



Public Notice

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

Number: 200500557
Date: August 08, 2005
Comments Due: September 07, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to retain a covered boat dock and stationary patio which were constructed in Waters of the U.S. without prior Corps authorization. These structures cover approximately 0.07 acres of navigable waters of the United States in Atherton Cove. This notice is to inform interested parties of the proposed activity 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 application 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/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Gerald Shipman
3444 Country Club Boulevard
Stockton, California 95204-3808
209-464-9497

LOCATION: The project site is located in Stockton at 37D57'35" latitude, 121D20'50" longitude, Township 1 North, Range 6 East, San Joaquin County, California.

PROJECT DESCRIPTION: The applicant proposes to retain a covered boat dock and a piling supported stationary patio extending out over the water. The floating dock measures 36'X50'-9". It is connected to two 6-inch steel pipe guide piles on the Northwest side. The roof framing is constructed of steel tubes, and the roof is steel seam-lapped. The structure measures approximately 9.5' from top of deck to bottom of roof at the edge of the dock, and approximately 12'-6" at it's highest point in the center. The floating dock includes a 19'X4' steel gangway, connected to a 8'-3"X9' concrete abutment. The abutment is adjacent to a stationary patio that measures 52'-9"X24'-9". The patio is supported by four 12' timber piles. A smaller boatshed existed on this property since 1972. A Corps Permit #6220 was issued to retain the pre-existing floating boatshed on September 12, 1977. The patio and modifications to the boatshed have not been permitted by the Corps.

Based on the available information, the floating dock, gangway, and patio are for private, recreational use. No other construction activities is proposed for this project; however, occasional maintenance may be required. All work is complete.

The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The covered boat dock and patio were constructed in navigable Waters of the United States in Atherton Cove off the San Joaquin River. There are other boat docks and boatsheds intermittently across and along the cove. The projected site is in a relatively shallow tidal waters in a cove which is in a low denisty residential area, other areas include riparian habitat and shaded riverine.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has not proposed to mitigate.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California regional Water Quality Control Board (CRWQCB) may be required for this project. The applicant has not indicated they have applied for certification. An application to the California State Lands Commission identification number: PRC 5844.9, dated March 1, 2005, is pending. These structures may also require authorization from the California Department of Fish and Game.

HISTORIC PROPERTIES: Based on the available information, there are no cultural resources within the project's area of potential effect.

ENDANGERED SPECIES: The activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The project may adversely affect Essential Fish Habitat. The Corps will initiate consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit 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 200500557, must be submitted to the office listed below on or before September 07, 2005:

Peck Ha, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: peck.ha@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 Peck Ha, 916-557-6617, peck.ha@usace.army.mil.

Attachments: 4 drawings