



PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 2004-01172-AOA

Comment Period: September 17, 2004 through October 8, 2004

Project Manager: Aaron O. Allen (805) 585-2148 aaron.o.allen@usace.rmy.mil

Applicant

Department of Water Resources
Southern Field Division
34534 116th Street East
Pear Blossom, California 93553

Contact

Aspen Environmental Group
Mr. Brad Henderson
(818) 597-3407

Location

In Pyramid Lake (Piru Creek watershed) near Castaic, Los Angeles County, California
(at: lat:34-38-35.9880 lon:118-45-37.0080)

Activity

The applicant proposes to impact 0.82 acres of waters of the United States to maintain and improve existing recreational boating facilities in Pyramid Lake (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch - Ventura Field Office
ATTN: CESPL-CO—2004-01172-AOA
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: aaron.o.allen@usace.rmy.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 benefit 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. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

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.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- The California condor is known to occur in the vicinity of the southern portion of Pyramid Lake and, as a result, the applicant would be required to complete presence/absence surveys for this species prior to any work at the Yellow Bar recreation area. If the surveys detect the condor, no work would be

allowed during the condor breeding season (January through June) at the Yellow Bar site. As a result of the above information, preliminary determinations indicate that the proposed activity would not affect federally listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

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 hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The applicant proposes to impact 0.82 acres of waters of the United States to maintain and improve existing recreational boating facilities (Emigrant Landing, Yellow Bar, Bear Trap, Serrano, Spanish Point and Vaqueros), including repair or replacement of boarding floats, float abutments, pilings, access walkways, shoreline protection and placement of approximately 1,655 cubic yards of rip rap, concrete and compacted soil, in Pyramid Lake near Castaic, Los Angeles County, California. Under the 404(b)(1) Guidelines, the overall project purpose would be to maintain and improve existing recreational boating facilities in Pyramid Lake (Figure 1).

The majority of the proposed activities in waters of the United States would be limited to repairing and replacing existing concrete walkways along the shore and between the shore and boat ramps as well as replacement/extension of existing boarding floats for existing boating ramps and drainage improvements. The largest impact associated with the proposed project would be located the Vaqueros recreation area where an eroded bluff adjacent to an existing boat ramp requires stabilization to protect this recreational facility. At this site, approximately 1,200 cubic yards of rip rap would be placed in waters of the United States to stabilize the eroded bluff, resulting in impacts to 0.45 acres of open water habitat. At the Spanish Point site, 0.27 acres of waters of the United States would be affected by the placement of rip rap around an existing water intake structure, installation of erosion protection for a picnic area and repairing an eroded retaining wall. Impacts to waters of the United States at the other recreational sites include 0.03 acres at Emigrant Landing, 0.06 acres at Yellow Bar, 0.001 acres at Bear Trap and 0.001 acres at Serrano. Along the lake shoreline, many exotic ornamental and native trees and shrubs have been planted at the existing recreational sites, including Aleppo pine (*Pinus halepensis*), non-native ash (*Fraxinus* sp.), western sycamore (*Platanus racemosa*), mulefat (*Baccharis salicifolia*) and non-native black locust (*Robinia pseudoaccacia*). In the upland areas in the project area, the existing vegetation is dominated by planted conifers, mustard, coast live oak and chaparral. Overall, there is little vegetation within the proposed impact areas and existing patches of mulefat at the Emigrant Landing and Spanish Point sites would be avoided by the proposed project design.

Additional Project Information

None.

Proposed Special Conditions

1. The applicant shall fully implement all the avoidance and minimization measures stipulated in the Pyramid Lake Repairs and Improvements Project – Biological and Jurisdictional Technical Report dated May 2004.
2. The permittee shall retain a qualified biologist(s) to review grading plans, oversee all aspects of construction monitoring that pertain to biological resource protection, ensure compliance with the mitigation measures, and implement and monitor the project mitigation program.

3. The permittee shall employ all standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive erosion do not enter Pyramid Lake during project construction.
4. The permittee shall ensure that all vehicle maintenance, staging, storage, and dispensing of fuel occurs in designated upland areas. The permittee shall ensure that these designated upland areas are located in such a manner as to prevent any runoff from entering waters of the United States.

For additional information please call Aaron O. Allen, Ph.D. of my staff at (805) 585-2148. This public notice is issued by the Chief, Regulatory ch.

Pyramid Lake Repairs and Improvements Project

Figure 1
Regional Vicinity
and Site Location

