



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT Bartlett Lake Marina 404 Permitting

Public Notice/Application No.: SPL-2018-00841

Project: Bartlett Lake Marina 404 Permitting

Comment Period: May 17, 2021 through June 15, 2021.

Project Manager: Kathleen Tucker; 602-230-6956; Kathleen.A.Tucker@usace.army.mil

Applicant

Bartlett Lake Marina
Bryan Church
20808 E. Bartlett Dam Rd
Carefree, AZ 853777

Contact

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Location

At Bartlett Lake, within the Tonto National Forest, 48 miles northeast of Phoenix, Maricopa County, AZ. The cadastral location of the project is T6N, R7E, Section 28

Activity

To discharge 4.49 acres of dredged and fill material with waters of the US (WOTUS) in order to cover previously completed authorized and unauthorized work as well as encompass future maintenance and expansion of the Bartlett Lake Marina. For more information see page 3 of this notice.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act. Comments should be sent electronically to: Kathleen.A.Tucker@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

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 Part 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 Arizona Department of Environmental Quality. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- Not applicable within the State of Arizona.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

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 permittee, and he is otherwise unaware of the presence of such resources.

Endangered Species- An unofficial US Fish and Wildlife Service (USFWS) Information, Planning and Conservation (IPaC) resource list was generated for the project area to determine Endangered Species Act (ESA)-protected species potentially occurring within the project area. The IPaC resource list identified the following ESA-protected species or habitat as potentially occurring within the project area:

- California least tern (*Sterna antillarum browni*) - Endangered
- Yellow-billed cuckoo (*Coccyzus Americanus*) - Threatened
- Sonoran desert tortoise (*Gopherus morafkai*) – Candidate
- Razorback sucker (*Xyrauchen texanus*) – Endangered
- Monarch butterfly (*Danaus plexippus*) - Candidate

The Corps will evaluate potential impacts to ESA-protected species and complete Section 7 consultation with USFWS, as needed.

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

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Because no fills are proposed within special aquatic sites (e.g. wetlands, pool and riffle complex, mudflats, coral reefs), identification of the basic project purpose is not necessary. The project is water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 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, and which allows a reasonable range of alternatives to be analyzed.

The overall purpose for the proposed project is to continue to provide a full-service marina with associated facilities for recreational boaters primarily in Maricopa County, and to assist in meeting the recreation goals established by the Tonto National Forest by covering previously authorized and unauthorized work as well as encompassing future maintenance and expansion of the marina.

Additional Project Information

Baseline information- Bartlett Lake is located within the Tonto National Forest 48 miles northeast of Phoenix, Arizona (Figure 1 and 2). At full capacity (elevation 1,798 feet above mean seas level) it has a surface area of approximately 2,815 acres. The US Bureau of Reclamation has proposed raising the Bartlett Lake Dam by approximately 97 feet to increase reservoir storage capacity. This would raise the full capacity water surface elevation, requiring the marina and associated facilities to be moved to a higher elevation. However, it is unknown if this is reasonably certain to occur in the near future.

In 1991, the Corps issued an Individual Section 404 permit (SPL 1991-4013800) for the original construction of the marina. In 1996, the Corps authorized the use of a Nationwide Section 404 permit for "maintenance excavation", although the scope of this work is not clear and the Corps file number is unknown. In 1999, a separate Individual permit (SPL 1999-16235) was issued for additional roadway and parking lot work at the marina that was not authorized by the original 1991 permit. In December 2018, the marina submitted application materials for installation of a cable park, though it appears a permit was never issued.

All permits have expired; the last permit expired in 2005. There are currently no active permits authorizing work at the marina within Bartlett Lake, which is considered WOTUS as regulated by Section 404 of the Clean Water Act.

The previous permitting documentation indicates that the OHWM was established at the full capacity of Bartlett Lake, which is a water surface elevation of 1,798 feet above mean sea level. Therefore, it is assumed any work that occurred or will occur below that elevation would be regulated under Section 404 of the Clean Water Act.

Project description- Original Marina Construction: The original marina conceptual plan was authorized by the 1991 permit (SPL 1991-4013800) and consisted of the following activities:

- A boat launch ramp 970 feet long and 20 feet wide
- A 325-foot-long fixed pier
- A boat storage yard
- 404 boat slips with access from the fixed pier
- Three paved parking lots
- A fish cleaning station
- Excavation of the lakebed to 1,730 feet for the boat slips
- A series of paved road to connect all the facilities
- A drainage system to divert natural storm flows around the site
- A group of dry wells to dispose of the initial stormwater flow from the parking lots

Much of this work was completed between 1993 and 1995 or 1996, though the marina was not constructed per the original conceptual plan. The plan was revised because it was determined that no lakebed excavation would be necessary if the boat slips were constructed south of the location identified in the conceptual plan. This also resulted in the boat ramp being constructed in the location the conceptual plan identified for boat slip installation. The marina includes an office building and courtesy dock with a boat fueling station, in addition to utility lines from shore to the marina that are in a segmented steel cage on floats.

Since the original marina construction, approximately 10-15 boat slips were added every year up until 2008. No boat slips were added between 2008 and 2019, with 16 boat slips added in 2020. There are currently a total of 250 boat slips.

The purpose of this permit application is to cover the previously completed work as well as encompass future maintenance and expansion of the marina. Dredge and fill activities were required to construct the marina, access roads, parking lots, pathways, cable parks, and staircase, which included the discharge of concrete and dirt fill. The marina itself only required minor impacts to water of the US (WOTUS) as the fixed pier and associated facilities (i.e., office, utility lines, and refueling dock) were constructed on float-supported platforms with the only discharge resulting from concrete pier anchors. In total, approximately 4.47 acres of impacts to WOTUS resulted from the previously completed work. Construction of the marina, access roads/paths, boat ramp, and excavation and discharge for the cable park were completed using conventional methods and equipment.

Proposed Work

Access Road, Parking Lot, and Pathway Additions: Bartlett Lake is a reservoir and lake levels fluctuate due to dam releases as well as evaporation. This makes access to the marina pier difficult without multiple access roads and parking lots that can be utilized depending on the lake water level. Work completed to meet this need consisted of:

- A mid water level access road and parking lot, much of which is assumed to have been authorized by Individual Permit SPL 1999-16235 and constructed in 1999
- A mid water level access path and stairs constructed between 1993 and 1995 or 1996 that does not appear to have been authorized by an existing permit
- A low water level parking lot and access road that does not appear to have been authorized by an existing permit and was originally constructed between 1993 and 1995 or 1996, though much of this work consisted of minor grading that needs to be repeated after the area has been inundated and then exposed again

Cable Park: A cable park or wake park consists of a series of towers, cables, and carriers on a set “track” to pull a person via a rope with a handle through the water to wakeboard, kneeboard, or ski. This allows people without a boat to participate in these activities. The cable park planned at Bartlett Lake Marina would consist of 2 towers approximately 500 feet apart with cable between them. The purpose of the December 4, 2018 permit application was to authorize the excavation of the lakebed to allow for deep enough water under the cable system, though it appears a permit was never issued. The excavated material was to be placed on the upland side of the excavation area but still below the Bartlett Lake OHWM. This excavation and discharge of the excavated material was completed in 2018; however, the 2 steel cable towers have yet to be constructed and associated cables and other necessary features have yet to be constructed. The towers would likely require anchoring via concrete footers or similar structures, though no design plans are available at this time.

Northern Path and Staircase: A concrete path and staircase is located at the far north end of the marina with a portion occurring below the OHWM. The path and staircase were intended to be used for the marina pier as part of the original marina construction that occurred between 1993 and 1995 or 1996 but was never used because the marina pier was built further to the south as described above.

Future Work: The marina anticipates continuing to add boat slips up to the originally authorized 404 total slips, requiring approximately 77 additional 4' X 4' concrete anchors up to a total of 200 anchors. Additional future work is anticipated to include completing the cable park by installing the 2 towers and associated cabling. The towers would likely require anchoring via concrete footers or similar structures, though no design plans are available at this time. Future maintenance of the marina would consist of repair and replacement of existing marina facilities including the existing boat launch ramp and proposed cable park towers. In addition, there would be periodic maintenance grading required for the low water level parking lot and access path. Expansion of the marina would include installing 144 additional floating boat slips (up to 404 total) and associated concrete pier anchors and construct 2 cable park towers at the cable park area. Future discharge of concrete would be required in order to install additional boat slips to the marina from adding up to 77 new pier anchors; while the discharge of steel is anticipated from constructing the 2 cable park towers required to finish the previously excavated cable park area. Future maintenance and expansion of the marina would be completed using conventional methods and equipment. See Table below for all work.

Construction Activity	Completed?	Fill Type	Fill in Acres
Boat Ramp	Yes	Concrete	0.26
Pier Anchors (200 4' X 4' Anchors Total)	Partially	Concrete	0.07
Access Path and Stairs (Mid Water Level Access)	Yes	Concrete	0.55
Access Road and Parking Lot (Mid Water Level Access)	Yes	Native Dirt and Concrete	1.02
Access Road and Parking Lot (Low Water Level Access)	Yes	Native Dirt Grading	0.82
Northern Path and Stairs	Yes	Concrete	0.05
Cable Park (Excavation)	Yes	Native Dirt	0.86
Cable Park (Discharge of Excavated Native Material)	Yes	Native Dirt Excavation	0.86
Total			4.49

Proposed Mitigation– The proposed mitigation may change because of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: Avoidance of WOTUS for this project was not practical as the purpose of the construction of the marina and associated facilities required work within WOTUS to meet the goals of the special-use permit.

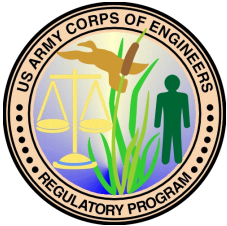
Minimization: The original construction of the marina was authorized under Section 401(a) of the federal Clean Water Act that included measures to ensure impacts to water quality are minimized. The original permit allowed 4.73 acres of impacts to WOTUS. Boat slip were relocated to remove 3.30 acres of excavation from the original permit activities. This was replaced by 0.07 acre of fill due to concrete anchors used to support and stabilize the boat slip structures. The marina was also constructed and operates under a Special-Use Permit from the US Forest Service, which requires avoidance and minimization measures for potential environmental impacts. Furthermore, construction activities only occurred within the dry lakebed when water was not present.

Compensation: Compensatory mitigation does not appear to have been required when the original marina was constructed in 1991. The need for compensatory mitigation will be considered during the permit review process.

Proposed Special Conditions

To be developed.

For additional information please call Kathleen Tucker of my staff at 602-230-6956 or via e-mail at Kathleen.A.Tucker@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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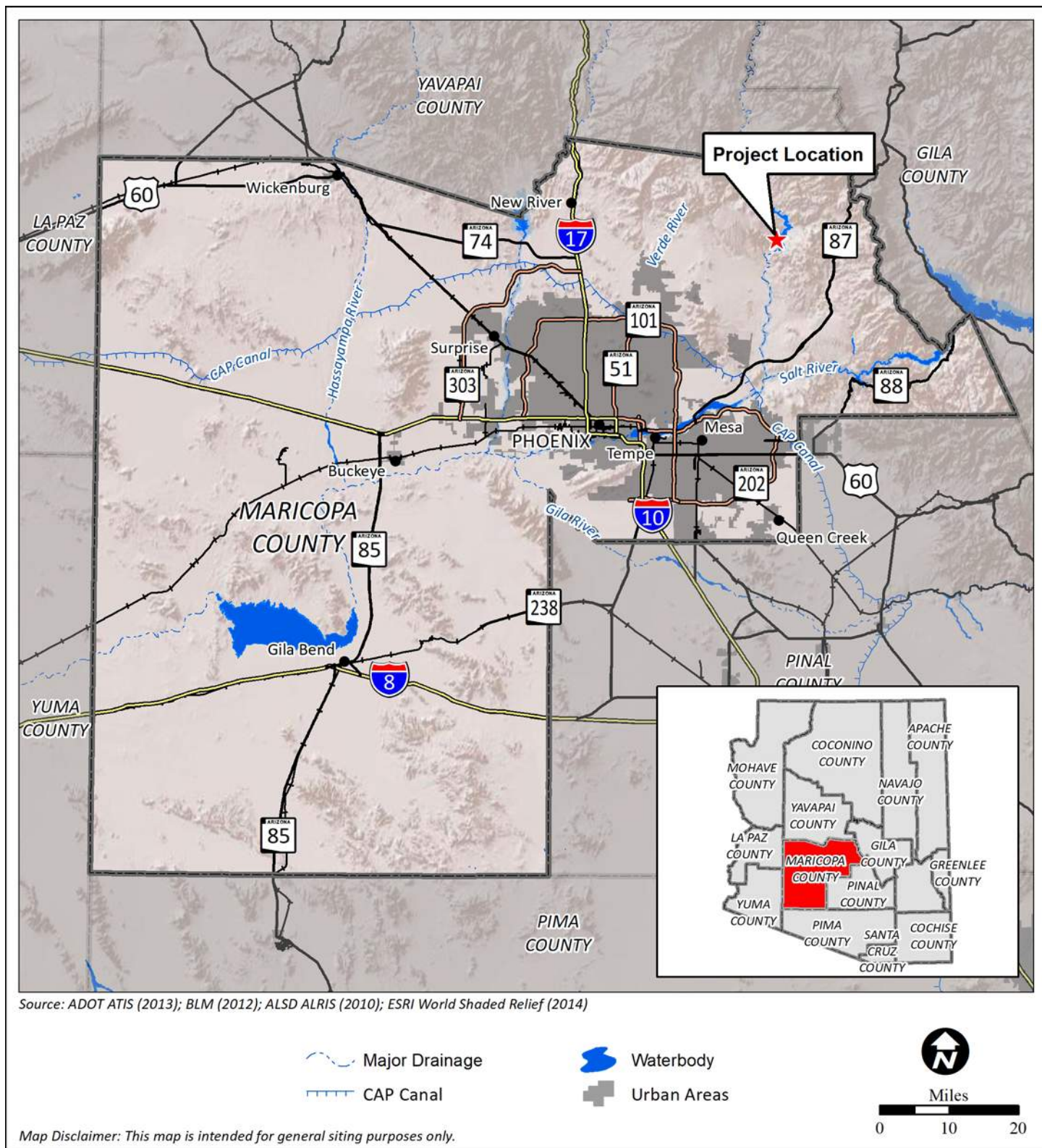


Figure 1. Maricopa County Location Map
 USACE File No.: SPL-2018-841
 Bartlett Lake Marina 404 Permitting

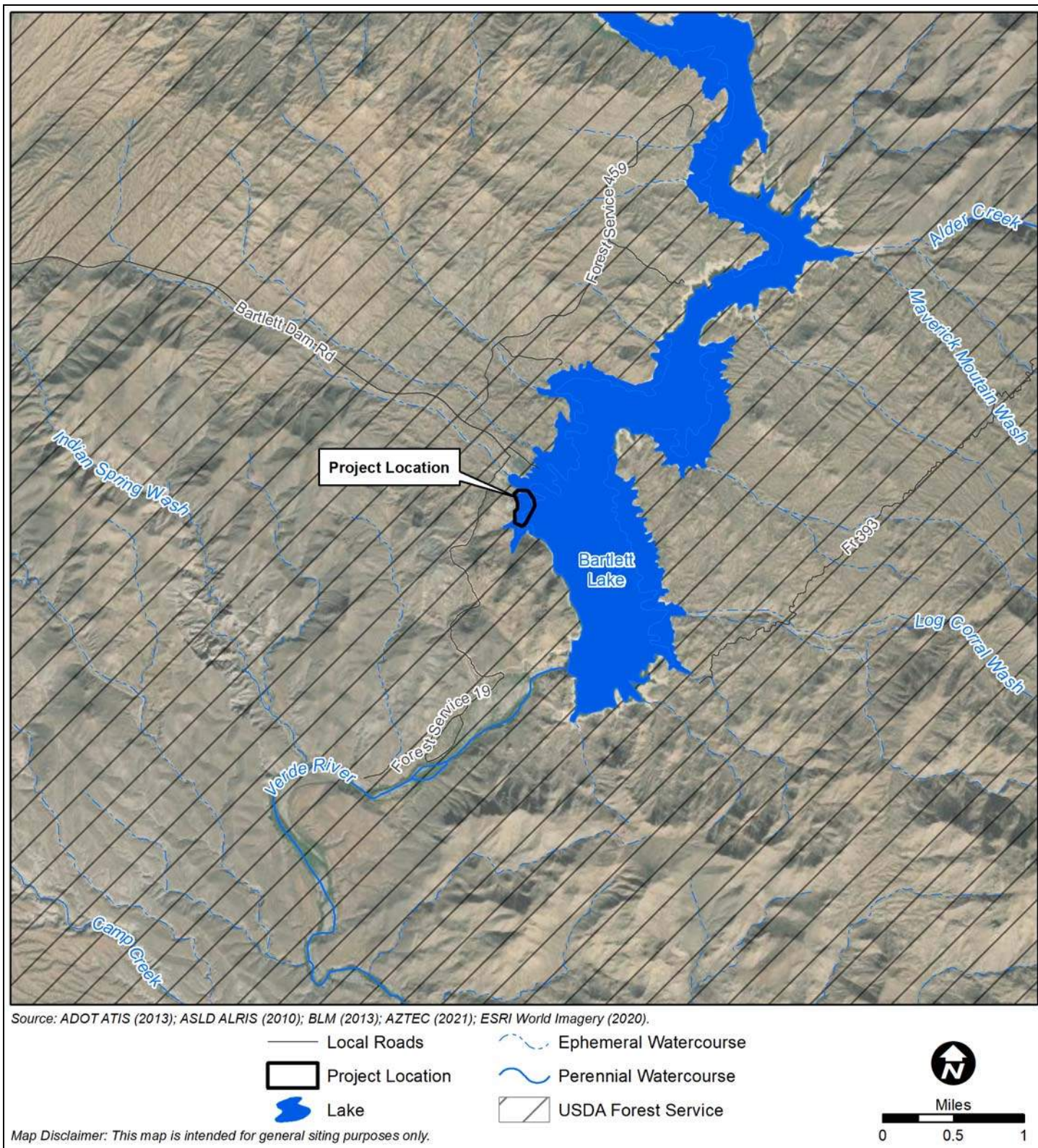


Figure 2. Project Vicinity Map
 USACE File No.: SPL-2018-841
 Bartlett Lake marina 404 Permitting

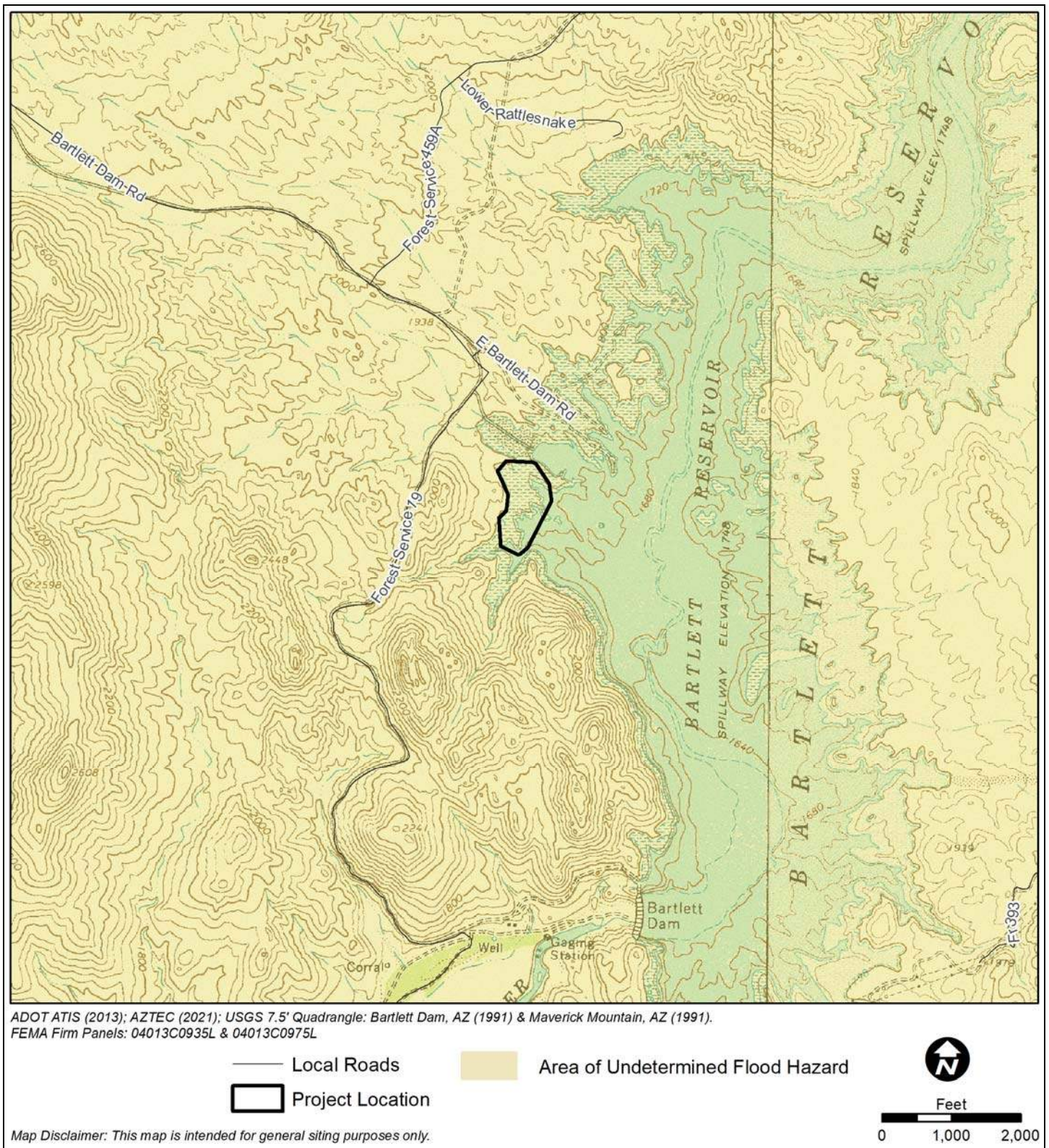
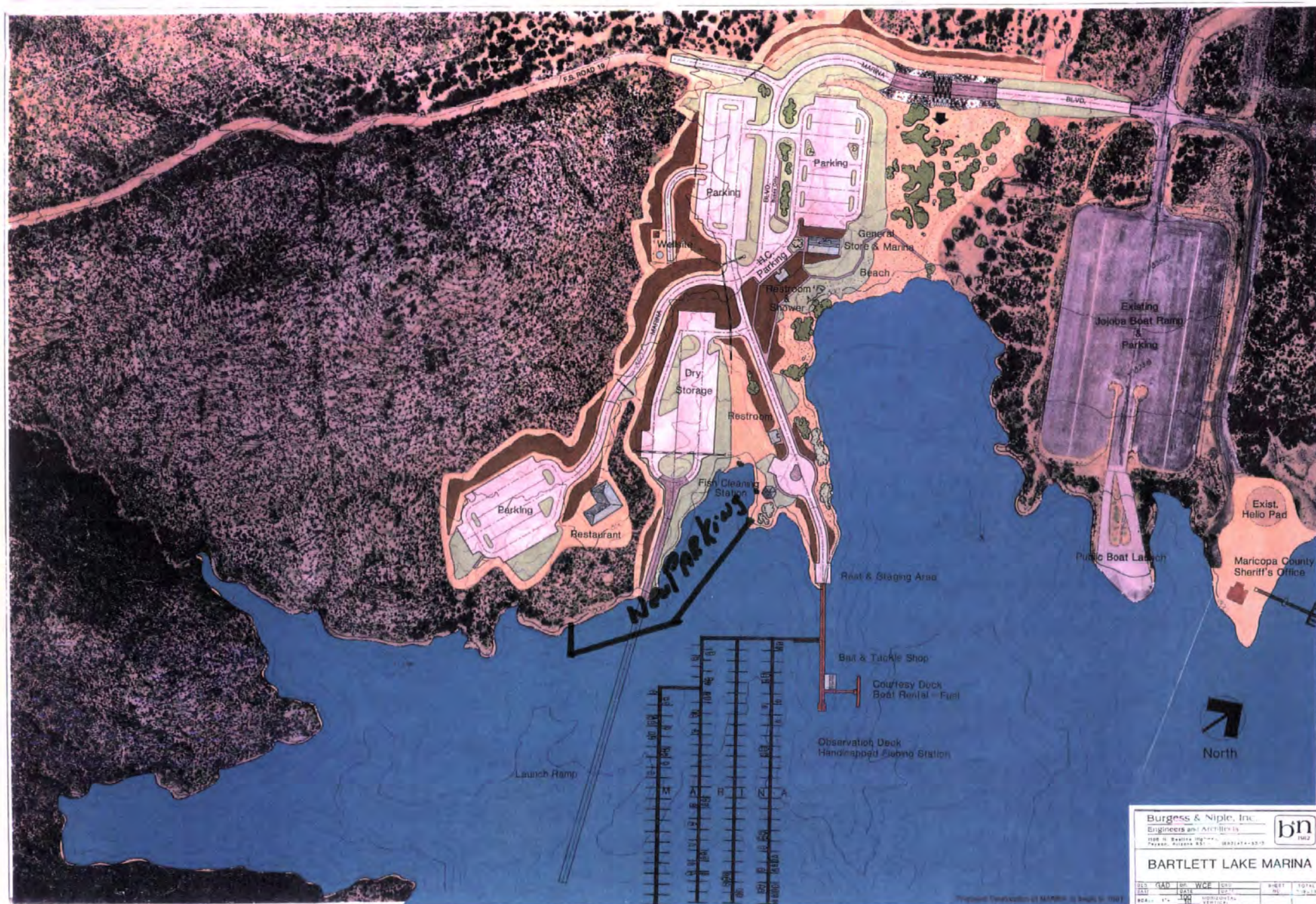
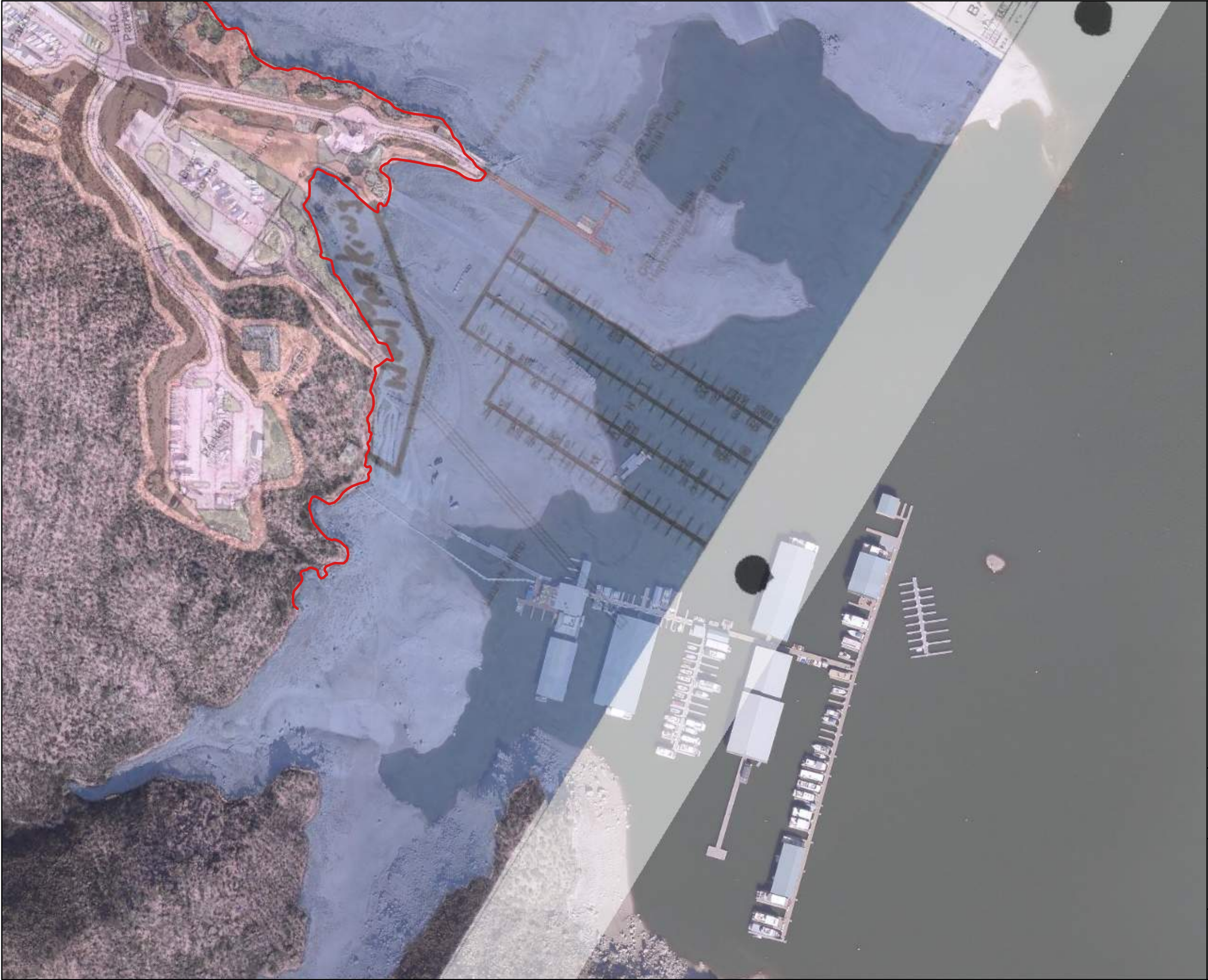


Figure 3. Topographic and Floodplain Map
 USACE File No.: SPL-2018-841
 Bartlett Lake marina 404 Permitting

Figure 4 - Original Marina Conceptual Layout





OVERVIEW MAP

— Ordinary High Water Mark
(Elevation 1,798 Feet)

Aerial Imagery Date: December 2015

Feet

0 100 200

**BARTLETT LAKE MARINA
MARICOPA COUNTY, AZ**

Conceptual Layout on Aerial Imagery

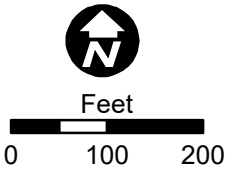
Figure 5



— Ordinary High Water Mark
(Elevation 1,798 Feet)

- Material**
- Asphalt
 - Concrete/Shotcrete
 - Native Material

Aerial Imagery Date: December 2015



**BARTLETT LAKE MARINA
MARICOPA COUNTY, AZ**

Work Completed Below OHWM

Figure 6

