



# Public Notice

US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Number: 200575642  
Date: January 27, 2006  
Comments Due: February 27, 2006

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) proposes to issue a Regional General Permit (RGP) under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act for activities categorically excluded from further documentation under the National Environmental Policy Act (NEPA) by the U.S. National Park Service on Lake Powell within the Regulatory boundary of Sacramento District. This notice is to inform interested parties of the proposal and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This proposal is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** National Park Service  
Attn: Kitty Roberts  
Glen Canyon National Recreation Area  
691 Scenic View Drive  
Page, Arizona 86040  
928-608-6200

**LOCATION:** The proposed RGP area is located within Glen Canyon National Recreation Area, Lake Powell, Coconino County, Arizona, and San Juan, Garfield, and Kane Counties, Utah.

**PROJECT DESCRIPTION:** Refer to the enclosed copy of the proposed Regional General Permit.

**Purpose and need:**

The purpose of the proposed general permit is to continue to provide visitors to Lake Powell with safe and practical access to the lake and developed facilities. Glen Canyon National Recreation Area (NRA) was established to provide public recreation on Lake Powell and adjacent lands. The NPS is responsible for managing all federal lands and waters within the recreation area boundaries. Glen Canyon NRA has recorded up to 2 million visitor days a year, although this number has dropped during recent drought years. The lake and associated marinas and developed areas are the most intensely used portions of Glen Canyon NRA. Recreational boating and sport fishery in the lake contribute about 350 million dollars to the local and regional economies.

The proposed regional permit is needed as a result of the fluctuating water levels at Lake Powell. Lake Powell receives most of its annual moisture from snowmelt runoff and spring storms. For the past several years drought conditions have led to below average inflow to Lake Powell and resulted in continually decreasing water levels as water is released from the dam per Colorado Basin Water Withdrawal Agreements. Water levels at Lake Powell are never static. The annual fluctuations in lake levels are typically about 25 vertical feet. Reconfiguration of marina facilities and navigational aids are constantly necessary, even during years with average and above average moisture levels. To accommodate visitor use and access during years with low water levels, the marina facilities at Lake Powell require relocation and/or reconfiguration. Dropping water levels also mandate constant attention to navigational buoys,

floating restrooms/pump outs, and shore-based access to marina facilities and shore-based vehicle camping.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** Lake Powell was created as a result of the construction of Glen Canyon Dam on the Colorado River in 1965. It is located in northern Arizona and southern Utah within the Colorado Plateau physiographic province. The reservoir reached full pool level, 3,700 AMSL (above mean sea level), in 1980. Glen Canyon Dam is the only major dam on the main stem of the Colorado River above Lee's Ferry and it controls almost all the flow leaving the upper Colorado River Basin. At full pool the reservoir extends more than 180 miles upstream from the dam near Page, Arizona into Cataract Canyon, Utah. Hite Marina, which is about 140 miles upstream, is the farthest developed area from Glen Canyon Dam. Figure 1 shows the location of the seven developed areas on Lake Powell. Figures 2 through 10 offer greater details of each of the developed areas. At full pool the reservoir has more than 1,900 miles of shoreline and stores 27 million acre-feet of water that is used for irrigation, conservation storage, recreation, and electrical production.

The water level in Lake Powell drops during summer and fall as the dam releases water for use downstream. The reservoir is usually replenished by spring snowmelt. Recent drought conditions have significantly reduced the reservoir water levels beyond typical levels. Between 1999 and 2004 the average annual water level dropped over 100 feet. Five years of drought coupled with inlet sedimentation have resulted in new and significant challenges for managing recreational activities and facilities at Lake Powell. The amount and complexity of facilities on the lake require almost constant reconfiguration and/or relocation due to the fluctuations in water level described above, most which occur below the ordinary high water mark (OHWM). The facility reconfiguration and/or relocation is to accommodate increased visitation and associated usage, as well as, extreme water elevation fluctuations.

A Department of the Army permit (DA# 199250047) was issued to the National Park Service on July 20, 1992 for launch ramp extensions, harbor recontouring and localized excavation, utility upgrades and extensions, walkway extensions, and boat slip expansion for numerous recreational areas within Lake Powell, including Hite, Bullfrog, Hall Crossing, Stateline, and Wahweap recreational areas. This permit authorized the following number of boat slips:

Wahweap	870 maximum
Bullfrog	375 maximum
Halls Crossing	240 maximum
Hite	40 maximum

The Corps has extended Department of the Army permit no. 199250047 several times, with the final expiration date of June 30, 2006.

One purpose of the proposed RGP is to replace permit number 199250047 and to include activities within other recreational areas such as Rainbow Bridge National Monument, Dangling Rope, and Antelope Point Marina. In addition, current slips at several facilities exceed the original authorized number. Therefore, an additional purpose to the proposed RGP is to authorize existing slips that are currently serviceable and functioning.

The following is a list of current slips at each facility:

	NPS operated	Concessioner operated
Wahweap	36	923
Stateline area at Wahweap	12	260
Bullfrog	20	440
Halls Crossing	4	180 slips 234 buoys
Hite	0	0

For detailed information on existing facilities please contact the National Park Service or the Corps Durango Office.

**Alternatives.** The no action alternative would mean that individual Department of the Army permits would be processed and issued for activities covered by the proposed RGP. Another alternative would be the inclusion of the U.S. National Park Service categorically excluded activities within nationwide general permit number 23. However, this alternative would have to be accomplished by the Office of Chief of Engineers (OCE) in Washington, DC and therefore, is not within the purview of the Sacramento District. There is not any indication that OCE plans to modify the nationwide permit to include NPS' categorically excluded activities. This nationwide permit is scheduled for regular reconsideration in 2007.

**Mitigation.** Specific proposals to perform work under the proposed RGP would be reviewed by the Corps before giving notice that the specific proposals authorized by the RGP. The corps requires consideration and use of all reasonable and practical measure to avoid and minimize impact to aquatic resources. If one is unable to avoid and minimize all impacts, the Corps may require compensatory mitigation on a case-by-case basis.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the states of Arizona and Utah is required for this RGP. The Sacramento District will request certification from both states under separate cover. Projects are usually certified where the project may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects.

**HISTORIC PROPERTIES:** Issuance of this RGP will not affect cultural resources. Less than 5% of Glen Canyon NRA has been intensively surveyed for cultural resources. All new areas of disturbance would be surveyed for cultural resources and appropriate steps would be taken as required by the National Historic Preservation Act, as well as, other cultural resource laws. If cultural resources are inadvertently discovered during maintenance or construction activities, arrangements would be made for the appropriate assessment and treatment of the resources.

**ENDANGERED SPECIES:** Issuance of the RGP will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act. Specific request to perform work under this RGP will be reviewed on a case-by-case basis for any effect to Federally-protected species and appropriate consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act. In some instances, the U.S. National Park Service may act as lead agency for purposes of compliance with Section 7.

**EVALUATION FACTORS:** The decision whether to issue this RGP will be based on an evaluation of the probable impacts, 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 activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps 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 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:** Written comments, referencing Public Notice 200575642, must be submitted to the office listed below on or before February 27, 2006:

Kara Hellige, Project Manager  
US Army Corps of Engineers, Sacramento District  
Durango Regulatory Office  
278 Sawyer Drive, Suite #1  
Durango, Colorado 81303  
Email: [kara.a.hellige@usace.army.mil](mailto:kara.a.hellige@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps 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. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Kara Hellige, 970-375-9452, or e-mail [kara.a.hellige@usace.army.mil](mailto:kara.a.hellige@usace.army.mil).

Attachments: 10 drawings and 1 proposed regional general permit