



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200225127

Date: November 18, 2002

Comments Due: December 18, 2002

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 West Lake Investors. 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:** West Lake Investors (a trust), 54 Seaview Ave, Piedmont, CA 94611

**Location:** The project site is about 1.5 miles south of Tahoe City in Section 18, Township 15 North, Range 17 East, Placer County, California.

**Purpose:** The purpose of the proposed structure is to replace an existing pier with a longer pier extending to a deeper water depth.

**Project Description:** The applicant is proposing to replace an existing 160-foot long pier with a new pier that is 380 feet long. The proposed new pier will be 6 feet wide and terminate in a pierhead section that is 45 feet long and 13 feet wide, incorporating a steel catwalk to provide boat access. At least 12 steel piles will be driven into the substrate of Lake Tahoe to support the proposed new pier. The applicant is also proposing to move two existing buoys a few feet from their existing location. The old pier will be removed in its entirety and disposed of at an appropriate site. No placement of fill below the ordinary high water line, 6229.1 msl, is proposed.

The attached maps and drawings provide additional project details.

The applicant believes there is a need to build a new, longer pier that could provide year-round private boat access. Presently, their pier is often "high and dry," particularly during low water years as was experienced in 2002.

The Corps has not determined if compensatory mitigation will be required if the impacts caused by the proposal are authorized. The applicant has not yet proposed to compensate for impacts if an affirmative permit decision is reached.

**Environmental Setting:** Lake Tahoe is large, deep lake straddling the Nevada and California state lines. It lies in a comparatively small, closed-basin system bound by the Carson Range in Nevada and the Sierra Nevada mountains in California. Because of its pristine and scenic setting, development pressures around the lake and streams have compromised several environmental values, including water quality. Development is relatively limited to the flatter areas around the lake and its feeder streams, thus the lakeshore and feeder streams have been altered to accommodate human developments. International and national recreational use on this popular lake provides additional stresses on environmental values and ecological functions. The surrounding mountains are vegetated with typical alpine forested communities (alpine vegetative associations). The lake is the source of the Truckee River, the only drainage outlet for the lake, which flows from the northwest portion of the lake into Nevada and eventually terminates in Pyramid Lake, Nevada.

**Additional Information:** Additional information may be obtained from the applicants agent, Gary McKelvey, Tahoe City, California at 530-581-0238 in or by calling Richard Gebhart, Project Manager, Corps of Engineers at 775-784-5304 in Reno, Nevada.

**Authority:** This proposal is being evaluated under Section 10 of the Rivers and Harbors Act, for any obstruction or alteration of any navigable water of the United States.

**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.

**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  
Nevada 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