



US Army Corps
of Engineers
Sacramento District

Public Notice

Public Notice Number: 200025008

Date: July 3, 2002

Comments Due: July 18, 2002

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

In reply, please refer to the Public Notice Number

Subject: Department of the Army Permit Application. The District Engineer, Sacramento District, Corps of Engineers (Corps) is evaluating a permit application from Genoa Lane Tree Farm. The purpose of this notice is to inform interested parties of a proposed work activity and to solicit comments. Participation is encouraged so that the District Engineer is better able to complete a more thorough public interest review. Comments assist the Corps to make a reasonable decision based on public interest factors. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects, and endangered species. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The proposed project is described below and shown on the attached drawings. This notice may also be viewed at the Corps web site at: <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/>.

Applicant: Dink Getty, Genoa Lane Tree Farm, 1281 Highway 395, Minden NV 89423.

Location: The project site is about 4 miles north of Minden near the intersection of Highway 395 and Airport Road in Section 7, Township 13 North, Range 20 East, Douglas County, Nevada.

Purpose: The purpose of the proposed fill is to expand a tree nursery operation.

Project Description: The applicant is proposing to place fill material in a 11.9-acre wetland to expand his tree nursery operation. He is proposing to place clean fill in approximately 0.6 acres of wetland, up to 2 feet deep. The applicant recently placed fill, approximately 2 feet deep, in another 4.7 acres of wetland without authorization from the Corps. He is also requesting after-the-fact authorization to leave approximately 2.1 acres of this unauthorized fill in the wetland and restore the remaining portion of the wetland by removing 2.6 acres of fill and planting the restored area with native hydrophytic vegetation. A portion of the fill left in place will be a 10-foot wide dirt access road to service his nursery trees. All fill removed from the wetland proposed for restoration will be moved to the upland portion of the site.

The Corps has not made a determination what portion of the unauthorized will be permitted to be left in place nor has the Corps determined whether mitigation would be necessary if all the proposed filling is authorized. In anticipation for the need for compensatory mitigation, the applicant is proposing to create 0.2 acres of wetland, adjacent to the undisturbed wetland. The attached maps and drawings provide additional project details.

The applicant believes there is a need to expand this operation because the demand for tree nursery stock has exceeded the applicant's present capability. The applicant stated that other land adjacent to his existing 24-acre operation is not available.

Additional Information: Additional information may be obtained from Dink Getty at 775-782-5605 in Minden or by calling Richard Gebhart, Project Manager, Corps of Engineers at 775-784-5904 in Reno.

Authority: This proposal is being evaluated under Section 404, Clean Water Act, for the discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act, has been granted or is waived from the Nevada Division of Environmental Protection (NDEP). A waiver will be deemed to occur if the state fails or refuses to act on the request for certification within 60 days.

Section 404(b)(1) Evaluation: The activity's impact on the public interest will include application of the 404 (b) (1) guidelines promulgated by the Administrator, Environmental Protection Agency.

Public Hearing: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

Endangered Species: Preliminary review, under the Endangered Species Act of 1973 (87 Stat. 844), indicates that the described activity will not affect listed endangered species or their critical habitat. Formal consultation under Section 7 of the Act is not required for the described activity.

Cultural Resources: In accordance with Section 106 of the National Historic Preservation Act, initial review of cultural resources information available in the *National Register of Historic Places* and its current supplements indicates that no historic properties would be affected by the proposed activity. This notice was sent to the State Historic Preservation Office.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described 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 described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity 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, consideration of property ownership and, in general, the needs and welfare of the people.

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 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.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These state requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable statutory authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.

Submitting Comments: Comments must be received on or before the expiration date (located above) to be considered in subsequent actions on this application. Anyone whose interests may be affected by the proposed work is invited to submit favorable or unfavorable written comments to:

U.S. Army Corps of Engineers
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District Engineer