



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
May 1, 2007

IN REPLY REFER TO
HDA-CA
File #: 10-MER-00
Campus Parkway
Document #: P56928

Mr. Kome Ajise, District Director
California Department of Transportation
District 10
P.O. Box 2048
Stockton, CA 95201

Attention: Ms. Margaret Lawrence

Dear Mr. Ajise:

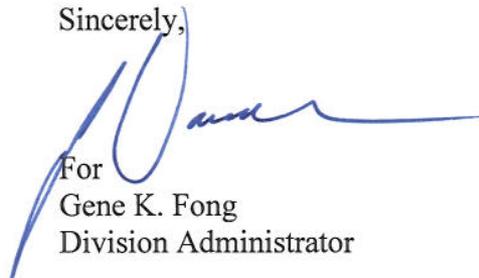
SUBJECT: Record of Decision – Campus Parkway

Enclosed, please find the signed Record of Decision (ROD) for the proposed Campus Parkway in Merced County, California. The Federal Highway Administration approved the ROD on April 30, 2007, in accordance with 23 and 40 CFRs.

As identified in the ROD, the selected alternative for the project may now be advanced.

If you have any questions, please contact Edrie Vinson at 916-498-5852.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gene K. Fong', written over the typed name and title.

For
Gene K. Fong
Division Administrator

Enclosure

**MOVING THE
AMERICAN
ECONOMY**

2007 MAY 2 PM 12 59

**U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration**

RECORD OF DECISION

CAMPUS PARKWAY PROJECT

Merced, California

A. DECISION

Campus Parkway Project is a 7.5km (4.5 mile) 4-lane expressway on a new alignment. The selected alternative for Campus Parkway is the Common Alignment between SR 99/Mission Avenue interchange and SR 140, combined with the Yellow Alignment between SR 140 and Yosemite Avenue (Common/Yellow Alignment). The selected alternative will have intersections with local roads at Gerard, Childs, and Olive Avenues, and at its northern terminus at Yosemite Avenue. A connection will also be provided to SR 140. A detailed description of the selected alternative is provided in Section B, Alternatives Considered.

B. ALTERNATIVES CONSIDERED

The Campus Parkway Project Final Environmental Impact Statement (FEIS) described four alternatives in detail (shown in Figure 2.2-1 from the FEIS):

- The Yellow Alignment
- The Green Alignment
- The Green Alternate Alignment
- The No Action Alternative

The Yellow, Green, and Green Alternate alignments were each designed to be combined with the Common Alignment for a complete project alternative. The Yellow, Green, and Green Alternate alignments all meet the project's purpose and need, which is:

- To provide standard access to the City of Merced to and from State Route 99 (SR 99).
- To provide an eastern expressway adjacent to the City of Merced to serve development north and east of the current city limits.
- To provide unrestricted access to SR 99 over the Burlington Northern-Santa Fe (BNSF) railroad tracks, to serve existing and planned development and provide additional emergency service access.
- To provide access to the Merced Campus of the University of California.

The No Action alternative does not meet the project's purpose and need. Additional alternatives were considered at a conceptual level, but were withdrawn from further consideration when it was determined that they did not meet the purpose and need.

Selected Alternative: Common/Yellow Alignment

The selected alternative will begin at the SR 99/Mission Avenue interchange and have a short west-to-east segment from Coffee Street to its crossing of the Doane Lateral canal; the alignment will turn north and closely parallel the east side of the canal. The southern portion of the Campus Parkway will have at-grade, signalized intersections with Gerard and Childs Avenues. The Common Alignment will continue to State Route 140 (SR 140) and cross both the highway and the BNSF railroad tracks on an elevated overcrossing. A short connector road with signalized intersections will provide access between the Campus Parkway and SR 140.

North of SR 140, the project will follow the Yellow Alignment, crossing Bear Creek Drive and Bear Creek on a new elevated overcrossing. Just north of Olive Avenue, the alignment will shift to cross over the Bradley Lateral and continue north, paralleling the west side of the Bradley and Hartley Laterals and crossing Black Rascal Creek before reaching Yosemite Avenue. The alignment will have at-grade intersections at Olive Avenue and at the northern project terminus at Yosemite Avenue. The intersections at Olive and Yosemite Avenues will be constructed as roundabouts to allow continuous traffic flow.

Short bridges or pipe culverts will be constructed at locations where the project crosses irrigation canals and drainage courses. A storm-drainage system will be constructed within the project's right-of-way, utilizing remaining areas of parcels acquired for the project but not occupied by the Campus Parkway. The drainage system will collect and drain flow from the highway right-of-way into earthen-lined basins, where water can be collected and temporarily retained to improve storm drainage control and runoff water quality.

Green Alignment

Between SR 99 and SR 140, this alternative also followed the Common Alignment. North of SR 140, the Green Alignment headed diagonally northwest. About 0.75 kilometers (0.5 mile) northwest of the Hartley Lateral, the alignment turned north and crossed South Bear Creek Drive, Bear Creek, North Bear Creek Drive, and Olive Avenue, until it reached Yosemite Avenue. The Green Alignment included an interim connection from Yosemite Avenue to Lake Road, to eliminate traffic conflicts from the close offset spacing of the intersections of Lake Road and Campus Parkway at Yosemite Avenue.

Green Alternate Alignment

The Green Alternate Alignment also combined with the Common Alignment and followed the same route as the Yellow Alignment from SR 140 to just north of Olive Avenue. It then followed a northwest-southeast alignment segment to Yosemite Avenue, paralleling a high-voltage transmission line corridor. North of Black Rascal Creek, the Green Alternate merged into the same route as the Green Alignment and continued north

to its intersection with Yosemite Avenue. The Green Alternate also included an interim connection with Lake Road.

No Action Alternative

The No Action Alternative would have retained the existing roadway system. No right-of-way, development, or construction costs would be attributed to the No Action Alternative. The No Action Alternative would not provide for any future transportation investment that would address the needs of continued growth within the eastern and northern portions of Merced. Therefore, it did not meet the project's purpose and need.

Estimated Right-of-Way and Construction Costs

The estimated costs at the time of preparation of the FEIS for the Selected Alternative, Green Alignment, and Green Alternate were approximately \$70.7 million, \$71.0 million, and \$70.9 million, respectively.

Environmentally Preferred Alternative

The alternative that meets the project's purpose and need and causes the least damage to the biological and physical environment must be identified as the "Environmentally Preferred Alternative." The selected alternative, the Common/Yellow Alignment, is the "Environmentally Preferred Alternative" and has the least impact upon the community and affects the fewest existing residents; the Green Alignment would have impacted a total of 58 homes, and the Yellow Alignment impacts a total of 14 homes. The Green Alternate would have impacted 14 residents, and it would also cross diagonally through a large parcel of land south of Yosemite Avenue that is designated in the County General Plan for future residential use, adversely affecting its potential for development.

The selected alternative has fewer cumulative impacts to biological resources than either the Green or Green Alternate Alignments because it minimizes impacts to foraging lands important to avian species of concern (Swainson's hawk, mountain plover, horned lark, white-faced ibis, and loggerhead shrike). The selected alternative avoids impacts to oak trees that would have been affected by the Green Alignment.

C. MEASURES TO MINIMIZE HARM

The specific measures identified to minimize environmental harm are incorporated into this decision as described in detail in Chapter 3 of the FEIS by resource topic. The following measures also mitigate for cumulative impacts, as described in Section 3.22 in the FEIS.

- **Geologic and Seismic Conditions.** Earthquake shaking could disturb slope stability at Bear Creek and at other new embankments. Soil erosion may occur during construction. Merced County will develop appropriate design criteria and measures to avoid or mitigate for such hazardous conditions.

- **Hydrology, Groundwater, Water Quality, and Storm Water Runoff.** The project will increase the amount of storm water runoff from the new paved expressway. To minimize impacts to water quality from pollutants in storm water, retention basins will be built alongside the expressway at various locations where right-of-way is available. Storm water retention basins will be identified in the project's Plans, Specifications & Estimate (PS&E) and contractor requirements. One existing water well in the project area will be sealed in accordance with state and local requirements. A National Pollutant Discharge Elimination System (NPDES) permit will be required and a Storm Water Pollution Prevention Plan (SWPPP) will be developed by Merced County.
- **Hazardous Waste and Materials.** An Initial Site Assessment identified two hazardous sites to the east and the west of the Common Alignment, but outside of the right-of-way to be acquired. Both sites are under regulatory permit conditions/orders to manage and remediate the contamination. Prior to right-of-way acquisition, Merced County will determine the presence or extent of any contamination, including testing of soils and groundwater. Removal or control of soil or groundwater contamination within the project area will be completed prior to parcel acquisition, with the remediation plan developed in accordance with state and federal standards.
- **Air Quality and Conformity.** The project was included in the currently adopted transportation plans, including the Merced County Association of Governments (MCAG) 2006 Regional Transportation Improvement Program (RTIP), the 2004 Regional Transportation Plan (RTP), and the 2007 Federal Transportation Improvement Program (FTIP). The approved design concept and scope is consistent with the project description in the current plans and the assumptions in the regional pollutant emissions analysis. The FEIS discusses the evaluations of carbon monoxide, particulate matter, diesel toxics, and other emissions of concern, and concluded that none would cause an exceedance of an air quality standard or expose the public to adverse air quality emissions.

The required air quality conformity analysis steps have been completed by the MCAG and other local, state, and federal transportation planning agencies. The MCAG reviewed the project against the 2006 criteria for fine particulate matter (PM 2.5) for a "Project of Air Quality Concern." The MCAG determined that the maximum truck traffic for the planning year of 2030 would not exceed the guidelines, and that the project would improve levels of service at some intersections. This determination was transmitted to the San Joaquin Valley (SJV) Transportation Director's Association Model Coordinating Committee for concurrence in July 2006. The SJV Air District, the U.S. Environmental Protection Agency (EPA), and the FHWA all concurred that the project is not a "Project of Air Quality Concern."

Dust control measures will be required of the contractor, who will submit a Dust Control Plan to Merced County for approval prior to construction.

- **Noise.** Two locations along SR 140 could experience future noise levels that are above the threshold at which noise abatement must be considered. Achieving effective traffic sound reduction at these locations would require construction of a solid soundwall with no breaks for property or vehicle access. This was determined to be impractical, as it would preclude access to properties along SR 140. Breaks in the soundwall for access would render it ineffective in achieving noise reduction.

Merced County will consider incorporation of noise abatement measures in the design of the project, which would be funded by local or county funds. Noise barriers would be provided (where feasible) to minimize the effect of noise from Campus Parkway for existing residential structures that are within 61 meters (m)/200 feet of the right-of-way. Noise barriers that Merced County will consider may consist of berms, soundwalls, or a combination of the two.

- **Wetlands.** The impacts to wetlands were nearly identical for each of the three build alternatives. The selected alternative will impact 0.035 hectare (ha)/0.086 acre (ac) of wetlands and 0.2 ha/0.49 ac of non-wetland canals. Measures have been incorporated into the preliminary project design to minimize impacts to wetlands and other Waters of the United States. Nonwetland waters and wetlands located at Bear Creek and Black Rascal Creek will be crossed by bridges to minimize any permanent fill. The roadway design will include a setback to avoid impact to the Doane and Hartley Lateral canals; the contractors will be required to fence or otherwise protect the canals from construction disturbance. Permanent impacts will be offset through purchase of credits at a mitigation bank. Nationwide Permit 14 (Road Crossing) and 33 (Temporary Construction, Access, and Dewatering) will be required for this project.
- **Vegetation and Wildlife.** The selected alternative avoids all impacts to valley oak trees, as discussed in Section 3.8 of the FEIS. Pre-construction surveys for nesting raptors including Swainson's hawk shall be conducted by a qualified biologist within a 0.4 km (0.25 mile) of any construction activity scheduled between March 1 and September 15. If active raptor nests are observed, Merced County shall consult with the California Department of Fish and Game (CDFG) to determine appropriate take avoidance measures.

Areas within the channel of Bear Creek temporarily disturbed by construction activities will be revegetated following construction. The contractor will be required to notify the project engineer of the location of the source of any fill material. Prior to removal of the material or disturbance of the site or a stockpile, the fill material will be inspected for the presence of noxious weeds identified in the Appendix F of the Campus Parkway Natural Environment Study/Biological Assessment (URS 2004). If noxious weeds are present, at least 15 centimeters (6

inches) of the surface of the borrow site or stockpile will be removed before it is hauled to, or used at, the project site. Hydroseeding and revegetation of the site shall also involve the same inspection of materials for noxious weeds.

- **Threatened and Endangered Species.** Extensive surveys were conducted to determine the presence of the San Joaquin kit fox, in accordance with the U.S. Fish and Wildlife Service (USFWS) protocol. No evidence of kit fox presence was found, nor were there any sightings of the species. Coordination with the USFWS resulted in the USFWS Biological Opinion (BO) that while occurrence of the kit fox in the project area is rare, its potential cannot be ruled out and project construction activities could present a potential impact. Avoidance measures were identified in that BO and will be required of the contractor. Compensatory mitigation is required at a 1.1-to-1 ratio for permanent impacts and a 0.3-to-1 ratio for temporary impacts. These ratios equal 62.18 ha (153.64 acres) for permanent impacts and 1.91 ha (4.73 acres) for temporary impacts, for a total of 64.09 ha (158.37 acres). Credits can be purchased at a Service-approved conservation bank that includes the proposed project within its service area, or Merced County will acquire conservation easements on land identified with the USFWS as critical for the recovery of the kit fox. The County has identified criteria meeting USFWS requirements for land acquisition for kit fox mitigation and has identified a range of suitable properties. Mitigation credits or easement rights will be acquired through negotiation with the land owners that allow compatible agricultural or conservation activities to continue on the parcels. Property acquisition activities and contacts cannot begin with landowners until after the ROD is approved.

The Burrowing Owl will be avoided by conducting pre-construction surveys and identifying any burrows that need to be protected. If the burrows cannot be avoided, new burrows will be created within adjacent suitable habitat, or mitigation will be developed in accordance with CDFG requirements.

The Swainson's hawk will also be avoided by conducting pre-construction surveys, and construction will be avoided or minimized in the vicinity of any identified active nests. In the event that an active nest is identified within 1.6 km (1 mile) of the project area, construction will be seasonably limited or the County will provide off-site habitat.

Adverse impacts to other bird species, such as the tricolored blackbird, white-tailed kite, loggerhead shrike, Lewis's woodpecker, Nuttall's woodpecker, Lawrence's goldfinch, and horned lark, will be avoided by the following measures: 1) pre-construction surveys to identify nesting activity within 91 meters (300 feet) of project activities; and 2) restricting construction activities within 91 meters (300 feet) of the active nests until all birds have completed breeding activities, or until CDFG determines no impact will occur.

Valley Elderberry Longhorn Beetle (VELB). Habitat for this species occurs at Bear Creek and is associated with the elderberry shrubs. Impacts to these shrubs cannot be avoided, and the USFWS Biological Opinion requires the following compensation and conservation measures for this species: 1) implementation of the USFWS 1999 Conservation Guidelines for all elderberry shrubs that may be adversely affected; 2) areas to be avoided will be fenced and flagged, and a minimum of a 6 m/19.7 ft setback from the plant dripline maintained; 3) training for work crews and contractors in environmental awareness; 4) compensatory planting of 246 elderberry seedlings or cuttings, and 246 associated native riparian species (this item will be satisfied through the purchase of credits from an approved mitigation bank); 5) transplanting of 70 elderberry shrubs in 167 square-meter basins (1,800 square feet); 6) no fertilizers or chemicals to be employed during construction; and 7) drainage water to be diverted away from the elderberry shrubs.

Best Management Practices (BMPs) will be used in all construction activities within 91 meters (300 feet) of Bear and Black Rascal Creeks, to avoid affecting water quality and impacting special-status fish species. They include: 1) silt fences and hydro-seeding; 2) refueling construction equipment at least 91 meters (300 feet) from flowing streams; 3) use of vegetated swales and retention basins to reduce runoff; and 4) de-watering, if necessary, discharging water into vegetated upland areas to allow filtration.

- **Floodplains.** The project will not create a longitudinal encroachment of an existing floodplain. Nonetheless, the project will include drainage culverts and small bridges at major drainage crossings, and erosion control and scour protection measures at bridge piers at Bear Creek to minimize the potential for flood impacts.
- **Growth Inducement.** Growth pressure has increased in Merced County as a result of housing affordability and the development of the UC Merced Campus. Some portions of the selected alternative alignment will pass through designated agricultural lands where pressures for growth could increase. Merced County and the City of Merced control newly proposed developments through Respective General Planning and zoning control processes as discussed in Section 3.12.2 of the FEIS.
- **Agricultural Lands.** Impacts to agricultural lands were minimized by aligning the roadway near existing canals. The selected alternative will impact an estimated 33.6 ha (83 acres) of farmland, while the Green Alignment and the Green Alternate would have impacted 22.6 ha (56 acres) and 31.2 ha (77 acres), respectively. A Farmland Conversion Impact Rating Form (AD 1006) was prepared and submitted to the Natural Resources Conservation Service, and all three alternatives were below the 160-point threshold for considering increased federal action to protect farmlands.

- **Population, Housing, and Community Impacts.** All three build alternatives would displace one home. Avoidance of an acquisition is not feasible, and Merced County will provide relocation assistance in accordance with state and local requirements and programs, including the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended. The FEIS addressed environmental justice, and concluded that no minority or low-income populations would be adversely affected by this project.
- **Traffic and Transportation, and Emergency Services.** Merced County will develop construction staging and traffic management plans for the construction period. They will provide for continued emergency access and minimize emergency service delays during construction.
- **Visual/Aesthetics.** The project will introduce new structures and railroad features that will be visible within the current setting. Landscape plans will be developed to place vegetation screens along the project right-of-way. Lighting will include features to minimize light intrusion to adjacent areas/properties.

D. MONITORING AND ENFORCEMENT PROGRAM

Merced County will be responsible for the project and meeting the commitments and requirements included in the FEIS, as well as any regulatory permits or conditions. These responsibilities include the following:

- Wetland mitigation banking credits will be provided with the applications to the U.S. Army Corps of Engineers for a Nationwide Permit Authorization and the Regional Water Quality Control Board for a water quality certification. These permit authorizations are expected to include monitoring and reporting requirements that will be the responsibility of the County and as appropriate will also be made conditions of the project contractors.
- Kit fox habitat mitigation bank credits or conservation easements will be obtained in accordance with the requirements of the Biological Opinion. Conditions included in the Biological Opinion related to construction activities will be required of the project contractor. Preconstruction surveys (to ensure that kit fox are not present within the project area at commencement of construction) will also be performed no more than 30 calendar days prior to construction.
- Credits from a mitigation bank will be purchased and impacted elderberry shrubs will be transplanted in accordance with the Biological Opinion and the USFWS 1999 Conservation Guidelines for the Valley Elderberry Longhorn Beetle (VELB). Other VELB-related commitments include fencing of the construction perimeter in the vicinity of avoided elderberry shrubs, control measures for dust and chemical use, and contractor awareness training.
- Performance of pre-construction wildlife surveys for construction activities that may occur during breeding seasons; discovery of nesting activities require avoidance practices.

- Development and implementation of revegetation and landscape plans, compatible with the project construction phasing.
- Obtain and comply with NPDES permit requirements and SWPPP.
- Contractor requirements for control of invasive/noxious weed species.
- Contractor requirements for erosion and dust control.
- Implementation of traffic control measures during construction
- Construction stop and reporting/consultation requirements in the event unknown/unanticipated cultural resources are encountered.

E. COMMENTS RECEIVED ON THE FINAL EIS

The FEIS was circulated on January 16, 2007 to the U.S. Environmental Protection Agency. A notice announcing the availability of the FEIS was published in the Federal Register on January 26, 2007. The 30-day public comment period ended on February 26, 2007.

Comments on the FEIS received during the 30-day public comment period and the responses to those comments are summarized and incorporated as an attachment to this ROD. One comment letter was received, from the U.S. Environmental Protection Agency (EPA), dated February 26, 2007. Copies of the comments are on file and available upon request from the Merced County Department of Public Works, 345 West 7th Street, Merced, CA 95340 (Attention: Steve Rough), Caltrans District 10 Office, 1976 East Dr. Martin Luther King Jr. Blvd/P.O. Box 2048, Stockton, CA 95201 (Attention: Margaret Lawrence), or the Federal Highway Administration, 650 Capitol Mall, Suite 4-100, Sacramento, CA 95814-2724 (Attention: Edrie Vinson).

The following summarizes the EPA comments and responses:

Traffic Benefits

EPA Comment No. 1:

“The ROD should discuss potential transportation improvements, including transit and Transportation System Management measures that may alleviate continuing congestion in downtown Merced and mitigate the increased congestion that would result from the project.”

Response to EPA Comment No. 1:

Traffic Systems Management is discussed briefly in the FEIS on page 2-13. The reasons for not selecting the Traffic Systems Management alternative are explained in the first full paragraph top of page 2-14, and why the alternative does not meet the project purpose and need. These reasons are expanded on in the following discussion. Although the Traffic Systems Management alternative was not selected for the Preferred Alternative, some traffic control measures appropriate to the expressway are included in the design (as noted in page 2-13).

The purpose of the Campus Parkway project does not include alleviation of congestion in downtown Merced. As a result, no analysis was included in the support documentation

for the Campus Parkway project related to this issue. The project purpose is clearly stated in Section 1.1 of the FEIS in order to correct the deficiencies discussed in Section 1.2 of the FEIS. The Campus Parkway project will not and cannot satisfy all of the transportation needs of the City of Merced.

The “western beltway” (now known as the Atwater-Merced Expressway) mentioned in the EPA letter is a separate project being processed by the Merced County Association of Governments. The purpose and need of the Atwater-Merced Expressway project is not the same as the purpose and need for the Campus Parkway project. In order to meet the overall transportation needs of the Merced area, projects in addition to the Campus Parkway project and the Atwater-Merced Expressway project will be needed. It is important to understand that each project will provide individual and unique benefits to the circulation system. No single project will effectively meet the long-term circulation needs of the Merced area.

The Campus Parkway project will result in increased traffic on feeder roadways (Yosemite Avenue, Olive Avenue, Childs Avenue) resulting from the diversion of traffic from existing routes to Campus Parkway. This increase can be seen in exhibits included in the in the FEIS technical report “Campus Parkway Traffic Analysis – Addendum,” dated July 8, 2004 by Dowling Associates, Inc. Only one location, Yosemite Avenue at McKee Road, is projected to experience an unacceptable level-of-service in the year 2025. However, this analysis is based on conditions that existed in 2004. As a result of development that has already occurred in the City of Merced, this segment of roadway has been widened to 4-lanes and a traffic signal has been installed at the intersection of Yosemite Avenue and McKee Road; these improvements result in an acceptable level-of-service at this location. Other feeder roadways are also being improved as development expands within the City of Merced’s planning area. These improvements are in response to the City’s continued planned growth, and will also accommodate the increased traffic resulting from the Campus Parkway.

In summary, the Campus Parkway project effectively satisfies the purpose and need of the project as described in the FEIS:

- The Campus Parkway project will result in an efficient corridor connecting the City of Merced with the only interchange with State Route 99 (the Mission Interchange) located in the City of Merced meeting Caltrans standards.
- The Campus Parkway project will result in a transportation corridor consistent with the local and regional transportation plans for an eastern `expressway adjacent to the City of Merced to serve development north and east of the current city limits.
- The Campus Parkway project will result in a transportation corridor not restricted by the BNSF railroad providing improved emergency service access and mobility.
- The Campus Parkway project will provide access to planned developments in the City of Merced’s north and east Specific Urban Development Plan and Sphere of Influence areas.
- The Campus Parkway project will provide improved access to the first phase of the Merced Campus of the University of California (UC Merced).

Induced Growth and Cumulative Impacts

EPA Comment No. 2a:

“The cumulative and indirect impact analysis, as well as proposed mitigation for these impacts, should be updated to reflect the most up-to-date information on the City of Merced’s General Plan update, SUDP, and proposed developments. This is consistent with Step 5 in the Caltrans Cumulative Impacts Analysis:

(http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm). The results of these analyses should be included in the ROD.”

Response to EPA Comment No. 2a:

The information listed on page 3-225, Table 3.22-1 and Figure 3.22-1 is a comprehensive list of development plan areas in the City of Merced. With a few minor exceptions (representing approximately 72.8 ha/180 acres), the 63 subdivisions listed in the City of Merced’s website are all included in the information contained in the FEIS. Plus, the information contained in the FEIS includes significantly more area than included in the City’s website list. The total area proposed for development within the City represented by the information in the FEIS is approximately 2,865 ha/7,080 acres. An additional 1,128 ha/2,788 acres of proposed development located in County jurisdiction is also listed in the FEIS. The list on the City’s website includes only approximately 1,255ha/3,100 acres of active development. Therefore, in describing the potential future growth and development projects for purposes of the FEIR, the area and quantity of potential growth documented at the time the FEIS was prepared sufficiently incorporates growth anticipated to occur in the design period for Campus Parkway.

On July 17, 2006, the City of Merced adopted a study boundary for a potential new Specific Urban Development Plan (SUDP) boundary. It should be noted that the Draft Boundary does NOT represent the City’s new growth boundary, just areas under consideration for inclusion in the City’s growth boundary, which will be formally adopted at the end of the General Plan process in spring 2008. It is inappropriate to include speculative planning information into a project level environmental document. It is also important to remember that the traffic analysis done for the Campus Parkway project is based on growth anticipated to occur by the year 2025. The amount of growth that occurs is based on State of California Department of Finance projections, not on available vacant land. The inclusion of additional vacant land within the SUDP will not increase the amount of growth anticipated to occur by the design year for Campus Parkway. This additional vacant land proposed to be included in the SUDP represents growth anticipated to occur some time after the year 2025. While including an exhibit map showing the study boundary might be interesting, the map is not official and will not change the results of the traffic analysis done to support the Campus Parkway project.

EPA Comment No. 2b:

“The ROD should discuss potential mitigation opportunities for cumulative impacts, whether or not they are within the authority of the transportation agencies.”

Response to EPA Comment No. 2b:

Potential mitigation opportunities for the Campus Parkway are described for each topic area in Chapter 3 of the FEIS. The respective cumulative analysis of each topic is addressed in Section 3.22 in the FEIS. That evaluation of cumulative impacts did not identify any additional mitigation opportunities or requirements that were not already identified for the project (regardless of responsibility for implementation), and therefore no changes were made to the mitigation included in the ROD. A statement to this effect was included in the ROD in the introduction to “Measures to Minimize Harm in Section C of this ROD. In addition, most of the projects which could contribute to cumulative impacts are subject to CEQA and not NEPA, and as described in the FEIS would require similar mitigation at the time of project review and decision.

Waters of the U.S., Including Wetlands

EPA Comment No. 3:

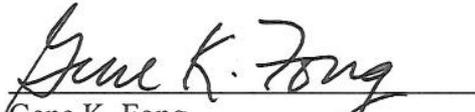
“The data in Table 3.7-2 should not be included in the ROD to determine compensatory mitigation.”

Response to EPA Comment No. 3:

The data in Table 3.7-2 were presented in the FEIS to provide qualitative descriptive information. The data are not used to determine mitigation and none of the criteria referred to in the table are included in the ROD. Aquatic resources are defined in the ROD using the jurisdictional descriptions of Waters of the United States, and subcategories of wetlands and other waters of the U.S. (or nonwetland waters). The delineation of the project area has been verified by the Corps of Engineers, which was used to define the impacts included in the FEIS.

Record of Decision Approval

4/30/07
Date


Gene K. Fong
California Division Administrator
Federal Highway Administration