



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200100497

Date: December 23, 2002

Comments Due: January 23, 2003

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under authority of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act to construct a subdivision and boat docks adjacent to the Calaveras River, as shown in the attached drawings.

**APPLICANT:** Wayne Bruns  
3397 Lagoon Avenue  
Atwater, CA 95301

**LOCATION:** The proposed Willow Equities Subdivision project is located in Stockton, Township 1&2 North, Range 6 East, MDB&M, San Joaquin County, California.

**PURPOSE:** The applicants proposed project purpose is to construct residential subdivision with boat dock facilities along the Calaveras River.

**PROJECT DESCRIPTION:** The applicant is proposing to build 68 single family residential homes, 12 boat docks, a bridge, dredge within jurisdictional waters, and move an existing levee on a parcel of land along the Calaveras River. The applicant is proposing to construct 68 residential homes on a 25 acre parcel adjacent to the Calaveras River. Twenty-four homes would have waterside access along the Calaveras River and an adjacent slough. The waterside homes would share twelve boat docks.

The applicant is proposing to dredge 11,000 cubic yards of a 0.43 acre jurisdictional riparian tidal marsh slough and part of the Calaveras River. The slough would be enlarged to 1.13 acres to accommodate two of the twelve proposed boat docks and allow boat access for five homes adjacent to the slough. The dredged material would be placed on the upland and allowed to dry.

The banks of the slough would be cut to a 2:1 slope and vegetated with grass. Ten docks would be constructed along the north edge of the property and service the homes along the Calaveras River. The docks would shade approximately 3000 square feet of jurisdictional waters.

The applicant is proposing to construct a 110-foot-long by 50-foot-wide bridge across the enlarged slough for vehicle traffic. The bridge supports would cause a discharge of 110 cubic yards of fill material into 0.003 acres of jurisdictional waters. The applicant is proposing to move an existing levee that currently runs along the north side of the property and the slough, closer to the northern property boundary along the Calaveras River, so that more and larger

building lots can be established. The new levee would be constructed within a part of the Calaveras River, slough, and the existing riparian area. The area of impact for this entire project is 0.497 acres of waters of the United States. There is a levee directly adjacent to the Calaveras River on the opposite side of the proposed project site. The channel width at the mean high tide line within the project area ranges from 131 feet to 184 feet with an average width of 154 feet.

**AREA DESCRIPTION:** The 25 acre project site consists of an upland mixed annual grassland and 1600 feet of riparian corridor along the Calaveras River. This portion of the Calaveras River offers shaded aquatic habitat by supporting riparian vegetation. A 0.43 acre riparian tidal marsh in-let slough is adjacent and tributary to the Calaveras River. There are 13 existing docks on the property that will be replaced with 12 new docks in different locations.

**ADDITIONAL INFORMATION:**

The construction of the new levees would decrease the amount of floodplain within the project area and may increase water levels and flow velocities during storm events within the Calaveras River. The flood plain would be decreased by 100 feet in certain areas along the Calaveras River. The proposed slough expansion for boat traffic would reduce the amount of existing riparian vegetation. The excavated slopes would be stabilized by planting grass seed. The shallow water habitat would be reduced when the slough is dredged for safe boat access. The new bridge structure may increase the amount of untreated road water runoff that would end up in the slough and the Calaveras River. The runoff may contain hazardous automobile fluids that can degrade water quality.

The Stockton Yacht Club is located on the northeast portion of the project area on the Calaveras River. The club currently leases this portion of the property and the lease is scheduled to expire. The Stockton Yacht club has requested a permit from the Corps of Engineers to move their existing boat house 150 feet upstream onto another property.

Presently unknown cultural resources may be located in the permit area. The applicants consultant will have to submit information to address Section 106 of the National Historical Preservation Act issues as part of this permit process.

The following endangered species may be present in the permit area: giant garter snake (*Thamnophis gigas*), delta smelt (*Hypomesus transpacificus*), Sacramento splittail (*Pogonichthys*), Central Valley steelhead (*Oncorhynchus mykiss*), winter-run chinook salmon (*Oncorhynchus tshawytscha*), and Central Valley spring-run chinook salmon (*Oncorhynchus tshawytscha*). The Corps of Engineers will consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service pursuant to Section 7 consultation under the Endangered Species Act (ESA) and essential fish habitat for Pacific Salmon pursuant to Section 305 (b)(2) of the Magnuson-Stevens Act.

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

Interested parties are invited to submit written comments on or before **January 23, 2002**. 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.

If additional information is required, please contact Willow Equities, LLC Wayne Bruns, telephone 408-806-4899, or Mr. Paul Maniccia, at the letterhead address, telephone 916-557-6704.

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

Enclosures: Drawings (13)