



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

Public Notice

Public Notice Number: SPK-199900203

Date: March 13, 2008

Comments Due: April 14, 2008

In reply, please refer to the Public Notice Number

SUBJECT: Notice of application for a Department of the Army Permit under Section 404 of the Clean Water Act, Intent to Prepare and Environmental Impact Statement (EIS) and Notice of Public Scoping Workshops for the University of California at Merced Campus (Campus) and Community (Community) projects, as shown on the attached drawings.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Regents of the University of California
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LOCATION: The project site ("Project") consists of an approximately 810-acre Campus and the 2,115-acre University Community, located in eastern Merced County, approximately two miles northeast of the corporate limits of the City of Merced, California. The Project is situated south and east of Lake Yosemite and Lake Road. The project area occupies portions of Sections 26, 27, 34, and 35, Township 6 South, Range 14 East and Sections 3 and 2, Township 7 South, Range 14 East. Sheet 1 of the application drawings is a vicinity map.

PROJECT PURPOSE: The overall project purpose is to establish a major research university in Merced County that would ultimately support 25,000 full-time equivalent students with an associated community needed to support the university.

PROJECT NEED: Projections by the California Department of Finance and the UC indicated that a new campus is needed to accommodate near-term enrollment demand and long-term enrollment of 25,000 students.

PROJECT DESCRIPTION: The revised proposed project consists of three major components: the Campus ((810 acres) in accordance with the University of California, Merced, Long Range Development Plan Amendment ("Amended LRDP"), which is in preparation); the Community North (870 acres); and, the Community South (1,245 acres). The lands comprising the Campus are owned by the University. The lands comprising the Community North are owned by the University Community Land Company, LLC (UCLC), a not-for-profit corporation. The Community South is owned by LWH Farms, LLC.

The applicant has indicated that the revised project would result in impacts to approximately 76.70 acres of waters of the of the United States, including wetlands and other aquatic resources. The University seeks authorization for those portions of the proposed project controlled by the University

(the UC Merced Campus and the Community North). A Department of the Army permit is not being requested at this time for the Community South because that area is not under the control of the University. Nonetheless, because the Community South is a connected action to the UC Merced Campus and Community North, it is considered part of the proposed project for purposes of review under the National Environmental Policy Act (“NEPA”). The additional project description provided below, as well as the description of the impacts, applies to all three major components of the proposed project.

The initial application proposed a campus of 910 acres with a 340 acre development reserve (Campus Land Reserve). It was a compact plan 50% smaller than UC Irvine, a 25,000 student campus of similar size and scope. The new plan would consolidate the campus and its reserve development capacity onto 810 acres, buffered on the north and east from the natural landscape by a series of perimeter roads and canals. The campus would employ best practices in sustainable development through on-site storm water management. Passive and active recreation areas would be located to receive upland flows, along drainage pathways and at the western and eastern edges of development. The University Community’s walkable residential neighborhoods would be located adjacent to transit and open space.

The proposed Campus and Community North would consist of five distinct districts: the Academic Core (345 acres); Gateway District (150 acres); Student Neighborhoods (395 acres); University Community Town Center (100 acres); University Community Neighborhoods (690 acres).

The revised application no longer proposes the 340-acre Campus Land Reserve which was included in the original application as a contingency against long-term future needs. The 340-acre Campus Land Reserve as well as the previously proposed 750-acre Campus Natural Reserve would be incorporated into the overall Virginia Smith Trust mitigation lands along with additional lands owned by the University that were included within the originally proposed Campus. The long term future needs of the campus would be accommodated through future increases in density within the 810 acre campus and 2,115 acre community.

The infrastructure necessary to serve the Campus and University Community would underpin the development program for this project. This infrastructure includes construction of major and minor arterial roadways and collector streets and other utilities. The proposed backbone infrastructure, and alternatives to its proposed size and location, will be considered in the Section 404(b)(1) analysis prepared for the UC Merced Campus and Community North applications.

The following table lists the area of waters of the United States that would be directly impacted by the revised proposed project. There are a total of 76.70 acres of waters of the United States within the Project Area. All waters of the United States within the footprint of the Project Area, except for the canals, are assumed to be eliminated.

SUMMARY OF IMPACTS TO WATERS OF THE UNITED STATES*

<i>Wetland/Water Category</i>	<i>Campus (ac)</i>	<i>Community North (ac)</i>	<i>Community South (ac)</i>	<i>Total (ac)</i>
Vernal Pools	10.25	4.62	1.35	16.21
Swale Wetlands	15.91	9.23	0.00	25.15
Clay Slope Wetlands	0.11	0.00	0.00	0.11
Irrigation Wetlands	4.10	7.74	0.00	11.84
Canal Wetlands	21.14	3.60	0.27	25.01
Intermittent Channels	0.00	0.00	1.03	1.03
Total	51.51	25.19	2.65	79.35

*The categories of waters of the United States used in this table are per the HGM classification set forth in the UC Merced Functional Assessment Methodology.

ADDITIONAL INFORMATION:

Alternatives. A supplemental alternatives analysis is being prepared to examine the practicability and relative environmental impacts of at least the alternatives identified below. This alternatives analysis will supplement the alternatives analysis prepared by the University in 2004 and reviewed by the Corps as part of the permit review and NEPA processes.

In addition to the original proposed 910-acre Campus and 2,133-acre University Community plan project that were the subject of the original Department of the Army Permit application, the February 2004 Alternatives Analysis prepared by the University considered 17 off-site alternatives for the 910-acre campus footprint and the 2,133-acre community. The Corps previously identified five alternatives including: the no action alternative, the proposed project and three other alternatives. Two of the alternatives were proposed to be located south of the proposed Campus project site and included the revised Campus and University Community footprints. A third alternative was located near the City of Livingston. These alternatives will be summarized in the Supplemental Alternatives Analysis.

The Supplemental Alternatives Analysis also will consider two additional off-site alternatives to the Campus and University Community footprint:

- Downtown Merced
- Bellevue (which is a modification of the North Merced/Bellevue Ranch Alternative A evaluated in the Alternatives Analysis (Off-site Alternative 2)).

With respect to on-site alternatives, in addition to the originally proposed 910-acre campus and 2,133-acre University Community plan project, the February 2004 Alternatives Analysis considered eight on-site alternatives for the 910-acre campus footprint and the 2,133-acre community. The Supplemental Alternatives Analysis will consider additional information in support of the following alternatives to the Campus and University Community footprint:

- The new Proposed Project (Campus and University Community North) which is a modified version of Alternative 19 previously considered by the Corps.
- No Fill Alternative
- Alternative 20 which was previously identified by the Corps as an on-site alternative to the original project.

Mitigation. The University proposes to compensate for the loss of wetlands and other waters of the United States resulting from construction of the Campus and Community North (76.70 acres) through a combination of measures including preservation of existing habitats; management of some of the preserved habitats to prevent future degradation; management of some of the preserved habitats to maximize their habitat for threatened and endangered species and wetland function; and restoration and/or creation of wetland habitats. UC Merced and the UCLC would provide 2,318 acres of in-kind wetland habitat as preservation, resulting in a ratio of approximately 30 acres of wetlands preserved for each acre of wetlands impacted. A minimum of one acre of wetland habitat would be restored or created for each acre of wetlands impacted. Naturally occurring wetland habitats (vernal pools, swale wetlands and clay slope wetlands) would be compensated through restoring vernal pools and wetland swales. Non-naturally occurring wetlands (canal wetlands and irrigation wetlands) would be compensated through creation of seasonal wetlands and riparian marshes). The preservation and restoration/creation lands would include lands over which protective conservation easements have been obtained as well as lands owned in fee title by the University.

The conceptual mitigation plan is being revised to reflect the impacts that would result from the revised Campus footprint. The mitigation plan is a conceptual strategy and it is anticipated that the mitigation

measures will be modified in response to agency concerns during the processing of this revised application.

A detailed mitigation plan will be prepared and submitted to the Corps of Engineers and the U.S. Fish and Wildlife Service for approval. The detailed mitigation plan will identify all mitigation lands and wetlands being preserved, enhanced, restored and created. It will clearly describe all restoration and construction techniques, monitoring protocols and performance criteria. It will establish a long-term maintenance and monitoring plan designed to assure that the preserved, restored and created wetlands as well as their preserved uplands are maintained in their natural state in perpetuity.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act, must be obtained from the California Regional Water Quality Control Board for this project. The applicant will apply for certification. The requirements of Section 7 of the Endangered Species Act must be satisfied.

HISTORIC PROPERTIES: No historic properties are located within the Project. The Corps will initiate consultation under Section 106 of the National Historic Preservation Act in accordance with the Interim Guidance at 33CFR Part 325 dated April 2005.

ENDANGERED SPECIES: A total of 19 federally-listed threatened and endangered species have some potential of occurring within the project area. Of these, six are known to occur within the project area, four have a moderate potential of occurring within the project area and nine have a low potential of occurring within the project area.

Species known to occur within the project area include bald eagle (*Haliaeetus leucocephala*), conservancy fairy shrimp (*Branchinecta conservatio*), vernal pool fairy shrimp (*Branchinecta lynchi*), succulent owl's clover (*Castilleja campestris succulenta*), Colusa grass (*Neostapfa colusa*), and San Joaquin Valley orcutt grass (*Orcuttia inequalis*). Species with a moderate potential of occurring within the project area include vernal pool tadpole shrimp (*Lepidurus packardii*), hairy orcutt grass (*Orcuttia pilosa*), Hartweg's golden sunburst (*Pseudogahia bahiifolia*) and Green's tuctoria (*Tuctoria greenii*).

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

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

CONSIDERATION OF COMMENTS: Interested parties are invited to submit written comments on the permit application on or before April 7, 2008. Scoping comments should be submitted within the next 60 days, but may be submitted at any time prior to publication of the Draft EIS.

PUBLIC SCOPING: This public notice is being distributed to invite public participation in the scoping process for the preparation of an EIS under NEPA. This process is key to preparation of a concise EIS and clarifying the significant issues to be analyzed in depth. Public concern on issues, studies needed, alternatives to be examined, procedures and other related matters will be addressed during scoping. The Corps anticipates a "combined" EIS will be developed to address both the UC Merced project and the related Infrastructure project. The Corps plans to hold a public workshop to encourage participation in the scoping process for the EIS. The workshop will be held on April 23, 2008, from 5:00pm to 7:00pm at the University of California Merced, California Room, Valley Terraces dorm complex, 5200 North Lake Road, Merced, California.

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.

If additional information is required, please contact Nancy Haley, (916) 557-7731, or email at Nancy.A.Haley@usace.army.mil.

Thomas C. Chapman
Colonel, Corps of Engineers
District Engineer

Enclosures: 17 Drawings