



US Army Corps
of Engineers®
Sacramento District

Public Notice

Public Notice Number: 200225072

Date: February 26, 2004

Comments Due: March 12, 2004

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 Max Hoseit. 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 proposals probable impacts on the affected aquatic systems functional values and the cumulative and secondary effects. 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: Max Hoseit, 700 University Ave #150, Sacramento CA 95825

Location: The project site is about 1.5 miles north of Zephyr Cove in Skyland; APN: 05-051-220 (old), 1318-03-212-001 (new); Section 3, Township 13 North, Range 18 East, Douglas County, Nevada.

Purpose: The purpose of the project is to request after-the-fact authorization for a pier and covered boat hoist structure.

Project Description: The applicant is requesting after-the-fact authorization to leave in-place a 63 by 4-foot (approximately) pier and 13 by 13-foot covered boat hoist structure with its adjacent walkway. The walkway is wooden and supported by twenty 2.5-inch pipes attached to large boulders on the lakes substrate. The boat hoist facility is a portable, steel-frame structure supported by angled bars and approximately 14 feet high with a metal roof. A catwalk extending from the shore provides access to the boat hoist. The attached maps and drawings provide additional project details.

The applicant believes there is a need to have private lake access to his lakefront property.

Background Information: The pier and boat hoist were constructed in the early 1970's without Department of the Army authorization. An enforcement action was pursued; coordination with state and federal resource agencies occurred; and unacceptable impacts to fish habitat caused the Corps to refer this action to the US Attorney for resolution. File records are not clear, however it does not appear this violation was ever resolved. The applicant is now requesting after-the-fact authorization to leave the structure in-place and comply with federal statutes.

Environmental Setting: Lake Tahoe is a pristine, oligiotrophic lake straddling the Nevada-California border on the Sierra Nevada Mountains on the west and the Carson Range on the east. The mountains are forested with ponderosa pine trees and associated plants. Development around the lake is manipulating the natural environment, however, most develop is controlled to maintain the quality of the lake and its environs. The project site is considered as prime fish and aquatic habitat, with very large boulders and a gravelly substrate that are important for lake fish spawners and prey species production. It is noted that very little substrate disturbance has occurred because nearly all the pier support piles are fixed on the tops of the large boulders.

Additional Information: Additional information may be obtained from Max Hoseit's consultant, Darryl Harris, Resource Concepts, Inc at 775-588-7500 in Zephyr Cove or by calling Richard Gebhart, Project Manager, Corps of Engineers at 775-784-5307 in Reno.

Authority: This proposal is being evaluated under Section 10 of the Rivers and Harbors Act of 1988, for work in or affecting navigable waters of the United States.

Water Quality Certification: Water Quality Certification under Section 401 of the Clean Water Act for the described work is not required for this Department of the Army permit.

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 for species protected under the Endangered Species Act of 1973 (87 Stat. 844) indicates that the described activity will not affect listed 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 Nevada State Historic Preservation Office and the Washoe Tribes of Nevada.

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.

Submitting Comments: Comments must be received on or before the expiration date (located above) to be considered in subsequent actions on this application. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. Anyone whose interests may be affected by the proposed work is invited to submit favorable or unfavorable written comments to:

US Army Corps of Engineers
Reno Regulatory Office (Gebhart)
300 Booth Street Rm 2103
Reno NV 89509-1361
Email: richard.a.gebhart@usace.army.mil

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.

Michael J. Conrad, Jr.

Colonel, Corps of Engineers
District Engineer

Attachments