



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 199500452

Date: July 30, 2001

Comments Due: August 29, 2001

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN::

SUBJECT: Application for a Department of the Army permit under the authority of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act to discharge dredged or fill material and construct a marina and hotel restaurant as shown on the attached drawings.

APPLICANT: Robert Leach, Captain's Table Hotel, LLC., 3941 Park Dr., El Dorado Hills, CA 95762-4549

LOCATION: A 7.84-acre site, including the levee, along the left bank of the Sacramento River (River Mile 55.5), City of Sacramento, Sacramento County, California. See attached vicinity and location maps.

PROJECT DESCRIPTION: The proposed work is removal of an old, deteriorated dock and sunken barge, and construction of a new dock, a debris deflector, 550 feet of bank stabilization, and a restaurant and hotel complex. The old dock would be removed by cutting the pilings at the mud-line and removing them with a crane. The 30'x60' sunken barge would be raised and towed to a disposal site. Approximately 550 feet of the shoreline would be stabilized by excavation of approximately 500 cubic yards of material and placement of approximately 2,250 cubic yards of imported rock slope protection. Some willow wattle placement is proposed. Some areas of vegetated shoreline in the project area are proposed to remain undisturbed. The applicant has not identified a disposal location for the dredged or excavated material. No construction dewatering is proposed. A generalized planting plan is attached.

The new floating dock and gangway would be approximately 1,050'x8' and 65'x6' respectively, covering approximately 10,500 sf. supported by twenty seven (27) 60'x14" square concrete pilings. An approximately 50'x10' debris deflector supported by two (2) pilings would be constructed upstream of the dock. The new dock is proposed to provide boaters a place to moor their vessels and access upland portions of development only. No boat slip, fueling station, dry dock, boat launch or ramp are proposed.

The applicant is also proposing to construct a piling supported 1-story 12,000 sf restaurant, with parking underneath, access roads, fitness center, and a pool/jacuzzi with access stairs on the water-side of the levee. The restaurant would be outside the 10' toe of the levee and elevated above the 200-year flood plain. Other proposed structures on the water side of the levee would be within the 100-year flood plain. A sand/oil interceptor is proposed to drain the parking lot to Riverside Boulevard. A 20,811 sf, 3-story hotel, parking lots and bike trail are proposed on the land-side of the levee, to be accessed via Captain's Table Road.

AREA DESCRIPTION: The project site includes 1,306 feet of riverbank directly across the river, approximately 360 feet, from the existing Sacramento Yacht Club. The project area is bounded by Riverside Boulevard and Interstate Highway 5 on the east, a private apartment complex and residential areas on the south, City owned land, including a paved recreational/maintenance path on the levee on the north and the Sacramento River flowing southward on the west. Previous construction at the site included the Captain's Table Marina, a 40-boat private marina, a restaurant which burned years ago and a paved bike/maintenance path.

The project area is at the northern end of the legal delta and includes approximately 1.51 acres of shallow water habitat, 1.63 acres of riparian woodland, 0.94 acre of shaded riverine aquatic habitat (SRA) and 5.27 acres of upland urban landscape. Shallow water habitat is the aquatic area between the ordinary high water mark and 3 meters below mean-low-water. The dominant vegetation in the SRA and riparian woodland habitat areas includes Fremont cottonwood, Valley oak, Western sycamore, narrow leaf willow, California rose, Himalayan blackberry and blue elderberry. The dominant vegetation in the upland areas includes Black locust, oleander, pecan, pine, flowering plum, Bermuda grass, barley, rip-gut brome, black mustard, sow thistle, prickly lettuce, storksbill, and yellow star-thistle. This reach of the Sacramento River supports both sport and commercial fisheries such as, American shad, striped bass, green and white sturgeon, catfish, bass, sunfish, river lamprey, including federally-listed winter and spring-run Chinook salmon, Central Valley steelhead, delta smelt, and Sacramento splittail. This reach of the river is also within designated critical habitat for several of these fish species.

ADDITIONAL INFORMATION: Endangered or Threatened Species The proposed project may affect the federally-listed delta smelt (*Hypomesus transpacificus*), Sacramento splittail (*Pogonichthys macrolepidotus*), Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), Giant garter snake (*Thamnophis gigas*), Central Valley steelhead (*Oncorhynchus mykiss*), Central Valley spring and winter-run Chinook Salmon (*O. tshawytscha*), or their critical habitat. Consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act is ongoing. The project may also affect Essential Fish Habitat for Pacific Salmon.

Cultural Resources A cultural resource assessment was conducted in February 1998, by PAR Environmental Services, a summary of this report is included in the Environmental Impact Report for this project. Based on that summary, no historic or cultural properties were identified on this site during the field survey. However, the Corps will need additional information from the applicant to determine the effects of project on cultural resources.

The District Engineer has made these determinations based on information provided by the applicant and on the Corps' preliminary investigation.

A March 19, 1982, Department of the Army permit (#6854) authorized the construction of an uncovered 137 slip marina. That work was not started and the permit expired March 6, 1989.

Other federal, state, and local permits The applicant has applied to the following agencies:

- California Regional Water Quality Control Board for a Clean Water Act Section 401 water quality certification
- California Department of Fish and Game for a Streambed Alteration Agreement
- Reclamation Board for Encroachment Permit
- State Land Commission for Marina Lease

Related Documents

- February 2001, Biological Assessment, Captain's Table Hotel, LLC
- April 1999, Final Environmental Impact Report and Responses to Comments, Captain's Table Marina and Resort, and pending addendum
- April 1999, Mitigation Monitoring Program and Plan, Captain's Table Marina and Resort Hotel
- October 1998, Draft Environmental Impact Report, Captain's Table Marina and Resort
- June 1998, Preliminary Administrative Draft Environmental Impact Report, Captain's Table Marina and Report Hotel

CONSIDERATION OF COMMENTS: Interested parties are invited to submit written comments on or before **August 29, 2001**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain 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 the 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.

This public notice may also be obtained through our web-site at www.spk.usace.army.mil/cespk-co/regulatory/. If additional information is required, please contact the applicant, Robert Leach with Captain's Table Hotel, LLC, at (916) 933-5911, or Justin Cutler, at the letterhead address, e-mail: jcutler@spk.usace.army.mil, or telephone (916) 557-5258.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Attachments: 8 Drawings