



US Army Corps
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San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division, Eureka Field Office
601 Startare Drive, Box 14
Eureka, CA 95501

PUBLIC NOTICE

PROJECT: Bowerman & Clark Springs Boat Ramp Repair

PUBLIC NOTICE NUMBER: 2011-00056N

PUBLIC NOTICE DATE: March 9, 2011

COMMENTS DUE DATE: April 9, 2011

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1. **INTRODUCTION:** The Shasta-Trinity National Forest, U.S. Forest Service (POC: Cynthia Luzietti, telephone: 530-242-5536), Shasta Lake Ranger District Office, 14225 Holiday Road, Redding, California 96003, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to discharge fill into waters of the United States (Trinity Lake) in order to repair, rehabilitate and maintain two public boat launch ramps and associated facilities at Bowerman launch ramp and Clark Springs boat ramp located in Trinity Lake, approximately 23 miles and 17 miles respectively, north of the community of Weaverville, off of Highway 3, in Trinity County, California. This Department of the Army permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*).

2. PROPOSED PROJECT:

Project Site Location: The Clark Springs boat launch ramp is accessed by taking Highway 3 and Trinity Lake Boulevard 17 miles north of Weaverville to Rainier Road at the northwest portion of Trinity Lake, at Latitude 40 degrees North, 51 minutes and 25.703 seconds and longitude of -122 degrees, 48 minutes, 43.505 seconds; Southeast quarter of Section 30, Township 35 North, Range 8 West, Trinity Dam USGS Quadrangle, in Trinity County. Bowerman boat launch ramp is accessed by taking Highway 3 and Trinity Lake Boulevard 23 miles north of Weaverville to Guy Covington Road on the northern arm of Trinity Lake, at latitude 40 degrees, 53 minutes, 25.865 seconds and longitude of -122 degrees, 48 minutes, and 14.830 seconds; Northeast quarter of Section 16, Township 35 North, Range 8 West, Covington Mill USGS Quadrangle, in Trinity County, California.

Project Site Description: Both boat launch ramp facilities are located along the shore of Trinity Lake, also known as Clair Engle Reservoir located behind Trinity and Lewiston Dams. The man-made dams were constructed in the early 1960's to impound water for regional water supply, hydropower, downstream Trinity River flow management and water recreation including boating and fishing. Bowerman and Clark Springs boat ramps are two of several public access points for boats on Trinity Lake. Ordinary High Water of the lake is at 2,370 feet above Mean Sea Level. The two existing boat ramps see heavy recreation use when Trinity Lake draws down water levels during spring, summer and early fall months (approximately April through early October). Both boat ramps have removable boarding floats to allow tie up of boats after launching so that boaters can load or off-load supplies and gear into and out of the boats. Both ramps have limited parking, turn-around and launching spaces for vehicles with boat-trailers. The lake substrate below the Ordinary High Water mark and for some distance above Ordinary High Water mark is generally devoid of vegetation due to fluctuations of water levels and permanent inundation at lower elevations. Above the upper level of water fluctuation, the hill slopes above the lake are covered with generally second growth or younger conifer forest with ground broken by numerous small stream tributaries running directly into the lake, forming alluvial fans as the sediment enters the lake.

Project Description: As shown in the attached drawings (Sheets 1 through 6, in particular Sheet 6), the applicant proposes to perform the following work:

Bowerman Boat Ramp: The lower portion of the curving, one lane boat ramp would be replaced with a 2-lane, 30 foot wide straight ramp. Replace the 4-foot wide sidewalk with an 8-foot wide concrete sidewalk, install rock slope

protection (rip-rap) on the sides of the ramp for erosion control (from boat wakes and natural wind driven lake waves). The above work would involve moving the following volumes of materials: Remove from below Ordinary High Water 100 cubic yards of old rip-rap, 136 cubic yards of concrete from the ramp and pedestrian sidewalk, and 150 cubic yards of other unsuitable material (including soil). To construct the new features below Ordinary High Water there would be placed 403 cubic yards of concrete, 124 cubic yards of aggregate, and 275 cubic yards of new rip-rap. The area to be disturbed below Ordinary High Water would be 4.16 acres of lake bed. A new 60 foot long by 8 foot wide detachable boarding float would be installed at the boat ramp.

Clark Springs Boat Ramp: An existing 3-foot wide sidewalk would be replaced with an 8-foot wide concrete sidewalk. Rip-rap would be placed on the sides of the ramp for erosion control. From below Ordinary High Water, 90 cubic yards of concrete from the ramp sidewalk (including footing) would be removed and hauled off site. Added below Ordinary High Water would be 185 cubic yards of new concrete, 65 cubic yards of new aggregate and 165 cubic yards of new rip-rap. Area of lake bed disturbed would be 1.27 acres.

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by USACE to determine whether the project is water dependent. The basic project purpose is recreational water access.

Overall Project Purpose: The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, while allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to ensure both existing boat ramps provide maximum safety for pedestrians on the ramp, for persons with vehicles towing boat trailers to and from the ramp, and operation of recreational boats during launching or recovery of boats.

Project Impacts: The Bowerman boat ramp improvements will result in permanent fill impacts to 4.16 acres of Trinity Lake substrate and 1.27 acres of lake bottom at Clark Springs ramp. Actual fill below Ordinary High Water of the lake at Bowerman would be 416 cubic yards after taking account soil, rock and concrete removal. Actual fill below Ordinary High Water of the lake at Clark Springs facility is 325 cubic yards after taking account the

removal of concrete from below OHW.

Proposed Mitigation: Because no riparian vegetation, wetland vegetation or other special aquatic site would be removed or filled at both boat ramp sites, no mitigation is currently proposed by the applicant.

Project Alternatives: The applicant has provided an alternatives analysis for the above projects in accordance with the National Environmental Policy Act (NEPA) and Environmental Protection Agency (EPA) Section 404 (b)(1) Guidelines for Discharge of Specification of Disposal Sites for Dredged or Fill Material (40 CFR Part 230). The three alternatives currently proposed for Corps review by the applicant are: (1) No Action, (2) Preferred Alternative, and (3) Other Locations. For No Action (1), the applicant states this alternative would not meet applicant's purpose and need. Bowerman ramp would continue to have safety issues. New boarding floats meeting current accessibility standards would not be added for this alternative since the current standard for boarding floats is 60 inches wide and existing sidewalks are too narrow to properly accommodate boarding floats of that size. The USFS would not realize as many additional boat launches annually at both of these launch sites. The Preferred Alternative (2) is the proposed project described above under "2. Proposed Project" section in this Public Notice. Other Locations (3): This alternative would not meet the applicant's purpose and need. The current two boat launch locations are popular and well used by both local and regional boaters. In addition to the boat ramps, the current locations already include parking areas, restrooms and other amenities. It would not be cost effective to relocate the ramps to another location or locations. In addition, the disturbance to the aquatic lake and terrestrial environment would be much greater if boat launch facilities were moved to a new location as opposed to the proposed improvements made at the current launch locations.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 et seq.). The applicant has recently submitted an *application* to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. No Department of the Army

Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed 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.

Coastal Zone Management: Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Determination that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Determination or has waived its right to do so. However, the above project does not occur in the coastal zone.

Other Local Approvals: The applicant has been notified to contact the California Department of Fish and Game to determine if a Lake and Streambed Alteration Agreement is required for the above project.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act (NEPA): Upon review of the Department of the Army permit application and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE 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. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

Endangered Species Act (ESA): Section 7(a)(2) of the ESA or 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to insure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. The above proposed project is located on a man-made reservoir located upstream of Trinity and Lewiston Dams. The two dams release water into the Trinity River. The Trinity River is critical habitat for the Southern Oregon/Northern California Coastal (SONCC) Evolutionarily Significant Unit (ESU) coho salmon (*Oncorhynchus kisutch*). The coho salmon is listed as threatened by NMFS. However, there is no fish passage for the coho salmon upstream beyond Lewiston and Trinity Dams. The Lewiston Fish Hatchery, located downstream of these dams, is the final migratory stop for coho salmon and other anadromous salmon. There are no records of ESA-listed salmon in Trinity Lake. In a Categorical Exclusion prepared by the U.S. Forest Service, Shasta Lake Unit, dated March 28, 2006, the USFS states that no other ESA-listed aquatic or terrestrial species are present in the vicinity of the above described boat launch sites at Trinity Lake. Based on this review, USACE has made a *preliminary* determination that Federally-listed species and designated critical habitat are not present at the project location or in its vicinity, and that consultation will not be required. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by USFWS and/or NMFS.

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA): Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or

growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. Based on review of USFS Categorical Exclusion documents (March 28, 2006), USACE has made a *preliminary* determination that EFH is not present at the project location or in its vicinity, and that consultation will not be required. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by NMFS

Marine Protection, Research, and Sanctuaries Act (MPRSA): Section 302 of the MPRS of 1972, as amended (16 U.S.C. § 1432 *et seq.*), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with Title III of the Act. No Department of the Army Permit will be issued until the applicant obtains the required certification or permit. The project does not occur in sanctuary waters, and a final review by USACE indicates the project would not likely affect sanctuary resources.

National Historic Preservation Act (NHPA): Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. The applicant (U.S. Forest Service, Shasta Lake Unit) has prepared NEPA documents dated March 23, 2006 and November 8, 2010 regarding potential impacts of the Bowerman and Clark Springs boat ramp projects on cultural and archaeological resources pursuant to Section 106 of NHPA. The USFS states the two ramp projects are previously covered under a Programmatic Agreement for Compliance with Section 106 of the

NHPA, ARR #05-14-1008 and ARR # 05-14-38 (Bowerman Launching Facility). The above documents state that no Historic or Archaeological Properties were found within the Area of Potential Effect (APE). If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

5. COMPLIANCE WITH THE SECTION 404(b)(1) GUIDELINES: Projects resulting in discharges of dredged or fill material 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 dependent on location in or proximity to waters of the United States to achieve the basic project purpose.

6. PUBLIC INTEREST EVALUATION: The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include 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.

7. CONSIDERATION OF COMMENTS: USACE is soliciting comments from the public; Federal, State and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or

deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

8. **SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to David Ammerman, San Francisco District, Regulatory Division, Eureka Field Office, 601 Startare Drive, Box 14, Eureka, California 95501; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Current Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/regulatory/>.