



# Public Notice

Public Notice Number: 200100570

Date: March 14, 2002

Comments Due: April 12, 2002

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**Subject:** Notice of Application for a Department of Army Permit under Section 404 of the Clean Water Act, Intent to Prepare an Environmental Impact Statement (EIS) and Notice of Public Scoping Workshops, for the County of Merced Infrastructure Project in Support of UC Merced, as shown on the attached drawings.

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

**Project Name:** County of Merced Infrastructure Project in Support of UC Merced (Infrastructure project)

**Location of Project:** The proposed Infrastructure project is located between Yosemite Road and the proposed UC site, and runs parallel to Lake Road, in Sections 2, 3, 10 & 11, Township 7 South, Range 14 East, M.D.B.&M., Merced County, California.

**Project Purpose:** The applicant's stated project purpose is to support the proposed UC Merced campus with necessary infrastructure adjacent to the proposed campus. These road rights-of-way will be sized to support complete build-out of the UC Merced campus. The size of the rights-of-way will also accommodate the traffic from an associated community.

**Project Need:** The applicant's stated project need is to accommodate the transportation needs associated with the campus at full build-out, to effectively connect the campus roads to the regional road network, and to avoid traffic congestion that would be caused by the operation of the proposed campus.

**Name of Waterbodies Affected:** Le Grande and Fairfield Canals, unnamed wetlands, and creeks tributary to Cottonwood Creek.

**Project Description:** All roadway construction and the storm water collection system would result in the loss of approximately 6 acres of waters of the United States, including wetlands. The infrastructure includes construction of a major north-south arterial north of Yosemite Road, portions of two additional minor arterial roadways and collector streets, and construction of utility lines (storm drainage, sewer, potable water, fire and irrigation water, telecommunications, electric and gas) within the rights-of-way secured for those roadways. Culverts would be placed within the roadway to allow 100-year flood events to pass. An approximately 9,200-foot storm water collection channel would be constructed parallel to the major arterial roadway.

Although this infrastructure is required for the campus alone, it is proposed to be located and configured in a manner as to allow expansion to serve the proposed campus community. The proposed infrastructure, and alternatives to its proposed size, design and location, will be considered in the Section 404 (b)(1) analysis prepared for this application.

### **Additional Information:**

**Impacts to Waters of the United States.** Construction of the Infrastructure project would directly impact approximately 1.41 acres of channel, 1.26 acres of freshwater marsh, 0.05 acres of pool/swale, 0.64 acres of seasonal wetland, 1.25 acres of swale, 1.74 acres of vernal pool for a total of 6.35 acres. The applicant has assumed that all wetland lying within 250 feet of the proposed footprint of the Infrastructure project could potentially be indirectly impacted.

Construction of the UC Main Campus, the Campus Land Reserve and the Campus Natural Reserve (Corps application number 199900203) would directly impact approximately 86 acres of waters of the United States, including wetlands.

**Threatened and Endangered Species.** A Biological Assessment (BA) has been prepared to evaluate impacts to eight Federally threatened or endangered species, as well as one species proposed for listing. Species known to occur within the project area include bald eagle (*Haliaeetus leucocephala*), conservancy fairy shrimp (*Branchinecta conservatio*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardi*), succulent owl's clover (*Castilleja campestris succulenta*), Colusa grass (*Neostapfa colusa*), and San Joaquin Valley orcutt grass (*Orcuttia inequalis*) and San Joaquin kit fox (*Vulpes macrotis mutica*). The mountain plover (*Charadrius montanus*) is proposed for listing. On February 22, 2002, the Corps initiated formal consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act for the above species.

**Mitigation.** The County has prepared a Habitat Mitigation Plan (HMP) for the Infrastructure project. The HMP includes elements for avoidance and minimization, compensation, monitoring and adaptive management. The applicant states that no less than 3 acres of wetland would be preserved, enhanced, restored and/or created for each acre of wetland filled. Associated upland habitats would be preserved at a ratio of no less than 9 acres of upland for each acre of wetland preserved. Preservation of lands would be funded primarily through a \$30-million appropriation made by the California legislature. The total area of land that has been, or is currently in the process of being, secured is approximately 22,880 acres.

**Alternatives.** The applicant will be providing information for an evaluation of on-site and off-site alternatives pursuant to the 404(b)(1) Guidelines. Because the applicant's overall project purpose states that the UC and Infrastructure will have an associated community, the Section 404(b)(1) analysis will include an evaluation of alternative means by which that community may be provided.

**Cultural Resources.** An archaeological survey of the proposed campus was conducted by JRP Historical Consulting Services. The report concludes that none of the properties within the study Area appear to meet the criteria for listing in the National Register of Historic Places. To comply with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act, the Corps will review all archeological reports for the proposed Infrastructure project, the existing golf course and associated UC project (199900203) and consult with the State Historic Preservation Officer.

**Other Federal, State, and Local Permits.** The County of Merced plans to establish a Specific Plan area, which involves the Infrastructure project. A draft Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) was issued in August 2001. In addition, the project will require: National Pollution Discharge Elimination System (NPDES) storm water management compliance, Section 401 water quality certification and compliance with California Fish and Game Codes.

**Consideration of Comments.** Interested parties are invited to submit written comments on the permit application on or before **April 12, 2002**. 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 preparing a concise EIS and clarifying the significant issues to be analyzed in depth. Public concerns 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 two public workshops to encourage participation in the scoping process for the EIS. The workshops will be held on April 18, 2002, at the Merced Civic Center, Sam Pipes Room, 678 W. 18th Street, Merced, California. The first session will be held from 3:00pm to 5:00pm, with the second to follow from 7:00pm to 9:00pm.

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. If additional information is required, please contact Nancy Haley, (916) 557-7772 or email at [Nancy.A.Haley@usace.army.mil](mailto:Nancy.A.Haley@usace.army.mil). All Public Notices for the Sacramento District can be viewed on our website at <http://www.spk.usace.army.mil/cespk-co/regulatory>.

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

Enclosures: Drawings (9)