



United States
Department of
Agriculture

Public Participation Plan

Black Rascal Creek Flood Control Project Watershed Project Plan and Environmental Assessment

Merced County, California



Natural Resources
Conservation Service

July 2023



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Purpose of This Strategy

The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) is preparing the Black Rascal Creek Flood Control Project Watershed Plan Environmental Assessment (Plan EA) under Public Law 83-566 (PL-566) authority (Watershed Protection and Flood Prevention Act of 1954, as amended). The NRCS National Watershed Program Manual (NWPM) sets forth the policy for all watershed plans developed under the PL-566 Program. No project will be funded unless it meets the requirements set forth in the manual. PL-566 authorizes the NRCS to provide technical and financial assistance to sponsoring local organizations (SLOs) to prepare and implement watershed plans. Project SLOs are Merced County, and the City of Merced. Merced County is the lead “Sponsor” being responsible for leading the planning process, providing assurances for land rights, and leading coordination of the Project with assistance from NRCS.

The Plan EA describes the proposed Black Rascal Creek Flood Control Project (Project) to construct a new embankment system to create a flood control detention basin that includes habitat restoration. The detention basin proposed as part of the Project would temporarily detain a 200-year storm event and limit flow in the diversion channel to 3,000 cubic feet per second, reducing peak flows in Bear Creek and flooding along the old Black Rascal Creek channel that flows through the City of Merced. The Project is designed to contain up to the 200-year flood event in compliance with the Central Valley Flood Protection Act of 2008.

Merced County conducted a California Environmental Quality Act (CEQA) review of the Project in 2017 (Merced County, 2017) to identify and analyze the anticipated environmental impacts of the proposed Project. A Notice of Preparation of the Draft Environmental Impact Report (EIR) for the Project was issued February 3, 2017, for a 30-day review and comment period. The Draft EIR was circulated for a 45-day public review from August 3, 2017, to September 18, 2017. Copies of the document were distributed to state, regional, and local agencies, as well as organizations for review and comment. Comment letters on the Draft EIR were received from the California Department of Transportation, California Department of Fish and Wildlife, and one private stakeholder. Responses to comments were included in the Final EIR. The Final EIR was used in development of the Plan EA.

Public hearings for the Project were held during two regularly scheduled Merced County Board of Supervisors meetings on December 12, 2017, and January 9, 2018. The Board of Supervisors ultimately certified the EIR and adopted the Project on January 9, 2018 (State Clearinghouse number 2017021015). The Final EIR is available and accessible to the public on the [Merced County website](https://www.countyofmerced.com/754/Creeks).¹

The intent of this public participation plan is to outline the proposed additional outreach methods and timing of public participation throughout the planning and NEPA process in developing the Plan EA.

This strategy has been designed to assist with communication between the NRCS and the public, building on Merced County’s recent outreach efforts. This document should be considered a “living document” as it may be updated as information changes (such as contact information or as activities are completed or new ones are identified).

Public Participation Objectives

The term “public” as used in this document is a broad term that includes private citizens, local, state, regional, and national government entities, federally recognized Indian Tribes, formal collaborative groups, cooperating agencies, special interest groups, community groups, and others.

¹ <https://www.countyofmerced.com/754/Creeks>

The primary objectives are to deliver concise, consistent messages regarding the Plan EA process and to engage the public in the process.

To keep the public and all associated agencies and organizations fully informed throughout the duration of the Project, the strategy will:

- Re-engage the general public, including private groups and government agencies at local, county, and state levels, with the proposed Project.
- Provide a forum for the receipt and consideration of additional public input regarding the Project. The desired input includes not only opinion, but also available data.
- Identify and clarify the impacts of the Preferred Alternative and No Action Alternative.
- Incorporate written and verbal comments into the decision-making process.

Techniques to Ensure Public Participation

The following techniques will be implemented within the watershed planning process to promote on-going public participation:

1. Continue coordination meetings between NRCS and Merced County to explain the Watershed Program and process.
2. Publish a notice of availability (NOA) in a local newspaper; and on the Merced County and CA NRCS Environmental Compliance websites to assist in informing the public of the opportunity to review and comment on the Draft Plan EA.
3. Provide opportunities to obtain additional input from Project stakeholders.
4. Discuss ongoing developments regarding Project updates.
5. Develop an email address list to facilitate electronic notification and updates as needed.

Information Previously Provided and Obtained

1. Initial Planning Process
 - a. Information provided to the public during the CEQA process:
 - i. Objectives of the Project
 - ii. Known watershed problems and opportunities
 - iii. Identification and discussion of potential alternatives
 - iv. Explanation of the process through completion
 - b. Information obtained during the CEQA process:
 - i. Watershed natural resource problems needing to be addressed
 - ii. Data and other information pertinent to the planning activities
 - iii. Alternatives that should be considered and how the alternatives may affect their property and lives
 - iv. Range of effects and feasible mitigation relative to the evaluated alternatives
2. On-going/Completion of Planning Process
 - a. Information to be provided to the public during the NEPA process:
 - i. Identified problems and opportunities
 - ii. Sponsor objectives
 - iii. Alternatives considered

- iv. Alternatives evaluated, including a comparison of effects (ecological, economic, social, physical, cultural, etc.)
 - v. Preferred alternative
 - vi. Draft Plan EA
 - vii. Evaluation and minimization of environmental impacts
- b. Information to be obtained:
 - i. Verbal and written feedback/comments

Information obtained through the continued public participation process will be reviewed and incorporated into the analysis as appropriate. Substantive comments will be fully addressed in the Final Plan EA, per NRCS NEPA regulations and the NWPM.

Schedule of Public Participation Activities

1. Draft Plan EA Notice of Availability (NOA): Following the completion of the Draft Plan EA, a NOA will be published locally and will provide the date, location, and time of the public meeting for receiving comments on the Draft Plan EA.

Date – **June 28, 2023**

Responsibility – NRCS in coordination with Merced County and Jacobs Engineering

Methods:

- An NOA will be published in the Merced County Times beginning approximately 15 days before the scheduled meeting.
- Project notification letters or emails will be mailed to a pre-determined mailing list of property owners/stakeholders, federal, state, regional and local agencies, and Native American Tribes approximately 2 weeks prior to the public meeting.

2. Public Meeting: A public meeting will be held following publication of the Draft Plan EA, per NWPM 502.21. The public meeting will take place as an agenda item at a Merced County Board of Supervisors meeting and will discuss the environmental effects of the Preferred Alternative. The meeting will be open to input and feedback from the public concerning the Draft Plan EA.

Date – **July 11, 2023**

Location – Merced County Board of Supervisors Meeting website via Live Stream at <https://www.co.merced.ca.us/2206/Board-of-Supervisors-Meetings>

Responsibility – Merced County

3. If applicable, publish Final Plan EA: Following the completion of the Final Plan EA, an NOA will be published locally for the Final Plan EA.

Date – **TBD**

Responsibility – NRCS in coordination with Merced County and Jacobs Engineering

- The NOA will be published locally.
- The NOA will be mailed or emailed directly to identified interested parties on the mailing list.

Distribution List

A copy of the Plan EA will be available at the following location:

Merced County Public Works Office
345 West 7th Street
Merced, CA 95341

An electronic copy of the document will be available at the [Merced County website](#).

The following federal, state, regional and local agencies, and Native American Tribes will be informed of availability of this Plan EA:

Federal Agencies

U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

U.S. Army Corps of Engineers, Sacramento District
1325 J St
Sacramento, CA 95814

U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way
Sacramento, CA 95825

State Agencies

California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

California Department of Fish and Wildlife, Region 4
Fresno, CA 93710

California RWQCB,
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

California Department of Water Resources
Division of Safety and Dams
P.O. Box 942836
Sacramento, CA 94236-0001

California Department of Parks and Recreation
Environmental Steward Section
1416 9th Street
Sacramento, CA 95814

California Highway Patrol
Special Projects Section
P.O. Box 942898

Sacramento, CA 92298
California Office of Emergency Services (Cal EMA)
3650 Schriever Avenue
Mather, CA 95655

California Public Utilities Commission
770 L St #1050,
Sacramento, CA 95814

Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Regional and Local Agencies

Central Valley Flood Protection Board
3310 El Camino Ave, Room 151
Sacramento, CA 95821

County of Merced
Department of Public Works
345 West 7th Street
Merced, CA 95341

City of Merced
Planning Division
678 West 18th Street
Merced, CA 95340

Merced Irrigation District
744 West 20th Street
Merced, CA 95340

Native American Tribes

Amah Mutsun Tribal Band
Valentin Lopez, Chairperson
P.O. Box 5272
Galt, CA, 95632

North Valley Yokuts Tribe
Timothy Perez, MLD Contact
P.O. Box 717
Linden, CA, 95236

North Valley Yokuts Tribe
Katherine Perez, Chairperson
P.O. Box 717
Linden, CA, 95236

Southern Sierra Miwuk Nation
William Leonard, Chairperson
P.O. Box 186
Mariposa, CA, 95338

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville, CA, 93258

Tule River Indian Tribe
Kerri Vera, Environmental Department
P.O. Box 589
Porterville, CA, 93258

Tule River Indian Tribe
Joey Garfield, Tribal Archaeologist
P.O. Box 589
Porterville, CA, 93258