



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 26727N      DATE: July 19, 2002  
RESPONSE REQUIRED BY: August 18, 2002

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

PERMIT MANAGER David A. Ammerman      PHONE: 707-443-0855 dammerman@spd.usace.army.mil

1. **INTRODUCTION:** The United States Forest Service (USFS), Shasta Trinity National Recreation Area, P.O. Box 1190, Weaverville, California 96093, (Contact Mary Ellen Grigsby at 530-623-1763 for general questions or Gene Rand at 530-242-2298 for technical questions at the USFS Forest Headquarters) has applied for a Department of the Army permit to reconstruct the Minersville Low Water Boat Ramp; including constructing an extension and expansion in width and length of the existing boat ramp, and construct other structures associated with and in support of the boat ramp. The project is located at Trinity Lake, off of Highway 3, in Trinity County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. **PROJECT DESCRIPTION:** As shown in the attached drawings, the USFS proposes to construct a small craft boat launching facility, access road to the launch facility, and parking areas to access a four-unit restroom and the launch facility. The USFS plans to construct the following facilities above the plane of Ordinary High Water (OHW) of Trinity Lake (See Sheets 2 of 4 and 4 of 4 water high water mark locations): (1) restroom/information station parking area (44 feet by 200 feet); (2) 4-unit restroom; and (3) information station. Below the plane of OHW, the USFS would construct: (1) primary parking area with dimensions of 195 feet by 440 feet, 38 spaces with boat tie down area; (2) secondary parking area

with dimensions of 94 feet by 250 feet, 11 spaces; and (3) construct a boat launch facility of dimensions of 200 feet by 736 feet in length with rail type boarding float.

The USFS estimates the following excavation and fill quantities in cubic yards (CY) for construction of the project:

32,759 CY Total excavation  
32,457 CY Total fill

32,751 CY Excavation BELOW OHW  
188 CY Excavation ABOVE OHW

10,762 CY Excavation to be moved from below OHW to above OHW.

Additions of other materials below OHW:

5,662 CY Aggregate Base  
1,027 CY Asphalt  
1,632 CY Concrete  
685 CY Rip Rap      9,006 CY below OHW

Leaving a net total of 1,756 CY material removed from below OHW.

The project would extend the existing boat ramp by 736 feet and widen the ramp to four lanes for simultaneous launching of motor vessels on the lake. Boat boarding floats would be constructed along

both edges of the boat ramp and for its entire length. The existing parking is mostly unpaved. The parking at this location would be expanded and surfaced with aggregate base and asphalt to accommodate vehicles with trailers. Vehicle turnarounds and handicap accessible parking and restroom facilities would be constructed above OHW.

**3. SITE DESCRIPTION:** The project site is a shoreline location along a man-made reservoir, Trinity Lake, within the Shasta Trinity National Recreation Area. The site is highly disturbed from regular visitor use and from its location below the high water mark of the lake (the “bathtub ring” resulting from lake fluctuations and draw downs). The site is open with little or no vegetation (scattered willows) due to periodic inundation, especially in winter storage conditions. At the Minersville area above OHW of the lake, the plant and tree composition varied with mostly younger conifer trees between 20 to 80 years old with scattered oaks (Biological Assessment, USFS, July 1997). There are numerous gulches and creeks draining into Trinity Lake around its entire shoreline. Most of these drainages are steep gradient and intermittent or ephemeral in nature.

**4. ON-SITE MITIGATION:** The USFS Environmental Assessment for this project (Environmental Assessment, Minersville Complex Rehabilitation Project, Weaverville Ranger District, USFS, 1997) mentioned several on-site mitigation measures for impacts to the shoreline area and areas above OHW: (1) because overall tree canopy closure would be reduced by 10% to 15% during construction, the project area would be revegetated with native upland conifer trees; (2) existing willows in the project area would be avoided during construction of the boat ramp, and disturbed areas below OHW would be replanted with willows and/or a seed mix recommended by USFS botanists and biologists; and (3) improve stability of access during construction by providing proper drainage away from active landslides, relocation plans would be reviewed by a USFS geologist.

**5. PURPOSE AND NEED:** The proposed boat ramp reconstruction and construction of accessory facilities would accommodate safe boat launching for all lake levels, particularly during low water years or extreme draw down. In addition, the project would provide expanded parking and restroom facilities and upgrade facilities to handicap accessible Federal standards.

**6. STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification before a Corps permit may be issued. The applicant is notified by this Public Notice that, unless he provides the Corps with evidence of a valid request for state water quality certification to the California Regional Water Quality Board within 30 days of the date of this public notice, the Corps may consider this application withdrawn. No Corps permit will be granted until the applicant obtains the required certification. The certification shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period of this public notice.

**7. COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** At the conclusion of the public comment period, the Corps will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act (NEPA)(Public law 91-190), the council on

Environmental Quality's Regulations at 40 CFR 1500-15-8, and Corps Regulations at 33 CFR 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the Corps and other non-regulated activities the Corps determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army permit for the project.

**Endangered Species Act of 1973 (ESA):** The project area is located on Federal lands and is managed by the USFS. The USFS, considered to be the lead Federal agency for this project and is, therefore, responsible for initiating Section 7 consultation with the U.S. Fish and Wildlife Service or National Marine Fisheries Service pursuant to the ESA (16 U.S.C. 1531 et seq) regarding possible project impacts to endangered or threatened species. The Biological Assessment/Evaluation (USFS, July 1997) identified the following endangered or threatened species known to occur within the Trinity Lake vicinity: Bald eagle (*Haliaeetus leucocephalus*) and the northern spotted owl (*Strix occidentalis*) (At the time of writing of the EA, 1997, the American peregrine falcon was still listed as endangered, but it is the Corps' understanding that the peregrine falcon is no longer listed). The Trinity Lake area is also critical habitat for the northern spotted owl.

A bald eagle nest exists approximately 1.25 miles to the southeast of the proposed low water boat ramp. Warm water fisheries habitat is present within the reservoir as is quality habitat for bald eagles, osprey, and western pond turtles (sensitive species). The eagles are protected by a No Activity and Limited Operating Period Management Zone, as recommended by the U.S. Fish and Wildlife Service. The boat ramp project area is not within the No Activity and Limited Operating Period Management Zone.

#### **Magnuson-Stevens Fishery Conservation and**

**Management Act of 1996 (MSFCMA):** The project site does not occur within designated essential fish habitat for the Pacific Salmon Fishery, as the site is within a landlocked lake behind a major water supply dam. All anadromous fish are blocked from passage to Trinity Lake (Clair Engle Lake) and remain in the Trinity River downstream of Trinity Dam.

**National Historic Preservation Act of 1966 (NHPA):** In a letter dated June 20, 1997 to the District Ranger, Shasta Lake Ranger District, from Mr. Winfield Henn, Heritage Resources Manager, the Heritage Resources Manager has approved the archaeological inventory report for the Minersville and Bushytail Campground Rehabilitations and states further: "The proposed undertaking may be implemented without any further consultation or review in accordance with Provision III (D)(1) in our (USFS) Programmatic Agreement for Compliance with Section 106 of the National Historic Preservation Act, Pacific Southwest Region (PA)."

#### **8. COMPLIANCE WITH THE 404(b)(1)**

**GUIDELINES:** Projects resulting in dredged or fill material discharges into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation pursuant to the Guidelines indicates the project is water dependent.

**9. PUBLIC INTEREST 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 and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under

which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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.

U.S. Army Corps of Engineers, Eureka Office, P.O. Box 4863, Eureka, California 95502. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of 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. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting David A. Ammerman of our office at telephone 707-443-0855 or E-mail: dammerman@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.

**10. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**11. SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the District Engineer, Attn: Regulatory Branch at the address shown at the head of this Public Notice. A copy of the comments should also be addressed to: