GENERAL PERMIT 23
(Permit # 199700732)
for Single Berth Covered or Uncovered, Boat Docks In the
Legal Sacramento-San Joaquin Delta and the
Sacramento River upstream to Keswick Dam (River Mile 301)

Effective Date: December 1, 2003

Expiration Date: December 1, 2008

TO WHOM IT MAY CONCERN: The authorized work must be performed in accordance with the special and general conditions stated herein. Projects that do not qualify under these criteria or do not conform to the conditions of this general permit will require an Individual Department of the Army permit prior to commencement of the work.

The authority to issue this permit is under Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 USC 403), and is in accordance with provisions of "Regulatory Programs of the Corps of Engineers", 33 CFR Part 322.2 (f) for activities which are substantially similar in nature and which cause only minimal individual and cumulative environmental impacts. All activities meeting the established criteria defined in the proposed permit extension would be deemed approved and would not require individual permits. Information on the Sacramento Districts Regulatory Program, including ENG Form 4345, may be found on our web site at www.spk.usace.army.mil/regulatory.html

Special Conditions:

1. The permit applicant, or authorized agent, must notify this Corps of Engineers Regulatory Branch (Corps). Work in waters must not proceed until the Corps has issued a written verification that your proposed dock is authorized by this General Permit. To notify the Corps, a complete description of the proposed dock must be provided, including the following information:

a. Completed Corps of Engineers ENG Form 4345.
b. Project location on a clear copy of a 7.5 min U.S.G.S. Quadrangle Map.
c. Scaled dock drawings that show all dimensions of either plan listed in Appendix A. Additionally, the drawings must include the distance from the dock to existing structures and to the far shore, or the pier-head line of the docks on the far shore.
d. Photographs of the shoreline where construction will take place.
e. Evidence that this notification information as been sent to the following agencies:

State Lands Commission
100 Howe Avenue, Suite I 00-South
Sacramento, California 94814-8202
www.slc.ca.gov

The Reclamation Board
P.O. Box 942836
Sacramento, California 94236
www.recbd.ca.gov

2. The dock's footprint shall provide a minimum of five feet of clearance from an imaginary line, projected from where the property lines of the littoral parcel intersects the surface of the navigable waterway at ordinary high water, or mean high water if waterway is tidally influenced, extended out to and intersecting perpendicular to, the centerline of the waterway. This area must be kept clear to provide navigation access to existing and future adjacent structures. Where this would cause an encroachment to private or public property, permission for right-of-way must be obtained from the appropriate entity.

3. The maximum extension of the dock into the waterway (measured from the top waterward edge of the levee) shall not extend beyond the waterward edge of the nearest adjacent facilities on the same bank of the waterway, or exceed 100 feet, or 30 percent of the distance across the waterway (measured from the mean low water elevation); whichever is more restrictive.

4. Only one dock may be constructed on each littoral parcel.

5. The dock shall be constructed so it will not encroach into, or prevent adequate circulation to, existing marshes or shoals in, or adjacent to, the waterway.

6. Applicants should follow the guidelines as put forth in the latest edition of the State of California Department of Boating and Waterways' (www.dbw.ca.gov) LAYOUT, DESIGN AND CONSTRUCTION HANDBOOK FOR SMALL CRAFT BOAT LAUNCHING FACILITIES**.** If these guidelines cannot be followed, reasons for any deviation must be substantiated by a professional engineer or architect, who is knowledgeable in the subject area that is the source of concern giving rise to the requested variance.

7. All work is completed according to current engineering standards.

8. Structures authorized under this permit shall be anchored utilizing systems designed to withstand anticipated high flows. Permanent anchoring to existing riparian vegetation is not authorized under this permit.
9. No pile shall be driven into the levee cross-section unless all other federal, state, or local required approvals are obtained, including the Reclamation Board above.

10. The structure built under the authority of this permit shall not be converted to or used as a recreation room, residence or temporary dwelling, nor shall it be used to moor a recreation room or floating residence.

11. The use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

12. If the display of lights and signals on any structure authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the U.S. Coast Guard shall be installed and maintained by and at the expense of the permittee. Safety or security lights, if installed, shall be directed away from the water surface.

13. To ensure compliance with the Endangered Species Act, and to protect the Federally-listed Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), delta smelt (*Hypomesus transpacificus*) and steelhead (*Oncorhynchus mykiss*), in-water work and habitat mitigation must occur pursuant to the U.S. Fish and Wildlife and the National Marine Fisheries Service Programmatic Biological Opinions on Department of the Army permits issued in the "Legal" Delta, and main stem of the Sacramento River. NOTE: The allowable construction periods apply to all areas within the legal Delta, as defined at §12220 of the California Water Code, and the main stem of the Sacramento River to mile 200.

14. The permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels and high water events. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the permitted structure; and the safety of boats moored thereto, from damage by wave wash or high water events, and the permittee shall not hold the United States liable for any such damage.

15. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

16. Excluded from this general permit are those waterways that are designated as, or are being considered for, Wild and Scenic River classification; areas that have been set aside by municipalities, counties, state and Federal governments for parks, wildlife refuges, and recreation areas; sites identified in the National Register of Historic Places and all supplements thereto; channel islands, berm islands, groins and shoals. Additionally, this permit is excluded from use in any specific waterway that has more than minimal adverse impacts.

General Conditions:

1. The permittee must maintain the dock authorized by this permit in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity, although he may make a good faith transfer to a third party. Should the permittee wish to cease to maintain the authorized structure or desire to abandon it without a good faith transfer, he must obtain a modification of this permit from this office, which may require restoration of the area.

2. If the permittee discovers any previously unknown historical or archeological remains during construction of the structure authorized by this permit, he must immediately cease work and notify this office of what was found. The Corps will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

3. The permittee must allow representatives from this office to inspect the authorized dock at any time deemed necessary to ensure that it is being or has been constructed and maintained in accordance with the terms and conditions of the permit.

4. In issuing authorization to construct a dock under the approval of this permit the Government will rely on the information and data provided by the applicant. If the information and data prove to be false, materially incomplete or inaccurate, the authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings to have the structure removed from the navigable waterway.

5. Every permittee who has received a General Permit 23 verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded to the Corps and will include: 1) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific- conditions; 2) A

statement that any required mitigation was completed in accordance with the permit conditions; 3) The signature of the permittee certifying the completion of the work and mitigation.

Limits of Authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorized any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

Limits of Federal Liability:

In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damage to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

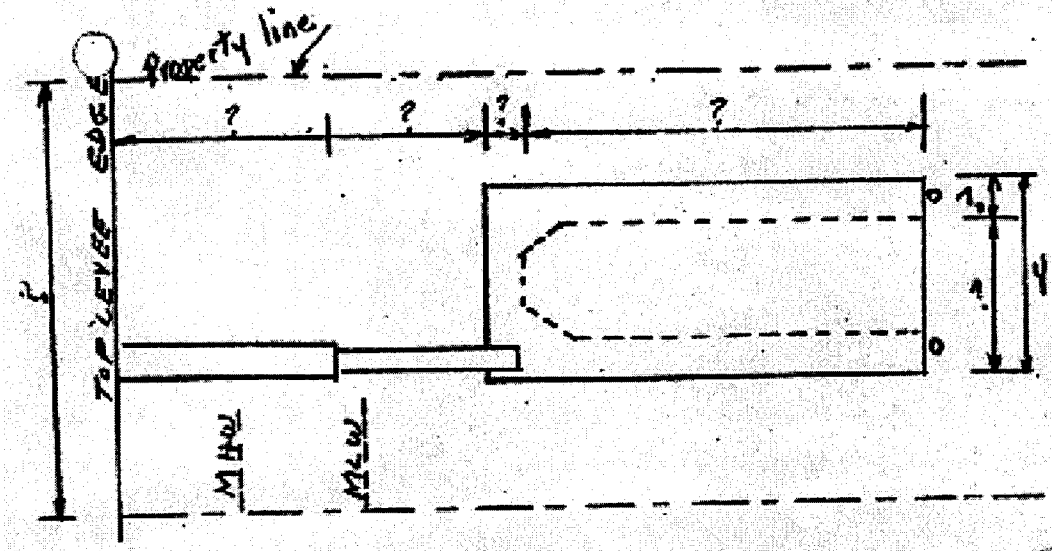
d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

/s/
Michael S. Jewell
Acting Chief, Regulatory Branch
01 December 2003

Appendix A

GENERAL PERMIT 23



PLAN

Scale: 1" = 20'

NOTES

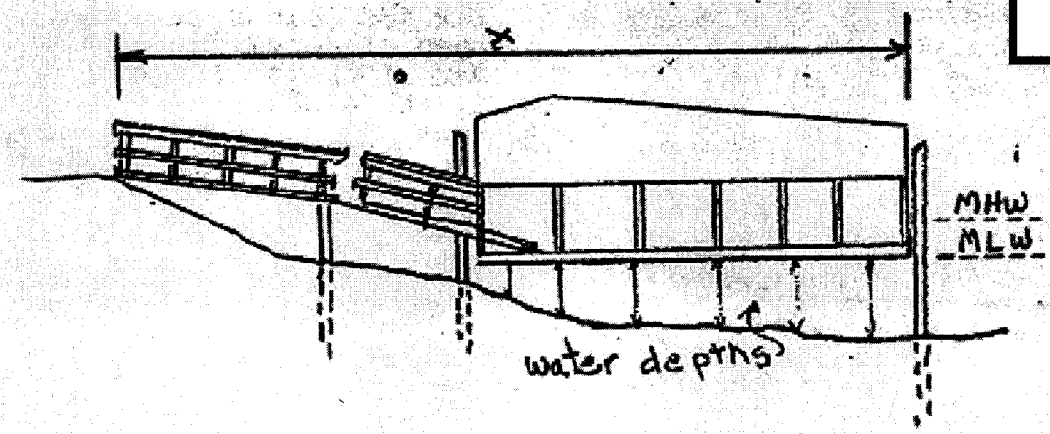
Max "X" Dimension = Special Condition 3

Max "Y" Dimension = Special Condition 2

Max width for finger floats and walkways = 4 feet

Max width for gangway = 3 feet

Max width for header floats = 8 feet



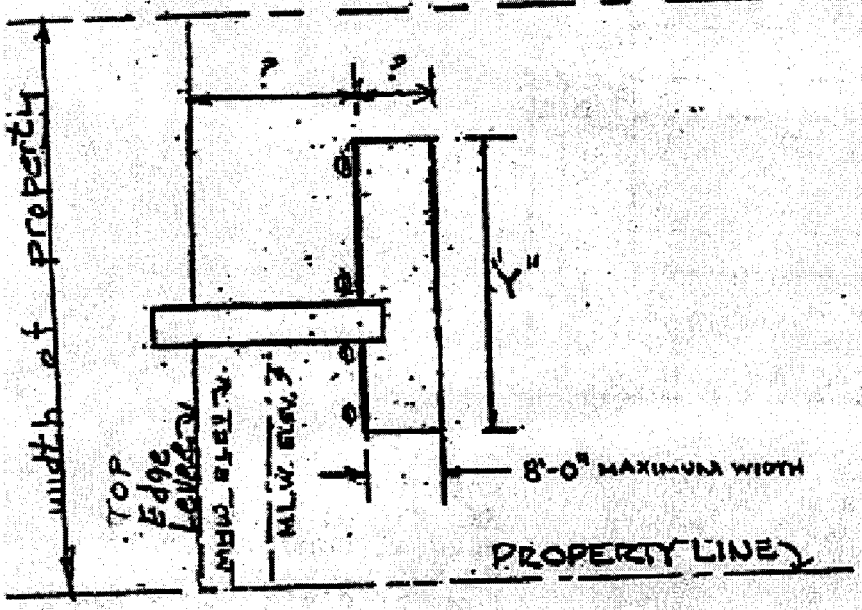
ELEVATION

U.S. Army Corps of Engineers

PLAN A

Covered or Uncovered, Single Berth Floating Docks

GENERAL PERMIT 23



PLAN

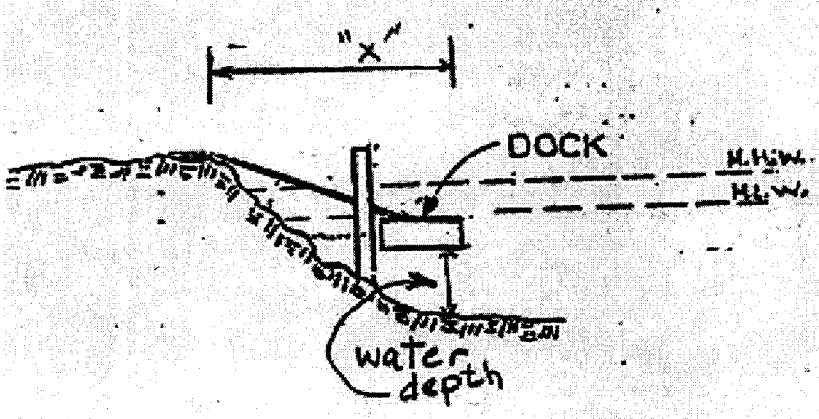
NOTES

Max "X" Dimension = Special Condition 3

Max "Y" Dimension = Special Condition 2

Max width for finger floats and walkways = 4 feet

Max width for gangway = 3 feet



ELEVATION

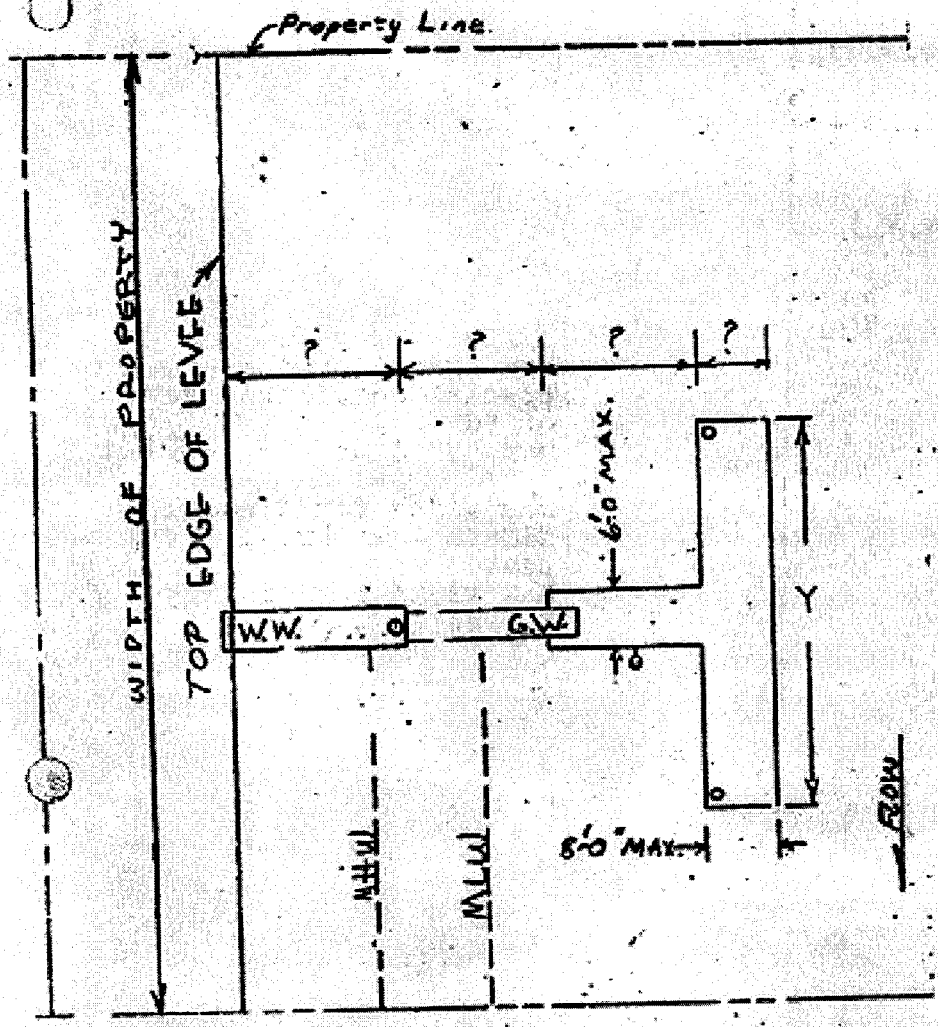
SCALE: 1" = 20'

U.S. Army Corps of Engineers

PLAN B

Parallel Floating Dock

GENERAL PERMIT 23



PLAN

NOTES

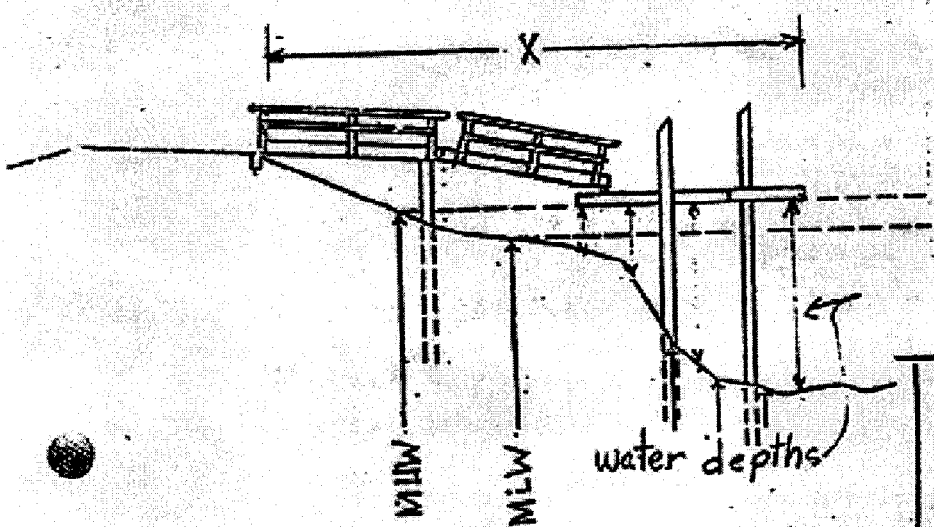
Max "X" Dimension = Special Condition 3

Max "Y" Dimension = Special Condition 2

Max width for finger floats and walkways = 4 feet

Max width for gangway = 3 feet

Max width for header floats = 8 feet



ELEVATION

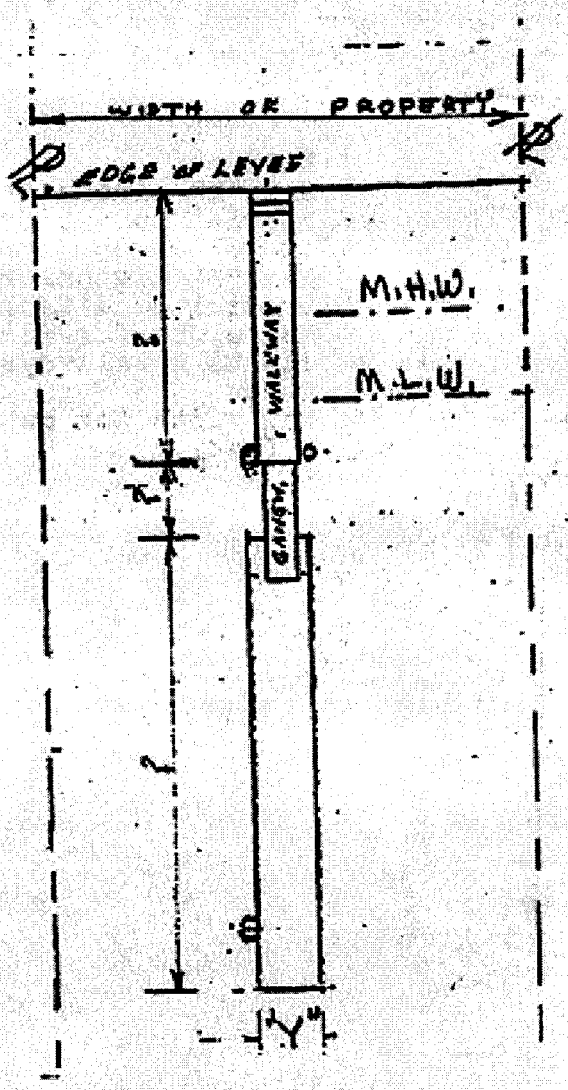
Scale: 1" = 20'

U.S. Army Corps of Engineers

PLAN C

"T" or "L" Shape Floating Docks

GENERAL PERMIT 23



PLAN

SCALE: 1" = 20'

NOTES

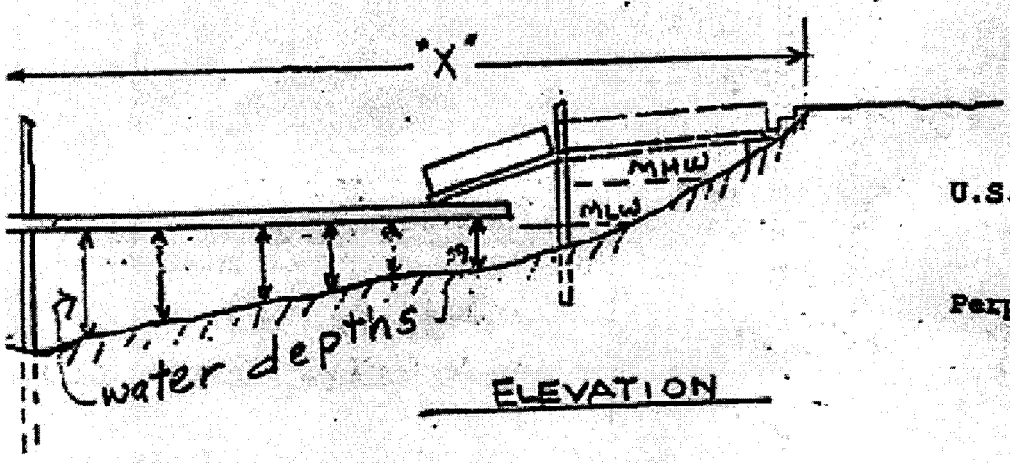
Max "X" Dimension = Special Condition 3

Max "Y" Dimension = 8 Feet

Max width for finger floats and walkways = 4 feet

Max width for gangway = 3 feet

Max width for header floats = 8 feet



ELEVATION

U.S. Army Corps of Engineers

PLAN D

Perpendicular Floating Dock