



File Code: 2350-4/2320

Date: September 7, 2007

Route To:

Subject: Boyle Boat Ramp

To: Forest Supervisor, Allegheny National Forest

A team of resource specialists (Team) has evaluated the proposed boat ramp and dock on the Allegheny River, as required by Section 7 of the Wild and Scenic Rivers Act (P.L. 90-542) for Regional Forester determination. Based on the Allegheny's analysis and the Team review, this letter forms the foundation for our determination under the "Direct and Adverse Effects" standard for the portions of this project within the boundary of the Allegheny Wild and Scenic River.

This determination for compliance under Section 7 is not an appealable decision, nor does it affect any National Environmental Policy Act (NEPA) decisions in regard to the project.

It is our determination the above-referenced project does not have a direct and adverse effect on the free-flow character and outstandingly remarkable values on this portion of the Allegheny Wild and Scenic River. It should be noted that the floating dock is not within the bed and bank of the Allegheny River and is not subject to a Section 7 analysis. If the proponent at a later time determines the need for pier or post supports within the bed or bank of the river for the dock, a Section 7 determination based on a new permit will be necessary.

We ask that you share this determination with the Army Corps of Engineers and other agencies for reference.

If you have questions, please contact John Romanowski at (414) 297-3727 or jromanowski@fs.fed.us.

/s/ Forrest L. Starkey (for)
RANDY MOORE
Regional Forester

Enclosures (3)

cc: John Romanowski
Russ Lafayette
Nick Schmal
Linda M White
Robert W Wetherell



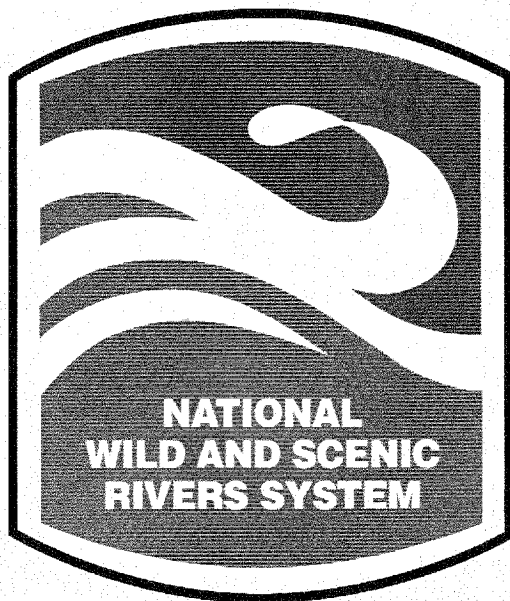


ALLEGHENY RIVER

C.O.E. Application # 2007- 484

(Boyle Boat Ramp & Dock)

Section 7(a) Evaluation, Wild and Scenic Rivers Act



Prepared by: **Linda White, Natural Resource Specialist**

Specialist Input: **Brent Pence, Fisheries Biologist**

INTRODUCTION

This document follows the evaluation procedure documented in the Wild and Scenic Rivers Reference Guide compiled by the Interagency Wild and Scenic Rivers Coordinating Council.

The U.S. Army Corps of Engineers (COE) Pittsburgh District has received an application under the Clean Water Act, Section 404, Nationwide Permit #36 and Regional Boat Dock Permit (C.O.E. application # 2007-484) for authorization to build a stone surfaced boat ramp and install a 12x12 floating dock (See App. A). The U.S. Army Corps of Engineers is the federal agency responsible for issuing a permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The construction activity qualifies as a water resources project per FSM 2354.75 and thus requires a Section 7 evaluation for effects as prescribed in the Wild and Scenic Rivers Act. The USDA Forest Service is the federal agency responsible for the Section 7(a) Evaluation under the Wild and Scenic Rivers Act for the Allegheny River. This document will determine if there are any direct and adverse effects to the outstandingly remarkable values for which the river was designated and will also evaluate the impacts of the completed construction on free flow of the Allegheny Wild and Scenic River.

Comment: Although omitted at this section, the third component of a Section 7 determination (water quality) was evaluated in the Hydrological Report.

The Allegheny River was designated as a component of the National Wild and Scenic Rivers System on April 20, 1992 (Public Law No: 102-271). The outstandingly remarkable values (ORV's) for the Allegheny River are scenery, heritage, naturalness, recreation, science, and ecology. Factors contributing to the scenic values of the river are the three distinct landscapes of: broad valleys with pastoral/rural scenes; narrower valleys with over 100 scattered undeveloped islands and adjacent undeveloped shorelines; and narrow, sharply winding valleys with steep side slopes. A broad river valley with pastoral/rural scenes is characteristic of the immediate permit area. The upper section of the river measuring 35.8 miles in length (Kinzua Dam to Warren 5.6 miles & Buckaloons Campground to Tionesta 30.2 miles) is classified as recreation and is characterized as Rural on the Recreation Opportunity Spectrum (ROS). The section which includes the project area, Buckaloons to Tionesta, has many residences, camps, small towns, parallel roads, and access points (see Figure 1.). Human activities can be seen and heard from the river. The major recreation activities along the river are boating, canoeing, boat fishing, bank fishing, and swimming. Other river related activities occurring within the corridor include driving for pleasure, viewing scenery, bird watching, hunting, photography, hiking, biking, picnicking, etc.

The river segment proposed for boat ramp replacement is known to support natural populations of the Northern riffleshell and Clubshell mussels, two freshwater mussel species listed as federally endangered.

Comment: This project replaces an informal access ramp.

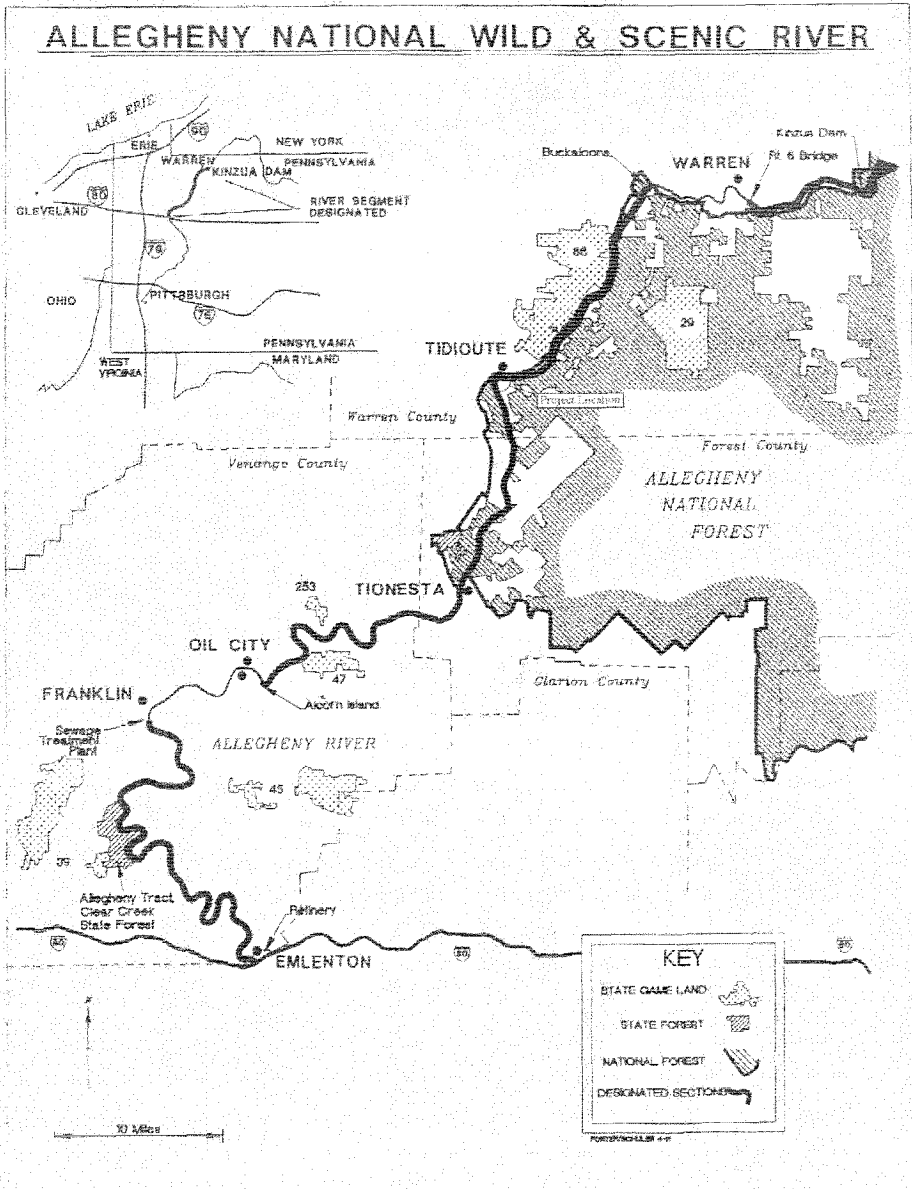


Figure 1. General area of project.

DESCRIPTION OF THE PROJECT AREA

The project area is located in the floodplain on the east side of the Allegheny River south of the Town of Tidioute (see Figure 2.). The Boyle family has recently purchased the property, which is situated on two terraces. The house and shed are on a high terrace above the floodplain, with a grassy lawn on the lower terrace. The lower terrace is the flood plain, and is still 7-8 feet above the summer water level. There are a few scattered old trees including silver maples and spruce. The ones on the lower terrace close to the river show evidence of ice scarring. The river bank is natural vegetation, primarily grass and forbes, with Virginia creeper and poison ivy evident.

The west side of the Allegheny River is steeper and undeveloped, and the main river channel tends to be on this side of the river.

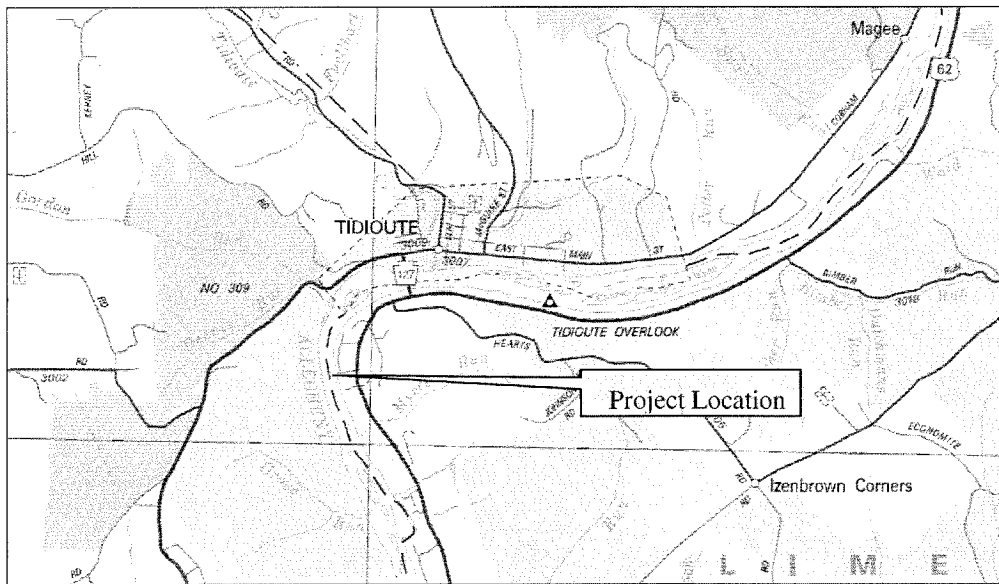


Figure 2. Site of project.

DEFINE THE PROPOSED ACTIVITY

The Boyles would like to install a 12' x 50' boat ramp on their property at River Mile 165.6 for carrying non-motorized watercraft (canoes and kayaks) to and from the water. It is wide enough to allow for the use of a 4-canoe trailer to be backed down the ramp so that input/out-take is easier and quicker than carrying the boats down individually. It would be constructed from the bank using a backhoe/dozer to cut through the bank to the water and to slope the sides of the cut to keep them from sloughing over time and allow easy access from the lawn to the ramp. Clean #57 stone would be used as a sub-base on the ramp. This is stone that is 3/4" to 1 1/2" in size without fine particles that could wash

away and become suspended in the river water or a fine silt on the river bottom. The surface and cut sides of the ramp would be seeded to grass to retain the look of a lawn in this area and erosion control matting would be used to prevent erosion until the grass becomes established. The toe of the ramp and the disturbed area of the bank would be planted and/or seeded to native species to provide deep-rooted plants to hold the banks in place and blend with the vegetation that currently exists along the riverbank. The ramp will eventually blend in with the look of the rest of the lawn. One large silver maple of poor condition may be removed from the top of the bank during this process (See Figure 3). A 36 inch high silt fence will be placed along the water's edge during construction and erosion control matting used on the sides of the cut until the vegetation could take hold (see homeowner's plan, Appendix A, page 3). No equipment will enter the water and no dredging will take place.

Figure 3. Proposed boat launch site.

Comment: Picture intentionally deleted.

The boat dock, if installed, will be a prefabricated structure with plastic, Styrofoam-filled pontoons for floatation. It will be tethered to the shore using guy lines to posts on the bank. No bolts or other devices will be used to tie the dock to the river bottom. A 5' x 10' plank ramp will allow access from the shore. Because of low water levels in the summer, it is possible that a dock will be impractical for much of the time, but the Boyles would like to use it during the spring and fall seasons when water levels are expected to be higher.

ALTERATION OF WITHIN-CHANNEL CONDITIONS

There will be no alteration of the river channel. The ramp is intended for canoe or kayak use so there is no need to provide a channel to deeper water.

ALTERATION OF RIPARIAN AND/OR FLOODPLAIN CONDITION

There are no wetlands identified in the area. The floodplain will be altered by cutting the ramp through the riverbank to the water. This may create an eddy during periods of high flow and could result in more deposition at this location.

ALTERATION OF UPLAND CONDITIONS

The uplands will be altered by cutting through them to create a ramp sloped at 6:1 from the upper part of the first terrace above the water to the water's edge. The sides of this cut will be sloped at 3:1 to prevent erosion and sloughing which will result in a disturbance approximately 30 feet in length at the top of the riverbank, tapering to 12 feet at the beginning of the ramp. All cut surfaces and the surface of the ramp will be seeded with grass so that the ramp will blend with the look of the rest of the lawn. Deeper-rooted native plants should be placed at the lower end of the ramp to mimic the native species already there and to assist in preventing the sides of the cut from eroding.

ALTERATION OF HYDROLOGIC OR BIOLOGIC PROCESSES

The construction of the Kinzua Dam, 31.4 miles upstream from the project area, changed the natural flow regime of the Allegheny River in 1965. The dam has reduced, although not eliminated, the occurrence of flood flows on this section of the Allegheny River.

Comment: Helpful context of existing conditions.

The excavation of the boat ramp in the floodplain of the river will alter flood flows by creating an eddy and possibly a deposition area at the toe of the ramp. However, this should have minimal effect on the flood flows of the river and would not impact the use of the boat ramp for canoe and kayak launch.

Two federally listed endangered mussels (clubshell and northern riffleshell), two federal candidate mussels (rayed-bean and sheepsnose), along with numerous Regional Forester Sensitive Species (RFSS), proposed RFSS, and state listed fish species could occur near the site. It is expected that the erosion and sedimentation control plan will prevent any loss of soil from the river banks from affecting the spawning habitat of fish or the physical condition of the fish themselves. Any fish in the nearby vicinity are capable of moving away from the construction area until the project is completed. The erosion and sedimentation control plan will also protect mussels and their habitat from becoming buried or abraded. The silt fence and erosion control matting will filter whatever soil particles are released and prevent them from becoming suspended throughout the river

channel. It is expected that any deposition caused by an eddy at the toe of the ramp will be mainly on the ramp during periods of high water. At normal or low water conditions, it is likely that there will be no eddy and no chance for deposition. Since there will be no disturbance of the river substrate, there will be no direct effect on the mussels or their habitat.

MAGNITUDE AND EXTENT OF POTENTIAL OFF-SITE CHANGES

Not applicable.

TIME SCALE

Mr. Boyle would like to complete the project during the summer of 2007.

Comment: Identify a more specific construction period if possible.

COMPARE PROJECT ANALYSIS TO MANAGEMENT GOALS

The following management objectives for the river were developed from public comment and from recommendations of the Northern and Southern Advisory Councils:

- 1. Protect, enhance and interpret outstanding river values, including scenic quality, cultural and historic resources, and the natural biological diversity of the river corridor.**

Scenic Quality: A temporary decrease in scenic quality will occur until the project is completed and vegetation lost during construction is replaced. Stone used for the sub-base of the ramp will be from the local area to provide a color that blends with native rock until the vegetation has a chance to grow over it. Vegetation lost during the project will be replaced with grass on the lawn and ramp and native species along the riverbank to protect the river bank and provide a scene that blends with the surrounding area.

Cultural or Historic Resources: There are no known archeological resources on the site.

Natural Biological Diversity: The project area consists of riparian deciduous forestland, residential and developed areas, and the Allegheny River. The construction of this ramp will impact primarily yard grass. The use of native species on the bank at the sides of the ramp are expected to increase vegetative diversity in the localized area of the ramp, but will not result in a significant increase for the area overall.

This section of the Allegheny River is classified as a warm-water fishery in PA Code, Title 25, Chapter 93 Water Quality Standards. The river supports a diverse assemblage of aquatic species within the Wild and Scenic River corridor, including two federally listed endangered mussels (clubshell and northern riffleshell), two federal candidate mussels (rayed-bean and sheepsnose), along with numerous Regional Forester Sensitive Species (RFSS), proposed RFSS, and state listed fish species.

While populations of the mussels are unknown at the project site, the Allegheny River harbors the largest populations of the clubshell and northern riffleshell in the U.S. In the Corps of Engineers application for this project, the U.S. Fish and Wildlife Service stated that clubshell and northern riffleshell occur/may occur at the site. They also concluded, based on project design, that as long as no disturbance to the river substrate will occur and the erosion and sedimentation plan is in effect, the project is not likely to affect the northern riffleshell or clubshell. If anything in the project design changes so that the river substrate will be disturbed, the U.S. Fish and Wildlife Service should be notified before any disturbance occurs, and the Forest Service will defer to U.S. Fish and Wildlife Service in any matter concerning threatened, endangered, or sensitive species.

For rare, candidate, threatened or endangered state species, the Pennsylvania Fish and Boat Commission in the Corps application stated that rare or protected fish species are known from the vicinity of the project area. With the implementation of at least a 100' buffer from the waterway for re-fueling, and implementation of an approved erosion and sedimentation control plan, the Pennsylvania Fish and Boat Commission states there would likely be no significant adverse impacts to the fish species of concern.

Comment: Often necessary and appropriate to coordinate with USFWS and state agencies.

2. Promote the recreational use of the river while maintaining its present free-flowing character and high quality fishery.

- a. Recreational Use: There will be no change to recreational use of the river. This ramp is intended for use by the Boyle family and their friends and will not add significantly to the recreational use of the Allegheny River.
- b. Free-Flow: Free flow of the river will not be altered by the placement of this boat ramp. The main channel of the river is along the opposite bank, and the ramp will not intrude into the water.
- c. Warm-water Fishery: Adverse impacts to protected fish species are unlikely since they are capable of moving away from the project area. The riverbed will continue to be available for fish spawning since the riverbed is not expected to sustain any impacts from construction. There will therefore be minimal effects to the fishery as long as all erosion and sedimentation control measures are implemented as planned.

3. Minimize conflicts between river use and private landowners.

There are no known conflicts caused by this project.

4. Coordinate the activities and responsibilities of Federal, State, and Municipal regulatory and managerial agencies to carry out the Management Plan.

The Forest Service, USDD Army Corps of Engineers, USDI Fish and Wildlife Service, the Pennsylvania Fish and Boat Commission, and the PA Department of Environmental Protection have cooperated to analyze the effects of this boat ramp.

Comment: Good to coordinate analysis with other agencies.

FINDINGS

It is expected that effects of this project will be minimal provided the construction and sediment control plan are followed, no re-fueling or other chemical use is done within 100 feet of the bank, stone with colors found in the river bed is used as the sub-base of the ramp instead of traditional limestone, and deep-rooted native species are planted on the river bank and at the toe of the ramp.

Appendices

Comment: Appendix A is not included.

Appendix A – Army Corps of Engineers Project Information, including COE Pre-construction Notification, Pennsylvania Fish & Boat Commission Species Impact Review, and USDI Fish and Wildlife Service PNDI Review

Appendix B –Hydrological Report, Brent Pence & Chuck Keepports,
05/19/07

Appendix C – References

**Appendix B – Hydrological Report, Brent Pence &
Chuck Keepports, 05/19/06**

Re1File 2350/2500

Date: 5/19/06

Code:

Route To: *

Subject: Boyle Boat Ramp and Dock, Allegheny River, Section 7 Evaluation, Wild and Scenic Rivers Act, Hydrology Report

To: Linda White

Donald Boyle of Carnegie, Pennsylvania is proposing to construct a boat ramp and boat dock on his property on the left-descending bank of the Allegheny River, 0.7 miles downstream of the Tidioute bridge. The site is located on the east bank of the river within the designated Wild and Scenic River corridor at approximately River Mile 165.6. The Allegheny River is considered a navigable river from its mouth upstream 257.6 miles to Olean, NY. However, the river at this location cannot support commercial traffic of today. The river is more conducive to recreational boaters in canoes and smaller sized power-boats.

The project would involve the construction of a stoned 12' wide x 50' long boat launch on the bank of the river. The floating boat dock would consist of a 5' x 10' walkway and the dock itself would be 12' x 12'.

Within-Channel Conditions

There will be no alteration of the river channel. The ramp is intended for canoe or kayak use so there is no need to provide a channel to deeper water. The excavation of the boat ramp will cut through the river bank about five feet below the ordinary high water mark of the river. This excavation is needed for a smooth ramp into the river. Equipment work will be done from the shore and no dredging of the river bed will take place. The floating boat dock will be anchored to the shore above the ordinary high water mark of the river.

Wetlands/Floodplains

There are no wetlands identified in the area. The floodplain will be altered by cutting the ramp through the riverbank to the water and placement of posts for guying the dock.

Hydrology/Biology

Streamflow of the Allegheny River has been regulated since 1940 by the Tionesta Lake Dam, since 1949 by Chautauqua Lake in New York, and since 1965 by Kinzua Dam approximately 31.4 miles upstream. As a result, flow is generally higher in the summer months and peak flows are depressed from natural. This project is located at River Mile 165.6. This section of the river has numerous houses and camps located on the historic terrace of the river. The floodplain at this section of the river is mowed lawns used by

residents for recreating. Neighbors have installed rock groins into the river downstream of this property.

The Boyles would like to install a 12' x 50' boat ramp on their property at River Mile 165.6 for carrying canoes to and from the water. This site has moderately-steep 8 foot tall banks which appear to be stable. This site is also located on the deposition side of the river, with the main channel on the opposite side. The placement of posts for guying the dock will be done above the ordinary high water mark of the river. Therefore, changes to the free-flow of the river from pre-construction conditions should be minimal.

The excavation of the boat ramp in the floodplain of the river will alter flood flows by creating an eddy and possible deposition area. However, this should have minimal effect on the flood flows of the river and would not impact the use of the boat ramp for canoe and kayak launch.

This project has a plan that should address erosion and sedimentation concerns and cause minimal effects to water quality. The construction of the boat ramp should be done during low flow and dry conditions to minimize the impact of erosion and sedimentation. The ramp would have approximately a 6:1 slope and will be surfaced with clean #57 stone to minimize erosion. It is also recommended that the ramp surface be inter-seeded with native seed.

The cut sides would be seeded with native plants and mulched. Also, erosion matting will be placed on the side slopes and silt fence will be placed around the disturbed area.

This section of the Allegheny River is classified as a warm-water fishery in PA Code, Title 25, Chapter 93 Water Quality Standards. The river supports a diverse assemblage of aquatic species within the Wild and Scenic River corridor, including two federally listed endangered mussels (clubshell and northern riffleshell), two federal candidate mussels (rayed-bean and sheepnose), along with numerous Regional Forester Sensitive Species (RFSS), proposed RFSS, and state listed fish species. While populations of the mussels are unknown at the project site, the Allegheny River harbors the largest populations of the clubshell and northern riffleshell in the U.S. In the Corps of Engineers application for this project, the U.S. Fish and Wildlife Service stated that clubshell and northern riffleshell occur/may occur at the site.

For rare, candidate, threatened or endangered state species, the Pennsylvania Fish and Boat Commission in the Corps application stated that rare or protected fish species are known from the vicinity of the project area. With the implementation of at least a 100' buffer from the waterway for re-fueling, and implementation of an approved erosion and sedimentation control plan, the Pennsylvania Fish and Boat Commission states there would likely be no significant adverse impacts to the fish species of concern.

Chuck Keeports
Forest Hydrologist

Brent Pence
Forest Fisheries Biologist

Appendix C – References

- Allegheny National Forest. 1996. Allegheny National Wild and Scenic River Management Plan, 74 pp.
- Allegheny River Basin, Regional Water and Land Resources Plan and Environmental Impact Statement. Ohio River Basin Commission, 1980.
- Interagency Wild and Scenic Rivers Coordinating Council. 1997. Wild and Scenic Rivers Reference Guide. Wild and Scenic Rivers Act: Section 7. 27 pp.
- Pennsylvania Department of Environmental Protection. 1994. Title 25. Environmental Resources, Chapter 93. Water Quality Standards. Bureau of Water Quality Management, Harrisburg, PA. 212 pp.
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- Pennsylvania Department of Environmental Protection. 1992. Special Protection Waters Implementation Handbook. Harrisburg, PA.
- United States Army Corps of Engineers. 2000. Current List of Navigable Waters of the United States Within the Pittsburgh District, Pittsburgh, PA. 3 pp.