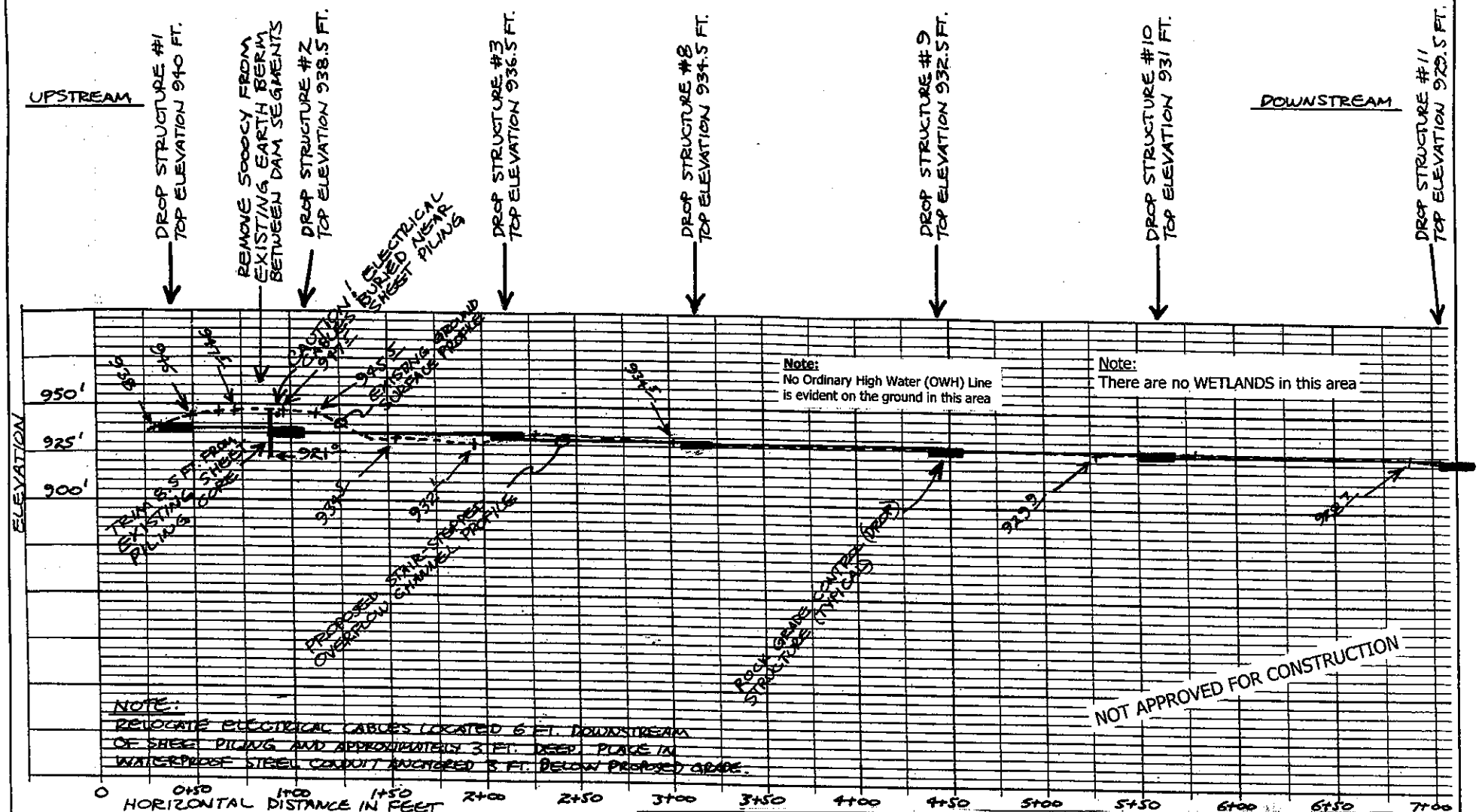
PROFILE 2- PROFILE OF ISLAND OVERFLOW CHANNEL



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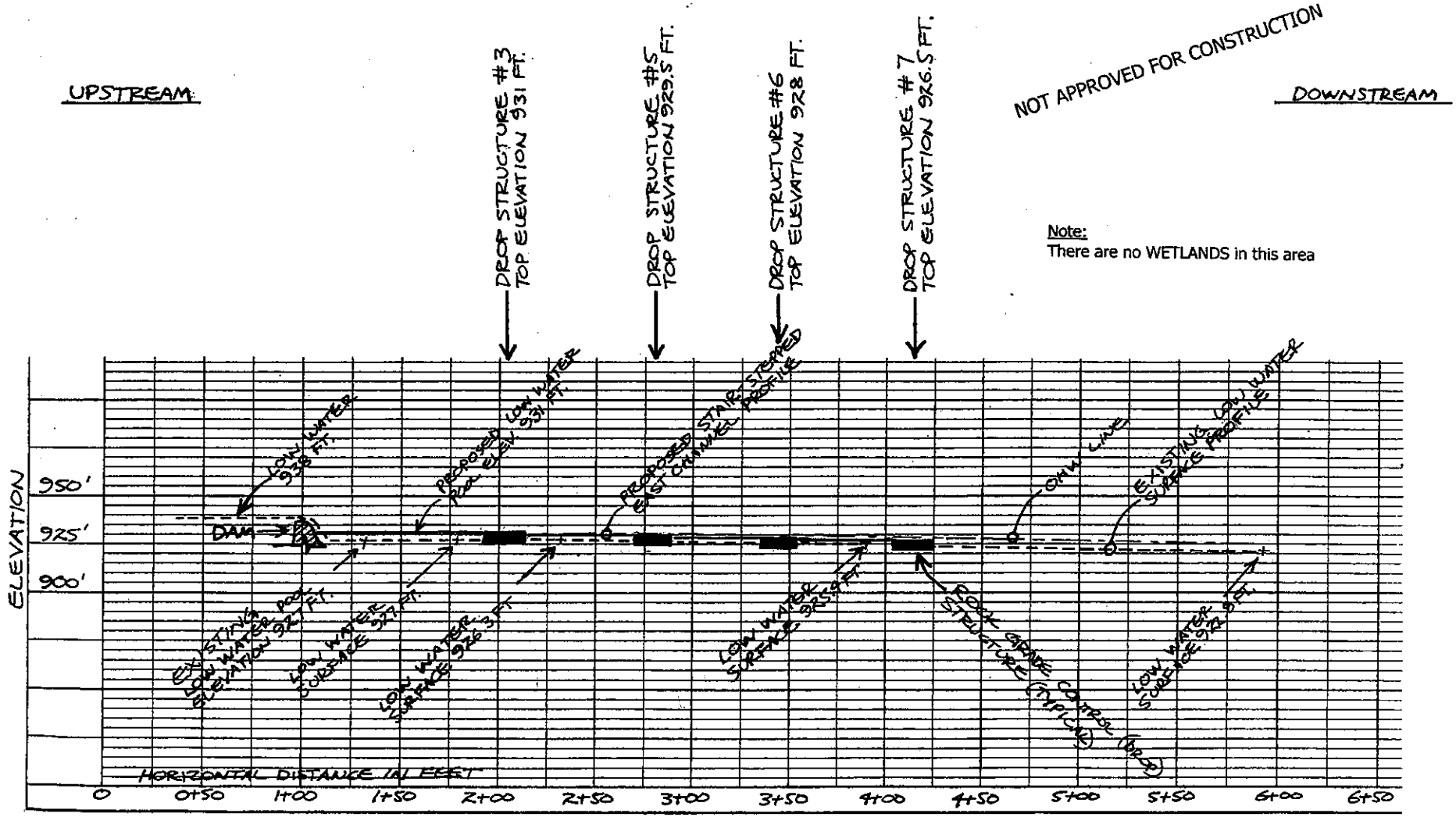
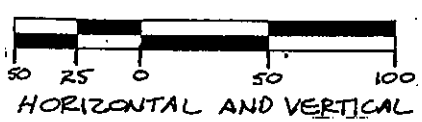
PROFILE 3- PROFILE OF EAST CHANNEL



SCALE: IN FEET



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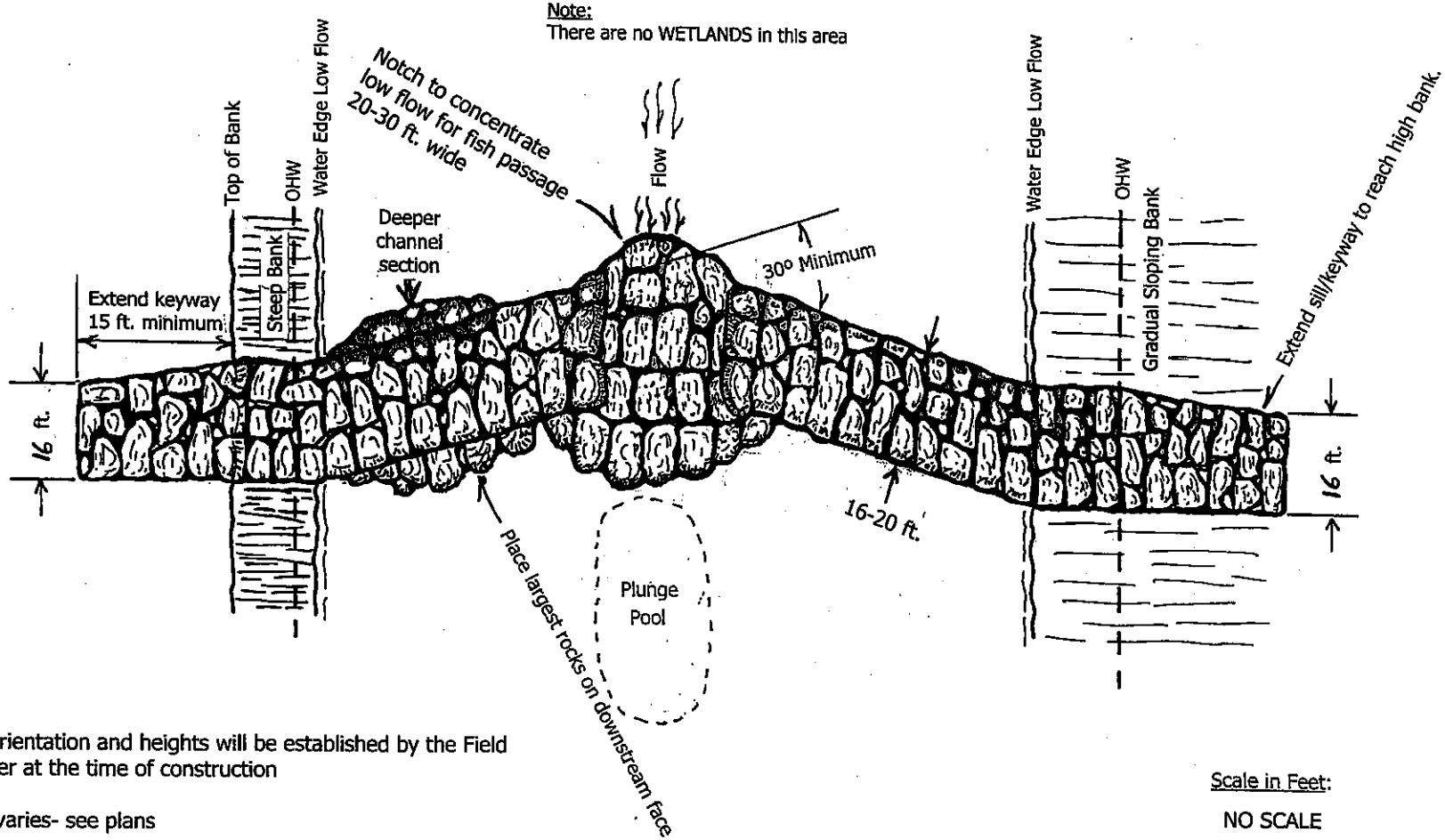
TYPICAL GRADE CONTROL STRUCTURE FOR BOTH EAST AND WEST ACTIVE CHANNELS- PLAN VIEW

Note:
There are no WETLANDS in this area



Notes:

1. Final Orientation and heights will be established by the Field Engineer at the time of construction
2. Width varies- see plans
3. Locate structure and keyways to minimize damage to existing vegetation

Scale in Feet:

NO SCALE

NOT APPROVED FOR CONSTRUCTION

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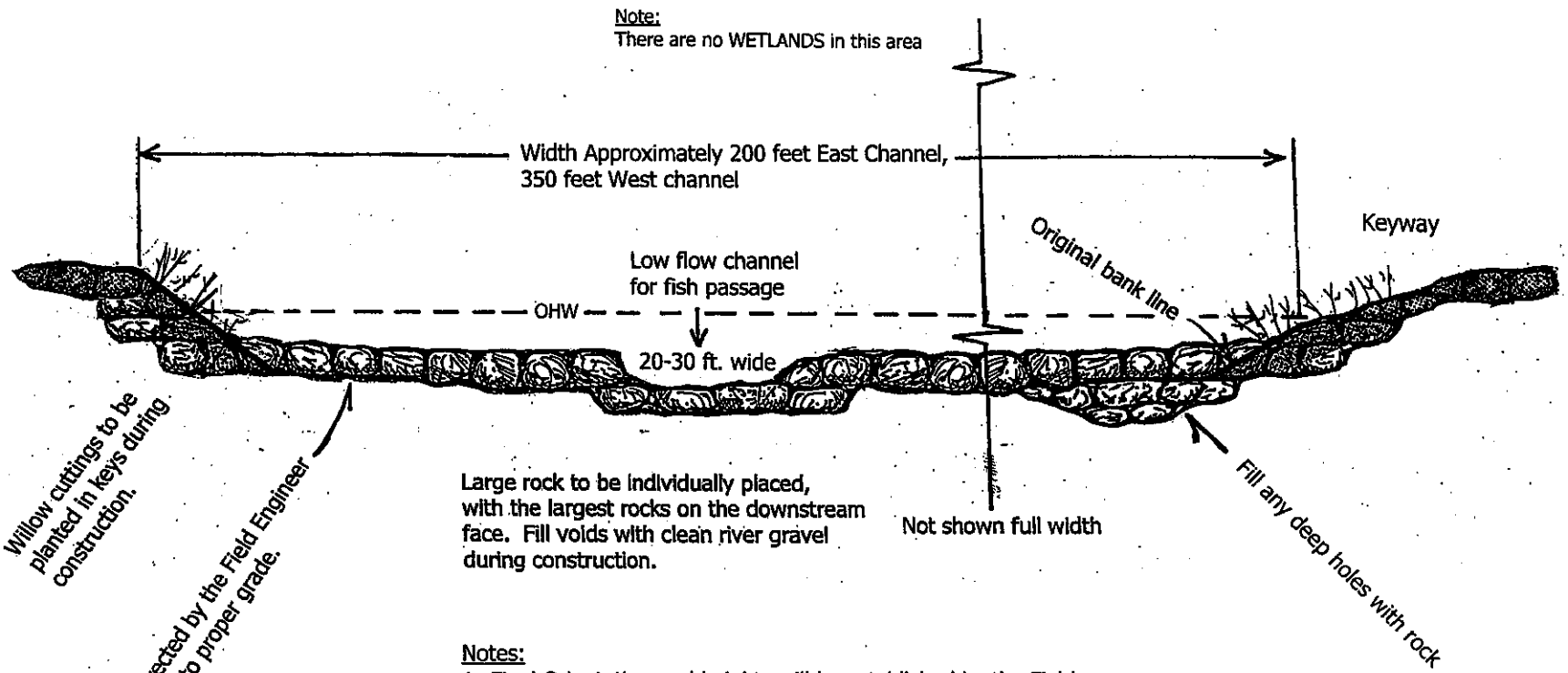
TYPICAL GRADE CONTROL STRUCTURE FOR BOTH EAST AND WEST ACTIVE CHANNELS- CROSS SECTION- LOOKING UPSTREAM



Notes:

1. Final Orientation and heights will be established by the Field Engineer at the time of construction
2. Width varies- see plans
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NOT APPROVED FOR CONSTRUCTION

NO SCALE

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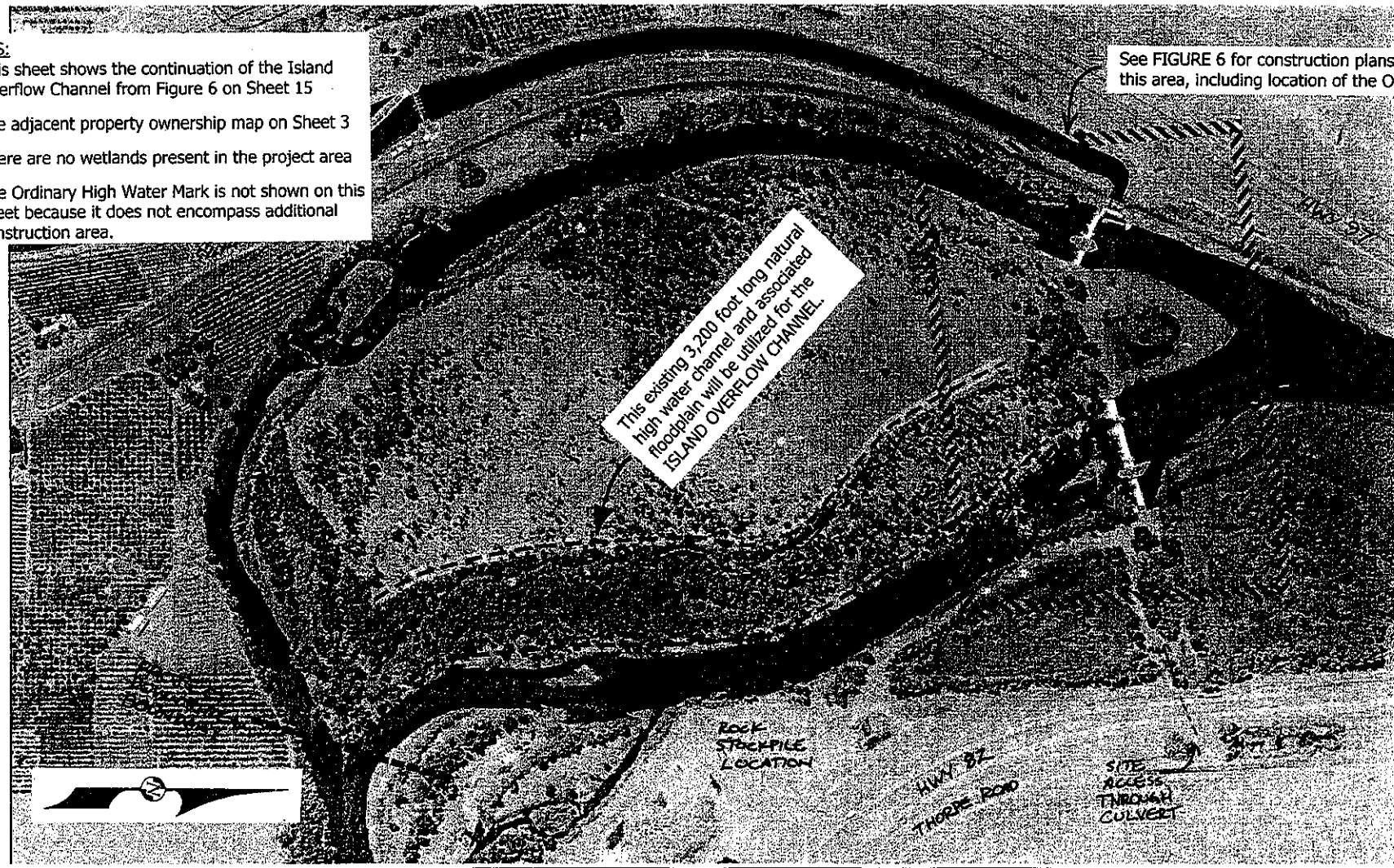
FIGURE 6a- AERIAL PHOTO OF ISLAND AND OVERFLOW CHANNEL

NOTES:

1. This sheet shows the continuation of the Island Overflow Channel from Figure 6 on Sheet 15
2. See adjacent property ownership map on Sheet 3
3. There are no wetlands present in the project area
4. The Ordinary High Water Mark is not shown on this sheet because it does not encompass additional construction area.



SCALE:

600' 300' 0 600' 1,200'

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification

Date: January 20, 2005

Notice is herby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200401331 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Any person desiring to present views on the project pertaining to compliance with water pollution control laws may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply to
Attn of: ECO-083

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

Notice of Request for Water Quality Certification

Notice is hereby given that a request has been filed with the U.S. Environmental Protection Agency to certify, pursuant to Section 401 of the Federal Clean Water Act of 1977, PL 95-217, that there is reasonable assurance the project described in the Corps of Engineers Public Notice No. 200401331 will not violate applicable water quality standards. Comments regarding possible water quality effects of the proposed project should be sent within 30 days to the U.S. Environmental Protection Agency, ECO-083, 1200 Sixth Avenue, Seattle, WA 98101.

Michelle Pirzadeh, Acting Director
Office of Ecosystems and Communities

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