



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 199900478

Date: September 10, 2003

Comments Due: October 10, 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 404 of the Clean Water Act to fill into seasonal wetlands and a portion of Oak Creek, which is a tributary of the Fresno River, as shown in the attached drawings.

APPLICANT: Bill McCabe
Yosemite Union High School District
50200 Road 427
Oakhurst, CA 93644-9506

LOCATION: The proposed Yosemite High School Development project is located in Oakhurst, Madera, California. Section 12, Township 7 South, Range 21 East. Latitude 37-19-43.8902 Longitude 119-37-51.1268, UTM Zone 11, 266900 North, 4134400 East.

PURPOSE: The purpose of the project is to expand the existing high school to accommodate the current enrolment and to provide recreational facilities for the community.

PROJECT DESCRIPTION: Most of this project is already complete. The applicant proposes to permanently fill 1.085-acres of waters of the United States, and temporarily fill 0.012-acres with the construction of temporary bridges.

The proposed project is to construct a multipurpose cafeteria/gym, construct renovations to the existing gym and locker room facilities, construct a student parking lot, construct two U.S.A. Baseball Association regulation size baseball diamonds, a U.S. Soccer Association regulation sized soccer field, a standard sized Olympic sized swimming pool complex, and a student park. The proposed project involves the construction of three temporary culvert access bridges, one permanent culvert access bridge, refurbishment of an existing concrete access bridge, two permanent concrete access bridges, as well as placement of rip-rap in Oak Creek to stabilize the streambed.

The applicant filled an estimated 0.006-acre of waters of the United States for the construction of a culvert access bridge. In addition the applicant has filled 0.229-acres of waters at five locations of Oak Creek and its tributary with the placement of rip-rap. The rip-rap areas filled total approximately 0.180-acre, 0.023-acres, 0.006-acres, 0.010-acres, and 0.010-acres for fill into the waters of the United States. Additionally, the applicant proposes to fill another 0.85-

acres of waters of the United States for the construction of the baseball fields, the soccer field, the pool complex, and the student park which consists of seasonal wetlands and intermittent drainages. All of the bridges have been constructed. The temporary bridges have been created and removed.

AREA DESCRIPTION: The project site is surrounded by existing rural development. Oak Creek was originally impacted with the initial adjacent construction of the school. The placement of rip-rap above and below the ordinary high water mark of the creek has also degraded the creek. There is a nice riparian section of the creek that is being avoided in the center of the campus. It is in this reach of the creek that most of the elderberry bushes (*Sambucus mexicana*) are located. The intermittent and seasonal wetlands that are to be impacted with the construction of the ball fields are part of a meadow that is adjacent to Oak Creek.

ADDITIONAL INFORMATION:

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected. Presently unknown cultural resources may be located in the permit area.

There are several elderberry bushes (*Sambucus mexicana*) are on the project site. These bushes can be habitat for the federally listed as threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). Section 7 under the Federal Endangered Species Act will be initiated with the U.S. Fish and Wildlife Service. A few of the elderberry bushes may have already been impacted with the partial construction of this project. The applicant has already planted 25 elderberry bushes to help compensate for the impacts to the valley elderberry longhorn beetle.

Oak Creek has been enlarged a total of 0.011-acres from the three permanent bridge construction projects. The applicant would like to count the 0.011-acres of created waters of the United States toward their mitigation for the project.

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 **October 10, 2003**. 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 Mr. Bill McCabe of Yosemite High School at (559)683-8801, Scott Larson of The Twining Laboratories, Inc., at (559)268-7021, or Kathy Norton, at the letterhead address, telephone 916-557-5260, e-mail kathleen.m.norton@usace.army.mil. This notice is posted on our web page at <http://www.spk.usace.army.mil/cespk-co/regulatory/>.

Michael J. Conrad, Jr.
Colonel, US Army
District Engineer

Enclosures: Drawings (5)