



LETTER AA

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

OCT - 4 2001

October 4, 2001

In reply refer to:
SWR-01-SA-6084:TDW

Mr. Robert E. Smith
Planning Director
County of Merced
3351 M Street
Merced, CA 95338

Dear Mr. Smith:

This letter responds to receipt of the Draft Environmental Impact Report (EIR) for the Proposed University Community Plan (Plan), dated August 2001. As indicated in the draft EIR, the primary purpose of the proposed Plan is to guide the physical planning and development to achieve the academic needs and goals of the new campus in Merced County. This campus is to provide a new major research university in the San Joaquin Valley for a student population of 25,000 full-time equivalent (FTE) students. The campus would be located approximately two miles northeast of the city limits of Merced on the property owned by the Virginia Smith Trust and the County of Merced. The site is immediately east of Lake Yosemite Regional Park and a portion of Lake Roac.

AA-1

The National Marine Fisheries Service (NMFS) has reviewed the draft EIR for the Plan and has the following comments. In general, NMFS is concerned with how water demands for the campus and its related community, as well as for any related urban growth will affect listed and sensitive anadromous fishery resources and their habitats, including effects to the Merced River, the lower San Joaquin River, the San Joaquin Delta, and associated tributaries or other aquatic resources. More specifically, we are concerned about effects to the federally threatened Central Valley steelhead (*Oncorhynchus mykiss*) and its designated critical habitat, and the candidate species fall-run chinook salmon (*O. tshawytscha*).

AA-2

Water allocation to accommodate the population growth was not adequately addressed in the draft EIR. Based on the draft, the projected campus population is 31,000 students, faculty and staff. Such population growth will increase the need for the City of Merced to accommodate growth with off-campus housing, commercial and retail facilities. These new facilities will require allocated water to accommodate both construction activities and the increased population both on and off campus.



The draft EIR states that the campus alone will need 2,310 acre-feet/year potable water and 1,310 acre-feet/year irrigation water to be provided by the City of Merced and Merced Irrigation District (MID) through ground water wells. The present groundwater levels can accommodate the new campus. However, as the campus reaches full build out, the associated urban development's water demands will exceed that level. As stated in the draft EIR, the City of Merced's projected water demand for both the UC Merced campus and University Community by 2030 is 24,200 acre-feet/year. Urban demand is projected to increase to 121,000 acre-feet/year. Though the City of Merced and MID are in the process of updating their "Water Supply Plan" to recharge and extract groundwater, the source of groundwater for recharging remains a concern to NMFS. The draft EIR does not elaborate on where the City of Merced will be conducting their groundwater recharge activities. Specific details regarding infrastructure, operations, and phased build out of the "Water Supply Plan" are not yet available. The EIR must fully address the effects of the groundwater recharge activities including identifying the source for groundwater to be recharged, and clarifying whether or not water will be coming from water courses that contain any federally listed or candidate species or their critical habitat. In addition, the EIR must address additional direct and indirect effects of surface water usage in Merced County related to water demands, including groundwater recharge, for the campus and its related community. The EIR must address these actions and their effects to listed and candidate species of anadromous fish and their habitat.

AA-2

AA-3

AA-4

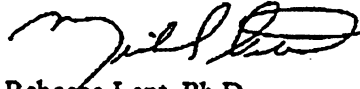
Storm water run off plans include some discussion of hydraulic drainage and storm runoff on campus during 10-year and 24-hour storm events. The runoff as described in the draft EIR would be detained on campus and may be discharged to the Fairfield Canal, with the approval of MID. This additional runoff from the campus is of concern to NMFS because the Fairfield Canal may receive unacceptable levels of untreated pollutants. Such runoff from the campus may continually drain into receiving waters containing federally listed and candidate anadromous fish species downstream from the project site. The proposed construction of onsite retention and detention ponds and a contingency plan for a 100-year, 24-hour storm event do not elaborate in sufficient detail regarding the treatment of campus Storm water runoff. NMFS suggests providing a technical report listing possible pollutants that may be found in the runoff, including a water quality characterization of the runoff, and the anticipated quantity of runoff produced throughout the campus. This technical report should also present a quantitative analysis of projected runoff from the campus and evaluate the removal efficiencies of the Storm water runoff plans. From this technical report, the suggested analysis should contain adequate information to assess the water quality of runoff to be discharged into Fairfield Canal.

AA-5

We appreciate your continued cooperation in the conservation of listed species and their habitat and look forward to working with you and your staff in the future. If you have any questions regarding this response, please contact Ms. Diane Windham in our Sacramento Area Office, 650 Capitol Mall, Suite 8-300, Sacramento, CA 95814. Ms. Windham may be reached by telephone at (916) 930-3600 or by FAX at (916) 930-3629.

AA-6

Sincerely,


for Rebecca Lent, Ph.D.
Regional Administrator

cc: NMFS-PRD, Long Beach, CA
Stephen A. Meyer, ASAC, NMFS, Sacramento, CA
Rick Notini, University of California, 1170 West Olive Ave., Suite I, Merced, CA 95348

**COMMENT LETTER AA: US DEPARTMENT OF COMMERCE, NOAA,
NATIONAL MARINE FISHERIES SERVICE**

Response to Comment AA-1:

No response is required.

Response to Comments AA-2:

Please see Master Response 10 for a discussion of water supply issues.

Response to Comment AA-3:

Please see Master Response 11 for a discussion of groundwater resources. As stated on page 4.8-44 of the UCP Draft EIR and on page 2-55 of the Supplemental DEIR, the proposed University Community water supply, as well as the proposed UC Merced Campus water supply, would be reliant upon groundwater resources and would not use any surface water.

Response to Comment AA-4:

As stated on page 4.8-44 of the UCP Draft EIR and on page 2-55 of the Supplemental DEIR, the proposed University Community, as well as the proposed UC Merced Campus, would be reliant upon groundwater resources and would not use any surface water. For an additional discussion of the direct and indirect effects of surface water in Merced County related to water demand, please see Master Response 10 for a discussion of 2001 Merced Water Supply Plan Update. Effects on groundwater recharge are addressed on pages 2-59 through 2-61 of the Supplemental DEIR. Because the UCP would not affect surface water use, there would not be any effects on aquatic biological resources.

Response to Comment AA-5:

As discussed in Impact 4.8-6 beginning on page 4.8-51 in Section 4.8 of the UCP Draft EIR, both the Campus and the University Community would be subject to the National Pollutant Discharge Elimination System Phase 2 Permit requirements and would be required to reduce storm water discharge pollutants to the maximum extent practicable through the preparation of a Storm Water Pollution Prevention Plan using structural and non-structural Best Management Practices. In addition, as discussed in Impact 4.8-6, the University Community would be required to comply with the Waste Discharge Requirements contained in The Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basin, as established by the Central Valley Regional Water Quality Control Board. As part of the National Pollutant Discharge Elimination System requirements, a water quality monitoring program would ensure that pollutants do not exceed their maximum concentration levels. In addition, as a component

of issuing a National Pollutant Discharge Elimination System permit, the Endangered Species Act, which protects federally listed and candidate anadromous fish species downstream of the project site, would be considered and followed.

Response to Comment AA-6:

The comment provides NMFS staff who can be contacted for questions. No further response is required.