

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 199700732

Date: March 10, 2003

Comments Due: April 9, 2003

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, is soliciting comments on its proposal to reissue the attached General Permit 23 (GP23), with revisions, to facilitate stream-lined application processing for boat dock projects with minimal individual and cumulative impacts on aquatic resources. GP23 authorizes the construction of single-berth, covered or uncovered, boat docks in navigable waters of the Sacramento-San Joaquin Delta and in the Sacramento River upstream to River mile 200 (about 1/2 mile upstream of Gianella Bridge). GP23 was first issued on January 3, 1983, and has been reissued three times.

Proposed revisions to GP23 include the addition of double-berth boat docks, a notification process and application information requirements, and formatting changes to clarify the terms and conditions of GP23. Additionally, until a decision is made on reissuance, we are extending the expiration date of the existing GP23 until November 30, 2003.

**LOCATION:** The geographic area covered by this permit would be within the Legal Boundaries of the Sacramento-San Joaquin Delta, and the Sacramento River to River Mile 200 (about 1/2 mile upstream of Gianella Bridge).

**COMMENTS:** Interested parties are invited to submit written comments on or before April 9, 2003. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. 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 <http://www.spk.usace.army.mil/cespk-co/regulatory>. If additional information is required, please contact Justin Cutler, at the letterhead address, e-mail: [Justin.Cutler@usace.army.mil](mailto:Justin.Cutler@usace.army.mil), or telephone (916) 557-5258.

Michael J. Conrad, Jr.  
Colonel, US Army  
District Engineer

Attachment: GP23 (7 pages)

**GENERAL PERMIT 023**  
**Sacramento-San Joaquin Delta and the**  
**Sacramento River upstream to River Mile 200**  
**Single Berth, Covered or Uncovered, Boat Docks**

**Effective Date:**  
**1 August 1998**

**Expiration Date:**  
**31 December 2002**

**TO WHOM IT MAY CONCERN:**

The authorized work will be performed in accordance with the special and general conditions stated herein. Samples of the required drawings are attached to this notice. This permit would be in effect for five years. Projects that do not qualify under this 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.

Excluded from the general permit are those waterways that are designated 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, and channel islands, berm islands, groins and shoals. This permit will not apply to docks presently in place without Department of the Army permits.

**Special Conditions:**

a. The permittee shall submit a complete description of the work to the following agencies at least 30 days prior to initiation of the work:

U.S. Army Corps of Engineers  
Sacramento District  
Attn: Regulatory Branch  
1325 "J" Street, Room 1480  
Sacramento, California 95814-2922

State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, California 94814-8202

The Reclamation Board  
1416-9th Street, Room 335  
Sacramento, California 95814

The description shall include the applicant's name, address, and telephone number, location of the proposed activity by Assessor's Parcel Number and street or lot number. Drawings will show the following: 1) a vicinity map; 2) a full dimension plan view of the structure and its relationship to upstream and downstream property lines and to existing structures; 3) the proposed distance the structure will extend into the waterway, measured from the top waterward levee edge; 4) the waterfront width of the upland property; 5) the clearance from the proposed dock, to the far shore, or the pierhead line of the docks on the far shore.

Included with the application and drawings, submit a photograph of the shoreline where construction will take place for the purpose of evaluation of critical habitat for the Federally listed as endangered Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*), and the Federally listed as threatened delta smelt (*Hypomesus transpacificus*) and west coast steelhead (*Oncorhynchus mykiss*). Upon receipt of this information, a determination will be made whether the project will qualify under this general permit.

- b. 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.
- c. 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 channel, or exceed 100 feet waterward or 30 percent of the distance across the waterway as measured from the mean low water elevation; whichever is more restrictive.
- d. Only one dock may be constructed on each littoral parcel.
- e. 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.
- f. Applicants should follow the guidelines as put forth in the latest edition of the State of California Department of Boating and Waterways' 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.
- g. All work is completed according to current engineering standards.
- h. 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.
- i. No pile shall be driven into the levee cross-section.
- j. 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.
- k. 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.
- l. 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.
- m. To protect the Federally listed as endangered Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*), and the Federally listed as threatened delta smelt (*Hypomesus transpacificus*) and west coast steelhead (*Oncorhynchus mykiss*), in-water work may only take place within the dates listed within 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.
- n. To protect the Federally listed as endangered Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*), and the Federally listed as threatened delta smelt (*Hypomesus transpacificus*) and west coast steelhead (*Oncorhynchus mykiss*), habitat replacement must occur as per the protocol outlined within 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.

- o. 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.

**General Conditions:**

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.

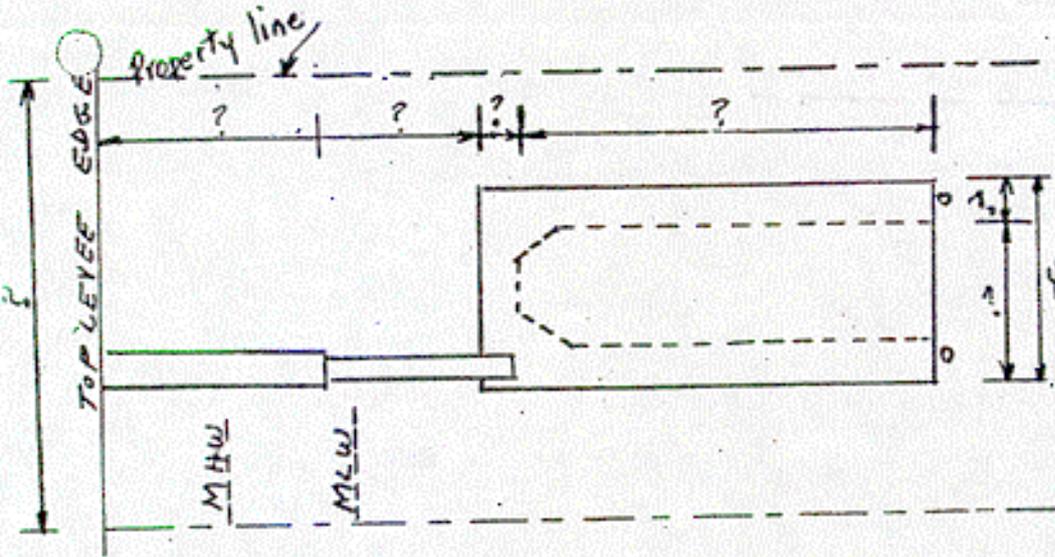
**Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

- 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/

Art Champ  
Chief, Regulatory Branch  
August 1, 1998

# GENERAL PERMIT 23



PLAN

Scale: 1" = 20'

**NOTES:**

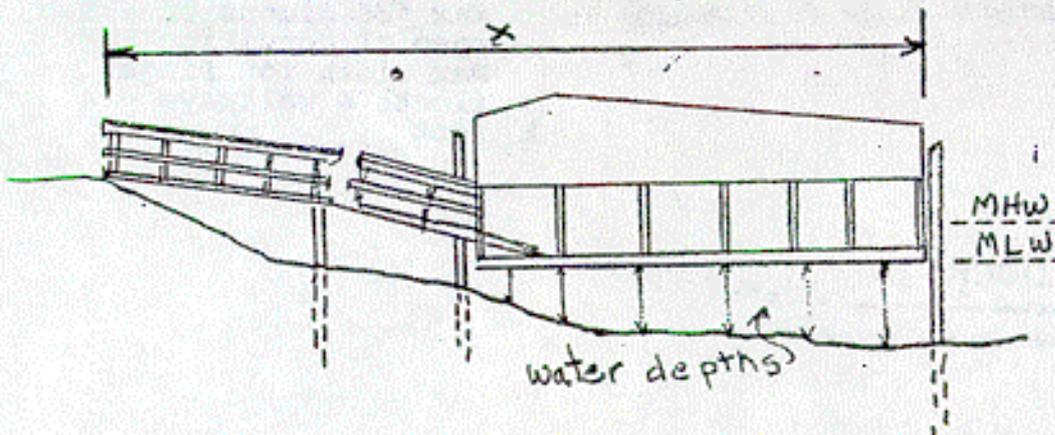
Max "X" dimension - See special conditions "c" or "d"

Max "Y" dimension - See special condition "b"

Max width for finger floats & walkways - 4 feet

Max width for gangway - 3 feet

Max width for header floats - 8 feet



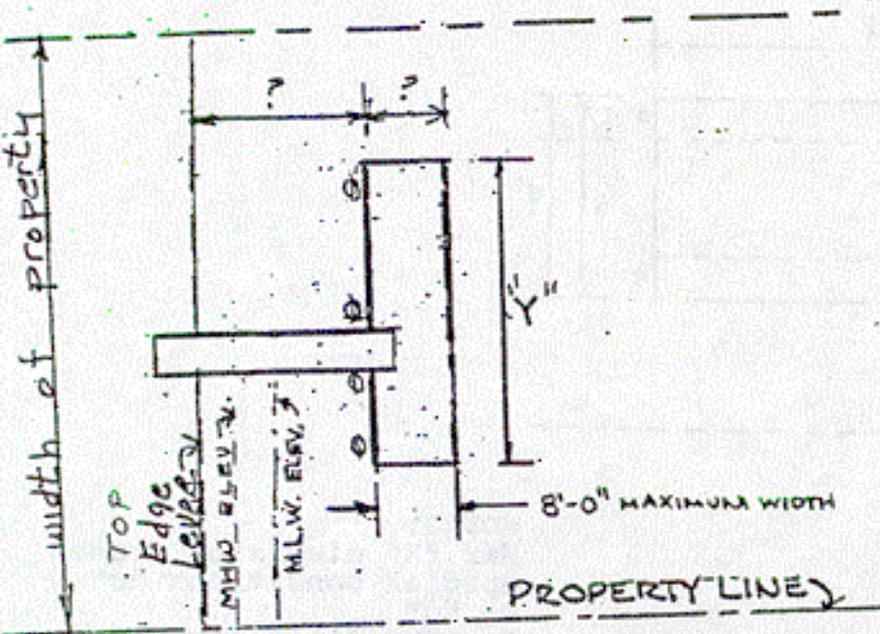
ELEVATION

U.S. Army Corps of Engineers

## PLAN A

Covered or Uncovered, Single Berth Floating Docks

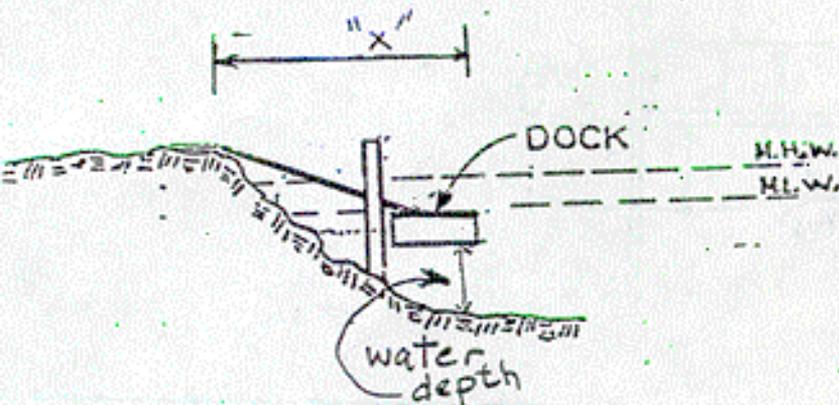
# GENERAL PERMIT 23



PLAN

**NOTES:**

- Max "X" dimension - See special conditions "c" or "d"
- Max "Y" dimension - See special condition "b"
- Max width for finger floats & walkways - 4 feet



ELEVATION

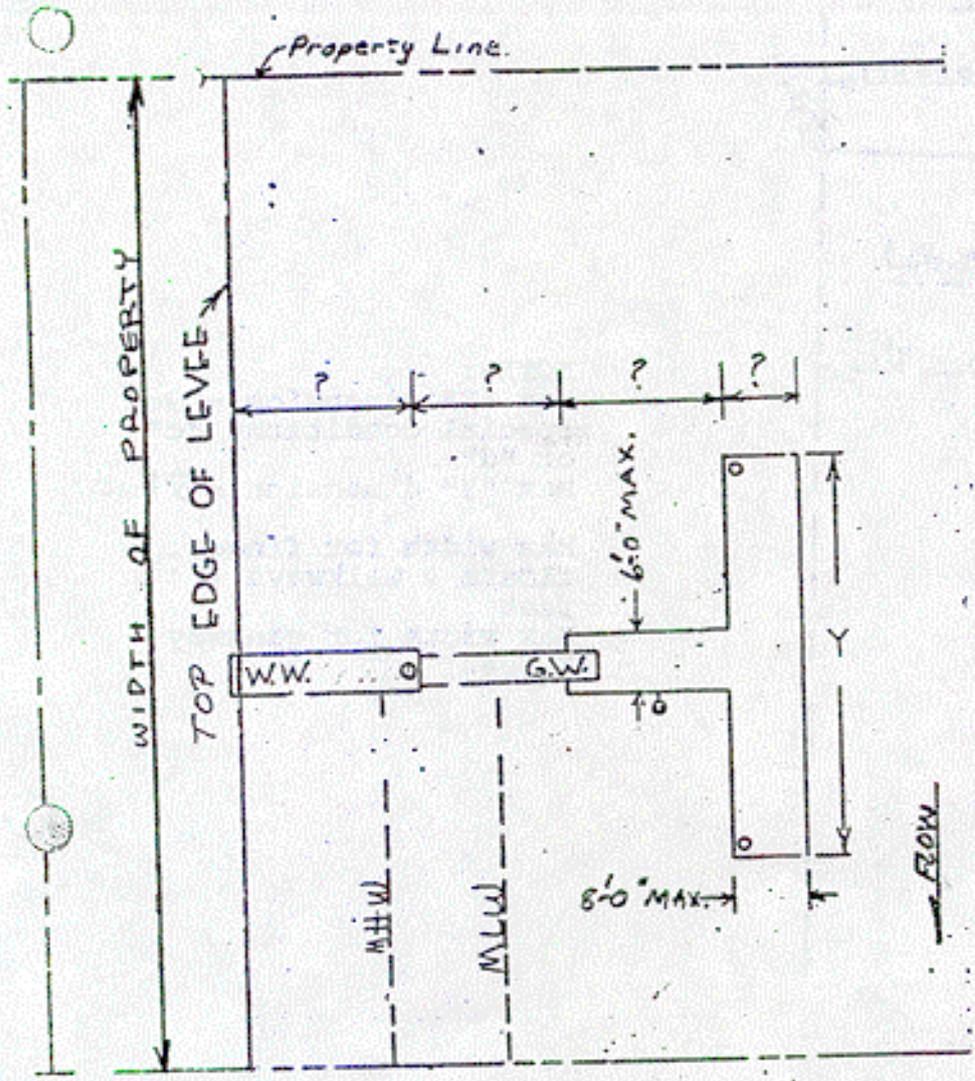
SCALE: 1" = 20'

U.S. Army Corps of Engineers

**PLAN B**

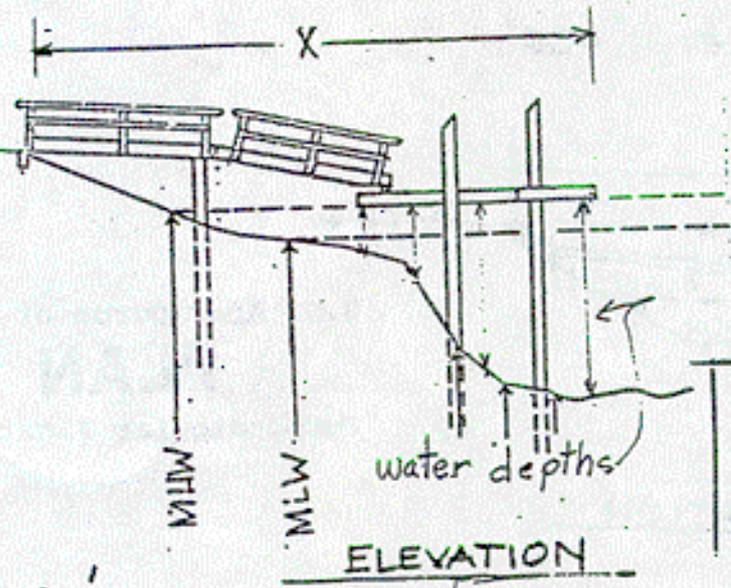
Parallel Floating Dock

# GENERAL PERMIT 23



NOTES:  
 Max "X" dimension - See special conditions "c" or "d"  
 Max "Y" dimension - See special condition "b"  
 Max width for finger floats & walkways - 4 feet  
 Max width for gangway - 3 feet

PLAN

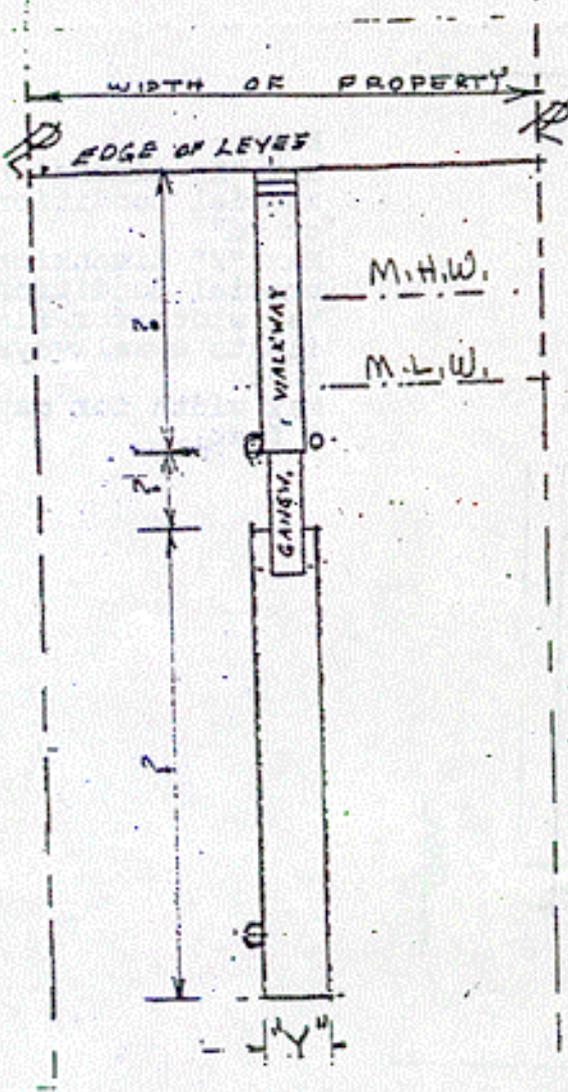


ELEVATION

U.S. Army Corps of Engineers  
**PLAN C**  
 "T" or "L" Shape Floating Docks

Scale: 1" = 20'

# GENERAL PERMIT 23



**NOTES:**

Max "X" dimension - See special conditions "c" or "d"

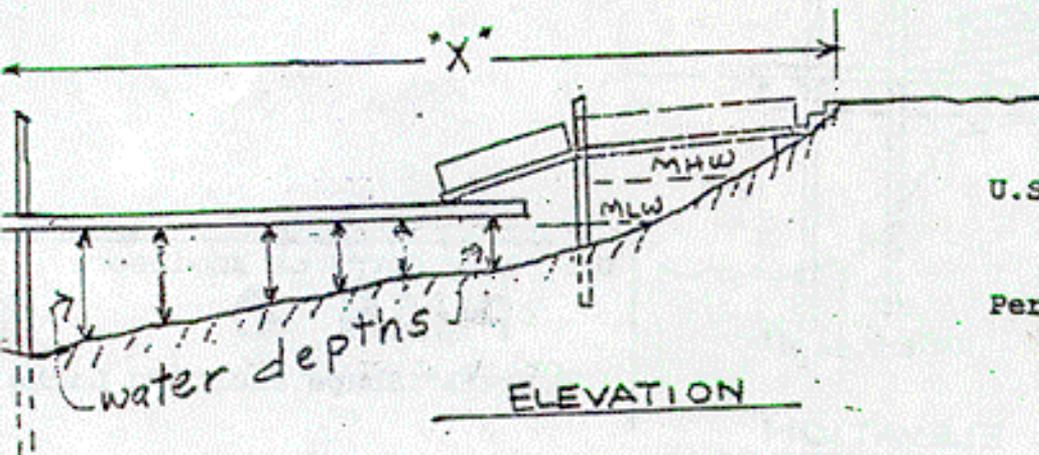
Max "Y" dimension - 8 feet

Max width for finger floats & walkways - 4 feet

Max width for gangway - 3 feet

PLAN

SCALE: 1" = 20'



U.S. Army Corps of Engineers

## PLAN D

Perpendicular Floating Dock