Work Plan for

UC Merced Environmental Impact Statement

Prepared for:
U.S. Army Corps of Engineers
Sacramento District
1325 J. Street
Sacramento, CA 95814

Prepared by:
David B. Barrows
Environmental Consulting
6450 S.W. Loop Drive
Portland, OR 97221-3364
and
URS
111 SW Columbia, Suite 900
Portland, OR 97201

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ABBREVIATIONS & ACRONYMS

BA	Biological Assessment
BO	Biological Opinion
CFR	Code of Federal Regulations
Corps	US Army Corps of Engineers
DA	Department of the Army
DEIS	Draft Environmental Impact Statement
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EPA	US Environmental Protection Agency
FEIS	Final Environmental Impact Statement
LEDPA	Least Environmental Damaging Practicable Alternative
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
ROD	Record of Decision
SHPO	State Historic Preservation Office
SOR	Statement of Responsibility
UC	University of California
USACE	US Army Corps of Engineers
USEPA	US Environmental Protection Agency
USFWS	US Fish and Wildlife Service

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1.0
INTRODUCTION

The University of California proposes to build a new campus at Merced, California. The County of Merced would provide infrastructure to the campus. Both projects propose to fill waters of the United States requiring a Department of the Army permit under Section 404 of the Clean Water Act from the Sacramento District Corps of Engineers (Corps). The Corps has determined that an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) should be prepared before making its decision to issue or deny a permit for the proposed projects. Further, the Corps has determined that a single EIS would address both the University Project and the Merced County Project. The Corps would serve as the lead Federal agency and the US Fish and Wildlife Service (USFWS) has agreed to serve as a cooperating agency. The US Environmental Protection Agency (EPA) has agreed to make itself available to provide technical assistance, but time constraints prevent it from serving as a cooperating agency. The Corps has selected David B. Barrows Environmental Consulting as the third party EIS Contractor. Preparation of the EIS will take approximately two years. The Corps has prepared a preliminary schedule as shown on Table 1.

1.1 PURPOSE OF THE WORK PLAN

The purpose of this Work Plan is to serve as a general guide for the preparation of the EIS for the proposed projects. The Work Plan is designed to establish the approximate scope of work required to acquire data and prepare the EIS. Once the Corps approves the Work Plan, the EIS Contractor will adhere to the Work Plan in preparing the EIS or will obtain an approved modification from the Corps before deviating from the Work Plan. The Corps will notify the EIS contractor in writing with regard to any changes that the Corps wants to make to the Work Plan after it is approved. The Work Plan provides criteria for identifying and sorting issues, preparing documentation, and tracking issues through analysis and discussion in the EIS. The major tasks are later explained in detail in this Work Plan, but are listed below:

- Scoping Report (Completed August 2002)
- Work Plan
- Baseline Studies
- Alternatives Analysis
- Affected Environment/Environmental Consequences
- Mitigation Measures
- Cumulative Impacts
- DEIS
- Public Hearing/Workshop on DEIS

- Comment Report for FEIS
- FEIS

A review of each of the environmental topics to be covered in the EIS is included in the Work Plan. The purpose of the review was threefold: (1) identify existing background information applicable to the EIS; (2) identify additional information required for EIS completion; and (3) outline the major content of the EIS. This process is described in greater detail below. This Work Plan will be a dynamic document that will be updated and revised to reflect the requirements of NEPA, new information required by the Corps and other resource agencies, and the technical analyses and methodology for the EIS.

1.2 STATEMENT OF PROJECT PURPOSE

The Corps has reviewed the project purpose statements that were submitted by the applicants for both the University Project and the Infrastructure Project, received additional input from the applicants, agencies and the public, and after careful consideration determined that the project purpose statements should read as follows:

University Project Purpose:

To establish a major research university in Merced County that would ultimately support 25,000 full-time equivalent students with a contiguous associated community needed to support the university.

Merced County Project Purpose:

To support the proposed UC Merced campus with necessary infrastructure contiguous to the proposed campus with roads and utilities sized to support complete build-out of the main campus and an associated community.

2.0
COMMUNICATION AND REVIEW PROCESS

2.1 COMMUNICATION

Maintaining open, regular communication between key parties involved in the project is important to completing the EIS efficiently. One of the primary responsibilities of the EIS Contractor will be to keep in touch frequently with the Corps, other members of the Federal EIS team, the University, and the County. This will allow the EIS Contractor the opportunity to keep these parties informed of progress on the project, to resolve questions that may come up, and to facilitate information exchange between them. There will be regularly scheduled inter-agency EIS team meetings on a monthly basis and meetings with a broader group of agencies and the applicants bimonthly. Other meetings will be scheduled as needed. Day-to-day communication will occur via telephone.

As work products are completed they will be posted on the Corps web site, which will be kept up to date. For further information about communication with the public see Section 3.7.

2.2 ROLES AND RESPONSIBILITIES

The roles and responsibilities for the Corps, EIS Contractor, the University, and Merced County have been agreed upon and set forth in a Statement of Responsibilities (SOR) that was jointly signed and executed on the date of the last signature, which was May 17, 2002. The text from the SOR has been included as Attachment A to this Work Plan. Attachment 1 to the SOR is the original Scope of Work, which has not been included because the approved Work Plan will update/refine the original Scope of Work. Attachment 2 to the SOR is the Disclosure Statement, which has been included.

2.3 REVIEW PROCESS

The Corps of Engineers has the final authority on the content of the EIS. The EIS Contractor will submit all work products directly to the Corps for review. The Corps will determine if other parties should be afforded an opportunity to comment or provide other input on preliminary documents. Documents will not be released for public comment or other public uses without the explicit approval from the Corps.

2.4 TABLE OF CONTENTS

The EIS Contractor in preparation of the UC Merced EIS will follow the following outline shown as an EIS Table of Contents unless later amended by the Corps. Unless otherwise indicated, the term "applicant" includes both the University as the applicant for the University Project and Merced County as the applicant for the Infrastructure Project.

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2.5 ANALYSIS OF EXISTING AND NEEDED INFORMATION FOR THE NATURAL ENVIRONMENT

The purpose of this task is to identify the information known to be available for the EIS, determine additional information required for the EIS, and to outline the major content of each Section of the EIS. A brief explanation of these sub-categories is shown below:

- Identify information applicable to the EIS. This involved a review of existing documentation pertaining to the proposed project and a determination whether or not this or a portion of this information is applicable to the EIS.

- Identify additional information required for completion of the EIS. This involved determining if information in prior environmental documents required updating or augmenting for purposes of a EIS, and identifying additional technical studies that should be conducted for the EIS.

- Outline major content of EIS. This involved identifying the major issues to be covered for each resource, based on the information presented in the background material, site-specific conditions, and NEPA guidelines.

The major sources of information used to complete this sub-section of the Work Plan are listed below:

Biological Assessment for the UC Merced Campus Project and County of Merced Infrastructure in Support of UC Merced Project, February 2002

County of Merced University Community Plan - A Plan for a Sustainable and Livable Community, August 2001

County of Merced University Community Plan DEIR, Volumes 1 and 2, August 2001

Evaluation of Water Supply and Drainage Programs and Effects on Fisheries for the UC Merced Campus Project and the County of Merced Infrastructure in Support of the UC Merced Project, February 2002

Final Biological Opinion on the Proposed University of California Merced Campus, Phase 1 and Campus Build Out (Corps #199900203) and Infrastructure Project (Corps #200100570), August 19, 2002

Merced County University Community Plan, UC Merced Economic Background Report, March 2000

Merced County Year 2000 General Plan Incorporating Amendments Resulting from the Phase II Policy Update

Merced Water Supply Plan Update Final Status Report, September 2001

Stormwater Discharge Effects and Water Quality Control Program for the UC Merced Campus Project and Infrastructure in Support of UC Merced Project, June 2002

Supplement to the Biological Assessment for the UC Merced Campus Project and County of Merced Infrastructure in Support of UC Merced Project, July 2002

UC Merced Long Range Development Plan DEIR, August 2001

UC Merced Long Range Development Plan FEIR, January 2002

UC Merced Phase I and University Community Plan Areas California Tiger Salamander Year 2001 Standard Aquatic Survey Report, August 2001

UC Merced/University Community Planning Area Federally-Listed Vernal Pool Crustaceans 1998/1999 Wet Season Survey Report, September 1999.

UC Merced/University Community Planning Area 1999 San Joaquin Kit Fox and Fresno Kangaroo Rat Survey Report, November 1999.

UC Merced/University Community Planning Area 1999 Special Status Plant Survey Report, October 1999.

Wildlife and Rare Plant Ecology of Eastern Merced County's Vernal Pool Grasslands, Vollmar, 2002

2.5.1 Agriculture

Information Available for Analysis The agriculture analysis will be generally based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001, and the Merced County Year 2000 General Plan Incorporating Amendments Resulting from

the Phase II Policy Update. The information from these documents will be used primarily to address the following:

- The regulatory background for agricultural land use and current condition of agricultural land on the proposed site and in the project vicinity.
- The locations of prime agricultural land.
- A discussion of potential project impacts and mitigation measures.

Additional Information Required for Analysis No additional information will be required to complete the agriculture analysis for the EIS.

Major Content of the Section

- Affected Environment
- Potential Impacts
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.2 Air

Information Available for Analysis The air quality analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001, and the FEIR, January 2002. The information from these documents will be used primarily to address the following:

- A description of the existing air quality environment.
- A delineation of key issues and findings of previous environmental reviews.
- A discussion of potential exposures to toxic air pollutants.

Additional Information Required for Analysis. Since the Federal $PM_{2.5}$ standard had only recently been upheld at the time the DEIR was published, it is important to now contact the California Air Resources Board to follow up on their evaluation of the attainment status of the state's air basins with respect to the Federal $PM_{2.5}$ standard.

Major Content of the Section. The primary air quality issues to be discussed in the existing conditions and impacts section will be:

- Affected Environment: Existing climate and air quality in project area and applicable air quality regulations
- Potential Impacts: A qualitative description of impacts associated with the proposed project and alternatives as well as traffic-originated air quality impacts

- Mitigation Measures: Both stationary source controls and trip reduction plan
- Unavoidable Adverse Impacts
- Cumulative Impacts: A brief overview of cumulative impacts on air quality associated with long-term growth in the area.
- Air Conformity Rule: Applicability and /or compliance requirements

2.5.3 Aquatic Resources

Information Available for Analysis The fisheries and aquatic resource analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001, the Evaluation of Water Supply and Drainage Programs and Effects on Fisheries for the UC Merced Campus Project and the County of Merced Infrastructure in Support of the UC Merced Project, February 2002, and the Biological Assessment for the UC Merced Campus Project and County of Merced Infrastructure in Support of UC Merced Project, February 2002. The information from these documents will be used primarily to address the following:

- Merced River Ecological Unit
- Existing aquatic fauna and fisheries
- Effects of water supply plan including campus and infrastructure projects on aquatic resources.
- Essential Fish Habitat (EFH)under Magnuson-Stevens Act

Additional Information Required for Analysis National Marine Fisheries Service (NMFS) is in the process of evaluating whether there are any EFH issues and will notify the Corps of their decision at which point additional information will need to be incorporated into this section.

Major Content of the Section The content of this section will include a discussion of the status of existing fisheries and aquatic resources that may be present in the study area. In addition, this section will describe the regulatory setting and potential impacts and mitigation.

- Affected Environment
- Potential Impacts
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.4 Cultural Resources

Information Available for Analysis The cultural resources analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August

2001, and the FEIR, January, 2002. The information from these documents will be used primarily to address the following:

- A description of the geologic and paleoenvironmental setting as well as the ethnography of the project area
- A delineation of key issues and findings from the Archaeological Records Search including the architectural and archeological inventory
- Section 106 of the National Historic Preservation Act

Additional Information Required for Analysis. If there are areas that would be disturbed that have not yet been surveyed, such as the areas that would be used for restoration/enhancement/compensatory mitigation, the University will provide these surveys to the Corps. Surveys that have already been conducted need to be evaluated for compliance with 106 standards and the University will provide supplementary information as needed.

Major Content of the Section The primary cultural resources issues to be discussed in the existing conditions and impacts section will be:

- Affected Environment: Existing project area conditions
- Potential Impacts: A discussion of the impacts according to the standards of significance for historic, archeological, and paleontological resources
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts: long-term impacts that could damage unidentified prehistoric, historic, or paleontological resources.

2.5.5 Environmental Justice

Information Available for Analysis No environmental justice analysis was performed for the EIR because it was not required. So, no existing environmental justice analysis is available for the EIS.

Additional Information Required for Analysis The EIS needs to determine whether the project has disproportionately high, adverse environmental, human health, or social impacts on minority or low-income communities in the study area, and discuss opportunities for affected communities to provide input into the NEPA process. Environmental Justice is addressed in Executive Order 12898. It is defined by and overseen by EPA as part of NEPA compliance.

Major Content of the Section The content of this section will include a discussion of any adverse impacts that could potentially occur as a result of the proposed project along with any mitigation measures that would be required. The discussion will also include potential

benefits to minority or low-income communities in the study area that could potentially occur as a result of the proposed project. This is not expected to be a significant factor among resources considered. As applicable this section will include:

- Affected Environment
- Potential Impacts
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.6 Geology, Soils, and Seismicity

Information Available for Analysis This analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001. The information from this document will be used primarily to address the following:

- A description of the geology, soils, and seismicity in the study area along with maps delineating features and topography.
- A discussion of potential project impacts and mitigation.

Additional Information Required for Analysis No additional information will be required to complete the geology and soils analysis for the EIS.

Major Content of the Section The primary geology and soils issues to be discussed in the existing conditions and impacts section will be:

- Affected Environment: The geologic history of the area, the soil series in the area, and the seismic hazards in the area
- Potential Impacts
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.7 Hydrology

Information Available for Analysis Information about flood control, ground water recharge, and surface water drainage is discussed in the UC Merced Long Range Development Plan DEIR, August 2001 and will be used in support of this analysis.

Additional Information Required for Analysis Additional information will be required to explain the interconnectedness of groundwater and surface water in the study area and assess the potential impacts on hydrology as a result of development. Based on preliminary

investigation, it is expected that the analysis will be based on existing data and information that needs to be gathered in support of this section. For example, USGS will be contacted to gather any mapping or characterization work done in the vicinity of the project. However, no original fieldwork would be needed to adequately assess potential impacts.

Major Content of the Section The primary hydrologic issues to be discussed in the existing conditions and impacts section will be:

- Affected Environment: Surface water drainage, flood control, and groundwater recharge
- Potential Impacts
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.8 Land Use

Information Available for Analysis The land use analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001, and the Merced County Year 2000 General Plan Incorporating Amendments Resulting from the Phase II Policy Update. The information from this document will be used primarily to address the following:

- A description of the existing land use setting including planned/proposed land use changes in the project vicinity.
- A brief discussion of open space policy issues.
- A discussion of potential project impacts and mitigation measures.

Additional Information Required for Analysis No additional information would be required to complete the land use analysis for the EIS.

Major Content of the Section

- Affected Environment: Current uses of proposed campus site and surrounding areas; land use policies of local jurisdictions
- Potential Impacts: Analysis of the potential impacts related to land use and planning policies
- Mitigation Measures: Ways in which design of the Campus and supporting infrastructure could mitigate their affect on existing land uses
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.9 Navigation

Information Available for Analysis Information on navigable waters may be available in the following documents:

- The Merced Water Supply Plan Update Final Status Report, September 2001
- Stormwater Discharge Effects and Water Quality Control Program for the UC Merced Campus Project and Infrastructure in Support of UC Merced Project, June 2002
- The UC Merced Long Range Development Plan DEIR, August 2001, and FEIR, January 2002

Additional Information Required for Analysis The Corps may also provide information about their jurisdiction over navigable waters and how that affects this project.

Major Content of the Section

- Affected Environment: A definition of navigable waters and identification of such waters in the project area; regulatory background
- Potential Impacts: Downstream effects on navigable waterways
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.10 Noise and Vibration

Information Available for Analysis The noise and vibration analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001, and the Merced County Year 2000 General Plan Incorporating Amendments Resulting from the Phase II Policy Update. The information from these documents will be used primarily to address the following:

- A description of existing noise sources ambient noise levels in the project area.
- A discussion of Federal and state noise guidelines used at local level as enforceable noise ordinances.
- A discussion of potential project impacts and mitigation measures.

Additional Information Required for Analysis No additional information will be required to complete the noise and vibration analysis for the EIS.

Major Content of the Section The section will include the following:

- Affected Environment: an evaluation of current conditions and identification of sensitive noise receptors

- Potential Impacts: an assessment of potential project noise and vibration impacts on the surrounding community in both the construction and operation phases
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.1 Public Health and Safety

Information Available for Analysis The Merced County Year 2000 General Plan Incorporating Amendments Resulting from the Phase II Policy Update provides information of public safety as it pertains to seismic, flood, and fire safety. The Comprehensive Alternatives Analysis provides information about alternative sites and proximity to health and safety hazards such as landfills and hazardous waste sites. Standard University protocols for addressing storage, containment, and spill response associated with any chemical storage/use on the campus as part of operations or research in the labs will be referenced, in addition to any county policies and/or plans.

Additional Information Required for Analysis No additional information will be required to complete the public health and safety analysis for the EIS.

Major Content of the Section

- Affected Environment
- Potential Impacts
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.12 Public Services

Information Available for Analysis The public services analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001, and the Merced County Year 2000 General Plan Incorporating Amendments Resulting from the Phase II Policy Update. The information from this document will be used primarily to address the following:

- Level of service/capacity of existing and planned public services
- Potential project impacts and mitigation

Additional Information Required for Analysis No additional information will be required to complete the public services analysis for the EIS.

Major Content of the Section The description of public services will include existing and planned utilities, police, fire protection, hospitals, schools, and public libraries. This section will describe the potential impacts on level of service/capacity resulting from development of the campus and infrastructure projects and mitigation measures. Major subsections will include:

- Affected Environment
- Potential Impacts
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.13 Recreation

Information Available for Analysis The recreation analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001. The information from this document will be used primarily to address the following:

- Existing recreational facilities and opportunities
- Potential project impacts and mitigation measures

Additional Information Required for Analysis No additional information will be required to complete the recreation facilities and opportunities analysis for the EIS.

Major Content of the Section This section will list and describe existing recreation facilities and opportunities and analyze the capacity of existing recreation in the area to meet increased demand based on the minimum standard number of acres of park space per 1,000 inhabitants where such standards exist. This section will then address potential impacts of increased demand by addressing rate of physical deterioration of facilities and need for construction or expansion of facilities. Major subsections will include:

- Affected Environment
- Potential Impacts
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.14 Socioeconomics

Information Available for Analysis The socioeconomic analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001 on population, employment and housing, the Merced County Year 2000 General Plan

Incorporating Amendments Resulting from the Phase II Policy Update, and the Merced County University Community Plan UC Merced Economic Background Report, March 2000. The information from these documents will be used primarily to address the following:

- Existing conditions
- Projected growth and growth-inducing impacts
- Impacts and mitigation

Additional Information Required for Analysis No additional information will be required to assess the socioeconomic conditions and impacts for the EIS.

Major Content of the Section The content of this section will include a discussion of the cost considerations relative to the proposed site and alternatives as well as a discussion of the existing conditions and potential impacts of the project on population, employment and housing. Major subsections will include:

- Affected Environment
- Potential Impacts
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.15 Threatened, Endangered, Sensitive Wildlife and Plants

Information Available for Analysis The analysis will generally be based on the information presented in the Biological Assessment for the UC Merced Campus Project and County of Merced Infrastructure in Support of UC Merced Project, February 2002, and the Final Biological Opinion on the Proposed University of California Merced Campus, Phase I and Campus Buildout and Infrastructures Project, US Fish and Wildlife Service, August 2002. In addition, the section will rely on information in the UC Merced Long Range Development Plan DEIR, August 2001. The information from these documents will be used primarily to address the following:

- A list of threatened, endangered, or sensitive species in the project area (listed and proposed species and critical habitats)
- A discussion of Federally-listed plants and animals in the Eastern Merced region
- Direct and indirect effects on the proposed and listed species and habitats suitable for supporting listed species.

Additional Information Required for Analysis The US Fish and Wildlife Service will either need to prepare a new Biological Opinion (BO), revise the existing BO, or validate that the existing BO is adequate depending on the outcome of the assessment of vernal pool critical

habitat. Additional information will be incorporated into this section once this is complete.

Major Content of the Section Major subsections will include:

- Affected Environment: A discussion of the proposed and listed species and critical habitats in the project area and results of the assessment of population viability
- Potential Impacts: Potential impacts to habitat and listed species
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.16 Traffic and Transportation

Information Available for Analysis The traffic and transportation analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001. The information from this document will be used primarily to address the following:

- Existing condition of the transportation in the vicinity of the proposed campus site
- Potential impacts of project development on traffic, pedestrian and bicycle facilities, and transit services; discussion of mitigation measures

Additional Information Required for Analysis Need to contact Cal Trans to identify any other ongoing/planned highway projects in the region for the preparation of the Cumulative Impacts section. Need to obtain any available information from the Partnership in Integrated Planning pilot study that focused on assessing growth and how to accommodate growth through transportation.

Major Content of the Section This section will include a description of the current circulation patterns, levels of service, and planned improvements of the transportation system in the vicinity of the proposed project site. The section will discuss the relevant transportation policies and the methods and results of the analysis of potential impacts of project development on the transportation system in the project area. Mitigation measures will be described as applicable. Major subsections will include:

- Affected Environment
- Potential Impacts
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.17 Visual Resources

Information Available for Analysis The visual resources analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001. The information from this document will be used primarily to address the following:

- Existing visual condition of the project area.
- The potential impacts and mitigation measures.

Additional Information Required for Analysis Depending on the level of density selected for the campus and corresponding building height, additional visual analysis may be required.

Major Content of the Section The section will present the following issues:

- Affected Environment: A description of the existing rural and sparsely populated condition of the proposed project site.
- Potential Impacts: A discussion of the visual impacts of developing buildings and other uses including view obstructions, effects of night lighting and daytime glare, and aesthetic effects.
- Mitigation Measures: Mitigation measures will be developed if they are applicable.
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.18 Water Resources

Information Available for Analysis The water resources analysis will generally be based on the information presented in the Merced Water Supply Plan Update Final Status Report, September 2001; the Evaluation of Water Supply and Drainage Programs and Effects on Fisheries for the UC Merced Campus Project and the County of Merced Infrastructure in Support of the UC Merced Project, February 2002; Stormwater Discharge Effects and Water Quality Control Program for the UC Merced Campus Project and Infrastructure in Support of UC Merced Project, June 2002; and the UC Merced Long Range Development Plan DEIR, August 2001, and FEIR, January 2002. The information from these documents will be used primarily to address the following:

- Existing conditions
- Proposed water programs
- Potential impacts and mitigation measures

Additional Information Required for Analysis . The Corps will provide a Haystack Dam project status update. Any other information now available on the Haystack Dam project or the Montgomery project should be obtained and incorporated into the description of proposed water programs and projects in the EIS.

Major Content of the Section

- Affected Environment: A discussion of existing water quality and water use in the project area including a map of water resources in the project area.
- Potential Impacts: A description of the impacts of the proposed project water supply program, stormwater discharge program, water quality control measures and proposed wastewater treatment system.
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.19 Wetlands

Information Available for Analysis The wetlands analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001; the FEIR, January 2002; the Biological Assessment for the UC Merced Campus Project and County of Merced Infrastructure in Support of UC Merced Project, February 2002; and the Wildlife and Rare Plant Ecology of Eastern Merced County's Vernal Pool Grasslands, Vollmar, 2002.

Additional Information Required for Analysis Existing information about the hydrological connection of vernal pools and the possible affect of development on their hydrological function will need to be gathered in order to better explain the extent of potential impacts. This information may come out of the Functional Assessment being prepared for the proposed campus site. A functional assessment of existing wetlands will be developed based on the hydrogeomorphic (HGM) approach. This assessment will provide the basis for evaluating direct and indirect impacts as well as comparing on-site alternatives. In the event that activities are planned for the 8,000 acres of mitigation area, a wetlands delineation for this area will be needed.

Major Content of the Section Major subsections will include:

- Affected Environment: A description and delineation of existing wetlands including northern hardpan vernal pool complexes, seasonal freshwater marshes, clay playa, and artificial water features such as irrigation canals and stock ponds in the project area.
- Potential Impacts: An assessment of the total wetland area that is expected to be affected by development of the proposed project.
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.20 Wildlife and Vegetation

Information Available for Analysis The wildlife and vegetation analysis will generally be based on the information presented in the UC Merced Long Range Development Plan DEIR, August 2001; the FEIR, January 2002, the Biological Assessment for the UC Merced Campus Project and County of Merced Infrastructure in Support of UC Merced Project, February 2002; the Wildlife and Rare Plant Ecology of Eastern Merced County's Vernal Pool Grasslands, Vollmar, 2002; and the Merced County Year 2000 General Plan Incorporating Amendments Resulting from the Phase II Policy Update. The information from these documents will be used primarily to address the following:

- A discussion of conservation policy issues.
- A description of habitat and species diversity.
- Potential impacts and mitigation measures.

Additional Information Required for Analysis No additional information will be required to complete the analysis of wildlife and vegetation for the EIS.

Major Content of the Section Major subsections will include:

- Affected Environment: Regional and campus setting with a description on habitat types, native wildlife and plants
- Potential Impacts
- Mitigation Measures
- Unavoidable Adverse Impacts
- Cumulative Impacts

2.5.21 Overall Cumulative, Indirect and Induced Impacts

Information Available for Analysis Cumulative impacts were discussed in each resource section of the UC Merced Long Range Development Plan DEIR, August 2001. The DEIR has a separate section entitled "Growth Inducement" that describes the direct, indirect and induced increase in employment and population in Merced County projected with development of the proposed campus and infrastructure projects. The DEIR describes the environmental effects related to this growth.

Additional Information Required for Analysis Need to determine with the Corps what planned projects will be taken into consideration when assessing overall cumulative impacts.

Major Content of the Section Indirect, induced and cumulative impacts for each resource area under consideration will be addressed as part of the impacts and mitigation measures subsections at the end of each resource section. This chapter will be a stand-alone chapter

addressing cumulative impacts of the project as a whole but to some extent will rely on the cumulative impact assessments included in each resource section.

3.0
MAJOR TASKS FOR THE NEPA EIS

3.1 BASELINE STUDIES

Based on the review of existing environmental documents, a few baseline studies are suggested for the proposed project. Reasons for additional studies are provided in detail by resource category in the Analysis of Existing and Needed Information. General reasons indicated for these studies include:

- Insufficient existing information to support conclusions for impacts and mitigation measures stated (e.g., functional assessment)
- Need to update data/information (e.g., wetlands, critical habitat)
- Need to respond to public and agency comments (hydrological assessment)

The following is a summary of additional baseline studies proposed including their timing and duration.

3.1.1 Cultural Resources

More surveys may need to be done for the areas that would be disturbed by restoration/enhancement/compensatory mitigation activities. Surveys/reports already completed will need to be evaluated for compliance with 106 standards and possibly amended to meet the standards.

3.1.2 Hydrology

A hydrologic assessment of the interconnectedness of groundwater and surface water in the study area and of the potential impacts on hydrology as a result of development is needed. Based on preliminary investigation, it is expected that the analysis will be based on existing data and information. No additional fieldwork would be needed to adequately assess potential impacts.

3.1.3 Wetlands

As mentioned in section 2.5.19 above, a functional assessment of existing wetlands will be developed based on the hydrogeomorphic (HGM) approach. This assessment will provide

the basis for evaluating direct and indirect impacts as well as comparing on-site alternatives. In the event that additional area would be disturbed by restoration/enhancement/compensatory mitigation activities, wetlands delineation for this area would be needed.

3.2 SCOPING COMMENTS

The Scoping process is used along with agency experience and judgment to determine the issues to be examined in the EIS. While the general content of an EIS is specified in NEPA, the details are best defined in consultation with the public, public interest groups, and Federal, state and local government agencies. While Scoping is a dynamic process that may continue through the FEIS, the initial work product for Scoping is a database divided by resource category containing comments relevant to each resource. This database was completed in August 2002 following a public and agency comment period and two workshops in Merced County. The Corps uses this database to help determine the scope of analysis for the NEPA EIS, and was an important resource used to prepare this Work Plan.

Major steps involved in completing a review of the Scoping comments include:

1. Reviewed and coded all comments received in response to the Corps NOI, and Public Notices on the Campus Project and the Merced County Infrastructure Project, the transcript from the two workshops, and comments sent to the Corps concerning the University's Biological Assessment.
2. Comments were entered into a database.
3. Comments were sorted by technical element.
4. Database was provided to the Corps.
5. Meetings were held with the Corps to discuss the database.
6. The database, experience, and professional and technical judgment were then used to scope the significant issues to be addressed in detail in the NEPA EIS, and to identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review; and to identify other environmental review or consultation requirements.

3.3 CORPS APPROVAL OF EIS WORK PLAN

Specific approval of the Work Plan will be obtained from the Corps before the EIS is prepared. The approved Work Plan will be used by the EIS Contractor to guide preparation of

the EIS. The Work Plan will serve as a specific guide for the EIS Contractor, and deviations from the Work Plan require prior approval by the Corps or written specification from the Corps.

3.4 ALTERNATIVES ANALYSIS

The EIS will contain an "Alternatives Analysis" that endeavors to satisfy the requirements of both NEPA and Section 404 of the Clean Water Act as set forth in the Section 404(b)(1) Guidelines (Guidelines). Under NEPA, the Corps is required to consider reasonable alternatives, some of which may be out side the applicant's capability. The Corps "Procedures for Implementing NEPA" defines reasonable alternatives as those alternatives that are feasible. It further explains that such feasibility must focus on the underlying purpose and need for the project (33 CFR 325, Appendix B). The NEPA process is intended "to help public officials make decisions that are based on (an) understanding of environmental consequences and (to) take actions that protect, restore, and enhance the environment" (40 CFR 1500.1). Under NEPA the Corps is not required to consider all reasonable alternatives, but instead may elect to consider a representative sub-set of alternatives provided the sub-set fosters sound decision-making. This Work Plan has assumed that a reasonable sub-set of alternatives would be arrayed in the NEPA EIS.

The Section 404(b)(1) Guidelines on the other hand requires that the Corps consider practicable alternatives that are available to the applicant. Practicability is defined in terms of cost, logistics, and existing technology in light of overall project purpose. Under the Guidelines, the Corps must determine compliance based upon a set of "Restrictions" (40 CFR 230.12), which includes identifying the least environmental damaging practicable alternative (LEDPA). If an alternative other than the proposed project were identified as the LEDPA then the proposed project would fail to comply with the guidelines. For actions subject to NEPA, where the Corps is the permitting agency, the analysis of alternatives required for NEPA, will in most cases provide the information for the evaluation of alternatives under the Guidelines (40 CFR 230.10(a)(4)). On occasion, the NEPA document may address a broader range of alternatives than required to be considered under the Guidelines or may not have considered the alternatives in sufficient detail to respond to the requirements of the Guidelines. In the later case, it may be necessary to supplement the NEPA document with this additional information (40 CFR 230.10 (a) (4)). Historically, the Corps has prepared this supplemental information when it prepares its Section 404(b)(1) Guidelines compliance document as part of the Record of Decision.

3.4.1 Applicant's Description of the Proposed Project and Alternatives

While the Corps ultimately determines the LEDPA, the applicant has an obligation to submit its demonstration that the proposed project represents the LEDPA. For non-water dependent projects such as the Campus and Infrastructure Projects, it is presumed that an alternative to filling wetlands is available unless clearly demonstrated otherwise (40 CFR 230.10 (a) (3)). The applicant was scheduled to submit its demonstration to the Corps in December 2002, but this schedule has slipped. The Corps working with the EIS Contractor will evaluate the submittal from the applicant and the Corps will determine if the submittal addresses a reasonable sub-set of alternatives, and if the analysis provides suitable information to be included in the EIS. The applicant's demonstration would be appended to the EIS as submitted. The Corps working with the EIS Contractor would prepare the alternatives analysis for the EIS. After taking a hard look at the applicant's submittal, the Corps may incorporate all or portions by reference or include excerpts in the main text of the NEPA EIS.

3.4.2 Alternatives

The Corps working with the EIS Contractor will consider a reasonable sub-set of alternatives including the No Action alternative. The project purpose statement for the Campus Project limits the geographic scope of analysis to Merced County. Justification for this scope will be provided in a white paper to be prepared by the University. Similarly, since the Infrastructure Project is proposed to support the Campus Project, its project purpose statement limits the geographic scope to the near vicinity of the Campus. The Corps has determined that the "Comparison of Alternatives" will follow a format similar to the one shown in Table 2. This format for the most part uses evaluation criteria that match the practicability criteria set forth in the 404(b)(1) Guidelines. The alternatives will be compared using these evaluation criteria. The scope and purpose of the alternatives analysis is not to select alternatives, but to suggest an array of reasonable possibilities. In the interest of supporting the NEPA process, the alternatives analysis will serve to narrow the possibilities for alternatives as promulgated under NEPA and as contained within Guidelines.

Working with the EIS Contractor, the Corps will consider alternatives submitted by the applicant, alternatives that may arise during the EIS process, and other alternatives that the Corps deems appropriate. This process should result in a number of alternatives considered but eliminated from consideration for various reasons, and alternatives that meet the practicability requirement or otherwise appear reasonable and warrant further consideration in the NEPA EIS.

3.4.3 Minimization of Impacts

The Guidelines require appropriate and practicable steps to minimize the adverse impacts of a project through project modifications and permit conditions (40 CFR 230.10(d)). Subpart H of the Guidelines describes several (but not all) means for minimizing impacts of an activity. The Corps working with the EIS Contractor will take a hard look at minimization measures proposed by the applicant and consider others as appropriate.

3.5 AFFECTED ENVIRONMENT, ENVIRONMENTAL CONSEQUENCES, MITIGATION MEASURES, SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS, AND CUMULATIVE IMPACTS

The objective here is to describe the affected environment; identify short-term (construction-related) and long-term impacts, and evaluate their significance; document potential mitigation measures, including those that are part of the project design, and explain how they would reduce project impacts; identify any significant unavoidable adverse impacts; and discuss cumulative impacts within the permit area as defined by the Corps.

The following is a suggested format to describe the affected environment, environmental consequences, mitigation measures, significant unavoidable adverse impacts, and cumulative impacts. A brief description of activities is provided under each heading. Each resource will be described using this format and will include these headings.

3.5.1 Affected Environment

This sub-section will describe the environment that could be affected by construction and operation of the proposed project. This description will provide the baseline for comparison of no-action to other alternatives and serve as the basis for discussion of potential environmental impacts.

A permit area will be described and identified on a map where appropriate for each resource. The permit area would be specific to the resource being analyzed. For example, the permit area for analyzing impacts to hydrology and water quality would be defined by existing watersheds. The permit area for air quality impacts would consist of those Class 1 protected air sheds within a given radius. The permit area for biological resources impacts would

include the area strictly encompassing the project footprint to assess loss of vegetation due to direct project impacts, or a larger area depending on the species of concern and its habitat.

3.5.2 Environmental Consequences

This sub-section will identify each significant impact associated with construction (short-term) and operation (long-term). It will explain how impacts are determined and provide an assessment of the significance of impacts to the resource. The assessment would be based upon several specific sources of information, technical and professional judgment, and the scientific literature. Specific sources of information include: (1) the project description as proposed by the applicant; (2) key issues raised during EIS Scoping, and from public and agency correspondence; (3) models used; (4) information from surveys, site visits and other studies; and (5) regulatory guidelines and policies considered. Significance determinations will vary depending on the resource analyzed. For example, significance criteria may be drawn from quantitative analyses such as specific water quality standards, zoning regulations, building permits required, or seismic code. Other significance criteria will be qualitative and based upon best technical and professional judgment. Evaluation of such significance takes into account the environmental resource, ability for resource recovery, need for mitigation, and consistency with the existing landscape and past decisions on other projects.

3.5.3 Mitigation Measures

This sub-section will describe appropriate and practicable mitigation measures that would respond to potential, specific and non speculative impacts of the project. Some potential impacts could be reduced or eliminated by measures built into the project, and others may warrant compensatory mitigation. Compensatory mitigation may be used in the context of NEPA to reduce impacts below the level of significance, but in the context of the Guidelines should not be used to reduce environmental impacts in the evaluation of the LEDPA. In the context of the Guidelines, appropriate and practicable compensatory mitigation is required for unavoidable adverse impacts that remain after all appropriate and practicable minimization has been required.

3.5.4 Unavoidable Adverse Impacts

This sub-section will describe any remaining significant unavoidable adverse impacts after all appropriate and practicable measures have been taken to minimize impacts and/or provide compensatory mitigation.

3.5.5 Cumulative Impacts

This sub-section will discuss any cumulative impacts that could compound or increase the environmental impacts described for each resource area. Cumulative impacts will be addressed based upon reasonably foreseeable major projects within the vicinity defined by the project scope and individual resource permit area. The permit area will vary by resource for the cumulative impacts analysis, as it did in the Affected Environment and Environmental Consequences sub-sections. The projects included would be compiled from information made available by government entities and agencies on proposals that have reached the application stage or have been permitted. If appropriate and practicable, mitigation may be required that could lessen cumulative impacts, provided the impacts are specific, definable, and not speculative.

3.6 NEPA DEIS

The Corps will direct the preparation of the NEPA DEIS working with the EIS Contractor and the US Fish and Wildlife Service (USFWS) as a cooperating agency. EPA will provide technical assistance. Following approval of this Work Plan by the Corps, the major steps involved in preparing the NEPA DEIS include:

- Review relevant environmental documents
- Analyze Technical Reports
- Review interagency functional assessment
- Review applicant's LEDPA
- Prepare Preliminary NEPA DEIS
- Send Preliminary NEPA DEIS to Corps for review
- Meet with Corps to discuss comments
- Prepare revised NEPA DEIS for Corps review
- Meet with Corps to discuss comments
- Prepare check draft NEPA DEIS
- Obtain Corps approval to finalize NEPA DEIS
- Print and distribute NEPA DEIS for public comment

The format for the DEIS has been set forth in this Work Plan. The Corps has determined that in this case a 60-day comment period would be appropriate.

Barring unforeseen circumstances, the main text of the EIS (40 CFR 1502.7) will comply within CEQ page limit guidelines (150 pages for the Purpose and Need, the Alternatives Analysis, and the Affected Environment/Environmental Consequences/Mitigation Measures/Significant Unavoidable Adverse Impacts/Cumulative Impacts section). The NEPA DEIS and FEIS will include pages printed double-sided and will be comb-bound. Technical reports will be included in appendices to the maximum extent appropriate. Tables and visual representations (figures) will be located at the end of each chapter, and not inserted through out the text.

The Corps will circulate the main text of the DEIS or an executive summary of the document to other agencies and interested parties (i.e., public and businesses) as requested and/or required under NEPA. Also, the Corps will post the main text of the DEIS or an executive summary to its UCM web site.

3.7 PUBLIC HEARING AND/OR WORKSHOP ON THE DEIS

The Corps may elect to conduct a public hearing or workshop on the DEIS to assist with obtaining meaningful information to preparation of the FEIS. The public hearing and workshop would be held in an area centrally located to the proposed project, likely Merced. The EIS Contractor would assist the Corps as needed.

3.8 COMMENT REPORT

The Corps working with the EIS Contractor will prepare a response to public and agency comments concerning the NEPA DEIS. This information will be used to complete a "drop-in" section or separate volume for the NEPA FEIS. A database will be prepared as backup for the administrative record. Steps involved in completing this task include:

- Review and code each comment
- Enter comments into database
- Divide comments by technical element or subject matter
- Query database, obtain input from technical and/or subject matter specialists
- Prepare a draft Comment Report and submit for Corps review
- Attend meeting with Corps to discuss Comment Report
- Prepare final Comment Report
- Obtain Corps approval of final Comment Report

3.9 MITIGATION AND MONITORING PLAN

The University and the County will be requested to submit Mitigation and Monitoring Plans by March 2003. The Corps working with the EIS Contractor will take a hard look at the mitigation proposed by the applicants, consider the proposed mitigations when preparing the NEPA EIS, and determine if other appropriate and practicable mitigation should be considered in the EIS.

3.10 NEPA FEIS

The Corps working with the EIS Contractor and the USFWS will prepare the NEPA FEIS. Major steps involved in completing FEIS include:

- Prepare preliminary NEPA FEIS by incorporating the NEPA DEIS information with changes made as appropriate to reflect:
    - Modifications to the Project
    - Identification of the environmentally preferred alternative (optional)
    - Updated information on the affected environment
    - Changes in the assessment of impacts
    - Results from additional coordination
    - Changes in proposed mitigation measures
    - Responses to comments
- Submit Preliminary FEIS to Corps for review and comment
- Meet with Corps to discuss PFEIS
- Finalize NEPA FEIS and submit to Corps
- Attend meeting with Corps to discuss FEIS
- Prepare check draft of the NEPA FEIS
- Submit check draft of the FEIS for Corps approval
- Revise NEPA FEIS if needed
- Obtain Corps approval of NEPA FEIS
- Print and distribute NEPA FEIS and post to Corps UCM Web Site

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Table 1
UC MERCED
ENVIRONMENTAL IMPACT STATEMENT
SCHEDULE MILESTONES
(in days)

Steps in NEPA Process	Estimated	Actual	Status
1. Public Notice and Notice of Intent to Prepare EIS			
Corps Issues Public Notice and Notice of Intent in Federal Register	15	15	Completed (Mar 02)
Public Notice Comment Period	30	30	Completed (Apr 02)
Public Scoping Meeting	5 - 10	10	Completed (Apr 02)
2. Draft EIS Preparation			
Prepare Work Plan	120-180		In Progress
Compose Administrative Draft of DEIS*	180 - 360		
Corps Reviews Administrative Draft of DEIS	60 - 120		
Print/mail DEIS	30 - 60		
3. DEIS Circulation			
Notice of Availability in Federal Register	30		
DEIS Comment Period, including Public Meeting (if necessary)	60		
4. Final EIS Preparation			
Prepare Response to Comments and Compose Administrative Draft of FEIS*	90 - 180		
Corps Reviews Administrative Draft of FEIS	60 - 120		
Print/mail FEIS	30 - 60		
5. FEIS Circulation			
Notice of Availability in Federal Register	30		
Public Meeting (if necessary)	5 - 10		
6. Record of Decision			
Prepare ROD and Make Permit Decision	60 - 90		

Total: 805 – 1355 (2.2 – 3.7 years)

Potential Delays include: Incomplete/inadequate information, Section 7 Consultation under the Federal Endangered Species Act, Permit Decision Elevation by EPA or USFWS, Project Modifications

*EIS Contractor

Table 2
Example of Comparison of Alternatives

Summary of Findings: Alternatives Dropped and Alternatives Retained for Further Consideration

Site	Criterion 1 The alternative must provide solid waste disposal for the next 20 years, consistent with the SWMP.	Criterion 1 The alternative must be available.[1]	Criterion 3 The alternative must be practicable considering logistics and existing technology.	Criterion 4 The alternative must be practicable considering costs.[1]	Criterion 5 The alternative must not be overall more environmentally damaging than the Applicant's Preferred Alternative.	Findings
304th					Base Case	Further analysis (see Chapter 3.0)
Clay City	●		●			Dropped from further consideration.
Mud Lake						Further analysis (see Chapter 3.0)
Parker						Further analysis (see Chapter 3.0)
Stidham Lake					●	Dropped from further consideration.
Trout Lake			●		●	Dropped from further consideration.
Horn Creek						Further analysis (see Chapter 3.0)
Bald Hill West					●	Dropped from further consideration.
Bald Hill East					●	Dropped from further consideration.
Eatonville			●		●	Dropped from further consideration.
Champion			●			Dropped from further consideration.
Longhaul						Further analysis (see Chapter 3.0)
No Action	●		●		●	Dropped from further consideration.

Key

	Passes Criterion
●	Fails Criterion

[1] For the purposes of this screening criterion, all of the alternatives are described but the criterion is not used to eliminate alternatives at this stage of analysis.

ATTACHMENT A

STATEMENT OF RESPONSIBILITIES
REGARDING PREPARATION OF ENVIRONMENTAL IMPACT STATEMENT FOR SECTION 404 PERMITS UNIVERSITY OF CALIFORNIA AT MERCED PROJECT COUNTY OF MERCED INFRASTRUCTURE IN SUPPORT OF UC MERCED PROJECT

A. PURPOSE

1. This Statement of Responsibilities (SOR) is between the Sacramento District, U.S. Army Corps of Engineers (USACE), the Regents of the University of California (Applicant/Owner), County of Merced (Applicant/Owner), and David B. Barrows Consulting (Consultant)

2. Applicants/Owners have applied to USACE for a Department of the Army (DA) permit under Section 404 of the Clean Water Act (33 USC 1344 and 33 CFR 320-330) for the University of California at Merced project (UC Merced project) and Merced County Infrastructure in Support of UC Merced project (Infrastructure project). The UC Merced project entails construction of a 910-acre Main Campus to accommodate 25,000 students; a 340-acre Land Reserve and a 750-acre Natural Reserve. The Main Campus would consist of an academic core, student support services, student and faculty housing, campus support, on-campus research facilities, athletic and recreation facilities, and parking. The adjoining Infrastructure project includes the construction of a major north-south arterial road north of Yosemite Avenue, two additional arterial roads and two collector streets, and utility lines within the roadway rights-of-ways.

3. USACE has determined that an Environmental Impact Statement (EIS) must be prepared prior to making a decision on the DA permit applications for the projects. The EIS must comply with all provisions of the National Environmental Policy Act of 1969 (NEPA) and all implementing regulations. In particular, the EIS must comply with the provisions of 33 CFR 325, Appendix B, which is USACE's regulation relating to the preparation of an EIS for regulatory functions.

4. It is the purpose of the SOR to establish an understanding between USACE, Consultant, and Applicants/Owners regarding the responsibilities of the parties in the preparation of the EIS. This SOR defines the conditions and procedures to be followed in preparing and completing the EIS, including the environmental and technical information collection, analysis, and reporting, necessary for USACE and any designated cooperating agencies to comply with NEPA and applicable regulations.

B. GENERAL PROVISIONS

1. USACE shall serve as lead agency for the EIS. USACE shall be responsible for assuring compliance with all requirements of NEPA and applicable regulations. USACE shall assure that all environmental issues and impacts, and reasonable alternatives and their impacts, are addressed in the EIS to the extent mandated by NEPA and applicable regulation. USACE shall be responsible for the scope and content of the EIS.

2. The EIS for these projects will be prepared by Consultant, selected by the USACE. The principals and all subcontractors to be involved in preparing the EIS will be evaluated for expertise, and must be accepted and approved by the USACE. Changes in principals and subcontractors used in the analysis will require prior approval by the USACE.

3. Consultant reports directly to the designated USACE representative, the USACE Project Manager.

4. Although Consultant will be paid by Applicants/Owners, Consultant is obligated to follow the directions of USACE, not Applicants/Owners. Applicants/Owners will not direct the modification or inclusion of any data, evaluations, or other materials pertinent to the preparation of the EIS. USACE shall make the final determination on the inclusion or deletion of any material in the EIS. USACE is ultimately responsible for assuring compliance with requirements of NEPA. USACE will contact Applicants/Owners before authorizing changes in the cost of preparation of the EIS.

5. Consultant, under the sole direction of the USACE and to the USACE's satisfaction, is responsible for successfully completing the tasks identified in the Scope of Work included as Attachment 1 of this SOR.

6. The requirements of 40 CFR 1506.5 (c) relating to conflicts of interest must be followed. Consultant cannot have financial or economic interest in the outcome of the projects. Consultant agrees to execute the Disclosure Statement included as Attachment 2 of this SOR.

7. Applicants/Owners agree to enter into consulting contract with Consultant that is consistent with the terms of this SOR. Applicants/Owners agree to pay Consultant for all services rendered in the preparation of the EIS. Consultant agrees that USACE is not obligated in any manner to pay for the services rendered by Consultant relating to the projects.

8. Consultant will have the primary responsibility for writing and revising the EIS. USACE will be given the opportunity to comment on and make any changes to the EIS during all stages if its preparation. Applicants/Owners will also be given the opportunity to comment on the EIS during its preparation. These comments will be provided to USACE for consideration.

9. Upon completion of the Draft EIS (DEIS), USACE and Consultant will be responsible for conducting any necessary public meetings. USACE will also be responsible for filing the DEIS with the U.S. Environmental Protection Agency (USEPA). USACE will receive all comments on the DEIS resulting from the review and comment period, and will provide them to Consultant for reply.

10. After the close of the DEIS review and comment period, USACE will identify the issues and comments that will require response in the Final EIS (FEIS). USACE will provide these comments to Consultant for analysis and reply. USACE will then determine the necessary modifications to the DEIS, and Consultant will incorporate the comments, responses, and modifications into the FEIS. USACE will review the completed document and file the FEIS with USEPA.

11. Not less than 30 days after the FEIS is filed with USEPA, the USACE will prepare a Record of Decision (ROD) and render a decision on the Section 404 DA permit applications.

C. DESIGNATION OF REPRESENTATIVES AND RESPONSIBLE OFFICIALS

1. For the purposes of coordinating the responsibilities of the parties for the preparation of an EIS for the projects:

   a. Applicant/Owner designates: Ric Notini
   Regents of the University of California
   Physical Planning Department
   University of California at Merced
   1160 W. Olive Street, Suite E

Merced, California 95348-1959

b. Applicant/Owner designates:

Mr. Paul Fillebrown, Director
Merced County
Department of Public Works
715 Martin Luther King, Jr. Way
Merced, California 95340

c. USACE designates:

Nancy A. Haley
USACE, Sacramento District
Regulatory Branch
1325 J Street, Room 1480
Sacramento, California 95814

d. Consultant designates:

David B. Barrows
David B. Barrows Consulting
111 S.W. Columbia, Suite 900
Portland, Oregon 97201

as representatives of the parties. Actual delivery of notice to the above representatives shall constitute notice to that party.

2. USACE designates:

Michael J. Conrad, Jr.
COL, USACE
District Engineer
Sacramento District
1325 J Street
Sacramento, CA 95814

as the responsible official for the USACE.

3. The representatives named above shall:

   a. Review all substantive phases of the preparation of the EIS.

   b. Attend meetings as necessary with Federal, state, regional, and local agencies for the purpose of increasing communications and receiving comments; the same may be necessary, desirable, or required by law, and insofar as such meetings are relevant to the development and preparation of the EIS.

   c. Ensure coordination of effort and exchange of data and information.

   d. At their option, attend all meetings between the various Federal, state, regional, and local agencies and Consultant.

D. TERMINATION AND MODIFICATION

1. This SOR remains in effect until completion of the FEIS and decisions are made on the DA permit applications, or until either Applicant/Owner withdraws the application for a permit.

2. Either Applicant/Owner or USACE may terminate this SOR at anytime by 30 days written notice to all other parties. During the 30-day period, the parties will actively attempt to resolve any disagreement. In the event of termination

of this SOR, and if the preparation of the EIS is still required, the parties agree USACE and Applicants/Owners shall have access to all documentation, reports, analyses, and data developed by Consultant, but Applicants/Owners shall own and possess the same.

3. Either Applicant/Owner or USACE may modify this SOR by notifying the other party in writing. The proposed modification will become effective when the other three parties have provided written acceptance of the modification.

This SOR will be effective as of the last date signed below.

Dated:_____ By: _____
Art Champ
Chief, Regulatory Branch
Sacramento District

Dated:_____ By: _____
Ric Notini
University of California

Dated:_____ By: _____
Paul Fillebrown
Director
Merced County Public Works

Dated:_____ By: _____
David B. Barrows
Consultant

ATTACHMENT 2

DISCLOSURE STATEMENT

David Barrows Consulting has no financial or other interest in the outcome of the DA permit decisions for the UC Merced project (Corps ID 199900203) or Infrastructure project (Corps ID 200100570) in Merced County, California. Further, David Barrows Consulting owns no stock, bonds or other legal interest in the UC Merced project or Infrastructure project. David Barrows Consulting affirms that its officers, employees who will be assigned to work on the EIS, and any subcontractors or employees thereof assigned to this project do not own stock, bonds, or other legal interest in the UC Merced project or Infrastructure project. The following lists any previous contracts, and total amounts of each, by David Barrows Consulting.

Dated:_____ By:_____

David B. Barrows
Consultant