



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 199900446

Date: March 12, 2002

Comments Due: April 2, 2002

In reply, please refer to the Public Notice Number

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## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to authorize the discharge of fill material into waters of the United States for the Mission-Interchange Project as shown in the attached drawings.

**APPLICANT:** Dale Jones  
Department of Transportation  
P.O. Box 2048  
1976 E. Charter Way  
Stockton, CA 95201

**LOCATION:** The proposed Caltrans-Mission Interchange Project is located in Section 3, Township 8 South, Range 14 East, MDB&M, Merced, Merced County, California.

**PURPOSE:** The applicant states the project purpose is to improve the safety and traffic handling capacity of the State Route 99 corridor between McHenry Road and Childs Avenue in the city of Merced.

**PROJECT DESCRIPTION:** The project proposes to convert 2.2 miles of State Route 99 from a four lane expressway to a six lane freeway. The modification of the right-of-way allows for the eventual construction of an eight lane freeway. This project includes the construction of a frontage road to facilitate public access to State Route 99, as well as an interchange at Mission Avenue. Project implementation would result in the loss of 6.7 acres of wetlands. An additional 0.50 acres of other waters of the United States would be impacted at the crossings of Miles and Owens Creeks.

**AREA DESCRIPTION:** The project site contains 15.70 acres of waters of the United States, including 15.18 acres of wetlands. The eastern portion of the project site is bisected by Miles and Owens Creeks; both have been heavily altered by levees and channelization. Two freshwater emergent marshes are located within the project boundaries at Vassar Road and Parsons Avenue. The majority of the site is located within areas designated for urban use.

**ADDITIONAL INFORMATION:** The applicant has submitted 11 alternatives to this project. An Initial Study/Environmental Assessment was finalized on November 3, 2000. A copy of this document is available at the United States Army Corps of Engineers Sacramento District office. The Federal Highways Administration has

made a Finding of No Significant Impact (FONSI) for this project. This project is scheduled to start in the summer of 2004 and end in the summer of 2007.

Information provided by the applicant state that historic surveys and studies of the area "identified 118 parcels with standing buildings, one abandoned highway segment, seven bridges, three canals, one railroad, 14 historic archaeological sites, and three prehistoric sites within or adjacent to the project's Area of Potential Effect." The Federal Highways Administration, based on concurrence from the State Office of Historic Preservation, has "made the finding of no historic properties affected."

Federally listed or proposed species in the vicinity of or potentially affected by this project include San Joaquin kit fox (*Vulpes macrotis mutica*), mountain plover (*Charadrius montanus*), giant garter snake (*Thamnophis gigas*), Sacramento splittail (*Pogonichthys macrolepidotus*), Chinook salmon (*Oncorhynchus tshawytscha*), and steelhead (*Oncorhynchus mykiss*). The Federal Highways Administration, as the lead Federal agency, has determined these species might be affected and has initiated informal consultation with the US Fish & Wildlife Service under Section 7 of the Endangered Species Act.

Interested parties are invited to submit written comments on or before **April 2, 2002**. 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 Eric VonBerg of the California Department of Transportation, telephone 559-243-8250, or Nancy Haley, at the letterhead address, telephone 916-557-7772 or e-mail at [Nancy.A.Haley@usace.army.mil](mailto:Nancy.A.Haley@usace.army.mil)

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Colonel, Corps of Engineers  
District Engineer

Enclosures: Drawings (4)