UC Merced and University Community Project

Final Environmental Impact Statement/Environmental Impact Report

SCH No. 2008041009

March 2009

U.S. Army Corps of Engineers, Sacramento District

University of California

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1.0 INTRODUCTION

1.1 PURPOSE OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT/ ENVIRONMENTAL IMPACT REPORT

This Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) has been prepared by the US Army Corps of Engineers (USACE) and the University of California (UC) for the UC Merced and University Community Project. Under the California Environmental Quality Act (CEQA) and the UC procedures for implementing CEQA, following completion of a Draft EIR the University is required to consult with and obtain comments from public agencies that have jurisdiction by law or discretionary approval power with respect to the proposed project and to provide the general public with opportunities to comment on the Draft EIR. USACE has similar responsibilities under the National Environmental Policy Act (NEPA) for the Draft EIS. Both agencies have completed their responsibilities in this regard (as described further below) and prepared this Final EIS/EIR, which includes the Draft EIS/EIR (it is incorporated by reference), and this response to comments document.

1.2 PUBLIC REVIEW PROCESS

On November 6, 2008, USACE and the University issued a Draft EIS/EIR on the UC Merced and University Community Project. The Draft EIS/EIR was filed with the US Environmental Protection Agency (EPA) and a Notice of Availability (NOA) announcing the availability of the Draft EIS/EIR for public review and the public hearing schedule was published in the *Federal Register* on November 7, 2009 (70 FR 68475). Additionally, in compliance with CEQA, the Draft EIS/EIR along with a Notice of Completion was provided to the State Clearinghouse for distribution to interested state agencies on November 6, 2008. Notice that the Draft EIS/EIR was completed and available for comment was also published in the *Merced Sun-Star* and the *Modesto Bee* on November 8, 2008. The Draft EIS/EIR was made available online at the USACE Web site and the UC Merced Web site.

A 60-day public comment period (November 7, 2008, to January 5, 2009), which is longer than the mandated 45-day public comment period required by both federal and state law, was provided by USACE and the University. USACE and the University held a public meeting on December 2, 2008, to receive verbal and written comments on the contents of the Draft EIS/EIR. Comments were also received by mail and e-mail during the public review period.

1.3 NEPA AND CEQA COMPLIANCE STEPS

In compliance with NEPA, this Final EIS/EIR will be filed with the EPA, and an NOA announcing the availability of the Final EIS/EIR will be published in the *Federal Register*. After a minimum 30-day waiting period, USACE will issue a Record of Decision (ROD) stating the decision and describing the alternatives considered; the environmentally preferable alternative; the factors considered with respect to the alternatives, environmental commitments, and mitigation measures to be applied to the Proposed Action; any monitoring and enforcement program to be established; any significant comments received on the Final EIS/EIR; and responses to those comments.

Pursuant to CEQA, the Board of Regents of the University of California (The Regents) will consider the Final EIS/EIR for certification. To certify the Final EIS/EIR, The Regents must find that the Final EIS/EIR has been completed in compliance with CEQA and is adequate. After The Regents certify the Final EIS/EIR, the University will make the final decision whether to approve the project and adopt findings of fact regarding the significant effects identified in the Final EIS/EIR (*State CEQA Guidelines*, Section 15091). A statement of overriding considerations will also be prepared and adopted for effects that are unavoidable or infeasible to mitigate. The findings must be based on substantial (factual) information in the record. The Regents must also adopt a mitigation monitoring and reporting program that will ensure that the mitigation measures identified in the findings are implemented. Once The Regents have certified the Final EIS/EIR and approved the project, the University will file a Notice of Determination (NOD) with the State Clearinghouse. Filing the NOD begins a 30-day statute of limitations on court challenges to the approval under CEQA.

1.4 AVAILABILITY OF THE FINAL EIS/EIR

The Draft EIS/EIR, which is incorporated by reference, and this response to comments document constitute the Final EIS/EIR. Copies of the Final EIS/EIR are available for review at the following locations:

United States Army Corps of Engineers, Sacramento District Technical Library
1325 J Street
Sacramento, California 95814
(916) 557-7490

Merced County Library – Main Branch
2100 O Street
Merced, California 95340
(209) 385-7643

Merced College Library
3600 M Street
Merced, California 95348
(209) 384-6083

University of California Merced Kolligian Library
5200 N. Lake Road
Merced, California 95340
(209) 724-4444

Members of the public can also request a compact disc (CD) that contains the Final EIS/EIR. To request a CD, please contact Brad Samuelson at UC Merced (209-228-4333) or Nancy Haley at USACE (916-557-7731). The Final EIS/EIR is also available on the USACE Web site at http://www.spk.usace.army.mil and on UC Merced's Web site at http://lrdp.ucmerced.edu.

1.5 ORGANIZATION OF THIS RESPONSE TO COMMENTS DOCUMENT

This document is organized into five sections. Following this introduction (**Section 1.0**), **Section 2.0, Revisions to the Draft EIS/EIR**, presents changes to the text of the Draft EIS/EIR, some of which were made in response to comments on the Draft EIS/EIR. **Section 3.0, Comments on the Draft EIS/EIR and Responses to Comments**, contains a list of persons who presented comments at the December 2, 2008, public hearing; a list of persons, agencies, and organizations that submitted written comments on the Draft EIS/EIR, a transcript of the public hearing; reproductions of the written comments; and responses to those comments. Each comment is labeled with a number in the margin. **Section 4.0, List of Preparers**, lists persons involved in the preparation of the Final EIS/EIR and individuals and organizations consulted during the preparation of the Final EIS/EIR.

1.6 RESPONSE TO COMMENTS

NEPA and CEQA regulations direct the lead agencies to respond to substantive public and agency comments on a Draft EIS/EIR. All comments received during the comment period are responded to in this Final EIS/EIR. The range of responses include providing clarification regarding the analysis in the Draft EIS/EIR, making factual corrections, explaining why certain comments do not warrant further agency response, or simply acknowledging the comment for consideration by the lead agencies' decision-making bodies. When there has been significant public comment on a given issue, USACE and the University have consolidated similar comments and provided the response in the form of a Master Response. In addition to Master Responses, each comment is also responded to individually. USACE and the University have ensured that all substantive issues are addressed in this Final EIS/EIR.

2.0 REVISIONS TO THE DRAFT EIS/EIR

Revisions have been made to the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) as a result of comments received from agencies, organizations, and individuals on the document.

This chapter provides the location (either chapter or section number), title, and page number from the Draft EIS/EIR, and shows the complete sentence(s) where the change was made. Text added to the Draft EIS/EIR is shown in <u>underline</u> format, and deleted text is shown in ~~strikethrough~~.

This chapter, in combination with the Draft EIS/EIR, and the responses to comments section constitutes the Final EIS/EIR. Due to the nature of the text changes that are presented below, the changes are cited individually rather than in a reproduction of the entire Draft EIS/EIR. This presentation of revisions to the Draft EIS/EIR is consistent with *California Environmental Quality Act (CEQA) Guidelines* Section 15162 and 40 Code of Federal Regulations (CFR) 1503.4 detailing required Final EIS/EIR contents.

REVISIONS TO TEXT IN VOLUME 1

Section 1.0

Background and History, page 1.0-3

In 1988, the University initiated planning for a new campus to accommodate projected growth in student enrollment. The University focused this effort in the San Joaquin Valley <u>in 1990 </u>and identified over 85 potential sites. The University narrowed the list to 20 candidate sites, and then to eight preferred sites. Of these eight sites, three finalist sites were selected for further analysis and environmental review. In 1995, the University selected the Lake Yosemite Site in eastern Merced County as the preferred location for the UC Merced Campus.

Section 2.0

UCP Amendment and Development Approval Process, page 2.0-36

In view of the proposed changes to the University Community location and footprint, it is anticipated that the processes described below will be required to amend the UCP and County General Plan and authorize the development of the revised University Community. Approval of the revised University Community by the County would involve review of the proposed changes to the UCP and the UC Merced/University Community SUDP by the Planning Commission and the Board of Supervisors. If an amended UCP is adopted, the ~~County~~ landowners would then prepare infrastructure Master Plans for County approval ~~. Once those plans are in place, the County would consider~~ prior to submittal of specific plans for individual development projects within the University Community, in conjunction with, or followed by rezoning and subdivision approvals. A rezone is first reviewed by the County Planning Commission, which then makes a recommendation to the County Board of Supervisors. A major subdivision approval would require approval of both a tentative subdivision map and a final map and the approval of the County Planning Commission. In addition to the above, if some or all of the University Community parcels remain within the County, then LAFCO approvals would be necessary for the formation of special districts to provide urban services to those parcels. At a broad level, these might include, for example, a County Service Area, a Community Services District, or a California Water District. For capital construction, one or more Community Facilities Districts (CFDs) might be established as well as Landscaping and Lighting Districts (LLDs) or other mechanisms for maintenance purposes.

Pages 2.0-41 and 2.0-42

Table 2.0-6
Major Land Uses in the ~~2009~~ Proposed Revised University Community Plan

Land Use	Community North		Community South	Total
	Town Center [6]	Residential Neighborhoods	Villages	
Residential				
Single Family				
Acres	45	330	560	935
Units	1,418[1]	3,356[2]	4,029	8,803
Multi Family				
Acres	4	10	75	89
Units		480	1,794	2,274
Mixed Use				
Total Acres	15			15
Retail (sf)	183,000[3]			183,000
Office (sf)	313,600[4]			313,600
Housing Units	540			540
Retail				
Acres	8	6	15	29
Square Feet	130,700	78,400	250,000	459,100

Land Use	Community North		Community South	Total
	Town Center [6]	Residential Neighborhoods	Villages	
Office				
Acres	5		9	14
Square Feet	292,700		140,000	432,700
Research and Development				
Acres	71			71
Square Feet	2,308,300			2,308,300
Schools				
Acres		43	80	123
Parks and Open Space				
Acres	5[5]	76	148	229
Shared Parking				
Acres	9			9
Total Development				
Acres	162	465	887	1,514
Streets				
Acres	52	154	231[8]	437
Total Acres[7]	214	619	1,118	1,951

Notes:

1 *all townhouse/rowhouse units at 30 du/acre average*
2 *includes 1,900 townhouse/rowhouse units at 25 du/acre average*
3 *assumes 0.20 FAR of mixed-use site area is retail*
4 *assumes upper floors of commercial mixed-use is office*
5 *includes 2 acres for future performing arts center*
6 *added the Gateway R+D to the Town Center for comparison purposes, even though we are considering it a separate district*
7 *net acres without 43 acres of MID Canal easements*
8 *the acreage for streets is reduced from the 2004 UCP land use plan due to reduction in the size of the community.*

Table 2.0-7
<u>Proposed Revised</u> University Community <u>Plan</u> Population

Total Population	Community North	Community South
Residential Population	15,351	15,431
Employment	9,219	1,025
Total	**24,570**	**16,456**

Page 2.0-46

Table 2.0-8
Proposed Revised University Community Plan Projected Water and Wastewater Demand

Water/Wastewater	Community North	Community South	Total
Potable Water	1,141 acre-feet/year[1]	1,289 acre-feet/year[2]	2,430 acre-feet/year
Irrigation Water[3, 4]	786 acre-feet/year	1,563 acre-feet/year	2,349 acre-feet/year
Existing Water Use[5]	946 acre-feet/year	1,939 acre-feet/year[2]	2,885 acre-feet/year
Net Increase in Water Demand	981 acre-feet/year	913 acre-feet/year	1,894 acre-feet/year
Wastewater	0.92 mgd	1.04 mgd	1.96 mgd

Source: Stantec 2008
[1] *Based on 15 gpd per employee, 55 gpd per resident and 10 gpd per elementary, middle and high school student,*
[2] *Based on 20 gpd per employee, 70 gpd per resident and 10 gpd per elementary, middle and high school student,*
[3] *Percent of acreage that is irrigated is based on land coverage percentage projections by Clascape, May 30, 2008,*
[4] *Based on an irrigation rate of 4.0 feet per year for turf and 3.0 feet per year for non-turf uses.*
[5] *Existing water use based on 2004 UCP EIR.*
[7] *The existing water use within Community South ranges from 1,939 to 5,284 acre-feet/year. The lower number in the range is used for the purposes of this analysis. This water includes both groundwater obtained from on-site wells and surface water obtained from MID.*

Pages 2.0-59 and 2.0-60

UCP Policies

In accordance with the adopted UCP, Merced County has committed to the avoidance, minimization, and mitigation measures for future development within the University Community area (including Community South) that are listed below.

- Impact avoidance and minimization through project design and construction-related BMPs.
- Habitat preservation, creation, restoration, and/or enhancement to achieve no net loss of value or function, including habitat value for Colusa grass, at a ratio of 3:1.
- Habitat preservation, creation, restoration, and/or enhancement to achieve no net loss of value or function, including habitat value for San Joaquin Valley Orcutt grass, at a ratio of 3:1.
- Habitat preservation, creation, restoration, and/or enhancement to achieve no net loss of value or function, including habitat value for vernal pool tadpole shrimp, at a ratio of 3:1.

- Habitat preservation for grasslands, in association with conserved wetlands, at a ratio of no less than 9 acres of upland preserved for each acre of wetland preserved. In addition, the County will require conservation easements for individual development projects covered by the UCP at a 1:1 mitigation ratio to mitigate for the loss of agricultural land resulting from the development of the University Community. While this agricultural land mitigation program addresses the conversion of agricultural land to urban uses, it also would provide for the preservation of land that may be considered suitable for San Joaquin kit fox.

In addition to the UCP policies listed above which are specifically for the protection of biological resources, other policies from the adopted 2004 UCP are listed in each resource topic in **Section 4.0** of this EIS/EIR, and are also considered environmental commitments that are a part of the Proposed Action.[1]

The significance of environmental impacts of the Proposed Action are evaluated in this Draft EIS/EIR after taking these environmental commitments into account. Furthermore, the secondary environmental impacts from the implementation of these conservation measures are also evaluated in this Draft EIS/EIR.

Section 3.0

Figure 3.0-2, Alternative 3 – Bellevue Ranch Location Map

SECTION 4.1

Section 4.1, Aesthetics, page 4.1-27

MM AES-4: The County or the City should~~shall~~ require developers with projects in the University Community to implement the following:

- All outdoor lighting should~~shall~~ be focused and directed to the specific location (e.g., roads, walkways), be shielded to avoid the production of glare, minimize up-light, and light spill.
- All light fixtures should~~shall~~ be located, aimed, or shielded so as to minimize stray light trespassing across property boundaries and other sensitive areas. (*Applicability – University Community)*

1 The USACE and the University understand that all UCP policies will be reviewed by the County as part of the General Plan Amendment process that will follow the approval of the 2009 LRDP. This review may result in these policies being amended, eliminated, and/or replaced with new policies.

Section 4.3

Section 4.3, Air Quality, page 4.3-7

As shown in **Table 4.3-2**, the SJVAB is in nonattainment for the federal standards for ozone (8 hour), ~~PM10,~~ and $PM_{2.5}$. The air basin is in nonattainment for the state standards of ozone (1 hour), ozone (8 hour), PM_{10}, and $PM_{2.5}$.

Table 4.3-2
San Joaquin Valley Air Basin Attainment Status

Pollutant	Federal Standards	State Standards
Ozone-1 hour	No federal standard[1]	Nonattainment[2]
Ozone-8 hour	Nonattainment/Serious	Nonattainment[2]
PM_{10}	<u>Attainment/Maintenance</u> ~~Nonattainment/Serious~~	Nonattainment
$PM_{2.5}$	Nonattainment	Nonattainment
CO	Attainment/Unclassifiable	Unclassified/Attainment[3]
Nitrogen dioxide	Attainment/Unclassifiable	Attainment
Sulfur dioxide	Attainment/Unclassifiable	Attainment
Lead	Attainment	Attainment
Hydrogen sulfide	No federal standards	Unclassified
Sulfates	No federal standards	Attainment
Vinyl Chloride[4]	No federal standards	Unclassified
Visibility-Reducing particulates	No federal standards	Unclassified

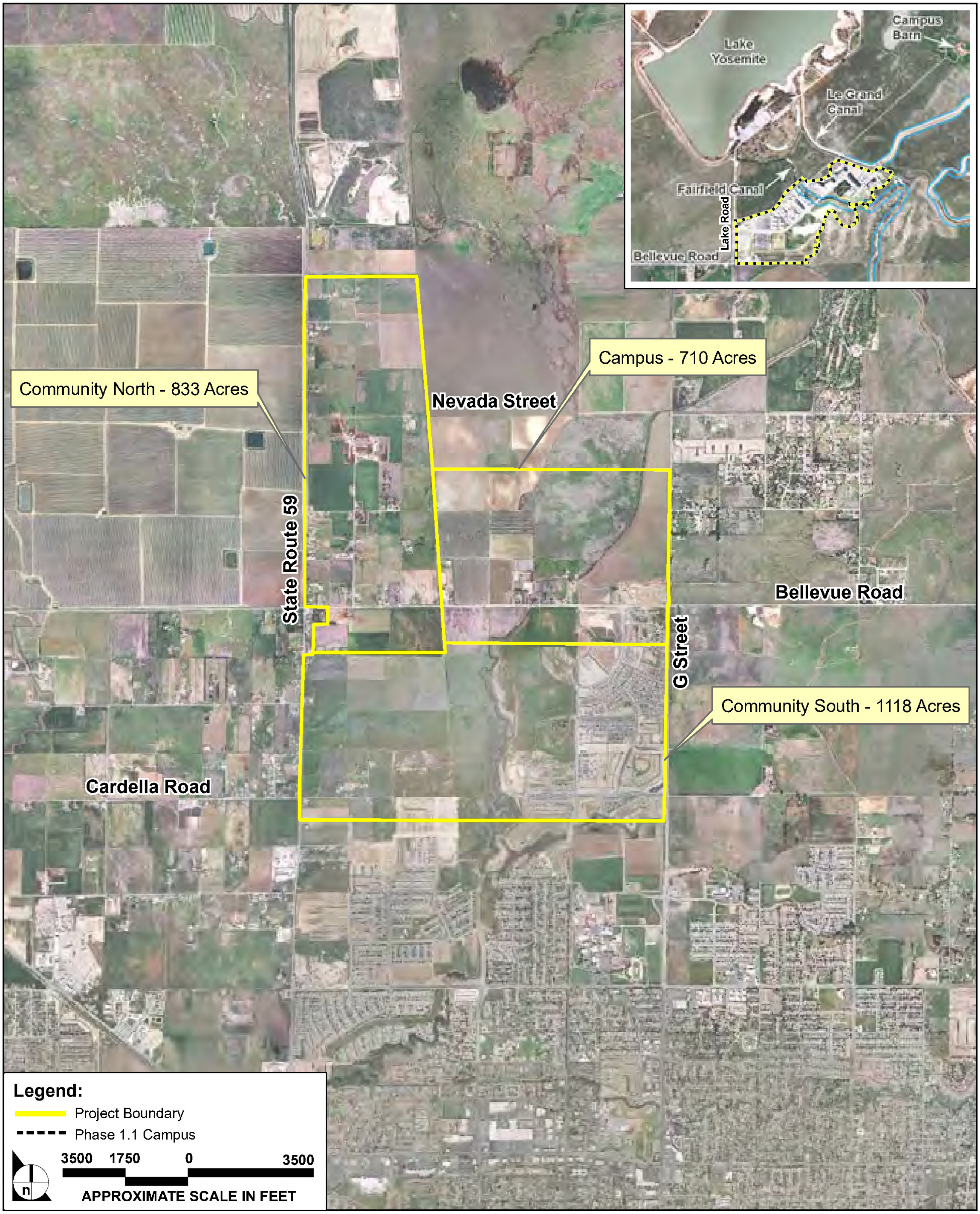
Source: CARB 2007; US EPA 2008.

1 *The 1-hour ozone NAAQS was revoked on June 15, 2005.*

2 *CARB has not issued area classifications based on the new state 8-hour standard. The previous classification for the 1-hour ozone standard was Severe.*

3 *Kings County, Madera County, and Merced County are classified as Unclassified for Carbon Monoxide (Source: California Code of Regulations, Title 17, Section 60202, http://ccr.oal.ca.gov)*

4 *CARB has identified lead and vinyl chloride as "toxic air contaminants" with no threshold level of exposure for adverse health effects determined.*



SOURCE: Digital Globe - 2008, Impact Sciences Inc. - August 2008

FIGURE **3.0-2**

Alternative 3 - Bellevue Ranch Location Map

974-001•02/09

G:\974-001_UCMerced\MXD\Boundary

Section 4.3, Air Quality, page 4.3-43

MM AQ-1d: Prior to use in construction, the project applicant will evaluate the feasibility of repowering or retrofitting the large off-road construction equipment that will be operating for substantial periods. Engine replacements will be required to meet the stricter of US EPA or CARB off-road diesel engines standards. Retrofit technologies such as particulate traps, selective catalytic reduction, oxidation catalysts, air enhancement technologies, etc., will be evaluated. Retrofitting will be required if they are certified by CARB and/or the US EPA, and are commercially available and can feasibly be retrofitted onto construction equipment. Retrofit technologies certified to the highest level (e.g., CARB Level 3) shall be evaluated first before lower level technologies are evaluated. *(Applicability – Campus and University Community)*

Section 4.4

Section 4.4, Biological Resources, page 4.4-77

The California Endangered Species Act (CESA) (California Fish and Game Code Section 2050 et seq.) establishes state policy to conserve, protect, restore, and enhance threatened or endangered species and their habitats. CESA mandates that state agencies should not approve projects that jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that would affect a fish or wildlife species that is both federally and state-listed, compliance with ESA satisfies CESA if the California Department of Fish and Game (CDFG) determines that the federal incidental take authorization is consistent with CESA under California Fish and Game Code Section 2080.1. Because the ESA does not provide incidental take authorization for federally listed plants, take of state-listed plants would be consistent with Section 2080.1 only under a specific Section 10(a)(1)(A) permit, and incidental take would require authorization under Section 2081. CDFG administers CESA and authorizes take through Section 2081 agreements (except for species designated as fully protected).

Section 4.4, Biological Resources, page 4.4-86

Strategy 3: Protect and Manage Large Contiguous Areas in the Project Region

Conservation Lands acquired to date encompass a substantial portion of habitat in the project region, and additional land is under compatible land use policy. A total of 6,337 acres of lands (CNR and VST lands) have been acquired in fee title by the University and dedicated to conservation management. An additional 97 acres at the Myers Easterly property, owned by the UCLC, will be managed as

Conservation Lands by the University and are protected by a conservation easement. The CST property was purchased for mitigation purposes by the ~~WCB and is owned and managed by~~ The Nature Conservancy (TNC) using WCB funding. Finally, the University has, in cooperation with the WCB, TNC, and California Rangeland Trust (CRT), conserved over 17,000 acres through the acquisition of conservation easements. In total, conservation easements and fee title acquisitions have secured over 26,000 acres. With one exception (the Carlson property), Conservation Lands parcels acquired to date are greater than 1,000 contiguous acres; most are contiguous with other conservation lands and are bordered by compatible land uses (see Conservation Strategy Figure 1-4 of the **Appendix 2.0-3**). Most other grasslands with vernal wetlands in the project region are located on land designated as Foothill Pasture in the Merced County General Plan (Merced County 1990) and zoned Exclusive Agricultural; conversion of these lands to developed land uses would require formal approval by the County.

Section 4.4, Biological Resources, page 4.4-88

Strategies Specific to San Joaquin Kit Fox

Strategy 9: Manage a Corridor across the Project Region to Allow the Potential for Continuous Residence and Dispersal of San Joaquin Kit Fox

Although the Proposed Action would convert approximately 2,444 acres of kit fox habitat in eastern Merced County to urban uses, ~~implementation of the Proposed Action will result in~~ conservation of over 26,000 acres of natural lands, the majority of which are suitable for kit fox residence and dispersal, have been acquired specifically to mitigate impacts resulting from implementation of the Proposed Action. These acquisitions contribute to the Upland Species Recovery Plan objective to conserve 90 percent of existing natural lands along the northeastern valley edge from San Joaquin to Madera Counties (US Fish and Wildlife Service 1998) and to the recovery plan's objective to establish a corridor that maintains the potential for dispersal from valley floor habitats to and along the project region (i.e., the Sandy Mush Road Corridor) (US Fish and Wildlife Service 1998).

Section 4.4, Biological Resources, page 4.4-93

The 2002 BO established a series of conservation measures (or parameters) intended by the USFWS to apply any configuration of the Campus and Community proposed within the study area defined in the 2002 BO. Accordingly, these parameters—which are built into and reflected in the Conservation Strategy —will be incorporated by the USFWS into any biological opinion issued for the Campus and Community North and, ~~when~~ if a 404 permit application is filed for Community South, any BO issued relative to Community South. Moreover, the County has adopted a set of conservation/mitigation measures for the Community South portion of the Proposed Action, which are contained in the University Community

Plan biological resource policies (which are general in nature) and the 2004 UCP EIR mitigation measures. When Community South is proposed for development, the landowner will be required to prepare a more detailed habitat mitigation plan consistent with all of the above measures and detailing its conservation commitments for Community South.

Section 4.4, Biological Resources, pages 4.4-100 and 4.4-101

Wetland Preservation and Management within Conservation Lands: Over 26,600 acres of grasslands containing more than 2,200 acres of wetlands have been preserved on Conservation Lands owned by UC Merced (Tier 1a conservation lands) or through conservation easements acquired or to be acquired on other properties (Tier 1b conservation lands, Tier 2 properties) (see **Table 4.4-10**). Wetland protection and enhancement will be carried out on these Conservation Lands by managed grazing, public and educational uses, and controlling invasive non-native species. On Conservation Lands owned by UC Merced (Tier 1a conservation lands), ~~C~~grazing will be maintained at current moderate levels, while grazing on easement lands will be subject to ~~or at~~ levels that maintain specific residual dry matter (RDM) standards. Implementation of monitoring and control actions will avoid future degradation of habitat by pest species.

Restoration of Vernal Pool Landscape: Wetland restoration will be used to further compensate for the loss of naturally occurring wetlands (vernal pools, vernal swales, and clay slope wetlands). This mitigation will be "in kind" and will consist of locating a mitigation site where similar vernal pool wetlands existed before but have been eliminated or substantially reduced and/or degraded, and improving it to re-establish a vernal pool landscape. To ensure that the functional capacity of the restored wetlands is comparable to those impacted by the project, performance standards specified in the CWWMP will be based on the physical and biological characteristics of vernal pools and swales on the project site or on vernal pools or swales on adjacent conservation lands with equivalent or higher functional capacity.

Creation of Non-Naturally Occurring Wetlands: Creation will used to offset the impact to non-naturally occurring wetlands and will be "in kind," i.e., the created wetlands will have the same hydrogeomorphic characteristics and plant communities as those of the impacted wetlands. The creation component is primarily intended to ensure that there will be no net loss in the overall areal extent of wetlands. From a functional standpoint, the wetland creation is also intended to compensate for the loss of function to non-naturally occurring wetlands (canal wetlands and irrigation wetlands). To ensure that the functional capacity of the created wetlands is comparable to those impacted by the project, performance standards specified in the CWWMP will be based on the physical and biological characteristics of non-naturally occurring wetlands on the project site or on wetlands on adjacent conservation lands with equivalent or higher functional capacity.

Section 4.4, Biological Resources, page 4.4-108

MM BIO-2: Mitigate for loss of special-status plants and habitat through additional off-site compensation.

Prior to any ground disturbance on lands to the north and east of Le Grand Canal (i.e., land adjacent to CNR), a restoration ecologist, retained by the University, shall prepare a feasibility analysis regarding the potential to transplant seeds from succulent owl's-clover, shining navarretia, and dwarf downingia plants. This feasibility analysis will address potential sites suitable and available for transplantation as well as availability of suitable plant material, and costs associated with this method of mitigation. ~~To compensate for the loss of~~ If it is determined to be feasible, to further minimize impacts to these special status plants, the University shall transplant seeds from succulent owl's-clover, shining navarretia, and dwarf downingia plants~~,~~. ~~s~~Seeds from all three species will be collected ~~from the project site~~ and translocated to suitable habitat within the CNR. Translocating the stands to the CNR would minimize any potential genetic contamination, because the affected stands are part of the occurrences present within the CNR and, presumably, part of the same populations. The University will retain a qualified restoration ecologist to work closely with resource agency specialists (USFWS and CDFG staff) and knowledgeable individuals to locate and determine the suitability of translocation sites within the CNR. Translocation of the stands that would be affected by the Proposed Action would involve (1) identifying suitable transplant sites, (2) moving the plant material to the transplant sites, and (3) monitoring the transplant sites to document recruitment and survival rates. The restoration ecologist will develop a detailed transplantation and monitoring plan that provides detailed information on:

- coordination efforts with agencies and knowledgeable individuals,
- methods for collecting seeds from the affected populations,
- seed storage methods,
- planting plan and specifications (including planting locations and densities),
- measurable success criteria that can be achieved within a 10-year period,
- monitoring and reporting methods and schedule,

- funding source and responsible party, and
- adaptive management measures to ensure that the desired success criteria are achieved.

Section 4.4, Biological Resources, page 4.4-109

- Topsoil containing seeds will not be used for transplantation into existing vernal pool habitat because of the potential for coincidentally translocating the seeds or cysts of other plant and animal species. However, soil may be translocated to newly created habitat or may be harvested for establishing a population under culture. Dried plants and topsoil ~~containing seeds~~ will be excavated only from the areas containing the affected plants and not from pools within conservation areas. The seed material will be excavated after the plants have set seed and dried (generally by late summer). The excavation will be done using hand tools. A post-translocation report that documents the measures used to relocate the populations and where they were relocated will be prepared.

Section 4.4, Biological Resources, page 4.4-119

Development of the Campus and Community North sites would eliminate one known breeding site for the California tiger salamander (representing an unknown number of individuals) and occupied upland habitat (i.e., within 1.75 miles of this and other breeding ponds) equating to the loss of 1,648 acres of occupied habitat and indirect impacts to an additional 236 acres of adjacent occupied habitat (**Tables 4.4-4, 4.4-14,** and **4.4-15**) also see Figure 3-16 in *Conservation Strategy* **Appendix 2.0-3**). Potential indirect impacts to adjacent occupied habitats are expected to be mostly related to the reduced habitat quality due to the immediate adjacency of these areas to development, but within the potential indirect impact area there is also potential for increased vehicle travel associated with the Campus and Community North sites to result in vehicular mortality to California tiger salamanders attempting to disperse outside of these lands.

Section 4.4, Biological Resources, page 4.4-121

Habitats suitable for California tiger salamander are also suitable for western spadefoot, but because thorough surveys were conducted during the appropriate time of year and this species has not been found to occur on or adjacent to any portion of the project site (Campus, Community North, and Community South), it is not expected that this species will be impacted either directly or indirectly by the Proposed Action. However, conservation lands containing suitable breeding habitat for California tiger salamander will also serve to preserve suitable habitat for western spadefoot and would benefit the species within the project region.

Section 4.4, Biological Resources, page 4.4-128

Implementation of **Mitigation Measures BIO-9~~a and 9b~~**, below, would reduce this potential impact to a less than significant level.

Section 4.4, Biological Resources, page 4.4-132

Additionally, environmental commitments requiring the management of Tier 1a Conservation Lands to maintain their habitat value include installing artificial kit fox dens, as specified in the 2002 BO. Strategies 5-7 in the *Conservation Strategy* describe these commitments, as does the *Management Plan for Conservation Lands*, which was prepared for the purpose of implementing these management commitments.

Section 4.4, Biological Resources, page 4.4-132

The Campus and Community North would result in the direct loss of 804 acres of residence habitat and potential indirect impacts (noise, increased traffic, and other human-related disturbance) to an additional 489 acres and the loss of 610 acres of dispersal-only habitat and potential indirect impacts to an additional 66 acres of adjacent dispersal-only habitat (**Tables 4.4-4** and **4.4-13**). Though currently there is low to no potential for direct loss of kit fox individuals due to the lack of current sightings of this species in the project area and vicinity, the creation of suitable denning habitat within conservation lands to encourage kit fox residency would result in an increased potential for vehicular mortality if kit foxes establish these sites in the future.

Section 4.4, Biological Resources, page 4.4-134

Using the habitat suitability model developed as part of the *Conservation Strategy*, it was determined that development of the Community South site would result in the loss of 19 acres of suitable residence habitat for the kit fox and disturbance to an additional 42 acres of residence habitat and the loss of 1,011 acres of dispersal-only habitat and additional disturbance to 275 acres of dispersal-only habitat on adjacent lands (**Tables 4.4-4 and 4.4-13**). Though currently there is low to no potential for direct loss of kit fox individuals due to the lack of current sightings of this species in the project area and vicinity, the creation of suitable denning habitat within conservation lands to encourage kit fox residency would result in an increased potential for vehicular mortality if kit foxes establish these sites in the future. The impact would be potentially significant. **Mitigation Measure BIO-10** (described below) to avoid and minimize impacts to individual kit foxes and compliance with UCP Policy PA 2.3, which would ensure that impacts to suitable habitat within the Community South site would be compensated for in the amount and manner consistent with the 2002 BO requirements and the recovery plan objectives for the species, would reduce potential impacts to San Joaquin kit fox to a less-than-significant level.

Section 4.4, Biological Resources, page 4.4-134

MM BIO-10: Avoid and minimize impacts to San Joaquin kit fox.

The County shall ensure that project proponents of the Community South site conduct surveys for dens/burrows that could be occupied by vagrant San Joaquin kit fox are surveyed prior to any ground-disturbing activities within the UCP area. These surveys shall be conducted within two weeks or less of any ground-disturbing activities. If dens/burrows meeting the criteria suitable for use by San Joaquin kit fox are found, the dens/burrows shall be cleared using the methodologies described in the June 1999 Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. Additionally, avoidance and minimization of impacts to kit foxes that could move through the project site will be achieved through implementation of standard protection measures contained in USFWS' 1999 recommendations for kit fox, mentioned above (USFWS 1999). (Applicability – Community South Only)

REVISIONS TO TEXT IN VOLUME 2

Section 4.8

Section 4.8, Hydrology and Water Quality, page 4.8-13

The City is the only water purveyor for the water users within the City limits. MID provides irrigation water to Golden Valley High School, agricultural users, and is in discussions ~~has plans~~ to phase in water service to the City parks.

Section 4.8, Hydrology and Water Quality, page 4.8-29

Merced County Code Chapter 16.40

Chapter 16.40 of the County Code addresses the conservation of water and preservation of water quality through the use of drought tolerant plant material and retention of natural landscaping.

Section 4.9

Section 4.9, Land Use and Planning, page 4.9-2

The northern portion of the proposed campus site, approximately 0.125 mile south of ~~above~~ the Bellevue Road alignment, is within the City of Merced's current Sphere of Influence (SOI) while the remainder of the proposed campus and ~~all of the~~ University Community are outside the City's SOI (please refer to the

City's SOI represented in Figure 4.9-2, Existing Sphere of Influence and SUDP Boundaries for Yosemite Avenue Alternative). As part of the General Plan Update that is currently underway, the City plans to revise its SOI to include the entire Campus and University Community as currently approved.

Section 4.9, Land Use and Planning, page 4.9-4

As stated above, following the approval of the UCP, the UC Merced/University Community SUDP was modified to include lands to the south of the ~~former~~ Merced Hills Golf Course ~~up~~ down to Yosemite Avenue. The entire campus site as now proposed is located within this SUDP. The northern portion of the campus site generally north of ~~above~~ the Bellevue Road alignment is designated "UC Merced" whereas the southern portion is designated "Multiple-Use Urban Development" in the County G~~g~~eneral P~~p~~lan.

Section 4.9, Land Use and Planning, page 4.9-5

As described above, following the certification of the UCP EIR in 2004, the County amended the County General Plan, revised ~~the boundaries of~~ the UC Merced/University Community SUDP boundaries to include the University Community as defined at that time, and designated the area of the then University Community as Multiple-Use Urban Development.

A new residential development called the ~~Gallo Project~~ Yosemite Lake Estates with over 1,260 housing units and more than 187,000 square feet of commercial and public uses is ~~planned~~ proposed to the northwest of the campus site, although at this time it is in preliminary stages and has no entitlements to begin construction.

Section 4.9, Land Use and Planning, page 4.9-6

There are four approved specific plans in the City of Merced (Fahrens Creek Specific Plan, Campus North Specific Plan, Northeast Yosemite Specific Plan, and South Merced Community Plan) with a total of 1,024 acres of land that would accommodate up to ~~about~~ 3,322 housing units. In addition, the Bellevue Ranch Master Plan was approved by the City for the development of 4,643 to 6,648 housing units on a 1,365-acre area located on G Street and Bellevue Road. However, due to potential issues with wetlands and endangered species habitat north of Bellevue Road, it is likely that substantially fewer housing units will be constructed. Some subdivisions within the Master Plan area have been constructed. Ano~~O~~ther ~~planned~~ pending land use~~s~~ in the vicinity of the project site ~~include~~ is the Yosemite Lakes Estates project to the northwest of the campus site which would develop over 1,260 dwelling units and more than 187,000 square feet of commercial and public uses.~~;~~ This project has no entitlements and no method to provide wastewater treatment for the residential and commercial uses. It is unlikely that this project would be developed unless and until it is annexed to the City and until substantial environmental issues are addressed, and as such, it is not reasonably foreseeable that such development would occur. ~~Fahrens Creek development plan involving 640 acres; South Thornton development plan involving 350 acres; the Dominion project involving a commercial and residential development on about 174 acres northeast of G Street and Bellevue Road, and~~ The Mercy Medical Center ~~which~~ is currently under construction on an approximately 20-acre site at the intersection of G Street and Cormorant Drive. Also in 2007, the Campus Parkway project was approved that would construct a four-lane, limited-access expressway on the eastern side of the City of Merced, extending from Highway 99 to Yosemite Avenue near Lake Road. The ~~City~~ County is in the process of acquiring right-of-way to extend this to six lanes to meet traffic needs beyond 20 years.

Although not approved at this time, Merced County Association of Governments is currently evaluating the Atwater-Merced Expressway project that would involve construction of an expressway that would skirt the northwestern and western area of the City of Merced. The expressway would extend from Highway 59 west along Bellevue Road, head south to cross Highway 99, and then extend further south of Highway 99 to link to Highway 140.

Section 4.9, Land Use and Planning, page 4.9-50

As part of the ~~General Plan Update~~ annexation process, it is anticipated that the Campus and University Community site will be prezoned by the City.

Section 4.11

Section 4.11, Public Services and Recreation, page 4.11-2

As mentioned in **Section 2.0, Project Description**, the UC Merced Police Department has established a police station with associated staff on the Phase 1.1 Campus that serves the Campus and associated University properties. This is consistent with University of California practice of providing its own police force to serve each campus. The UC Merced Police Department is responsible for providing 24-hour service for on-campus calls. The UC Merced Police Department has a mutual aid agreement with the Merced County Sheriff's Department ~~and the City of Merced Police Department~~.

Section 4.11, Public Services and Recreation, page 4.11-3

The Merced Police Department (Merced PD) provides law enforcement services within the City limits and serves areas beyond City limits through mutual aid agreements with the Merced County Sheriff's Department and the California Highway Patrol. If annexed, the University Community site would be under the jurisdiction of the Merced PD; although, as noted above, Community North could potentially be served by the Campus Police Department. The Merced PD currently has 111 sworn officers and maintains a service standard of 1.32 sworn officers per 1,000 residents. By 2030, the police department would need an additional 40 officers to serve the population associated with the University Community. Based on the City of Merced General Plan Update (currently under preparation), Merced PD is expected to employ approximately 280 to 300 officers by 2030 and would continue to expand stations as needed to meet service standards (Thomas 2008). Currently, the station closest to the project site is at 1109 Loughborough Drive, less than 5 miles southwest of the site. The Merced PD plans to construct a new station within the City of Merced in the next five years. This police station could be collocated with a fire station in the northern portion of the City of Merced (Espinosa 2008). ~~Additionally, a new station is planned as part of the University Community.~~

Section 4.11, Public Services and Recreation, page 4.11-4

The fire department is staffed with ~~54~~ 81 personnel and is equipped with seven engines, two trucks, and a rescue squad.

Section 4.11, Public Services and Recreation, page 4.11-5

The MUHSD operates seven high schools, four of which are located within Merced City limits: Merced High School, Golden Valley High School, Yosemite High School, and Independence High School; the latter two are alternative high schools, located on the East Campus Educational Center. The other three high schools in the district are Atwater High School, Buhach Colony High School, and Livingston High School. The MUHSD also operates the East Campus Educational Center, an adult school.

The project site is located within the attendance area of Golden Valley High School. Golden Valley High School is the closest high school to the proposed campus, at 2121 East Childs Avenue (and North Parsons Avenue), approximately 4 miles away. Merced High School is also close to the site, located at 205 West Olive Street. Enrollment at Golden Valley High School was approximately 2,522 students in 2007, and the capacity of the school in permanent classrooms is 2,052 students. Merced High School has a capacity of 2,025 students; enrollment for 2007 reached 2,563 students. These enrollment levels are in excess of each school's capacity. As discussed in the MUHSD Five-Year Facility Plan, overcrowding at Merced High School and Golden Valley High School is a result of population growth in the attendance boundaries and the development of the UC Merced Campus (MUHSD 2008). A new ~~"North Merced High School"~~ "Bellevue Road Area High School" is planned for construction on Farmland Road and G Street, with a capacity of 2,000 students. This high school site is in the process of receiving final approval by the MUHSD and is planned to open in August 2011 (MUHSD 2008). The school would be approximately 3 miles from the proposed project. The student generation rates for MUHSD are 0.23 student per single-family residence and 0.1 student per multifamily apartment.

Section 4.11, Public Services and Recreation, page 4.11-6

Lake Yosemite Regional Park is an important regional recreation facility serving thousands of area residents annually. The Merced Irrigation District owns the ~~486~~400-acre lake and the 86 acres of surrounding shoreline, which has been a regional recreational site since the late 1930s. The County operates the lake and the shoreline for recreational uses under a 50-year lease (1976 to 2026). ~~The County-owned regional park is approximately 233 acres total, and the developed portion of the County property is approximately 89 acres. Some land acreage within the park site currently is undeveloped and is not used for recreational purposes. No park expansions are planned at this time (Vejar 2008).~~ In 1969 and 1974, the County purchased approximately 260 acres of land adjacent to Lake Yosemite Regional Park to expand the park. This acreage consists of the 25 acres known as Bicentennial Grove and the other 235 acres used for grazing purposes. At this time, there is no master plan for the expansion of the park into this area.

Section 4.11, Public Services and Recreation, page 4.11-7

There ~~is~~ are also ~~a~~ newly installed bike lanes ~~path~~ along Bellevue Road between Lake Road and G Street.

Section 4.11, Public Services and Recreation, page 4.11-8

City of Merced Parks and Recreational Facilities

The City of Merced Parks and Community Services Department maintains park and recreational facilities. As the largest city in Merced County, the City of Merced is a regional provider or park and recreation services. Both active and passive recreational areas, which include a variety of park types, are available to residents, as well as an extensive off-street bicycle path system. The City currently has approximately 395 park acres in its inventory and maintains 187 acres of active parkland and 120 acres of linear parkland encompassing the stream corridors where the bike paths are located. Parkland requirements allow for 5 acres of open space per 1,000 population. Nearby community and neighborhood parks include Fahrens Park, Santa Fe Park, Rahilly Park, and Burbank Park (City of Merced Web site 2008b). Future development of parklands in the City must meet the design standards of the Parks and Open Space Master Plan, which was adopted in 2004.

Section 4.11, Public Services and Recreation, page 4.11-22

The City or the County would facilitate the construction of a new police facility to serve the University Community. The City could construct the new police facility on site or off site at a nearby location. If the City builds the new police facility off site, they would follow a similar environmental review process. Payment of developer impact fees for residential and non-residential development ~~within the University Community~~ would be required by the City or County to fund ~~the~~ a new police station within the University Community or at an off-site location. Impact fees would also address any environmental mitigation required in conjunction with the construction of the police facility. These fees would be determined by the City or County prior to the development of~~n~~ the University Community site. Collection of developer fees is provided for in the City's development review processes.

If the County constructs ~~the~~ a new police facility, it would be located within the University Community site. Development impact fees and/or special taxes applied to a new development within the University Community would fund any new stations that would be constructed. ~~County tax revenues would fund any new stations that would be constructed (Merced County 2004).~~ In addition, owners of residential and non-residential property that would be developed within the University Community would pay property taxes that would fund the operating cost of the new station, including the cost associated with hiring police officers. Therefore, the impact related to law enforcement would be less than significant and no mitigation is necessary.

Section 4.11, Public Services and Recreation, page 4.11-23

In the event that a fire station is built within the University Community, it would be managed by the City, County, or as a University fire department. The fire station would provide service to the Campus and maintain a ~~5-~~4- to 6-minute response with a unit on scene 90 percent of the time.

Section 4.11, Public Services and Recreation, page 4.11-24

Should the University Community not be annexed to the City, the County would use development impact fees, special taxes, and/or other tax revenues to fund adequate fire protection services for the community.

Section 4.13

Section 4.13, Transportation and Traffic, page 4.13-10

Roadway segment levels of service were calculated based on existing traffic volumes and segment capacities presented in **Table 4.13-1**. The roadway facility types and~~se~~ capacities are consistent with the

MCAG travel demand model, and are conservative as they are based on the number of lanes on the mainline segments and do not necessarily consider added turn lanes (and their added capacity) at the intersections. Starred entries have been changed for the Final EIR at the request of the City of Merced staff, to better match the existing configuration and facility type of certain segments. The existing volumes and corresponding LOS are shown in **Table 4.13-4, Existing Roadway Segment Level of Service.**

Section 4.13, Transportation and Traffic, pages 4.13-11 and 4.13-12

Table 4.13-4
Existing Roadway Segment Level of Service

No.	Roadway Segment	Locations	Facility Type	No. of Lanes	Capacity	LOS	ADT
1.	Lake Rd	South of Bellevue	Collector	2	12,000	A	2,450
2.	Lake Rd	South of Cardella	Collector	2	12,000	A	2,500
3.	McKee	South of Yosemite Ave	Collector* ~~Arterial~~	2	12~~8~~,000*	A	5,250
4.	McKee	South of Olive	Collector* ~~Arterial~~	2	12~~8~~,000*	B~~A~~	8,250
5.	Yosemite Ave	East of SR 59	Arterial	4	36,000	B	12,150
6.	Yosemite Ave	East of G St	Arterial	2	18,000	C	15,100
7.	Yosemite Ave	West of Lake	Collector	2	12,000	A	4,850
8.	Yosemite Ave	East of Lake	County Road	2	21,600	A	2,450
9.	Yosemite Ave	East of Kibby	County Road	2	21,600	A	2,150
10.	Yosemite Pkwy	West of Santa Fe Ave	Arterial	2	18,000	A	10,400
11.	Yosemite Pkwy	East of Santa Fe Ave	Highway	2	43,200	A	7,550
12.	Olive Ave	East of SR 59	Arterial	6	54,000	A	32,250
13.	Olive Ave	West of G St	Arterial	6	54,000	A	26,600
14.	Olive Ave	East of G St	Arterial	2*~~4~~	18~~36~~,000*	E*~~A~~	18,500
15.	G St	South of Bellevue	Arterial	2	18,000	A	6,350
16.	G St	South of Cardella	Arterial	2	18,000	A	6,650
17.	G St	South of Yosemite Ave	Arterial	4	36,000	A	15,000
18.	G St	South of Olive	Arterial	4	36,000	B	25,950
19.	M St	North of 23rd	Arterial	4	36,000	A	18,350
20.	M St	South of 23rd	Arterial	4	36,000	A	17,500
21.	SR 59	South of Bellevue	Arterial	2	18,000	A	6,000
22.	SR 59	South of Cardella	Arterial	2	18,000	A	8,100
23.	SR 59	South of Yosemite Ave	Arterial	2	18,000	B	12,750
24.	SR 59	South of Olive	Arterial	2	18,000	D	16,600
25.	Cardella Avenue	East of SR 59	Local*~~Collector~~	2*~~4~~	12~~24~~,000*	A	250
26.	Cardella Avenue	East of G St	Arterial*~~Collector~~	2*~~4~~	18~~24~~,000*	A	100
27.	16th St	West of SR 59	Arterial	4	36,000	A	20,400
28.	Kibby	South of Yosemite Ave	County Road	2	21,600	A	1,250
29.	Kibby	North of Yosemite Pkwy	County Road	2	21,600	A	1,950

No.	Roadway Segment	Locations	Facility Type	No. of Lanes	Capacity	LOS	ADT
30.	Parsons	North of Olive	Collector	2	12,000	A	5,600
31.	Parsons	South of Olive	Collector	2	12,000	A	3,900
32.	Bellevue	West of Lake	Collector	2	12,000	A	3,700
33.	Bellevue	East of SR-59	Arterial*~~Collector~~	2	18~~2~~,000*	A	1,800
34.	Bellevue	West of SR 59	Collector	2	12,000	A	2,650
35.	SR-140	West of Massasso	Arterial*~~Collector~~	2	18~~2~~,000*	A	4,850
36.	SR 99	North of 16th St	Freeway	4	96,000	A	56,000
37.	SR 99	North of M St	Freeway	4	96,000	A	52,000
38.	SR 99	South of Yosemite Pkwy	Freeway	4	96,000	A	41,500
39.	SR 99	South of Mission Ave	Freeway	4	96,000	A	40,000
40.	Campus Parkway	South of Yosemite Ave	Does not Exist				
41.	Campus Parkway	South of Olive Ave	Does not Exist				
42.[1]	Cardella	M Street to G Street	Arterial*~~Collector~~	4*~~2~~	36~~12~~,000*	A	3,150
43.	R Street	Yosemite Ave to Bellevue Ave	Does not Exist				
44.	N. Parsons	Yosemite to Bellevue	Does not Exist				

Source: Fehr & Peers, October 2008
Notes:
1 Segment 42: existing ADT volume estimated.
** Existing Facility type and capacity modified per City of Merced for Final EIS/EIR*

Figure 4.13-7, Existing and Planned Bikeways

Section 4.13, Transportation and Traffic, pages 4.13-41 through 4.13-43

Table 4.13-6
Roadway Capacities – Future Conditions (2030)

No.	Roadway Segment	Location	Existing			Future		
			Facility Type	No. of Lanes	Capacity	Facility Type	No. of Lanes	Capacity
1.	Lake Rd	South of Bellevue	Collector	2	12,000	Collector	2	12,000
1 A.	Campus Pkwy	South of Bellevue	Does not Exist			Arterial	4	36,000
2.	Lake Rd	South of Cardella	Collector	2	12,000	Collector	2	12,000
2 A.	Campus Pkwy	South of Cardella	Does not Exist			Arterial	4	36,000
3.	McKee	South of Yosemite Ave	Collector * ~~Arterial~~	2	12~~8~~,000*	Arterial	2	18,000

No.	Roadway Segment	Location	Existing			Future		
			Facility Type	No. of Lanes	Capacity	Facility Type	No. of Lanes	Capacity
4.	McKee	South of Olive	Collector* ~~Arterial~~	2	12~~8~~,000*	Arterial	2	18,000
5.	Yosemite Ave	East of SR 59	Arterial	2	18,000	Arterial	4	36,000
6.	Yosemite Ave	G St. to N. Parsons	Arterial	4	36,000	Arterial	4	36,000
7.	Yosemite Ave	N. Parsons to Lake	Collector	2	12,000	Collector	4	24,000
8.	Yosemite Ave	East of Lake	County	2	21,600	County Road	2	21,600
9.	Yosemite Ave	East of Kibby	County	2	21,600	County Road	2	21,600
10.	Yosemite Pkwy	West of Santa Fe Ave	Arterial	2	18,000	Arterial	4	36,000
11.	Yosemite Pkwy	East of Santa Fe Ave	Highway	2	43,200	Highway	4	86,400
12.	Olive Ave	East of SR 59	Arterial	6	54,000	Arterial	6	54,000
13.	Olive Ave	West of G St	Arterial	6	54,000	Arterial	6	54,000
14.	Olive Ave	East of G St	Arterial	2*~~4~~	18~~36~~,000*	Arterial	4	36,000
15.	G St	South of Bellevue	Arterial	2	18,000	Arterial	4	36,000
16.	G St	South of Cardella	Arterial	2	18,000	Arterial	4	36,000
17.	G St	South of Yosemite Ave	Arterial	4	36,000	Arterial	4	36,000
18.	G St	South of Olive	Arterial	4	36,000	Arterial	4	36,000
19.	M St	North of 23rd	Arterial	4	36,000	Arterial	4	36,000
20.	M St	South of 23rd	Arterial	4	36,000	Arterial	4	36,000
21.	SR 59	South of Bellevue	Arterial	2	18,000	Arterial	2	18,000
22.	SR 59	South of Cardella	Arterial	2	18,000	Arterial	2	18,000
23.	SR 59	South of Yosemite Ave	Arterial	2	18,000	Arterial	2	18,000
24.	SR 59	South of Olive	Arterial	2	18,000	Arterial	4	36,000
25.	Cardella Road	Between SR 59 and M St.	Local*~~Collector~~	2*~~4~~	12~~24~~,000*	Arterial	4	36,000
26.	Cardella Road	Between G St. and Lake	Arterial* ~~Collector~~	2*~~4~~	18~~24~~,000*	Arterial	4	36,000
27.	16th St	West of SR 59	Arterial	4	36,000	Arterial	4	36,000
28.	Kibby	South of Yosemite Ave	County	2	21,600	County Road	2	21,600
29.	Kibby	North of Yosemite Pkwy	County	2	21,600	County Road	2	21,600

No.	Roadway Segment	Location	Existing			Future		
			Facility Type	No. of Lanes	Capacity	Facility Type	No. of Lanes	Capacity
30.	N. Parsons Ave	E. Olive to Yosemite	Collector	2	12,000	Collector	2	12,000
31.	S. Parsons Ave	E. Olive to Santa Fe	Collector	2	12,000	Collector	2	12,000
32.	Bellevue Road	Lake to G St	Collector	2	12,000	Arterial	6	54,000
33.	Bellevue Road	G St. to SR 59	Arterial* ~~Collector~~	2	18~~2~~,000*	Arterial	6	54,000
34.	Bellevue Road	West of SR 59	Collector	2	12,000	Collector	6	12,000
35.	SR 140	West of Massasso	Arterial* ~~Collector~~	2	18~~2~~,000*	Highway	2	43,200
36.	SR 99	North of 16th St	Freeway	4	96,000	Freeway	4	96,000
37.	SR 99	North of M St	Freeway	4	96,000	Freeway	4	96,000
38.	SR 99	South of Yosemite Pkwy	Freeway	4	96,000	Freeway	4	96,000
39.	SR 99	South of Mission Ave	Freeway	4	96,000	Freeway	4	96,000
40.	Campus Pkwy	South of Yosemite Ave	Does not Exist			Expressway	4	62,500
41.	Campus Pkwy	South of Olive Ave	Does not Exist			Expressway	4	62,500
42.[1]	Cardella Road	M St. to G St	Arterial* ~~Collector~~	4*~~2~~	36~~12~~,000*	Arterial	4	36,000
43.	R Street	W. Yosemite to Bellevue	Does not Exist			Arterial	4	36,000
44.	N. Parsons Ave	E. Yosemite to Bellevue	Does not Exist			Arterial	4	36,000

Source: Fehr & Peers, October 2008
Notes:
[1] *Segment 42: existing ADT volume estimated.*
* *Existing Facility type and capacity modified per City of Merced for Final EIS/EIR*

Section 4.13, Transportation and Traffic, pages 4.13-58 through 4.13-61

Table 4.13-8
Roadway LOS – Proposed Action – Future Conditions (2030)

No.	Roadway Segment	Location	Existing					2030						
			Facility Type	Number of Lanes	Capacity	Volume (2008)	LOS	Facility Type	Number of Lanes	Capacity	No Project		With Project	
											Volume	LOS	Volume	LOS
1.	Lake Rd	South of Bellevue	Collector	2	12,000	2,450	A	Local Access Street – Not Analyzed						
1 A.	Campus Pkwy	Cardella to Bellevue	Does not Exist					Arterial	4	36,000	8,050	A	19,750	A
2.	Lake Rd	Yosemite to Cardella	Collector	2	12,000	2,500	A	Local Access Street – Not Analyzed						
2 A.	Campus Pkwy	Yosemite to Cardella	Does Not Exist					Arterial	4	36,000	24,300	B	31,000	D
3.	McKee	South of Yosemite Ave	Collector *~~Arterial~~	2	12~~8~~,000*	5,250	A	Arterial	2	18,000	11,900	B	14,150	C
4.	McKee	South of Olive Ave	Arterial	2	12~~8~~,000*	8,250	B~~A~~	Arterial	2	18,000	16,550	D	17,300	D
5.	W. Yosemite Ave	SR 59 to G St. East of SR 59	Arterial	2	18,000	12,150	B	Arterial	4	36,000	13,450	A	13,350	A
6.	E. Yosemite Ave	G St. to N. Parsons	Arterial	4	36,000	15,100	C	Arterial	4	36,000	21,850	B	27,750	C
7.	E. Yosemite Ave	N. Parsons to Lake/ Campus Pkwy[1]	Collector	2	12,000	4,850	A	Collecto r	4	24,000	8,450	A	17,500	B
8.	E. Yosemite Ave	Lake to Kibby	County Road	2	21,600	2,450	A	County Road	2	21,600	10,900	A	18,950	D

No.	Roadway Segment	Location	Existing Facility Type	Existing Number of Lanes	Existing Capacity	Existing Volume (2008)	Existing LOS	2030 Facility Type	2030 Number of Lanes	2030 Capacity	2030 No Project Volume	2030 No Project LOS	2030 With Project Volume	2030 With Project LOS
9.	E. Yosemite Ave	East to Kibby	County Road	2	21,600	2,150	A	County Road	2	21,600	10,150	A	11,700	A
10.	Yosemite Pkwy	West of Santa Fe Ave	Arterial	2	18,000	10,400	A	Arterial	4	36,000	8,350	A	14,550	A
11.	Yosemite Pkwy	East of Santa Fe Ave	Highway	2	43,200	7,550	A	Highwa y	4	86,400	10,250	A	16,800	A
12.	Olive Ave	East of SR 59	Arterial	6	54,000	32,250	A	Arterial	6	54,000	43,150	C	43,850	C
13.	Olive Ave	West of G St	Arterial	6	54,000	26,600	A	Arterial	6	54,000	35,350	B	38,300	B
14.	Olive Ave	East of G St	Arterial	2*~~4~~	18~~36~~,000*	18,500	E*~~A~~	Arterial	4	36,000	24,700	B	25,350	B
15.	G St	South of Bellevue	Arterial	2	18,000	6,350	A	Arterial	4	36,000	19,050	A	20,950	A
16.	G St	Cardella to Bellevue	Arterial	2	18,000	6,650	A	Arterial	4	36,000	15,150	A	18,550	A
17.	G St	South of Yosemite Ave	Arterial	4	36,000	15,000	A	Arterial	4	36,000	24,400	B	26,250	B
18.	G St	South of Olive	Arterial	4	36,000	25,950	B	Arterial	4	36,000	32,150	D	33,000	D
19.	M St	North of 23rd	Arterial	4	36,000	18,350	A	Arterial	4	36,000	17,850	A	19,250	A
20.	M St	South of 23rd	Arterial	4	36,000	17,500	A	Arterial	4	36,000	16,000	A	17,600	A
21.	SR-59	South of Bellevue	Arterial	2	18,000	6,000	A	Arterial	2	18,000	8,500	A	8,550	A
22.	SR-59	South of Cardella	Arterial	2	18,000	8,100	A	Arterial	2	18,000	12,700	B	13,600	C
23.	SR-59	South of Yosemite Ave	Arterial	2	18,000	12,750	B	Arterial	2	18,000	19,800	**E/F**	20,450	**E/F**
24	SR-59	16th St. to W. Olive	Arterial	2	18,000	16,600	D	Arterial	4	36,000	34,500	D	35,200	D

No.	Roadway Segment	Location	Existing					2030			No Project		With Project	
			Facility Type	Number of Lanes	Capacity	Volume (2008)	LOS	Facility Type	Number of Lanes	Capacity	Volume	LOS	Volume	LOS
25.	Cardella Road	East of SR 59	Local*~~Collector~~	2*~~4~~	12~~24~~,000*	250	A	Arterial	4	36,000	950	A	2,000	A
26.	Cardella Road	G St. to Lake/ Campus Pkwy	Arterial* ~~Collector~~	2*~~4~~	18~~24~~,000*	100	A	Arterial	4	36,000	4,200	A	16,250	A
27.	16th St	West of SR-59	Arterial	4	36,000	20,400	A	Arterial	4	36,000	28,700	C	27,700	C
28.	Kibby	South of Yosemite Ave	County Road	2	21,600	1,250	A	County Road	2	21,600	1,700	A	8,550	A
29.	Kibby	North of Yosemite Pkwy	County Road	2	21,600	1,950	A	County Road	2	21,600	5,200	A	12,650	A
30.	N. Parsons Ave	E. Olive to E. Yosemite	Collector	2	12,000	5,600	A	Collector	2	12,000	11,550	D	13,600	**E/F**
31.	N. Parsons Ave	E. of Olive to Santa Fe	Collector	2	12,000	3,900	A	Collector	2	12,000	12,100	**E/F**	13,300	**E/F**
32.	Bellevue Road	Lake/Campus Pkwy to G St	Collector	2	12,000	3,700	A	Arterial	6	54,000	9,900	A	20,300	A
33.	Bellevue Road	G Street to SR 59	Arterial* ~~Collector~~	2	18~~2~~,000*	1,800	A	Arterial	6	54,000	12,850	A	14,700	A
34	Bellevue Road	West of SR-59	Collector	2	12,000	2,650	A	Collector	2	12,000	6,950	A	7,700	B
35.	SR 140	West of Massasso	Arterial* ~~Collector~~	2	18~~2~~,000*	4,850	A	Highway	2	43,200	9,500	A	10,000	A
36.	SR-99	North of 16th St	Freeway	4	96,000	56,000	A	Freeway	4	96,000	71,350	B	71,300	B
37.	SR-99	North of M St	Freeway	4	96,000	52,000	A	Freeway	4	96,000	66,400	B	66,250	B

			Existing					2030						
											No Project		With Project	
No.	**Roadway Segment**	**Location**	**Facility Type**	**Number of Lanes**	**Capacity**	**Volume (2008)**	**LOS**	**Facility Type**	**Number of Lanes**	**Capacity**	**Volume**	**LOS**	**Volume**	**LOS**
38.	SR-99	South of Yosemite Pkwy	Freeway	4	96,000	40,000	A	Freeway	4	96,000	48,350	A	49,900	A
39.	SR-99	South of Mission Ave	Freeway	4	96,000	41,500	A	Freeway	4	96,000	58,350	B	57,650	B
40.	Campus Parkway	South of Yosemite Ave	Does not Exist					Expressway	4	62,500	23,650	A	30,550	A
41.	Campus Parkway	South of Olive Ave	Does not Exist					Expressway	4	62,500	26,150	A	29,800	A
42.	Cardella Road[2]	G St. to M St	Arterial* ~~Collector~~	4*~~2~~	36~~12~~,000*	300	A	Arterial	4	36,000	11,600	A	18,300	A
43.	R Street	W. Yosemite to Bellevue	Does not Exist					Arterial	4	36,000	25,250	B	25,300	B
44.	N. Parsons/ Gardner	E. Yosemite to Bellevue	Does no Exist					Arterial	4	36,000	11,300	A	23,550	B

1. Fro the 2030 case, these segments extend to Campus Parkway
2. Segment 42: Existing Volume estimated
** Existing facility type and capacity modified per City of Merced, for Final EIS/EIR*
***Bold** = Roadway segment at or near capacity*
Dark Shaded = project impact based on over-capacity projection
Light Shaded = project impact based on > 1 percent project traffic contribution to a roadway with a planned improvement project.
Source: Fehr & Peers, October 2008.

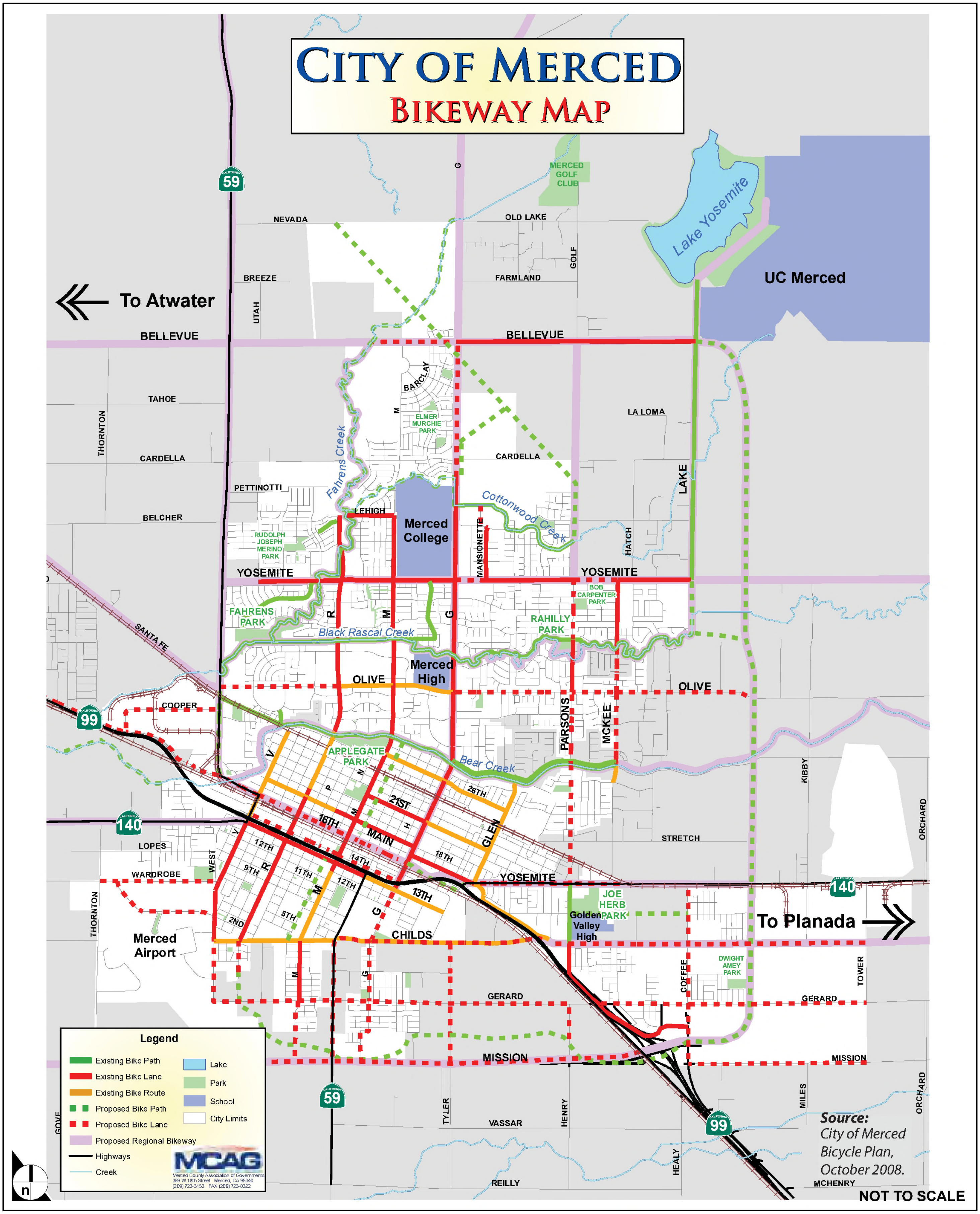
Section 4.13, Transportation and Traffic, pages 4.13-66 and 4.13-67

Table 4.13-10
Project Contribution to Significantly Affected Roadway Segments and Intersections

Roadway Segment/Intersection	Location	2030 With Project Scenario				2030 With Project Plus Merced Atwater Expressway Scenario			
		% Campus	% Comm. North	% Comm. South	% Other	% Campus	% Comm. North	% Comm. South	% Other
Roadway Segments									
1. Campus Pkwy	Cardella to Bellevue	32%	28%	5%	35%	33%	28%	5%	34%
2. Campus Pkwy	Yosemite to Cardella	17%	28%	10%	45%	17%	29%	10%	44%
5. E. Yosemite Ave	SR-59 to R St	2%	4%	2%	92%	2%	3%	2%	93%
7. E. Yosemite Ave~~Pkwy~~	N. Parsons to Campus Pkwy	2%	4%	13%	81%	2%	4%	17%	77%
10. Yosemite Pkwy	West of Santa Fe	8%	14%	12%	67%	9%	16%	13%	62%
11. Yosemite Pkwy~~G Street~~	East of Santa Fe	7%	12%	10%	71%	7%	13%	11%	69%
15. G Street	Cardella	1%	3%	3%	94%	<1%	4%	3%	93%
16. G Street	E. Yosemite to Cardella	2%	3%	2%	93%	2%	4%	2%	92%
25. Cardella Road	SR59 to M St	3%	6%	2%	89%	3%	7%	3%	87%
26. Cardella Road	G St to Campus Pkwy	11%	24%	8%	57%	1%	25%	9%	5%
32. Bellevue Road	Campus Pkwy to G St.	27%	28%	5%	40%	28%	29%	5%	38%
33. Bellevue Road	G St. to SR 59	2%	3%	<1%	95%	3%	4%	1%	92%
34. Bellevue Road	West of SR-59	3%	3%	<1%	94%	3%	4%	<1%	93%
40. Campus Pkwy	E. Yosemite to E. Olive	11%	19%	9%	61%	12%	20%	1%	57%
42. Campus Pkwy	E. Olive to SR 99	9%	15%	6%	70%	10%	16%	7%	67%
42. Cardella Rd	Between G St. and M St.	8%	18%	6%	68%	9%	19%	6%	6%
43. R Street	W. Yosemite to Bellevue	2%	3%	1%	94%	1%	2%	1%	96%
44. N. Parsons/Gardner	E. Yosemite to Bellevue	10%	16%	4%	70%	11%	16%	3%	70%

Roadway Segment/Intersection	Location	2030 With Project Scenario				2030 With Project Plus Merced Atwater Expressway Scenario			
		% Campus	% Comm. North	% Comm. South	% Other	% Campus	% Comm. North	% Comm. South	% Other
Study Intersections									
1. Highway 59/Bellevue	N/A	1%	1%	0%	98%	2%	2%	1%	95%
14. R Street/W. Olive	N/A	4%	7%	4%	84%	3%	6%	4%	87%
33. G Street/14th Street/SR 99 NB off-ramp	N/A	3%	5%	2%	91%	3%	5%	2%	91%

Source: Fehr & Peers 2008



SOURCE: Fehr & Peers - February 2009

FIGURE 4.13-7

Existing and Planned Bikeways

Section 4.13, Transportation and Traffic, pages 4.13-71 through 4.13-73

MM TRANS-1A: **Campus Traffic Mitigation Program (CTMP).** The Campus Traffic Mitigation Program (CTMP) is ~~a proposed program to monitor trip generation, reduce peak-hour trips, and/or participate in roadway improvements~~ designed to mitigate off-site impacts associated with the roadway segments and intersections affected by the development of the Campus through full buildout, as described in the 2009 LRDP. It includes a combined approach of (1) transportation measures to reduce peak-hour trips, and (2) monetary contributions to roadway improvements identified as necessary to mitigate the impacts of the Proposed Action. CEQA provides that an agency can mitigate its contribution to local and regional environmental impacts by contributing its proportional share of funding to mitigation measures designed to alleviate the identified impact (*State CEQA Guidelines* ~~section~~ Section 15130(a)(3)). ~~The CTMP will consist of the following elements/measures:~~

The portion of the CTMP that provides for monetary contributions consists of specific mitigation measures for certain roadway segments and intersections adjacent to the Campus (including Lake Road between Yosemite Avenue and Bellevue Road and Bellevue Road between G Street and Lake Road) that are anticipated to reach capacity soon after the Campus reaches 10,000 full-time equivalent (FTE) students. The University anticipates that the County of Merced (or the City of Merced if annexed) may plan and implement improvements to these segments and intersections before the Campus reaches 10,000 students. The University also anticipates that the County (or the City) may choose to construct new regional facilities (such as the Campus Parkway) or oversize new facilities in lieu of addressing capacity issues by more limited improvements on the affected segments (e.g., widening Lake Road). To address these issues, the CMTP contains detailed provisions for the University's share of funding these anticipated improvements upon the notice to proceed for construction. To the extent that the County (or the City) chooses not to proceed with the specific improvements identified in **MM TRANS-1A-4**, the University will address campus impacts under **MM TRANS-1A-5**.

The CTMP will consist of the following elements/measures:

MM TRANS-1A-1: **Trip Reduction Measures (*Applicability – Campus*)**

Travel Demand Management. To reduce on- and off-campus vehicle trips and resulting impacts, the University will implement a range of Transportation Demand Management (TDM) strategies. TDM strategies will include measures to increase transit and shuttle use, encourage alternative transportation modes including bicycle transportation, implement parking polices that reduce demand, and implement other mechanisms that reduce vehicle trips to and from the campus and community. ~~*(Applicability – Campus)*~~

~~**MM TRANS-1A-2:**~~ **Transit Enhancement.** To enhance transit systems serving the Campus and University Community, the University will work cooperatively with the City of Merced, County of Merced, Cat Tracks, The Bus, StaRT, YARTS, and other local agencies to coordinate service routes with existing and proposed shuttle and transit programs. ~~*(Applicability – Campus)*~~

~~**MM TRANS-1A-3:**~~ **Sustainability ~~and Monitoring.~~Measures.** The University shall review individual projects proposed under the 2009 LRDP for consistency with UC sustainable transportation policy and ~~UCM Transportation Demand Management (~~UC Merced TDM~~)~~ strategies set forth in the 2009 LRDP to ensure that bicycle and pedestrian improvements, alternative fuel infrastructure, transit stops, and other project features that promote alternative transportation are incorporated to the extent feasible. The University shall monitor the performance of campus TDM strategies through annual surveys. ~~*(Applicability – Campus)*~~

~~**MM TRANS-1A-4:**~~ **Campus Housing.** The University will continue to pursue the implementation of affordable on-campus student housing to reduce peak-hour commuter trips to the campus. ~~*(Applicability – Campus)*~~The University's goal is for 50 percent of student population to live on campus.

MM TRANS-1A-~~5~~2: **Campus Traffic ~~Impact~~ Monitoring** (*Applicability – Campus*)

The University will monitor trip generation resulting from the campus development under the 2009 LRDP to track the actual trip generation relative to the projections in this EIS/EIR. The University will conduct traffic cordon counts of the campus traffic with each ~~3,000~~ 1,500 person increase in student population~~,~~

measured by three-term average ~~headcount~~FTE students enrollment increases with 2007-08 as the base year. ~~If this monitoring determines that traffic attributable to the Campus contributes to a significant traffic impact at any of the roadway segments or intersections listed in Table 4.13-10 the University will implement measures to reduce vehicle trips contributing to the impact or provide its proportional share of funding for improvements at the impacted intersections and/or roadway segments. (Applicability – Campus)~~The University will report the findings to the City and the County, and these findings will be used to calculate the University's proportional share of responsibility to fund local transportation improvements as described below.

MM TRANS-1A-~~6~~3: Determination of Proportional Share Attributable to Campus (*Applicability – Campus*)~~**Determination.**~~

~~At the time a significant impact is identified pursuant to the monitoring under Mitigation Measure TRANS-1A-5, the University's actual percent contribution to the total traffic volume at pertinent intersections and roadway segments will be calculated and used as the basis for determining the University's mitigation obligation, or proportional share of funding for the traffic improvements listed in the table. Table 4.14-10 provides the projected percent contribution of the Campus to the total traffic volume on the roadway segment impact locations and at the intersection impact locations, respectively. The tables also show the projected contribution from the Community North and Community South. A fourth column indicates the projected contribution of traffic on the roadway segments and at the intersections attributable to all other sources. (This category includes existing traffic and growth in traffic from non-Campus, non-University Community sources). In the future, the actual contributions of campus traffic to the affected intersections and roadway segments will be calculated. (Applicability – Campus)~~

The University will monitor its traffic based on **MM TRANS-1A-2** above and use the data to calculate its proportional share of the cost of each improvement at each location noted in **Table 4.13-10**. The Campus's proportional share of each improvement will be determined by applying the actual trip generation rate at the time that the improvement is needed. The formula to calculate the proportional share will be:

$$\left(\frac{\text{Actual trip generation rate on a per student basis}}{\text{The projected trip generation rate}}\right)\times \text{projected percentage in Table 4.13-10}$$

The use of the actual trip generation rate may increase or decrease the Campus's proportional share compared to the projected percentages in **Table 4.13-10**.

~~**MM TRANS-1A-7:**~~ ~~**Mitigation Payments.** The amount of the University's mitigation payments will be based on the University's proportional share of the affected jurisdiction's actual cost of the relevant traffic improvement(s) at the time of final design. The amount will be calculated by applying the University's proportional share determined in Mitigation Measure TRANS-1A-6 to the total cost of the improvement, after accounting for all other federal and state funding sources. Funding will be internally committed by the University at the time the traffic impact is triggered pursuant to the results of monitoring under Mitigation Measure TRANS-1A-5. Payments will be made to the appropriate jurisdiction at the time the improvements are constructed. If improvements are constructed before the impact is triggered, the University will pay its proportional share at the time that the impact is triggered. Mitigation payments will be made after the University reviews the scope and budget of the improvement project. (Applicability – Campus)~~

MM TRANS-1A-4: **Monetary Contributions to Roadway Improvements Adjacent to the Campus** (*Applicability – Campus*)

Scope of Mitigation. The University will commit to pay its proportional share of the cost of improvements to three intersections and two roadway segments that are adjacent to the Campus at the time that improvements to these facilities are triggered, as indicated below:

Construct Campus Parkway between Yosemite Avenue and the Campus - when the County of Merced (or the City of Merced if annexed) demonstrates to the University that Lake Road from Yosemite Avenue to Bellevue Road is at 90 percent of its capacity (as described in **Table 4.13-6**) and that the need for improvement is imminent.

Widen Bellevue from 2 to 4 lanes from G Street to Lake Road - when the County of Merced (or the City of Merced if annexed) demonstrates to the University that Bellevue Road between G Street and Lake Road is at 90 percent of its capacity (as described in **Table 4.13-6**) and that the need for improvement is imminent. (Future widening of Bellevue Road from 4 to 6 lanes will be mitigated pursuant to **MM TRANS-1-A**).

Intersections of Bellevue Road/Lake Road, Myers Gate/Lake Road, and Yosemite Avenue/Lake Road - when the County of Merced (or the City of Merced if annexed) demonstrates that the intersections listed above are approaching an unacceptable Level of Service (LOS) and the need for an improvement is imminent.

Contribution of Campus' Proportional Share. At each of these locations, the University's proportional share will be estimated based on the percentages reported in **Table 4.13-10** which represent the projected proportional share adjusted per the discussion under **Determination of Proportional Share Attributable to Campus,** above.

Contribution of University Community's Proportional Share. The University will advance the proportional share of the cost of the specific improvements included in this section associated with the University Community (as identified on **Table 4.-13.10**) if, prior to the issuance of any entitlements for development in the University Community (including but not limited to any specific plan, tentative map or permit), the County (or the City) enacts an enforceable fee program to collect sufficient funds from all developers in the University Community to fully reimburse the University for any amount overpaid beyond its proportional share. The fee program must be updated annually to ensure that sufficient fees are collected to fully reimburse the University for the amount advanced, including interest associated with any financing of the cost of the University Community's share of the improvements. The fee program shall provide that the fees collected from development within University Community for purpose of paying for the improvements in this section shall be paid directly to the University. If a fee mechanism has not been adopted prior to the issuance of a notice to proceed for an improvement, the University's commitment to advance the funding under this section will not arise until such program has been adopted.

Commitment of Funds. Funding will be internally committed by the University when an improvement project is included in the County (or the City) capital improvement program, and the County (or the City) provides a construction cost estimate and a project funding plan to the University.

Timing of Mitigation Payments. The funds will be disbursed to the County (or the City) upon issuance of the notice to proceed with construction of the project.

MM TRANS-1A-5: **Monetary Contributions to Other Roadway Improvements** (*Applicability – Campus*)

Scope of Mitigation. The University will commit to fund its proportional share of the cost of all roadway improvements at the locations shown in **Table 4.13-10** and will commit to fund its proportional share of only those planned improvements for roadway segments that are listed in **Table 4.13-9** and mitigation for intersections listed in **Table 4.13-11**. (Improvements to the intersection of Yosemite Avenue and Lake Road, construction of Campus Parkway between Yosemite Avenue and the Campus, and Bellevue Road widening from 2 to 4 lanes are addressed under **MM TRANS-1A-4**).

Contribution of Campus' Proportional Share. At each of these locations, the University's proportional share will be estimated based on the percentages reported in **Table 4.13-10** which represent the University's proportional share adjusted per the discussion under **Determination of Proportional Share Attributable to Campus,** above.

Commitment of Funds. Funding will be internally committed by the University at the point at which an improvement project is included in the County (or the City)'s capital improvement program, and the County (or the City) provides a construction cost estimate and a project funding plan to the University.

Timing of Mitigation Payments. The funds will be disbursed to the County (or the City) upon issuance of the notice to proceed with construction of the project.

MM TRANS-1A-~~8~~6: **Alternate Improvements~~. Feasible~~** (*Applicability – Campus*)

Specific feasible traffic improvements are identified in **~~Table~~Tables 4.13-11** and **4.13-9** to ~~mitigate~~mitigate each of the Proposed Action's significant traffic impacts to a less than significant level. ~~As the~~ The identified improvements would be planned, designed, and implemented by the City of Merced, Merced

County, or other affected jurisdictions~~, the final configuration of future transportation improvements may vary from those identified in Tables 4.13-11~~. Detailed planning, environmental analysis and engineering studies for some of these improvements ~~has~~have not been completed~~; therefore,~~ and the implementing ~~agency has~~ agencies have not committed to all identified improvements. As a result, the final configuration of future transportation improvements may vary from those identified in **Tables 4.13-11 and 4-13-9.** The University will monitor its traffic based on **MM TRANS-1A-2** above and use the data to calculate its incremental responsibility towards the Campus's projected share of each improvement location noted in **Table 4.13-10**. If any improvement described herein is found to be ineffective or infeasible, and alternative improvements are determined to be required to achieve an acceptable LOS, the University will work in collaboration with the ~~public agency~~County or the City to implement alternative improvements.

Section 4.13, Transportation and Traffic, pages 4.13-74 and 4.13-75

Access to the campus for pedestrians and bicyclists is currently served via a pedestrian/bicycle path running north-south east of Lake Road, south of the campus, and via Bellevue Road, which ~~currently~~ has ~~no~~ bike lanes ~~or pedestrian facilities~~ between Lake Road and G Street, to the west of the campus. The Lake Road bicycle path may need to be re-located to the east of Campus Parkway when it is built, or other measures to allow pedestrians and bicyclists to efficiently and safely cross the parkway should be provided.

Section 4.14

Section 4.14, Utilities and Service Systems, page 4.14-28

Alt 1– Impact UTILS-3: The Proposed Action would generate additional wastewater flows that ~~but~~ would ~~not~~ require construction or expansion of new wastewater conveyance or treatment facilities that would not result in significant environmental impacts; nor would the Proposed Action result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project's projected demand in addition to existing commitments. (*Less than Significant*)

Section 5.0

Section 5.3.4, Biological Resources, page 5.0-19

However, the Proposed Action would compensate for the loss of wetland habitat through a combination of conservation, restoration, and creation. For naturally occurring wetlands (vernal pools, vernal swales, and clay slope wetlands) approximately 2,316 acres (1,058 acres on Tier 1 Lands and 1,268 acres on Tier 2 Lands) would be preserved and managed as compared to 40.41 acres directly impacted. This yields a ratio of preserved and managed to impacted acreage of approximately 57:1. The preservation and management components are intended to ensure that there would be no net loss of wetland functions for naturally occurring wetlands. ~~When viewed in terms of functional replacement, the increased wetland function resulting from preservation and management would yield an estimated increase of 203.2 functional capacity units as compared to the estimated direct and indirect impact of 28.8 functional capacity units, an approximate ratio of 7:1.~~ Naturally occurring wetlands would also be restored at a 1:1 ratio, and non-naturally occurring wetlands (canal wetlands and irrigation wetlands) would be created at a 1:1 ratio. ~~Note that substantially lower mitigation ratios are considered by the resource agencies as adequate to result in no net loss of wetlands. The high ratios that would be achieved by the Proposed Action demonstrate that the Proposed Action's contribution to the significant impact would not be cumulatively considerable.~~The restoration and creation components are intended to ensure that there would be no net loss in the overall areal extent of wetlands. The combination of preservation, management, restoration, and creation would compensate for the loss of wetland acreage and functions and fulfill the "no net loss" requirement. By resulting in "no net loss," the Proposed Action's contribution to the significant impact would not be cumulatively considerable.

Section 5.3.8, Hydrology and Water Quality, page 5.0-37

Cumulative MM HYD-3c: To reduce its demand for water, the Campus shall implement an aggressive water conservation program which will consist of the following elements.

- Incorporate water-efficient landscaping practices in all new landscape installations. Water-conservation landscaping practices shall include, but not be limited to, use of water-efficient plants, temporary irrigation systems for plant establishment areas where mature plants will be able to survive without regular irrigation, grouping of plants according to water requirements, design of planting areas to maximize irrigation pattern efficiency, and mulch covering in planting areas.

- Continue to install low flow plumbing fixtures in all new buildings.

- As new technologies become available, the Camus shall conduct pilot programs for high-efficiency plumbing fixtures including, but not limited to, dual-flush toilets. If a piloted technology proves to be successful (i.e., high-efficiency fixtures that are effective in water savings and do not require more maintenance than the existing standard), the Campus shall revise its standards to require use of the fixtures in all new buildings and in existing buildings as existing fixtures need to be replaced.

- Require that new contracts for washing machines in student residences be certified by the Consortium on Energy Efficiency to have a water factor of 5.5 or less or meet an equivalent standard. New washing machines purchased for use in athletic facilities shall meet applicable standards for water efficiency for institutional machines.

- Within one year following approval of the 2009 LRDP, the Campus shall implement a water conservation education program for campus residents. This will include but not be limited to:

    - distribution to residents of employee housing of education materials covering topics such as basic home water conservation practices, plumbing retrofits and replacements, and strategies to conserve landscape irrigation; and

    - designation of a staff member who will be responsible for developing and implementing a water conservation education and awareness program to reduce water consumption in student residences, dining halls, and student affairs facilities.

- Within two years following approval of the 2009 LRDP, the Campus shall initiate a study on feasible measures for utilization of reclaimed water (including rainwater, gray water, cooling tower blow down water and/or recycled water) in new development. Potential uses of reclaimed water include cooling, irrigation, toilet flushing, and industrial water. The study shall contain a plan to utilize reclaimed water in new development as feasible and effective.

- The Campus shall, at intervals of no more than five years during the term of the 2009 LRDP, conduct roundtable discussions with representatives of relevant campus departments, and conduct additional studies of new technologies as needed to identify feasible and effective water conservation measures for implementation on the Campus during the subsequent five-year period. The following are among the measures that shall be considered:

    - Retrofitting existing water meters such that building use and irrigation are separately metered

- Replacing natural turf on athletic fields with artificial turf
- Installing timers on showers in student residences

Section 6.0

Growth-Inducing Impacts, page 6.0-7

Notwithstanding the University's efforts to accommodate all of the growth generated by the Campus through the University Community planning process, it is recognized that some potential remains for induced growth to occur, particularly in geographic areas that are proximate to the Campus. The pressure to develop would be the greatest along the Bellevue corridor because of its location between the Campus and Castle Airport development area and its proximity to the Campus. Lands to the north and east of the campus could not be developed any way because they are conservation lands. Lands to the south of the campus would be developed as part of the University Community. Lands to the south of Yosemite Avenue would be too distant to experience the same growth pressure as lands along Bellevue corridor although the County of Merced would potentially allow development south of Yosemite Avenue as the current City of Merced General Plan update identifies much of this area as a "Future Joint City-County Study Area."~~and besides those lands are prime farmlands and conversion of that land to urban uses would not be allowed under the County policies that control the conversion of prime farmlands.~~

Growth-Inducing Impacts, page 6.0-9

Although the expansion of the existing infrastructure could effectively remove obstacles to growth in the area by allowing the provision of utilities and services to a new area, the new infrastructure would be designed for the ~~primary~~ purpose of serving the Campus, ~~and~~ the University Community, and the Rural Residential Center (RRC) ~~no excess capacity would be provided~~. The RRC area along Lake and Bellevue Roads in the project vicinity currently relies on on-site septic systems and wells for potable and irrigation water. The current City of Merced SOI includes the RRC. The current policies in the 2004 UCP are intended to prevent the possibility of inducing growth on adjacent rural lands, but the RRC is not considered a "rural" land use in the County General Plan. Furthermore, the County would continue to implement a Revenue Sharing Agreement with the City of Merced that limits development density of the RRC area to be no greater than one dwelling unit per acre. Therefore, the Proposed Action would not trigger any additional growth beyond that described in the analysis above. ~~The Rural Residential Center (RRC) area along Lake and Bellevue Roads in the project vicinity currently relies on on-site septic systems and wells for potable and irrigation water. If excess water and wastewater capacity and points of connection for proposed project facilities were provided by the City along these roads, the provision of infrastructure to the Campus and University Community could trigger growth in the RRC area.~~

~~However, a wastewater line to serve the Campus through full development has already been installed along Bellevue Road and the City has not allowed any connections to that sewer main from the rural residences along that roadway. Similarly, any additional extensions along Lake Road, Yosemite Avenue, or other local roads would not allow for connections to the rural residences until such time that the RRC area is included in the City's SOI/ Specific Urban Development Plan (SUDP) (It is acknowledged that all or a portion of the RRC area may be included within the City's revised SOI/SUDP and if and when that happens, any utility extensions that are proposed to serve the Campus and the community would likely be sized to also serve this area.). Furthermore, the County would continue to implement a Revenue Sharing Agreement with the City of Merced that limits development density of the RRC area to be no greater than one dwelling unit per acre. Because no infrastructure would be provided to these residences, the provision of infrastructure to the Campus and University Community would not induce growth in the project vicinity.~~

REVISIONS TO TEXT IN VOLUME 3

Section 3.0, Project Description, page 3.0-31

The Regents will review the analysis and conclusions with respect to the environmental impacts from the implementation of UCM 2020 Project in this volume and will determine whether or not to certify the EIS/EIR, including this volume.

A Section 404 permit to fill all wetlands within the 815-acre campus will be granted or denied by the USACE based on the impact analysis contained in Volumes 1 and 2. In the event that the permit is denied, the UCM 2020 Project will not be implemented.

For stationary sources of air emissions to be constructed as part of the UCM 2020 Project, an Authority to Construct and Permit to Operate would be needed from the San Joaquin Valley Air Pollution Control District.

The Campus will potentially require permits from the California Fish and Game Department (CDFG) for the incidental take of state-listed species for the entire campus. In addition, the University will be required to submit an application to the CDFG pursuant to Section 1602 of the California Fish and Game Code to determine whether a Streambed Alteration Permit will be required.

The Campus will require all construction contractors for the UCM 2020 Project to obtain coverage under the statewide National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges associated with Construction Activities from the CVRWQCB.

Annexation of the UCM 2020 Project site to the City of Merced requires LAFCO approval. LAFCO approval is also required for the extension of City services to those portions of the UCM 2020 Project site which are located outside of the City's jurisdictional boundary.

Section 4.9, Land Use and Planning, page 4.9-1

The Merced County General Plan designates a UC Merced/UCP Campus Specific Urban Development Plan (SUDP) that ~~incorporates~~ includes the entire campus site.

The northern portion of the UCM 2020 Project site, generally north of ~~above~~ the Bellevue Road alignment is generally designated "UC Merced"~~Campus~~ in the County General Plan, whereas the southern portion is generally designated "Multiple Use Urban Development" (MUUD) in the County General Plan.

The northern portion of the UCM 2020 Project site, approximately 0.125 mile south of~~above~~ the Bellevue Road alignment, is within the City of Merced's ~~current~~ Sphere of Influence (SOI) while the remainder of the site is outside of the City's SOI.

Section 4.9, Land Use and Planning, page 4.9-2

The current County zoning for the University Community is A-1, General Agricultural~~agricultural land~~. According to the ~~previously~~ 2004 ~~a~~Adopted UCP, in order to preclude premature conversion or cessation of agricultural activities, the zoning is to remain agricultural land until such time that plans for the development of the land are advanced.

3.0 COMMENTS ON THE DRAFT EIS/EIR AND RESPONSES TO COMMENTS

3.1 INDEX TO COMMENTS

As described in **Section 1.0, Introduction,** all comments on the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) received either in writing or orally at the public hearing have been coded, and the codes assigned to each comment are indicated on the written communication and the public hearing transcript that follow. All agencies, organizations, and individuals who commented on the Draft EIS/EIR are listed in **Table 3.0-1, Index to Comments,** below.

Table 3.0-1
Index to Comments

Commenter Code	Agency/Organization/Individual – Name
FA-1	Environmental Protection Agency – Kathleen M. Goforth
SA-1	Department of Conservation – Dan Otis
SA-2	Department of Fish and Game – Jeffrey R. Single
SA-3	Native American Heritage Commission – Katy Sanchez
SA-4	State Clearinghouse – Terry Roberts
LA-1	City of Merced – Ellie Wooten
LA-2	County of Merced – Robert E. Smith
LA-3	County of Tuolumne – Adam Paszkowski
LA-4	Merced Union High School District – Michael Belluomini
LA-5	Local Agency Formation Commission – Bill Nicholson
ORG-1	California Native Plant Society – Carol W. Witham
ORG-2	Central Valley Farmland Trust – Maxwell Norton
ORG-3	Merced County Farm Bureau – Peter Koch
ORG-4	San Joaquin Et Al – Maureen McCorry
ORG-5	San Joaquin Raptor/Wildlife Rescue Center/Protect Our Water – Lydia Miller
ORG-6	San Joaquin Raptor Rescue Center/Protect Our Water – Marsha A. Burch
ORG-7	The Nature Conservancy – Jaymee Marty

Commenter Code	Agency/Organization/Individual – Name
ORG-8	Valley Land Alliance
ORG-9	Virginia Smith Trust – W. Terrence Bates
ORG-10	LWH Farms – Sharon Hunt Dicker
I-1	Robin Adam on behalf of California State Assemblymember Cathleen Galgiani
I-2	Fred B. Silveira
I-3	David Wyatt
PH-1	Ralph Temple
PH-2	Bill Spriggs
PH-3 through 6	Kathleen Crookham
PH-7	Terry Bates
PH-8	Sid Lakireddy
PH-9	Seth Ellery
PH-10	Jess Brown
PH-11	Norton Maxwell
PH-12 through 13	Roger Wood
PH-14 through 16	Lee Andersen
PH-17	Frank Quintero
PH-18 through 19	Dee Dee D'Adamo
PH-20 through 21	Robert Smith
PH-22	Louise Farley
PH-23	Robin Adam
PH-24	Bert Crane

FA: Federal Agency; SA: State Agency; LA: Local Agency; ORG: Organization; I: Individual; PH: Public Hearing

3.2 MASTER RESPONSES

3.2.1 Master Response No. 1, Growth Inducing Impacts of UC Merced

Some comments state that the Proposed Action will result in greater induced growth than characterized in the Draft EIS/EIR, and that the growth inducing effects will be experienced in the foothills east of the campus and in adjacent counties such as Tuolumne County. One comment specifically asks that the potential for the Proposed Action to induce growth in the areas adjacent to La Paloma Road be addressed in the Final EIS/EIR and two comments have suggested that projected growth west of Lake Yosemite (the Yosemite Lake Estates proposal) is induced by the Proposed Action. Finally, some comments state that the substantial housing growth (boom) in Merced County followed by the bust is a consequence of siting the UC campus at Merced. Each of these comments related to potential growth impacts of the Proposed Action is addressed below.

Growth-inducing impacts of the Proposed Action are evaluated in the Draft EIS/EIR based on the following two criteria:

- Whether the Proposed Action would cause economic expansion and population growth through employment expansion and/or the construction of new housing, or
- Whether the Proposed Action would remove an obstacle to population growth (for example, through the expansion of public services or utilities into an area that does not presently receive these services), or through the provision of new access to an area, or a change in a restrictive zoning or General Plan land use designation.

The Draft EIS/EIR acknowledges that the establishment of a large institution such as a major research university with 25,000 full-time equivalent students could result in substantial growth in the region where it is located. Some of the growth would be direct, that is, students, faculty, and staff would move to the region to study and work at the new campus. Other growth would be indirect and induced by the local purchasing of goods and services by both the campus and its associated population. To address some of the direct growth, the University plans to house at least half the students on campus. To accommodate the rest of the direct growth, from the onset of the proposed campus, a contiguous associated community has always been planned by the County. The express purpose of the community is to absorb the balance of the direct growth (students, faculty, and staff) and some of the indirect growth that would result from the new campus. As discussed in the Draft EIS/EIR, the University Community has been designed with the specific purpose of providing the necessary housing and other services that would be needed by the campus population on land immediately adjacent to the Campus so that most of the growth impacts are absorbed within the University Community. The Draft EIS/EIR shows that all of the direct growth from the establishment of the campus could be absorbed in the University Community as planned.

With respect to indirect and induced growth in employment as a result of the direct growth, a study was conducted in 2000, which estimated that about 6,000 indirect and induced jobs could be created or supported by the Campus. The County sized and designed the University Community with adequate land to accommodate these 6,000 indirect and induced jobs and to house the employees who would be employed in these jobs. Under the revised proposed University Community Plan, adequate land area (and building space) is planned to accommodate 10,000 indirect and induced jobs. As explained in the Draft EIS/EIR, of these 10,000 employees, about 2,560 employees would not be accommodated within the University Community and would need housing in the broader region. Therefore the Draft EIS/EIR acknowledges that not all of the indirect and induced growth of the campus will be captured within the University Community, and these 2,560 employee households would seek housing in the Merced region. Because a substantial amount of housing has been built and additional housing growth is planned within the City of Merced, this campus-related indirect and induced growth would be accommodated in the planned housing. In summary, the Draft EIS/EIR discloses the full extent of the direct, indirect, and induced impacts of the proposed campus and concludes that additional population and employment growth beyond that disclosed in the Draft EIS/EIR is not considered likely.

Regarding the potential for growth impacts outside the University Community, as noted in the Draft EIS/EIR, the potential for induced growth to occur in areas to the north, northeast, and east of the campus and University Community is low because the lands are either protected by conservation easements or contain sensitive resources that would make development difficult. However potential exists that the area along Bellevue Road would experience growth pressures on account of its proximity to the campus. The Draft EIS/EIR notes that the growth of this area is already accounted for in the City's planning process and the effects of its development will be evaluated in the City's General Plan Update EIR. With respect to specific development proposals such as the Yosemite Lake Estates proposal regarding which some comments have expressed concern that it should be considered growth induced by the Campus, the Draft EIS/EIR does identify in the land use section that the Yosemite Lake Estates project is proposed in the area to the west of Lake Yosemite. However, the project proponent will need to address substantial environmental issues (including wetlands) as well as develop wastewater infrastructure before the project can be developed. Furthermore, because of the environmental constraints present on the site, the project is unlikely to develop a substantial portion of the site or result in the development of a large number of homes. Similarly because of potential issues with wetlands and land deemed endangered species habitat north of Bellevue Road, it is not reasonably foreseeable that a substantial number of homes would develop within Bellevue Ranch Master Plan development. In other words, while some induced growth especially along existing roadways such as Bellevue Road is considered likely and other nearby areas including the area to the northwest of the campus could experience growth pressures, the growth will limited because of infrastructure constraints and the presence of wetlands and endangered species habitat.

Regarding growth along La Paloma Road to the north of the campus, even historically, there have been growth pressures to develop land along La Paloma Road. Therefore the Proposed Action does not introduce growth pressures in an area where there were none before. However, development on land parcels along La Paloma Road has historically been and continues to be constrained by the same factors that affect Yosemite Lake Estates proposal – lack of infrastructure and presence of wetlands and species habitat. Additionally, agricultural zoning designations of land adjacent to the roadway would need to be amended by the County before any development could move forward in the area. Therefore, even though the lands along that roadway are near the campus, it is unlikely that that area would develop unless and until the roadway is improved and the zoning is changed.

With respect to Tuolumne County's comment that the proposed project will induce housing growth in that county, especially in the Lake Don Pedro area and in Columbia, and concern expressed in other comments regarding potential growth impacts in the adjacent foothill counties, existing residence patterns of the faculty and staff of the campus were examined to determine what percentage of the current faculty and staff live in Tuolumne County and in other adjacent foothill counties. The results of the zip code survey are reported in **Table 3.0-2, Residence Patterns of Existing Faculty and Staff**, below.

Table 3.0-2
Residence Patterns of Existing Faculty and Staff

County	Number of Employees (% of total)
Calaveras	1 (< 1%)
Fresno	51 (5.9%)
Madera	27 (3%)
Mariposa	24 (2.8%)
Merced	586 (67.6%)
Santa Clara	5 (0.6%)
San Joaquin	5 (0.6%)
Stanislaus	79 (9%)
Tuolumne	3 (0.3%)
Rest of California	82 (9.5%)
Other	4 (0.5%)

As the table shows, a very small percentage of faculty and staff currently reside in Tuolumne County. Similarly the percentages of campus employees living in Madera and Mariposa counties, which are the other adjacent foothill counties, are also low. It is well established based on data from other campuses that students tend to live close to the campus and are less likely than faculty and staff to commute to the school from distant places. While the EIS/EIR does not claim that no persons associated with the campus would live in these foothill counties, it is appropriate to assume that given the availability of housing closer to the campus, especially once the University Community is constructed, it is unlikely that large numbers of faculty and staff would live in these more distant counties. Based on current percentages of employees living in the foothill counties, it is estimated that at buildout of the Campus under the 2009 LRDP, about 20 employees would live in Tuolumne County, about 184 employees would live in Mariposa County, and about 197 employees would live in Madera County. Therefore, the potential for substantial campus-related induced growth to occur in these counties is considered low.

Finally, the assertion that the boom and bust in the housing market in Merced is due to the campus is incorrect because the real estate boom and bust experienced in Merced area is identical to the boom and bust experienced in practically all parts of California and has occurred largely due to state-wide banking practices. It is true that a substantial number of new homes have been built in Merced in recent years and some of this housing development was likely built in anticipation of the campus. However, in the years leading up to 2006–07, new subdivisions were constructed up and down the Central Valley in all communities. Therefore, all of the housing development in the Merced area cannot be considered growth induced by the campus. Similarly, all of the future community plans that are proposed and are expected to be included in the City's General Plan Update cannot be considered to be a result of the campus. Because the boom and bust is not related to the presence of the campus, it is not the subject of this EIS/EIR.

3.2.2 Master Response No. 2, University Community – Size, Need, and Location

Some comments have questioned the need for a contiguous University Community sized to absorb 100 percent of the direct growth anticipated to result from the establishment of a 25,000 FTE student campus. Commenters offer several reasons, including the availability of surplus housing, economic downturn, environmental regulations, and drought, as to why the University Community is not needed or why the size of the University Community should be reduced from the current proposal of a 1,951-acre community. Some comments ask that the University Community not be developed as proposed and it be developed on lands on either side of Bellevue Road west of Lake Road. This master response addresses these comments.

As discussed in Section 1.0, Introduction (Volume 1), the University has determined that the success of UC Merced depends on a planned associated, contiguous, and supporting community that provides adequate housing and other amenities for faculty, staff, and students. The rationale for this determination is based on the University's experience developing the other nine UC campuses and in particular its observation that without such planning, communities tend to develop around a campus in a piecemeal, random fashion. A contiguous community provides for housing, fosters a pedestrian-oriented environment, encourages faculty and student interaction within a shared learning environment, and discourages long commutes.

Some comments refer to the current economic downturn and argue that surplus housing is available in Merced and therefore the University Community is not needed. As described in Section 2.0, Project Description, the Proposed Action is a multi-phased project that generally anticipates development at a pace with expected enrollment levels. Buildout of the campus is not anticipated until after the year 2030. Accordingly, development of the project would last for several years, during which time the housing market and the nation's economy can be expected to swing in cycles from good to bad and back again. The current housing market and the general economic conditions of both the state and the nation are only short-term events in the overall life of the project. The University acknowledges that given the current surplus and reduced prices of housing and commercial real estate in the region and the current economic climate, it is unlikely that new housing development within the University Community will be economically feasible for some time. However, once the market rebounds, additional housing will be needed in the region. Therefore it is appropriate to plan this housing and other support uses in proximity of the campus.

Furthermore, the desire for an associated and contiguous community stems from the University's fundamental land use planning needs. The University's experience with its other campuses shows that a university campus generates a variety of housing, commercial, recreational, entertainment, cultural, and public use requirements. The University anticipates that in addition to housing, the University Community will include parks, schools, and neighborhood serving retail. Absent a planned community that is sized to accommodate these uses, this growth will result in a random and inefficient development design. An associated and contiguous community is critical to the University's commitment to reducing sprawl created by the UC Merced Campus. A well-planned, adequately sized community adjacent to a campus would help preserve the natural local habitat and agricultural land by increasing density and focusing development to avoid urban sprawl. Focusing this development and establishing land use plans for this growth will generate other environmental benefits as well, including reduced traffic congestion and air emissions. The University Community is planned to be developed at a higher density than other residential communities in the Merced area and this higher density and contiguous location with the campus are consistent with the objectives of AB 32 to reduce greenhouse gas emissions and consistent with the objectives of SB 375. Furthermore, this higher density of development combined with numerous policies in the University Community Plan to minimize water use will also help reduce the effect of the population growth on the groundwater resources in the region. Recognizing these and other environmental benefits, the USEPA's comment letter on the Draft EIR "commend[ed] the efforts of UCM and the Corps to plan a contiguous supporting community for the Campus as an alternative to unplanned development." See **Comment Letter FA-1**.

In 2001 when the Lake Merced site was identified as the preferred location of the 10th campus, the University and the County conducted an economic analysis to determine the types of land uses, densities of development, and acres of land that should be included in the University Community so that the University Community could absorb 100 percent of the direct population growth that was expected to result from the establishment of the 10th campus. Based on that study, the County determined that the University Community needed to be about 2,000 acres in size to accommodate all the campus-related growth and to house the population related to the new campus, and that of the 2,000 acres, it needed to assign about 1,725 acres to residential uses. In 2004 the County approved a plan for the University Community that encompassed 2,133 acres. Since then, the overall size of the community has been reduced by about 182 acres, and the residential development in Community North has been planned at a higher density than before. An additional increase in the density of residential development will not allow the housing developed in the University Community to compete successfully with other developments in the region.

Some comments have suggested that the University Community should be designed not to extend south of Cardella and should instead be designed to extend west along Bellevue Road (this suggested primarily to avoid the conversion of prime farmland). The University Community, if it were to be developed in part along Bellevue Road, would result in greater wetlands and habitat impacts than under the current proposal. The Campus and University Community as proposed under the Proposed Action represent the effort to attain the best achievable balance between impacts on biological resources and farmland.

3.2.3 Master Response No. 3, Water Supply Impacts

Some comments raise issues related to the UC Merced and University Community Project's impacts on groundwater supplies in the region and whether a sufficient water supply exists for the project. This master response addresses these issues.

Water Supply Availability

A few comments stated that the Draft EIR does not demonstrate that the Proposed Action will not adversely affect surface or groundwater supplies. Water supplies for the Proposed Action are described and evaluated at length in Section 4.8, Hydrology and Water Quality, and in Section 4.14, Utilities and Service Systems. The University has determined that the Proposed Action would generate a demand for potable water that would be met with existing resources. As further discussed in Section 4.14, Utilities and Service Systems, the Proposed Action, which includes both the Campus and the University Community, would demand 4,122 acre-feet per year above existing demands on the site, or a total of 7,166 acre-feet per year. In light of the City's determination in its 2005 Urban Water Management Plan (2005 UWMP), which anticipated that development of the Campus alone would demand approximately 8,073 acre-feet per year at full development, water demands associated with the combined development of the Campus and University Community are nearly 1,000 acre-feet per year less than anticipated. As such, the 2005 UWMP accounts for the water demands of the combined Campus and University Community development.

Groundwater Depletion

Some comments were raised regarding the potential for the Proposed Action to result in the depletion of groundwater. As discussed in detail in Section 4.8, Hydrology and Water Quality, the Draft EIS/EIR evaluated the Proposed Action's potential impacts related to localized groundwater depletion. This analysis was based on studies conducted by the County in 2004, which concluded that as a result of groundwater pumping on the Campus and University Community, groundwater levels could decline by 25 to 35 feet in the area west of Lake Road over a period of 100 years. The Draft EIS/EIR concluded that, given the lower water demand now required for the Campus and Community, and the fact that localized drawdown could be avoided through careful siting of wells within the Community (i.e., at locations further away from Lake Road), such localized drawdown would be avoided. Furthermore, even if such a localized drawdown were to occur at some level, this would not result in any associated significant environmental impacts. At a cumulative level of analysis, however, the Draft EIS/EIR determined that cumulative growth in the region (including the Proposed Action and other past, present, and reasonably foreseeable future development in the project area) would deplete groundwater supplies resulting in an overdraft of the regional groundwater aquifer. The Draft EIS/EIR determined this impact was significant and unavoidable, notwithstanding the recommendations proposed in the 2008 Merced Groundwater Basin Groundwater Management Plan Update.

The City currently uses groundwater as its sole source of supply. Over the last 20 years, groundwater use has increased from 17,500 afy in 1985 to 30,118 afy in 2005 (2005 UWMP). The City is involved in joint efforts with Merced Irrigation District (MID), UC Merced, the County of Merced, and the Merced County Association of Governments to conserve the regional aquifer. For example, the Merced Area Groundwater Pool Interests (MAGPI) is an association of which the City of Merced is a member, created by the agencies in the Merced groundwater basin with shared interests in the Merced Subbasin. MAGPI was formed pursuant to the 1993 Groundwater Management Act (AB 3030). As described in Section 5.0, Cumulative Impacts, the University will continue to support MAGPI in establishing other cooperative arrangements with state and local agencies for purposes of expanding the basin's conjunctive use capabilities.

In 2001, MAGPI entered into a memorandum of understanding with the Department of Water Resources to support conjunctive water use water management programs. MAGPI published the Merced 2008 Groundwater Basin Groundwater Management Plan Update to address the Merced Subbasin's physical characteristics, water quality conditions, and implementation of the groundwater plan. This report constitutes the City's groundwater management plan and describes methods to sustain groundwater reserves. More specifically, the report states that as of 2007, the Merced Groundwater Basin is in a state of mild long-term groundwater level decline, with a cumulative decrease in storage of approximately 720,000 acre-feet from 1980 to 2007, or about 26,000 acre-feet per year on average. The MID has implemented various recharge and conservation projects which combined provide an annual in-lieu recharge of about 60,000 acre-feet per year and have resulted in the cumulative in-lieu recharge of about 300,000 acre-feet per year since 2001. Despite these efforts, the overall Basin remains in a state of mild long-term overdraft, according to the 2008 Groundwater Basin Groundwater Management Plan Update.

The 2008 Merced Groundwater Basin Groundwater Management Plan Update indicates that a conjunctive use program is one of the most cost-effective ways to achieve aquifer recharge within the basin. Operation of a conjunctive use program requires the following features, all of which are present in the basin: a source of surface water during years with above normal precipitation and stream flow; conveyance facilities to import water; recharge facilities; usable storage capacity in the aquifer; extraction facilities; and distribution facilities for surface water and groundwater. The plan indicates that the results of pilot recharge tests throughout the region have been promising, and MAGPI intends to pursue cooperative arrangements with State and local agencies for the purpose of expanding the basin's conjunctive use capabilities to address overdraft concerns in the region.

Some comments questioned the University's reliance on the Merced Water Supply Plan (MWSP) in evaluating water supply and demand for the Proposed Action. The University's reliance on the MWSP is well placed. The MWSP and the MWSP Update established the following five goals: manage groundwater resources; provide high-quality, reliable supply for cities; protect and enhance economic base; protect MID's Merced River rights; and maintain consensus on water supply plan. The MWSP is a detailed water supply analysis prepared by the consultant CH2MHILL. It uses a variety of analytical tools and models to develop future land-use projections, estimate future water demand from surface and groundwater sources, simulate Merced River flows and availability of water for diversion, and simulate aquifer response to various scenarios. The MWSP considered the UC Merced Campus project as proposed in 2001, and determined that the demand associated with the footprint of the project in 2001 represented about 1 percent of the total future water demand for the region.

It is important to note that, although the Draft EIS/EIR does include the analysis provided by the MSWP, it does not rely upon that analysis to conclude that cumulative water demands will be insignificant. To the contrary, the Draft EIS/EIR concludes that there will be a cumulative impact on regional groundwater resources, and that the Proposed Action's contribution to this impact will be considerable. Although the MAGPI group may eventually address this issue, and the Draft EIS/EIR includes Mitigation Measure HYD-3a (requiring the University to support MAGPI through various means), the MAGPI efforts are not sufficiently developed to support a conclusion that the regional groundwater problem is avoidable. Thus, the Draft EIS/EIR concluded that the cumulative water supply impact is both significant and unavoidable, and the Proposed Action's impact to regional water supply is significant and unavoidable.

It should be noted that, as the Campus begins to develop, an objective of the 2009 LRDP is to maximize recycled water generated on campus. This will help minimize the amount of groundwater pumping. The City and MID are also working on programs to recharge the groundwater aquifer with surface water as well as have plans to phase in surface water use for irrigation. The Campus and the University Community would be able to incorporate similar future plans that would be developed by the City and MID. For example, the Merced Groundwater Management Plan is intended to ensure that groundwater is withdrawn at sustainable rates and that the basin is available to serve future generations. The plan includes elements that not only require local water agencies to implement programs to reduce the use of groundwater, but also require the agencies to explore alternate sources, such as recycled water and a conjunctive use program that emphasizes recharge of the groundwater aquifer using surface water during wet years when that water is available.

Water Conservation and Recycling

Some comments raised questions or concerns regarding the Proposed Action's water conservation efforts. The 2009 LRDP includes sustainability policies which express the Campus' commitment to achieve water neutrality, the emerging concept to reduce water use such that no new water resources are needed and focus on minimizing the consumption of potable water for landscape irrigation.

The proposed Campus would be designed as a water-conservative campus, and the University acknowledges that the need for water conservation is important to the success and development of the Campus. Based on the University's adoption of the US Green Council's Leadership in Energy and Environmental Design (LEED) water conservation recommendations for high-efficiency fixtures and dry fixtures (e.g., dry urinals), a balance occurs between the estimated wastewater generation and nonpotable water demand within the Campus itself, on an annual basis. The Campus is incorporating several elements from the LEED green building system, including:

- Water-efficient landscaping to limit or eliminate the use of potable water for landscape irrigation;
- Innovative wastewater technologies that will reduce the generation of wastewater and potable water demand, while increasing local aquifer recharge; and
- Water use reduction by maximizing water efficiency within buildings to reduce the burden on the municipal water supply and wastewater systems.

In addition, water service to all Campus facilities will be metered to help manage campus supplies and inform the design of future facilities. Wastewater flows will also be monitored to help manage campus operations. Campus facilities and buildings will also incorporate the use of waterless urinals, low flow toilets, and low flow baths and showers. The University will also develop wastewater treatment and recycling facilities that would provide recycled water for appropriate uses such as irrigation and groundwater recharge. In addition, a new mitigation measure (Cumulative MM HYD- 3c) has been added that requires the Campus to develop and implement an aggressive water conservation program. The full text of the mitigation measure is presented in **Section 2, Revisions to the Draft EIS/EIR**.

Draft EIS/EIR Impact Conclusions

Some comments state that the Draft EIS/EIR's impact conclusion for Impact HYD-4 is not accurate and that the impact should have been determined to be a significant impact. The commenters are referred to the impact statement for Impact HYD-4 which states that "the Proposed Action will not substantially deplete groundwater supplies such that the production of existing nearby wells would drop to levels that would not support the uses." This impact is focused on the effects of pumping the required water on adjacent wells, and is not focused on the effects on the broader Merced groundwater basin. As Impact HYD-4 explains, the effect of this pumping on adjacent wells was modeled using a regional groundwater model and the analysis projected that nearby well water levels would drop by 25 to 35 feet over a period of 100 years. The analysis showed that carefully siting the on-site wells, drawdown in the nearby wells could be avoided. The Draft EIS/EIR also noted several other measures that the University would implement to minimize pumping of groundwater and to maximize recharge and infiltration, all of which coupled with careful siting of wells would avoid drawdown impacts on adjacent wells. The Draft EIS/EIR presents the Proposed Action's effect on the regional aquifer under Cumulative Impact HYD-3 and concludes that the project's effect on the groundwater basin would be cumulatively considerable, and because all available mitigation will not fully offset this impact, that the cumulative effect would be significant and unavoidable.

In Section 4.8, Hydrology and Water Quality, the Draft EIR describes existing groundwater resources in the Merced Groundwater Subbasin. Based on DWR calculations, the total storage capacity of the subbasin is estimated to be 30 million acre-feet. Although agricultural demand within the basin is served by both surface and groundwater, based on the most recent water demand numbers, a total of 608,000 acre-feet/year of agricultural water demand is met with groundwater. Municipal and industrial users pumped approximately 50,000 acre-feet of groundwater in 2007. As such, the total water demand from the basin is approximately 658,000 acre-feet per year, which is approximately 2 percent of the subbasin's total storage capacity. By comparison, the Campus and University Community would demand a total of 7,166 acre-feet per year at full development, which is approximately 0.02 percent of the subbasin's storage capacity. Therefore, water demand associated with the Proposed Action would not, in and of itself, deplete groundwater supplies to such an extent that it alone would result in an overdraft of the regional groundwater aquifer. Notwithstanding the Proposed Action's minimal effect on existing groundwater supplies, the Draft EIS/EIR concludes in Section 5.0 that the Proposed Action will contribute to a significant and unavoidable depletion of groundwater due to an ongoing overdraft of the regional groundwater aquifer. As noted in this analysis, in terms of total projected water demand, the originally estimated groundwater demand for the Campus and University Community (i.e., prior to the reduction in footprint and thus water demand) would have represented only about 1 percent of the total future applied water demand for the region and, taken alone, would not have a significant impact on regional groundwater levels. Nonetheless, although this is a small portion of the overall projected demand, the Draft EIS/EIR concluded that the Proposed Action's contribution to the cumulative impact would be considerable for purposes of the environmental analysis. Thus, the Draft EIS/EIR included two mitigation measures to address this impact, concluding that the cumulative impact would nonetheless be unavoidable.

3.2.4 Master Response No. 4, City and County Land Use Jurisdiction

The Draft EIS/EIR includes mitigation measures related to the Community North and Community South lands. Rather than being within the University's jurisdiction, implementation of these measures is within the jurisdiction of other agencies, such as the City of Merced and Merced County. These mitigation measures generally fall in one of two categories. Some of these measures are proposed to mitigate the significant environmental impacts from the development of the University Community, while some are proposed to address the cumulative impacts from the development of the Proposed Action in conjunction with other past, present, and reasonably foreseeable future development in the study area. Several commenters have questioned the inclusion of these mitigation measures in the EIS/EIR, because, as stated in these comments, these mitigation measures are beyond the control and outside the jurisdiction of the University. This master response addresses these concerns.

CEQA requires an EIR to identify potential mitigation measures for each significant effect described in the EIR, and NEPA includes a similar requirement for an EIS. Under CEQA in particular, lead agencies may identify mitigation measures that are within the responsibility and jurisdiction of another public agency and make findings that those measures can and should be adopted by such other agency.

The University is the lead agency for the Proposed Action under CEQA, and the Draft EIS/EIR identifies the City, County, and other governmental agencies as cooperating, responsible, and trustee agencies. Even though it does not have land use jurisdiction over the entire University Community, the University is required to evaluate the whole of the project and identify potentially significant environmental effects of the whole of the project. As the lead agency for the project, the University must identify and consider mitigation measures for all of the potentially significant effects identified in the Draft EIS/EIR. It is not the intent of the University to bind the City, County, or any other governmental agency to any of these mitigation measures, because the University does not have the authority to do so. Many of the mitigation measures that identify the City, County, or other governmental agency as implementing these measures use the word "should" rather than "shall," but in some instances, a mitigation measure states that the City or County "shall" or "will" impose mitigation. The University recognizes, however, that in no instance can it bind the City or the County to any mitigation measure. The University's responsibilities are to identify mitigation measures for significant project impacts and, if it approves the project, to adopt "can and should" findings for mitigation measures that are within another public entity's jurisdiction and control.

The lands that make up Community North are owned by the UCLC, a not-for-profit organization composed of the University and Virginia Smith Trust. Because this land is owned by UCLC and not by the University, Merced County currently has the land use authority over Community North. Should this land, along with the land that makes up Community South, be annexed to the City of Merced, the City would have the land use authority over the entire University Community area. Therefore, eventually any mitigation measures that would address the significant impacts from the development of the University Community will be implemented by developers under the direction of the County or the City as the lead agency. Again, to comply with NEPA and CEQA, which require that a Draft EIS/EIR present mitigation measures that would address the project's significant impacts, the Draft EIS/EIR lists such mitigation measures even if only the County or the City could impose them. The County may decide in its discretion to adopt entirely different mitigation measures for the impacts in question. Similarly, if the City moves forward with the annexation of the University Community site, the City may decide in its discretion to adopt different measures or make different findings regarding these impacts.

3.2.5 Master Response No. 5, Adequacy of the Impact Analysis based on the Merced County Association of Governments (MCAG) Travel Demand Model

Several comments state that the use of the MCAG Travel Demand Model provides an incorrect assessment of project impacts, for the following reasons:

- The future models (2020 and 2030) contain roadway improvements that are not fully funded.
- The future models contain more land use growth than can reasonably be expected to occur.
- The models contain roadway capacity assumptions that are too high.

The comments state that, as a result of these perceived defects, the impacts are incorrectly identified and the corresponding mitigation measures are inadequate because (1) the mitigations do not result in fully funded roadway improvements; (2) the analysis understates the project contribution relative to the rest of the anticipated development in the area; and (3) the roadway operating conditions may be overstated, resulting in some impacts being missed. The following additional information explains the reasons the model was used to assess impacts, and provides support for the adequacy of the impact findings.

Use of the MCAG Travel Demand Model as the Forecasting Tool

In assessing the impacts of full buildout of UC Merced and the University Community, the University relies on the transportation planning tool developed and adopted by the Regional Transportation Planning body, Merced County Association of Governments (MCAG) – the MCAG Travel Demand Model. For a project of this size and with a long-term buildout schedule, it is important to use state of the art methodology for forecasting traffic. The full development of the Campus and the University Community will produce a large amount of new travel, with the potential to change the distribution of vehicle trips throughout the greater Merced area. The MCAG model has the capability to assess the interaction of trips produced by and attracted to the Campus and the University Community with those produced by and attracted to existing and planned new land uses in Merced County. The procedures in the model are designed to capture changes in origin-destination pairs that might result from major changes in land use. Thus, the model is better able to predict traffic distribution and assignment than the alternative method, a "manual" assignment where traffic routing is based on transportation planners' estimates of how trips may be routed.

It is noted that the City of Merced is currently using the MCAG Travel Demand Model to assess the potential traffic changes associated with the 2030 General Plan Update. As with UC Merced and the University Community Project, the General Plan Update project requires long-term analysis, and it is thus appropriate to use the long-term planning tool with the best available information on regional land use changes and roadway network improvements.

It is also important to note that the use of the MCAG Travel Demand Model is appropriate as it is based on the officially adopted state and regional land use forecasts, and is consistent with infrastructure funding and implementation planning by the responsible regional agency, MCAG.

Assumptions Regarding Planned Roadway Improvements in the 2020 and 2030 Models

The 2020 and 2030 MCAG Travel Demand Models contain roadway networks consistent with the Merced County Regional Transportation Plan (RTP), which MCAG also prepares and maintains. As stated in the 2007 RTP, Merced County and its cities, including Merced, each make decisions about local transportation facilities through their individual planning processes. The Cities and the County work through MCAG to program regionally allocated local funds which are available from state and federal sources. These member jurisdictions collaborate with MCAG on the development of the RTP and the development and updating of the MCAG Travel Demand Model.

The 2020 and 2030 models obtained from MCAG for use in the Draft EIS/EIR have roadway networks that are consistent with the RTP. The networks contain improvements that are fully funded, partially funded, and several that are designated in the RTP as Non-Regional Improvement Program Funded Projects, defined as "deficiencies expected to be funded by local agencies, development, or other sources such as 100 percent Interregional Improvement Program." The RTP identifies local agencies' responsibilities in funding and implementing these and all projects in their jurisdictions, including "Build and maintain new streets and roads to serve growth as identified in individual General Plans" and "Construct local projects identified in the Transportation Improvement Program (TIP)." Thus, the RTP does not require full funding from State and Federal sources for all roadway improvements that are needed to serve future growth. The RTP anticipates that local jurisdictions, including Merced County and the City of Merced, would fund local projects through developer fees and other sources. Other than the Regional Transportation Impact Fee (RTIF) which is administered by MCAG and provides funding for 10 regionally significant projects, there is presently no County or City traffic impact fee conforming to the Mitigation Fee Act (California Government Code 66000 et seq.) that can be used to accumulate funding to pay for the unfunded RTP projects. Nevertheless, the model's inclusion of these projects in the 2020 and 2030 travel demand models is appropriate, as they are part of the future roadway network that has been shown through the RTP development process to be needed to serve the land use growth in Merced

County and its member cities. The City and County can and should develop funding sources such as traffic mitigation fees for the other projected development in the area to provide the remaining funding for these projects.

Assumptions Regarding Planned Land Use Growth at 2020 and 2030

In developing the MCAG Travel Demand Models for 2020 and 2030 and ultimately the roadway improvement plans in the RTP, MCAG uses the land use plans from the General Plans of the County and each City, along with State Department of Finance projections of population and employment growth, to project the land use changes within the county. Thus, the model is consistent with local jurisdictions' planning documents. While Merced County or the City of Merced may currently expect that the pace of development may slow in the near and mid-term, the long-range transportation planning tool is consistent with County and City plans, and with the state's official long-term growth forecasts.

The MCAG 2030 Travel Demand Model estimates housing growth of 70 percent and employment growth of 87 percent by 2030 in the City of Merced and adjacent areas. In the 2020 model, the growth projections are 48 percent and 57 percent, respectively. MCAG does not maintain alternate versions of the model with lower growth projections.

Roadway Capacity Assumptions

The capacities used for the MCAG model are presented in **Table 3.0-3** below.

Table 3.0-3
Per-Lane Daily Roadway Segment Capacities

Type of Roadway	LOS A Threshold[1]	LOS B Threshold[1]	LOS C Threshold[1]	LOS D Threshold[1]
Freeway Mainline	14,400	18,000	20,400	24,000
Highway	12,960	16,200	18,360	21,600
Expressway	8,500	10,600	12,000	14,100
County Road	6,480	8,100	9,180	10,800
Arterial	5,400	6,750	7,650	9,000
Collector	3,600	4,500	5,100	6,000
Ramp	3,600	4,500	5,100	6,000

[1]. Vehicles per lane per day.
Source: MCAG Travel Demand Model, October 2008.

These capacities were used in the development and validation of the model. The capacities are reasonable based on standard guidelines for developing planning-level roadway capacities. According to the Model Validation and Reasonableness Checking Manual (Travel Model Improvement Program, FHWA, 1997), the hourly capacities presented in **Table 3.0-4** are considered to be reasonable. **Table 3.0-5** gives the corresponding daily capacities, using a 10 percent peak hour-to-daily ratio.

Table 3.0-4
Roadway Segment Capacities

Area Type		Functional Class				
		Freeway	Class 1 Arterial	Class 2 Arterial	Class 3 Arterial	Collector
Urban	Capacity[1]	2,000	1,000	870	670	470
	Freeflow Speed	50	35	25	20	15
Suburban	Capacity[1]	2,000	1,000	870	670	470
	Freeflow Speed	55	40	35	25	20
Rural	Capacity[1]	2,000	1,000	870	870	470
	Freeflow Speed	60	45	40	35	25

[1]. *Vehicles per lane per peak hour.*
Source: Model Validation and Reasonableness Checking Manual, *FHWA 1997.*

Table 3.0-5
Roadway Segment Capacities

Area Type	Functional Class				
	Freeway	Class 1 Arterial	Class 2 Arterial	Class 3 Arterial	Collector
Urban/Suburban	20,000	10,000	8,700	6,700	4,700
Rural	20,000	10,000	8,700	8,700	4,700

[1]. *Vehicles per lane per day, assuming 10% of ADT is peak hour traffic.*
Source: Fehr & Peers, February 2009. Model Validation and Reasonableness Checking Manual, *FHWA 1997.*

These capacities are within the general range of those defined for the specific roadway types in the MCAG Travel Demand Model. The model's capacities also compare well with the capacities used by several other California jurisdictions, shown in **Tables 3.0-6** through **-10** below.

Table 3.0-6
Stockton Roadway Segment Level of Service Thresholds (Bi-Directional)

Facility Class	Lanes	Area Type	LOS A	LOS B	LOS C	LOS D	LOS E
Freeway	4	All Areas	27,600	45,200	63,600	77,400	86,400
	6	All Areas	41,400	67,800	95,400	116,100	129,600
	8	All Areas	55,200	90,400	127,200	154,800	172,800
	10	All Areas	69,000	113,000	159,000	193,500	216,000
Arterial	2	Existing	8,400	9,300	11,800	14,700	17,300
	2	New	10,000	11,100	14,000	17,500	20,600
	4	Existing	18,600	20,600	26,000	32,500	38,200
	4	New	23,300	25,800	32,600	40,700	47,900
	6	Existing	28,800	32,000	40,300	50,400	59,300
	6	New	33,300	37,000	46,600	58,300	68,600
	8	Existing	38,100	42,300	53,300	66,600	78,400
	8	New	41,100	45,700	57,600	72,000	84,700
Collector	2	Existing	6,400	7,100	9,000	11,300	13,200
	2	New	6,400	7,100	9,000	11,300	13,200
	4	Existing	17,600	19,600	24,700	30,900	36,300
	4	New	21,100	23,500	29,600	37,000	43,500

The "Existing" Area is generally located between I-5 and SR-99, and between Eight Mile Road and French Camp Road.
Note: Eight Mile Road is considered a "New" arterial due to lack of existing development in the area.
Source: Highway Capacity Manual, *Transportation Research Board, 2000; Fehr & Peers, 2005.*

Table 3.0-7
Modesto Daily Per-Lane Roadway Segment Capacities

Type of Roadway Segment	LOS A	LOS B	LOS C	LOS D	LOS E
Freeway Mainline	12,000	14,000	16,000	18,000	20,000
Expressway (Class A)	9,000	10,500	12,000	13,500	15,000
Expressway (Class B)	7,500	8,750	10,000	11,250	12,500
Expressway (Class C)	6,000	7,000	8,000	9,000	10,000
Arterial (Signalized)	4,500	5,250	6,000	6,750	7,500
Arterial (Unsignalized)	6,000	7,000	8,000	9,000	10,000
Collector (Signalized)	3,000	3,500	4,000	4,500	5,000
Collector (Unsignalized)	4,500	5,250	6,000	6,750	7,500
Rural Road	5,400	6,300	7,200	8,100	9,000

Note: 1. Capacities are estimated based on peak hour for each facility assuming 10% of traffic occurs in peak period.
Source: City of Modesto General Plan.

Table 3.0-8
Vacaville Daily Roadway Capacities[1]

Facility Type	Total 2-way Capacity	LOS C Directional Capacity [2]	Maximum Directional Capacity [3]
8-lane Freeway	120,000	72,000	90,000
6-lane Freeway	80,000	48,000	60,000
6-lane Divided Arterial	45,000	27,000	33,750
4-lane Divided Arterial	35,000	21,000	26,250
4-lane Undivided Arterial	25,000	15,000	18,750
2-lane Arterial	15,000	9,000	11,250
2-lane Collector	10,000	6,000	7,500

Notes:
1 *Capacities are estimated based on peak hour for each facility assuming 10% of traffic occurs in peak period.*
2 *Represents 60% of total capacity in one direction.*
3 *Represents 80% of total capacity in one direction.*
Source: City of Vacaville 1990 General Plan.

Table 3.0-9
Oakley Daily Roadway Capacities

Facility Type	LOS C	LOS D	LOS E
2-lane Collector	9,400	11,900	12,500
2-lane Rural	12,200	15,400	16,200
2-lane Undivided Arterial	13,400	17,000	17,800
4-lane Divided Arterial	29,400	34,000	35,600
6-lane Divided Arterial	45,600	51,000	53,400
8-lane Divided Arterial	61,800	68,000	71,200
4-lane Undivided Arterial	27,900	32,300	33,800

Source: City of Oakley 2001 Long Range Circulation Plan.

Table 3.0-10
Yuba City Daily Roadway Capacities

Type	Lanes	LOS A	LOS B	LOS C	LOS D	LOS E
Expressway/Freeway	4	15,100	24,800	35,500	44,000	49,600
Conventional Highway	2	1,300	2,800	5,900	10,900	16,900
Conventional Highway	4	10,600	17,300	25,100	33,200	39,200
Conventional Highway	6	15,800	26,000	37,600	49,800	58,800
Major Arterial	4	-	-	32,100	34,000	36,600
Minor Arterial	2	-	10,700	17,000	18,600	20,000
Collector	2	-	-	5,900	8,800	9,900

Source: Yuba City General Plan EIR

Adequacy of Impacts Identified and Mitigations Proposed

The Draft EIS/EIR analysis uses the adopted MCAG Travel Demand Model, with the assumptions as described above, and projects Future No Project and Future With Project traffic forecasts on the roadway network, including several segments that are assumed to be widened (or in some cases fill gaps in the network). This analysis methodology is employed both for the full development of the campus under the 2009 LRDP (25,000 students) at 2030, and the UCM 2020 Project (10,000 students) at 2020. By setting the threshold of significance as "contribute one percent or more to the total projected future traffic on a roadway segment for which there is a planned widening project or new connection reflected in the MCAG Travel Demand Model that is not fully funded," the Draft EIS/EIR assures that the University will participate in funding all improvement projects that are assumed in the analysis that meet two conditions: (1) the improvement project is not already fully funded, and (2) the University contributes 1 percent or more to the future traffic on that segment. Draft EIS/EIR Volume 2, Table 4.13-10 (for the full Campus) and Volume 3, Table 4.13-6 (for the UCM 2020 Project) provide the estimated percent traffic contribution to each improvement project. Contrary to several comments, the projected contributions to several key improvements are substantial, over 10 percent on six key roadway segments for the full Campus (2030) and over 10 percent on nine key roadway segments for the UCM 2020 Project.

The payment of a proportional share toward these improvement projects, as outlined in Mitigation Measure TRANS-1A (as revised in this Final EIS/EIR) constitutes adequate and equitable mitigation under CEQA, which requires a rough proportionality between the level of impact and the mitigation. The City and County can and should develop funding sources such as traffic mitigation fees for the other projected development in the area to provide the remaining funding for these projects.

Please see also **Master Response No. 8** which discusses the adequacy of the payment mechanism in the Traffic Mitigation Measure TRANS-1A.

3.2.6 Master Response No. 6, Adequacy of Campus Trip Generation and Campus-Community Internalization

Some comments state that the trip generation rate used for the campus is too low, and that the internalization assumed for trips within the greater campus and University Community is too high. The following addresses these concerns.

Campus Trip Generation Rate

The vehicle trip generation of any land use is a product of many factors, including the availability of non-auto services and facilities such as bus transit, bike routes, pedestrian paths, etc; proximity to other uses; physical infrastructure design; and other factors. The vehicle trip generation of university campuses is particularly variable because each campus contains a unique mix of employment, student, and housing uses, and campuses are located in a wide range of urban, suburban, and rural contexts. Therefore, as described in the 2002 LRDP EIR and in this Draft EIS/EIR, the vehicle trip generation for the UC Merced campus was estimated by looking to other similar campuses, with the knowledge that no two campuses are identical. Draft EIS/EIR Section 4.13.5.3 provides the reasoning behind the expectation that the average daily vehicle trip generation for UC Merced will be approximately the average of the trip generation rates for UC Davis and UC Santa Cruz. Section 4.13.5.3 of the Draft EIS/EIR notes that the current 2,000-student campus is generating trips at a slightly higher rate than assumed for the UCM 2020 Project and the full campus at 2030: 2.33 vs. 2.08 trips per student. However, the section also notes that this is to be expected at this early stage of campus development, due to a lower proportion of on-campus student housing at the present time compared to the on-campus housing that will be provided as the campus grows (ultimately achieving a 50 percent housed on-campus target); limited transit services; and the relative lack of on-campus entertainment and dining options. The campus trip generation rate is expected to decline in the future as more on-campus housing is built for students, transit services are improved, and more amenities are developed within easy walking distance of the campus.

Mitigation Measure TRANS-1A describes the mechanism by which the University will monitor vehicle trip generation on a periodic basis, and if trip generation rates are higher (or lower) than predicted in the Draft EIS/EIR, the University's proportional share contribution toward traffic mitigations (roadway and intersection improvements) will be adjusted accordingly.

Campus-Community Internalization

The assessment of what proportion of trips would stay within the combined Campus and University Community boundary took into account the planned residential, retail, and office mix of the University Community; the goals for provision of University student and employee housing within the University Community; and the goals for provision of recreation, entertainment, dining and shopping options for the campus-related population within the University Community.

Section 4.13.5.3 of the Draft EIS/EIR states that at buildout the University Community is expected to generate approximately 146,600 daily trips. The UC Merced Campus is expected to generate approximately 52,000 trips. A portion of the trips generated from the Campus and the adjacent University Community are expected to remain within the project site (Campus and University Community sites combined), due to the relative proximity of the University Community to the Campus, as well as the likely tendency of the University Community to attract campus-related residents. The internal trips include vehicle, walking, biking, and transit trips.

In the full development scenario, it was assumed that 65 percent of Campus-generated trips would be local, and 35 percent regional, which was partially based on the residence location information from the UC Davis and UC Santa Cruz comparables. Fifty-six percent of UC Santa Cruz's faculty, staff, and nonresidential students live within 3 miles of the campus core, and 23 percent live within 5 miles. Similar information from UC Davis indicates that approximately half of the faculty and staff live in Davis, as do a high proportion of nonresidential students. Given that the proposed University Community is designed to directly support the needs of the UC Merced Campus, it is likely that, in the long run, sizeable percentages of Campus employees and nonresidential students will live within the University Community and travel between the University Community and the Campus. While alternative modes of transportation will be strongly encouraged, some of this travel inevitably will be by automobile.

Another component of local travel between the Campus and University Community would come from students and their family members who live on the Campus. UC Merced has a stated goal of providing housing for 50 percent of students. Graduate students who live in on-campus housing are likely to have spouses and children living with them, many of whom will need to leave the Campus to accomplish daily tasks. For example, the elementary and secondary schools to serve those children will be located in the University Community, as will many of the retail and employment opportunities for the spouses.

Assumptions about travel within the Campus and the two subareas of the University Community (Community North and Community South) are based on the relative number of residential trips versus non-residential trips generated by these areas, and the specific types of trip generators within each. The internal trip percentages have been developed to ensure that the residential internalization matches the non-residential internalization. In other words, each internal trip beginning at a residential use has a matching destination at a non-residential use in the Campus, Community North, or Community South. At buildout, the following proportions of trips are expected to remain internal to the project site:

- All trips generated by schools and parks
- 70 percent of residential trips
- 90 percent of retail trips
- 60 percent of office trips
- 55 percent of business park trips

Overall, approximately 70 percent of the daily trips generated by the proposed Campus and University Community are expected to remain within the immediate Campus and University Community area, and 30 percent of the trips are expected to travel to other parts of the study area.

In the context of the considerations outlined above, the traffic experts who prepared the Draft EIS/EIR traffic analysis have determined that the overall Campus trip internalization assumptions are reasonable.

3.2.7 Master Response No. 7, Campus Traffic Assignment to the Roadway Network, and Calculation of Campus Proportional Share Toward Traffic Mitigation

Certain comments state that the Campus traffic is incorrectly assigned to the roadway network, and/or that the proportional shares are incorrect. The first statement implies that the assignment would be different if certain roadway improvements were not assumed to be in place, for example the widening of Bellevue Road. The second statement appears to refer to the fact that the proportional shares (in Table 4.13-10 for the Full Campus, and Table 4.13-6 for the UCM 2020 Project) do not match what one would calculate by taking the difference between the With Project and No Project entries in the corresponding LOS tables (Table 4.13-8 for the Full Campus and Table 4.13-2 for the UCM 2020 Project) and dividing those differences by the total future volume.

The following two discussions respond to these concerns.

Model Process for Trip Distribution and Assignment

The MCAG Travel Demand Model is a four-step travel demand model. For its first step, Trip Generation, it predicts the number of vehicle trips in each travel analysis zone (TAZ) for each trip purpose based on the type and the amount of land use in the TAZ. This model begins with ADT vehicle trip generation estimates of productions (homes) and attractions (employment) with four possible trip purposes. Once the trip generation step has determined the number of trips originating and terminating in each TAZ, the trip distribution process determines specific destination of each trip in each zone. Some of the trips also terminate outside the model area. The trip distribution process uses the standard gravity model formulation, borrowed from physics, to match production trip ends to attraction trip ends. The gravity model states that a zone's attractiveness is directly proportional to its mass and indirectly proportional to its distance. In its adaptation for use in travel demand forecasting, the gravity model uses friction factors to calculate the likelihood of traveling a certain distance or time for individual trip purposes. Once the trips are distributed, they are then balanced so that the number of trips entering a zone equals the number of trips leaving the same zone.

Traffic is assigned to the network based on user equilibrium. This concept assumes each trip maker chooses their route to minimize travel time. This choice is adjusted through an iterative process that accounts for prevailing congestion levels. Equilibrium is achieved when every trip-maker is using the best possible route, given the level of congestion already on the network and switching routes does not improve travel time.

The distribution and assignment of campus trips is thus affected by the relative roadway capacity on different potential routes. However, as discussed in Master Response 5, the use of the 2020 and 2030 MCAG Travel Demand Model roadway networks is appropriate and necessary to assure use of consistent land use and roadway network assumptions. If the trips were assigned to a network without these improvements, the trip assignment would be different, but the impact finding and mitigation would be the same: the trip overload would show the need for the improvements, the model would be run with the improvements (in a mitigation test run), and the corresponding campus proportional share would be calculated. For example, if Campus Parkway had not been assumed in place in the 2030 analysis, the traffic assignment to Lake Road would result in a significant impact, and the mitigation would be to construct Campus Parkway.

Proportional Share Calculations

The campus proportional share calculations are not performed by simply taking the difference between the Future With Project and the Future No Project volumes, and dividing that by the Future With Project volume. The reason for this is that the future volumes shown in Table 4.13-10 (for the campus at full development under the 2009 LRDP) and in Table 4.13-6 (for the UCM 2020 Project) have been adjusted from the raw model run to account for model error, and in this adjustment process, the volumes may increase or decrease, thus distorting the contribution by each trip source (the Campus, the University Community, and all other zones that may contribute volumes to that segment). Therefore, to accurately assess the relative contribution of the Campus, University Community, and all other traffic, raw project-only and raw total volumes were used for the proportional share calculation.

It is noted that detailed spreadsheets containing these calculations for the Proposed Action and all alternatives have been sent to Merced County staff for their information. Attachments 1 and 2 to this response (presented in Appendix 3) contain plots which illustrate the raw trip assignment for the 2020 Project and the campus at full development under the 2009 LRDP, respectively.

3.2.8 Master Response No. 8, Adequacy of Mitigation Measure TRANS-1A

A number of comments were received from the City and Merced County requesting clarification regarding several aspects of Mitigation Measure TRANS-1A which applies to off-site impacts of campus traffic at full development of the Campus under the 2009 LRDP. The comments questioned why traffic monitoring and "further study" of the future traffic from the campus was necessary. Some comments questioned the University's commitment to pay proportional share and the timing of payment of proportional share contributions. This master response addresses these comments. Furthermore, to provide better clarity how the University's proportional share will be calculated and when the funding will be committed and paid to the affected jurisdiction, the text of Mitigation Measure TRANS-1A has been revised for the Final EIS/EIR and is presented at the end of this master response.

Monitoring of Campus Traffic

Contrary to some comments, the University is not proposing any additional studies as part of Mitigation Measure TRANS-1A. What is proposed under the mitigation measure is continuous monitoring of the campus' traffic growth. This is considered necessary for a number of reasons. First, the 2009 LRDP is a long-range development plan and the total growth that is embodied in this plan is expected to occur over a very long period of time. Furthermore, enrollment growth can vary from one year to another as it is affected by numerous factors. Therefore, the increase in campus population and associated traffic as evaluated in the Draft EIS/EIR for years 2020 and 2030 may or may not occur exactly as predicted. Second, the Campus is committed to implementing a strong TDM program as part of its sustainability goals. Therefore it is hoped that the growth in vehicle trips will be less than proportional to the increase in campus population. Third, although the University, especially through its support of development in Community North, anticipates that the University Community will develop in step with campus growth, it is possible that the development of the University Community could lag behind the growth of the Campus. Should that be the case, more campus-related traffic could be added to the regional roads than currently projected. Mitigation Measure TRANS-1A includes traffic monitoring to address all of these contingencies and variables that could affect the traffic generated by the Campus.

Traffic monitoring will be done when the campus enrollment increases by an increment of 1,500 students (currently anticipated to occur over a period of two or three years). Gate counts will be conducted and used to estimate the trip generation rate at that point in time. This rate will then be compared to the rate used in the EIS/EIR and based on the trip generation rate at that time, the Campus' percent share of the cost of traffic improvements will be estimated. This information will be shared on a regular basis with the City and the County.

Commitment to Mitigate and Timing of Proportional Share Payments

The University committed in the Draft EIS/EIR to paying its proportional share of the cost of improvements to locations where the Campus' traffic is projected to result in a significant impact. However, some comments suggest that the University has designed the traffic mitigation program in such a manner that under numerous scenarios, the University will not make any payments towards traffic improvements that are related to the Campus's traffic impacts. To address this concern, Mitigation Measure TRANS-1A has been clarified to state very clearly that when the City or the County comes forth with a project to improve an existing roadway facility or construct a new one, the University will determine its proportional share payment at the time the project is programmed, a full construction cost estimate is prepared, and a full funding plan (including the projected University proportional share) is prepared by the affected jurisdiction. Furthermore, the revised mitigation measure also clearly identifies the University's commitment to pay its proportional share of the necessary improvements to two existing intersections (Lake and Bellevue and Lake and Yosemite), one new intersection (Myers Gate and Lake Road), as well as for widening Bellevue Road from 2 to 4 lanes, and constructing Campus Parkway from Yosemite Avenue to the Campus. The revised Mitigation Measure TRANS-1A also includes adequate provisions that will serve as verifiable triggers. The University will contribute funds in a timely manner so that the improvements can be planned and completed by the local jurisdiction before traffic operations are degraded to an unacceptable level.

Some comments have requested that the Final EIS/EIR report specific amounts of money that would be paid to the local jurisdictions to mitigate the project's impacts. Due to the numerous variables that could affect the number of daily trips generated by the Campus, any effort to provide an estimate of the project's proportional share contribution in dollars at this time would not be meaningful. However given the commenter's concern, the University has committed to monitor its traffic continually, and estimate and document at each monitoring stage the actual traffic levels and trip generation rate so that the proportional share can be correctly estimated at the time that it needs to be paid.

It is not necessary for the University to place its share of funding in a special fund to be held by the local jurisdiction. The University has committed to the following in Mitigation Measure TRANS-1A: "Funding will be internally committed by the University when an improvement project is included in the County (or the City) capital improvement program, and the County (or the City) provides a construction cost estimate and a project funding plan to the University." "The funds will be disbursed to the County (or the City) upon issuance of the notice to proceed with the construction of the project." This should assure the local jurisdictions that monies will be available when they are needed for the required improvement.

Revised Mitigation Measure TRANS-1A

MM TRANS-1A: **Campus Traffic Mitigation Program (CTMP).** The Campus Traffic Mitigation Program (CTMP) is designed to mitigate off-site impacts associated with the roadway segments and intersections affected by the development of the Campus through full build-out, as described in the 2009 LRDP. It includes a combined approach of (1) transportation measures to reduce peak-hour trips, and (2) monetary contributions to roadway improvements identified as necessary to mitigate the impacts of the Proposed Action. CEQA provides that an agency can mitigate its contribution to local and regional environmental impacts by contributing its proportional share of funding to mitigation measures designed to alleviate the identified impact (*State CEQA Guidelines* Section 15130(a)(3)).

The portion of the CTMP that provides for monetary contributions consists of specific mitigation measures for certain roadway segments and intersections adjacent to the Campus (including Lake Road between Yosemite Avenue and Bellevue Road and Bellevue Road between G Street and Lake Road) that are anticipated to reach capacity soon after the Campus reaches 10,000 full-time equivalent (FTE) students. The University anticipates that the County of Merced (or the City of Merced if annexed) may plan and implement improvements to these segments and intersections before the Campus reaches 10,000 students. The University also anticipates that the County (or the City) may choose to construct new regional facilities (such as the Campus Parkway) or oversize new facilities in lieu of addressing capacity issues by more limited improvements on the affected segments (e.g., widening Lake Road). To address these issues, the CMTP contains detailed provisions for the University's share of funding these anticipated improvements upon the notice to proceed for construction. To the extent that the County (or the City) chooses not to proceed with the specific improvements identified in MM TRANS-1A-4, the University will address campus impacts under MM TRANS-1A-5.

The CTMP will consist of the following elements/measures:

MM TRANS-1A-1: **Trip Reduction Measures** (*Applicability – Campus*)

Travel Demand Management. To reduce on- and off-campus vehicle trips and resulting impacts, the University will implement a range of Transportation Demand Management (TDM) strategies. TDM strategies will include measures to increase transit and shuttle use, encourage alternative transportation modes including bicycle transportation, implement parking polices that reduce demand, and implement other mechanisms that reduce vehicle trips to and from the campus and community.

Transit Enhancement. To enhance transit systems serving the Campus and University Community, the University will work cooperatively with the City of Merced, County of Merced, Cat Tracks, The Bus, StaRT, YARTS, and other local agencies to coordinate service routes with existing and proposed shuttle and transit programs.

Sustainability Measures. The University shall review individual projects proposed under the 2009 LRDP for consistency with UC sustainable transportation policy and UC Merced TDM strategies set forth in the 2009 LRDP to ensure that bicycle and pedestrian improvements, alternative fuel infrastructure, transit stops, and other project features that promote alternative transportation are incorporated to the extent feasible. The University shall monitor the performance of campus TDM strategies through annual surveys.

Campus Housing. The University will continue to pursue the implementation of affordable on-campus student housing to reduce peak-hour commuter trips to the campus. The University's goal is for 50 percent of student population to live on campus.

MM TRANS-1A-2: **Campus Traffic Monitoring** (*Applicability – Campus*)

The University will monitor trip generation resulting from the campus development under the 2009 LRDP to track the actual trip generation relative to the projections in this EIS/EIR. The University will conduct traffic cordon counts of the campus traffic with each 1,500-person increase in student population measured by three-term average FTE students enrollment increases with 2007–08 as the base year. The University will report the findings to the City and the County, and these findings will be used to calculate the University's proportional share of responsibility to fund local transportation improvements as described below.

MM TRANS-1A-3: **Determination of Proportional Share Attributable to Campus** (*Applicability – Campus*)

The University will monitor its traffic based on MM TRANS-1A-2 above and use the data to calculate its proportional share of the cost of each improvement at each location noted in Table 4.13-10. The Campus's proportional share of each improvement will be determined by applying the actual trip generation rate at the time that the improvement is needed. The formula to calculate the proportional share will be:

$$\left(\frac{\text{Actual trip generation rate on a per student basis}}{\text{The projected trip generation rate}}\right) \times \text{projected percentage in Table 4.13 - 10}$$

The use of the actual trip generation rate may increase or decrease the Campus's proportional share compared to the projected percentages in Table 4.13-10.

MM TRANS-1A-4: **Monetary Contributions to Roadway Improvements Adjacent to the Campus** (*Applicability – Campus*)

Scope of Mitigation. The University will commit to pay its proportional share of the cost of improvements to three intersections and two roadway segments that are adjacent to the Campus at the time that improvements to these facilities are triggered, as indicated below:

Construct Campus Parkway between Yosemite Avenue and the Campus – when the County of Merced (or the City of Merced if annexed) demonstrates to the University that Lake Road from Yosemite Avenue to Bellevue Road is at 90 percent of its capacity (as described in Table 4.13-6) and that the need for improvement is imminent.

Widen Bellevue from 2 to 4 lanes from G Street to Lake Road - when the County of Merced (or the City of Merced if annexed) demonstrates to the University that Bellevue Road between G Street and Lake Road is at 90 percent of its capacity (as described in Table 4.13-6) and that the need for improvement is imminent. (Future widening of Bellevue Road from 4 to 6 lanes will be mitigated pursuant to MM TRANS-1A-5).

Intersections of Bellevue Road/Lake Road, Myers Gate/Lake Road, and Yosemite Avenue/Lake Road - when the County of Merced (or the City of Merced if annexed) demonstrates that the intersections listed above are approaching an unacceptable Level of Service (LOS) and the need for an improvement is imminent.

Contribution of Campus' Proportional Share. At each of these locations, the University's proportional share will be estimated based on the percentages reported in Table 4.13-10 which represent the projected proportional share adjusted per the discussion under **Determination of Proportional Share Attributable to Campus,** above.

Contribution of University Community's Proportional Share. The University will advance the proportional share of the cost of the specific improvements included in this section associated with the University Community (as identified on Table 4.-13.10) if, prior to the issuance of any entitlements for development in the University Community (including but not limited to any specific plan, tentative map or permit), the County (or the City) enacts an enforceable fee program to collect sufficient funds from all developers in the University Community to fully reimburse the University for any amount overpaid beyond its proportional share. The fee program must be updated annually to ensure that sufficient fees are collected to fully reimburse the University for the amount advanced, including interest associated with any financing of the cost of the University Community's share of the improvements. The fee program shall provide that the fees collected from development within University Community for purpose of paying for the improvements in this section shall be paid directly to the University. If a fee mechanism has not been adopted prior to the issuance of a notice to proceed for an improvement, the University's commitment to advance the funding under this section will not arise until such program has been adopted.

Commitment of Funds. Funding will be internally committed by the University when an improvement project is included in the County (or the City) capital improvement program, and the County (or the City) provides a construction cost estimate and a project funding plan to the University.

Timing of Mitigation Payments. The funds will be disbursed to the County (or the City) upon issuance of the notice to proceed with construction of the project.

MM TRANS-1A-5: **Monetary Contributions to Other Roadway Improvements** (*Applicability – Campus*)

Scope of Mitigation. The University will commit to fund its proportional share of the cost of all roadway improvements at the locations shown in Table 4.13-10 and will commit to fund its proportional share of only those planned improvements for roadway segments that are listed in Table 4.13-9 and mitigation for intersections listed in Table 4.13-11. (Improvements to the intersection of Yosemite Avenue and Lake Road, construction of Campus Parkway between Yosemite Avenue and the Campus, and Bellevue Road widening from 2 to 4 lanes are addressed under MM TRANS-1A-4).

Contribution of Campus' Proportional Share. At each of these locations, the University's proportional share will be estimated based on the percentages reported in Table 4.13-10 which represent the University's proportional share adjusted per the discussion under **Determination of Proportional Share Attributable to Campus,** above.

Commitment of Funds. Funding will be internally committed by the University at the point at which an improvement project is included in the County (or the City) capital improvement program, and the County (or the City) provides a construction cost estimate and a project funding plan to the University.

Timing of Mitigation Payments. The funds will be disbursed to the County (or the City) upon issuance of the notice to proceed with construction of the project.

MM TRANS-1A-6: **Alternate Improvements** (*Applicability – Campus*)

Specific feasible traffic improvements are identified in Tables 4.13-11 and 4.13-9 to mitigate each of the Proposed Action's significant traffic impacts to a less than significant level. The identified improvements would be planned, designed, and implemented by the City of Merced, Merced County, or other affected jurisdictions. Detailed planning, environmental analysis and engineering studies for some of these improvements have not been completed and the implementing agencies have not committed to all identified improvements. As a result, the final configuration of future transportation improvements may vary from those identified in Tables 4.13-11 and 4-13-9. The University will monitor its traffic based on MM TRANS-1A-2 above and use the data to calculate its incremental responsibility towards the Campus's projected share of each improvement location noted in Table 4.13-10. If any improvement described herein is found to be ineffective or infeasible, and alternative improvements are determined to be required to achieve an acceptable LOS, the University will work in collaboration with the County or the City to implement alternative improvements.

3.3 RESPONSES TO INDIVIDUAL COMMENTS

This section presents all written comments received on the Draft EIS/EIR and response to individual comments. It is recommended that reviewers use the index to comments on pages 4.0-1 through 4.0-2 to locate comments from specific agencies or persons and the responses to those comments.

Letter No. FA-1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

January 20, 2009

Ms. Nancy Haley
U.S. Army Corps of Engineers
Sacramento District
1325 J Street, Room 1480
Sacramento, CA 95814-2922

Subject: Draft Environmental Impact Statement for the University of California at Merced Campus and University Project in Merced (CEQ #20080451)

Dear Ms. Haley:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the University of California at Merced (UCM) Campus and University Project (Project) pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. These comments were also prepared under the authority of, and in accordance with, the provisions of the Federal Guidelines (Guidelines) promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act (CWA). We appreciate your office's accommodation of our request for additional time to submit our comments. Our detailed comments are enclosed.

Over the past several years, the EPA has coordinated with the Corps and UCM to reduce Project-related impacts to wetlands. Most recently, we have served as a cooperating agency during the development of the DEIS, and provided review and comments for select sections of the administrative DEIS. We appreciate having had the opportunity to coordinate with the Corps and UCM, and to reduce impacts to over 42 acres of wetlands through modification of the original Project footprint that was previously assessed in the withdrawn 2002 DEIS. We also recognize the effort of UCM to collaborate with other federal and state agencies as well as non-governmental organizations during the development of this DEIS. This level of coordination has contributed greatly to the Project and the document. We look forward to continuing this collaborative effort as the Project proceeds towards design and implementation. The EPA also acknowledges the sustainability policies of the 2009 Long Range Development Plan, especially policies intended to protect water and air quality, and promote reduced energy consumption, reduced solid waste production, and green building design.

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Based on review of the DEIS we have rated the document EC-2, Environmental Concerns – Insufficient Information (see enclosed EPA Rating Definitions). While we appreciate the responses to our comments on the administrative DEIS, and recognize the efforts to reduce environmental impacts, we remain concerned with impacts to wetlands, groundwater supply, and air quality, and with the anticipated amount of greenhouse gas emissions . We are concerned with direct and indirect impacts to the clay playa, an EPA designated Aquatic Resource of National Importance, and we recommend UCM develop a joint strategy with Merced County to ensure long-term comprehensive protection of this resource. We also recommend UCM and the Corps ensure that the FEIS reflects the commitment to replace vernal pools and swale wetlands in-kind and to develop performance criteria for constructed and restored wetlands based on appropriate reference sites. We recommend the FEIS include an expanded discussion of cumulative impacts to wetlands, taking into account specific past and future projects in the Project vicinity, such as the proposed Yosemite Lake Estates Project. Coordination with the City of Merced to develop an aggressive water conservation program is recommended as a measure to reduce cumulative impacts to ground and surface water supplies.

In recognition of potential impacts on groundwater resources in the Merced Groundwater Basin, we recommend UCM include in the FEIS a discussion of measures that will be implemented to protect wells and surface water features that may be hydrologically connected to the groundwater basin. UCM should commit to long-term monitoring and adaptive management to ensure that adverse impacts are avoided. To further reduce Project water demands, we support the development of wastewater treatment facilities that would provide recycled water for appropriate uses such as irrigation and groundwater recharge. We recommend UCM commit to developing such a facility as a long-term water conservation measure.

To reduce significant impacts to air quality in the San Joaquin Valley Air Basin, the EPA recommends UCM adopt additional emission reduction strategies, especially for reactive organic gasses (ROG) and nitrogen oxides (NOx), which are known ozone precursors. We also recommend the FEIS quantify and report emission reduction measures for ROG, NOx, and particulate matter smaller than 10 microns (PM10). Low and zero emission vehicles are a suggested means to help reduce emissions from the public transportation fleet that would serve the Campus and University Community. The EPA also recommends UCM adopt the same greenhouse gas emission reduction commitments for the University Community as are described for the Campus, where appropriate.

We commend the efforts of UCM and the Corps to plan a contiguous supporting community for the Campus as an alternative to unplanned development. We understand that unplanned development could have greater environmental impacts; however we recommend continued efforts to identify appropriate infill locations for the Project that could accommodate satellite facilities in already developed areas and further reduce impacts at the Project site. We also recommend UCM commit to adopting all appropriate sustainability policies for the University Community, as have been developed for the Campus, and discuss in the FEIS how UCM would ensure they are implemented by University Community developers.

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Finally, the EPA is concerned with growth inducing impacts from the proposed Project, and suggests a broader discussion of these impacts be included in the FIES. We recommend the FEIS clarify whether the University Community is capable of accommodating all induced growth effects or not, and include in the discussion of potential impacts the Yosemite Lake Estates Project, the areas adjacent to La Paloma Road, and the foothills east of the Project.

We appreciate the opportunity to review this DEIS and look forward to continued coordination with the Corps and UCM. When the FEIS is published, please send two copies to us at the address above (Mail Code: CED-2). If you have any questions, please contact me at 415-972-3521, or contact Paul Amato, the lead reviewer for this project. Paul can be reached at 415-972-3847 or amato.paul@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office

Enclosures: Summary of EPA Rating System
EPA's Detailed Comments

cc: Mr. Brad Samuelson, UC Merced;
Dr. Jeffrey R. Single, California Department of Fish and Game;
Ms. Cay Goode, U.S. Fish and Wildlife Service;
Mr. Dale Harvey, Central Valley Regional Water Quality Control Board;
Robert Lewis, County of Merced Planning and Community Development

Biological Resources

We suggest the clay playa be placed in permanent conservation in order to protect this unique aquatic resource. For several years, the EPA has worked with the University of California at Merced (UCM), Merced County, the United States Army Corps of Engineers (Corps), and other federal and state agencies to ensure direct, indirect, and secondary impacts to waters are avoided to the maximum extent practicable, in compliance with the Clean Water Act Section 404(b)(1)Guidelines (Guidelines). Of particular concern to the EPA is the clay playa located between the proposed Campus and Lake Yosemite. The EPA has identified this clay playa area as an Aquatic Resource of National Importance. In several meetings with UCM and Merced County, we discussed protection of this special aquatic site since direct or indirect impacts may result in significant degradation. The Guidelines prohibit granting a permit for a project that causes or contributes to significant degradation of aquatic resources (40 CFR 230.10(c)). The EPA believes the highest and best use of this area is conservation of this special aquatic site and preservation of the viewshed that UCM considered a unique attribute during the siting of the campus. The EPA will continue to object to any project that directly or indirectly impacts the clay playa and associated wetlands. 1

Mitigation measure PUB-6D, which recognizes the sensitivity of the resources present on lands adjacent to Lake Yosemite, is an appropriate step to address potential indirect impacts from regional development induced by the development of the Project. However, until a comprehensive management strategy is in place to ensure protection of the clay playa area, the ecological functions of this area will be vulnerable to degradation.

> *Recommendation:*
> We encourage UCM and Merced County to develop a joint management plan to ensure long term comprehensive protection of these resources. If development of a joint strategy proves infeasible, UCM should examine its policies and management tools to determine what further protections it can provide for the clay playa area. Similarly, EPA will seek to engage Merced County in development of protections for the clay playa that recognize and conserve its unique functions.

The FEIS should clarify that the Project would replace vernal pools and swale wetlands in-kind. The construction of the Campus and Campus Community would result in impacts to 85.05 acres of wetlands. The Compensatory Wetland Mitigation and Monitoring Plan (CWMMP) proposes to compensate for the loss of vernal pools and swale wetlands, in part, with a 1:1 replacement ratio along with an adequate margin of error. Page 5-9 states, "Out-of-kind wetland restoration and/or creation may also be preferable if there is insufficient or inadequate land available to satisfy the requirements to successfully restore or create certain types of wetlands." In previous discussions with the EPA, UCM has already committed to providing in-kind mitigation for vernal pools and swale wetlands, and the FEIS and CWMMP language should reflect this. 2

Recommendation:
The Corps and UCM should modify the CWMMP, and write the FEIS, to reflect the commitment to replace vernal pools and swale wetlands in-kind. This should also be a special condition of the Corps' Clean Water Act Section 404 permit for the Project. 2

Performance standards for created mitigation wetlands should be based on appropriate reference sites. The CWMMP provides performance standards for constructed and restored wetlands (p 6-1 and 2). To achieve a 1:1 replacement of lost wetland area, certain criteria must be satisfied by constructed and restored mitigation wetlands. The CWMMP includes standards such as, "The plant community within the constructed/restored wetlands must be dominated by species with a wetland indicator status of Facultative, Facultative Wetland, or Obligate (Reed 1998)." EPA does not believe that performance standards such as this will result in the establishment of wetlands with the same functional capacity as those impacted by the proposed Project. 3

Recommendation:
The FEIS should commit to the establishment of performance criteria based on wetlands located within appropriate reference sites. EPA is available to assist UCM and the Corps in the development of appropriate performance standards for compensatory mitigation.

For questions regarding wetland issues, please contact Elizabeth Goldmann, EPA Water Division, at (415) 972-3398, or by email at Goldmann.elizabeth@epa.gov.

<u>Cumulative Impacts</u>

The FEIS should include an expanded discussion of how the Project would contribute to cumulative impacts to vernal pools and other aquatic resources. The DEIS considers cumulative impacts in the context of the City of Merced General Plan (MCGP) instead of discussing specific projects as they relate to cumulative impacts. For example, there is no mention of the proposed Yosemite Lake Estates Project, west of Lake Yosemite, that could result in fill of 21.6 to 39.1 acres of wetlands, if approved. Given the severity of wetland impacts in eastern Merced County, UCM and the Corps should discuss the cumulative impacts of the proposed Project, in addition to potential impacts of Yosemite Estates, and other development projects, past and future. The discussion in the DEIS does not currently provide enough information to describe how development trends in the Project vicinity have resulted in fill of wetlands and continue to threaten these resources. 4

Recommendation:
The FEIS should provide more specific information on past and proposed wetlands fill in the Project vicinity. Specific developments like Yosemite Lake Estates should be considered.

UCM should commit to working with the City of Merced to implement an aggressive water conservation program. The DEIS states that, based on projections, the estimated increased water demand for 2030 is, at a minimum, 350 percent greater than 2005 levels in the City of 5

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Merced sphere of influence (p. 5.0-35). This would result in increased groundwater pumping, and associated environmental and economic consequences. Regional growth, including the Project, would result in a significant cumulative impact to groundwater. Mitigation measure HYD-3b suggests the City implement an aggressive water conservation program. While the EPA agrees with the development of aggressive water conservation measures, we are concerned with the adequacy of the specific mitigation measure since it proposes an action that is beyond the control of UCM. 5

Recommendation:
In addition to the policies described in the DEIS, that are applicable to Project water conservation, UCM should commit in the FEIS to working with the City of Merced towards the development of a water conservation program that would reduce significant cumulative impacts to groundwater and surface water supplies. Timelines for developing such a plan should be included.

<u>Growth Inducing Impacts</u>

The FEIS should include additional information on growth inducing impacts, especially to vernal pools and other aquatic resources. The EPA is concerned with the level of impacts that are likely to occur due to induced growth from the Project, particularly to vernal pools and other aquatic resources. The DEIS states that the University Community "…would capture the entire indirect and induced growth effects of UC Merced" and that "…the University Community would be considered "growth accommodating" as a result (p. 6.0-5). The section on induced growth also suggests that the induced employee population that cannot be accommodated by the University Community would find housing and services that are already built or planned for future development. This appears to be a contradiction that should be clarified in the FEIS. We are particularly concerned with the potential impacts from the planned Yosemite Lake Estates Project, mentioned above, and a lack of discussion of potential development that could occur adjacent to La Paloma Road and in the foothills east of the Campus. 6

Based on the January 2009 Summary Report for the Yosemite Lake Estates Project, "The project is intended to meet the need for additional housing based on recent growth trends in Merced County, particularly growth induced by the nearby UC Merced campus. The nearby UC Merced campus is estimated to generate approximately 42,000 new residents at build-out (2030), which creates a substantial need for off campus housing." This project proposes approximately 1,400 new homes, a school and commercial development on a 730 acres site. These induced growth effects, and the 21.6 to 39.1 acres of wetland impacts that could occur as a result, have not been considered in the DEIS. We also note the absence of any discussion of the April 2003 Kondolf and Foster Report[1] that found vernal pools surrounding the Campus for 1 to 2 miles to be particularly vulnerable to urban growth, and the high concentrations to the west of the Campus, adjacent to La Paloma Road, to be distinctive to east Merced County. The authors also concluded that "…steps should be taken to protect those vernal pool areas likely to be impacted by leap-frogging development to the west (La Paloma Road) and east (Black Rascal Creek)."

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[1] EPA funded the April 2003 report, *Anticipating and Accommodating Land-Use Changes in Northeastern San Joaquin Valley: Options for Conserving Wetlands and Other Natural Communities Within the Valley Floor and Foothill Eco-Regions*, by Professor Mathias Kondolf and Howard Foster, Ph.D.

3

Recommendations:
The FEIS should clarify whether the University Community is growth accommodating and capable of capturing all induced growth effects of UC Merced. 6

Induced growth impacts that would result from the Project should be should be the subject of an expanded discussion in the FEIS. Special consideration should be given to development west of Yosemite Lake (Yosemite Lake Estates Project) and the areas adjacent to La Paloma Road and in the foothills east of the campus.

Hydrology and Water Quality

The FEIS should discuss environmental commitments that will prevent a negative impact on groundwater and connected surface water features. As stated in the DEIS, the Merced groundwater basin has been operating under overdraft conditions for many years due to limited surface water supplies and the amount of pumping exceeding recharge (p. 4.8-9). Consequently, the average water level in the subbasin has declined an estimated 30 feet over the past several years. This decline has been attributed to population growth and urban expansion, and increased groundwater demands from farmers. The groundwater study conducted for the Project concluded that campus and campus community water demand could result in an additional decline of the local water table by 25 to 35 feet over a 100 year period. Various efforts are cited that are intended to protect the Merced Groundwater Basin, including UCM's own 2009 Long Range Development Plan (LRDP), but it is not clear that the Project would not have a negative impact on groundwater supply for local wells or surface water features that may depend on the local groundwater sources. Further discussion of the relationship between groundwater and surface water features should be included in the FEIS. 7

Recommendation:
The FEIS should discuss environmental commitments that UCM will implement to ensure that groundwater demand from the Project will not reduce water levels and negatively affect local water supply and surface water features that may rely on groundwater sources. Long-term monitoring and adaptive management should also be discussed, including monitoring of groundwater levels, and whether it would be appropriate to monitor local surface water bodies, such as Black Rascal, Cottonwood, and Bear Creeks, that may be negatively affected by declining groundwater levels.

The EPA strongly encourages UCM to plan and develop alternative wastewater treatment facilities in order to increase water conservation. Section 2.0, Project Description, discusses the potential consideration of alternative wastewater treatment and disposal methods in the event that the campus and supporting community are not annexed by the City of Merced and serviced by municipal wastewater treatment facilities. In this situation, UCM would explore construction of a tertiary treatment facility that would pump effluent for irrigation of nearby agricultural fields or to be used for Project irrigation and recharge of the local aquifer. The DEIS also describes modular small-scale treatment systems and a zero liquid discharge system that would eliminate the need to discharge to land or surface waters. The EPA supports the development of on-site wastewater treatment and recycling to reduce demands on local groundwater and surface water supply. 8

4

Recommendation:
UCM should commit in the FEIS to including on-site wastewater treatment and recycling as part of the proposed Project and as a ground and surface water conservation measure. 8

Air Quality

The discussion of combined yearly Campus and Campus Community construction emission estimates (p. 4.3-42) states that NOx would exceed thresholds from 2010 to 2020, while Table 4.3-9 shows this exceedance would occur from 2010 to 2029. The FEIS should be updated to correctly reflect NOx emissions from construction. The DEIS also states that particulate matter less than 10 microns (PM_{10}) is designated Nonattainment by EPA for the San Joaquin Valley Air Basin (Basin) when it has been reclassified as Maintenance. 9

Additional construction emissions reduction measures should be adopted. The DEIS states that after mitigation, construction-related emissions would result in significant and unavoidable impacts to levels of reactive organic gasses (ROG) and nitrogen oxides (NOx). As stated in the document, the EPA has rated the Basin as serious nonattainment for 8-hour ozone. ROG and NOx are both ozone precursors and should be reduced to the maximum extant practicable, beyond emission reductions from Mitigation Measure AQ-1c. We note that the EPA is currently reviewing the San Joaquin Valley Air Pollution Control District (SJVAPCD) request to designate the Basin Extreme for 8-hour ozone. 10

Recommendation:
The FEIS should commit to additional construction emission reduction measures, such as requiring contractors to comply with EPA engine standards, use of California Air Resources Board (CARB) certified Level 3 diesel emissions control devices, and limiting idling time to 5 minutes. The EPA recommends UCM coordinate with the SJVAPCD to identify all feasible construction emission reduction measures.

Quantifiable emissions reduction measures should be identified and their results reported in the FEIS. Based on Table 4.3.13, campus and community operations would result in emissions that exceed SJVAPCD significance thresholds for ROG, NOx, and particulate matter smaller than 10 microns (PM10). Specifically, ROG emissions would be 245.3 tons per year (threshold = 10 tons/yr), NOx emissions would be 118.6 tons per year (threshold = 10 tons/yr), and PM_{10} would be 123.14 tons per year (threshold = 15 tons/yr but should be revised to 100 tons/yr based on the Maintenance classification). UCM and the Corps provide mitigation measures, but their effectiveness has not been quantified. Given the Basin is designated Serious Nonattainment, and under review for Extreme Nonattainment designation, for 8-hr ozone, and Maintenance for PM_{10}, the FEIS should provide additional mitigation measures and quantify their effectiveness towards reducing annual emissions of these criteria pollutants. 11

Recommendation:
The FEIS should commit to additional mitigation measures to reduce operational emissions of ROG, NOx, and PM_{10}. Mitigation effectiveness should be quantified and reported.

5

Transportation and Traffic

Public transit serving the campus and campus communities should use low or zero emission vehicles. UCM has committed to implementing a range of Travel Demand Management (TDM) measures to reduce on- and off-campus vehicle trips, including increased transit and shuttle service. The EPA supports increased public transportation services to reduce congestion and encourages UCM to commit to using low and zero emission vehicles to also avoid increased air pollution in the Basin. 12

> *Recommendation:*
> The FEIS should discuss the benefits of using low and zero emission vehicles for public transportation and commit to maximizing their use in the expansion of the public transportation fleet that would service the Project.

Climate Change

UCM should discuss the potential to increase greenhouse gas reduction measures for the University Community. The DEIS section on global climate change includes an inventory of annual greenhouse gas emissions from construction and operation of the Campus and the University Community. According to this discussion, operation of the Campus would account for approximately 151,515 metric tons carbon dioxide equivalent (CO_2E) per year and the University Community would account for approximately 300,789 metric tons CO_2E per year. Based on the estimated total of 452,303 metric tons CO_2E emissions per year, the Project would result in emissions equivalent to 275,552 additional cars on the road per year, of which 183,247 could be attributed to the University Community.[2]

Several mitigation measures are described that would reduce emissions of greenhouse gasses from the Project. Table 4.16-9 and Table 4.16-11 include several mitigation measures 13
recommended by the California State Attorney General's Office and the Office of Planning and Research (OPR), respectively. Many of these measures are included or planned for the Campus, while many are not for the University Community. Measures such as GCC-1-5, "Install energy efficient heating and cooling systems, appliances and equipment" and GCC-1-6, Use LED lights for outdoor lighting" and GCC-1-34, "Use low or zero-emission vehicles" are among several measures that would be appropriate for the Campus Community.

> *Recommendation:*
> The FEIS should consider implementing additional commitments to reduce greenhouse gasses as part of the construction and operations of the University Community. OPR recommendations that are already included as environmental commitments for the Campus should be considered for the University Community as well. Measures to offset greenhouse gas emissions that cannot be eliminated should also be considered

[2] Based on the EPA Greenhouse Gas Equivalencies Calculator found at http://www.epa.gov/cleanenergy/energy-resources/calculator.html

6

Alternatives

Infill opportunities should be considered throughout the design and construction of the campus. UCM and the Corps should continue to pursue all viable infill opportunities as Project planning and development proceeds. The EPA recommended the inclusion of an infill alternative, during discussions leading up to the DEIS, in order to assess whether it was possible to locate some facilities off site and further avoid fill of aquatic resources in the Project footprint. We appreciate the discussion in Section 3.0, Alternatives, examining infill as a way to meet some of the campus facility requirements; however we disagree with the approach taken. As we have previously discussed, the infill alternative discussed in the DEIS does not meet the EPA's intent to identify feasible infill opportunities, and instead removes 266 acres of proposed Campus and 66 acres of Community North to avoid high quality, intact vernal pool complexes. As a result, relocating this significant amount of acreage for infill would substantially increase project costs and would not meet the goal of a contiguous campus and supporting community, thus making this infill alternative impracticable to UCM and the Corps. 14

Recommendation:
UCM and the Corps should continue to assess whether there are appropriate infill opportunities in the City of Merced that could accommodate satellite facilities and services off-site and further reduce the Project footprint and impacts to high quality aquatic resources.

Strong sustainability practices should be adopted for the supporting community, similar to those identified for the campus. The EPA supports UCM's commitment to creating and maintaining a campus using sustainable practices and we suggest the adoption of similar practices for the design and construction of the Campus Community. Twelve sustainability policies from the LRDP are provided as commitments for the Campus. These policies are intended to address green building practices to promote energy and water use efficiency, planting of native vegetation, and protection of water quality. We also support the adoption of goals to reduce solid waste and energy consumption and the plans too install a solar panel facility and low impact development (LID) features. While we recognize that UCM may have more control over integrating and maintaining these policies into the Campus than the Campus Community, we consider implementing them in the Campus Community, where applicable, to be an important environmental commitment to reduce direct and indirect environmental impacts. 15

Recommendation:
The FEIS should commit to adopting Campus sustainability policies and goals for the Campus Community, where applicable. UCM should determine, and discuss in the FEIS, whether there is a legal instrument that would ensure developers of the proposed Campus Community implement these policies as part of design and construction.

7

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987

Response to Comment Letter FA-1

Response to Comment FA-1-1

The comment expresses concern that the clay playa area between the proposed campus and Lake Yosemite may be directly and indirectly impacted, resulting in significant degradation to this area.

As discussed in the Draft EIS/EIR, during the 2008 Campus and Community reconfiguration, the northern boundary of the campus site was shifted southeast to reduce effects on the clay playa area located between the Campus and Lake Yosemite, which is considered by EPA to be an Aquatic Resource of National Importance (ARNI) and the entire footprint of the Proposed Action was minimized to allow for a more compact full-buildout footprint that would minimize fragmentation of habitat. Development of the Campus would not indirectly impact the clay playa area since there is no development within its contributing watershed. Please see **Figure 3.0-1** which shows the contributing watershed relative to the Campus footprint.

Further, the 2009 LRDP incorporates policies related to protection of biological resources, including Policy ENV-13, which requires, to the extent feasible, the project to work towards percolation of precipitation into groundwater by the use of the Low Impact Development (LID) strategies, or equally effective measures, such as clustering of structures, bioretention areas, planted swales and permeable pavement where appropriate and feasible (page 4.4-80 of the Draft EIS/EIR). These policies will be implemented as appropriate during the development of the Campus. Incorporation of LID strategies (e.g., grassy swales, etc.) would ensure that upstream receiving waters do not back up and negatively impact the grasslands, and therefore, avoid any potential impacts.

The clay playa area and its watershed are located outside of the development footprint of the Campus and University Community and thus, would not directly impact this area. Furthermore, the Proposed Action includes numerous environmental commitments that would avoid any indirect impacts to this area from campus development. In recognition of the importance of the ARNI, the Draft EIS/EIR includes Mitigation Measure PUB-6d to protect the area from secondary effects. Although the University does not control this area, it will commit to working with the County if further protection is needed.

Response to Comment FA-1-2

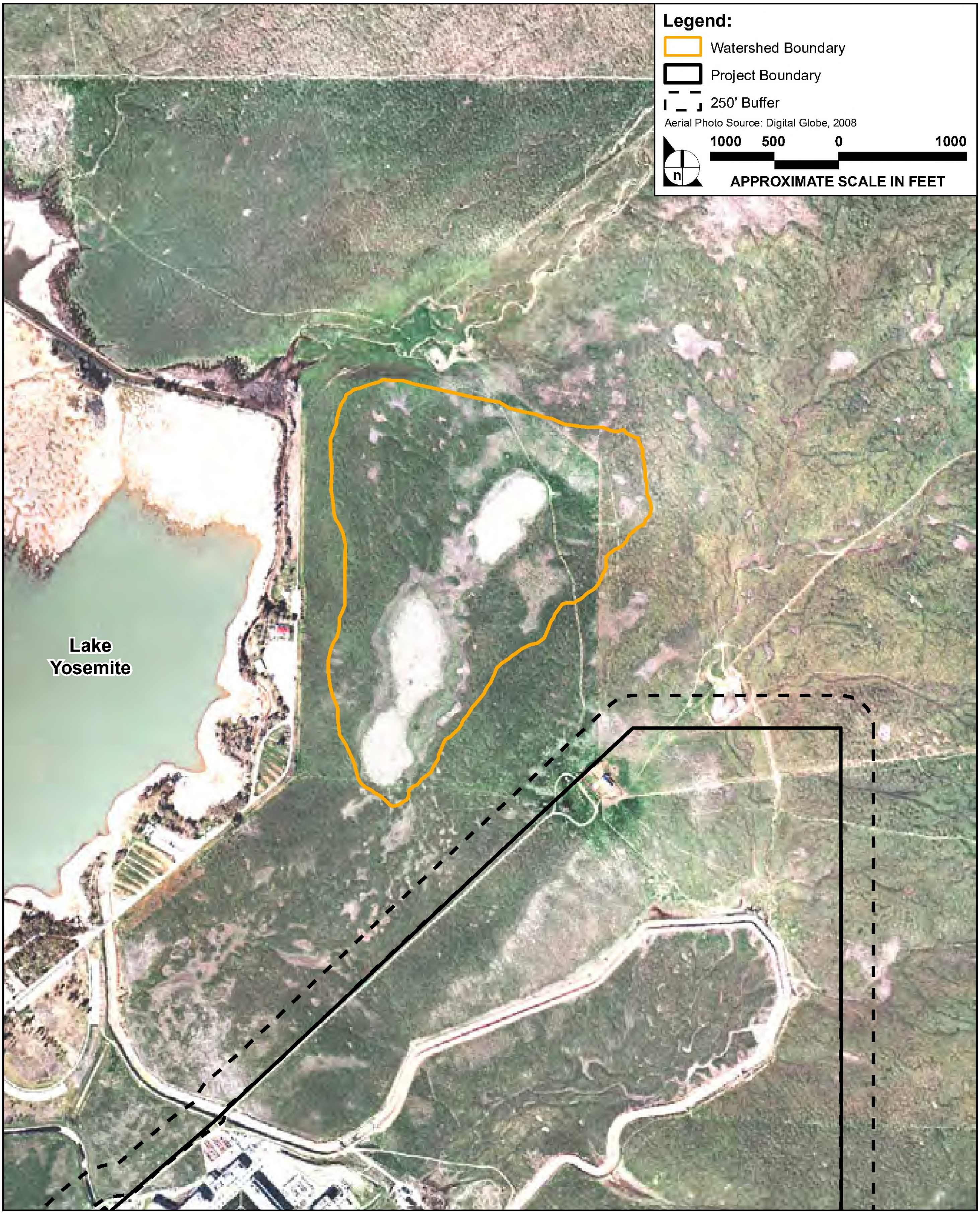
The University has committed to providing in-kind mitigation for vernal pools and swale wetlands. However, the CWMMP candidly points out that in-kind mitigation depends on whether land suitable for restoration or creation of replacement habitat is present in Merced County and whether any such land is actually available for acquisition. If such land is not available, it would not be feasible to attempt to create in-kind habitat on land lacking the necessary soil and hydrologic characteristics nor would it be appropriate to attempt to create new habitat within the existing vernal pool terrain on the present conservation lands. This is one reason that the preservation ratio (1,320.6 acres of vernal pools and swales preserved to 42.7 acres impacted [40:1]) is so high. In addition, because restoration of in-kind habitat may be impracticable under certain circumstances, out-of-kind replacement of wetland acreage may be more appropriate.

Response to Comment FA-1-3

The comment states that the performance standards presented in the CWWMP are not specific enough to ensure that the created and restored wetlands will have the same functional capacity as those impacted by the project. The federal rule on "Compensatory Mitigation for Losses of Aquatic Resources," issued jointly by the Corps and EPA in 2008, requires that performance standards be based on the best available science and recommends that reference sites be used in developing those standards. USACE and the University acknowledge that the performance standards proposed in the CWWMP are overly general and do not follow either the recommendations in the 2008 guidance or earlier guidance that addresses the use of reference sites. Pages 4.4-100 and 4.4-101 have been revised to specify that performance standards in the CWWMP be based on reference sites (see **Section 2.0, Revisions to the Draft EIS/EIR**). The University will work with the USACE to develop appropriate mitigations to ensure replacement of lost functions.

Response to Comment FA-1-4

The comment recommends specific developments (i.e., Yosemite Lake Estates) be considered as part of the cumulative impact analysis. As presented in the Draft EIS/EIR, *State CEQA Guidelines* Section 15130(b) provides for the use of two alternate approaches for considering present and reasonably foreseeable projects, including a list approach, and an approach using a summary of projections contained in an adopted general plan or related planning document. This approach also satisfies NEPA's standards for an analysis of cumulative impacts. Because the development of the Campus and the University Community would occur over a long period of time, the plan-based approach was used to identify other foreseeable development in the vicinity of the project. The cumulative impact analysis was primarily based on the Merced County General Plan, the City of Merced Vision 2015 General Plan, and growth projections provided by the Merced County Association of Governments. The Draft EIS/EIR describes how the plans were used in developing the cumulative impact analysis (see page 5.0-5 of the Draft EIS/EIR).



SOURCE: Jones & Stokes – February 2009

FIGURE 3.0-1

Clay Playa Vernal Pool Contributing Watershed

974-001•02/09

S: \ GIS \ PROJECTS \ UC_MERCED \ 05650_05 \ MAPDOC \ EIR \ CLAY_PLAYA_WATERSHED.MXD LD (02-05-09)

Accordingly, the Draft EIS/EIR analyzed the cumulative impact of development of the Campus and the University Community, in conjunction with other past, present, and reasonable foreseeable future development in the project area, on vernal pool wetlands, clay slope wetlands, and other seasonal wetlands. The Draft EIS/EIR does not present the results of the analysis in terms of wetland acreages because wetland delineations or other detailed wetland surveys were not done for past impacts nor have they been done for some lands that may be affected in the future. Therefore, the analysis was based on a discussion of impacts on annual grasslands containing vernal pool habitat. Sources used for this analysis include City of Merced GIS data, which characterized the approximate number of acres of land within the City's Specific Urban Development Plan (SUDP or growth) boundary, with lower density vernal pools and land with high-density vernal pools. The Draft EIS/EIR also cited Holland's estimates for the loss of vernal pool habitat in the Central Valley and San Joaquin Valley to provide a historical perspective. These estimates have recently been updated to show that between 1986 and 2005, 23,835 acres of grassland/vernal pool habitat (ca. 1,254 acres per year) have been lost in Merced County, primarily due to agricultural conversion.[1] The Draft EIS/EIR also identifies 2,723 acres of grassland/vernal pool habitat that would be affected by other development within the SUDP. In comparison, the Proposed Action would result in the loss of 2,766 acres of grassland/vernal pool habitat, of which 85.05 acres, between the Campus, Community North, and Community South, have been delineated as wetlands. The Draft EIS/EIR acknowledges that the Proposed Action's cumulative impacts on wetlands would be significant, but through implementing conservation, restoration, and creation of wetland habitat, the project's impact would be reduced to a less than significant level.

Although the cumulative analysis largely used a plan-based approach, the Draft EIS/EIR does recognize foreseeable projects in the vicinity of the Proposed Action (see page 4.9-6). However, for purposes of this cumulative impact, it would be too speculative to estimate the number of acreages of wetlands filled on a project-by-project basis.

Response to Comment FA-1-5

Please see **Master Response No. 4** regarding mitigation measures that are outside the control of the University. No changes to Cumulative Mitigation Measure HYD-3b are proposed as that mitigation measure is the responsibility of the City and is included in the Draft EIS/EIR to address the effects of growth within the City of Merced. Although the Campus is already committed to implement water conservation programs and development of alternate sources of water including a recycled water plant or

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1 Holland, R. F. 2009. Great Valley vernal pool distribution, rephotorevised 2005. Presented at the Vernal Pool Forum, January 29, 2009. Available at: http://www.vernalpools.org/)

an on-site wastewater treatment plant that would allow on-site reuse of treated effluent, an additional mitigation measure (Cumulative Mitigation Measure HYD-3c) has been added to Cumulative Mitigation Measure HYD-3 which requires the Campus to implement an aggressive water conservation program.

Response to Comment FA-1-6

Please see **Master Response No. 1.** The April 2003 Report cited by the USEPA in this comment was reviewed during the preparation of the Draft EIR. The report shows growth pressures from the campus affecting lands adjacent to the campus in all directions. The discussion of the growth inducing impacts of the Proposed Action in Section 6 of the Draft EIS/EIR acknowledges that although the vast majority of the direct and indirect growth induced by the Campus would be captured by the University Community, some growth would not be absorbed by the University Community.

As explained in the Draft EIS/EIR, growth is expected to occur along the Bellevue corridor due to its proximity to the campus and growth in other directions from the campus, such as to the northeast and east, would not be likely because these lands are currently or would be under conservation easements. **Master Response No. 1** presents the factors that constrain growth along La Paloma Road and the development of the Yosemite Lake Estates site.

The Draft EIR acknowledged that cumulative growth in the region (which includes the development of the Bellevue corridor both as a result of the Campus's induced growth as well as due to the general pattern of urbanization in Merced) would result in the loss of vernal pool habitat and both the Draft EIS/EIR and the Final EIS/EIR (see **Response to Comment FA-1-4** above) report the acreages of habitat that have been lost on account of not only urban growth but also due to agricultural conversions. Please note that the northward expansion of the City of Merced leading to loss of vernal pool habitats in north Merced would have occurred even if the Campus was not sited near Lake Yosemite. This is because city growth to the east, south, and west is generally constrained by the fact that the adjacent undeveloped lands are prime farmland and some areas are also susceptible to flooding. North Merced has always been viewed as the area for the expansion of the city. In summary, the location of the Campus has not resulted in a major change in the pattern of urbanization in Merced.

Response to Comment FA-1-7

Please see **Master Response No. 3, Water Supply Impacts,** regarding the Proposed Action's impacts on local groundwater wells.

The comment recommends discussion of environmental commitments that will prevent a negative impact on groundwater and connected surface water features. Section 4.8.2.6, Groundwater Resources, of the Draft EIS/EIR discusses the declining groundwater levels in the Merced subbassin, which has declined nearly 30 feet from 1970 through 2000. The Draft EIS/EIR further states that static groundwater levels have stabilized within the past few years at approximately 70 feet below ground surface (bgs) in winter with recovery to approximately 50 feet bgs in early spring, according to the Final Urban Water Management Plan (2005). The comment correctly states that this decline is attributable to growth and agricultural users. Declining groundwater within the basin is a result of the groundwater extractions by all groundwater users in the area. As disclosed in the Draft EIS/EIR and acknowledged in the comment, studies conducted for the County's University Community Plan EIR (2004) found the potential long-term drawdown of the aquifers in the vicinity of the University Community would result in lowering groundwater levels by 25 to 35 feet in the area of the rural residences west of Lake Road. Since the existing groundwater levels are between approximately 50 feet and 70 feet bgs, coupled with the flat topography of the project site, further reduction in groundwater levels from the regional aquifer would not accelerate the infiltration (or increase the size of the phreatic zone) of local surface water bodies because the local groundwater table is not in contact with surface water features and this dynamic will not change due to further declines in groundwater levels. Therefore, a further reduction in groundwater levels from the Proposed Action would not negatively impact surface water features.

Regarding the USEPA's recommendation for the University to include environmental commitments to ensure that groundwater demand from the project will not reduce water levels and negatively affect local water supply and surface water features that may rely on groundwater, the Draft EIS/EIR describes the local water purveyors that have collaborated to address the issue of overdraft and to plan for a reliable future water supply. It further states that it is anticipated that all involved entities, including the City of Merced and the University, would minimize the increase in groundwater extraction by minimizing water use through conservation and water recycling. Regional agencies, such as Merced Area Groundwater Pool Interests (MAGPI) and the Merced Irrigation District (MID), will enhance conjunctive use operations by further improving recharge during years when surface water is available for this purpose, including in-lieu recharge, percolation of surface water in recharge basins, recharge through injection wells, and direct recharge through creeks.

As described in Section 5.0, Cumulative Impacts, of the Draft EIS/EIR, Cumulative Impact HYD-3 concludes that the Proposed Action, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would result in an overdraft of the regional groundwater aquifer, and thus, result in a significant and unavoidable cumulative impact. The Proposed Action includes numerous policies (both in the 2009 LRDP and in the adopted UCP) that are specifically designed to reduce the demand for potable water. While the water demand estimate for the Proposed Action reflects high levels of water conservation, the University and University Community Land Company (UCLC) will continue to explore additional ways of reducing the use of potable water. The Campus will also evaluate the feasibility of a water recycling plant for irrigation purposes to further reduce the need for groundwater. If the area is annexed to the City, any additional water conservation measures that are developed by the City will be incorporated into both the Campus and the University Community. All of these measures would reduce the Proposed Action's contribution to the significant cumulative impact. However, even with these measures, the Proposed Action's contribution (both the Campus and University Community) to the significant cumulative impact would be considerable. The Draft EIS/EIR incorporated Cumulative Mitigation Measures HYD-3a and HYD-3b to address this cumulative impact, and are included in this response for the USEPA's reference. This impact remains significant and unavoidable, but the mitigation measures address the USEPA's recommendation for environmental commitments to address groundwater related impacts.

Cumulative MM HYD-3a: The University shall support MAGPI in pursuing and securing cooperative arrangements with state and local agencies for purposes of expanding the basin's conjunctive use capabilities.

Cumulative MM HYD-3b: The City of Merced should implement an aggressive water conservation program that will reduce water demand to levels that can be served on a long-term basis within the safe yield of the groundwater basin.

Also as noted above, the Final EIS/EIR also includes Cumulative Mitigation Measure HYD-3c that requires the Campus to implement an aggressive water conservation program.

Additionally, MAGPI is focused on providing a regional forum for both understanding and managing groundwater conditions for those entities that rely on the basin for water supplies, and participation in this group by the University is the most proactive means of adaptive management available to address multiple needs at once. Groundwater monitoring also provides a check on infiltration from surface water bodies as that is one of the major sources of recharge to the basin and those inputs are included in the water budget. Because there will not be any impact to stream flows there is no need for additional monitoring of surface water bodies by the University.

Response to Comment FA-1-8

Please see **Response to Comment FA-1-5** above.

Response to Comment FA-1-9

The comment notes that the text of the Draft EIS/EIR states the combined yearly Campus and University Community construction estimates for nitrogen oxide (NO_X) emissions would exceed the significance thresholds from 2010 to 2020, while Table 4.3-9 in Section 4.3, Air Quality, of the Draft EIS/EIR shows that the exceedance would actually occur from 2010 to 2029. In addition, the comment notes that the text of the Draft EIS/EIR states the San Joaquin Valley Air Basin is designated as Nonattainment for PM_{10} when it has been reclassified as Maintenance. The revisions to the text are presented in **Section 2.0, Revisions to the Draft EIS/EIR,** under the subsections Air Quality, page 4.3-7, and Air Quality, page 4.3-42.

Response to Comment FA-1-10

The Draft EIS/EIR on pages 4.3-42 to -43 presents mitigation measures targeted at construction emissions of reactive organic gasses (ROG) and nitrogen oxides (NOx): include in all construction contracts the measures specified in SJVAPCD Regulation VIII to reduce fugitive dust impacts (Mitigation Measure AQ-1a); include control measures characterized by SJVAPCD as enhanced and optional (Mitigation Measure AQ-1b); and implement certain specific measures related to construction equipment (Mitigation Measure AQ-1c).

The comment recommends that the Final EIS/EIR commit to additional construction emission reduction measures, such as requiring contractors to comply with USEPA engine standards, use of California Air Resources Board (CARB) verified Level 3 diesel emissions control devices, and limiting idling time to 5 minutes. Additional mitigation measures have been incorporated into the Final EIS/EIR requiring contractors to comply with either USEPA engine standards or CARB verified Level 3 diesel emissions control devices, and limiting idle time to 5 minutes. See **Section 2.0, Revisions to the Draft EIS/EIR,** under subsection Air Quality, page 4.3-43. It should be noted that contractors will have to comply with CARB's In-Use Off-Road Diesel Vehicle Regulation.

The comment also recommends that the University coordinate with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to identify all feasible construction emission reduction measures. As described above, the University has committed to including SJVAPCD's Regulation VIII measures as well as enhanced and optional control measures proposed by SJVAPCD, in all construction contracts.

Response to Comment FA-1-11

The comment recommends that additional mitigation measures be included in order to reduce operational emissions of reactive organic gases (ROG), nitrogen oxide (NO_X), and particulate matter (PM_{10}) and that the effectiveness of such mitigation measures be quantified and reported. The Draft EIS/EIR at pages 4.3-48 to -49 presents mitigation measures targeted at operational emissions of ROG, NO_x and PM_{10}, as the comment acknowledges. These mitigation measures propose that all emissions associated with the Proposed Action be included in the SJVAPCD's air quality planning efforts, and require the implementation of measures to reduce emissions from vehicles and area sources. Despite these mitigation measures, the operation of the Proposed Action is expected to have a significant impact from the emissions of ROG, NO_x, and PM_{10}. The comment does not suggest specific additional mitigation measures.

Further, the comment requests quantification and reporting of the effectiveness of the mitigation measure. Quantification of emission reductions from certain mitigation measures at the current programmatic level of the EIS/EIR would be speculative, as specific details are not yet known.

Response to Comment FA-1-12

Please see **Response to Comment FA-1-11** above. The Campus has committed to achieve zero net carbon (carbon neutrality) by 2020, and will implement numerous programs to minimize the greenhouse gas emissions from campus operations. Please see pages 4.3-27 through 4.3-30 in the Draft EIS/EIR which list the sustainability and mobility policies in the 2009 LRDP, all of which will minimize campus emissions not only of greenhouse gases but also criteria pollutants such as NOx, ROG, and PM_{10}. Policy MOB-20 includes use of alternate fuel or low-emission vehicles in the campus service fleet. To the extent that transit services between the Campus and University Community and other key locations off-campus are proposed to be operated by the Campus, the Campus' bus fleet will consist of alternate fuel or low-emission vehicles.

Merced County Transit, known as "The Bus," provides transit service within the City and the County of Merced. The Bus already has plans to convert its fleet to low emissions buses. During 2006 The Bus received its first 9 "clean air" (super low emission buses) buses, powered with compressed natural gas. Future plans included adding more clean air buses to the system along with more frequent route and Dial-A-Ride service; a compressed natural gas fueling facility; 12 additional Dial-A-Ride buses; and a designated bus stop/signage program (http://www.mercedthebus.com/about.html).

Response to Comment FA-1-13

See **Master Response No. 4.**

The comment recommends that the GHG mitigation measures suggested by the Governor's Office of Planning Research (OPR) should be adopted for the University Community. The mitigation measure in the Draft EIS/EIR, Mitigation Measure GCC-1, states that the agency with jurisdiction over the University Community should develop a climate action plan or its equivalent. The feasibility of various mitigation measures in the University Community will be evaluated when additional project-level information becomes available. Please also note that the University Community's location adjacent to the Campus would reduce vehicle trips and promote alternative transportation.

Response to Comment FA-1-14

The USACE and the University consulted with the EPA during the preparation of the Draft EIS/EIR. The EPA requested that the Draft EIS/EIR evaluate an infill alternative. As stated in the comment, the EPA's concept of an infill alternative involved locating potential infill sites within the City of Merced and examining the potential to locate some of the proposed land uses in the Campus and the University Community at these off-site locations so as to further reduce the Proposed Action's footprint and impacts to high quality aquatic resources. To address this, the University and the USACE developed an infill alternative that would move all of the Campus and University Community uses located to the north and east of Le Grand Canal off site. This was done because these are the areas that contain high-quality, intact vernal pools and the canal would serve as the outer boundary of development and would buffer the northerly and easterly areas from impacts. The infill alternative was therefore defined to include a Campus that was reduced by 266 acres and a University Community that was reduced by 66 acres. The EPA's comment on the Draft EIS/EIR notes that this definition of the alternative does not agree with the EPA's concept which in essence would reduce the project footprint not by these amounts but presumably by some smaller acreage.

While an infill alternative could possibly involve a smaller reduction in project footprint than discussed in the Draft EIS/EIR, any infill alternative that involves locating portions of the Proposed Action at dispersed locations in the City would have the same problems as the infill alternative discussed in the Draft EIS/EIR because it would result in a dispersed campus and/or community resulting in excessive travel between the various locations, and related inefficiencies and environmental impacts. It would also result in a higher operational cost due to dispersed facilities and higher initial costs due to land acquisition costs. While it would reduce the impact of the Proposed Action on aquatic resources to some degree (depending on how many acres of land uses from the Campus or the University Community are relocated to off-site locations), but it would increase air quality and traffic impacts. Therefore, this configuration of an infill alternative would also not be feasible.

Response to Comment FA-1-15

The USACE and the University cannot require the County (or the City if the University Community were to be annexed) to adopt sustainability policies similar to those in the Campus's Long Range Development Plan so that they can be imposed on future development in the University Community. However, the USACE and the University will convey this recommendation to Merced County to consider as it undertakes revisions to the University Community Plan and the General Plan Amendment process. Also note that as a co-owner of the lands that constitute Community North, the University is committed to developing the northern portion of the University Community in a highly sustainable manner.

STATE OF CALIFORNIA RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

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December 22, 2008

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STATE CLEARING HOUSE

VIA FACSIMILE (209) 228-4468
Brad Samuelson
University of California Merced
Office of Physical Planning and Construction
P.O. Box 2039
Merced, CA 95343

Dear Mr. Samuelson:

Subject: University of California Merced and University Community Project
Draft Environmental Impact Report (Merced County)
SCH# 2008041009

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (DEIR) for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

Project Description

The University of California (UC) Merced and University Community Project would consist of the development of a major 910-acre research university (UC Merced campus) and associated 2,133-acre university community (University Community) in Merced County. The project site is located in an unincorporated area of eastern Merced County, approximately two miles northeast of the limits of the City of Merced. The majority of the campus site is located on Prime Farmland and Farmland of Statewide Importance. The northern half of the University Community site consists of 12 acres of Prime Farmland, 33 acres of Farmland of Statewide Importance, 442 acres of Farmland of Local Importance, and 336 acres of Grazing Land. The southern half of the University Community site consists of 589 acres of Prime Farmland, 55 acres of Farmland of Statewide Importance, 429 acres of Unique Farmland, and 23 acres of Farmland of Local Importance. No part of the proposed campus site or University Community is under a Williamson Act contract. Development of both the Campus and the University Community would result in a combined loss of approximately 1,152 acres of Prime and Important Farmland, which would represent about 0.2 percent of Prime and Important Farmland in Merced County that would be lost to urban uses. The impact related to conversion of 1,152 acres of Important Farmland would be considered a significant impact under the California Environmental Quality Act (CEQA).

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Therefore, the Division recommends that any subsequent CEQA-related document further discuss the following item to provide a comprehensive discussion of potential impacts of the project on agricultural land and activities.

Mitigation Measures

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends the use of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation. 1

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence the search for replacement lands should be conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

Other forms of mitigation may be appropriate for this project, including:

- Directing a mitigation fee to invest in supporting the commercial viability of the remaining agricultural land in the project area, County or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website, or by contacting the Division. The website address is:

http://www.conservation.ca.gov/dlrp/index.htm

Mr. Brad Samuelson
December 22, 200(i
Page 3 of 3

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. 1

Thank you for giving us the opportunity to comment on this DEIR. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0869.

Sincerely,

DJ Otis

Dan Otis
Program Manager
Williamson Act Program

cc: State Clearinghouse

Response to Comment Letter SA-1

Response to Comment SA-1-1

California Department of Conservation recommends "the use of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land." As discussed in Section 4.2, Agricultural Resources, under Impact AG-1, the Campus has already secured conservation easements in eastern Merced County and developers of the University Community will mitigate the loss of Important Farmland by securing agricultural easements on comparable farmland at a minimum ratio of 1:1 prior to the development of any portion of the University Community site.

DEPARTMENT OF FISH AND GAME
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Central Region
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(559) 243-4005

January 5, 2009

Brad Samuelson
The Board of Regents of the University of California
Physical Planning and Design
University of California, Merced
Post Office Box 2039
Merced, California 95343

Nancy Haley
United States Army Corps of Engineer, Sacramento District
1325 J Street, Room 1480
Sacramento, California 95814-2922

Subject: University of California, Merced and
University Community Project
Draft Environmental Impact Statement (DEIS)
Draft Environmental Report (DEIR)
State Clearing House #2008041009

The Department of Fish and Game (Department) has reviewed the joint Draft Environmental Impact Statement (DEIS) and Draft Environmental Report (DEIR) submitted by the Board of Regents of the University of California (UC) and the United States Army Corps of Engineers for the University of California (UC) Merced and University Community (Project). Approval of the Project would allow for the development and operation of a major research university campus in Merced County which will sustain up to 25,000 full-time students with a contiguous associated community to support the needs of the university. The proposed preferred Project site (Alternative 1) is comprised of an approximately 815 acre Campus; a 1,951 acre University Community; and a 1,307-acre Campus Natural Reserve which is not intended to be developed but would be used for the purposes of research, a vernal pool-grassland habitat/species laboratory for students, and for general education and outreach opportunities. The currently proposed Project is a modification from the 2002 proposed Project which consisted of an approximately 2,000-acre UC Merced Campus and an adjacent 2,133-acre University Community with a 750-acre Campus Natural Reserve.

Conserving California's Wildlife Since 1870

At full build out, the Campus would include academic buildings, student housing, campus support, recreation facilities, and infrastructure. The proposed University Community is divided into an approximately 833-acre Community North and a 1,118-acre Community South. The University Community North would be developed with a town center, business park, residential neighborhoods, parks, open space, and schools. The University Community South would be developed in accordance with the County of Merced's previously adopted University Community Plan. The expected North and South Campus Community at full build-out would include 11,616 dwelling units and a total residential population of approximately 30,780 persons. The inclusive Project site is located in eastern Merced County, approximately 2 miles northeast of the limits of the City of Merced; occupying portions of Sections 26, 27, 34, and 35; Township 6 south; Range 14 east; and Sections 3 and 2; Township 7 south; Range 14 east (Mount Diablo Base and Meridian). The site is south-southeast of Lake Yosemite Regional Park, east of Lake Road, and the southern boundary of the Project site is Yosemite.

The Department understands that for the purposes of the California Environmental Quality Act (CEQA) the Project consists of 1) the adoption of an updated Long Range Development Plan (LRDP) for the UC Merced Campus; 2) the execution of an agreement with the University Campus Land Company (UCLC) for the acquisition of land needed for the campus and consistent with the plan for development of the Community North; and 3) the execution of a memorandum of understanding between the University, UCLC, and the landowners of the Community South (LWH Farms, LLC) to facilitate the coordinated development of the University Community, including Community South. For purposes of the National Environmental Policy Act (NEPA), the EIS considers the Federal actions associated as the "Proposed Action" (known as the Project under CEQA) and has determined that the development of the Campus and University Community would affect Waters of the United States. Acting as co-applicants, the University and the UCLC have submitted a Clean Water Act (CWA) Section 404 permit application to the United State Army Corps of Engineers (USACE) for permission to fill up to 76.7 acres of wetlands present on the proposed campus site and on the 833-acre Community North as described in Alternative 1. Though a Section 404 permit application has yet to be filed for the 1,118-acre Community South, the USACE has determined the Campus and University Community are connected actions; thus, for purposes of the evaluation in the DEIS/DEIR, the Proposed Action (Project) encompasses the Campus, Community North, and Community South.

Prior to the release of the current DEIR/DEIS, Department staff met over the course of two years with the UC Merced staff, United States Fish and Wildlife Service (USFWS), USACE, United States Environmental Protection Agency (USEPA), and others to assist the University of California in facilitating the objective to offer focused mitigation strategies for inclusion in the Conservation Strategy for the UC Merced Project and a modified Campus and associated Community footprint which would further reduce impacts to species listed under the California Endangered Species Act (CESA). Out of those meetings and consistent with CEQA and NEPA, a range of six alternatives, including the Proposed Action/Project (Alternative 1), the 2002 proposed Project (Alternative 4), and a "No Build" alternative (Alternative 6) for the Project were discussed. The DEIR/DEIS further considers and analyzes the impacts of these six alternatives (as individual projects and cumulatively) on wetland habitat (vernal pools, swales and other blue lined streams), the loss or upland habitat (non-native grassland), the loss or fragmentation of wildlife movement corridors, and the associated impacts to the biological resources and the species that utilize these habitat types and depend on the movement corridors for enhanced gene flow, to maintain genetic diversity and other ecological processes.

Biological surveys for wildlife, botanical resources, and in support of the wetland delineation have been conducted on the Project site and the vicinity over multiple years and by multiple consultants (ICF Jones & Stokes, EIP Associates, Vollmar Consulting, URS, and Gibson and Skordal). The results of these comprehensive surveys are summarized in Table 4.4-1 of the DEIR/DEIS. While the Department believes the information obtained from these survey efforts characterizes the density and distribution of biological resources on the Project site and the potential for impacts in executing the Campus and Community build-outs, there may be a need for additional focused biological surveys on a project by project basis. Additional surveys may be necessary to identify any additional mitigation, minimization, and avoidance measures and should be conducted by a qualified biologist/botanist during the appropriate survey period(s). The results of these biological survey(s) should be submitted to the Department and the USFWS. 1

Our further specific comments follow and pertain to compliance with the CESA and Section 1600 (Streambed Alteration) of the Fish and Game Code.

Department Jurisdiction

Trustee Agency Authority: The Department is a Trustee Agency with responsibility for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities as those terms are used under CEQA (Division 13 (commencing with Section 21000) of the Public Resources Code).

The Project has the potential to reduce the number or restrict the range of the following endangered, rare, or threatened species (as defined in Section 15380 of CEQA):

Greene's tuctoria *Tuctoria greenei*	Federally Endangered
Vernal pool fairy shrimp *Branchinecta lynchi*	Federally Threatened
Vernal pool tadpole shrimp *Lepidurus packardi*	Federally Threatened
Conservancy fairy shrimp *Branchinecta conservation*	Federally Endangered
California tiger salamander *Ambystoma californiense*	Federally Threatened State Species of Special Concern/Pending Candidate

2

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under CESA, the Department may need to issue an Incidental Take Permit for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

Several State-listed endangered and/or threatened species are known to occur within the Project area and in the vicinity. Therefore, the Project has the potential to reduce the number or restrict the range of the following endangered, rare, or threatened species (as defined in Section 15380 of CEQA): 3

Species	***Listing***
succulent owl's cover *Castilleja campestris ssp. succulenta*	State listed Endangered Federally listed Threatened
hairy orcutt grass *Orcuttia pilosa*	State listed Endangered Federally listed Endangered
San Joaquin Valley orcutt grass *Orcuttia inaequalis*	State listed Endangered Federally listed Threatened
colusa grass *Neostapfia colusana*	State listed Endangered Federally listed Threatened
Swainson's Hawk *Buteo swainsoni*	State listed - Threatened
golden eagle *Aquila chrysaetos*	State Species of Special Concern Fully Protected
White tailed kite *Elanus leucurus*	State Species of Special Concern Fully Protected
Bald eagle *Haliaeetus leucocephalus*	State listed – Endangered Fully Protected
San Joaquin kit fox *Vulpes macrotis mutica*	State listed Threatened Federally listed Endangered

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15380), it should be fully considered in the environmental analysis for the Project. The following special status species may be present: spiny sepaled button celery (*Eryngium spinosepalum*), dwarf downingia (*Downingia pusilla*), beaked clarkia (*Clarkia rostrata*), shining navarretia (*Navarretia nigelliformis*), western pond turtle (*Clemmys marmorata*), western spadefoot toad (*Spea (=Scaphiopus) hammondii*), California horned lark (*Eremophila alpestris actia*), and the northern harrier (*Circus cyaneus*). 3

The State Species of Special Concern burrowing owl (*Athene cunicularia*) is also known to occur in eastern Merced County. Although burrowing owls are not listed under CESA, impacts to burrowing owl and their nest burrows must be avoided in order to comply with the Federal Migratory Bird Treaty Act (MBTA) and Fish and Game Code Sections 3503, 3503.5, and 3513, which are explained in more detail below. 3

Fully Protected Species: The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish, pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully protected species is prohibited, and the Department cannot authorize their "take" for development. The bald eagle, golden eagle, and white tailed kite are fully protected species that are known to occur in the Project area vicinity and could use the Project site for foraging, nesting, and roosting purposes. 4

Potential Project Impacts and Recommendations

The DEIR/DEIS does evaluate and address potential Project-related impacts for the above species and compares the relative direct and indirect impacts of all six of the Alternatives (Table 4.4-31). In addition, the DEIR/DEIS includes appropriate species specific avoidance and minimization measures and describes in detail the conservation strategies and commitments UC Merced will implement as set forth in the Supplement Biological Assessment for the UC Merced Campus and University Community North (ICF-Jones & Stokes and Cox Castle Nicholson LLP, 2008) under Section 7 of the Federal Endangered Species Act and as outlined in the Proposed UC Merced Conservation Strategy for the UC Merced Project (Jones & Stokes, 2006) throughout the operation of the Project. Because the specific mitigation, avoidance, and conservation measures discussed in the text of the DEIR/DEIS and summarized in the Executive Summary (Table ES-1, Section 4.4 Biological Resources) are generally consistent with, or exceed the Department's standard recommendations, our comments are limited and are as follows with respect to compliance with CESA.

Listed Plant Species: There are State and Federally-listed plant species which will be impacted in the execution of the proposed Project, specifically under Alternatives 1, 2, and 4. The DEIR/DEIS states (Mitigation Measure BIO-2) that in addition to off-site compensation for the loss of plants and habitat, seeds from succulent owl's clover, shining navarretia, and dwarf downingia plants will be collected from the Project site and translocated to suitable habitat within the 750-acre Campus Natural Reserve. The DEIR/DEIS goes on to further assure that seed collection and subsequent translocation of these plants would not occur without suitable 5 coordination with the Department and USFWS and a relocation and monitoring plan in place. In addition to the removal of vegetative material, the collection of seed is considered "take;" and plants listed as threatened or endangered under CESA cannot be addressed by methods described in the Native Plant Protection Act without incidental "take" authority secured under Sections 2080.1 or 2081 of the Fish and Game Code. The Department recommends that coordination with the appropriate experts and agencies begin as soon as possible in order to allow the Department evaluate the proposed impacts associated with collection and relocation of seeds, and to avoid delays in the subsequent Incidental Take Permit process. 5

Water Supply and Merced River Resources (anadromous fish): The DEIR/DEIS states in part that Alternative 1 would generate the same water demand as that analyzed under the 2002 Proposed Project. The DEIS/DEIR further goes on to state that the diversion from the Merced River for recharge of the groundwater basin would not exceed the licensed amount currently approved for diversion by the Merced Irrigation District and that in surplus water years, the additional waters would be used for this purpose. Therefore, the DEIR/DEIS concludes the impact to fisheries or aquatic habitats in the Merced River would be the same as previously analyzed and would have a less than significant impact.

The Department continues to have concerns regarding how water demands from the Campus, the Campus community, and the cumulative impacts from related growth to the area by the execution of the Project will ultimately affect the Merced River, the lower San Joaquin River, and Delta and associated resources including anadromous fish and their habitats. Consistent with the Department's comments on the 2002 Proposed Project, the Department continues to recommend additional extensive study be conducted on the use of surface waters and the direct and cumulative impacts to the groundwater basin from the projected exponential growth in eastern Merced County, as well as the UC Merced potentially facilitating the development of a comprehensive water conservation plan for the Campus/Campus Community and eastern Merced County. Because of the unknown impacts of global climate change on the availability of surplus waters which can be used for groundwater recharge in the future, the Department believes this analysis and water planning effort is vital and should be initiated prior to the first phase of the Campus expansion being completed. 6

In closing, the Department would like to extend our thanks to you and your staff for the dedication and commitment clearly demonstrated through the consistent collaborative effort with the Department and others in the development of both the DEIR/DEIS Alternatives and the Draft Conservation Strategy. The Department recognizes that UC Merced is committed to continuing to cooperate and work in

Brad Samuelson and Nancy Haley
January 5, 2009
Page 8

partnership with the Department, other Federal, State and local agencies, interested stakeholders, and others to implement the Draft Proposed Conservation Strategy for the UC Merced Project (2007) and the Department looks forward to continuing to work with UC Merced in these endeavors.

If you have any questions regarding these issues, please contact Annee Ferranti, Senior Environmental Scientist, at the above letterhead address or by telephone at (559) 243-4014, extension 227.

Sincerely,

Jeffrey R. Single, Ph.D.
Regional Manager

cc: See page eight.

cc: Cay Goode
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2222 M Street
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State Clearinghouse

Response to Comment Letter SA-2

Response to Comment SA-2-1

The EIS/EIR requires pre-construction surveys for special-status and non-special-status migratory birds and raptors prior to the start of ground-disturbing or construction activities and within the appropriate habitat. Specifically, Mitigation Measure BIO-9 requires the University to conduct preconstruction surveys for active burrows according to the CDFG's Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995). The Draft EIS/EIR also addresses commitments identified in the Conservation Strategy (Strategy 2), which describes the University's commitment to implement site-specific design, construction, and operation and maintenance measures, and implementation of USFWS' (1999) Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance.

Response to Comment SA-2-2

Greene's tuctoria is addressed in Section 4.4.2.2 (Special Status Species) and under Impact BIO-2 (page 4.4-102 of the Draft EIS/EIR). No project impacts on Greene's tuctoria were identified. In addition, no project impacts on Conservancy fairy shrimp were identified, since, as part of the initial redesign of the project from the 2002 project design, the campus footprint was moved to entirely avoid the watershed of the vernal pool occupied by Conservancy fairy shrimp and to maintain a 250-foot setback from that watershed.

California Fish and Game Code Section 2080 prohibits the take of both animals and plants listed as threatened or endangered under CESA, except for certain acts specified in the Native Plant Protection Act (NPPA). The NPPA exempts private property owners from the take prohibition on plants as long as the state has notified the landowner of the presence of the plant, the landowner has notified the state of a proposed land use change, and 10 days have passed since the state was notified. This exemption does not apply to the University, which is a state institution. Impacts on succulent owl's-clover would be take of this state-listed endangered species and would require authorization under Fish and Game Code Section 2081. Although the University is seeking authorization for incidental take of federally listed species under Section 7 of the federal Endangered Species Act, in conjunction with its application for a Department of the Army permit for fill of wetlands, authorization for incidental take of federally listed species applies only to fish and wildlife species, not plants. Therefore, issuance of take authorization for federally listed species would not fulfill the requirements of Section 2080.1 for take of succulent owl's-clover. In Section 4.4.3.2 (State Laws and Regulations), under the discussion of the California Endangered Species Act (page

4.4-77 of the Draft EIS/EIR), the first paragraph has been amended to reflect this. See **Section 2, Revisions to the Draft EIS/EIR.**

Response to Comment SA-2-3

Succulent owl's clover, hairy Orcutt grass, San Joaquin Valley Orcutt grass, and Colusa grass are fully addressed in Section 4.4.2.2 (Special Status Species) and under Impact BIO-2. No impacts on hairy Orcutt grass, San Joaquin Valley Orcutt grass, and Colusa grass were identified. Impacts on succulent owl's clover were identified. However, those impacts would be reduced to a less than significant level by the environmental commitments included in the Proposed Action. To further reduce the impact, Mitigation Measure BIO-2 was also included.

Unlisted special status species, including spiny-sepaled button celery, dwarf downingia, beaked clarkia, and shining navarretia are fully addressed in Section 4.4.2.2 (Special Status Species) and under Impact BIO-2. Impacts on dwarf downingia and shining navarretia were identified. However, those impacts would be reduced to a less than significant level by the environmental commitments included in the Proposed Action. To further reduce the impact, Mitigation Measure BIO-2 was also included. No impacts to spiny-sepaled button celery or beaked clarkia were identified.

Western burrowing owl, a State Species of Special Concern, is fully addressed in Section 4.2.2.2 (Special Status Species) and under Impact BIO-8 and Impact BIO-9. The Draft EIS/EIR discusses that although the removal of 1,514 acres of foraging habitat for special-status birds, including western burrowing owl, is a potentially significant impact, it would be reduced to a less-than-significant level through the protection of comparable habitats within Conservation Lands and would be further reduced through the implementation of environmental commitments that will retain the habitat value within Conservation Lands to ensure that they continue to benefit these species.

Response to Comment SA-2-4

State fully protected species with potential to forage or nest in the project area (white-tailed kite, golden eagle, and bald eagle) were discussed in Section 4.0, Biological Resources, of the Draft EIS/EIR, and impacts to these species associated with the Proposed Action were evaluated accordingly.

Response to Comment SA-2-5

As stated in the comment letter, seed collection from state-listed plants would require authorization under Fish and Game Code Section 2081, as discussed under **Response to Comment SA-2-2**.

Response to Comment SA-2-6

Two studies was specifically conducted in 2002 by the University to evaluate the effects of Campus and University Community's projected water demand on the groundwater basin and indirect impacts of the water demand on surface water diversions and related effect on fisheries. The first prepared by UC Merced and the second (Technical Memorandum in Support of UC Merced's Evaluation of Water Supply Effects on Fisheries prepared by CH2M Hill) concluded that because Merced Irrigation District (MID) will meet the minimum flow requirements for Merced River and will participate in the San Joaquin River Agreement, flows in Merced River (and other downstream waters) will not be adversely affected to result in an impact on fisheries. Because the total water demand of the Proposed Action is about the same as previously estimated for the Campus and University Community, the analysis from 2002 is still valid.

The comment recommends additional studies be conducted on the effect on surface waters such as Merced River, the lower San Joaquin River and the Delta, and the impacts to the groundwater basin from projected growth in eastern Merced County. Under CEQA, the University is required to evaluate the environmental impacts related to the Proposed Action. An evaluation of impacts to groundwater from unspecified projected growth in eastern Merced County beyond the scope of a cumulative impacts analysis because it would be speculative. Notably, as discussed in the Draft EIS/EIR, the Merced Area Groundwater Pool Interests (MAGPI), which consists of several municipal and agricultural water purveyors operating in Merced County, has prepared its Merced Groundwater Basin Groundwater Management Plan Update for Merced County, and this plan includes groundwater management plan elements related to conjunctive use operations, replenishment of extracted groundwater, and construction of recharge projects. As described in Section 5.0, Cumulative Impacts, the University will support MAGPI in establishing cooperative arrangements with state and local agencies for purposes of expanding the basin's conjunctive use capabilities.

The comment also recommends UC Merced facilitate the development of a comprehensive water conservation plan for the Proposed Action and for eastern Merced County. The University has designed the Campus as a water-conservative campus, and the Campus will incorporate several elements from the LEED green building system. Furthermore, a new mitigation measure has been added in the Final EIS/EIR (Cumulative Mitigation Measure HYD-3c) which requires the Campus to implement an aggressive water conservation program. The development of a comprehensive water conservation plan for eastern Merced County more generally however is well beyond the scope of the Proposed Action and the Draft EIS/EIR. However, the University is committed to participating with other agencies in regional water conservation efforts. For example, the City of Merced is involved in joint efforts with Merced Irrigation District (MID), UC Merced, the County of Merced, and the Merced County Association of Governments to conserve the regional aquifer.

As described in Section 4.8, Hydrology and Water Quality, and in Section 4.16, Global Climate Change, the Draft EIS/EIR also discusses the effects of global climate change on water supply availability. With respect to the recommendation for additional water supply and groundwater studies in eastern Merced County more generally, this comment does not bear on the environmental impacts of the Proposed Action. However, the University notes that a substantial amount of material and data has been prepared to evaluate water conditions in Merced County. Much of this analysis has been undertaken by MAGPI. Among other studies and activities, MAGPI developed and adopted in July 2008 the Merced Groundwater Basin Groundwater Management Plan 2008 Update. The Draft EIS/EIR references this and other such studies in evaluating the project's impacts to water supply and groundwater. Please see Section 4.8, Hydrology and Water Quality, for further discussion.

STATE OF CALIFORNIA — *Arnold Schwarzenegger, Governor*

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November 13, 2008

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STATE CLEARING HOUSE

Brad Samuelson
UC Regents, USACE
UC Merced, Physical Planning & Design
P.O. Box 2039
Merced, CA 95343

RE: SCH#2008041009 UC Merced and University Community Project; Merced County.

Dear Mr. Samuelson:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

1

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst

CC: State Clearinghouse

Response to Comment Letter SA-3

Response to Comment SA-3-1

As discussed in the Draft EIS/EIR, ICF Jones & Stokes sent a request to the Central California Information Center (CCIC) of the California Historical Resources Information System for a records search review of cultural resources information submitted to their data files in March 2008. The staff of the CCIC conducted a search of their files and reviewed maps for the project area footprint as presented for the Proposed Action and an additional 0.5-mile radius around the project site. The findings of the records search were summarized in Table 4.5-1, Findings of Records Search within the Proposed Action Area.

The Draft EIS/EIR includes a summary of the project correspondence with NAHC. On March 18, 2008, ICF Jones & Stokes cultural resources staff contacted NAHC requesting a search of the NAHC's sacred lands database and a list of Native American contacts for Merced County. On March 20, 2008 the NAHC responded with a list of seven Native American representatives for the Merced County area. The search of the sacred lands database was negative. Please see Section 4.5, Cultural Resources, of the Draft EIS/EIR for more detailed information about Native American consultation.

The Draft EIS/EIR addresses potential impacts of inadvertent discoveries of unidentified or buried cultural resources and to human remains that may be encountered during construction. Implementation of Mitigation Measure CUL-2 and Mitigation Measure CUL-3 would reduce these impacts to less than significant levels.

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

December 24, 2008

Brad Samuelson
University of California, Merced
PPD&C, P.O. Box 2039
Merced, CA 95343

Subject: University of California (UC) Merced and University Community Plan, UC Merced Phase 2 Campus
SCH#: 2008041009

Dear Brad Samuelson:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 22, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	2008041009
Project Title	University of California (UC) Merced and University Community Plan, UC Merced Phase 2 Campus
Lead Agency	University of California, Merced

Type	**EIR** Draft EIR
Description	The proposed project consists of the development of a major research university in Merced County that will support up to 25,000 full-time equivalent students and an associated community. In 2002, the University of California prepared and certified an Environmental Impact Report (EIR) that evaluated the environmental impacts from the approval and implementation of a Long Range Development Plan (LRDP) for the development of a major research university in Merced County. Since then, the plan has changed and the amended plan must be reviewed for compliance with the California Environmental Quality Act (CEQA) before the University can adopt the amended plan. In 2004, the County of Merced certified an EIR that evaluated the environmental impacts from the development of a University Community adjacent to and south of the campus. Since then, the plan for the University Community has also changed and the amended plan must be reviewed for compliance with CEQA.

Lead Agency Contact

Name	Brad Samuelson				
Agency	University of California, Merced				
Phone	209 228-4333	***Fax***			
email					
Address	PPD&C, P.O. Box 2039				
City	Merced	***State***	CA	***Zip***	95343

Project Location

County	Merced						
City	Merced						
Region							
Lat / Long							
Cross Streets	Yosemite Avenue at Lake Road						
Parcel No.							
Township		***Range***		***Section***		***Base***	

Proximity to:

Highways	SR140
Airports	
Railways	
Waterways	Le Grand Canal, Fairfield Canal
Schools	UC Merced
Land Use	UC Merced, Multiple Use Urban Development

Project Issues	Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; Department of Housing and Community Development; Integrated Waste Management Board; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received	11/06/2008	***Start of Review***	11/06/2008	***End of Review***	12/22/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Comment Letter SA-4

Response to Comment SA-4-1

The letter is an acknowledgement that the University has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA.

ADMINISTRATIVE REPORT

AGENDA ITEM: L-1
MTG DATE: 1-20-09

TO: John M. Bramble, City Manager

FROM: Kim Espinosa, Planning Manager

DATE: January 20, 2009

SUBJECT: Final Comments on 2009 UC Merced Long Range Development Plan (LRDP), the University Community, and Draft Environmental Impact Report (EIR)

RECOMMENDATION:

Authorize the Mayor to sign the letter to University officials (Attachment 1) on behalf of the City Council.

DISCUSSION

Background

UC Merced recently issued its *2009 Long Range Development Plan* (LRDP) and *Draft Environmental Impact Report (EIR)* for adoption of the LRDP and associated changes to the adjacent University Community. The public comment period originally ended on January 5, 2009, but University officials extended the deadline to January 21, 2009. While the City is very supportive of UC Merced's development and supports the revised campus "footprint," it is important to register comments within the public comment period on the EIR. This is the best opportunity for the City to have its comments and concerns addressed about impacts of development and services to the expanding campus.

City Comments

City staff, including representatives from all City Departments, reviewed the draft documents. Detailed comments were prepared by each Department and forwarded to the Planning staff for consolidation into a comprehensive draft response to the University. City staff provided an overview of the comments at the December 15, 2008 and January 5, 2009 City Council meetings. City staff has also met with University officials several times over the last month to discuss the City's comments. Because the comment deadline has been extended to January 21, 2009, the City Council will now be able to review the City's response at the January 20, 2009 City Council meeting prior to it being submitted to University officials. Therefore, City staff distributed a draft response to City Council members on January 9, 2009, and a copy of the draft letter and Technical Comments are included at Attachment 1.

The City's comments focus on the following topic areas:

- Mitigation of traffic impacts
- Measurement of traffic impacts
- Provision of City Fire and Police Services
- Wastewater issues
- Water issues
- Requiring local agencies to mitigate for UC impacts

Summary

City staff is recommending that the City Council approve the draft letter at Attachment 1 for submittal to University officials and authorize the Mayor to sign the letter.

RESPECTFULLY SUBMITTED:

KIM ESPINOSA
PLANNING MANAGER

APPROVED:

David B. Gonzalves

DAVID B. GONZALVES
ACTING DEVELOPMENT SERVICES DIRECTOR

REVIEWED AND APPROVED:

John M. Bramble

JOHN M. BRAMBLE
CITY MANAGER

[KE: Projects/2009/City Council/Admin Rpts/UC Merced EIR-AR-01-05-09.doc]

Attachments

1) Draft Letter to University Officials regarding 2009 UC Merced LRDP & Draft EIR/EIS (includes Exhibits)

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January 21, 2009

Regents of the University of California
ATTN: Brad Samuelson
Physical Planning, Design and Construction
University of California, Merced
P.O. Box 2039
Merced, CA 95344
[Email: bsamuelson@ucmerced.edu]

RE: Comments on *2009 UC Merced Long Range Development Plan* and Draft Environmental Impact Report for *UC Merced Long Range Development Plan* and *University Community Project* (SCH No. 2008041009)

Dear Regents of the University of California and Mr. Samuelson:

The City of Merced would like to thank the University of California for the opportunity to comment on the *UC Merced Long Range Development Plan* and the Draft Environmental Impact Report/Environmental Impact Statement for the *2009 UC Merced Long Range Development Plan and UC Merced and University Community Project*. From the beginning, the City of Merced has supported the development of the University of California Merced wholeheartedly and continues to do so enthusiastically today.

The City is submitting the following comments to ensure that the environmental impacts of the expansion of the UC Campus and eventual construction of the University Community are fully mitigated by UC Merced and the University Community so that development does not

ATTACHMENT 1

detrimentally impact the environment. The City's primary interest is as the current and future provider of water, sewer and other basic urban services to the UC Campus and University Community, as well as the jurisdiction whose traffic grid will receive the vast majority of traffic generated by the UC Campus and the University Community. Through these comments, the City hopes to continue the ongoing cooperative planning process with respect to the proposed UC Merced campus and University Community and their City of Merced neighbors.

In this letter, the City has outlined the major areas of concern regarding the *2009 UC Merced Long Range Development Plan* and the Draft EIR/EIS. Detailed comments are provided in the City of Merced Technical Comments attached as Exhibit A. Also attached as Exhibits B, C, and D are letters that the City previously submitted in response to the 2002 and 2004 environmental documents on both the UC Merced campus and University Community Plan. As illustrated by these letters, the City's comments and concerns about the environmental impacts of the UC Campus and University Community have been consistent since the beginning of this process.

COMMENTS ON *2009 UC MERCED LONG RANGE DEVELOPMENT PLAN (LRDP)*

The City of Merced has only minor suggestions regarding the *2009 UC Merced Long Range Development Plan* in the areas of the LRDP's relationship to the University Community Plan, mobility, and services. These comments are provided in the City of Merced Technical Comments attached as Exhibit A.

COMMENTS ON *DRAFT EIR/EIS FOR UC MERCED LRDP AND UNIVERSITY COMMUNITY PLAN PROJECT*

Overall

The Draft EIR/EIS is organized into 3-volumes with Volumes I and II including a "program level" analysis of the UC Merced LRDP and certain actions regarding the University Community and Volume III including a "project level" analysis of Phase II of UC Campus development up to 10,000 full-time students. (It is also acknowledged that another EIR will

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be prepared by the County of Merced at a later date regarding changes to the University Community Plan.) The format of the EIR/EIS makes it very difficult for the reader to clearly distinguish which statements, impacts, and mitigation apply to the implementation of the UC Merced LRDP, the development of the University Community, or both. 1

Measurement of Traffic Impacts

The current analysis of traffic impacts and the underlying traffic studies and proposed mitigation measures are inadequate. The traffic studies and related analysis rely on a regional traffic demand model which is not designed to measure project specific impacts, and therefore, the traffic studies mask the true impacts of the project. The traffic studies and related analysis do not provide an accurate portrayal of the volumes of traffic that will result from the development of the UC Campus, nor do they accurately identify the particular roadway segments and intersections that will be impacted by campus traffic. The analysis also fails to provide a correct description of the present capacities of roadway segments and intersections. 2

As a result of these substantial defects, the traffic analysis in the EIR/EIS does not provide an adequate depiction of the volumes of traffic that will result from the development of the campus, where that traffic will go, and when and where impacts from that traffic will occur.

The EIR/EIS also substantially overestimates that amount of development that will occur outside of UC Merced and the University Community and, therefore, improperly overstates the amount of traffic that will be generated from projects other than the UC Merced expansion and University Community project. As such, the traffic studies that have been prepared by UC Merced substantially underestimate UC Merced/University Community's share of future traffic. Because of these inaccuracies, UC Merced and the University Community will contribute a substantially higher percentage of traffic than the traffic studies and EIR/EIS show. 3

The EIR/EIS does not address who is responsible for building the Campus Parkway between Yosemite Avenue and Bellevue Road and 4

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other necessary campus-related roadways. The EIR/EIS's implication that development of a 25,000-student campus will not impact the City's roadway system to any significant degree stems from the assumption that 70 percent of trips generated by the UC Campus and University Community will remain internal to their development. This assumption affects every part of the traffic study and its conclusions, and is completely implausible and erroneous. This assumption results in substantial underestimation of project trips and therefore, substantial underestimation of project impacts.

Unless and until the University Community is constructed, all UC Merced students, faculty, and staff must travel to or through the City of Merced for all shopping, non-campus dining, dentist and doctor's visits and entertainment. In addition, because adequate on-site student housing will not exist unless and until the University Community is constructed, a substantial number of students will live in off-campus housing and must travel through the City of Merced to reach UC Merced for classes and other related activities. While a fraction of these trips may be addressed by the public transportation system, a substantial majority will utilize vehicles, thus creating a much greater environmental impact on traffic and transportation in the City of Merced than is considered by the travel studies and related analysis. This also illustrates the requirement under CEQA to analyze interim conditions, not just the ultimate build-out of the Campus and University Community. The EIR/EIS fails to analyze such interim conditions. 4

In addition, the same impacts will occur on a much greater basis if UC Merced expands to between 10,000 and 25,000 students without the construction of the University Community. The traffic studies included within the EIR/EIS do not properly analyze the impact of the failure to construct the University Community on the traffic and transportation system in the City of Merced and Merced County. These impacts must be fully analyzed. 5

In order to address the substantial deficiencies in the traffic studies and the EIR/EIS analysis regarding traffic and related impacts as outlined above and in Exhibit A, UC Merced must prepare new traffic studies that fully analyzes these impacts, the EIR/EIS will need to be updated to 6

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reflect the analysis of the new traffic studies, and the EIR/EIS will need to be recirculated. 6

Traffic Mitigation

Under well-established case authority that has been in place for more than 20 years, "[t]he requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA." (*Sundstrom v. County of Mendocino*, (1988) 202 Cal. App. 3d 296, 306.) The *Sundstrom* court went on to state:

> "By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process. (Citations.) ...[T]he Supreme Court approved the principle that the environmental impact should be assessed as early as possible in government planning. Environmental problems should be considered at a point in the planning process where genuine flexibility remains. (Citation.) A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. (*Id.* at 307 (citations and internal quotations omitted).)

Unfortunately, in direct contravention of well-established case authority, the UC Merced EIR/EIS proposes to do just that – defer mitigation to a future date based upon future traffic studies. This is despite the clear requirement that under CEQA, the lead agency bears a burden to investigate potential environmental impacts. (*County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal. App. 4th 1544, 1598.) For example, the mitigation proposed in TRANS 1 would allow development of the University campus to be followed by studies to measure the actual traffic impacts after they have occurred and to determine what UC's fair share would be. However, the proposed mitigation measures then make UC Merced's obligations to mitigate even more attenuated by placing 7

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additional roadblocks in the requirements that UC make mitigation payments. The City has prepared a flow chart (page 28 of the City's Technical Comments at Exhibit A) that illustrates all the various decision points proposed in the mitigation measures before UC Merced contributes its fair share toward improvements needed to mitigate the environmental impacts to the circulation system caused by UC Merced's development. It appears that if agreement cannot be reached at any of these various decision points, then UC Merced would make no payments and thus, the impacts would not be mitigated. 7

The mitigation program to address identified impacts is inadequate and does not present a sufficient or practical means to construct the improvements necessary to mitigate the impacts resulting from campus generated traffic. The monitoring of traffic triggered by every 3,000 students is insufficient to accurately track UC impacts and, as outlined above, does not meet CEQA's requirements. The EIR/EIS's proposed requirements that mitigation improvement projects be fully funded, CIP identified, designed with UC review and built before UC contribution is simply unusable in the context of locally built transportation projects and will result in the identified impacts not being mitigated, mitigated without UC contribution, or at best, being mitigated long after the impacts occur. 8

Based upon the proposed mitigation program for traffic impacts, the UC Merced EIR/EIS does not propose to mitigate the substantial impacts of UC Merced and the University Community to less than a level of significance. The California Supreme Court decision of *City of Marina v. Board of Trustees of California State University (2006) 39 Cal. 4th 341, 359* clearly requires UC Merced to mitigate the impacts of its development and expansion because CEQA requires a public agency to mitigate or avoid its projects' significant effects not just on the agency's own property but on the environment. Instead, the mitigation measures proposed by UC Merced's EIR/EIS would provide very limited and inadequate mitigation measures -after the impacts have already occurred. 9

As indicated by the Court in *Anderson First Coalition v. City of Anderson (2005) 130 Cal. App. 4th 1173, 1189*, to be sufficient under CEQA, a fair-share mitigation fee measure must specify specific amounts that will be 10

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paid for specific improvements, specify that the project will also pay specific portions of remaining improvements, and make these fees part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the traffic impacts at issue. The mitigation measures proposed by the EIR/EIS fall far short of this requirement and must be substantially strengthened to require real and actual mitigation of project impacts. 10

UC Merced must mitigate its project impacts as required by CEQA and well-established case authority. After UC Merced prepares new traffic studies, the EIR/EIS section on traffic is properly revised, and the EIR/EIS is recirculated, a mutually-agreeable mitigation plan must be implemented to address the environmental impacts. While the City of Merced has supported the development of the University of California Merced wholeheartedly and continues to do so enthusiastically today, the development of UC Merced cannot come at the cost of the residents of the City of Merced seemingly being required to pay for UC's impacts. The proportionate cost of such mitigation must be borne by UC Merced. 11

<u>Recommended Principles for Transportation Impact Mitigation Measures</u>

Once UC Merced addresses the inadequacies in the traffic studies, a revised mitigation arrangement that includes the following principles would (subject to the specific terms) be acceptable to the City:

1) While most development within the University Campus itself would not subject to customary impact fees, the Campus development shall fully mitigate its impacts by paying its fair share of transportation impacts.

2) Payments shall be made based on verifiable "triggers" preceding the impacts. These could take any of three forms: 12

    a) payment of a lump sum for all identified impacts prior to commencement of the project (this is the customary method, applying to almost all developments);

    b) payments of agreed amounts based upon annual monitoring for meeting of predetermined traffic levels on key road segments or intersections;

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c) payment per student on an annual basis based on official enrollment in September of each year (this method is already being used in the University's sewer-water agreement with the City).

3) Transportation mitigation payments made to a local jurisdiction by the University shall be deposited into a special restricted fund held by the jurisdiction. Funds shall only be used to fund improvements to the specific road segments that will receive additional traffic from the UC Merced and/or the University Community developments.. 12

4) Development within the University Community shall pay all customary impact fees to local jurisdictions, as well as specified mitigations. Mitigation payment for non-Campus property covered within the scope of the EIR is not subject to the *Marina* decision; provided, however, that, to the extent that property that was originally part of the University Community is subsequently utilized for Campus purposes, the environmental process will need to be reopened so that the impact of such conversion can be fully mitigated.

Provision of Police Services

The EIR indicates that the UC will require the services of the City Police Department through either annexation or service agreements, but also holds out the option of having the UC Police provide services to the University Community. The City is very amenable to providing police services to the University Community; but if annexation is delayed, service agreements that address the costs of providing such services (including facilities, personnel, and equipment) will need to be negotiated. Because the expansion of UC Merced and the development of the University Community will create significant impacts on police services, mitigation must be added to address those impacts. UC Merced must be responsible for its impacts on local services. 13

The EIR/EIS indicates that a new police station is planned as part of the University Community. Because the need for such facility is triggered by the expansion of the UC Merced and the development of the University Community, such police station must be paid for by UC Merced and/or

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the University Community– not the City of Merced. The resources of the Merced Police Department would be available to UC Merced and the University Community if the appropriate contractual agreements were entered into or if this area annexed to the City of Merced. Otherwise, these resources would only be available after the Merced County Sheriff's Department has responded to calls, mutual aid is requested, and such mutual aid is actually available. 13

There is some thought about the UC Merced Police Department assuming public safety for the Community rather than the Merced Police Department. The City is opposed to the concept of the UC Police serving the University Community for a variety reasons. (Details are outlined in City Comment #59 in Exhibit A.) 14

Provision of Fire Services

The EIR/EIS indicates that the UC will require the services of the City Fire Department through either annexation or service agreements, but also holds out the option of the potential development of a UC Fire Department. The City is very amenable to providing fire services to the UC and University Community; but if annexation is delayed, service agreements that address the costs of providing such services (including facilities, personnel, and equipment) will need to be negotiated. Because the expansion of UC Merced and the development of the University Community will create significant impacts on fire services, mitigation must be added to address those impacts. UC Merced and the University Community must be responsible for their impacts on local services. 15

Alt 1—Impact PUB-2 indicates that although the proposed action would result in an increased demand for fire protection services and would require the construction of a new facility, that the impact is less than significant. The City disagrees with that conclusion. The UC needs to mitigate its impact on fire services either by constructing or operating its own Fire Department or contracting with the City of Merced to provide fire services and paying for its impacts on fire services like any other development project. The same is true for the alternatives. 16

Mitigation Measure PUB-2 states that impacts would require new fire facilities, but the impact is "less than significant", and therefore, no mitigation is required. UC Merced would not be subject to City impact

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fees, so City would receive no contribution to the new facilities that the EIR says are required. This is unacceptable to the City—the UC must be responsible for its impacts on local services.

Regarding *Alt 1 – Impact PUB-2,* while the City's General Plan and Public Facilities Financing Plan identifies the need for a new fire station in the general vicinity of Bellevue Road and G Street, that station was planned to serve growth within the City's current Specific Urban Development Plan (SUDP) boundary and was not planned to serve the University or University Community. If a new fire station is needed to serve UC Merced and/or the University Community, such a fire station would need to be constructed at the expense of UC Merced and/or the University Community– not the taxpayers of the City of Merced. This fire station could be operated by the City of Merced if the property was annexed to the City or an appropriate contract was agreed upon. 16

Wastewater

The EIR/EIS indicates that the UC campus expansion would require wastewater services from the City as per our current agreement, but also offers the option of some time in the future having their own wastewater treatment facilities on site. The City's policy regarding the University Community (adopted by the City Council on July 17, 2006) states that "no separate wastewater treatment plant should be allowed or constructed in the area, given the risks to the City's groundwater supply that could result, and competition for qualified licensed operators. This statement does not, however, preclude consideration of innovative methods of wastewater treatment for the area which are reasonably viable from an economic perspective." The City's preferred option, however, would definitely be to have wastewater treatment provided by the City through the City's existing Wastewater Treatment Plant. 17

However, the EIR also indicates incorrectly that no new wastewater conveyance or treatment facilities will be needed. The Proposed Action would clearly require additional wastewater treatment capacity. A new mitigation measure should be imposed requiring UC Merced and the University Community to have binding Sewer Service Agreements with the City and agree to pay all connection and capital charges for each new connection. In addition, UC Merced and the University Community 18

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must construct (at their sole expense) the necessary connections and expansions to the wastewater treatment system. The EIR also needs to better address how UC Merced will manage its sewer collection system to prevent hazardous wastes, etc. from entering the City's system. 18

The EIR/EIS proposes two alternatives to the effluent generated from the UC Merced expansion and University Community being processed by the City's Wastewater Treatment Plant. Neither option is acceptable to the City of Merced, and both options would have substantial environmental impacts that must be fully mitigated.

The first option proposes that UC Merced create its own wastewater treatment plant on-site. (Such treatment plant could not be operated by the County of Merced since the County does not currently operate wastewater treatment plants.) As stated above, the City's policy discourages the use of an onsite wastewater treatment facility.

The second option is for UC Merced to recycle 95 percent of the water, and then it is unclear (due to conflicting statements in different sections of the EIR/EIS) whether the remaining effluent and solids are treated onsite or discharged -into the City's wastewater collection system. If the intention is to discharge the effluents and solids into the City's system, such process would concentrate all of the pollutants in the effluent because, by the time that such effluent was released, the effluent could already be turning septic, creating noxious fumes and corrosive atmosphere. This could cause substantial problems with the City's sewer lines and associated pump stations. In addition, once the highly concentrated effluent reached the City's wastewater treatment plant, it could create issues with the wastewater treatment plant, including but not limited to, causing the processing of the effluent to be substantially more complicated and expensive. 19

To the extent that UC Merced still wishes to pursue this option, UC Merced must fully mitigate the environmental impacts of its highly concentrated effluent including (but not limited to) paying all maintenance and replacement costs associated with the collection system and pump stations that are downstream from UC Merced/ University Community effluent. In addition, UC Merced/University Community must pay all costs associated with processing this very concentrated effluent.

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Water

In order for UC Merced/University Community's demand for potable water to be properly met by the City of Merced, the City's water infrastructure must be properly maintained and new facilities constructed. While the UC Merced Campus currently has a City water connection and has paid appropriate connection fees, there could be a need for additional connections in the future. A mitigation measure should be added that UC Merced and the University Community (which has no existing connection) must pay all connection fees for each new water connection and have a valid and binding Water Service Agreement with the City of Merced in place at the time of each connection. In addition, UC Merced and the University Community must construct (at their sole expense) the necessary additional connections and improvements to the City's water system necessary to serve UC Merced and the University Community. It is not an option for the County of Merced to provide water service since the County does not operate water systems. 20

Requiring Local Agencies to Mitigate UC's Impacts

In various mitigation measures, the responsibility for mitigating aesthetics, agricultural, air quality, biological, and noise impacts is delegated to the local agency. In other mitigation measures, costly studies are required to be performed by local agencies to address UC global climate change impacts. It is not the University's place to direct local governments to perform such mitigation measures. These mitigations and studies need to be UC's responsibility or they need to pay for the studies to be performed, not the local agency. 21

Biological Impacts: Although the EIR concludes that the Project's impact will be less than significant due to actions and agreements already in place, the EIR proposes a new mitigation measure (BIO-7) to further ensure that the impacts to Swainson's Hawk habitat will be mitigated. The measure then attempts to bind a local agency, which is not the proponent of any Project in the study area, to ensure that this additional mitigation be implemented. The proposed mitigation should be removed on the basis that: (1) it is not needed to reduce the impact to less than significant; and (2) a local jurisdiction is not the entity to be named as being responsible for mitigating the supposed impact. The same 22

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comments apply to the proposed mitigation measure (BIO-10) regarding the *San Joaquin Kit Fox*. City Staff suggests changing the wording to "subsequent projects will be obligated to" as a replacement of the reference to any local jurisdiction. 22

Global Climate Change: The proposed mitigation measure (GCC-1) to lessen impacts to the production of greenhouse gases attempts to bind a local agency, which is not the proponent of any Project in the study area, to ensure that this mitigation be implemented. Additionally, the significance threshold established for the University Community is not one held by either the City or County, but appears to be one supported by the University of California. Finally, the mitigation measure states that the Climate Action Plan should be incorporated into the jurisdiction's General Plan, which has broader geographic application than just the subject Project site. For these reasons alone, the mitigation measure is inappropriate and unacceptable. Because the northern portion of the University Community is owned by University Community Land Company (UCLC), and the development of the Community North would be guided by all the University's commitments under the Presidential Policy for Sustainable Practices described above, it would make more sense for the UCLC to fill this role. 23

Similar comments apply to Cumulative Mitigation Measures AES-1 (aesthetics), AG-1 (agriculture), AQ-1 (air quality), HYD-3b (hydrology and water quality), and UTILS-3 (utilities), which require the City and/or County to ensure that all feasible mitigation measures are imposed on development projects within the University Community or to impose water conservation or solid waste reduction programs. It is not the University's place to direct local governments to perform such mitigation measures. 24

CONCLUSION

Thank you again for the opportunity to comment on the *2009 UC Merced Long Range Development Plan* and the Draft EIR for the *2009 UC Merced Long Range Development Plan and UC Merced and University Community Project*. From a local and regional planning perspective, as well as from the perspective of providing efficient service delivery to the Community project, future annexation of the University Community is the 25

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most logical option for governance of that area. The City is confident of achieving a mutual resolution of all concerns on these important projects. 25

If you have any questions on these comments, please contact me or City Manager John Bramble at (209) 385-6834.

Sincerely,

Ellie Wooten
Mayor

cc: Merced City Council
Merced City Planning Commission
Merced City Department Heads

Exhibits

A) City of Merced Technical Comments on 2009 UC Merced LRDP & UC Merced and University Community Project Draft EIR/EIS (January 21, 2008)
B) Letter to County Board of Supervisors regarding Revised University Community Plan & EIR (September 9, 2004)
C) Letter to University of California and County Board of Supervisors regarding UC Merced LRDP, University Community Plan, and Draft EIR's (October 4, 2001)
D) Letter to County Board of Supervisors regarding University Community Plan (October 11, 2001)

[KE: GPImplem/UCMerced/EIR's/2008CampusRevisions/UC EIR Comment Letter-Jan21-09.doc]

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CITY OF MERCED TECHNICAL COMMENTS ON
2009 UC MERCED LONG RANGE DEVELOPMENT PLAN &
UC MERCED AND UNIVERSITY COMMUNITY PROJECT DRAFT
EIR/EIS
[1/10/2009]

COMMENTS ON 2009 UC MERCED LONG RANGE DEVELOPMENT PLAN

5.0—The Plan (p. 42-59)

1) *Introduction:* The Campus and Community issues have been blurred. Campus Plan states if there are off-site considerations then they should be addressed in the University Community Plan, which has not yet been revised. The Community is not part of the UC LRDP. Chapter 5 considers and addresses this topic. If the LRDP is to include policies/direction for the University Community, it should also address impact to adjoining infrastructure and services necessary to support the Community (fire, police, water, sewer, storm drainage). 26

2) The LRDP mentions the University Community. Since these areas are proposed to be within the City's Sphere of Influence (SOI) and will be annexed in the future, circulation, land use, utilities, etc. need to be coordinated with the City of Merced. 27

7.2—Mobility: Bicycles

3) *Bike Plan--Bike Facility Designations (p. 88 & 90):* Type 2 Bike Lanes, not Type 3, should be incorporated into the 120-foot wide Bellevue Pedestrian Mall in areas where there is vehicular traffic, and marked as a Type 1 Bike Trail/Path where there is no vehicle traffic. Likewise, the 120-foot wide "East-West Pedestrian Mall" should be marked as a Type 1 Bike Trail/Path as there is no vehicular traffic on this road. These changes will emphasize the use of these rights-of-way for bicycle travel instead of the currently designated Type 3 category. 28

7.3—Mobility: Transit

4) *Transit--Intercommunity Transit Center:* The City applauds the University for contemplating the placement of an intercommunity 29

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transit center sited at the campus "front door" arch (p. 88, Section 7.3). The City suggests that the verb "contemplates" be replaced with a word or words that confirm the University's role in constructing and operating this facility. Similarly, Mobility Policy #14 (p. 99) should be modified to clearly state the intent of the University with regard to the financing and associated construction and operation of this facility. 29

As an intercommunity transit center, there should be a transit route connection between UCM and the community of Merced. There is no such route, however (see Transit Access Figure, p. 91). The City recommends amending this figure by marking an appropriate route for the "Regional Transit Route' to connect with the intercommunity transit center.

<u>7.5—Mobility: Vehicles</u>

5) *Street Section--Community Connector Labeling*: City Staff suggests that consistent nomenclature be utilized. Whereas the figure on page 93 uses the term "<u>Community</u> Connector," the cross-sections use "<u>Local</u> Connector." With regard to labeling these types of roads, the figure on page 93 needs to be amended to denote what type of connector is planned in the far northeast corner of the Project site. 30

<u>7.10—Mobility: Mobility Policies (MOB) (p. 98-99)</u>

6) *Mobility Policy #18*: The proposed use of gravel parking lots will contribute to fugitive dust air pollution. The EIR should include a companion mitigation measure that directly addresses what methods will be used to minimize the production of dust from these parking lots or require paved parking lots as the City of Merced does. 31

<u>8.1—Services: Utilities on Campus Today</u>

7) Under "Fire" (p. *106)*, it states that the City of Merced provides "backup and mutual aid" to the county. The City of Merced will not agree to automatic backup unless such backup assistance is pursuant to a contractual relationship. 32

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8) *Pages 104-106*: If annexed, then both UC Merced and the University Community must use City services. If not annexed, then other options need to be outlined and evaluated. 33

8.2—Services: Services Policies (SER)

9) *Proposed Services Policy (SER) #3 (p. 107)* calls for the coordination of the installation and/or upgrading of information technology underground infrastructure. This technology should include conduit infrastructure for the City of Merced for future "Smart" City uses, including traffic management, CCTV technologies, fiber infrastructure, and potential wireless technologies. 34

10) *Proposed Services Policy SER-5 (p. 107)* would have a substantial environmental impact that must be fully mitigated. The EIR/EIS proposes two alternatives to the effluent generated from the UC Merced expansion and University Community being processed by the City's Wastewater Treatment Plant. The first option proposes that UC Merced create its own wastewater treatment plant on-site. It is unacceptable for a wastewater treatment plant (with its associated effluent) to be sited above the aquifer from which the City of Merced obtains all of its potable water. This aquifer is the sole source of water for the City of Merced and must not be contaminated in any way by a wastewater treatment plant.

The second option is for UC Merced to recycle 95 percent of the water, and then discharge the remaining effluents in the City's wastewater collection system. Such process would concentrate all of the pollutants in the effluent because, by the time that such effluent was released into the City's collection system, the effluent would already be turning septic, creating noxious fumes and corrosive atmosphere. This would cause substantial problems with the City's sewer lines and associated pump stations. In addition, once the highly concentrated effluent reached the City's wastewater treatment plant, it would create issues with the wastewater treatment plant – causing the processing of the effluent to be substantially more complicated and expensive. To the extent that UC Merced still wishes to pursue this option, UC Merced must fully mitigate the environmental impacts of its highly concentrated effluent, including 35

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(but not limited to) paying all maintenance and replacement costs associated with the collection system and pump stations that are downstream from UC Merced/University Community effluent. In addition, UC Merced/University Community must pay all costs associated with processing this very concentrated effluent. 35

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COMMENTS ON UC MERCED AND UNIVERSITY COMMUNITY PROJECT DRAFT EIR/EIS (VOLUMES I & II)

Overall

11) The Draft EIR/EIS is organized into 3-volumes with Volumes I and II including a "program level" analysis of the UC Merced LRDP and certain actions regarding the University Community and Volume III including a "project level" analysis of Phase II of UC Campus development up to 10,000 full-time students. (It is also acknowledged that another EIR will be prepared by the County of Merced at a later date regarding changes to the University Community Plan.) The format of the EIR/EIS makes it very difficult for the reader to clearly distinguish which statements, impacts, and mitigation apply to the implementation of the UC Merced LRDP, the development of the University Community, or both. The maps throughout the document are also unclear and make it hard to distinguish between Phase I and Phase II of the Campus development and the University Community North. 36

Executive Summary

12) *EIR Vol I*: *Project Description* and *Purpose and Needs* should be explicit as to what exactly is the full project and that project description should be continuous and consistent throughout the documents. 37

13) *Page ES-4*: UC is asking City and County to mitigate for their impacts. If they are UC impacts, then UC needs to fully mitigate. 38

14) *Page ES-6*: Proposed action states that environmental commitments that the UC and County have already completed will mitigate future impacts, but past actions cannot mitigate future actions. 39

15) *Impact HYD-1 (p. ES-35)*: Contrary to the statements in the Executive Summary, implementation of the Proposed Action would result in discharges that would cause the City's Wastewater Treatment Plant to violate waste discharge requirements. In order to serve the ultimate buildout of UC Merced (i.e., 25,000 students), the 40

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City's Wastewater Treatment Plant will need to be expanded to avoid violating waste discharge requirements.

a) *Mitigation Measure HYD-1:* Under the terms of the City's
existing Sewer Service Agreement with UC Merced for Phase I
of the campus, UC Merced has agreed to pay a per student fee
as reported on an annual basis. A new or modified Sewer
Service Agreement will need to be negotiated for subsequent 41
phases of UC Merced development and a separate agreement
will need to be reached for the University Community. UC
Merced and the University Community will need to pay the
applicable wastewater connection fees as required in these
agreements in order to mitigate the impacts on the City's
Wastewater Treatment Plant. UC Merced and the University
Community must have a valid and binding Sewer Service
Agreement with the City of Merced in place at the time of each
new sewer connection.

16) *Impacts HYD-1 through HYD-3 (p. ES-35-36):* The document says
discharge would not cause City to violate discharge requirements.
However, mitigation will need to be required to address laboratory 42
waste, toxic discharge, as well as oil contamination from non-paved
lots into low water basins. This issue could be addressed in the
Sewer Service Agreement between the University and the City.

17) *Impact HYD-6 (p. ES-36):* It is stated that the Proposed Action
Alternative would increase the amount of storm runoff and alter
existing drainage patterns, but would not increase the risk of flooding
downstream. 43

a) *Mitigation Measure HYD-6:* UC Merced needs to take
appropriate action to ensure that any increase in the amount of
storm runoff is detained onsite so that the amount of off-site
storm runoff is not increased. The project must also comply
with all NPDES requirements.

18) *Transportation and Traffic Impact TRANS-1 (p. ES-50 to ES-55):* 44
The UC Merced EIR/EIS does not propose to mitigate the
substantial impacts of UC Merced and the University Community to

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less than a level of significance. The California Supreme Court decision of City of Marina v. Board of Trustees of California State University (2006) 39 Cal. 4th 341, 359 clearly requires UC Merced to mitigate the impacts of its development and expansion because CEQA requires a public agency to mitigate or avoid its projects' significant effects not just on the agency's own property but on the environment. Instead, the mitigation measures proposed by UC Merced's EIR/EIS would provide very limited mitigation measures (if at all) after the impacts have already occurred. In addition, as the mitigation measures are currently drafted (see, for example Measure TRANS-1B-2) only the University Community would contribute to payment of mitigation fees – not the UC Merced project, which will have 25,000 students at buildout In order to address the substantial deficiencies in the traffic studies and the EIR/EIS analysis regarding traffic and related impacts as outlined above and in the attachment, UC Merced must prepare new traffic studies that fully analyzes these impacts, the EIR/EIS will need to be updated to reflect the analysis of the new traffic studies, and the EIR/EIS will need to be recirculated. 43

There is also a lack of substantial evidence in the record that UC Merced and the University Community will actually mitigate the impacts of this substantial development; instead, as currently drafted, the mitigation measures provide substantial ways for UC Merced and the University Community to avoid actual mitigation of the project's impact. For example, Mitigation Measure TRANS- 1A-7 proposes to reduce UC Merced's obligation to mitigate by any state or federal funding received for the mitigation obligation, while mitigation measure TRANS-IA-5 and TRANS-IA-6 only requires UC Merced to pay for its "proportional share" of total traffic volume – even if the improvement being considered would not have been necessary without the UC Merced expansion and the construction of the University Community. As indicated by the Court in *Anderson First Coalition v. City of Anderson (2005) 130 Cal. App. 4th 1173, 1189*, to be sufficient under CEQA, a fair-share mitigation fee measure must specify specific amounts that will be paid for specific improvements, specify that the project will also pay specific portions of remaining improvements, and make these fees part of a reasonable, enforceable plan or program that is sufficiently tied to the actual 44

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mitigation of the traffic impacts at issue. The mitigation measures proposed by the EIR/EIS fall far short of this requirement and must be substantially strengthened after new traffic studies are prepared to require real and actual mitigation by UC Merced. 44

19) Traffic from the UC Merced/University Community will have a substantial impact on the entire traffic grid in the City of Merced. Because the City of Merced is (by far) the largest community in the County of Merced and has substantial retail and residential components, a substantial number of new trips generated by the expansion of UC Merced and the University Community will travel through or terminate in the City of Merced. As such, in order to fully mitigate these impacts on the City of Merced traffic grid, the EIR/EIS must fully identify the mitigation measures that will mitigate the impacts to less than a level of significance, and UC Merced and the University Community must fully mitigate such impacts before the impacts occur. 45

20) *Cumulative Impact PUB-1 (p. ES-62):* This item states that the development of the Campus and the University Community (with 25,000 students, plus additional teaching staff, support staff and businesses) would result in an increased need for law enforcement services, but such need would not result in a significant cumulative environmental impact. 46

  a) The substantial increase in population will have a substantial cumulative impact on the need for law enforcement services. While UC Merced maintains its own police force, the University Community will need to construct (at their expense) a police substation on site, and make appropriate arrangements with the City to fund the ongoing cost of staffing the facility if annexation has not occurred.

21) *Cumulative Impact PUB-2 (p. ES-63):* This item states that development of the Campus and the University Community (with 25,000 students, plus additional teaching staff, support staff and businesses) would result in an increased need for fire protection 47

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services, but such need would not result in a significant cumulative environmental impact.

a) The substantial increase in population and facilities will have a substantial cumulative impact on the need for fire protection services, including the need for specialized equipment and training for issues unique to university research facilities and laboratories. UC Merced and the University Community must construct (at their expense) a fire station on site, and make appropriate arrangements with the City to fund the cost of staffing the facility if annexation has not occurred. 47

22) *Cumulative Impact PUB-3 (p. ES-63):* This item states that development of the Campus and the University Community (with 25,000 students, plus additional teaching staff, support staff and businesses) would result in an increased need for educational services, but such need would not result in a significant cumulative environmental impact. 48

a) The substantial increase in population will have a substantial cumulative impact on the need for educational services. UC Merced and the University Community must pay all statutory school fees associated with the development of their facilities.

23) *Cumulative Impact PUB-4 (p. ES-64):* This item states that development of the Campus and the University Community (with 25,000 students, plus additional teaching staff, support staff and businesses) would result in an increased need for parks, but such need would not result in a significant cumulative environmental impact. The substantial increase in population will have a substantial cumulative impact on the need for park services within the City of Merced. 49

a) As mitigation, the University Community will pay the City of Merced park fees (or amounts equivalent to those fees) for all construction that occurs.

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24) *Cumulative Impact Util-1 (p. ES-65):* This item indicates that the "development of the Campus and University Community would result in a substantial increase in demand for water..."

a) To mitigate this impact, UC Merced and the University Community must have a valid and binding Water Service Agreement with the City of Merced in place for Phase 2 of the Campus and pay all connection fees for each new water connection. In addition, UC Merced and the University Community must construct (at their sole expense) the necessary additional connections and improvements to the City's water system necessary to serve UC Merced and the University Community. If UC Merced wishes to construct their own water system, they need to protect the aquifer for the City and permit cross-connections with City system that are acceptable to the City. 50

25) *Cumulative Impact Util-2 (p. ES-65):* This item indicates that the "development of the Campus and University Community would result in a significant and cumulative impact on wastewater collection and treatment facilities..."

a) This impact can and must be fully mitigated by UC Merced and the University Community. Under the terms of the City's existing Sewer Service Agreement with UC Merced for Phase I of the campus, UC Merced has agreed to pay a per student fee as reported on an annual basis. A new or modified Sewer Service Agreement will need to be negotiated for subsequent phases of UC Merced development and a separate agreement will need to be reached for the University Community. UC Merced and the University Community will need to pay the applicable wastewater connection fees as required in these agreements in order to mitigate the impacts on the City's Wastewater Treatment Plant. UC Merced and the University Community must have a valid and binding Sewer Service Agreement with the City of Merced in place at the time of each new sewer connection. In addition, UC Merced and the University Community must construct (at their sole expense) the necessary connections and expansions to the wastewater 51

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collection system to mitigate all of the impacts of this proposed project.

b) In addition, if UC Merced and/or the University Community wishes to implement a recycled water plant, such plant must be designed in such a way as to not negatively impact in any way the aquifer that runs under the UC Merced and University Community sites. This aquifer is the sole source of water for the City of Merced and must not be contaminated in any way by a recycled water plant. 51

1.0 Introduction

26) *Statement of Purpose*: This section refers to the document covering the LRDP; the revised University Community Plan (not available); and an MOU for development between UC, UCLC, and LWH Farms. The revised University Community Plan and the MOU have not been made available for review and should be in order for the City to evaluate whether the environmental analysis adequately covers these documents. 52

27) *Impacts and Mitigations – Predominant Concern*: California universities have traditionally taken the position that they cannot pay for environmental impacts at all, until the *Marina* decision (*City of Marina v. Board of Trustees of California State University* (2006) 39 Cal. 4th 341) clarified that universities must mitigate the impacts of their project, including off-site impacts. However, if an impact is not identified in an environmental document, a university may be able to avoid other payments, such as local fees. Since UC is not subject to local building permits, the City does not have a mechanism to exact any impact fees from the UC, so payment toward public facilities is most likely limited to those mitigations identified in this EIR/EIS. Therefore, as in PUB-1, PUB-2 and others discussed below, even if the EIR says there is an impact requiring new facilities, the UC will not pay any impact fees on its development. It is therefore critical to include as mitigation the payment of amounts equal to local impact fees or the actual construction of such facilities. 53

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2.0 Project Description

28) *Wastewater Treatment* (p. 2.0-25): Although the City of Merced has a certified EIR for the expansion of the City Wastewater Treatment Plant for up to 20 mgd, the City cannot pay for the expansion of this facility without connection fees paid by new development for this substantial capital project. UC Merced and the University Company will have to pay connection fees in order for the expansion of the wastewater treatment plant to occur. In addition, UC Merced and the University Community must have a valid and binding Sewer Service Agreement with the City of Merced in place at the time of each sewer connection. 54

29) *Wastewater Treatment* (p. 2.0-26): The EIR/EIS proposes two alternatives to the effluent generated from the UC Merced expansion and University Community being processed by the City's Wastewater Treatment Plant. Neither option is acceptable to the City of Merced, and both options would have substantial environmental impacts that must be fully mitigated.

The first option proposes that UC Merced create its own wastewater treatment plant on-site. The City's policy regarding the University Community (adopted by the City Council on July 17, 2006) states that "no separate wastewater treatment plant should be allowed or constructed in the area, given the risks to the City's groundwater supply that could result, and competition for qualified licensed operators. This statement does not, however, preclude consideration of innovative methods of wastewater treatment for the area which are reasonably viable from an economic perspective." The City's preferred option, however, would definitely be to have wastewater treatment provided by the City through the existing Wastewater Treatment Plant. 55

The second option is for UC Merced to recycle 95 percent of the water, and then it is unclear (due to conflicting statements in different sections of the EIR/EIS) whether the remaining effluent and solids are treated onsite or discharged into the City's wastewater collection system. If the intention is to discharge the effluents and solids into the City's system, such process would concentrate all of the

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pollutants in the effluent because, by the time that such effluent was released, the effluent could already be turning septic, creating noxious fumes and corrosive atmosphere. This could cause substantial problems with the City's sewer lines and associated pump stations. In addition, once the highly concentrated effluent reached the City's wastewater treatment plant, it could create issues with the wastewater treatment plant, including but not limited to, causing the processing of the effluent to be substantially more complicated and expensive. 55

To the extent that UC Merced still wishes to pursue this option, UC Merced must fully mitigate the environmental impacts of its highly concentrated effluent including (but not limited to) paying all maintenance and replacement costs associated with the collection system and pump stations that are downstream from UC Merced/University Community effluent. In addition, UC Merced/University Community must pay all costs associated with processing this very concentrated effluent.

30) *Wastewater* (p. 2.0-47): The City incorporates by reference its comments regarding Wastewater Treatment (p. 2.0-26) above. In addition, UC Merced and the University Community must fully pay all costs associated with upgrading the wastewater collection system to facilitate expansion of UC Merced and the development of the University Community. 56

3.0 Alternatives

31) No Comments

4.0 Affected Environment and Environmental Consequences

4.1 Aesthetics

32) A new high voltage transmission line is proposed along one of three alternative routes to terminate at a location near Lake Road within the Community North (the alternative alignments would either follow Yosemite Avenue, Cardella Road, or the Campus Parkway). The City requires all new utility lines to be installed underground if 57

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feasible. If this transmission line has too high a voltage to be installed underground, then such utility line must sited in such a manner as to minimize its aesthetic impacts on City roadways. There are locations where the proposed mitigation (Mitigation Measure AE-3 on p. 4.1-23 to -24) to screen the view of the transmission line with trees is inadequate. There is reference to the need for a project-level environmental review to be prepared by PG&E at a later date, which will need to address these impacts. 57

33) *Mitigation Measure AES-3a and –3b (p. 4.1-23 to -24):* Screening of aboveground infrastructure on UC property should not be required of the City, County, or other developers. It is the UC's or University Community's responsibility to address such mitigation measures. 58

4.2 Agricultural Resources

34) *Mitigation Measure AG-1 (p. 4.2-29 to -30):* The measure requires future development within the University Community to mitigate for the loss of Important Farmland by securing agricultural easement on comparable farmland at a minimum ratio of 1:1. Since there is, at this time, no adopted County or City policy requiring this level of farmland mitigation, this mitigation measure should be modified to reflect that future decisions of the City or County may modify those requirements. The City plans to include the University Community within its Sphere of Influence as part of the City's General Plan Update. At that time, the level of farmland mitigation (if any) will need to be established for the University Community and other lands within the City's Sphere. The City would not want adoption of this mitigation measure to set a precedent for future City Council decisions regarding farmland mitigation, which must be left to their discretion. 59

35) *Page 4.2-28 to -29:* Reference is made to 70 acres of Important Farmlands and 26,435 acres of grazing land that the University has voluntarily placed under conservation easements for the protection of biological resources. It should be noted that these conservation easements are not agricultural easements and therefore, credit should not be taken for these lands for farmland mitigation. The City would like to note that the amount of acres that the University placed 60

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under conservation easements should in no way represent a precedent for future development in the City's Sphere of Influence. 60

4.3 Air Quality

36) The EIR/EIS does not consider fugitive dust air impacts and does not offer mitigation measures to address fugitive dust impacts for paved and unpaved roads. Fugitive PM10 management plans are required to meet San Joaquin Valley Unified Air Pollution Control District rules and requirements such as rules 8061 and 8071. 61

4.4 Biological Resources

37) *Swainson's Hawk Mitigation*: Although the EIR concludes that Project impact will be less than significant due to actions and agreements already in place (p. 4.4-125), the EIR proposes a new mitigation measure (BIO-7) to further ensure that the impacts to Swainson's hawk habitat will be mitigated. The measure then attempts to bind a local agency, which is not the proponent of any Project in the study area, to ensure that this additional mitigation be implemented. The proposed mitigation should be removed on the basis that: (1) it is not needed to reduce the impact to less than significant; and (2) a local jurisdiction is not the entity to be named as being responsible for mitigating the supposed impact. 62

38) *San Joaquin Kit Fox*: The proposed mitigation measure (BIO-10) to lessen impacts to the kit fox (p. 4.4-134) attempts to bind a local agency, which is not the proponent of any Project in the study area, to ensure that this mitigation be implemented. The proposed mitigation should be removed on the basis that the local jurisdiction is not the entity to be named as being responsible for mitigating the impact. City Staff suggests changing the wording to "subsequent projects will be obligated to" as a replacement of the reference to any local jurisdiction. The above comments apply to all Alternatives discussed. 63

39) *Impact BIO-11 (p. 4.4-134):* If UC Merced will contribute to the diversion of Merced River to recharge the groundwater basin, then those impacts should be mitigated. 64

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4.5 Cultural Resources

40) No Comments

4.6 Geology and Soils

41) No Comments

4.7 Hazardous Materials and Public Safety

42) Page 4.7-5 indicates that "UC Merced intends to have a fire station on site by 2020; however, the fire station would not solely service the Campus and UCP." If UC Merced intends to have a fire state on site, it must be responsible to pay for the construction of such fire station because—without the construction of the UC Campus—such fire station would not be necessary. 65

4.8 Hydrology and Water Quality

43) *Impact HYD-4 (p. 4.8-39):* The EIR/EIS states that the development of the University Community and UC Campus will not affect groundwater supplies. The City disagrees with that conclusion – both will have an effect on groundwater supplies. 66

44) *Impact HYD-6 (p. 4.8-44):* The EIR/EIS states that development would not increase risk to downstream flooding, but the project does drain into Fairfield Canal, so the City disagrees with the conclusion and feels there is a need to mitigate those impacts. Such mitigation measures include onsite detention to ensure that the amount of water draining into the Fairfield Canal does not increase after any additional development within the UC Campus and/or University Community. Because of historic flooding problems in Merced County, the UC Merced/University Community project cannot be allowed to exacerbate an existing issue. In addition, the project must also comply with all NPDES requirements. 67

45) *Page 4.8-13:* Change "has plans to phase in water service to the City parks" to "is in discussions with the City to phase in water service to City parks." 68

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46) *Alt 1 – Impact HYD-1 (p. 4.8-33 and 4.8-34):*

a) *Impact Related to City of Merced Wastewater Treatment Plant:* Although the City of Merced has a certified EIR for the expansion of the City Wastewater Treatment Plant to up to 20 mgd, the City cannot pay for the expansion of this facility without connection fees paid by new development for this substantial capital project. UC Merced and the University Company must pay connection fees in order for the expansion of the wastewater treatment plant to occur. In addition, UC Merced and the University Community must have a valid and binding Sewer Service Agreement with the City of Merced in place at the time of each sewer connection. 69

b) *Impact Related to the Development of an On-Site WWTP:* The EIR/EIS references two options for an on-site wastewater treatment facility: 1) recycling up to 95 percent of the effluent and discharging the remaining 5 percent to the City's wastewater collection and treatment facility; and 2) treating the effluent and discharging the effluent to land or surface waters. Both options would have substantial environmental impacts that would have to be fully mitigated before either option could occur.

Under the "95% recycled water option," UC Merced would recycle 95 percent of the water, and then discharge the remaining effluents in the City's wastewater collection system. Such process could concentrate all of the pollutants in the effluent because, by the time that such effluent was released into the City's collection system, the effluent could already be turning septic, creating noxious fumes and corrosive atmosphere. This could cause substantial problems with the City's sewer lines and associated pump stations. In addition, once the highly concentrated effluent reached the City's wastewater treatment plant, it could create issues with the wastewater treatment plant – causing the processing of the effluent to be substantially more complicated and expensive. 70

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To the extent that UC Merced still wishes to pursue this option, UC Merced must fully mitigate the environmental impacts of its highly concentrated effluent including (but not limited to) paying all maintenance and replacement costs associated with the collection system and pump stations that are downstream from UC Merced/University Community effluent. In addition, UC Merced/University Community must pay all costs associated with processing this very concentrated effluent.

Under the treat and discharge option, UC Merced would discharge the treated effluent from its on-site facility onto recharging beds or into adjoining water system. Either recharge or discharging into the adjoining water system would have a severe environmental impact on the City of Merced and its citizens. One hundred percent of the City of Merced's potable water is pumped from wells that utilize an aquifer that flows directly under the UC Merced/University Community site. Any recharge basins in that vicinity could place the City's entire water system at risk by contamination from the effluent. Discharging the treated effluent into the drainage (canal) system could also place the City's water system at risk because the unlined canal system recharges the aquifer and could contaminate the City's water system. This aquifer is the sole source of water for the City of Merced and must not be contaminated in any way by a wastewater treatment plant. 70

47) *Impact HYD-6 (p. 4.8-44):* It is stated that the Proposed Action Alternative would increase the amount of storm runoff and alter existing drainage patterns, but would not increase the risk of flooding downstream.

a) Mitigation Measure – UC Merced needs to take appropriate action to ensure that any increase in the amount of storm runoff is detained on-site so that the amount of off-site storm runoff is not increased. Because of historic flooding problems in Merced County, the UC Merced/University Community project cannot be allowed to exacerbate an existing issue. In addition, the project must also comply with all NPDES requirements. 71

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4.9 Land Use and Planning

48) *Impact LU-3 (p. 4.9-23):* The document states that the proposed Campus expansion and University Community will not conflict with City's General Plan. Without having the revised University Community Plan to evaluate at this time, this conclusion cannot properly be reached and will require further analysis. 72

49) *Surrounding Land Uses (p. 4.9-5):* Reference is made to a new residential development (Gallo Project) with more than 1,260 housing units and 187,000 square feet of commercial and public spaces. This description is inaccurate. While such development is proposed, it is still in the preliminary stages at this point in time and has no entitlements to begin construction. 73

50) *Approved and Planned Future Development* (p. 4.9-5 and 4.9-6): Reference is made to a number of approved and planned future developments. This section inaccurately overestimates that amount of development that will occur and, therefore, improperly overstates the amount of traffic that will be generated from projects other than the UC Merced expansion and University Community project.

The EIR/EIS refers to Yosemite Lakes Estates (also called the Gallo Project) as having more than 1,260 housing units and 187,000 square feet of commercial and public spaces. This project, however, has no entitlements and no method to provide wastewater treatment for the homes and commercial that is referenced. It is highly unlikely that this project will develop unless and until it is annexed to the City and until substantial environmental issues (including wetlands issues) are addressed. As such, it is not reasonably foreseeable that such development will occur. Accordingly, traffic counts from this development should not be counted into the overall numbers. 74

The EIS/EIR also references the Bellevue Ranch Master Development Plan. Because of potential issues with wetlands and land that may be deemed endangered species habitat north of Bellevue Road, it is not reasonably foreseeable that between 4,643 to 6,648 housing units will be constructed within Bellevue Ranch – that number could be substantially less.

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There is also a reference to the Fahrens Creek Specific Plan involving 640 acres, the South Thornton Specific Plan involving 350 acres, and The Dominion project involving development on 174 acres. Many of these projects do not have the appropriate entitlements, and it is not reasonably foreseeable that development will occur on these properties within the next 10 to 20 years. As such, the traffic and related impacts that would result from the development of these properties should not be utilized in the traffic calculations for the UC Merced/University Community EIR/EIS. 74

This calls into question the traffic studies that have been prepared by UC Merced – included substantially underestimating UC Merced/University Community's share of future traffic. In order to address the substantial deficiencies in the traffic studies and the EIR/EIS analysis regarding traffic and related impacts as outlined above and in the attachment, UC Merced must prepare new traffic studies that fully analyze these impacts. The EIR/EIS will need to be updated to reflect the analysis of the new traffic studies, and the EIR/EIS will need to be recirculated. Once the new traffic studies have been prepared, UC Merced and the University Community will contribute a substantially higher percentage of traffic than the current traffic studies and EIR/EIS show, and UC Merced and the University Community must fully mitigate such impacts. 75

51) *Page 4.9-6:* Reference is made to Campus Parkway and the fact that the City is in the process of acquiring the right-of-way to extend this to six lanes to meet traffic needs beyond 20 years. This statement is inaccurate. The County (not the City) is acquiring the right-of-way. In addition, although the Campus Parkway has been funded for 4 lanes from the Mission Interchange at SR 99 to Childs Avenue, the remainder of Campus Parkway to Yosemite Avenue has not been fully funded. The revised traffic studies and the EIR/EIS need to fully analyze the impact on the City of Merced's traffic grid if the Campus Parkway is not constructed between Childs and Yosemite Avenue. 76

52) *Sphere of Influence Revision Policy 9 (p. 4.9-46 and 47):* The City will not provide additional water or wastewater service to UC Merced and the University Community without annexation to the City or an 77

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executed agreement to annex in the future. The City will also not provide fire and police services to UC Merced and the University Community unless annexation occurs (with appropriate mitigation) or an acceptable contractual arrangement is reached between the parties. 77

53) *Sphere of Influence Revision Policy 10 (p. 4.9-46 and -47):* The City will not provide water or wastewater service to the expansion of UC Merced and the University Community unless these developments annex to the City AND such developments mitigate the impacts through payment of capital fees and construction of necessary infrastructure at UC Merced's expense. 78

54) *Second column for City and Urban Service District Annexation Policy 3 (p. 4.9-50):* This should state that prezoning will be part of the annexation process and not the City's General Plan Update. This would be consistent with the accurate statement under "Prezoning Requirement" on page 4.9-26. 79

4.10 Noise

55) *Impact NOI-4 (p. 4.10-30 to -32):* This impact requires the City to build Campus Parkway with noise reduction measures to mitigate the impacts. These impacts should be the UC's responsibility. 80

4.11 Public Services and Recreation

Police

56) Page 4.11.2 indicates that UC has a mutual aid agreement with the City Police Department. There is no such agreement. 81

57) *City of Merced Police Department* (p. 4.11.3): This section indicates that a new police station is planned as part of the University Community. Such police station would be constructed at the expense of UC Merced and/or the University Community – not the City of Merced. 82

The resources of the Merced Police Department would be available to UC Merced and the University Community if the appropriate

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contractual agreements were entered into or if this area annexed to the City of Merced. Otherwise, these resources would only be available after the Merced County Sheriff's Department has responded to calls, mutual aid is requested, and such mutual aid is available. 82

58) *Mitigation Measure PUB-1 (p. 4.11-23):* This measure says that impacts would require new facilities, but is "less than significant", and no mitigation required. UC Merced would not be subject to City impact fees, so City would receive no contribution to the new facilities that the EIR says are required. This is unacceptable to the City—the UC must be responsible for its impacts on local services and must fully mitigate such impacts. 83

59) *University Community and its impact on the City Police Department* (p. 4.11-13, 4.11-21 to –23): There is some thought about the UC Merced Police Department assuming public safety for the University Community rather than the Merced Police Department. The City does not support the concept of the UC Police serving the University Community for the following reasons.

a) Policing a college campus and policing a full service city population are two different types of law enforcement. College Police Officers are trained to deal with situations evolving around a campus population, including the students, academic staff and the culture of the learning environment. They work as much under restrictions of the Education Code as they do under the Penal Code. Their job requires specialized training dealing with educational protocols. 84

b) While campus police can enforce the law within a certain radius of a campus, they usually restrict their policing to issues that have some nexus to the campus. Having two separate agencies have the same level of responsibility for an area is a difficult thing to manage. If the University desires to police the Community, it ought not to be incorporated into the City, and the City's role would be to provide mutual aid when requested. If the Community is to be in the City, the City should police it

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and supply or request aid from the University Police Department as needed.

c) If the City Police Department serves the Community, the Department's growth in size should be timed in relationship to the growth of that Community, with this exception. One can't walk into the local employment agency and hire a police officer. It takes about a full year to recruit, test, hire and train an officer so that he/she is capable of performing on his/her own. Some funding mechanism should be established to fund the officers a year in advance of their expected need. If the City has trained officers available, the City can handle the traffic and crime issues effectively as the Community grows. If one waits until the houses are built, the City will be a year behind the need curve and the whole City will suffer degradation of service as the City struggles to hire and train the officers.

d) The City's assumption is that the developer would construct a police sub-station within the University Community suitable to house about 30 officers at build out.

e) The City Police Department is currently positioned to grow and provide good service to the community at large for the foreseeable future, including the new University Community. 84

60) *Alt 1 – Impact PUB-1 (p. 4.11-22):* The Merced Police Department will not staff a proposed police station to be located within the University Community unless the University Community and UC Merced have annexed to the City of Merced or a mutually acceptable contract has been entered into between the City and UC Merced. In addition, it will be the responsibility of UC Merced and/or the University Community—not the City of Merced–to construct a joint fire/police station or a stand-alone police station located within the UC Merced and/or the University Community. 85

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Fire

61) Page 4.11-2 references an agreement with the City for the provision of fire services if annexation does not take place or is delayed. The City is willing to enter into such an agreement but the terms will need to be negotiated with UC paying reasonable costs for those services, including facilities, personnel, and equipment. A fire station in the Campus vicinity will likely by needed as the Campus is outside of the 4-6 minute response time for any existing City Fire station and even Planned Station #56 at Merced College. Page 4.11-3 mentions the same agreement. 86

62) Page 4.11-4 contains an error. The City Fire Department has 81 personnel, not 54. 87

63) *City of Merced Fire Department* (p. 4.11.4): While the City's General Plan and Public Facilities Financing Plan identifies the need for a new fire station in the general vicinity of Bellevue Road and G Street, that station was planned to serve growth within the City's current Specific Urban Development Plan (SUDP) boundary and was not planned to serve the University or University Community. If a new fire station is needed to serve UC Merced and/or the University Community, such a fire station would need to be constructed at the expense of UC Merced and/or the University Community– not the taxpayers of the City of Merced. This fire station could be operated by the City of Merced if the property was annexed to the City or an appropriate contract was agreed upon. 88

It is also incorrect to state that the City fire department frequently provides service to the unincorporated areas of the County. The first responder to fire calls outside the City is the County Fire Department. As a general rule, City fire will only respond *after* mutual aid is requested by the City and if adequate City fire resources are available at the time of such call.

64) *Table 4.11-1, Policy 5.B.5 (p. 4.11-10)* refers to "very high hazard severity"—the City would like a definition of that term. 89

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65) Page 4.11-14 refers to proposed LRDP Policy SER-7, which should define what Code will be used to determine "adequate configuration" for pathways for emergency vehicles. 90

66) *Policy PP 1.4 (p. 4.11-17) regarding park facilities*: The City would ask that park facilities be planned with sufficient open space areas to allow for emergency landings of "Medivac" helicopters, as City park facilities are designed. 91

67) Page 4.11-22 refers to the City planning to build additional fire stations in growth areas of the City, which is true. While the City's General Plan and Public Facilities Financing Plan identifies the need for a new fire station in the general vicinity of Bellevue Road and G Street, that station was planned to serve growth within the City's current Specific Urban Development Plan (SUDP) boundary and was not planned to serve the University or University Community. If a new fire station is needed to serve UC Merced and/or the University Community, such a fire station would need to be constructed at the expense of UC Merced and/or the University Community– not the taxpayers of the City of Merced. This fire station could be operated by the City of Merced if the property was annexed to the City or an appropriate contract was agreed upon. Any such fire station should also include an Emergency Operations Center. 92

68) *Page 4.11-23, last paragraph*: The City standard is 4-6 minute response with a unit on scene 90 percent of the time, not 5 minutes as noted. UC Merced must fully mitigate the impacts on fire services. 93

69) *Alt 1—Impact PUB-2 (p. 4.11-23)* indicates that although the proposed action would result in an increased demand for fire protection services and would require the construction of a new facility, that the impact is less than significant. The City disagrees with that conclusion. The UC needs to mitigate its impact on fire services either by constructing or operating its own Fire Department or contracting with the City of Merced to provide fire services and paying for its impacts on fire services like any other development project. The same is true for the alternatives. 94

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70) *Mitigation Measure PUB-2 (p. 4.11-23 to -24):* This measure says that impacts would require new facilities, but is "less than significant", and no mitigation required. UC Merced would not be subject to City impact fees, so City would receive no contribution to the new facilities that the EIR says are required. This is unacceptable to the City—the UC must be responsible for its impacts on local services. 95

71) *Alt 1 – Impact PUB-2 (p. 4.11-23):* While the City's General Plan and Public Facilities Financing Plan identifies the need for a new fire station in the general vicinity of Bellevue Road and G Street, that station was planned to serve growth within the City's current Specific Urban Development Plan (SUDP) boundary and was not planned to serve the University or University Community. If a new fire station is needed to serve UC Merced and/or the University Community, such a fire station would need to be constructed at the expense of UC Merced and/or the University Community– not the taxpayers of the City of Merced. This fire station could be operated by the City of Merced if the property was annexed to the City or an appropriate contract was agreed upon. 96

Parks

72) *Alt 1 – Impact PUB-5 and PUB-6 (p. 4.11-27 to -29):* The University Community will be required to pay the City's park fees as part of any development that occurs within that Community. 97

73) *City of Merced Parks (p, 4.11-8, p. 4.11-27 to -28):* The following information should be included about the City's park system: 98

   a) As the largest city in Merced County, Merced is a regional provider of park and recreation services.

   b) Merced has approximately 395 park acres in its current inventory.

   c) The City of Merced adopted a comprehensive Parks and Open Space Master Plan in 2004.

   d) Parkland requirements allow for 5 acres of open space per 1,000 population.

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e) Future development of parklands in the City of Merced must meet the *2004 Parks and Open Space Master Plan* design standards.

f) Park Land Definitions: The most effective and efficient park system to manage is one made up of different types of parks, each designed to provided a specific type of recreation experience or opportunity. When classified and used properly, they are easier to maintain, create less conflicts between user groups and have less impact on adjoining neighbors. 98

4.12 Socioeconomics/Environmental Justice

74) No Comments

4.13 Transportation and Traffic

75) *Mitigation Measure TRANS-1 (p. 4.13-70 to -74):* The various parts of this, taken together, will essentially allow the UC to avoid any payments for transportation impacts. There are escapes for UC at every step. The City has prepared a flow chart on the next page that illustrates all the various decision points proposed in the mitigation measures before UC Merced contributes its fair share toward improvements needed to mitigate the environmental impacts to the circulation system caused by UC Merced's development. It appears that if agreement cannot be reached at any of these various decision points, then UC Merced would make no payments and thus, the impacts would not be mitigated. 99

a) The EIR proposes monitoring and measures to manage trip generation.

b) *Mitigation Measure TRANS 1-A-5 (p. 4.13-71):* Establishes a monitoring point at every 3,000 students (generally this means between 3 to 5 year intervals if projections are met). Actual counts are to be taken to see if thresholds are met, and then the UC can choose to avoid payment by managing for trip reduction – or they can choose to pay.

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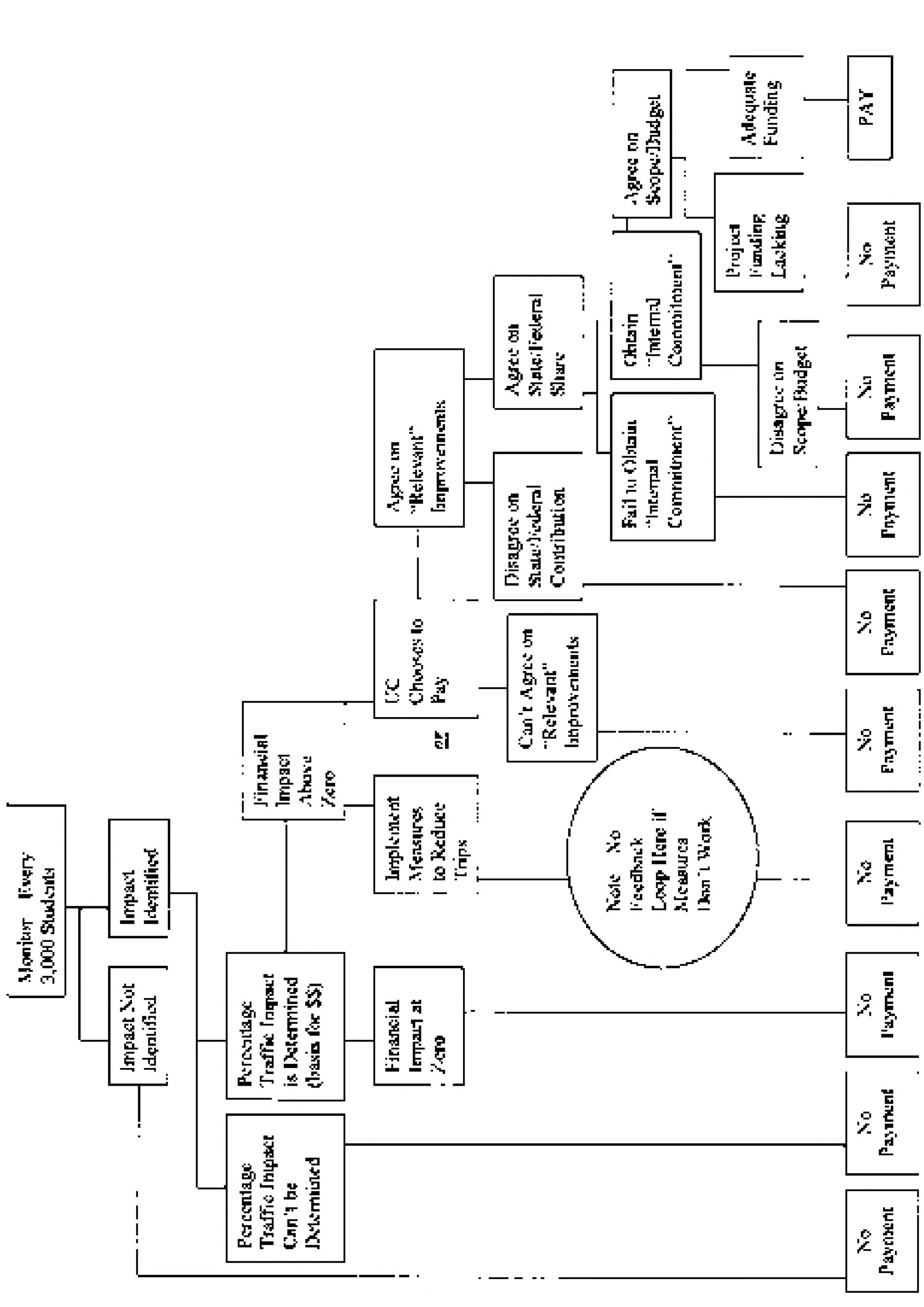
Monitor Every 3,000 Students
Impact Identified
Impact Not Identified
Percentage Traffic Impact is Determined (basis for $$)
Percentage Traffic Impact Can't be Determined
Financial Impact at Zero
Financial Impact Above Zero
Implement Measures to Reduce Trips
or
UC Chooses to Pay
Can't Agree on "Relevant" Improvements
Agree on "Relevant" Improvements
Disagree on State/federal Contribution
Agree on State/federal Share
Fail to Obtain "Internal Commitment"
Obtain "Internal Commitment"
Agree on Scope/Budget
Disagree on Scope/Budget
Project Funding Lacking
Adequate Funding
PAY
No Payment
Note: No Feedback Loop Here if Measures Don't Work

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c) *Mitigation Measure TRANS 1-A-6 (p. 4.13-72):* If the UC elects to pay, then UC will measure impacts by actual counts at that time and set (unilaterally) its proportionate share by using the measurements "as basis" for determining its share. The Tables are only illustrative projections and are not binding. Share calculations are to be made in future, but no method is established. Mitigation measure says UC will contribute to "relevant" improvement, after deducting other sources. Funds will only be "internally committed" at time of measurement; payment is not made until time of construction or after the "trigger" is met, whichever is later. UC gets to "review" the scope and budget of the improvement. 99

76) Recommended Principles for Transportation Impact Mitigation Measures

Once UC Merced addresses the inadequacies in the traffic studies, a revised mitigation arrangement that includes the following principles would (subject to the specific terms) be acceptable to the City:

1) While most development within the University Campus itself would not subject to customary impact fees, the Campus development shall fully mitigate its impacts by paying its fair share of transportation impacts.

2) Payments shall be made based on verifiable "triggers" preceding the impacts. These could take any of three forms:

   a) payment of a lump sum for all identified impacts prior to commencement of the project (this is the customary method, applying to almost all developments); 100

   b) payments of agreed amounts based upon annual monitoring for meeting of predetermined traffic levels on key road segments or intersections;

   c) payment per student on an annual basis based on official enrollment in September of each year (this method is already being used in the University's sewer-water agreement with the City).

3) Transportation mitigation payments made to a local jurisdiction by the University shall be deposited into a special restricted

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fund held by the jurisdiction. Funds shall only be used to fund improvements to the specific road segments that will receive additional traffic from the UC Merced and/or the University Community developments.

4) Development within the University Community shall pay all customary impact fees to local jurisdictions, as well as specified mitigations. Mitigation payment for non-Campus property covered within the scope of the EIR is not subject to the *Marina* decision; provided, however, that, to the extent that property that was originally part of the University Community is subsequently utilized for Campus purposes, the environmental process will need to be reopened so that the impact of such conversion can be fully mitigated. 100

77) *Mitigation Measure TRANS-1-B-2 (p. 4.13-73):* This measure requires the City and the County (third parties) to review fee programs. This directs third parties to mitigate, rather than the UC itself. 101

78) Traffic Capacities are not reflective of actual road conditions. For example, the traffic study indicates higher capacities for McKee (Table 4.13-4 on p.4.13-11) than Lake Road when in fact McKee has lower capacity due to its far more numerous and congested access points as well as on street parking. 102

79) Projected traffic impacts, capacities and levels of service depend on expansion of local and regional traffic facilities that can not occur without UC Merced and/or the University Community contributing to fund their impacts. Unless the University and University Community contribute their proportionate share to fund local and regional traffic facilities, traffic impacts for the expansion of UC Merced and the construction of the University Community will be significant. 103

80) *Mitigation Measure TRANS-1A-7: Mitigation Payments (p. 4.13-72)* City policy is to receive impact fee payments before project starts. This allows for construction of improvements before impact is triggered. Proposal in EIR is for no payment until impacts have taken place from a project. A change in methodology would result in a 104

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shortfall of funding to construct needed improvements and is unacceptable to the City. 104

81) *Mitigation Measure TRANS-1A-8: Alternate Improvements (p. 4.13-72):* City policy is to receive impact fee payments before project starts or for improvements to be bonded or to be constructed by project. Proposal is for affected jurisdiction to plan, design and implement traffic improvements to mitigate the Proposed Action's significant traffic impacts to less than significant level. Proposal in EIR is for no payment until impacts have taken place from a project. A change in methodology would result in a shortfall of funding to construct needed improvements and is unacceptable to the City. 105

82) *Mitigation Measure TRANS-1B-2—University Community Traffic Mitigation (p. 4.13-73):* City policy and practice is for developer required studies to be funded by developer and contracted out by the City. This measure proposes that the City of Merced to conduct traffic impact fee studies without the UC fully compensating the City for the cost of such studies, which is unacceptable. 106

83) Overall Statement: Campus traffic mitigation program does not adequately address impacts on the City streets and roadways. Conclusion of "significant and unavoidable" is unacceptable. Travel demand strategy that the Community and Campus are proposing will not fully mitigate the impacts on the City infrastructure. The transit enhancements, sustainability, and monitoring program will not fund the necessary infrastructure need to provide access to the Community and Campus. Mitigation is required. 107

84) Campus impact monitoring program is not sufficient to address true impacts on infrastructure and roadways. Mitigation plans considered in this section do not clearly identify measures, methods, or agreements to pay for impacts. 108

85) *Measurement of Traffic Impacts:*

The current analysis of traffic impacts and the underlying traffic studies and proposed mitigation measures are inadequate. The traffic studies and related analysis rely on a regional traffic demand model which is not designed to measure project specific impacts, and 109

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therefore, the traffic studies mask the true impacts of the project. The traffic studies and related analysis do not provide an accurate portrayal of the volumes of traffic that will result from the development of the UC Campus, nor do they accurately identify the particular roadway segments and intersections that will be impacted by campus traffic. The analysis also fails to provide a correct description of the present capacities of roadway segments and intersections. 109

As a result of these substantial defects, the traffic analysis in the EIR/EIS does not provide an adequate depiction of the volumes of traffic that will result from the development of the campus, where that traffic will go, and when and where impacts from that traffic will occur. Specific flaws in the traffic studies are addressed below.

86) Project Study Area *(Section 4.13.2.2, beginning on p. 4.13-5):*

a) Intersection #32: Table 4.13-5 (p. 4.13-16 to -18) needs to be amended to include Study Intersection #32 ("G" Street and 16th). 110

b) *Regional Traffic From East.* A commenter on the Project Notice of Intent (NOI) requested that "regional impacts" need to be addressed, and specifically mentioned Tuolumne County. Similarly, regional daily commuter traffic from areas east of the Project (namely Planada, Catheys Valley and Mariposa) should have been considered. Much of the AM traffic from these areas use Arboleda Road, not Kibby Road, to access the University site. Thus, the assessment does not account for Project impacts to Arboleda Road, notably the intersection of SH 140 and Arboleda Road. 111

c) *Key Local Intersections Absent from Study:* An adequate assessment of all affected arterial street intersections proximate to the Project site should have been part of the traffic study. The study excludes key intersections within the greater Merced area that are proximate to the Campus. These include the future intersections of Cardella Road/Parsons-Gardner; Bellevue Road/ Gardner; and the three intersections of "R" Street with Bellevue Road, Cardella Road and Olive Avenue. 112

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87) Traffic Analysis Methodology *(Section 4.13.2.3 beginning p. 4.13-7)*

a) *Road Segment Assumptions—Facility Type and Number of Lanes*: The assumptions in Table 4.13-4 (p. 4.13-11) used for the roadway segments below within the City's SUDP do not match actual field conditions or the City's Official Circulation Plan with regard to "facility type." Thus, the conclusions concerning existing LOS for roadway segments may be incorrect. The table below shows the assumptions that match the City's Official Circulation Map (Facility Type) and field conditions (number of lanes). The table should be updated and amended to show actual LOS conditions. Similarly, changes to Table 4.13-6 (page 4.13-41) should also be made.

No.	Roadway Segment	Locations	Facility Type	No of Lanes
3	McKee	South of Yosemite	~~Arterial~~ Collector	2
4	McKee	South of Olive	~~Arterial~~ Collector	2
14	Olive Avenue	E. of G Street	Arterial	~~4~~ 2
25	Cardella	East of SR 59	~~Collector~~ Local	~~4~~ 2
26	Cardella	East of G St	~~Collector~~ Arterial	~~4~~ 2 lane dead end
33	Bellevue	East of SR 59	~~Collector~~ Arterial	2
35	SR 140	West of Massasso	~~Collector~~ Arterial	2
42	Cardella	M St to G St	~~Collector~~ Arterial	~~2~~ 4

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b) "Existing Condition + 2030 Project Scenario" (beginning on p.4.13-58) assumes roads exist that actually don't. Thus, higher trip counts would be expected on other roads which may reduce those segments LOS.

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i) Road Segment #26: Cardella Road, between Lake Road and G Street is discontinuous;

ii) Road Segment #25: Cardella Road, between SH 59 and "R" Street is discontinuous; 114

iii) Road Segment #31: Parsons Avenue, between E. Olive and Santa Fe is discontinuous;

c) *Future Roadway Capacity Assumptions (p. 4.13-41)*: There is no corroborating evidence that indicates that the assumed roadway improvements will actually be in place by the year 2020: 115

i) Completion of any of the roads listed above

ii) Bellevue Road: Six lanes from "G" Street to Lake Road;

iii) Bellevue Road: Four lanes from SH 59 to "G" Street;

iv) Yosemite Avenue: Four lanes between Parsons and Lake Road

88) Capacity Assumptions

a) The roadway segment capacity assumptions are inconsistent with capacity figures used by the City for Project Level traffic studies. The table below shows the typical capacity figures used by the City in prior traffic assessments

Facility Type	Level of Service Threshold Average Daily Traffic				
	A	B	C	D	E
Two Lane Urban Arterial with moderate access control (0.76 to 1.5 signals per mile). (1)	9,000	13,700	14,500	15,300	16,100
Two Lane Urban Arterial with low access control (2)		12,300	13,050	13,800	14,500
Rural Road – two lanes in "Level Terrain"(2); 22' pavement width.	1050	2,850	5,100	9,200	19,650
Residential collector with frontage (1)	1,600	3,200	4,800	6,400	8,000

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Facility Type	Sample Roadways
Two Lane Urban Arterial with moderate access control (1)	- SR 59: Childs to Mission Avenue (1) - Childs: Parsons to SR 99 (2) - Parsons: Childs to SH 140 (2)
Two Lane Urban Arterial with low access control (2)	- Childs: Parsons to Coffee Ave (2)
Rural Road – two lanes in "Level Terrain"(2); 22' pavement width.	- Coffee Street: Baker to Gerard (2) - Baker Drive: Coffee to SH 140 (2) - Gerard Avenue: Coffee to Parsons Avenue (2)
Residential collector with frontage (1)	"G" Street: Childs to Cone Avenue (1)

1. *Mission Avenue & Ranchwood Annexation. (used Highway Capacity Manual)*
2. *Coffee Street Annexation. (KDA used Highway Capacity Manual).*
3. *South Merced Community Plan.*
4. *Five Bridges Specific Plan*

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89) *Trip Generation and Distribution (Section 4.13.5.3 beginning on p. 4.13-43):*

a) *Near Term Impacts of the Campus without Proximate Communities:* The study presents an in-depth discussion about trip generation, which essentially concludes that a high percentage of the trips generated by the Project (defined as the campus and the community) would remain within the bounds of the Project. This conclusion is based on some simple comparisons of other UC/Community jobs-to-balance relationships. Assuming these conclusions are correct, it follows that a higher amount of traffic would occur in the greater Merced area until the University Community is constructed. This is a salient point given three observations: (1) the Bellevue Corridor is likely to be developed earlier than the University Community; (2) the University Community does not exist and its development will likely lag behind that of the campus; and (3) the Project traffic study does not assess the near-term impact of just the Campus without the associated Community. Thus, there will be near-term impacts within the study area that were

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not assessed in the Project traffic study and must be addressed in a new traffic study. 117

b) *Need to Reassess the Project Trip Generation and Distribution Assumptions:* Based on comparisons with UC Santa Cruz and UC Davis, it has been assumed that a high percentage of students and campus-related employment live near the campus. In summary, the traffic study assumes that 70% of residential trips are expected to remain internal to the Project. The Project is defined as the Campus and the University Community, North and South. This figure appears to be heavily weighted on the statement (p. 4.13-45) that 56% of UC Santa Cruz's faculty, staff and community students live within 3 miles of the UC Santa Cruz Campus, and an additional 23% percent live within 5 miles.

In the Phase 2 buildout period of the Campus to 10,000 students, very little University Community development will have occurred. It is, therefore, not logically possible to contain 70% of the trips within the Campus and University Community, since the City of Merced will be the location of most needed services during this interim period. Using this information, the EIR/EIS should take into consideration that there is quite a large area (based on an 8-mile radius) outside the Project area and within the current limits of the City of Merced and within the City's future growth areas where UCM faculty, staff and community students will likely live, based on current residency patterns at comparable UC communities. Therefore, the study's assumption that a high percentage of trips will remain internal to the Project site should be modified to include occupancy in Merced proper. 118

90) Roadway Segment Impacts *(beginning on p.4.13-62):*

a) *Second Significance Criteria:* While this criteria (p. 4.13-62) does show the Project's share of total trips in the year 2030 for unfunded/non-widened roadways, it does not show the Project impact (in terms of LOS thresholds) to these roadway segments. The assessment therefore falls short of the purpose of CEQA. The foremost purpose of the study is to determine 119

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impact and then establish a method to reduce said impacts. The assessment provided on pages 4.13-62 to -68 focus on a method, i.e. the basis for a fair-share payment toward future improvement costs.

b) In the same way that the study is not accurate to conclude that the Project would not impact roadway segments that are assumed to be fully improved, nor should the study conclude that the Project would have no impact to intersections. Similar to roadway segments, many of these intersections are not funded for improvement. Therefore, the list of probable impacts to intersections must be reassessed and amended where appropriate. 119

91) Intersection Impacts *(beginning on p. 4.13-48):*

a) *Unclear Results*: The timing at which the signals are put into play (existing vs. existing plus Project) is unclear. See Table 4-13-3 and Table 4.13-5 (UCM 2020 Project). Similarly, there is no description of what infrastructure improvements are brought to the site with the mitigation. Is the mitigation measure a signal? What is the meaning of the column in Table 4.13-3 marked [Control (2020)]? Does this signal come with the Project, assumed to be in place with the Project; or assumed to be installed by 2020? 120

The results of the table appear contradictory. For example, under the Existing + UCM 2020 Project, the Lake and Yosemite Avenue intersection falls below acceptable level of service, while the Lake and Bellevue intersection experiences comparatively minor changes.

b) *Missing Table*: Table 4.13-5 shows LOS intersection operation under the "existing" condition. Table 4.13-13 shows LOS intersection operation under the "Future + Project" condition. There is no data in the report to allow the reader to view the LOS operation of intersections in the Future (2030) without the Project. The reader is referred to Table 4.13-8 to view this data, but that table displays information about roadway segments. This data needs to be included in the report. 121

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c) *Vague or Misstatement of Findings*: The statement on the top of page 4.13-69 directly contradicts the statements made on the previous page with regard to the presence of unacceptable levels of service under the Future No Project condition. Page 4.13-68 states that the LOS of two intersections changes from acceptable to unacceptable with the addition of Project traffic to Future conditions. The statement on the later page states that all three discussed intersections operated at unacceptable levels of service under the Future No Project condition. Without the data mentioned in the previous item, the reader has no way to confirm the findings and conclusions of the EIR/EIS. 122

d) *Roundabouts*: The text (page 4.13-10) notes that roundabouts are planned on Lake Road, but the figures show roundabouts on Campus Parkway. 123

e) *Campus Parkway/Lake Road Impacts*: Lake Road currently provides access to the Campus. In the long-term, the LRDP describes the use of Lake Road as a local road that will be dead-ended south of Bellevue Road, and Campus Parkway will be constructed and operated to handle the community-level traffic. Nowhere in the plan or EIR documents does it specify when or who will build the Campus Parkway between Bellevue Road and Yosemite Avenue. 124

f) The traffic study did not adequately address the impacts of the Project on Lake Road. The study includes it as a roadway segment to be evaluated and lists it as currently experiencing LOS A (Table 4.13-4). Under Future (2030) conditions, Table 4.13-8) lists it as a "Local Access Street" -- Not Analyzed. Assuming that Campus Parkway would be in place in the future, this designation is appropriate. However, given that: (1) the proponents of the University or University Community have made no commitments to construct Campus Parkway as part of their Projects; and (2) the study identifies Campus Parkway as a road that cannot be assumed to be constructed given insufficient funds; then it follows that an impact assessment of Lake Road with Project traffic must be included in the traffic study as it is likely that Project traffic will utilize this road until Campus Parkway is actually constructed. Likewise, the Project 125

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EIR for the UCM 2020 Project has not provided adequate information supporting its assumption that Campus Parkway will be in place by the year 2020. 125

92) Proposed Mitigation *(beginning on p.4.13-70)*:

a) *Jurisdiction:* While the three negatively impacted listed intersections (p. 4.13-68) are not owned or under the control of the University, it does not follow that the University cannot implement road improvement Projects. Local jurisdictions routinely grant encroachment permits to Project proponents who either need or are required to make off-site improvements, such as is typically required through CEQA-related mitigation measures. The conclusion that the local jurisdiction would construct these improvements is therefore without merit, and a mitigation measure listing the University as the responsible entity to construct such improvements, along with a statement that confirms its entitlement to reimbursement for said work, should be included in the EIR. The mitigation measure could also include an alternative method, such as payment of the local jurisdictions traffic mitigation fees (or similar program), which are usually made payable at the time Project-related buildings are constructed. 126

b) *Use and Adjustments of Trip Generation Projections:* If monitoring of future trips is selected as an element of Mitigation Measure 1A-5, then said measure should include language that balances the use of the trip generation projections with determinations of actual Project trip generation and distribution patterns at the Project, and make corrections where appropriate. This is particularly important during the stages of development where the planned communities are not yet in place. 127

c) *Reduce Trips or Provide Proportionate Share:* There should be no option in Mitigation Measure 1A-5 to "reduce trips" as the University has already committed to reduce trips as evidenced in Mitigation Measures 1A-1, 1A-2, 1A-3 and 1A-4. 128

d) *Monitoring*: CEQA requires studies to identify impacts and to proposed feasible mitigation measure that are implemented in a 129

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timely manner. The monitoring that is proposed implies that future assessments are needed to determine the Project's impact. This method of measuring Project impacts "on-the-fly" is inconsistent with CEQA and is a direct result of the study's cursory review of impact assessment. Under well-established case authority, "[t]he requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA." (Sundstrom v. County of Mendocino, (1988) 202 Cal. App. 3d 296, 306.) "By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process. (Id. at 307 (citations and internal quotations omitted).) The use of follow-up studies would be appropriate for identified impacts where the Project proponent has agreed to mitigate through road improvements, but that due to the uncertainty of future improvements and growth, that an assessment be conducted, such as a traffic warrant study, prior to commencement of said mitigation to improve. What is currently proposed, however, does not meet the requirements of CEQA. 129

93) *Project Trip Generation (p. 4.13-43 to -47 & 4.13.5.3):* The traffic study that includes an analysis of the initial expansion of the UC Merced campus substantially overestimates the number of students that will remain on campus and not drive their cars on a regular basis.

Unless and until the University Community is constructed, all UC Merced students, faculty, and employees will need to travel to or through the City of Merced for shopping, non-campus dining, dentist and doctor's visits and entertainment. While some of these trips will be addressed by the public transportation system, a substantial majority will utilize vehicles, thus creating a much greater environmental impact on traffic and transportation than is considered by the travel studies and related analysis. 130

As such, UC Merced and University Community must address its impacts and provide acceptable mitigation to achieve roadway improvements.

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a) In addition, UC Merced and the University Community must pay mitigation fees for building construction beyond its current blueprint to help improve the grid that will be overtaxed by the influence of 10,000 students plus teaching staff and support staff.

b) In addition, the same impacts will occur on a much greater basis if UC Merced expands to between 10,000 and 25,000 students without the construction of the University Community. The traffic studies included within the EIR/EIS do not properly analyze the impact of the failure to construct the University Community on the traffic and transportation system in the City of Merced and Merced County. 130

c) The EIR/EIS also overestimates that amount of development that will occur outside of UC Merced and the University Community and, therefore, improperly overstates the amount of traffic that will be generated from projects other than the UC Merced expansion and University Community project. As such, this calls into question the traffic studies that have been prepared by UC Merced -- included substantially underestimating UC Merced/ University Community's share of future traffic. Because of these inaccuracies, UC Merced and the University Community will contribute a substantially higher percentage of traffic than the traffic studies and EIR/EIS show.

94) *Roadway Segment Impact Summary (p. 4.13-65):* This chart improperly relieves UC Merced and the University Community of mitigating the very substantial impacts of their development. As such, UC Merced and University Community must address their impacts and provide acceptable mitigation to achieve roadway improvements.

In addition to impacts on roadway adjacent to the University, the traffic from the UC Merced/University Community will have a substantial impact on the entire traffic grid in the City of Merced. Because the City of Merced is (by far) the largest community in the County of Merced and has substantial retail and residential components, a substantial number of new trips generated by the 131

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expansion of UC Merced and the University Community will travel through or terminate in the City of Merced. As such, in order to fully mitigate these impacts on the City of Merced traffic grid, UC Merced and the University Community must pay full traffic mitigation fees to the City and/or construct improvements. 131

95) *Mitigation Measure TRANS-1A-5 and -1A-7--Campus Traffic Impact Monitoring (p. 4.13-71)*: This measure allows UC Merced and the University Community to improperly defer mitigation.

The UC Merced EIR/EIS does not propose to mitigate the substantial traffic impacts of UC Merced and the University Community to less than a level of significance. The California Supreme Court decision of *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal. 4th 341, 359 clearly requires UC Merced to mitigate the impacts of its development and expansion because CEQA requires a public agency to mitigate or avoid its projects' significant effects not just on the agency's own property but on the environment. 132 Instead, the mitigation measures proposed by UC Merced's EIR/EIS would provide very limited mitigation measures (if at all) *after* the impacts have already occurred.

As indicated by the court in *Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173, 1189, to be sufficient under CEQA, a fair-share mitigation fee measure must specify specific amounts that will be paid for specific improvements, specify that the project will also pay specific portions of remaining improvements, and make these fees part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the traffic impacts at issue. The mitigation measures proposed by the EIR/EIS fall far short of this requirement and must be substantially strengthened to require real and actual mitigation.

4.14 Utilities and Service Systems

96) *Impact UTILS-1 (p. ES-56 and 4.14-23)*: In order for UC Merced/ University Community's demand for potable water to be properly met 133 by the City of Merced, the City's water infrastructure must be properly maintained and new facilities constructed. A mitigation measure

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should be added that UC Merced and the University Community must pay all connection fees for each new water connection and have a valid and binding Water Service Agreement with the City of Merced in place at the time of each new connection. 133

97) *Impact UTILS-2 (page ES-56 and 4.14-25):* This item acknowledges that, in order to meet the demand for potable water uses, new water supply and convenience facilities would need to be constructed; the EIR/EIS does not, however, impose any mitigation measure to address this impact.

   a) As mitigation, UC Merced and the University Community must have a valid and binding Water Service Agreement with the City of Merced in place and pay all connection fees for each new water connection. In addition, UC Merced and the University Community must construct (at their sole expense) the necessary additional connections and improvements to the City's water system necessary to serve UC Merced and the University Community. 134

98) *Impact UTILS-3 (p.4.14-28):* This item indicates that the Proposed Action would generate additional wastewater flows, but then incorrectly indicates that this would not require construction or expansion of new wastewater conveyance or treatment facilities. The Proposed Action would require additional wastewater treatment capacity.

   a) Under the terms of the City's existing Sewer Service Agreement with UC Merced for Phase I of the campus, UC Merced has agreed to pay a per student fee as reported on an annual basis. 135 A new or modified Sewer Service Agreement will need to be negotiated for subsequent phases of UC Merced development and a separate agreement will need to be reached for the University Community. As mitigation, UC Merced and the University Community will need to pay the applicable wastewater connection fees as required in these agreements in order to mitigate the impacts on the City's Wastewater Treatment Plant. UC Merced and the University Community must have a valid and binding Sewer Service Agreement with the City of Merced in place at the time of each new sewer

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connection. In addition, UC Merced and the University Community must construct (at their sole expense) the necessary connections and expansions to the wastewater collection system. 135

99) Discussion of the sewer collection only discusses the City system capacities and treatment. It needs to discuss in more detail how the University manages and will manage its sewer collection system to prevent hazardous wastes, fats, oils and grease from entering the City sewer system. It should also discuss how the University will manage and maintain the system to reduce or prevent sewer overflows and keep overflows out of waterways. The Regional Water Quality Control Board requires agencies with sewer collection systems with more than 1 mile of sewer pipe to have Sanitary Sewer Management Plans. 136

100) The long range development plan/EIR/EIS contemplates facilities that will produce industrial sewer and storm water discharges, the impacts of which have to be considered in the EIR and EIS. Each facility producing industrial sewer and storm water discharge has to be separately permitted. 137

101) *Wastewater Treatment (p. 4.14-14):* This item indicates that the Proposed Action would generate additional wastewater flows, but then incorrectly indicates that this would not require construction or expansion of new wastewater conveyance or treatment facilities. The Proposed Action would require additional wastewater treatment capacity.

a) Under the terms of the City's existing Sewer Service Agreement with UC Merced for Phase I of the campus, UC Merced has agreed to pay a per student fee as reported on an annual basis. A new or modified Sewer Service Agreement will need to be negotiated for subsequent phases of UC Merced development and a separate agreement will need to be reached for the University Community. As mitigation, UC Merced and the University Community will need to pay the applicable wastewater connection fees as required in these agreements in order to mitigate the impacts on the City's Wastewater 138

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Treatment Plant. UC Merced and the University Community must have a valid and binding Sewer Service Agreement with the City of Merced in place at the time of each new sewer connection. In addition, UC Merced and the University Community must construct (at their sole expense) the necessary connections and expansions to the wastewater treatment system.

b) Reference is also made to possible on-site treatment of wastewater. The EIR/EIS proposes two alternatives to the effluent generated from the UC Merced expansion and University Community being processed by the City's wastewater treatment plant. Both options would have substantial environmental impacts that must be fully mitigated.

c) The first option proposes that UC Merced create its own wastewater treatment plant on-site. The City's policy regarding the University Community (adopted by the City Council on July 17, 2006) states that "no separate wastewater treatment plant should be allowed or constructed in the area, given the risks to the City's groundwater supply that could result, and competition for qualified licensed operators. This statement does not, however, preclude consideration of innovative methods of wastewater treatment for the area which are reasonably viable from an economic perspective." The City's preferred option, however, would definitely be to have wastewater treatment provided by the City through our existing Wastewater Treatment Plant. 138

d) The second option is for UC Merced to recycle 95 percent of the water, and then discharge the remaining effluents in the City's wastewater collection system. Such process could concentrate all of the pollutants in the effluent because, by the time that such effluent was released into the City's collection system, the effluent could already be turning septic, creating noxious fumes and corrosive atmosphere. This could cause substantial problems with the City's sewer lines and associated pump stations. In addition, once the highly concentrated effluent reached the City's wastewater treatment plant, it could create issues with the wastewater treatment plant – causing the

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processing of the effluent to be substantially more complicated and expensive.

e) To the extent that UC Merced still wishes to pursue this option, UC Merced must fully mitigate the environmental impacts of its highly concentrated effluent including (but not limited to) paying all maintenance and replacement costs associated with the collection system and pump stations that are downstream from UC Merced/ University Community effluent. In addition, UC Merced/University Community must pay all costs associated with processing this very concentrated effluent. 138

100) *Alt 1 – Impact UTILS-1 (p. 4.14-23):* In order for UC Merced/University Community's demand for potable water to be properly met by the City of Merced, the City's water infrastructure must be properly maintained and new facilities constructed. A mitigation measure should be added that UC Merced and the University Community must pay all connection fees for each new water connection and have a valid and binding Water Service Agreement with the City of Merced in place at the time of each connection. 139

101) *Alt 1 –Impact UTILS-2 (p. 4.14-25):* This mitigation measure acknowledges that, in order to meet the demand for potable water uses, new water supply and convenience facilities would need to be constructed; the EIR/EIS does not, however, impose any mitigation measure to address this impact.

a) As mitigation, UC Merced and the University Community must have a valid and binding Water Service Agreement with the City of Merced in place and pay all connection fees for each new water connection. In addition, UC Merced and the University Community must construct (at their sole expense) the necessary additional connections and improvements to the City's water system necessary to serve UC Merced and the University Community. 140

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102) *Alt 1 –Impact UTILS-3 (p. 4.14-29 to -31)*:

a) *Impact Related to City of Merced Wastewater Treatment Plant (WWTP)*: This section inexplicably states that the existing WWTP would be adequate to serve the full UC Merced campus if there were no increased flows to the WWTP from other sources. Clearly, the City of Merced will not stop all development in the City so that UC Merced and the University Community can utilize the existing remaining capacity in the wastewater treatment plant over the next 20 to 30 years.

b) The wastewater treatment plant must be expanded and upgraded to accommodate future growth in the City, and UC Merced and the University Community must pay connection/capital fees in order to fund their share of the environmental impacts. 141

c) Although the City of Merced has a certified EIR for the expansion of the wastewater treatment plant to up to 20 mgd, the City cannot pay for the expansion of this facility without connection fees paid by new development for this substantial capital project. In addition, UC Merced and the University Community must have a valid and binding Sewer Service Agreement with the City of Merced in place at the time of each sewer connection.

d) *Impact related to On-Site Treatment of Wastewater:* The EIR/EIS proposes two alternatives to the effluent generated from the UC Merced expansion and University Community being processed by the City's wastewater treatment plant. Both options would have substantial environmental impacts that must be fully mitigated.

e) The first option proposes that UC Merced create its own wastewater treatment plant on-site. The City's policy regarding the University Community (adopted by the City Council on July 17, 2006) states that "no separate wastewater treatment plant should be allowed or constructed in the area, given the risks to the City's groundwater supply that could result, and competition for qualified licensed operators. This statement does not, however, preclude consideration of innovative methods of 142

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wastewater treatment for the area which are reasonably viable from an economic perspective." The City's preferred option, however, would definitely be to have wastewater treatment provided by the City through our existing Wastewater Treatment Plant.

f) The second option is for UC Merced to recycle 95 percent of the water, and then discharge the remaining effluents in the City's wastewater collection system. Such process could concentrate all of the pollutants in the effluent because, by the time that such effluent was released into the City's collection system, the effluent could already be turning septic, creating noxious fumes and corrosive atmosphere. This could cause substantial problems with the City's sewer lines and associated pump stations. In addition, once the highly concentrated effluent reached the City's wastewater treatment plant, it could create issues with the wastewater treatment plant – causing the processing of the effluent to be substantially more complicated and expensive. 142

g) To the extent that UC Merced still wishes to pursue this option, UC Merced must fully mitigate the environmental impacts of its highly concentrated effluent including (but not limited to) paying all maintenance and replacement costs associated with the collection system and pump stations that are downstream from UC Merced/University Community effluent. In addition, UC Merced/University Community must pay all costs associated with processing this very concentrated effluent.

4.15 Other Resource Types

103) No Comments

4.16 Global Climate Change

104) *Global Climate Change*: The proposed mitigation measure GCC-1 (p. 4.16-55) to lessen impacts to the production of greenhouse gases attempts to bind a local agency, which is not the proponent of any Project in the study area, to ensure that this mitigation be implemented. Additionally, the significance threshold established for 143

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the Campus Community is not one held by either the City or County, but appears to be one supported by the University of California. Finally, the mitigation measure states that the Climate Action Plan should be incorporated into the jurisdiction's General Plan, which has broader geographic application than just the subject Project site. For these reasons alone, the mitigation measure is inappropriate. Because the northern portion of the University Community is owned by University Community Land Company (UCLC), and the development of the Community North would be guided by all the University's commitments under the Presidential Policy for Sustainable Practices described above, it would make more sense for the UCLC to fill this role. The above comments apply to all Alternatives discussed. 143

5.0 Cumulative Impacts

105) *Cumulative Mitigation Measures AES-1, AG-1, AQ-1 (p.5.0-9, 5.0-12, 5.0-14):* These mitigation measures require a third party to mitigate, not UC Merced, which is unacceptable. The City or County should not be required to conduct studies, or implement policies to address mitigation for UC Campus or University Community impacts without at least compensation for those costs. The "Significant and unavoidable" conclusion is not acceptable – it does not partially mitigate for impacts. 144

106) *Cumulative Impact HYD-1 (p. 5.0-28 to –29):* It is stated that the Proposed Action Alternative would increase the amount of storm runoff and alter existing drainage patterns, but would not increase the risk of flooding downstream.

a) *Mitigation Measure HYD-1:* UC Merced needs to take appropriate action to ensure that any increase in the amount of storm runoff is detained on-site so that the amount of off-site storm runoff is not increased. Because of historic flooding problems in Merced County, the UC Merced/University Community project cannot be allowed to exacerbate an existing issue. In addition, the project must also comply with all NPDES requirements. 145

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107) *Cumulative Impact PUB-1 (p. 5.0-38):* This item stated that the development of the Campus and the University Community (with 25,000 students, plus additional teachers, support staff and businesses) would result in an increased need for law enforcement services, but such need would not result in a significant cumulative environmental impact. 146

The substantial increase in population will have a substantial cumulative impact on the need for law enforcement services. UC Merced and the University Community will need to construct (at their expense) a police station on site, and make appropriate arrangements with the City to fund the ongoing cost of staffing the facility.

108) *Cumulative Impact PUB-2 (p. 5.0-40):* This item states that development of the Campus and the University Community (with 25,000 students, plus additional teachers, support staff and businesses) would result in an increased need for fire protection services, but such need would not result in a significant cumulative environmental impact. 147

The substantial increase in population will have a substantial cumulative impact on the need for fire protection services. UC Merced and the University Community must construct (at their expense) a fire station on site, and make appropriate arrangements with the City to fund the cost of staffing the facility.

109) *Cumulative Impact PUB-5 (p. 5.0-44):* This item states that development of the Campus and the University Community (with 25,000 students, plus additional teachers, support staff and businesses) would result in an increased need for parks, but such need would not result in a significant cumulative environmental impact. The substantial increase in population will have a substantial cumulative impact on the need for park services within the City of Merced. 148

Because of the impact of the University Community on the City's park system, development within the University Community will be required to pay the City's park fees as part of any development that occurs within that community.

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110) *Cumulative Impact UTILS-1 (p. 5.0-48)*: In order for UC Merced/ University Community's demand for potable water to be properly met by the City of Merced, the City's water infrastructure must be properly maintained and new facilities constructed. A mitigation measure should be added that UC Merced and the University Community must pay all connection fees for each new water connection and have a valid and binding Water Service Agreement with the City of Merced in place at the time of each connection. 149

111) *Cumulative Impact UTILS-2 (p. 5.0-53)*: This item indicates that the "development of the Campus and University Community would result in a significant and cumulative impact on wastewater collection and treatment facilities." This impact can and must be fully mitigated by UC Merced and the University Community. Under the terms of the City's existing Sewer Service Agreement with UC Merced for Phase I of the campus, UC Merced has agreed to pay a per student fee as reported on an annual basis. A new or modified Sewer Service Agreement will need to be negotiated for subsequent phases of UC Merced development and a separate agreement will need to be reached for the University Community. As mitigation, UC Merced and the University Community will need to pay the applicable wastewater connection fees as required in these agreements in order to mitigate the impacts on the City's Wastewater Treatment Plant. UC Merced and the University Community must have a valid and binding Sewer Service Agreement with the City of Merced in place at the time of each new sewer connection. In addition, UC Merced and the University Community must construct (at their sole expense) the necessary connections and expansions to the wastewater treatment system to mitigate all of the impacts of this proposed project. 150

In addition, reference is made to the UC Merced and/or the University Community considering the implementation of a recycled water plant. If such plant is considered, the plant must be designed in such a way as to not negatively impact in ANY way the aquifer that runs under the UC Merced and University Community sites. This aquifer is the sole source of water for the City of Merced and must not be contaminated in any way by a recycled water plant.

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6.0 Growth Inducing Impacts

112) No Comments

7.0 Other CEQA Considerations

113) No Comments

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COMMENTS ON UC MERCED AND UNIVERSITY COMMUNITY PROJECT DRAFT EIR/EIS (VOLUME III—10,000 STUDENT PROJECT)

2.0 Executive Summary

114) *Impact Pub-2 (p. 2.0-26):* As mitigation for the increased demand for law enforcement services, UC Merced and the University Community must pay for the construction of an on-site police station or substation and fund the costs for staffing such facility. 151

115) *Impact TRANS-1 (p. 2.0-28 to -31):* This measure incorrectly states that the implementation of the UC Merced 2020 would not result in the exceedance of the LOS threshold along local roadway segments.

a) The traffic study that includes an analysis of the initial expansion of the UC Merced campus substantially overestimates the number of students that will remain on campus and not drive their cars on a regular basis.

b) Unless and until the University Community is constructed, all UC Merced students, faculty, and employees will need to travel to or through the City of Merced to reach shopping, non-campus dining, dentist and doctor's visits and entertainment activities. While some of these trips will be addressed by the public transportation system, a substantial majority will utilize vehicles, thus creating a much greater environmental impact on traffic and transportation than is considered by the travel studies and related analysis. 152

c) As such, UC Merced must mitigate its impacts on roadway segments and intersections.

d) In addition, UC Merced and the University Community must pay mitigation fees for building construction beyond its current blueprint to help improve the traffic grid that will be overtaxed by the influence of 10,000 students plus teaching staff and support staff.

e) In addition, the same impacts will occur on a much greater basis if UC Merced expands to between 10,000 and 25,000 students without the construction of the University Community.

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The traffic studies included within the EIR/EIS do not properly analyze the impact of the failure to construct the University Community on the traffic and transportation system in the City of Merced and Merced County. 152

3.0 Project Description

116) *Project Description (p. 3.0-15):* The development of additional dwellings in the "*Lake View Student Housing Area*" (a Phase 1.1B) is described in the "UCM 2020 Project" but it is unclear as to whether or not this is part of the "UCM 2020 Project" and its associated traffic study. 153

117) *Project Description (various tables and figures):* Upon review of the Project Description, several conflicting land use proposals exist, making the document unclear what the intended use is, or whether these uses were assessed in the environmental document. These include:

a) Figures 3.0-3 and 3.0-5 describe "Academic/Lab" as the land use for a site in the Gateway District, but Figure 3.0-4 identifies it as "R+D and Academic Lab," and Table 3.0-3 identify it as "Medical Research/Education." 154

b) Figures 3.0-3 and 3.0-5 describe "Academic/Lab" as the land use for a site in the Gateway District, but Figure 3.0-4 and Table 3.0-3 identify it as it as "Alumni and Welcome Center."

c) The location of a parking structure and the aquatic center are unclear. They are either in the Gateway District or the Central Campus West Districts, but there are discrepancies between Figure 3.0-3, Figure 3.0-4, Figure 3.0-5 and Table 3.0-3.

118) Upon review of the Project Description, several long-term campus land uses are not included in the "UCM 2020 Project." This is a concern because it is unclear as to whether or not these future land uses were included in the Project EIR, especially in light of the conclusion (pg. 1.0-2) that the Project EIR is at such a level that new buildings, etc. may proceed to be developed without additional CEQA review. From a CEQA perspective, it appears that the whole of the 155

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"UCM Project 2020" has not been evaluated. The land uses not included in the Project are listed in the table below:

Future Land Uses Unaccounted for in Project EIR	
UCM Project 2020 Land Uses	*Future Land Use Conversions Unaccounted in 2020 Project*
Phase 1.2: Interim Parking Lot	Student Housing Student Service Athletic Fields
Phase 2.1: Interim Parking Lot	Academic/Lab.
Phase 2.2: Athletics / Recreation	R+D
Phase 2.2: Interim Parking Lot	Academic/Lab.
Phase 2.2: Athletics / Recreation	Future Stadium Area
Phase 2.3: Interim Parking Lot	Academic/Lab. R+D

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119) The Executive Summary and general project description statements in the EIR (p. 3.0-2) do not disclose the fact that some major capital improvement projects of Phase 1.1 are being made part of the "UCM 2020 Project." As a public disclosure document, the executive summary should have mentioned this aspect of the Project. 156

120) These capital improvement projects (listed on p. 3.0-11 and -12) are within the original 104-acre Phase 1 Campus Site. The environmental impacts of Phase 1 were originally evaluated under the 2002 LRDP EIR. It would be appropriate for these new improvements and any associated impacts to be part of a subsequent EIR to the 2002 EIR. 157

121) *Roadways*: The Project includes "associated roadways" (p. 1.0-1; 2.0-1); however, the EIR is vague as to their construction timing. For example, the EIR notes that "the main building and infrastructure improvements associated with the UCM 2020 Project," are listed in Table 3.0-3, but it does not list any road improvements. Similarly, Section 3.6.4, "Campus Infrastructure and Utilities" is written generically, stating that roads and bridges would be constructed. Section 3.6.6, "Access, Roadway and Parking Improvements" is likewise vague and non-descriptive, not informing the public as to 158

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how and when (and by whom) key roadway segments will be constructed. Pertinent questions about the Project include the following list, and should have been provided in the Project Description:

a) Does the UCM 2020 Project include the intercommunity transit center, an idea presented in the Program EIR and referenced as a means to reduce traffic impacts?

b) What assumptions did the traffic study make for that segment of Cardella Road, located immediately east of Lake Road and Campus Parkway? Is the off-site section east of Campus Parkway actually built with the UCM 2020 Project? What are the assumptions concerning the timing of those improvements? Who would make such modifications?

c) What assumptions did the traffic study make for those segments of Lake Road immediately north and south of Bellevue Road? What are the assumptions concerning the timing of those improvements? Who would make such modifications? When and who will build the new section of Lake Road north of the Lake View Neighborhood? 158

d) As with the other roads noted above, the Campus Parkway and the turnaround feature at its intersection with Bellevue Road are shown on all the plan images of the UCM 2020 Project. Are there statements in the EIR that describe when the turnaround will be constructed, as well as a description of who would build it?

e) What is the ownership of roadways within the Campus and along its interface with the University Community? Do Bellevue Road and Cardella Road continue as local government public rights-of-ways? Or are these owned by the State?

f) When is Campus Parkway constructed? By whom? Or, is all access proposed to connect to Lake Road until the Campus Parkway is constructed by others?

g) What portions of the Community Collector Loop Road are built and when?

EXHIBIT A

h) Does the Project propose to connect roadways to Lake Road prior to the construction Campus Parkway, namely Cardella Road and Road B (east-west oriented 100-foot right-of-way located between Bellevue Road and Cardella Road? 158

122) *Lake Road, north of Phase 1.2*: The Project description is unclear regarding two aspects of this road: (a) Figures 3.0-2 through 3.0-5 show varying alignment descriptions of how Lake Road (north of Phase 1.2) will be extended to Lake Yosemite. The City assumed Figure 30-3 was the correct image; and (b) These same figures show varying depictions of whether or not Lake Road is along the western edge of the Project; The City assumed Figure 30-4 is incorrect, and that Lake Road serves as a local road on the Project's western edge. 159

123) *Land Use Map Color Key*: The color key for the land use diagram (Figure 3.0-2) is unclear with respect to the purple and orange colors. The City assumed that purple was part of Research and Development, and that orange denoted the Alumni Conference Center. 160

124) *Land Uses Planned for Phase 1.2*: The land use designations on Figure 3.0-2 and Figure 3.0-3 differ, notably on the western boundary where both "campus services" and "student housing" occupy the same site. The City assumed that "student housing" is planned for this site, not "campus services." 161

125) *Student Union and Affairs Building*: The majority of the Student Union and Affairs building is located in the "Central Campus West District," but is described (pg. 3.0-12) as being located in Phase 1.1, North Campus Sub area. The actual location of this facility is therefore unclear. 162

126) *Campus South Sub area*: This sub-area is not defined on Figure 3.0-5 (*Neighborhoods and Districts*), and the location of this sub-area is included in any maps in the EIR. While the location of the "Multi-Purpose Sports Field" can be determined (actually located in the Central Campus West Sub area), it is unclear as to where the "Public Safety and Services Facility" and "Satellite Utility Plant" are proposed to be sited. 163

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4.8 Hydrology and Water Quality

127) *UCM 2020 Impact HYD-2 (p. 4.8-8 and –9):* In a manner that is inconsistent with other sections of the EIR/EIS (which state that additional runoff would not contribute to the risk of flooding), this item acknowledges that the increase in storm runoff and alteration of existing drainage patterns could increase the risk of flooding. 164

128) Because of historic flooding problems in Merced County, the UC Merced/ University Community project cannot be allowed to exacerbate an existing issue.

UC Merced needs to take appropriate action to ensure that ANY increase in the amount of storm runoff is detained on-site so that the amount of off-site storm runoff is not increased. In addition, the project must also comply with all NPDES requirements. 165

4.12 Public Services and Recreation

129) *Impacts Adequately Addressed at the Program Level (p. 4.12-3):* While the City's General Plan and Public Facilities Financing Plan identifies the need for a new fire station in the general vicinity of Bellevue Road and G Street, that station was planned to serve growth within the City's current Specific Urban Development Plan (SUDP) boundary and was not planned to serve the University or University Community. If a new fire station is needed to serve UC Merced and/or the University Community, such a fire station would need to be constructed at the expense of UC Merced and/or the University Community– not the taxpayers of the City of Merced. This fire station could be operated by the City of Merced if the property was annexed to the City or an appropriate contract was agreed upon. 166

130) *Parks (p. 4.12-4):* The substantial increase in population will have a substantial cumulative impact on the need for park services within the City of Merced. As mitigation, the University Community will pay the City of Merced park fees for all construction that occurs. 167

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4.13 Transportation and Traffic

131) *Traffic (p. 4.13-4 to –8):* The traffic study that includes an analysis of the initial expansion of the UC Merced campus substantially overestimates the number of students that will remain on campus and not drive their cars on a regular basis.

Unless and until the University Community is constructed, all UC Merced students, faculty, and employees will need to travel to or through the City of Merced for shopping, non-campus dining, dentist and doctor's visits and entertainment. While some of these trips will be addressed by the public transportation system, a substantial majority will utilize vehicles, thus creating a much greater environmental impact on traffic and transportation than is considered by the travel studies and related analysis. 168

In addition, the UC Merced EIR/EIS does not propose to mitigate the substantial traffic impacts of UC Merced to less than a level of significance. The California Supreme Court decision of *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal. 4th 341, 359 clearly requires UC Merced to mitigate the impacts of its massive development and expansion because CEQA requires a public agency to mitigate or avoid its projects' significant effects not just on the agency's own property but on the environment. Instead, the mitigation measures proposed by UC Merced's EIR/EIS would provide very limited mitigation measures (if at all) *after* the impacts have already occurred.

As indicated by the court in *Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173, 1189, to be sufficient under CEQA, a fair-share mitigation fee measure must specify specific amounts that will be paid for specific improvements, specify that the project will also pay specific portions of remaining improvements, and make these fees part of a reasonable, enforceable plan or program that is sufficiently tied to the actual mitigation of the traffic impacts at issue. The mitigation measures proposed by the EIR/EIS fall far short of this requirement and must be substantially strengthened to require real and actual mitigation. 169

As such, UC Merced must mitigate its impacts on roadways.

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4.14 Utilities and Service Systems

132) *UCM 2020 Impact UTILS-2 (p. 4.14-5):* Although the City of Merced has a certified EIR for the expansion of the wastewater treatment plant to up to 20 mgd, the City cannot pay for the expansion of this facility without connection fees paid by new development for this substantial capital project. UC Merced and the University Company will have to pay connection fees in order for the expansion of the wastewater treatment plant to occur. In addition, UC Merced and the University Community must have a valid and binding Sewer Service Agreement with the City of Merced in place at the time of each sewer connection. 170

CREDITS

The above comments are the result of the review of the *2009 UC Merced Long Range Development Plan* and *UC Merced and University Community Project Draft EIR/EIS* by the following:

William D. Cahill, Assistant City Manager
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Kenneth Mitten, Fire Chief
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EXHIBIT A

CITY OF MERCED

"Gateway to Yosemite"

OFFICE OF THE MAYOR
(209) 385-6834 • FAX (209) 723-1780

September 9, 2004

The Honorable Diedre Kelsey
Chairperson of the Board of Supervisors
County of Merced
2222 M Street
Merced, CA 95340

Mr. Robert E. Smith
Merced County UC Planning Director
Merced County UC Development Office
3450 "C" Street, Suite B
Atwater, CA 95301

Dear Chairperson Kelsey and Mr. Smith:

RE: Comments on the *Merced County University Community Plan* (Revised July 30, 2004) and *University Community Plan Supplemental to the Draft Environmental Impact Report* (July 2004)

INTRODUCTION

The City of Merced would like to thank the Merced County Board of Supervisors for the opportunity to comment on the *County of Merced University Community Plan* and *Supplemental to the Draft Environmental Impact Report (EIR)*, as revised in July 2004. From the beginning of this long process, the City of Merced has supported the development of the University of California Merced wholeheartedly and continues to do so enthusiastically today.

The City of Merced had previously submitted comments regarding the University Community Plan and Draft EIR in two letters—1) Regarding the EIR, addressed to Ric Notini of UC Merced and Robert Smith of the County UC Office, dated October 4, 2001; and 2) Regarding the University Community Plan, particularly land use and governance, addressed to the Board of Supervisors, dated October 11, 2001. The City of Merced believes that the comments contained in those letters are still relevant today and thus asks that they be made part of the record for the July 2004 revisions. (Those previous letters are attached for reference.)

The following comments are submitted by the City to request clarification of certain topics. The City's primary interest is as the likely provider of water, sewer and other basic urban services to

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EXHIBIT B

the UC Merced campus and University Community. Comments on the *County of Merced University Community Plan* (hereafter "Community" project) are presented below organized into topic areas, followed by comments on the Supplemental Draft Environmental Impact Report ("Draft EIR"). Through these comments, the City hopes to continue the ongoing cooperative planning process with respect to the proposed UC Merced campus and University Community and their City of Merced neighbors.

COMMENTS ON THE UNIVERSITY COMMUNITY PLAN

Land Use and Phasing

As originally proposed in 2001, the University Community Plan was divided into three land use designations as illustrated in Figure 3 of the 2001 Plan—1) Multiple Use Urban Development (SUDP) (generally north of Cardella extended); 2) Urban Reserve (south of Cardella extended and north of Dunn Road extended); and 3) Agriculture (south of Dunn Road extended and north of Yosemite Avenue). Phasing of the development of the Urban Reserve and Agriculture areas was tied to completion of at least 50 percent of the Multiple Use Urban Development and Urban Reserve respectively per proposed Policies LU 2.5 and LU 2.6. In other words, the Community was to be developed generally from north to south with additional development in Urban Reserve and Agriculture areas not being considered until substantial growth had occurred in the SUDP area. Within the proposed July 2004 revisions, Policies LU 2.5 and LU 2.6 have been eliminated and Figure 3 has been modified to designate the entire University Community Plan as Multiple Use Urban Development (SUDP). New policies have been proposed (LU 4.3 and LU 4.5) that would require Specific Plans to be prepared for each of four Planning Sub-Areas as illustrated in Figure 6 on page 27. These policies contain no language indicating that the City of Merced would be consulted during the preparation or adoption of these Specific Plans.

As indicated in the City's October 11, 2001 letter, the City strongly recommended that the areas south of Cardella Road be designated as a "Joint Planning Area" instead of "Urban Reserve" and "Agriculture" so that the City of Merced and the County and other interested parties could jointly explore various issues associated with encroaching into prime agricultural land, City/County interface, etc. The City of Merced believes that the proposed July 2004 revisions could lead to premature and scattered development throughout the University Community area without consideration given to potential impacts on the City's infrastructure and services. Circulation impacts on Cardella Road, Yosemite Avenue, and the Campus Parkway could be particularly problematic if the areas south of Cardella are allowed to develop before the infrastructure improvements and funding has been assured. Therefore, the City of Merced is strongly opposed to the proposed revisions and reiterates our desire for the areas south of Cardella to be designated as a joint City/County Planning Area.

Transportation

Transportation Policy T1.1 on page 84 requires that an area-wide Circulation Master Plan be prepared. Development of the University Community will impact City streets, such as Bellevue Road, Cardella Road, Yosemite Avenue, etc., as well as the Campus Parkway. The University

Community needs to be required to pay its fair share of City impact fees and/or mitigate those impacts through infrastructure improvements.

It should also be noted that on Figure 12 on page 85, Yosemite Avenue is designated only as a "Rural Collector" east of Lake Road even though Dunn Road, which is currently only a Rural Collector, is designated as a "Minor Arterial." Within the City's SUDP west of Lake Road, Yosemite Avenue is designated as a "Minor Arterial." Given current traffic on Yosemite Avenue and anticipated development both in the City and in the University Community, the City of Merced recommends that Yosemite Avenue be designated as a "Minor Arterial." Dunn Road should be designated as a "Collector" due to its current configuration and the fact that it currently only serves residential areas, including existing single-family and rural residential neighborhoods.

Water and Wastewater Issues

Proposed Policy IW 1.11 calls for the County to "establish as the highest priority the development of onsite storage for treated wastewater that reduces the need for connections to local community wastewater treatment systems." However, no land is set aside for the provision of holding ponds, buffer areas, etc., within the proposed Land Use Diagram. If onsite treatment is to be seriously considered, then land will need to be designated for such a use and the Land Use Capacity Table (Table 2 on page 29) modified.

The provision of onsite wastewater treatment could be problematic given the policies of the Regional Water Quality Control Board (RWQCB). These policies discourage the construction of onsite facilities if a municipal treatment system (i.e. the City of Merced's) is nearby. The regulations and restrictions imposed by the RWQCB on such facilities are also particularly difficult to meet in a cost effective manner. The County, through its Infrastructure Master Plans, should address the possible option of hooking up to the City of Merced's wastewater systems.

Policy IW 8.2 "prohibits direct discharge of treated wastewater to surface waters" while Policy IW 11.5 calls for "connection to a municipal wastewater treatment system for discharge of wastewaters in excess of amounts recycled and used onsite." It should be noted that some of the City of Merced's treated wastewater is ultimately discharged into Hartley Slough and thus, these policies would make a possible connection to the City's system impossible.

Relationship to the City of Merced

Throughout the University Community Plan document, there are policies that call for cooperative planning efforts between the City and the County. Among those are: 1) ED 1.1 on page 70, which calls for the "establishment of a cooperative planning program with the City of Merced to assure that appropriate and coordinated land use controls are consistently applied within the north Merced area, both in the City and the County;" 2) ED 11.6 on page 77, to "seek an amendment to the City of Merced Sphere of Influence, if appropriate, to clarify service delivery, annexation, and fiscal relationships between the County and the City of Merced;" 3) ARM 2.1 on page 175, "Collaborate with the City of Merced in establishing a strategy for long-term growth and management/protection of agricultural lands on properties east of the City, extending to and beyond the proposed Campus Parkway;" and, 4) ARM 4.0 on page 175, "To engage the City of Merced as a partner in providing adequate urban services to the University Community in the early years of development." The City of Merced welcomes these policies and wishes to reiterate its desire to engage in such cooperative planning efforts. The City of Merced is especially eager to proceed with the "Bellevue Corridor" study that the City and the County have committed to working on to address various issues in the "intervening area" between the University Community and the City's SUDP.

However, under the section of the Plan entitled "Relationship to the City of Merced," beginning on page 173, Policy ARM 1.1 has been modified to replace the word "collaborate" with "confer" in regards to the involvement of the City of Merced in a joint planning of lands located between the University Community and the City SUDP. The word "will" has also been changed to "may" in that same policy when referring to the issues to be addressed through the joint planning effort. These seemingly minor word changes raises a question of intent. They seem to lessen the City's role in the planning effort. As defined in Webster's, "confer" means "to consult together" while "collaborate" means "to work with another or to cooperate willingly." The City of Merced would prefer that the original language remain intact.

Governance

The City understands the importance of the University Community's development to the University itself. Given the financial arrangements and the land exchanges which have made the University Campus location possible, the City intends to facilitate the development of the University Community.

At the same time, experience demonstrates the problems with urban development on a city's edge. The University Community has three possible futures for its governance: (1) annexation into the City of Merced; (2) continued governance by the County through service districts or other devices; or (3) incorporation as a separate new City.

We believe this last option (separate incorporation) to be extremely undesirable. Yet we also believe it will likely result from development of the University Community outside the City of Merced. For that reason, the City advocates annexation of the University Community into the City of Merced at the earliest feasible time.

The densities of development which are planned for in the University Community make it dramatically different in character from existing Rural Residential Centers (RRC's) located in the County. What is envisioned here is a truly urban environment, with full urban services. It is unlikely that residents of such an area will want to be without urban government for very long. The end result of this development will be a desire for a new city by the residents who live there. This will create a city sharing a border with Merced, and the inevitable jurisdictional conflicts which follow. A newly incorporated City would not benefit the County or City of Merced, nor would it be the most efficient way of delivering services. Experience shows that the best opportunity for annexation is sooner, rather than later. Later there will not be uniformity of land ownership to allow annexation processes to occur. Now there are only a few owners with needs to accommodate.

It should be noted that when the City/County Tax-Sharing Agreement was negotiated and adopted in 1997, that the UC Campus and the University Community were then located further north within the Virginia Smith Trust property, which was included within the City's Sphere of Influence. When the UC Merced site was moved to its current location, the University Community was also moved further south and wound up outside the City's Sphere of Influence. Since the County agreed in 1997 that the University Community should be within the City's Sphere of Influence and, thus, ultimately within the City of Merced, it would seem reasonable now for the County to acknowledge that the University Community should still be within the City's Sphere of Influence.

Miscellaneous

The City would also like to offer the following minor corrections/clarifications to the Community Plan:

- The City's SUDP boundary on Figure 2 on page 10 is incorrect. It does not show the 30 acres at the southwest corner of Yosemite Avenue and Lake Road (extended) added as part of the Hunt Family Annexation and General Plan Amendment.
- The text at the bottom of page 130 refers to the Merced County Sheriff's Department that "operates out of City of Merced police facilities," which is misleading. The Merced County Sheriff's Department has offices within the corporate limits of the City of Merced, but does not share facilities with the City Police Department.
- In the last paragraph on page 173, language is deleted that refers to the University Community SUDP being located "approximately one mile east of the City's SUDP." That language is still accurate given that the City's SUDP north of Yosemite Avenue stops at Gardner Road, one mile west of Lake Road. The City SUDP and the University Community SUDP boundaries only touch corners at Lake Road and Yosemite. The City's Sphere of Influence boundary does generally run along Lake Road, however, both north and south of Yosemite Avenue.
- Proposed Policy ARM 3.1 calls for the County to work with the City of Merced to address potential funding sources for the Lake Yosemite Regional Park for maintenance, enhancement, and programs. Since the County has jurisdiction over the Park, which is located outside the Merced City Limits, and charges a user fee to enter the park, the City believes that City residents and others who use the park are already contributing to its upkeep. Likewise, Policy ALY 3.2 calls for working with the City to establish recreation fees for Lake Yosemite, which is a County park.
- Proposed Policy ARM 4.1 calls for agreements with the City of Merced for various urban services on an interim basis, including library services. It should be noted that the City does not provide library services, the County does. However, the City does provide financial support to the Library as outlined in the City/County Tax-Sharing Agreement.

COMMENTS ON THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

Impacts on Wells in Adjacent Rural Residential Centers (RRC)

On page 2-61 of the Supplemental Draft EIR, the following impact is identified:

> "4.8-5 Pumping of groundwater from the new wells to meet projected demand for the UCP could lower water levels and quantity in adjacent wells."

The discussion goes on to conclude that this impact on the wells in the adjacent Rural Residential Centers (bounded by Lake Road, Bellevue Road, Yosemite Avenue, and Gardner Road) is "Less than Significant," but indicates that the Board of Supervisors could determine the impact is in fact "Significant" based on economic considerations. The report then offers three possible mitigation measures that could be applied to lessen the impact. The report indicates that adoption of only one of the mitigation measures would be necessary. In summary, those mitigation options are: a) approval of an impact mitigation fee program, to be funded by development within the University Community, to provide a one-time compensation to property owners within the RRC for improvements to on-site wells; b) requiring the University Community water system be extended to serve properties within the RRC; or c) enter into an agreement with the City of Merced to extend City water service to the RRC.

The City of Merced has no comment on the optional Mitigation Measure 4.8.5(a). However, Measures 4-8.5(b) and 4-8.5(c) raise some concerns. As noted in the discussion, either measure would require renegotiation of the existing City/County Tax Sharing Agreement, which specifically limits density in the RRC's to 1 unit per acre and contains no provision authorizing either County or City-provided water service for the RRC.

It must be noted, however, that per General Plan policy and City code provisions, the City of Merced cannot provide sewer service to areas outside the SUDP. (A specific exemption was granted to the UC campus project only.) A change in City policy to provide sewer service outside the SUDP would involve substantial policy changes, a General Plan amendment, a change in City codes, approval by LAFCO (also below), and the preparation of a separate environmental analysis (possibly an EIR). Such a change is not proposed at this time.

However, if the City were to entertain such a policy change, the City would likely require that any such projects agree to future annexation through the approval of an annexation agreement and also require that all proposed developments be in conformance with all City standards, including, but not limited to, those for streets, sidewalks, curb & gutter, street trees, street lights, etc. These reflect the same requirements imposed on the UC Merced Campus through the Sewer/Water Extension Agreement and on County-approved projects within the City's SUDP per the City/County Tax Sharing Agreement.

In addition, as part of the approval of the UC Merced Utility Extension (running north on G Street and east on Bellevue Road out to the Campus), the City adopted the following mitigation measure to lessen the potential impact of growth inducement by placement of sewer and water lines in the Rural Residential Area on Bellevue Road between Gardner/Golf and Lake Road:

> "Connection to City water and sewer services will not be permitted in the Rural Residential Area. However, if connections are deemed appropriate for public health concerns or in cases of emergency, then connections will only be made to properties that do not exceed the intensity of land use or residential density that existed at the time of the connection."

Therefore, the City cannot offer sewer or water service outside our SUDP per that mitigation measure as well as for the reasons noted above.

CONCLUSION

In conclusion, the City of Merced would like to see some clarification of certain issues contained in the University Community Plan, such as land use, phasing, transportation, and water and sewer infrastructure. However, the issue of governance and the relationship of the Community to the City of Merced are our most significant concerns. The subject of annexation is intertwined with the provision of public services. Public services are ordinarily provided by the City within its corporate limits, and are not provided outside the City. The City's concerns for governance can largely be addressed through agreement for annexation at a specified time, which should precede the development of the University Community. The service and governance issues can be resolved in the context of an agreement between the interested parties and the City, outlining the conditions and process for annexation of the University Community. We look forward to continued discussions with the County and the University on the provision of public services. Lastly the City and County need to begin the collaborative planning process for the intervening area west of Lake Road.

The City is confident of achieving mutual resolution of all concerns on these important projects. Thank you again for the opportunity to comment on the University Community Plan and Supplemental EIR.

If you have any questions on these comments, please contact me or City Manager Jim Marshall at (209) 385-6834 or Director of Development Services Jack Lesch at (209) 385-6858.

Sincerely,

Hubert "Hub" Walsh
Mayor

cc: Board of Supervisors
Merced City Council
Dee Tatum, County Administrator
Bill Nicholson, Planning & Community Development Director
James G. Marshall, City Manager

CITY OF MERCED
"Gateway to Yosemite"

October 4, 2001

Mr. Ric Notini
Environmental and Permitting Manager
University of California, Merced
1170 W. Olive Avenue
Merced, CA 95348

Mr. Robert Smith
Planning Director
UC Merced Development Office
3351 M Street, Ste 240
Merced, CA 95348

RE: Comments on Draft Environmental Impact Reports for *UC Merced Long Range Development Plan* and *County of Merced University Community Plan*

Dear Mr. Notini and Mr. Smith:

INTRODUCTION

The City of Merced would like to thank the University of California and the Merced County Board of Supervisors for the opportunity to comment on the Draft Environmental Impact Reports for the *UC Merced Long Range Development Plan*, the *County of Merced University Community Plan*. From the beginning of this long process, the City of Merced has supported the development of the University of California Merced wholeheartedly and continues to do so enthusiastically today. The following comments are submitted by the City to request clarification of certain topics. The City's primary interest is as the likely provider of water, sewer and other basic urban services to the future campus and university community. As such, many of the City's comments apply to the Draft Environmental Impact Reports ("Draft EIRs") for both the UC Merced Long Range Development Plan (hereafter "Campus" project) and the County of Merced University Community Plan (hereafter "Community" project). Comments common to both Draft EIRs are presented below, followed by comments on any remaining issues separately for each of the Draft EIRs. Through these comments, the City hopes to continue the ongoing cooperative planning process with respect to the proposed UC Merced campus and University Community and their City of Merced neighbors.

GENERAL COMMENTS

The City will be submitting comments on the Campus and Community plans separately from these comments on the Draft EIRs. At this time, the City would like to compliment the Board of Supervisors for the foresight to master plan a University Community rather than a less proactive

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EXHIBIT C

approach resulting in more traditional piecemeal development. The comments on the plans will emphasize the need for planning the area west of the University Community, generally referred to as the "intervening area", as part of the broader University community. The plans provide a policy framework for the Campus and Community projects; but as the Draft EIRs note, are not entitlements for development. Like the County and the University, the City envisions a series of future implementing actions, approvals and permits as the projects are developed. It is nevertheless critical to establish the policy framework for the efficient operation of the projects now, especially regarding the direction of future growth beyond the initial phase of the Community project.

In separate comments on the plans, the City will recommend, as a matter of policy, that assumptions for the north-to-south phasing of the Community project to Yosemite Avenue be reconsidered in favor of carefully planning for the intervening area to the west (Bellevue corridor). The City's interest is to accommodate development of the Community project following the initial phase north of Cardella Road - extended. In making this recommendation, the City recognizes that this policy shift could involve environmental tradeoffs, especially regarding biological resources. However, there are many positive factors that commend consideration of this shift. As a long term planning strategy, development of the intervening area appears more consistent with efficient use of existing community services and systems to provide for growth while minimizing encroachment into intensive agricultural operations. Furthermore, the intervening area is large enough to provide a variety of use and density options that recognize the existing rural residential areas and still provide the array of uses that would be likely in future phases of the University Community.

Extending future development into the intervening area rather than to the intensive agricultural areas to the south is also certain to interest "master developers" because it will be between the City and the Campus and Community projects and would be able to market to both customer bases. University induced growth will be feasible along the Bellevue Corridor sooner than the phased Community growth in the "Urban Reserve" area south of Cardella Road. All of this points to the importance of joint City-County planning of the intervening area.

While the Community Plan addresses governance, this is not a matter for the environmental review process. Therefore, the city's subsequent comments on plan documents will address this issue.

COMMENTS COMMON TO BOTH THE CAMPUS AND COMMUNITY DRAFT EIRS

Hazards and Hazardous Materials.

Hazardous Materials. Hazardous materials issues are addressed in Section 4.7 of both Draft EIRs. Both EIRs conclude that hazardous materials impacts from the Campus and Community projects will be less than significant. This conclusion recognizes that hazardous materials use, storage, transportation and disposal are heavily regulated at federal, state and local levels. This conclusion is further based on the Community plan's requirement for a Hazardous Materials Management Plan for residential and non-residential properties. A major factor in any hazardous materials planning will be the ability of local emergency response teams to respond immediately to an incident. Impact 4.7-7 in the Campus Draft EIR notes that local providers will be relied on for emergency response in the early years of project development.

The City is concerned that even with a fire station at or near the Campus, existing emergency response teams must be expanded in order to provide immediate response to an accident or incident. The Merced County Fire Department HM team covers and responds not only to HM incidents in Merced County, but Mariposa and Madera Counties as well. Based on past incidents, the response time could be as much as 1-2 hours. This response may be adequate at rural levels of development, but not at the urban development levels of the Campus and Community projects.

The City recommends that the required Campus and Community hazardous materials management plans specifically provide for expanded response teams, with the expansion generally phased with development of the Campus and Community projects. The expanded response planning should also reflect the additional and/or specialized equipment and training that may be necessary given the extent of chemicals and hazardous materials that will be part of Campus research operations. The expanded response capability may be implemented through MOU's with the cities within the County, and/or through a pre-annexation agreement with the City.

Wildland Fires. The Campus and Community Draft EIRs find impacts related to wildland fires less than significant. This finding relies on site design defensibility measures such as fire-resistant landscaping, building sprinklers, vegetation clearing, road and access standards. The City concurs with the identified requirements for project defensibility. However, as with hazmat control, immediate response is important to protect project areas when fires occur in adjacent wildland areas. Response times from the nearest CDF facilities are well beyond both urban and rural response levels. Most CDF facilities are staffed only during declared fire season, and may be unmanned for considerable periods of time during fire season due to resources being committed to fires in the region and/or statewide. Accordingly, the County fire department is dispatched as the first responder to the SRA in the Campus and other areas of the County. Due to the limited state resources in the area, frequently large numbers of county resources are committed to major wildland fires in the SRA, leaving many County stations unstaffed for extended periods of time. Due to the above, the state and County resources are unlikely to provide immediate response and will likely require additional response from the City. The City recommends that emergency operations plans for the Campus and Community projects include not only components for cooperative emergency response, but also appropriate plans to fund expanded response teams for adequate immediate response. This expanded response planning may be implemented through MOUs with local response teams, and/or through a pre-annexation agreement with the City.

Private Airstrip. The Campus and Community Draft EIRs describe a local private airstrip, which is primarily used for agricultural cropdusting. The Draft EIRs find impacts related to the airstrip less than significant because of applicable safety regulations of the FAA and Caltrans. The City concurs with this finding regarding safety issues; however, proximity of the airstrip to future urban, especially residential, development will undoubtedly lead to complaints from residents about nuisance issues. Take-offs and landings will put aircraft directly over the Community project site. Also, agricultural aircraft activity normally occurs early in the morning and in the evening when winds are light; these are also times when residents do not want to be disturbed by noise and aerial overspray.

The City recommends that University Community Plan policies A 2.2 and A 2.3 be modified to include aerial spraying with attendant noise and timing as among the agricultural practices that will be made known to Community project residents. The City also recommends that disclosures regarding agricultural practices be included not only in brochures, but also wherever possible in future implementing land use approvals and permits.

Hydrology and Water Quality

Storm Drainage and Flooding. Both Draft EIRs recognize that development of the Campus and Community projects will increase the amount of impervious surfaces, and thus, the potential for runoff. The Draft EIRs identify a variety of measures to provide for drainage but with controls to avoid flooding. For example, the SSEIR mitigation measures require site specific drainage studies to ensure that post-project peak flows are less than or equal to pre-project peak flows. The mitigations will be implemented primarily through onsite detention and retention basins with controlled outflow to storm drain facilities such as the Fairfield Canal and Black Rascal Creek. The City agrees that the project impacts will be less than significant, if the SSEIR mitigations are properly implemented. The City recommends that the following be included in mitigation implementation programs:

1. Especially in light of redirected discharge from Cottonwood Creek to the Fairfield Canal, whose capacity the City relies on for flood control, storm drainage planning should recognize the City's existing use of capacity in the Fairfield Canal and Black Rascal Creek.

2. The timing of peak flow discharges should be controlled so as to not interfere with downstream peak flows. The City recommends that an automated instrumentation control system for coordinating discharges be implemented.

3. The City is currently developing a Storm Drainage Master Plan and encourages continued cooperation in coordinated planning and operation of storm drainage facilities.

Public Services

Fire Protection Services. The City agrees with both Draft EIRs' conclusions that increased fire protection demand from the Campus and Community projects will be less than significant, so long as fire protection and emergency medical response services are designed and able to provide an "urban" service level. Both Draft EIRs anticipate that such services will be provided by contract with City and/or County fire departments. Considering the capacities of the CDF (who provides contract fire protection services for the County) and the City, the City is the only viable option for fire protection.

The City is the only provider that currently meets national standards for urban response times and manning, and has equipment capable of fighting fires in multi-story buildings. By contrast, no CDF facilities are immediately available in the Campus area. The County's McKee Road fire station is located about 3 miles from the Campus site. This station has an initial response area of over 150 square miles, and is the second or third engine dispatched to incidents in Snelling, Merced Falls, Planada, LeGrand and all areas around Merced proper. Relying on volunteers to support the one person manning the McKee station, this facility remains unmanned for extended periods of time.

The City will consider providing contract fire protection services to both the Campus and Community projects, but notes that any service agreement must specifically address any expanded services necessary to provide immediate fire protection, rescue, and emergency medical response. Provision of these services may be implemented through a services agreement. The most efficient delivery of services would likely be through annexation to the City, however, a pre-annexation agreement could address service delivery and phasing in anticipation of future annexation.

Police Protection Services. The Campus project proposes a campus police department to be staffed at .72 officers/1000 population. The County Sheriff is proposed to provide service to the Community project area at a service level of 1.32 officers/1000 population, which is comparable to the City's service level and well above the current Sheriff service level of 1 officer/3000 population. Based on these service goals, the Draft EIRs find police protection impacts less than significant. As with fire protection, City police services in the Community project (and supplementing the Campus police) is the only viable option for achieving the identified goals.

The County Sheriff's Department deploys a maximum of 5 deputies on each 8-hour shift throughout the county. The City notes that the Sheriff does not provide traffic enforcement or traffic accident investigation in the unincorporated area; this is the purview of the California Highway Patrol. The broad service area and non-urban staffing levels of the County Sheriff and California Highway Patrol virtually assure that the City will be the first responder to accidents, or any significant occurrence, located in and around the Project sites. This is likely to take City officers out of service as they respond to and stabilize the situations until a Sheriff or Highway Patrol unit arrives. Furthermore, the City provides specialized services such as SWAT teams, Bomb Unit, Major Crime Scene Processing Units, Narcotics Task Force. The City can provide or supplement services to the Campus and Community Project areas through services agreements. As with fire protection services, the most efficient delivery of services to the Community project area would be through annexation to the City, with service delivery and phasing provided for in a pre-annexation agreement.

Recreation

The Draft EIRs find that neighborhood park needs will be met through on-campus facilities for the Campus project and through planned parks in the Community project, based on the County standard of 2.5 acres of parkland/1000 residents. The City has the following comments on the recreation analyses.

1. Although recreational programs will be provided on the campus, the younger, more active, student population may also create demand for the City's recreation programs, especially in the short term, possibly displacing existing City users.

2. The County's parkland standard of 2.5 acres/1000 is Inadequate for urban level development such as the Campus and Community projects. As provided for in University Community Plan Policy PP 1.1, parks should be provided at a ratio of 5 acres/1,000, as also provided for in the City's park standards.

3. As noted in the Community project Draft EIR, the Area Plan calls for a Lake Yosemite Master Plan by the County and establishment of impact fees for expansion of regional facilities. The City suggests that regional planning efforts also include consideration of replacing the Merced Hills Golf Course.

Circulation

Both Draft EIRs anticipate significant impacts on City streets if the Campus and Community projects are built. In general, the City agrees with the improvements identified in the mitigation measures. The mitigation measures also recognize that the exact nature and location of improvements to meet the Projects' demand for circulation facilities will require ongoing planning and traffic monitoring. The City supports this process which will result in required improvements being constructed before or with related development. The City has the following additional general comments.

1. Both the Campus and Community mitigation measures rely on "fair share" contributions; however, this terminology should be clarified. Particularly with respect to the qualifications in the definition of "fair share" in the Campus Draft EIR (p. 4.14-29), please describe how the anticipated contribution would be determined, and how it would compare to typical land use and CEQA practice in which "fair share" means new development pays its own way, that is, that a project contributes to an improvement in proportion to the demand it creates on the facility. This principle is reflected in the City's Public Facilities Impact Fee program, which also might be a mechanism for collecting improvement fees for future improvements. Provisions for roadway and traffic related improvements may also be addressed in pre-annexation agreements with the City.

2. Consistent with the City of Merced's General Plan, Bellevue Road and Cardella Road are the two most direct routes to UC Merced and the proposed Community/Town Center from Merced. Both of these are designated major roads (arterial) within the City's SUDP. In addition, Bellevue is a designated "Transitway" (public transit corridor), and is also proposed for consideration as regional transit corridor in the City's General Plan. The importance of Cardella Road is not reflected in the two EIRs. For example, there is no mitigation (fair share contribution) for Cardella Road in various scenarios. Mitigation is provided for Yosemite Avenue; although, it is not a direct route into the UC area, but rather would be an indirect route to the Campus/Community for many years under the proposed development time table.

3. Several local commercial cores in the Community are located within neighborhoods, not directly on perimeter streets to their Village. This would act to draw vehicle traffic into and through the Village neighborhood.

4. Future plans for Dunn Road call for it to be extended farther westward from Gardner into the City of Merced's Northeast Yosemite Specific Plan area and will pass in front of a new elementary school and park. The Specific Plan calls for it to be offset at some point within the Specific Plan area. However, eastward from that point in the County the road is a one-mile 'straight shot.' The Community Plan shows it extended another 1.5 miles in straight alignment. This would appear to further encourage high-speed traffic through an existing, developed County area. The City recommends that either offsets be built into Dunn Road as it is extended east or that Dunn Road not extend more than 1/2 mile east into the Community.

5. A single entryway to the prospective Lakeshore Drive, using the existing Lake Road entrance to the Lake Yosemite regional park, could create some significant conflicts, especially if there are major UC parking areas along the entire east side of the road north of Bellevue. Any significant UC activity (creating left-hand exiting turns out of these parking areas) at a time of heavy recreational usage of the regional park could create major conflict. The City recommends that access to the parking areas be separated from the access to Lake Yosemite Regional Park in order to avoid these conflicts.

6. In light of the Campus and Community traffic impacts in the short and long term, the following circulation concepts deserve future consideration:

a. Cardella Road, as one of the three prospective major entries to the overall site, might have real potential as a perimeter or ring-road around the entire community/UC area; it could serve as a scenic route for the entire area as well as possibly serving as a master distributor of traffic. As proposed in Fig. 12 of the UCP, Cardella (arterial) ends at local streets near the Town Center. Development fees for the entire area, for example, could be adjusted to contribute to construction of a perimeter road of this nature.

b. Possible expansion of recreational facilities (regional parks, etc.) in the Lake Yosemite area might offer the opportunity for ultimately extending 'Lakeshore Drive' around the entire lake as a second major scenic drive loop for the overall area.

7. Categories of planned or potential improvements by MCAG are mentioned throughout the circulation analyses in both Draft EIRs, however the terminology is unclear as to the meaning of and distinctions between the categories. For example, the text refers variously to improvements being "partially included", "programmed", or included in the "Tier 1 roadway system".

8. With the identified Project and cumulative traffic impacts, it is clear that development of the Projects will affect the City in both the near and long term. Given the extent and magnitude of these effects, the City encourages serious consideration of the Project alternatives, particularly for

a smaller University Community. For example, Yosemite Avenue is not designated as a major arterial, and the significant impacts identified for it could be reduced through a smaller Community project. Additional comments on alternatives are presented below.

Alternatives Analysis

Although contained in a separate plan and analyzed in a separate Draft EIR, the City recognizes that development of the Community project is of critical importance to the University. It is also clear that the City will be affected immediately upon commencement of the projects. The City appreciates the collaborative planning and consideration that has characterized the overall UC Merced project. In order to meet both the UC Merced objectives and the City's objectives to efficiently integrate and manage development of the Campus and Community projects with City planning, the City Council supports the initial planning of a smaller Community, generally shown as the Town Center and Villages 1 and 2 north of Cardella Road. This is the same as the Alternative 2, "No Loss of Prime Farmland/Reduced Community Size", except that this alternative includes extension of the boundary to the east of the Canal, which the City does not support. The City has the following additional comments on the Alternatives analysis.

1. The entire area south of Cardella Road should be designated as "Future Study Area" instead of "Urban Reserve." Urban development should only be allowed in this area with findings based on economic feasibility, available development capacity in the City of Merced SUDP and the Bellevue Corridor, most efficient provision of public facilities and services, and agricultural land impacts.

2. The University Community SUDP includes lands as far south as Yosemite Avenue. This is inconsistent with the City's Merced Vision 2015 General Plan (Policy UE-1.1), which directs growth away from prime agricultural lands and specifically identifies these lands east of Lake Road for special concern. Establishing the southern boundary for the community at Cardella Road will eliminate the General Plan inconsistency.

3. Various references are made to the necessity of having a Community of a certain size in order to attract a Master Developer. No source or specific number of acres is cited for this ideal size. The City believes that the presence of a premiere educational and research institution such as the University of California and the City-preferred smaller Community size will be "magnetic" enough to attract the services of a master developer.

<u>**COMMENTS ON THE CAMPUS DRAFT EIR**</u>

Hydrology/Storm Drainage. Figure 2-12 shows the Campus project drainage being diverted into the LeGrand Canal. The figure conflicts with text stating that drainage will not be directed to this canal.

Hydrology/Water Quality. As noted in the Draft EIR, the City has agreed in principle to provide potable water to the campus. The City is currently developing a standard well-site design and plans to tie the new wells into the City water distribution grid in order to provide backup and system security. The City also appreciates UC Merced's participation in the current update of the 1995 Merced Water Supply Plan.

The Project Description notes that potable water will be used for the campus heating and cooling system. The City suggests investigating the use of surface water for such needs in order to conserve groundwater.

Population, Housing and Employment. The Draft EIR states the Campus project's goal to house 50% of the students on campus (section 3.1.2.2); however, "key assumptions" in planning for the Community project assume 32% of the students would live on campus, with another 10% commuting from nearby areas, and 58% residing in the Community project (section 3.1.2.3). The Draft EIR finds housing impacts less than significant based on the potential residential buildout of the County and City general plans. However, in the near term, the City is likely to be the first option for off-campus student and staff housing. The Merced area housing market has very low vacancy rates currently and there is no reason to assume the rate will increase, given current economic trends and the impacts of the Campus development and construction. If the University opens in 2004 with on-campus housing for 32% of its 1,004 students, then 682 students will be accommodated elsewhere in the housing marketplace. With 3 students per unit, a demand for over 225 units could result immediately upon opening. With about 7,000 apartments in Merced and a current vacancy rate of approximately 2-3%, there may be only 150 to 200 apartments available. Even with new construction, it can reasonably be anticipated that vacancy rates will tighten further and rents will rise. Based on these near-term considerations, the City recommends that the Campus project intensify its focus on providing on-campus housing.

Water Service. The City has indicated that it will provide water service to the Campus project. Details of the service extension would be provided in a services agreement and/or preannexation agreement consistent with the City's General Plan Policy 1.1 which calls for logical, timely and economically efficient extension of infrastructure. Although the Campus Draft EIR identifies a specific connection point at the intersection of Lake and Yosemite Roads, this specific connection point has not been reviewed by the City for engineering or policy consistency. Engineering and locational details of the connection point will be addressed in the abovementioned agreements.

Wastewater Services. The City has indicated that it will provide wastewater services to the Campus project. Details of the wastewater service extension would be provided in a services agreement and/or preannexation agreement, consistent with General Plan Policy 1.1 as described above. The following comments address the Draft EIR's wastewater analysis.

1. The Campus Draft EIR identifies a specific connection point, at the intersection of G and Bellevue Roads. Engineering and locational details of the connection point will be addressed in the abovementioned agreements.

2. Past discussions have suggested that the University would deliver wastewater into a City collector just north of the intersection of Bellevue and Lake. It is assumed that a collector will be constructed along Bellevue to G, hence down G to connect to an existing 27-inch collector located

on G north of Yosemite Avenue. This existing collector currently has sufficient excess capacity to serve the University.

3. The City is currently developing additional aeration basin capacity at the wastewater treatment plant south of Merced. Location of the tie-in sewer line is likely to extend along Bellevue to G and thence down G to tie into an existing 27-inch trunk sewer. The City encourages continued cooperative development of regional wastewater treatment strategies. If the University develops treatment for recycled use in the future, it may be most efficient for the City to continue to process solids conveyed through the City sewer connection. The City receives its peak flows in the summer. Peak irrigation use for recycled flows also occurs in the summer, so that there is opportunity to jointly optimize capacity and operations between the City and University.

COMMENTS ON THE UNIVERSITY COMMUNITY DRAFT EIR

Hydrology/Water Quality. The first paragraph on page 4.8-6 states that groundwater depths in the Merced area range from 1 to 15 feet bgs (below ground surface), with seasonal variation of up to 4 feet. This is incorrect; it would be more accurate to say that the change in depths ranged from 1 to 15 feet, with an average seasonal variation of 4 feet. (The reference to bgs is incorrect.)

Land Use. Land Use Impact 4.9-1 identifies potentially incompatible land uses as a significant unavoidable impact of the Community project. The City is particularly concerned that development and conversion of prime agricultural land to urban uses south of Cardella Road is inconsistent with the goals and policies of the Merced Vision 2015 General Plan. Similarly, the UCP and Draft EIR assumption that the Rural Residential Centers will remain rural while urban-level development occurs to their east and west is unrealistic. Further comments on this issue are presented earlier under Alternatives, including consideration of the City's general plan policies and programs which encourage compact urban growth to decrease development pressure on prime soils and intensive agricultural operations. (Implementing Action 1.1.a).

Water Service. The Community project will require water service. As noted in the Community Draft EIR, new wells and related facilities could become part of the City's water system and the well sites would meet City standards (pp. 4.15-5, -6). The City would consider providing water service to the Community project, however, the General Plan requires annexation of the service extension areas. Provisions for extension of water services and future annexation of the extended service area may be addressed in a services agreement and/or preannexation agreement.

Wastewater Service. The Community project will also require wastewater services. The Community Draft EIR calls for wastewater services to be provided by the City at least on a seasonal basis. This could be problematic since wastewater treatment facilities are very expensive capital investments and seasonal use may not be economically viable. The details of any wastewater services from the City, including use, connection points, sewer trunk line and treatment plant capacity would be addressed in a services agreement and/or preannexation agreement. The following comments address the Draft EIR's wastewater analysis.

1. Locating a new wastewater treatment and recycling plant within the Business Park area will require careful attention to potential odor transmission. Pumping raw sewage will be required to the plant from down-gradient areas. What is the intended capacity of on-site storage contemplated in the Business Park for winter storage of treated wastewater?

2. The technical and economic feasibility of on-site decentralized wastewater treatment and disposal systems (p 4.15-16) needs further review given the level of residential development proposed and the soil conditions of the area. Irrigation disposal is not practical in the winter. Also subsurface gray water irrigation is not compatible with construction of storm water retention facilities throughout the area.

3. Page 4.15-14 states that "Approximately 70 to 80 percent of the Merced WWTP effluent flow is discharged to Hartley Slough, which enters Owens Creek, and subsequently a network of natural and artificial channels tributary to the San Joaquin River." This statement should be clarified to note that the effluent is discharged to an effluent-dominated agricultural drain and is used for irrigation and subsequently in wildlife management areas. Treated effluent from the Merced WWTP reaches the San Joaquin River only in extreme flood events, at which time it is highly diluted.

4. The City of Merced plans to extend a trunk sewer north on G to Bellevue hence to Lake Road to serve the University campus. Page 4.15-8 states that "For subsequent development, the UCP wastewater collection system would likely be connected to a sewer main at the intersection of Gerard Avenue and Kibby Road." (See also page 4.15-24). City policy does not favor an eastern trunk sewer connection that would draw development to prime agricultural lands.

5. The first paragraph on page 4.15-22 states, "The proposed UCP would generate approximately 1.69 mgd of wastewater at full buildout. If all of this wastewater were conveyed to local municipal wastewater treatment plants (Merced or Atwater), it could exceed the planned capacity (of) either of those treatment plants." This statement should be clarified to note that assuming suitable administrative and funding arrangements are in place, the City of Merced WWTP will be able to accommodate 1.69 mgd.

6. The second paragraph of the "Baseline Plus Buildout Scenario" on page 4.15-25 states "The City of Merced WWTP has on-site drying beds with available capacity and can increase their current drying capacity as needed. The Merced WWTP currently disposes biosolids on a 600-acre site of City-owned farmland as a soil amendment. There are no capacity issues related to this biosolids disposal site." The City of Merced currently accepts biosolids at the plant headworks. These biosolids have to be accommodated in the primary treatment process and in the digesters. Therefore, capacity in these treatment units must be considered as well as the ultimate disposal area.

The City would not look forward to receiving large volumes of septic solids from community septic systems, but would prefer to have the entire wastewater stream directed to the plant, and to continue to treat wastewater in approximately the same mode as at present.

The City currently experiences higher flows in the summer. If this continues into the future, it will be easier for the plant to accept additional winter flow. This may provide compatibility with a UCP reclaimed water treatment plant that provides on-site irrigation flow. The City would expect this flow to be conveyed in the Bellevue/G corridor

CONCLUSION

Thank you again for the opportunity to comment on the Draft EIRs for the *UC Merced Long Range Development Plan* and the *County of Merced University Community Plan*. The City understands that our comments merit further discussion and negotiation between the City, County and the University. From a local and regional planning perspective, as well as from the perspective of avoiding sprawl and providing efficient service delivery to the Community project, future annexation of the University Community is the most logical option for governance of that area. Under separate cover, the City will provide additional comments on the Campus and Community plans addressing both governance and basic land use policy issues on the direction of growth beyond the initial stages of the Community project. In the meantime, the City would be glad to continue discussion with the University and County on the provision of public services, including preparation of a preliminary "plan for services" in anticipation of a future annexation application to LAFCO. The City is confident of achieving a mutual resolution of all concerns on these important projects. If you have any questions on these comments, please contact me at (209) 385-6834 or City Planner Jack Lesch at (209) 385-6858.

Sincerely,

Mary Jo Knudsen

Mary Jo Knudsen
Mayor

cc: Merced City Council
Merced City Planning Commission
Merced City Department Heads

lt:P:jack.UC EIR Comments

CITY OF MERCED
"Gateway to Yosemite"

October 11, 2001

Gloria Keene, Chairman
Merced County Board of Supervisors
2222 M Street
Merced, CA 95340

Dear Ms. Keene,

RE: County of Merced University Community Plan—Land Use and Governance

The City of Merced would like to thank the Merced County Board of Supervisors for the opportunity to comment on the *County of Merced University Community Plan*. From the beginning of this long process, the City of Merced has supported the development of the University of California Merced wholeheartedly and continues to do so enthusiastically today.

The environmental aspects of the University Community Plan and UC Merced Long Range Development Plan were dealt with in the City's October 4, 2001 letter regarding the two Environmental Impact Reports. As noted in the letter, the City of Merced has fundamental concerns regarding land use (direction of growth) and governance of the University Community. Through these comments, the City hopes to continue the ongoing cooperative planning process with respect to the proposed UC Merced campus and University Community and their City of Merced neighbors.

The City Council and staff have discussed the alternatives for Community configuration and concludes that the assumptions regarding north-south phasing to Yosemite Avenue should be reconsidered in favor of carefully planning for the intervening area to the west (Bellevue Corridor). The Bellevue Corridor needs to be planned as part of the broader University Community. The City favors an alternative University Community that is similar to the "No Loss of Prime Farmland" Alternative -Larger Community, except that the boundaries would generally be Fairfield Canal to the east, Cardella Road (extended) to the south, and the City of Merced SUDP boundary (Gardner/Golf Road) to the west.

Factors relevant to the importance of the Bellevue Corridor are:

EXHIBIT D

678 West 18th Street • Merced, California 95340

(1) The City of Merced plans a public transportation corridor along Bellevue Road extending between "M" Street and the Campus and community. The City's General Plan reflects commercial centers/village centers along that corridor.

(2) The proposed extension of utilities along Bellevue Road will induce growth in the intervening area. This growth will impact the campus and University Community, and therefore, it should be planned for now.

(3) University induced growth will be feasible along the Bellevue Corridor sooner than the proposed phased University Community growth in the "Urban Reserve" area <u>south</u> of Cardella Road (extended).

The City has considered the disadvantages of accommodating growth west of Lake Road discussed in the EIR's (under "No Loss of Prime Farmland Alternative," page 5-13) and the University Community Plan Area Plan. In this regard, we offer the following comments:

(1) *Attraction of a Master Developer*: The "No Loss of Prime Farmland Alternative" (development north of Cardella Road-extended) can be made as attractive to a master developer as the current site by emphasizing the reduced costs for infrastructure and the contiguousness to the City of Merced. Instead of marketing the University Community as a "unique and separate community," the benefits of integrating the community with the City of Merced should be highlighted. Development between the City and the University Community would also be attractive to a master developer because of the ability to market to both customer bases.

(2) *Incompatibilities with Rural Residential Centers*: It is noted in the EIR, that the "No Loss of Prime Farmland Alternative" may create conflicts with the Rural Residential Centers between Gardner/Golf Road and Lake Road, which are not currently designated for intensive urban development either in the County's General Plan or the City's *Merced Vision 2015 General Plan*. However, it should be noted that the City's General Plan was adopted in 1997. At the time, the UC Merced Campus and adjacent University Community was proposed for the area northeast of Lake Yosemite, approximately five miles outside the City's SUDP boundary. Given the new location of the Campus on the Merced Hills Golf Course, the City has recognized that the area east of Gardner/Golf Road will need to be studied more closely and more intensive urban development should be considered for those portions of that area that are not already developed as 1-acre home sites. To expect that this one-mile wide area would remain rural while intensive urban development occurs to its east in the University Community and to its west in the City of Merced is not very realistic. The City is committed to jointly planning this area with the County of Merced and the property owners so issues related to such an intensification of development can be addressed.

(3) *Large number of property owners*: It has been noted that there are only two property owners for the preferred site while there are over 60 property owners in the "No Loss of

Prime Farmland Alternative." While true, this number is misleading. The City has looked at the "Bellevue Corridor," which we have defined as an approximately 1,920-acre area bound by G Street to the west, Cardella Road to the south, Lake Road to the east, and a line approximately ½ mile north of Bellevue Road to the north. In this area, over 1,248 acres are owned by just four property owners (see attached map). This represents 65 percent of the overall area. Another 308 acres are owned by just four additional property owners, which would bring the total up to 81 percent of the overall area. The other approximately 50 property owners make up only a total of approximately 364 acres or 18 percent of the area. We believe that most master developers would not balk at having to deal with such a small number of land owners simply because there are very few properties of such a size that are under one ownership and these developers have extensive expertise in assembling multiple parcels.

(4) *Wetlands*: The issue of environmental permitting to address the wetlands impacted by development west of Lake Road could be accomplished by a combination of mitigation and avoidance of the affected areas. This "avoidance" can be accomplished through clustering development in those areas free of wetlands.

(5) *Length of time for initial development*: The University Community Plan indicates that development will not likely take place south of Cardella Road for at least 25 years and that completion of the entire Community to Yosemite Avenue would likely take 40 years or more. The Bellevue Corridor area will likely develop significantly faster than that, especially if City infrastructure is extended in that area to serve the UC Campus. Most developers would not like to wait 40 years to complete a development.

(6) *Agricultural Land Impacts*: One of the major advantages of the "No Loss of Prime Farmland" Alternative is, of course, that no prime farmland is lost whereas the preferred alternative would result in the loss of approximately 650 acres of prime farmland. It should also be noted that land exists within the City's SUDP and in the Bellevue Corridor which can accommodate some of the urban growth associated with the University without sacrificing prime farmland. The City of Merced's SUDP and Sphere of Influence boundaries were carefully developed in order to avoid areas of large concentrations of prime farmland. Most specifically, the land east of Lake Road and north of Highway 140 was not included in the City's growth plans because of the City's desire (expressed in numerous City General Plan policies) to preserve prime farmland adjacent to the City.

In summary, the City of Merced believes that the "No Loss of Prime Farmland Alternative" (with some modifications) is a reasonable alternative that should be given due consideration. The City also feels that the area south of Cardella Road within the proposed University Community Plan area should be designated as a "Joint Planning Area" instead of "Urban Reserve" so that the City of Merced and the County and other interested parties can jointly explore the various issues associated with encroaching onto prime agricultural land, City/County interface, etc. Lastly, the City would like to emphasize that the Bellevue Corridor needs to be planned as part of the broader University Community. This area should be planned with design elements that would allow later inclusion in the University Community through future planning processes. This can be accomplished consistent with the Community Plan objectives for a transitional area and a "unique" University Community west of Lake Road.

Governance (pp. 264-269 of the University Community Plan)
The City understands the importance of the University Community's development to the University itself. Given the financial arrangements and the land exchanges which have made the University Campus location possible, the City intends to facilitate the development of the University Community.

At the same time, experience demonstrates the problems with urban development on a city's edge. The University Community has three possible futures for its governance: (1) incorporation into the City of Merced; (2) continued governance by the County through service districts or other devices; or (3) incorporation as a separate new City.

We believe this last option (separate incorporation) to be extremely undesirable. Yet we also believe it will likely result from development of the University Community outside the City of Merced. For that reason, the City advocates incorporation of the University community into the City of Merced at the earliest feasible time.

The densities of development which are planned for in the University Community make it dramatically different in character from existing Rural Residential Centers (RRC's) located in the County. What is envisioned here is a truly urban environment, with full urban services. It is unlikely that residents of such an area will want to be without urban government for very long. The end result of this development will be a desire for a new city by the residents who live there. This will create a city sharing a border with Merced, and the inevitable jurisdictional conflicts which follow. A newly incorporated City would not benefit the County or City of Merced, nor would it be the most efficient way of delivering services. Experience shows that the best opportunity for annexation is sooner, rather than later. Later there will not be uniformity of land ownership to allow annexation processes to occur. Now there are only a few owners with needs to accommodate.

Conclusion

The subject of annexation is intertwined with the provision of public services. Public services are ordinarily provided by the City within its corporate limits, and are not provided outside the City. The City's concerns for governance can largely be addressed through agreement for annexation at a specified time, which should precede the development of the Community. The service and governance issues can be resolved in the context of an agreement between the interested parties and the City, outlining the conditions and process for annexation of the University Community. We look forward to continued discussions with the County and the University on the provision of public services. Lastly the City and County need to begin the collaborative planning process for the intervening area west of Lake Road. The City is confident of achieving mutual resolution of all concerns on these important projects. If you have any questions on these comments, please contact me or City Manager Jim Marshall at (209) 385-6834 or City Planner Jack Lesch at (209) 385-6858.

Sincerely,

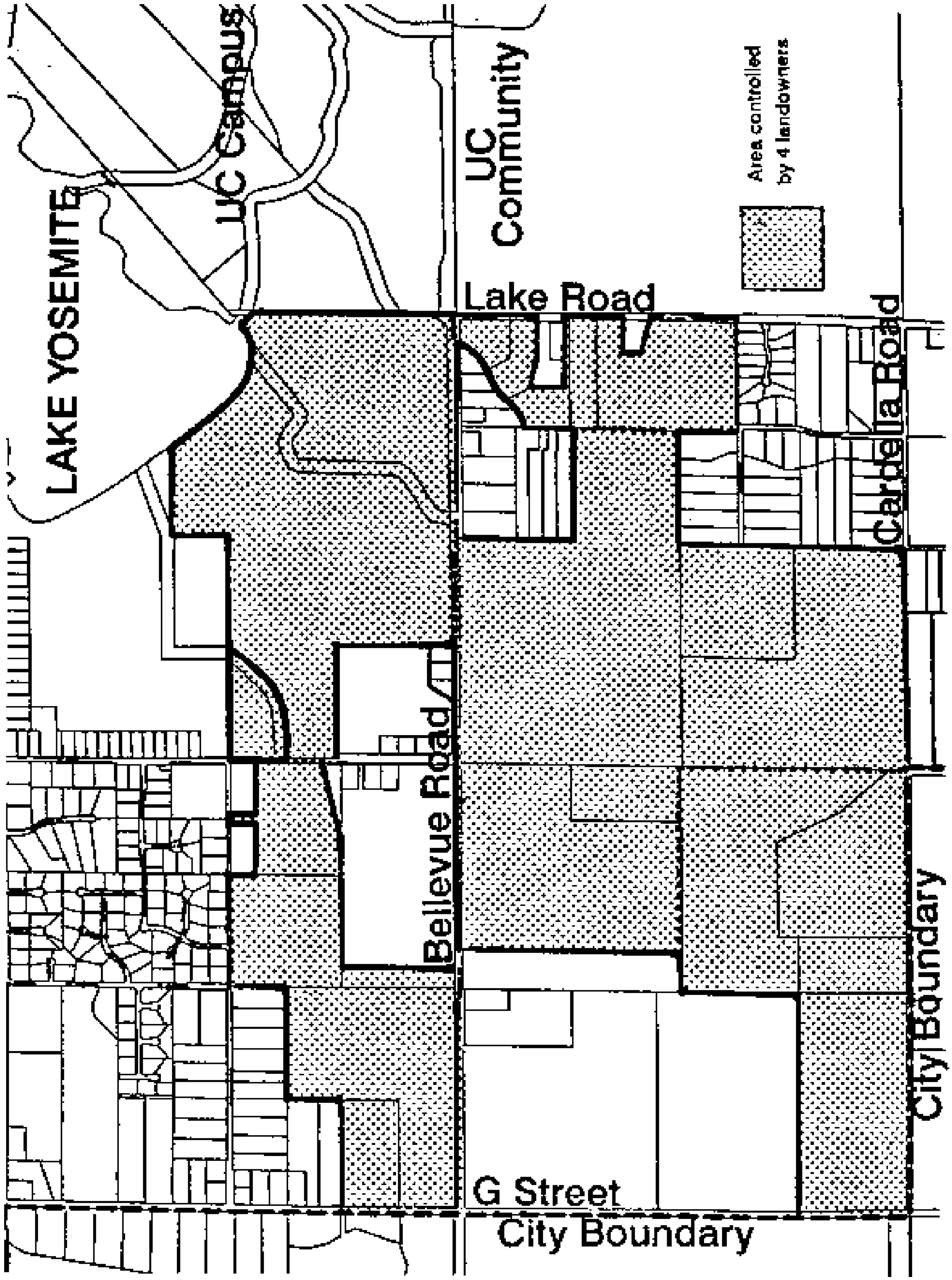
Mary Jo Knudsen

Mary Jo Knudsen
Mayor

Attachment

cc: Merced County Planning Commission
Merced City Council
Merced City Planning Commission
Merced City Department Heads
Bob Smith, Planning Director—UC Development Office
Bill Nicholson, Merced County Community Development Director

KE: GPImplem\UCMerced\EIR's\CommPlan&EIR\City CommPln Comment Letter--Oct01.doc


LAKE YOSEMITE
UC Campus
UC Community
Area controlled by 4 landowners
Lake Road
Cardella Road
Bellevue Road
G Street
City Boundary
City Boundary

Response to Comment Letter LA-1

The responses below address comments made by the City of Merced on the UC Merced and University Community Project EIS/EIR. The comment letter provided by the City of Merced included three attachments: the City's letter commenting on the 2004 UCP EIR prepared by the County, the City's letter commenting on the 2001 Draft EIR for the UC Merced LRDP prepared by the University, and the City's letter commenting on the University Community Plan. These letters do not provide comments on the current proposal and therefore are not relevant to this EIS/EIR.

Response to Comment LA-1-1

The Proposed Action consists of both the Campus and the University Community. Therefore the impacts of the entire Proposed Action are evaluated and reported in the Draft EIS/EIR and the impact statements report on the overall impact of the entire Proposed Action. While the document could perhaps have been structured in multiple ways, the informational purpose of the document is to consider the project as a whole. In order to ensure that the separate impacts of the Campus and the University Community are also clearly identified, subheadings corresponding to the two components of the Proposed Action (the Campus and University Community) are provided under each impact, and the paragraphs under each subheading report the potential impacts of each component. For impacts determined to be significant, mitigation measures are presented, and for each mitigation measure, its applicability to the Campus, the University Community, or both, is clearly identified.

Response to Comment LA-1-2

Please see **Master Responses No. 5** through **8**, and **Response to Comment LA-1-113**. Regarding the question of when impacts will occur, the 2020 and 2030 analyses presented in the EIR provide only two snapshots in time; the impacts will occur as traffic from the Campus, University Community, and other regional growth increases over this period. Improvements will be planned and constructed by the City and County in accordance with their monitoring of traffic and development of improvement project designs and funding plans. Mitigation Measure TRANS-1A, as revised for the Final EIS/EIR, is designed to ensure that the University also monitors its traffic and plans for the contribution of its proportional share of the improvement projects that will mitigate its impacts, in cooperation with the City of Merced and Merced County.

Response to Comment LA-1-3

Please see **Master Response No. 5**, which includes a discussion of the appropriate use of the land use patterns and growth in the MCAG Travel Demand Model.

Response to Comment LA-1-4

The Draft EIS/EIR does not find that the campus development will not impact the City's roadway system to any significant degree. Rather, the Draft EIS/EIR Volume 2 Tables 4.13-8 and 4.13-10 list 18 roadway segments on which the Campus traffic is projected to have a significant impact. Please see **Master Response No. 8**, which includes revisions to Mitigation Measure TRANS-1A to clarify the method by which the University will calculate and fund its proportional share of these improvements. Mitigation Measure TRANS-1A also addresses specific roadway and intersection improvements adjacent to the campus which may be put into place by approximately 2020. In addition, please see **Master Response No. 6** which provides more information on the trip internalization assumptions. It is also noted that the 2020 Project analysis includes no trip internalization and the UCM 2020 Project analysis provides an evaluation of impacts under interim conditions.

Response to Comment LA-1-5

The full campus buildout with no University Community development was not evaluated in the Draft EIS/EIR because the University Community is a part of the Proposed Action and the whole project was evaluated for its impacts. An alternative that included just the proposed Campus and not the University Community was not evaluated as it would not meet the purpose and need of the Proposed Action nor the objectives of the proposed project. However, it is noted that the external trip generation of the Campus alone, at full buildout of the 2009 LRDP and assuming no University Community, is estimated at 52,000 daily trips; this is lower than the external trip generation of the combined Campus and University Community at 2030, which is approximately 57,000 trips (see Draft EIS/EIR Volume 2 Table 4.13-7). Thus, the total traffic assigned to the external roadway network would be somewhat lower if the University developed without the University Community, as opposed to with the University Community.

Response to Comment LA-1-6

The traffic studies conducted are adequate, for the reasons outlined in the other responses to the comments in this letter. There is no need to withdraw the Draft EIS/EIR and recirculate it.

Response to Comment LA-1-7

The Draft EIS/EIR does not defer the analysis of traffic impacts. Traffic impacts from the development of the Campus and University Community are fully evaluated and disclosed in the Draft EIS/EIR. Furthermore, for all impacts identified to be significant, the Draft EIS/EIR includes detailed mitigation measures that involve a number of steps by which the University would continuously assess the growth in campus traffic and actively work with the City and the County so that necessary traffic improvements are put in place in a timely manner. The text of Mitigation Measure TRANS-1A has been clarified to address the concerns such as those expressed by the City in this comment. Please see **Master Response No. 8.**

Please note that the University is not proposing any additional studies as part of Mitigation Measure TRANS-1A. What is proposed under the mitigation measure is continuous monitoring of the campus' traffic growth. This is considered necessary for a number of reasons. First, the 2009 LRDP is a long-range development plan and the total growth that is embodied in this plan is expected to occur over a long period of time. Furthermore, enrollment growth can vary from one year to another as it is affected by numerous factors. Therefore, the increase in campus population as evaluated in the Draft EIS/EIR for years 2020 and 2030 may or may not occur exactly as predicted. Second, the Campus is committed to implementing a strong TDM program as part of its sustainability goals. Therefore it is hoped that the growth in vehicle trips will be less than proportional to the increase in campus population. Thirdly, although the University, especially through its support of development in Community North, anticipates that the University Community will develop in step with campus growth, it is possible that the development of the University Community could lag behind the growth of the Campus. Should that be the case, more campus-related traffic could be added to the regional roads than currently projected. Mitigation Measure TRANS-1A includes traffic monitoring to address all of these contingencies and variables that could affect the traffic generated by the Campus.

Please note that traffic monitoring will be done when the campus enrollment increases by an increment of 1,500 students (currently anticipated to occur over a period of two or three years). Gate counts will be conducted and used to estimate the trip generation rate at that point in time. This rate will then be compared to the rate used in the EIS/EIR and based on the trip generation rate at that time, the Campus' percent share of traffic improvements will be estimated. This information will be shared on a regular basis with the City and the County.

The University has reviewed the flow chart provided by the City that suggests that the University will not make any payments towards traffic improvements that are related to the Campus's traffic impacts. To address this concern, Mitigation Measure TRANS-1A has been clarified to state very clearly that when the City or the County come forth with a project to improve an existing roadway facility or construct a new one, the University will determine its proportional share payment at the time the project is programmed, a full construction cost estimate is prepared, and a full funding plan (including the projected University proportional share) is prepared by the affected jurisdiction. Furthermore, the mitigation measure also clearly identifies the University's commitment to pay its proportional share of the necessary improvements to two existing intersections (Lake Road and Bellevue Road and Lake Road and Yosemite Avenue), one new intersection (Myers Gate and Lake Road), widening of Bellevue Road between Lake

Road and G Street from 2 to lanes, and the construction of Campus Parkway from Yosemite Avenue to the Campus.

Response to Comment LA-1-8

Please see **Master Response No. 8** and **Response to Comment LA-1-7** above regarding the role of Campus traffic monitoring in Mitigation Measure TRANS-1A and the reasons why it is proposed. Please see revised Mitigation Measure TRANS-1A which states that funding will be internally committed by the University at the time the affected jurisdiction programs each project, provides a construction cost estimate, and a full project funding plan. Payments will be made to the appropriate jurisdiction at the time that the notice to proceed with the construction of the improvement is issued. For the specific improvements included in Mitigation Measure TRANS-1A, specific mitigation triggers have been devised to ensure that the necessary improvements can be built in advance of a significant decline in roadway operations and capacity.

Response to Comment LA-1-9

Please see **Master Response No. 8** and **Responses to Comments LA-1-7 and 8** above which provide additional information with respect to the University's proposed mitigation measure.

The EIS/EIR evaluates the impacts of the Campus not only on University property but also on the regional transportation network and the mitigation measure is proposed specifically to address the project's off-site traffic impacts. The University's proposed mitigation measures would reduce the traffic impacts due to campus growth. However, because the construction of the necessary improvements is not within the University's jurisdiction, the Draft EIS/EIR finds that the impact would be significant and unavoidable.

Response to Comment LA-1-10

Please see **Master Response No. 8**.

As explained in **Response to Comment LA-1-7**, due to the numerous variables that could affect the number of daily trips generated by the Campus, any effort to provide an estimate of the project's proportional share contribution in dollars at this time would not be meaningful. However given the City's concern, the University has committed to monitor its traffic continually, and estimate and report the following items to the affected jurisdiction at each monitoring stage: the improvement cost estimate; the ultimate proportional share (from Table 4.13-10); and the increment based on the current monitoring.

Response to Comment LA-1-11

Please see **Master Responses No. 5** through **8** regarding adequacy of impact analysis and proposed mitigation measure to address the Campus' traffic impacts. Please also see all preceding responses to the City's comments regarding traffic mitigation. The traffic section in the Draft EIS/EIR adequately analyzes and discloses the Proposed Action's traffic impacts and the revised mitigation measure addresses all of the City's concerns. The EIS/EIR does not need to be recirculated.

Response to Comment LA-1-12

See **Master Response No. 8** regarding mitigation of project impacts. The University has committed to paying its proportional share of the cost of those improvements locations where the Campus' traffic is projected to result in a significant impact. The revised Mitigation Measure TRANS-1A includes adequate provisions that will serve as verifiable triggers. The University will contribute funds in a timely manner so that the improvements can be planned and completed by the local jurisdiction before traffic operations are degraded to an unacceptable level.

It is not necessary for the University to place its share of funding in a special fund to be held by the local jurisdiction. The University has committed to the following in Mitigation Measure TRANS-1A: "Funding will be internally committed by the University at the time the affected jurisdiction programs each project, provides a construction cost estimate, and a full project funding plan. Payments will be made to the appropriate jurisdiction prior to the initiation of construction." This should assure the local jurisdictions that monies will be available when they are needed for the required improvement.

With respect to the last point made by the City in this comment, the University acknowledges that the ultimate mitigation measures that are imposed on development projects in the University Community will be determined by either the City or the County. Please see **Master Response No. 4** which explains why mitigation measures are included in the Draft EIS/EIR for the University Community even though the University does not have land use jurisdiction over the University Community area. As stated in that master response, to comply with NEPA and CEQA, which require that a Draft EIS/EIR present mitigation measures that would address the project's significant impacts, the Draft EIS/EIR lists such mitigation measures even if only the County or the City could impose them. The County may decide in its discretion to adopt entirely different mitigation measures for the impacts in question. Similarly, if the City moves forward with the annexation of the University Community site, the City may decide in its discretion to adopt different measures or make different findings regarding these impacts.

Regarding the concern about University-sponsored projects that may be located within the University Community, in the event that the University proposes to build any campus-related facilities within the

University Community, it will conduct an environmental review of the proposed improvement and if significant impacts are identified, it will mitigate that project's significant impacts.

Response to Comment LA-1-13

The Draft EIS/EIR analyzes the potential environmental impacts of the Proposed Action on police services (Impact PUB-1 in Volume 2). As stated under that impact, the Campus will be adequately served by UC Merced Police Department and will not require the services of the City Police Department under normal conditions.

In the case of the University Community, it would be served by the County Sheriff's office if the University Community continues to be within unincorporated Merced County or by the City of Merced Police Department if the community is annexed. Should a police station be constructed within the University Community, the likely environmental impacts from the development of the station are disclosed in the Draft EIS/EIR. If the new police station is constructed off site by the City, the City will conduct its own environmental review of the proposed police station.

As noted in the Draft EIS/EIR, the County tax revenues would fund the construction of the new police station, whereas if the City were to build it, impact fees collected from developers within the service area of the new police station would pay for the construction of the police station and for any environmental mitigation required in conjunction with the construction of the new police station. Funding mechanisms (such as property tax and special assessments) exist for the development of public service infrastructure.

Because the cost of developing new facilities or the operational cost of providing services to the University Community are not environmental impacts, no mitigation is required related to the provision of police services to the University Community. Therefore, no mitigation measures are proposed in the Draft EIS/EIR.

Response to Comment LA-1-14

The City's opposition to UC Police serving the University Community is noted.

Response to Comment LA-1-15

The Draft EIS/EIR analyzes the potential environmental impacts of the Proposed Action on fire protection services (Impact PUB-2). The Campus would be served by the City of Merced Fire Department following the execution of a pre-annexation agreement or upon completion of the annexation process. Up to one more engine company would be needed to serve the Campus at buildout. The City could build a new station in northern Merced or within the University Community (if the community is annexed).

In the case of the University Community, it would be served either by a fire station developed by the County if the University Community continues to be within unincorporated Merced County or by the City of Merced if the community is annexed. Should a fire station be constructed within the University Community, the likely environmental impacts from the development of the station are disclosed in the Draft EIS/EIR. If the new fire station is constructed off site by the City, the City will conduct its own environmental review of the proposed fire station. Because the site of a new fire station has not been selected, the exact environmental impacts of building a fire station cannot be characterized. However, given the nature of the facility and its typical size and scale of development (usually involving a site that is between 0.5 to 1 acre), the construction of a new fire station would not result in significant environmental impacts.

As noted in the Draft EIS/EIR, the County tax revenues would fund the construction of the new fire station, whereas if the City were to build it, impact fees collected from developers within the service area of the new fire station would pay for the construction of the fire station and for any environmental mitigation required in conjunction with the construction of the new fire station. Therefore funding mechanisms (such as property tax and special assessments) exist for the development of public service infrastructure.

Because the cost of developing new facilities or the operational cost of providing services to the Campus or the University Community are not environmental impacts, and to the extent that a new fire station is built in north Merced to serve the Proposed Action and other growth in the region, its construction is unlikely to result in significant environmental impacts. Therefore, no mitigation is required related to the provision of fire services to the University Community or the Campus and no mitigation measures are proposed in the Draft EIS/EIR.

Response to Comment LA-1-16

See **Response to Comment LA-1-15** above.

Response to Comment LA-1-17

The City's comment stating a preference for wastewater treatment provided by the City as opposed to a separate on-site wastewater treatment system to serve the Campus and the University Community is noted.

Response to Comment LA-1-18

All new development, including the Campus, would be required to pay connection fees for sewer services. This is not an environmental issue that requires documentation in the EIS/EIR. To the extent that specific improvements to the City's collection and/or treatment systems are needed to serve the Campus, as stated in the Draft EIS/EIR, the University will comply with its obligation under Government Code Section 54999 and pay a limited capital facilities fee equal to the Campus' share of the actual cost of constructing those improvements, including the cost of mitigation measures to address environmental impacts.

Please see Impact HAZ-1 in Volume 1 and Impact HYD-1 in Volume 2 which describe the procedures and controls that the University is currently implementing and will continue to implement to prevent hazardous substances from being discharged into the City's sewer system.

Response to Comment LA-1-19

The City's opposition to an on-site wastewater treatment facility is noted. With respect to an on-site wastewater system, the Draft EIS/EIR describes the various emerging technologies that the University will evaluate if it is determined that an on-site wastewater system is needed either on the Campus or within the University Community. One of the emerging technologies involves techniques that would recycle up to 95 percent of the wastewater and only 5 percent of the flows would require off-site disposal which could be via discharge into the City's sewer system or via truck off-haul. Solids would be trucked off site and would not be discharged into the City's sewer system.

The Draft EIS/EIR describes the potential impacts of such a facility at a program level because its feasibility has not be evaluated and further details of this facility are not available at this time. The Draft EIS/EIR notes that if any type of an on-site treatment plant is proposed, it will be evaluated for its project-specific environmental impacts (see page 4.14-31 in Volume 2). To the extent that the analysis shows that treated effluent discharge from this facility could result in the need for improvements to the City's existing wastewater treatment plant, the University will comply with its obligation under Government Code Section 54999 and pay a limited capital facilities fee equal to the Campus' share of the actual cost of constructing those improvements, including the cost of mitigation measures to address environmental impacts.

Response to Comment LA-1-20

The Draft EIS/EIR discusses the Proposed Action's impact on water supply infrastructure under Impact UTILS-2 in Volume 2 and concludes that the growth of the Campus would require only on-site improvements and no off-site improvements as the existing on-site well and 16-inch water main that serves the Campus would be adequate through the full development of the Campus. With respect to the University Community, the Draft EIS/EIR notes that although the construction of new water supply infrastructure, including new wells, water treatment facilities, and distribution pipelines, would be required, the environmental impacts of these facilities could be mitigated by UCP policies. See **Master Response No. 4, City and County Land Use Jurisdiction.** If the University Community is annexed and water service is provided by the City, appropriate connections to the City's distribution system will be necessary and that developers that propose projects within the University Community will be required to pay all necessary connection fees. Payment of connection fees is not considered a mitigation measure. Also note that the EIS/EIR does not contemplate City water service to the University Community in the event that the site is not annexed to the City.

Response to Comment LA-1-21

See **Master Response No. 4.**

Response to Comment LA-1-22

As is discussed in **Master Response No. 4**, the University recognizes that it cannot bind any other public entity to any mitigation measure identified in the Draft EIS/EIR. The development of the Community South site would result in a less-than-significant impact on Swainson's hawk from the loss of suitable foraging habitat upon compliance with University Community Plan Policy 2.3. Although this potential impact would be less than significant, the Draft EIS/EIR identifies Mitigation Measure BIO-7 to further reduce this impact on Swainson's hawk. CDFG requires project proponents to provide habitat management lands to mitigate for the loss of Swainson's hawk foraging habitat. The mitigation identified in Mitigation Measure BIO-7 is consistent with these CDFG requirements. Because this mitigation is pursuant to applicable environmental laws and regulations, the Draft EIS/EIR states that the County "shall" require project proponents in the Community South to provide habitat management lands consistent with CDFG foraging habitat mitigation requirements. The word "shall" should not be taken as an attempt to usurp the County's jurisdiction. The mitigation outlined in the mitigation measure acknowledges the County's jurisdiction, and would be required not of the County, but by the County. Mitigation Measure BIO-7 does not require the County of Merced to mitigate this impact, but rather would require project proponents of the Community South site to implement Mitigation Measure BIO-7.

The Draft EIS/EIR also concludes that development of the Community South site would result in a potentially significant impact to San Joaquin kit fox due to the loss of 19 acres of suitable residence habitat for the kit fox, disturbance to an additional 42 acres of residence habitat, the loss of 1,011 acres of dispersal-only habitat, and additional disturbance to 275 acres of dispersal-only habitat on adjacent lands. The Draft EIS/EIR identifies Mitigation Measure BIO-10, in addition to compliance with University Community Plan Policy 2.3, to reduce potential impacts of developing the Community South site to San Joaquin kit fox to a less than significant level. This mitigation includes the requirement that surveys be conducted prior to any ground-disturbing activities pursuant to the US Fish and Wildlife Service's June 1999 Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. Mitigation Measure BIO-10 also requires that the impacts to kit fox be avoided and minimized through implementation of the US Fish and Wildlife Service's standard protection measures contained in the USFWS's 1999 recommendations. Because this mitigation, like the mitigation required in Mitigation Measure BIO-7, is pursuant to applicable environmental laws and regulations, the Draft EIS/EIR states that the County "shall" ensure that surveys for dens/burrows that could be occupied by vagrant San Joaquin kit fox are surveyed prior to any ground-disturbing activities within the University Community area, which is consistent with the USFWS's standard protection measures. Again, the word "shall" should not be taken as an attempt to usurp the County's jurisdiction, and the University recognizes that the decision to impose or not to impose this measure would be the County's.

Response to Comment LA-1-23

Please see **Master Response No. 4, City and County Land Use Jurisdiction** and **Response to Comment FA-1-13**. Section 4.16.4 of the Draft EIS/EIR discusses the significance criteria utilized for evaluating greenhouse gas effects, as well as the context for its conclusions.

Response to Comment LA-1-24

Please see **Master Response No. 4.**

Response to Comment LA-1-25

The comment supporting the future annexation of the University Community is noted.

Response to Comment LA-1-26

The comment concerns the UC Merced Long Range Development Plan rather than the Draft EIS/EIR, which analyzes both the UC Merced Campus and the University Community. As presented in the text of the Draft LRDP in Section 1.1, Section 1.2, and Section 3.1, the 2009 LRDP is limited to developing land use policies and direction for the campus only. The University Community is not subject to land use, transportation, or infrastructure plans or policies in the LRDP. On the issues of jurisdiction and mitigation in the University Community, please see **Master Response No. 4**.

Response to Comment LA-1-27

Please refer to **Response to Comment LA-1-26.**

Response to Comment LA-1-28

In the 2009 LRDP, the Bellevue Pedestrian Mall is a Managed Access Street on campus that is not open to vehicles. In this planning level document, type 3 bicycle routes (marked but unstriped bike lanes) have been determined to be appropriate for the Bellevue Pedestrian Mall as part of developing an overall bike network that balances safety with campus character.

Response to Comment LA-1-29

The 2009 LRDP is not a commitment to specific campus projects, a specific implementation schedule, or financing. Development of the transit center is subject to the availability of resources and evolving campus priorities.

Response to Comment LA-1-30

The comment is noted. Consistent nomenclature will be applied in reference to the map and street sections as it relates to "Community Connecters."

Response to Comment LA-1-31

The parking lots used on the campus are not typical gravel parking lots. As part of its green building process, the campus uses geocellular porous parking stalls that do not include dust and sand in either the aggregate infill itself nor as a binding material. As such, fugitive dust is not created. The geocellular system is a network of synthetic bands that confines the specially formulated aggregate layer for increased load bearing strength.

Response to Comment LA-1-32

Regarding fire protection, the Final LRDP will acknowledge that the City of Merced requires a contractual relationship before it agrees to automatic backup.

Response to Comment LA-1-33

Regarding city services, the Final LRDP will acknowledge the City's requirement to use city services if annexed.

Response to Comment LA-1-34

The 2009 LRDP is not an information technology master plan or a commitment to specific projects. Development of the campus' information technology system is subject to the availability of resources and evolving campus priorities.

Response to Comment LA-1-35

Please refer to **Response to Comment LA-1-19**.

Response to Comment LA-1-36

Please see **Response to Comment LA-1-1**. Because the land use planning of the Community North has been closely coordinated with the land use planning for the Campus, presenting a clear visual depiction is a difficult task. In particular, some of the maps in the Draft EIS/EIR do not show the boundary between the two areas, because to do so would have risked obscuring other information the maps are intended to convey. The intent of the Draft EIS/EIR in its entirety is to present the Proposed Action clearly.

The phasing of Campus development is not shown in most of the graphics in the Draft EIS/EIR as it is not relevant to the analysis (the impact analysis in Volumes 1 and 2 encompasses all phases of the Campus). Please see Figure 2.0-10 in Section 2.0, Project Description, in Volume 1 which clearly presents all four phases of the Campus.

Response to Comment LA-1-37

The purpose and need of the Proposed Action is presented very clearly on pages 1.0-6 through 1.0-8 in Volume 1. The Proposed Action is defined consistently throughout the document to include the Campus and the University Community. All impacts from the development of the two areas are evaluated in all sections of the Draft EIS/EIR.

Response to Comment LA-1-38

See **Master Response No. 4.**

Response to Comment LA-1-39

Please see the descriptions of the environmental commitments included in the Proposed Action that are provided on pages 2.0-54 through 2.0-60. These are environmental mitigation measures that the Campus is committed to implementing pursuant to the 2002 Biological Opinion. These do not include past actions but are programs and mitigation plans the development of which has been already commenced and will be fully implemented in the future.

Response to Comment LA-1-40

Please see the full text of Impact HYD-3 on pages 4.8-33 through -35 and Impact UTILS-3 on pages 4.14-28 through 4.14-31 in Volume 2 regarding the Proposed Action's impact on the City's wastewater treatment plant (WWTP) in the event that only the Campus at buildout is serviced by that facility and in the event that both the Campus and University Community are serviced by that facility. That analysis compares the projected wastewater load from the Proposed Action to the projected capacity of the WWTP and finds that assuming no other growth within the service area, the additional flows added by the Campus and the University Community could be handled by the expanded WWTP. The EIS/EIR notes that the WWTP is approved for an expansion of capacity to 20 million gallons per day. Note that the Draft EIS/EIR also evaluates the Proposed Action's impact on the City's WWTP in conjunction with other growth projected in the WWTP's service area (Cumulative Impact UTILS-2) and concludes the Proposed Action in conjunction with anticipated and planned growth in the WWTP's service area would result in a significant cumulative impact and that the Proposed Action's impact would be cumulatively considerable, i.e., significant. Mitigation measures are included in the Draft EIS/EIR (see page 5.0-55) to address the Proposed Action's significant cumulative impact.

A mitigation such as suggested by the City is not required. Payment of connection fees is not considered a mitigation measure but would be a requirement for all future development. Please note that the Draft EIS/EIR states that a new or modified agreement with the City will be needed in order for the City to provide sewer services to the next phases of campus growth.

Response to Comment LA-1-41

Impact HYD-3 in Volume 2 explains why the wastewater discharged from the Campus would not contain hazardous materials or toxics that could not be treated by the City's WWTP and therefore could cause the WWTP to exceed its waste discharge requirements/permit limits. Please also see Impact HAZ-1 in Volume 1 which presents the laboratory practices that will be implemented to control discharge of inappropriate materials into sinks. Such protocols are already in place at the Campus' wet laboratories and will be implemented in all future wet laboratories. As noted in the comment, permitted and prohibited discharges would be stipulated in the service agreement between the University and the City and the flows would be monitored.

Response to Comment LA-1-42

The discussion of Impact HYD-6 on pages 4.8-44 through 46 explains the detention facilities included in the Campus plans to detain new runoff created by impervious surfaces. Such detention facilities would be capable of holding flows from a 100-year, 24-hour storm. This would allow for stormwater to be detained on site in the event that Fairfield Canal and Bear Creek are full and cannot accommodate additional flows. Together with policies in the adopted UCP that would be implemented by new development to control runoff generated within the University Community, these detention facilities will work to prevent downstream flooding. The project also complies with NPDES requirements for stormwater, as described in detail in the Draft EIS/EIR under Impacts HYD-2, HYD-3, and HYD-7.

Response to Comment LA-1-43

Please see **Master Responses No. 5** through **8** regarding adequacy of impact analysis and proposed mitigation measure to address the Campus' traffic impacts. Please also see all preceding responses to the City's comments regarding traffic mitigation. The traffic section in the Draft EIS/EIR adequately analyzes and discloses the Proposed Action's traffic impacts and the revised mitigation measure addresses all of the City's concerns. The EIS/EIR does not need to be recirculated.

Response to Comment LA-1-44

Please see **Master Response No. 8** and **Responses to Comments LA-1-7** and **-8** regarding the adequacy of the proposed mitigation measure. The revised mitigation measure does not propose to reduce the University's obligation by any state or federal funding already secured for the proposed improvement.

The Campus' proportional share contribution will be estimated based on percentages reported in Table 4.13-10. While it is true that these percentages are based on the total traffic volumes at the affected intersections or on the affected roadway segments, however the use of these percentages is appropriate because existing traffic as well as other growth in the region will also contribute to the need for these improvements.

Note that in the near-term, as shown by the analysis of UCM 2020 Project impacts, the Campus would be the primary source of traffic at some of the affected intersections and roadway segments. For instance, the UCM 2020 Project traffic is projected to constitute 92 percent of the traffic at the intersection of Lake and Yosemite Avenue. Similarly, in 2020, Campus traffic is projected to form 92 percent of the total traffic on

Lake Road between Cardella and Bellevue, and 49 percent of the traffic on Lake between Yosemite Avenue and Cardella Road. Along Bellevue between G Street and Lake Road, Campus traffic is projected to make 83 percent of the total traffic volume in 2020. As growth occurs in the surrounding areas however, the share represented by campus traffic will decline quickly, reaching between 17 and 32 percent on Campus Parkway by 2030, and 27 percent on Bellevue Road between Lake Road and G Street. The University has committed to funding its proportional share of the cost of the improvement projects at these locations in Mitigation Measure TRANS-1A. As stated in the mitigation measure, when the County of Merced (or the City of Merced if annexed) demonstrates that any of these facilities are at 90 percent of their capacity, the University will provide funding for the Campus and anticipated University Community shares. By contributing significantly to the cost of these improvements, the University will facilitate the development of these improvements. Please see **Response to Comment LA-1-10** as to why specific amounts that will be paid by the University cannot be provided in the EIS/EIR. The mitigation measure for traffic impacts has been substantially clarified, and is designed to mitigate the project's impacts on traffic.

Response to Comment LA-1-45

Please see **Master Response No. 7**, which describes how the trips were assigned to the roadway network, using the MCAG Travel Demand Model. Draft EIS/EIR Volume 2 Tables 4.13-8 and 4.13-10 identify 18 roadway segments that are projected to be significantly affected by the Campus and University Community development. Mitigation Measure TRANS-1A, as revised for the Final EIS/EIR (see **Master Response No. 8**) provides mitigation of these impacts via payment of the University's proportional share of the cost of the improvements.

Response to Comment LA-1-46

As discussed in Section 5.0, Cumulative Impacts, of the Draft EIS/EIR, payment of developer impact fees for residential and non-residential development would be required to fund a new police station to accommodate the increased need for law enforcement services. The Draft EIS/EIR also mentions that impact fees would address any environmental mitigation required in conjunction with the construction of the police facility. Given the small footprint (typically less than 1 acre) and the type of land use, the police station project would not result in significant environmental impacts that would not be mitigated to a less-than-significant level.

Response to Comment LA-1-47

As discussed in Section 5.0, Cumulative Impacts, of the Draft EIS/EIR, developer impact fees would fund the construction of new fire protection facilities, and would also pay for the cost of any environmental mitigation that is required in order to implement the fire station project. Given the small footprint (typically 0.5 to 1 acre) and the type of land use, the fire station project would not result in significant environmental impacts that would not be mitigated to a less-than-significant level.

Response to Comment LA-1-48

As discussed in Section 5.0, Cumulative Impacts, of the Draft EIS/EIR, all new development, including the development within the University Community, would be required to pay school impact fees, which are considered full and complete mitigation for school impacts.

Response to Comment LA-1-49

The comment refers to Cumulative Impact PUB-4 in error. Cumulative impacts on parks are discussed in Cumulative Impact PUB-5. The comment from the City is based on a review of the Executive Summary table only. Please see the full text of Cumulative Impact PUB-5 on pages 5.0-44 and -45. As stated there, because the Campus and the University Community include an adequate amount of parkland for the proposed population increase, the Proposed Action would not result in a substantial increase in the use of neighborhood and community parks in the region, including the City of Merced.

The suggested mitigation measure is not required. To the extent that the University Community is annexed into the City and the City has a program to collect in-lieu park fees from all new development, developers that propose projects within the University Community will be required to comply with the City's park fee requirements.

Response to Comment LA-1-50

This comment relates to agreements regarding provision of infrastructure and payment of fees, rather than an environmental issue. See **Response to Comment LA-1-20** above.

Response to Comment LA-1-51

See **Responses to Comments LA-1-40** and **LA-1-19.**

Response to Comment LA-1-52

The revisions to the University Community Plan proposed by the University as a partner in the UCLC are described in detail on pages 2.0-35 through 2.0-49. These proposed changes would require approval by the County as part of the General Plan amendment process. The Draft EIS/EIR analyzes the environmental impacts associated with the proposed University Community. The University anticipates that the three landowners (the University, the UCLC, and LWH Farms, LLC) will ultimately enter into an MOU to facilitate the integrated development of the Campus, Community North, and Community South. The details of this future integrated development are unknown at this time, thus the development in Community South has been evaluated at a general level of detail based on reasonable assumptions regarding the nature of the development. Future environmental review will be required when development is actually proposed.

Response to Comment LA-1-53

The comment correctly states that the University is required to mitigate the environmental impacts of its proposed projects. The University has committed to pay its proportional share of the cost of improvements to transportation facilities in the City and County that are identified to mitigate the environmental impacts of Campus development. Under Government Code Section 54999, the University can also make payments to cities and counties that provide the University with certain specific utilities (namely water and wastewater) where improvements are specifically required to serve the University. Those payments must be proportional to the benefit that the utility improvement provides to the University. The University is not otherwise subject to development fees imposed by local jurisdictions to fund new local facilities. Where a project creates the need for new public facilities, the physical environmental effects of those facilities must be addressed in the EIR; however, the costs of the new facilities are not considered an environmental effect that must be mitigated.

Response to Comment LA-1-54

See **Response to Comment LA-1-40** above.

Response to Comment LA-1-55

See **Responses to Comments LA-1-19** and **LA-1-40** above.

Response to Comment LA-1-56

See **Responses to Comments LA-1-19** and **LA-1-40** above. The Draft EIS/EIR (pages 4.14-20 and -30) discusses the need for improvements to existing sewer lines and installation of new sewer lines to serve the Campus and/or the University Community. Because these improvements would be made within existing or proposed road right-of-ways, they would not result in significant environmental impacts. To the extent that some of these improvements are made specifically to serve the Campus, the University will fulfill its obligation under Government Code Section 54999 and compensate the City for the cost of these improvements.

Response to Comment LA-1-57

The comment with respect to a potential power line to serve the Campus and the University Community is noted. At the time that the power line project is proposed and more specifics of its design are available, additional environmental review will be conducted. Undergrounding all or portions of the power line will be considered.

Response to Comment LA-1-58

See **Master Response No. 4.**

Response to Comment LA-1-59

See **Master Response No. 4.**

Response to Comment LA-1-60

See **Master Response No. 4.**

The conservation easements placed on 70 acres of Important Farmland that lie within the larger Conservation Lands would not allow the existing agricultural land uses to be changed to other urban land uses. Because agricultural uses also provide habitat, these lands that are currently under agricultural uses will remain in their present use and will not be converted to any other types of habitat. Therefore, the conservation action would protect these agricultural lands in perpetuity, and it is appropriate for the University to take credit of this acreage, especially given the fact that Campus development will result in the loss of only 24 acres of Important Farmland.

The mitigation ratios for the Proposed Action were developed by the University in consultation with the USACE and other resource agencies. The concept of a "precedent" does not apply in such a situation because the City is not required to apply the same standards, and has discretion to determine what action to take based on its own evaluation of the relevant facts and circumstances.

Response to Comment LA-1-61

The comment states the Draft EIS/EIR does not consider fugitive dust air impacts and does not offer mitigation measured to address fugitive dust impacts for paved and unpaved roads. Primary sources of human-induced fugitive dust include earthmoving activities, material handling, and travel over paved and unpaved surfaces. Fugitive dust emissions are the primary component of emissions of particulate matter with an aerodynamic diameter of 10 microns, also referred to as PM_{10} emissions. A detailed breakdown of PM_{10} emissions into fugitive dust and combustion exhaust emissions is provided in Appendix 4.3 of the Draft EIS/EIR. Fugitive dust from these sources were included in the analysis using the URBEMIS2007 (Urban Emissions) Environmental Management Software, approved for use by the California Air Resources Board (CARB) and the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The Draft EIS/EIR provides mitigation measures to address the impacts of the Proposed Action on PM_{10} levels for both construction and operational emissions. MM AQ-1a, addressing construction emissions, requires construction contracts to include SJVAPCD Regulation VIII. As discussed in the Draft EIS/EIR, Air Quality, at 4.3-20, Regulation VIII includes SJVAPCD Rule 8061 regarding paved and unpaved roads, and Rule 8071 regarding unpaved Vehicle/Equipment Traffic Areas. Implementation of Mitigation Measure AQ-1 is expected to reduce PM_{10} impacts for construction emissions to less than significant. Despite Mitigation Measure AQ-2, addressing operational emissions of the Proposed Action, PM_{10} emissions levels are expected to have a significant impact on air quality.

Response to Comment LA-1-62

Please also see **Master Response No. 4** and revisions to the text in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Biological Resources, page 4.4-134.

Response to Comment LA-1-63

Please also see **Master Response No. 4** and revisions to the text in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Biological Resources, page 4.4-134.

Response to Comment LA-1-64

The comment states that, if UC Merced will contribute to the diversion of Merced River to recharge the groundwater basin, then those impacts should be mitigated. As discussed in Section 4.4, Biological Resources and **Master Response No. 3, Water Supply Impacts**, Merced Irrigation District (MID) employs a conjunctive use strategy whereby, in wet years, MID can divert surplus surface water to the groundwater basin for storage, and in dry years, MID takes the groundwater and discharges it into the Merced River to improve flows for habitat and to meet other such needs. MID's conjunctive use strategy focuses on groundwater recharge, as further discussed in Impact BIO-11. All of MID's efforts, including its efforts to recharge the groundwater basin, are being implemented independent of the future status of the UC Merced and University Community project. The Proposed Action itself therefore will not contribute to the diversion of the Merced River for the recharge of the groundwater basin. It should also be noted that any diversion of water from the Merced River for purposes of recharging the groundwater basin is subject to the Merced Irrigation District's requirement that it meet applicable Merced River minimum flow requirements which can be expected to prevent detrimental effects to the Merced River or to species or habitat that depend on the Merced River.

Response to Comment LA-1-65

More information regarding the on-site fire station is presented under Impact PUB-2 on pages 4.11-23 and -24 in Volume 2, including the fact that such a fire station would be funded using tax revenues from the University Community. The University intends to enter into an agreement with the City to ensure that adequate fire service is provided to the Campus.

Response to Comment LA-1-66

See **Master Response No. 3, Water Supply Impacts**.

Response to Comment LA-1-67

See **Response to Comment LA-1-42** above.

Response to Comment LA-1-68

The suggested text revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Hydrology and Water Quality, page 4.8-13.

Response to Comment LA-1-69

See **Responses to Comments LA-1-18** and **LA-1-40**.

Response to Comment LA-1-70

See **Responses to Comments LA-1-19** and **LA-1-40**.

Response to Comment LA-1-71

See **Response to Comment LA-1-42.**

Response to Comment LA-1-72

The Draft EIS/EIR states that the proposed revised University Community Plan (UCP) would not conflict with the City's General Plan because the policies in the UCP do not conflict with the City's General Plan policies. As far as potential conflicts between the proposed uses within the University Community with adjacent land uses within city limits are concerned, no lands within the existing City limits directly abut the University Community site.

Response to Comment LA-1-73

The comment is noted. The suggested text revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Land Use and Planning, page 4.9-5.

Response to Comment LA-1-74

The comment with respect to other approved and planned land uses in the project vicinity is noted. The University consulted with the City to obtain information on projects that were proposed, pending, or approved in the northern and northeastern portion of the city, and much of the information reported was obtained from city data. The USACE and the University appreciate the update provided by the City regarding these projects and have added text to the discussion of these pending projects to indicate the uncertainty regarding these developments. For the text revisions, see **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Land Use and Planning, page 4.9-6.

The traffic analysis did not use a list of projects to develop an estimate of future traffic volumes in the study area. It used data derived from the regional traffic model provided by MCAG. Therefore, even if the data for these projects listed in the land use section of the Draft EIS/EIR are inaccurate or outdated, the data have no implications for the traffic analysis.

Response to Comment LA-1-75

Please see **Response to Comment LA-1-74** above. The traffic studies are adequate, for the reasons outlined in **Master Responses No. 5, 6,** and **7**. In particular, please see **Master Response No. 5**, which addresses planned land use growth in the County of Merced.

Response to Comment LA-1-76

The text on page 4.9-6 has been revised to state that the County (and not the City) is in the process of acquiring the right-of-way for the Campus Parkway. Please see **Section 2, Revisions to the Draft EIS/EIR.**

The traffic analysis assumes that the Campus Parkway is constructed at four lanes from Highway 99 to Yosemite Avenue, but not north of Yosemite Avenue, in the 2020 Project analysis. This is consistent with the MCAG Travel Demand Model which assumes that the roadway would be in place by 2020; please see **Master Response No. 5** regarding roadway improvements assumed as part of the road network.

Response to Comment LA-1-77

The comment is noted. With respect to provision of water, wastewater, fire, and police services please see **Responses to Comments LA-1-20, LA-1-40, LA-1-15, and LA-1-13**, respectively.

Response to Comment LA-1-78

See **Responses to Comments LA-1-18** and **LA-1-40** above.

Response to Comment LA-1-79

The text on page 4.9-50 in Volume 2 has been revised in light of this comment. See **Section 2.0, Revisions to the Draft EIS/EIR**.

Response to Comment LA-1-80

Please see **Master Response No. 4**.

Response to Comment LA-1-81

The text on page 4.11.2 of the Draft EIS/EIR has been corrected. Please see **Section 2.0, Revisions to the Draft EIS/EIR**.

Response to Comment LA-1-82

The sentence referring to the new station planned as part of the University Community is not relevant to the discussion on this page regarding the City of Merced Police Department. The sentence has been deleted. See S**ection 2.0, Revisions to the Draft EIS/EIR**. Also refer to **Response to Comment LA-1-13** above.

Response to Comment LA-1-83

See **Response to Comment LA-1-13** above.

Response to Comment LA-1-84

The University will consider the City's comments with respect to the Campus Police Department providing law enforcement services to Community North before any actions are taken in this regard. If the University Community is annexed into the City, it will be up to the City to plan as to how and when it will hire additional police officers. These issues are not environmental concerns.

Response to Comment LA-1-85

Please see **Responses to Comments LA-1-13** and **LA-1-84** above.

Response to Comment LA-1-86

The comment is noted. Please see **Response to Comment LA-1-15** above.

Response to Comment LA-1-87

The suggested text revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Public Services and Recreation, page 4.11-4.

Response to Comment LA-1-88

The comment is noted. If a new station is needed in Community North to provide fire protection services to the Campus and University Community, it would be funded by developer impact fees as discussed in Section 4.11, Public Services and Recreation**.** Impact fees would be collected by the City from residential and non-residential development projects within the University Community to pay for the construction of new facilities, including the cost of environmental mitigation. These developer impact fees would be determined prior to construction of the projects within the University Community.

Response to Comment LA-1-89

The policy cited in Table 4.11-1 of the Draft EIS/EIR is from the County General Plan. Please consult with the County of Merced for a definition of the term.

Response to Comment LA-1-90

The 2009 LRDP determines road and right-of-way widths within the Campus only. The 2009 LRDP calls for a campus circulation network to be built at the following varying widths in order to provide adequate configuration for emergency vehicles: 66 feet, 80 feet, 100 feet, and 120 feet.

Response to Comment LA-1-91

The City's comment is noted and will be conveyed to Merced County as the County further develops the revised University Community Plan.

Response to Comment LA-1-92

Please refer to **Response to Comment LA-1-15.**

Response to Comment LA-1-93

The suggested text revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Public Services and Recreation, page 4.11-23.

Response to Comments LA-1-94 through LA-1-96

See **Response to Comment LA-1-15**.

Response to Comment LA-1-97

As stated under Impact PUB-5, because the Campus and the University Community include an adequate amount of parkland for the proposed population increase, the Proposed Action would not result in a substantial increase in the use of neighborhood and community parks in the region, including the City of Merced. To the extent that the University Community is annexed into the City and the City has a program to collect in-lieu park fees from all new development, developers that propose projects within the University Community will be required to comply with the City's park fee requirements.

Response to Comment LA-1-98

Page 4.11-8 in Volume 2 provides a description of the parks and recreational facilities within Merced. The information was obtained from the City's Web site. The additional information provided by the City has been added to that text. See **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Public Services and Recreation, page 4.11-8. The City's parkland requirement of 5 acres per 1,000 residents is reported on page 4.11-27 of the Draft EIS/EIR and was used to evaluate whether adequate park acreage is included in the University Community. In the event that the University Community is annexed into the City of Merced, following annexation, it will be subject to the City's design standards and guidelines. The comment regarding park land definitions is noted.

Response to Comment LA-1-99

Please see **Master Response No. 8** and **Responses to Comments LA-1-7, LA-1-8, and LA-1-44** above which provide additional information with respect to the University's proposed mitigation measure. The share calculation method has been clarified further in the revised mitigation measure. All of the City's concerns listed in this comment are addressed by the revised mitigation measure.

Response to Comment LA-1-100

Please see **Master Response No. 8** and **Response to Comment LA-1-12.**

Response to Comment LA-1-101

Please see **Master Response No. 4**.

Response to Comment LA-1-102

The existing and future roadway capacities are consistent with the MCAG Travel Demand Model, which has been validated for use in future traffic volume projections on a Citywide and Countywide basis. The comment that the current roadway capacity on McKee Road may differ from the value used in the model is noted. If the capacity were downgraded to a collector capacity, the current volume would still be below the capacity. Please see **Master Response No. 5**, which explains the use of the MCAG Travel Demand model and its associated roadway capacities for the future volume forecasts and capacity analysis.

Response to Comment LA-1-103

The University does propose to contribute its proportional share to the provision of planned improvements on which the Draft EIS/EIR projects a significant impact. Please see **Master Responses No. 7** and **8**, which includes revisions to Mitigation Measure TRANS-1A to clarify the method by which the University will calculate and contribute its proportional share of funding.

Response to Comment LA-1-104

Please see **Master Response No. 8** and **Responses to Comments LA-1-8** and **LA-1-12** above.

Response to Comment LA-1-105

Please see **Responses to Comments LA-1-8** and **LA-1-12** above.

Response to Comment LA-1-106

The intent of Mitigation Measure TRANS-1B is for the City and County to prepare traffic impact fee studies so that the appropriate development fees can be adopted and collected to fund the roadway improvement projects that are planned by these jurisdictions. Without a fee structure in place, the County and City must rely on individual development agreements to fund adjacent roadway improvements, and this process cannot effectively fund all of the improvements expected to be needed to serve long-term growth in the City and County. This is documented in the current Merced County Regional Transportation Plan.

Response to Comment LA-1-107

Mitigation Measures TRANS-1A (as revised for the Final EIS/EIR) and 1B are intended to provide traffic mitigation both through minimizing external vehicle trips through robust transit service and travel demand management, and through payment of the University's proportional share of the cost of improvements that would address the projected significant traffic impacts. The mitigation measure does not state that transit and Transit Demand Management (TDM) strategies alone are expected to fully mitigate the projected traffic impacts. The finding of a Significant and Unavoidable impact is made because the University does not control the ultimate timing or funding of the roadway and intersections, since the City and County must develop full funding plans for, and schedule the design and construction of, these improvements. See **Response to Comment LA-1-106** and **Master Response No. 4.**

Response to Comment LA-1-108

Please see revised Mitigation Measure TRANS-1A in **Master Response No. 8**, which provides clarification on the role of traffic monitoring in identifying the University's ultimate proportional share of the roadway improvements. **Master Response No. 8** also explains why traffic monitoring is needed.

Response to Comment LA-1-109

Please see **Response to Comment LA-1-2**.

Response to Comment LA-1-110

Intersection 32 is G Street/16th Street. This intersection is mislabeled in this table and has been revised, along with intersection 24 (Kibby Road/Yosemite Parkway) and 31 (Martin Luther King, Jr. Way/SR-99 northbound Ramps) in the Final EIS/EIR. The technical appendix containing the traffic impact report has also been revised. The LOS results are correctly identified for the intersection number; it is only the intersection names that have been corrected. See **Section 2, Revisions to the Draft EIS/EIR.**

Response to Comment LA-1-111

Please see **Master Response No. 7**, which includes attachments showing that the MCAG Travel Demand Model's assignment of traffic to/from the east on Yosemite Avenue/SR-140 is minimal—about 90 daily trips for the 2020 Project, and 520 trips for the Full Campus plus University Community. The assignment includes no trips for the 2020 Project on Arboleda Road, and 900 trips for the Full Campus plus University Community at 2030. Assuming a peak-to-daily ratio of 10 percent, the intersection of Arboleda/Yosemite Avenue would see a peak hour increase of about 20 project trips in 2020, and 120 project trips in 2030. The forecasts thus indicate that the projected traffic load from the Campus and the University Community on these facilities would not cause the need for roadway or intersection capacity improvements.

Response to Comment LA-1-112

The intersections noted are addressed indirectly through the roadway segment analysis. Please see **Response to Comment LA-2, Attachment 5F-B.2.b.viii**.

Response to Comment LA-1-113

Some of the inconsistencies noted in this comment result from certain roadway segments containing varying cross-sections between the endpoints. In the case of Cardella Road east of G Street, the roadway transitions from four lanes to a three-lane cross-section that provides a capacity between those of a two-lane or a four-lane roadway. However, the requested changes to the existing roadway configurations have been made to Table 4.13-6 and in the traffic impact report in the technical appendix. The revised table is presented in **Section 2, Revisions to the Draft EIS/EIR**. The changes do not affect the impact findings.

Response to Comment LA-1-114

The Draft EIS/EIR does not contain an Existing Plus 2030 Project scenario. There is an Existing Plus 2020 Project scenario contained in Volume 3 of the Draft EIS/EIR. For that scenario, the existing roadway network is used. For the 2020 and 2030 analysis, planned roadway improvements consistent with the MCAG Travel Demand Model are used; please see **Master Response No. 5.**

Response to Comment LA-1-115

Please see **Master Response No. 5**.

Response to Comment LA-1-116

Roadway capacity assumptions used by the City differ somewhat from those in the validated, adopted MCAG Travel Demand Model. The University used the best available traffic forecasting tool for the near and long-range (2020 and 2030) traffic forecasting for this Draft EIS/EIR; please see **Master Response No. 5** for further clarification on the appropriateness of using the validated, adopted model for this purpose.

Response to Comment LA-1-117

The Draft EIS/EIR does assess the near-term impacts of the Campus developing without the University Community, in the 2020 Plus UCM 2020 Project analysis presented in Volume 3.

Response to Comment LA-1-118

Please see **Master Response No. 6**, which discusses the appropriateness of the Campus trip generation rate, and the basis for trip internalization at full Campus and University Community buildout in 2030. Please note that no University Community, and thus no internalization, was assumed in the 2020 Plus UCM 2020 Project analysis presented in Volume 3 of the Draft EIS/EIR.

Response to Comment LA-1-119

Please see **Master Response No. 7**, which explains the basis for conducting the impact assessment using planned future roadway improvements.

Response to Comment LA-1-120

The control column in the tables indicates the type of control assumed for each case. In the existing condition, it is the existing control type (side street stop, all-way-stop, or signal). In the future case, certain intersections are assumed to be signalized, where roadway widening or new segments are provided. The University will contribute to these intersection improvements via its contribution of proportional share funding to the roadway improvements at the impact segments identified. Mitigation Measure TRANS-1A has been revised to clarify how the University's traffic will be monitored and how proportional shares will be calculated to ensure that the funding is provided to the affected jurisdiction.

Response to Comment LA-1-121

The intersection impacts are presented toward the end of the Transportation and Traffic Chapter, in Table 4.13-13. This table presents the intersection impact analysis for all of the project alternatives.

Response to Comment LA-1-122

There are three intersections where significant impacts are indicated under the 2020 With UCM 2020 Project conditions – Bellevue/Highway 59, West Olive/R Street, and 14th Street/G Street/Highway 99 Northbound Off-ramp. The other two intersections noted on page 4.13-68 worsen with the project, but not by the 5 or more seconds of delay, which is necessary to trigger a significant impact. As noted in

Response to Comment LA-1-121, the intersection impact table demonstrating this finding is included in the traffic impact report in the technical appendix, and this table has been added to the Final EIS/EIR.

Response to Comment LA-1-123

The text on page 4.13-10 is incorrect. Roundabouts are included in the University's conceptual plan for Campus Parkway, but are not planned as interim improvements on Lake Road, prior to the Parkway's construction. This text has been corrected for the Final EIS/EIR. Please see **Section 2, Revisions to the Draft EIS/EIR**

Response to Comment LA-1-124

Please see **Master Response No. 8** and the revised text of Mitigation Measure TRANS-1A, which specifically describes the following improvements: provision of traffic signals and related capacity improvements at Lake Road/Yosemite Avenue, Lake Road/Bellevue Road, and the intersection of Lake Road and a planned new east-west campus roadway located roughly half-way between Bellevue Road and Cardella Road (Myers Gate); the construction of Campus Parkway between Yosemite Avenue and the Campus; and the widening of Bellevue Road to four lanes between Lake Road and G Street. Please see also **Response to Comment LA-1-158**.

Response to Comment LA-1-125

The UCM 2020 Project analysis does not assume Campus Parkway is in place—see Draft EIS/EIR Volume 3, Table 4.13-2. The 2020 analysis shows that Lake Road and Bellevue Road can accommodate the 2020 Project traffic within their existing two-lane capacities, although the projected volumes would be near the capacities. As discussed in **Response to Comment LA-2 Attachment 5F-C**, since a more detailed phasing analysis has not been performed, and the improvements appear to be needed near 2020, the University will commit to providing its proportional share for certain improvements near the campus as and when the affected roadways approach 90 percent of their capacity. See revised Mitigation Measure TRANS-1A in **Master Response No. 8**.

Response to Comment LA-1-126

These three intersections would experience cumulative impacts from existing and future traffic associated with regional growth. As Table 4.13-10 in Volume 2 shows, the Campus project would contribute between 1 and 4 percent of the total traffic at the three affected intersections. Given the project's relatively small contribution at these three locations, it is not the responsibility of the University to implement any intersection improvements at these locations. The University has committed to paying its proportional share of the cost of the improvements at these locations, consistent with revised Mitigation Measure TRANS-1A. Please see **Master Response No. 8.**

Response to Comment LA-1-127

Mitigation Measure TRANS-1A, as revised for the Final EIS/EIR (see **Master Response No.** 8) adjusts the proportional share calculation based on traffic monitoring.

Response to Comment LA-1-128

Please see the revised text of Mitigation Measure TRANS-1A, which clarifies the role of traffic monitoring in determining the proportional share funding to be contributed by the University. The reworded Mitigation Measure TRANS-1A does not refer to reducing trips other than under Trip Reduction Measures. See **Master Response No. 8.**

Response to Comment LA-1-129

Please see **Master Response No.** 8 and **Response to Comment LA-1-7**.

Response to Comment LA-1-130

Please see **Responses to Comments LA-1-4** and **LA-1-5**, and also **Master Responses No. 5** through 8.

Response to Comment LA-1-131

Please note that Table 4.13-9 on page 4.13-65 reports data for the study roadway segments. The table is not intended to imply that all of these locations are to be improved solely by non-University funds. The significantly affected roadway segment are clearly identified on page 4.13-63 and also shown on Figure 4.13-16. Mitigation Measure TRANS-1A, as revised in the Final EIS/EIR (see **Master Response No.** 8) provides the mechanism by which the University will calculate and provide its proportional share of funding for these improvements. Please see also **Responses to Comments LA-1-9** and **LA-1-45**.

Response to Comment LA-1-132

Please see **Master Response No.** 8 and **Responses to Comments LA-1-7, LA-1-8**, and **LA-1-10**.

Response to Comment LA-1-133

Please see **Response to Comment LA-1-20**.

Response to Comment LA-1-134

Please see **Response to Comment LA-1-20**.

Response to Comment LA-1-135

Please see **Response to Comment LA-1-19**.

Response to Comment LA-1-136

For concern regarding discharge of hazardous materials into the sanitary sewer system, please see Impact HYD-1 in Volume 2 and Impact HAZ-1 in Volume 1. Regarding maintenance of sanitary sewer system on the Campus to avoid sewer overflows, the Campus is currently performing this maintenance and is expected to continue with its current procedures. Please note that infiltration and inflow of stormwater into the sanitary sewer systems is commonly the primary reason for sewer overflows in older communities where sewer pipelines are damaged and stormwater enters the sewer mains. In addition, in some of the older communities, sewer and storm drain systems are interconnected which also leads to sewer overflows. Because the Campus and the University Community would be new development, will have better sewer lines, and there will not be any connections between the sewer and the storm drain systems, they would be less likely to experience sewer overflows. The University will comply with the Regional Water Quality Control Board's (Regional Board) requirements relating to sewer systems. The sewer system in the University Community will be the responsibility of the County or the City and it is appropriate to assume that the agencies will comply with the Regional Board requirements.

Response to Comment LA-1-137

If and when large industrial facilities are proposed, they will be required to obtain a permit from the City to discharge to the City's sewer system (if they are within an area that is annexed to the City or otherwise served under an agreement). If they qualify as a facility under the industrial classification included in the NPDES stormwater regulations, they would be required to obtain a permit for stormwater discharges from an industrial site from the Regional Board.

Response to Comment LA-1-138

See **Responses to Comments LA-1-40, LA-1-18**, and **LA-1-19**.

Response to Comment LA-1-139 and 140

See **Response to Comment LA-1-20** above.

Response to Comment LA-1-141 and 142

See **Responses to Comments LA-1-40, LA-1-18**, and **LA-1-19**.

Response to Comment LA-1-143

Please refer to **Response to Comment LA-1-23**. Please also see **Master Response No. 4**.

Response to Comment LA-1-144

Please see **Master Response No.** 4. Cumulative Mitigation Measures AES-1, AG-1, and AQ-1 have been identified to reduce the proposed project's impacts in these areas to the extent feasible; however, the Draft EIS/EIR concludes that certain impacts would remain significant and unavoidable even with this mitigation.

Response to Comment LA-1-145

See **Response to Comment LA-1-42**.

Response to Comment LA-1-146

Please see the discussion under Cumulative Impact PUB-1 (page 5.0-39) in Volume 2, which explains why the environmental impacts from the construction of a new police station in the city would be less than significant. No mitigation is required.

Response to Comment LA-1-147

Please see the discussion under Cumulative Impact PUB-2 (page 5.0-40 and -41) in Volume 2, which explains why the environmental impacts from the construction of a new fire station in the city would be less than significant. No mitigation is required.

Response to Comment LA-1-148

As stated under Impact PUB-5, because the Campus and the University Community include an adequate amount of parkland for the proposed population increase, the Proposed Action would not result in a substantial increase in the use of neighborhood and community parks in the region, including the City of Merced. To the extent that the University Community is annexed into the City and the City has a program to collect in-lieu park fees from all new development, developers that propose projects within the University Community will be required to comply with the City's park fee requirements.

Response to Comment LA-1-149

Please see **Response to Comment LA-1-20**.

Response to Comment LA-1-150

Please see **Responses to Comments LA-1-40, LA-1-18**, and **LA-1-19**. Also note that mitigation measures (see page 5.0-55 in Volume 2) are included in the Draft EIS/EIR to address the Proposed Action's contribution to the significant cumulative environmental impact related to wastewater treatment capacity.

Response to Comment LA-1-151

Please see **Response to Comment LA-1-13**.

Response to Comment LA-1-152

The 2020 Plus 2020 Project analysis does not over-estimate the internal trips, as all trips are presumed to travel external to the site. UCM 2020 Mitigation Measure TRANS-2, which refers back to Mitigation Measure TRANS-1A, provides for adequate mitigation of the UCM 2020 Project impacts. Mitigation Measure TRANS-1A has been revised for the Final EIS/EIR to clarify how traffic will be monitored and the University's proportional share toward funding the identified improvements will be calculated. Please also see **Responses to Comments LA-1-117** and **LA-1-5**.

Response to Comment LA-1-153

The development of additional student housing in the Lake View area is part of the UCM 2020 Project. Upon buildout of the UCM 2020 Project, the Campus would have up to 10,000 FTE students. Trip generation rate of 2.08 trips per student used for the traffic analysis assume that 50 percent of students would be living on campus by 2020, including housing additions in the Lake View area.

Response to Comment LA-1-154

There is no conflict between Figures 3.0-3, 3.0-4, and 3.0-5 in Volume 3 of the Draft EIS/EIR with respect to the Gateway District. The first figure shows the Campus subphases, and includes the Gateway District within Subphase 2.2. That graphic shows the land use designation as Academic/Lab which is an LRDP land use designation which includes R&D. Figure 3.0-5 is a graphic that shows the Districts within the Campus and reflect the Academic/Lab land use designation in the Gateway District of the Campus. Figure 3.0-4 provides a conceptual view of the Campus upon the completion of the major facilities included in UCM 2020 Project. This graphic does not show land use designations. Instead it provides a conceptual view of the Gateway district and the legend explains that it would consist of academic, R&D, and interdisciplinary laboratory buildings. The terms "Academic/Lab", "R+D and Academic Lab," and "Medical Research/Education" indicate the same general types of uses and R&D is an allowable use within areas designated Academic/Lab on the Campus land use plan.

The Alumni Center would be located in the Gateway District at the corner of the Bellevue Road roundabout on land designated "Alumni/Conference Center (shown in purple in Figure 3.0-3) and not on land designated Academic/Lab.

The parking structure and aquatics center would be located in the Central Campus West area. The Aquatic Center is shown on Figure 3.0-4 as Project 7, and on Figures 3.0-3 and 3.0-5 as a dark green block to the northeast of the Alumni/Conference Center (note that dark green shows athletic and recreational land uses under the 2009 LRDP). The parking structure would be located on the block of land shown in grey on Figure 2.0-3 in the Phase 2.1 area.

Response to Comment LA-1-155

The long-term uses listed in the second column of the table included in the comment will not be developed as part of the UCM 2020 Project. Those land uses are part of Phases 3 and 4 and would eventually replace interim parking and some athletic fields.

Response to Comment LA-1-156

The Executive Summary in Volume 3 (page 2.0-2) discloses that "a portion of Phase 1 and the entirety of UCM Phase 2 have not been previously evaluated at a project level or approved by the University. These development phases together make up the UCM 2020 Project that is evaluated at a project level in this volume for its environmental impacts." The subphase of Phase 1 which is included in UCM 2020 Project is Phase 1.2. This subphase was not previously evaluated in the 2002 LRDP EIR.

Response to Comment LA-1-157

While the specific improvement projects listed on pages 3.0-11 and -12 would be located within the area of the Campus that is labeled Phase 1.1, these projects were not previously evaluated in the 2002 LRDP EIR as part of the UCM Phase 1 Campus. These are a part of the UCM 2020 Project and are evaluated in Volume 3 of the current EIS/EIR.

Response to Comment LA-1-158

(a) The 2020 Project traffic analysis did not assume any traffic reduction associated with an intercommunity transit center.

(b) The 2020 Project analysis assumes that one primary new east-west campus roadway connection would be provided by 2020, located roughly halfway between Bellevue Avenue and Cardella Road. A new extension of Cardella Road eastward into the Campus/University Community was not assumed to be in place by 2020.

(c) The 2020 Project analysis does not assume Campus Parkway would be constructed by 2020, and thus the existing alignment of Lake Road was assumed. However, please see revised Mitigation Measure TRANS-1A, which identifies construction of Campus Parkway between Yosemite Avenue and the Campus as an improvement likely to be needed in approximately 2020. When Campus Parkway is constructed, it is assumed that the Lake Road connections to Bellevue and Cardella Road would be modified in order to discourage through trips from using Lake Road.

(d) As noted in (c) above, the Draft EIS/EIR analysis did not assume the construction of Campus Parkway by 2020. However, based on the projected volumes on Lake Road in 2020, it appears that the Parkway will be needed at some point shortly after 2020 (in the absence of more detailed phasing analysis, this is the best assessment of the projected timing for the improvement).

(e) The University will own and operate roadways on University land, and the County and City will own and operate roadways on County and City land, respectively.

(f) The University will make improvements to existing and future access intersections at Lake Road, in cooperation with the City and County of Merced, and will participate in the funding, design and construction of Campus Parkway between Yosemite Avenue and the Campus as described in the revised text of Mitigation Measure TRANS-1A (see **Master Response No. 8**).

(g) The University will construct portions of the Community Collector Road within the Campus. However, the LRDP is not a commitment to specific projects or a specific implementation schedule. UC Merced's academic goals and the availability of resources will drive implementation of the LRDP.

(h) See response to item **(f)** above

Response to Comment LA-1-159

The figures provided in the Draft EIS/EIR are conceptual drawings and the final alignment would be close to what is shown but would be determined later. The final alignment would not affect traffic circulation or the type of land uses developed.

Response to Comment LA-1-160

In Figure 3.0-2, Research and Development (R+D) is not separately shown because R+D is an allowed activity within areas designated Academic/Lab. In the figure, the Alumni Center is represented by purple, and the Conference Center is represented by orange.

Response to Comment LA-1-161

The correct land use designation for the western boundary of Phase 1.2 is "student housing" as represented in Figure 3.0-3.

Response to Comment LA-1-162

In Figure 3.0-3, Campus 2020 Development Subphases, the Student Union and Affairs building is the red block adjacent to the larger lake, therefore it is part of Phase 2.1.

Response to Comment LA-1-163

While the Campus South Subarea is not specifically defined in the Project Description figures, the text description provided on page 3.0-18 of Volume 3 indicates that it encompasses the Sports Complex area and Campus Services area, respectively labeled as areas 10 and 5 on Figure 3.0-4.

Response to Comments LA-1-164 and 165

The analysis in UCM 2020 Impact HYD-2 discusses the potential for increased runoff and flooding due to the development of Phase 2 of the Campus but as discussed on pages 4.8-8 and -9, the impact is found to be less than significant (which is consistent with the analysis in Volume 2) because adequate detention basins have been included in the plan for the development of Phase 2 campus.

Response to Comment LA-1-166

Please see **Response to Comment LA-1-15**.

Response to Comment LA-1-167

Please see **Response to Comment LA-1-97**.

Response to Comment LA-1-170

Please see R**esponses to Comments LA-1-18** and **LA-1-40**.

MERCED COUNTY

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RE: Draft Environmental Impact Report (DEIR)/Environmental Impact Statement (DEIS) Comment Letter (Comment Letter)

Dear Ms. Haley and Mr. Samuelson:

The County of Merced (County) has reviewed the DEIR/DEIS for the UC Merced and University Community Project (Project). The County understands this project to consist of a revised Campus Long Range Development Plan (LRDP) for the ultimate development of UC Merced to 25,000 students on a site of approximately 815 acres. In addition, the UC has prepared a more precise development project level plan that encompasses Phases 1 and 2 of the Campus (UCM 2020) that will accommodate 10,000 students on 517 acres within the LRDP boundary. Finally, the UC is seeking authorization from the U.S. Army Corps of Engineers (USACOE) to fill 76.7 acres of wetlands within the proposed LRDP boundary and land to the south of the LRDP that is referred to as "Community North." This EIR/EIS is intended to environmentally assess all three related projects.

In addition, the UC has prepared a conceptual plan for the land south of the LRDP referred to as "Community North." It is the understanding of the County that this plan has been prepared to assist in identifying the environmental effects from an associated contiguous community to UC Merced and to support the submittal of a 404 Application to the USACOE.

In December 2004, in fulfillment of commitments made by the County to the UC Regents during the site selection process and with the support and encouragement of the UC, Merced County adopted a University Community Plan (UCP) on lands south of the 2002 adopted LRDP. This 2004 UCP was sized and planned to support the full development of the campus and to accommodate all of the growth that would be created by the campus. That UCP was developed with extensive community participation involving dozens of workshops and several community-wide planning fairs. Through the General Plan Amendment that adopted the 2004 UCP, the UC Merced University Community Specific Urban Development Plan (SUDP) was established. Within that SUDP, the area of the 2002 LRDP was designated "UC Merced" and the area of the UCP was designated "Multiple Use Urban Development" (MUUD).

The County prepared and certified an EIR in conjunction with the 2004 UCP General Plan Amendment. Through that EIR, the County examined an array of alternatives, identified project impacts and mitigation measures, and adopted a set of overriding considerations because of identified significant impacts that could not be avoided nor mitigated to a level of insignificance.

The 2009 LRDP proposed by the UC and the land use and circulation plan identified for the area referred to as "Community North" represents a significant change from the current UCP adopted in 2004. An amendment to the General Plan will be required in order for the County to reflect that change. Such amendment will need to address changes to the UC Merced UCP SUDP as well as changes to the "UC Merced" and "Multiple Use Urban Development" land use designations. It will also be necessary to comprehensively re-evaluate the University Community Plan, including the goals, objectives, and policies of the UCP. It is anticipated that an EIR will be required for this General Plan Amendment [either a Subsequent EIR to the 2004 GPA EIR or a new EIR].

The County is in the process of a comprehensive General Plan Update. The current schedule calls for this process to be completed by August 2009. Because the preferred County growth scenario has not been chosen nor have Goals and Policies of General Plan Update been presented, it is uncertain what implications the new County General Plan may have on the General Plan Amendment necessary to address the proposed revised UC Merced University Community SUDP and University Community Plan (UCP).

The DEIR/DEIS to some degree recognizes that amendments to the County General Plan will be necessary. County staff has also had numerous discussions with UC Merced staff concerning the need and necessary form of the amendments to the County General Plan that will be necessary. It is the County's understanding that the UC, on behalf of the University Land Company, the owner of the land described as "Community North," will be submitting an application for a General Plan Amendment to reflect the changes to the Campus and Community identified in this DEIR/EIS.

There are numerous clarifications, changes, and corrections throughout this DEIR/EIS which are necessary to recognize the subsequent County General Plan Amendment process for the Campus and Community and also to recognize the County's responsibilities and discretion as the land use authority and CEQA Lead Agency for land use decisions in the unincorporated area. These are generally identified as follows:

Nomenclature

The Current LRDP was approved by the UC Regents in 2002. The current UCP was approved by the County Board of Supervisors in 2004. The revised LRDP analyzed in this DEIR/EIS is proposed to 1 be approved by the UC Regents in 2009. The General Plan Amendment application to revise the UCP and UC/UCP SUDP will be submitted to the County in 2009 following Regents approval of the revised LRDP. Therefore, the County recommends that the following Titles be defined in the Introduction Section of this document and used throughout the DEIR/EIS where appropriate to ensure clarity and to avoid confusion:

Current adopted LRDP................................2002 LRDP 1

Revised LRDP..2009 LRDP

Current adopted UCP..................................2004 UCP

Changes identified to the UCP/SUDP.............2009 Future Proposed UCP/SUDP

In addition to the text clarifications, there are numerous tables, figures, and diagrams throughout the DEIR/EIS that should be amended to use these clarified descriptors. In addition, many figures fail to adequately delineate the area defined by the 2009 LRDP versus the "Community North" or 2009 Proposed UCP.

References to 2004 UCP Policies

Throughout the DEIR/EIS, there is text referencing various policies from the 2004 UCP. There are also numerous tables which list various policies. Because these policies will be re-evaluated as part of the future proposed 2009 UCP General Plan Amendment, the DEIR/EIS needs to clearly disclose the potential for these policies to be amended, removed, or replaced. The County requests that this be clearly described in the Introduction and Project Description sections. Further, the County requests the following footnote be added to any table and/or page which lists policies from the 2004 UCP. 2

Note: The policies listed in this table (on this page) will be reviewed as part of the general plan amendment process that will follow the approval of the 2009 LRDP. This review may result in these policies being amended, eliminated, and/or replaced with new policies.

Mitigation Measures Applicable to the University Community

Throughout the DEIR/EIS, there are mitigation measures that are proposed to be applied to the University Community. The USACOE and UC, as Lead Agencies for your DEIR/DEIS do not have the legal authority nor power to mandate mitigation measures for the UCP because the County is, and will be, Lead Agency for that project. The UC can of course apply mandatory mitigation measures to the LRDP and the USACOE can mandate requirements and terms to the UC as the 404 Applicant; however, it is the County's discretion to exercise and decide as Lead Agency for the UCP GPA to apply and impose mitigation measures to the University Community. 3

Therefore, the terms "shall" or "will" need to be replaced with "should" or "it is recommended" on all mitigation measures that are applied to the University Community. The County also recommends that the County's Lead Agency role be expressly confirmed and clarified in the Introduction section to include a discussion on the applicability of recommended University Community mitigation measures in recognition of the UCP GPA EIR that the County will be responsible for and that will be prepared after your DEIR/DEIS. 3

Specific Comments

The County offers the following more specific comments and corrections by Section:

2.0 Project Description

Page 2.0-11; Table 2.0-1

The term "Previous Proposed" should be changed to "2002 LRDP" and "2004 UCP" and the term "Current Proposed" should be changed to "2009 LRDP" and "Future Proposed 2009 UCP." 4

It must also be noted that as part of the 2009 UCP GPA process, the County will perform an updated economic analysis to determine, among other things, the appropriate quantities of development within the revised University Community.

Page 2.0-36; UCP Amendment and Development Approval Process

The County will not prepare infrastructure master plans. It is the responsibility of the landowners to prepare these plans for County approval prior to the submittal of Specific Plans. 5

Page 2.0-42; Tables 2.06, 2.07

Titles should be amended to read "Future Proposed 2009 University Community…" 6

Page 2.0-46; Table 2.0-8

It is not clear whether this table reflect demand estimated from 2004 approved UCP or Future Proposed 2009 UCP. This should be clarified. 7

3.0 Alternatives

Page 2.0-20; Figure 3.0-2 8

Street references are omitted.

Page 3.0-22; Alternative 5 – No Action Alternative

The discussion regarding "Community South" is incorrect. This area is part of the 2004 UCP SUDP because the County determined that the size of the UCP area needed to be approximately 2,133 acres to accommodate all the growth that would be generated by the full build-out of the UC Merced at 25,000 students. That need was one of the primary justifications for the County to determine its highest and best use was for urban development versus agriculture. If the campus was limited to 104 acres and less than 5,000 students, the 9

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justification for a 2,133 acre University Community would no longer exist. For Community South to develop under the "No Action" Alternative, a General Plan Amendment would be required. Under present General Plan policies, Community South would then only qualify for urban development as an expansion of the City of Merced SUDP because of the amount of prime agricultural soils that comprise the site would not allow it to qualify as a stand-alone SUDP. 9

4.0 Affected Environment and Environmental Consequences

4.1 Aesthetics

Page 4.1-13; Table 4.1-1 10

Footnote needed as described earlier.

Page 4.1-21; MM AES – 1a

Please add to the mitigation measure that the UC will provide the County with the opportunity to review landscape plans for any vegetation that will be planted along the campus' western boundary. 11

4.2 Agricultural Resources

Pages 4.2-20, 21

2004 UCP Policies listed should include footnote as described earlier. 12
With respect to 2004 UCP Policy A 2.1, it should be noted that since the adoption of the 2004 UCP, the County has required agricultural conservation easements to offset the effects of SUDP expansions through the update of community plans irrespective of the lack of any County-wide program involving the incorporated cities.

Page 4.2-29; Paragraph Under Table 4.2-7

With respect to determining the impacts from the development of the University Community on agricultural resources, the County's 2004 EIR did not differentiate between "Community North" and "Community South" in consideration of any existing easements because it had not been determined that existing easements in eastern Merced County that had been acquired for resource conservation would be available to mitigate for development of any part of the University Community area. The County will determine the appropriate agriculture preservation policies to be applied to the University Community as part of the 2009 UCP GPA process. As Lead Agency for the 2009 UCP GPA EIR, the County will determine the extent of impacts on and appropriate mitigation for these impacts. 13

Page 4.2-31; University Community

Please note that the County will ultimately determine if the proposed Action is in conflict with the General Plan. That determination will be made in consideration of the future proposed UCP GPA. 14

Page 4.2-33

Please note that as part of the future proposed 2009 UCP GPA, the County may consider the application of new conservation easements on lands adjacent to the UC UCP SUDP to address growth pressure on these lands as a result of the development of the University Community. 15

Page 4.2-65 Alternative 5 – No Action

Please refer to prior comment concerning the development of “Community South” under the No Action Alternative. 16

4.3 Air Quality

Page 4.3-24; Table 4.3-4 17

Footnote needed as described earlier.

Pages 4.3-42, 43; MM AQ-1a; MM AQ-1b; MM AQ-1c

The County will be responsible for determining mitigation for the Future Proposed 2009 UCP GPA as Lead Agency for 2009 UCP GPA EIR. 18

Pages 4.3-48; MM AQ-2b; MM AQ-2c

Previous comment applies. 19

Page 4.3-61 4.3.6.5 Alternative 5 – No Action

Please refer to prior comment concerning the development of “Community South” under the No Action Alternative. 20

4.4 Biological Resources

Page 4.4-64 Critical Habitat

As noted, the US Fish and Wildlife Service has adopted a final rule for critical habitat for a variety of vernal pool species in Merced County. The County recommends that a map be included to illustrate the location and extent of these lands designated as critical habitat. 21

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Page 4.4-80, 81 University Community Plan

Footnote needed as described earlier for listing of 2004 UCP policies. 22

Also, please note that all mitigation measures intended for the University Community will be subject to the determination of the county as Lead Agency for the Future Proposed 2009 UCP GPA EIR.

Page 4.4-93 Methodology for Evaluating Effects

Reference is made to when a 404 Permit Application is filed for "Community South" and a potential Biological Opinion relative to that application. The County questions whether or not this will be in fact necessary due to the small quantity of wetlands that may exist within this portion of the University Community. 23

Page 4.4-125 MM BIO-7

Please see previous comments concerning mitigation measures intended for the University Community. 24

Page 4.4-134 MM BIO-7

"Shall" needs to be changed to "should" or "it is recommended that." 25

4.5 Cultural Resources

Page 4.5-12 University Community Plan

Please add previously described footnote to the list of policies from the 2004 UCP. 26

Pages 4.5-23, 24, 25, 26, 28

Please note previous comments concerning mandatory mitigation measures intended for development within the UCP. 27

4.6 Geology and Soils

Pages 4.6-19, 20 University Community Plan

Please add footnote previously described for the listing of policies from the 2004 adopted UCP. 28

Page 4.6-35

Please refer to prior comment concerning the development of "Community South" under the No Action Alternative. 29

4.7 Hazardous Materials and Public Safety

Pages 4.7-8, 9, 10 University Community Plan

Please add previously described footnote to the list of policies from the 2004 adopted UCP. 30

Page 4.7-40

Please refer to prior comment concerning the development of "Community South" under the No Action Alternative. 31

4.8 Hydrology and Water Quality

General Comments

The County is concerned that the DEIR/EIS does not contain sufficient technical studies and analysis to support the conclusion that the proposed project will not have an adverse effect on ground and surface water resources. Further, the DEIR/EIS does not demonstrate that an adequate water supply can be provided to the project without adverse effects. The County is also concerned that the conclusions regarding impacts to ground resources that the UC reached in approving the 2002 LRDP or that the County reached when it approved the 2004 LRDP may no longer be viable because of the following factors:

1) The academic building space proposed in the 2009 LRDP is 175 percent of that approved in the 2002 LRDP. 32

2) The mixed use/retail/office square footage in the proposed "Community North" plan is 182 percent of that approved by the County in the 2004 UCP.

3) The assumptions surrounding the implementation of the Merced Area Groundwater Pool Interests (MAGPI) that were relied upon for the approval of the 2002 LRDP and the 2004 UCP have not been realized.

a) The MAGPI Groundwater Management Plan Update adopted in July 2008 concludes that despite efforts to recharge the Merced Groundwater Basin (MGWB) since 1990, the MCWB is in a state of mild long-term groundwater level decline (i.e. overdraft).

b) The MAGPI/Department of Water Resources (DWR) Merced Basin Hydrologic Modeling Objectives and Strategy Technical Memorandum Draft of February 2007 concludes that "Due to limited surface water supplies, the Merced Basin has been operating under overdraft conditions for many years…The continued groundwater overdraft and the urban growth pressure in the region call for improved water resources management in the Merced Basin."

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4) This DEIR/EIS has concluded that the project will result in cumulative adverse impacts to groundwater resources. The UC, in approving the 2002 LRDP, and the County, in approving the 2004 UCP, did not reach that conclusion based on the information available at that time.

5) The reliance of surface water as a supplemental supply should only be relied on in consideration of the demand for more water to remain in San Joaquin River tributaries, including the Merced River to meet water quality standards at vernalis and the Sacramento-San Francisco Bay Delta. 32

6) The determination by the California Supreme Court, in deciding The Vineyard Area Citizens for Responsible Growth vs. The City of Rancho Cordova, that water supply assessments for General Plan Amendments (such as the UCP GPA) provide assurances that projected supplies – not just "plans" or "policies" will be available to serve all phases of development.

As Lead Agency for the UCP GPA EIR, the County will require the necessary background technical studies and analysis to ensure that a long-term reliable water supply is available to the University Community, that the environmental consequences of that supply are understood, and that the requirements of SB 601 and SB 221 are met at the appropriate phases of the development of the UCP.

Specific Comments

Page 4.8-1

Both the 2008 MAGPI Groundwater Management Plan Update and the 2007 MAGPI/DWR memorandum previously discussed in these comments are listed as references at the end of this section but are not cited as a source for its preparation. Please explain why these more recent reports were not used in this analysis. 33
The County understands that Jones and Stokes prepared a 2008 Water Supply Assessment for the revised LRDP and proposed "Community North" and "Community South" but it does not appear to be used in the preparation of this section. Please explain if this is the case and why.

Page 4.8-2

This page references Section 5.0 Cumulative Impacts. In this section, the DEIR/EIS concludes that this project, in conjunction with other development in the project area, would deplete groundwater supplies resulting in an overdraft of the regional groundwater acquifer. However, the discussion that follows in Section 4.8 does not provide sufficient evidence that the proposed project will not in and of itself, result in such an impact. This section should also be expanded to discuss specific alternatives to project design, location, and intensity that might reduce this impact. 34

Page 4.8-16

The first paragraph appears to assert that the California State Regional Water Quality Control Board (CSRWQCB) has general jurisdiction over groundwater, which is not the case. 35

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Pages 4.8-25, 26, 27, 28; Table 4.8-4

Please add footnote previously described for the list of policies from the 2004 adopted UCP. 36

Also, it should be noted that the County will update the analysis of general and local groundwater impacts as part of the EIR for the UCP GPA.

Page 4.8-29

Merced County Code Chapter 16.40 37

Page 4.8-30 Implementing Action 3.2d

Does the UC have any specific locations for such recharge facilities within the proposed LRDP? 38

Page 4.8-39 Impact HYD-4

As previously discussed in this comment letter, the County is concerned that the technical information and analysis in this section does not support the conclusion that the proposed project will not substantially deplete groundwater supplies. 39

Pages 4.8-39, 40

Please note as previously discussed that the County will update the technical studies necessary to determine the potential impacts from the Future Proposed 2009 UCP on local wells, as well as the regional acqifer, as part of the 2009 UCP GPA EIR. 40

Page 4.8-40; First Complete Paragraph

The County questions the conclusions of this paragraph in light of the substantial increases to the academic building space within the proposed LRDP and the proposed increase in the square footage of mixed us/office and retail uses within the proposed "Community North." 41

Page 4.8-41; Table 4.8-6

Please note that the 2004 UCP EIR (Page 4.8-44) identified a total net water demand of 5,549 acre feet/year (AF/Y) rather than 7,203 as indicated in the table. Also, does the 913 AF/Y figure for existing groundwater use account for the net reduction of recharge of 269 AF/Y as discussed on page 4.8-44? 42

Page 4.8-42

Please note that the 2004 UCP policies cited on this page will be re-evaluated as part of the proposed 2009 UCP GPA EIR and the updated groundwater water impacts analysis that will be part of this EIR. 43

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Pages 4.8-42, 43

Please refer to previous discussion in this comment letter concerning the County's revisiting of the potential impacts to nearby wells as part of the proposed 2009 UCP GPA EIR. 44

Page 4.8-53 4.8.6.5 Alternative 5 – No Action

Please refer to prior comment concerning the development of "Community South" under the No Action Alternative. 45

4.9 Land Use and Planning

Page 4.9-2 The Description of the Existing City of Merced Sphere of Influence (SOI) needs to be corrected as follows: 46

The northern portion of the proposed campus site, approximately 1/8 of a mile south of the Bellevue Road alignment, is within the City of Merced's current Sphere of Influence (SOI), while the remainder of the proposed campus and University Community are outside of the City's SOI.

Page 4.9-4 Second Paragraph Should be Amended as Follows:

As stated above, following the approval of the UCP, the UC Merced/University Community SUDP was modified to include lands to the south of the Merced Hills Golf Course down to Yosemite Avenue. The entire campus site as now proposed is located within this SUDP. The northern portion of the campus site generally north of the Bellevue Road alignment is designated UC Merced," whereas the southern portion is designated "Multiple Use Urban Development" in the County General Plan. 47

University Community

Throughout this discussion, the term "Future Proposed 2009 University Community" should be used as previously discussed in this comment letter.

Page 4.9-5 First Paragraph

The first paragraph should be corrected to read: …UC Merced/University Community SUDP boundaries…
Surrounding Land Uses 48

The "Gallo Project" should be corrected to read "Yosemite Lake Estates."

Page 4.9-6 First Paragraph

The County is in the process of acquiring right-of-way for Campus Parkway, not the City. 49

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Page 4.9-14

After the description of the Merced County General Plan and prior to the description of the City of Merced Vision 2015 General Plan, there should be a brief description of the Merced County General Plan Update and the 2004 adopted University Community Plan. Please see prior discussion in this comment letter. The County can assist the UC in providing this description. 50

Page 4.9-20 University Community

It should also be noted in this discussion that the Proposed Action, in addition to requiring SUDP boundary and land use designation changes within the University Community, will also necessitate a comprehensive re-evaluation and update of the University Community Plan. This update will include but not necessarily be limited to a new economic feasibility analysis, re-evaluation of UCP goals, objectives, and policies, and updates to the land use, circulation, and open space concepts of the 2004 adopted UCP. 51

Page 4.9-36 Alternative 5 – No Action

Please refer to prior comment concerning the development of "Community South" under the No Action Alternative. 52

4.10 Noise

Page 4.10-22

Please note previous comments concerning citation of 2004 Adopted UCP Policies and the application of mitigation measures to the University Community. 53

Page 4.10-24; MM N01-2a, 2b

Please note prior comments concerning application of mitigation measures to the University Community. 54

Page 4.10-28; MM NOI-3

Please note prior comments concerning application of mitigation measures to the University Community. 55

Pages 4.10-31, 32; MM NOI-4a, 4b

Please note prior comments concerning application of mitigation measures to the University Community. 56

Page 4.10-41; Alternative 5 – No Action

Please refer to prior comments concerning development of Community South under the No Action Alternative. 57

4.11 Public Services and Recreation

Page 4.11-6; Lake Yosemite Regional Park

The description of the current status of Lake Yosemite Regional Park needs to be corrected. Please see attached memorandum from Peggy Vejar providing a correct description of the ownership and operating arrangement of the Park. This memorandum is incorporated into this comment letter by reference. 58

Page 4.11-7; Bike Paths in Project Area

The last sentence should be corrected to read: 59

There are also newly installed bike lanes along Bellevue Road between Lake Road and G Street.

Pages 4.11-14; 15, 16, 17, 18, 19 Table 4.11-2

Please add previously described footnote to Table listing current UCP policies. 60

Page 4.11-22; Second to Last Paragraph

Please correct sentences to read as follows:

Payment of developer impact fees for residential and non-residential development would be required by the City or County to fund a new police station within the University Community or at an off-site location.

These fees would be determined by the City or County prior to the development of the University Community site. 61

Last Paragraph

Please correct to read as follows:

If the County constructs a new police facility, it would be located in the University Community site. Development impact fees and/or special taxes applied to new development within the University Community would fund any new stations that would be constructed. In addition, owners of residential and non-residential property that would be developed within the University Community would pay property taxes and/or special taxes that would fund the operating cost of the new station, including the cost associated with the hiring of police officers. Therefore, the impact related to law enforcement would be less than significant and no mitigation is necessary. 61

Page 4.11-13; Last Paragraph

Please correct the first sentence to read: 62

In the event that a fire station is built within the University Community, it would be managed by the City, County, or as a University fire department.

Page 4.11-24 University Community

Second paragraph, first sentence should be corrected to read: 63

Should the University not be annexed to the City, the County would use development impact fees, special taxes, and/or other tax revenues to fund adequate fire protection services for the Community.

Page 4.11-29; MM PUB 6a, 6b, 6c

The County believes it is necessary and appropriate that there be a Development Agreement (DA) between the UC and the County prior to construction within the UC Merced 2020 Project Area to implement these mitigation measures. This DA would, among other things, define:

- The program for the joint use of on-campus sports, recreational, and parking facilities; 64
- The Lake Yosemite Regional Park maintenance program to avoid the physical deterioration of park facilities resulting from increased usage associated with the development of the campus;
- The University's fair share funding to support the Lake Yosemite Regional Park maintenance program, including defining the Lake Yosemite Regional Park's service area within eastern Merced County.

Page 4.11-29; MM PUB-6d

The County does not accept this mitigation measure as currently written. If and when the County decides to construct any park improvements within 250 feet of the eastern boundary of the Lake Yosemite Regional Park., it will be the County's responsibility to comply with all State and Federal laws with regards to such improvements. 65

Page 4.11-32 Alternative 5 No Action

Please refer to prior comment concerning the development of "Community South" under the No Action Alternative. 66

4.12 Socioeconomics/Environmental Justice

Pages 4.12-10, 11, 12; Table 4.12-10 67

Please add previously described footnote.

Pages 4.12-28 Impact on Minority or Low-Income Populations

Please refer to previous comment concerning the development of "Community South" under the No Action Alternative. 68

4.13 Transportation and Traffic

General Comments

These comments will apply to both the LRDP/404 programmatic CEQA/NEPA analysis and the UC Merced 2020 Project level analysis.

The County has identified numerous deficiencies in the analyses that were performed and assumptions used to identify traffic impacts from both the full implementation of the LRDP and the development of the UC Merced 2020 Project. These deficiencies are sufficiently fundamental and significant that the County is not confident that this EIR/EIS has adequately identified the transportation and traffic impacts for either the LRDP or the UC Merced 2020 Project.

The mitigation program that is presented through the mitigation measures for both the LRDP and the UC Merced 2020 Project contain so many qualifications and requirements and variables that they effectively do not provide an acceptable amount of certainty or specificity that they will in fact be implemented. 69

The attached memorandum dated January 14, 2009 as well as ISSUE PAPER Nos. 1-6 from Steve Rough, Supervising Engineer, provide detailed comments to both the Program level traffic analysis and mitigation and the Project level traffic analysis and mitigation. These are incorporated herein by reference and accompany this Comment Letter.

It is the County's position that the traffic generated by both the ultimate implementation of the LRDP and the UC Merced 2020 Project needs to be identified through a technically sound traffic analysis, that the traffic be adequately monitored, and that the University pay its proportionate share in a timely practically and legally manner for the improvements necessary to the transportation system to be able to maintain an acceptable level of service.

The Program level analysis for the LRDP DEIR anticipates that there will be subsequent environmental review that will be tiered from the LRDP DEIR for later discretionary decisions by the UC. Presumably such subsequent environmental review will be Project level environmental review for phases beyond the UC Merced 2020 Project. County requests, and expects, that such subsequent environmental review shall provide an opportunity for the UC to more closely work with the County in preparing the traffic analysis and mitigation program, than was the case for this Program level environmental review that will sufficiently identify and mitigate significant environmental effects.

To provide certainty and ensure that all significant environmental effects are adequately addressed, on a lawful timely basis, It is the County's view; therefore, that an agreement is REQUESTED that the UC enter into with the County that would mutually define the process and framework of traffic impact identification, monitoring, and mitigation that would be applied to future environmental review for Project level CEQA documentation beyond UC Merced 2020. 69

The UC Merced 2020 component of this DEIR/DEIS is presented as a Project level analysis and presumably no additional environmental review is planned nor will occur for its implementation. It is the County's view; therefore, that a development agreement is REQUIRED between the UC and the County to address the identification of traffic impacts, the monitoring of traffic, and a mitigation program to ensure that the University pays its proportionate share for the transportation improvements necessary to maintain an adequate level of service on County roadways throughout the implementation of UC Merced 2020. It is the County's position that this development agreement must be in place prior to any construction that would add any additional student capacity to the campus following certification of the FEIR/FEIS by the UC. 70

The Project Description for the UC Merced 2020 Project contains inconsistent depictions of the roadway network within the Project and displays the development of roadways outside of the Project that are almost certainly not going to be in place within the 2020 development horizon of this phase of the LRDP. For example, Figure 3.0-2 appears to illustrate Lake Road terminating at some point south of Bellevue Road and from Lake Yosemite Park to some point north of Lake Road, which would effectively cut off access to the park unless one travels through the campus. Figure 3.0-3, on the other hand, appears to show an extension of Campus Parkway into the park through undeveloped County parkland. Figure 3.0-8 does not illustrate Lake Road at all north of Bellevue Road. All these figures, as well as Figure 3.0-4 assume the full development of Campus Parkway, which is unrealistic to expect by 2020. 71

As the development plans for UC Merced 2020 are refined, the UC needs to work very closely with the County to ensure that the roadway network outside of the Plan will be able to support its development and that access is preserved to surrounding land uses. 72

Additional Detailed Comments

Pages 4.13-33, 34, 35, 36, 37, 38 University Community Plan

Please add previously referenced footnote for listing of 2004 Adopted UCP Policies. 73

Pages 4.13-73, 74; MM TRANS-1B University Community Traffic Mitigation

Please note that the County as Lead Agency for the Future Proposed 2009 UCP GPA EIR will be conducting a separate traffic study and impact analysis and will be preparing a separate transportation mitigation program for the UCP. All mitigation measures presented in this section 74

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that are intended to apply to the UCP need to be re-worded to be advisory to the County and not mandatory, as the UC does not have land use authority, jurisdiction nor CEQA responsibility for development within the UCP. 74

Page 4.13-74 Campus and University Community

This section is incorrect. Bellevue Road does have bicycle lanes that extend from Lake Road to G Street west of the UC Merced Campus. 75

4.13.6.5 Alternative 5 No Action

Refer to prior previous comment concerning the development of "Community South" under the No Action Alternative. 76

4.14 Utilities and Service Systems

Pages 4.14-15, 16, 17, 18; Table 4.14-2 77

Please add previously referenced footnote concerning the 2004 Adopted UCP Policies.

Pages 4.14-20, 21, 22; Table 4.14-3, 4, 5, 6

The County believes it would be useful to modify these tables to illustrate these volumes and generation rates in comparison to the estimates in the 2002 LRDP EIR and the 2004 UCP EIR. 78

Page 4.14-28 Alt 1-Impact UTILS-3

The description provided in this impact does not match the discussion that follows. Under both wastewater treatment scenarios, there would either be the need to construct new conveyance facilities (G Street) or an on-site wastewater treatment facility. 79

Pages 4.14-37, 38

Please refer to prior comment concerning the development of "Community South" under the No Action Alternative. 80

Pages 4.15-2, 4 Alternative 5 – No Action

Please refer to prior comment concerning the development of "Community South" under the No Action Alternative. 81

4.16 Global Climate Change

Page 4.16-37; Last Paragraph

Please note as previously described, the 2004 University Community Plan and the policies within that Plan will undergo a comprehensive re-evaluation and update as part of the Future Proposed 2009 UCP GPA. 82

Pages 4.16-38, 39, 40, 41, 42; Table 4.16-8

Please add previously described footnote to table listing 2004 Adopted UCP Policies. 83

Page 4.16.6.5 Alternative 5 – No Action

Please refer to prior comment concerning the development of "Community South" under the No Action Alternative.

6.0 Growth Inducing Impacts

Pages 6.0-5, 6; Table 6.0-2

Please note that current County policy is that the University Community be sized and planned to accommodate growth generated by the full development of UC Merced to 25,000 students. Changing the size or quantities of development greater than that necessary to accommodate the build-out of the campus would represent a major policy change for the County. Such a policy change would have to be considered as part of the Future Proposed 2009 UCP GPA process. 84

Page 6.0-7; Second Full Paragraph

Please note that although the County General Plan discourages the premature conversion of productive agricultural land and does not allow the creation of new SUDP'S on predominantly prime agricultural lands. The conversion of prime farmlands (such as south of Yosemite Avenue) is not entirely prohibited under current County General Plan policy. The current update of the City of Merced General Plan in fact identifies much of this area as a "Future Joint City-County Study Area." 85

Page 6.0-9

The statement that "…new infrastructure would be designed for the primary purpose of serving the campus and the University Community and no excess capacity would be provided" is not entirely correct. The present Area Plan policies in the 2004 UCP speak to the need for the City of Merced and Merced County to engage in joint planning of lands between the UC Merced/University Community SUDP and the Merced City SUDP. This joint planning would involve both the Bellevue Corridor and the Rural Residential Center (RRC). Such joint planning could very well result in policies that require any water and wastewater conveyance facilities that are constructed to serve the campus and/or University Community be sized to serve the RRC as 86 well. The current City of Merced SOI includes the RRC. Though the present City-County Revenue Sharing Agreement precludes the County from approving any development other than residential at a density of 1 unit/acre, this Revenue Sharing Agreement will be comprehensively updated in response to the City's General Plan Update. 86

The current policies in the 2004 UCP are intended to prevent the possibility of inducing growth on adjacent rural lands. The RRC is not considered a "rural" land use designation in the County General Plan

UC Merced 2020 Project

In addition to the previous comments made specific to transportation and traffic, the County has the following additional comments to the DEIR/DEIS as it applies to the UC Merced 2020 Project. 87

Please note that all comments made to Program level mitigation measures that are used to mitigate Project level impacts for the UC Merced 2020 Project continue to apply.

4.9 Land Use and Planning

Page 4.9-1; 4.9.1.1 Land Uses and Designations; Second Sentence

Suggest that "incorporates" be changed to "includes."

4.9.1.2 UCM Project Campus

The second paragraph should be corrected to read:

The northern portion of the UCM 2020 Project site, generally north of the Bellevue Road alignment is generally designated "UC Merced" in the County General Plan, whereas the southern portion is generally designated "Multiple Use Urban Development" (MUUD) in the County General Plan. 88

The first sentence of the second paragraph should be corrected to read:

The northern portion of the UCM 2020 Project site, approximately 1/8 mile south of the Bellevue Road alignment, is within the City of Merced's SOI while the remainder of the site is outside of the City's SOI.

Page 4.9-2; 4.9.1.3 Existing and Planned Surrounding Land Uses

The current zoning of the University Community area is A-1, General Agricultural.

Suggest that "…the previously adopted UCP…" be changed to "2004 Adopted UCP." 89

Thank you for the opportunity to submit this Comment Letter. The County particularly appreciates the dialogue that has occurred with the UC during this CEQA designated comment period and the willingness of the UC to grant an extension to the County to submit this Comment Letter until the close of business on January 21, 2009.

Sincerely,

Robert E. Smith
Special Programs Director

RES/tjt

cc: Merced County Board of Supervisors
Dee Tatum, County Executive Officer
James N. Fincher, County Counsel
LAFCO Executive Officer
Jesse Brown, Director, Merced County Association of Governments
Antonio Rossmann, Esq., Rossmann and Moore, LLP
City of Merced

Attachments:

1) NOP Comment Letter dated May 7, 2008
2) E-mail from Brad Samuelson dated January 6, 2009 concerning EIS/EIR comments
3) Memorandum from Peggy Vejar dated January 7, 2009
4) Memorandum from Steve Rough dated January 14, 2009
5) ISSUE PAPERS No.s 1-6 prepared by Steve Rough

MERCED COUNTY

"Attachment 1"

DEPARTMENT OF PUBLIC WORKS
Administration Division

Paul A. Fillebrown
Director
Robert E. Smith
Special Programs Director

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Equal Opportunity Employer

May 7, 2008

ATTN: Nancy Haley
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1480
Sacramento, CA 95814-2922

ATTN: Brad Samuelson
Regents of the University of California
Physical Planning, Design and Construction
University of California, Merced
P.O. Box 2039
Merced, CA 95343

RE: University of California (UC) Merced and University Community Project UC Merced Phase 2 Campus

Dear Ms. Haley and Mr. Samuelson:

The County of Merced has reviewed the Notice of Preparation (NOP) for this proposed project. From the Notice and attached Project Information and Scope Document, it is our understanding that the University of California (UC) will be the State of California Environmental Quality Act (CEQA) lead agency for the revised campus Long Range Development Plan (LRDP) and that the US Army Corps of Engineers (Corps) will be the Federal National Environmental Policy Act (NEPA) lead agency for the Section 404 Permit (404 Permit) to fill jurisdictional wetlands. The UC is proposing the revised LRDP and is applying for a 404 Permit within the "UC Merced Campus," as shown on Figure 2 of the Project Information and Scope Document. Further, the UC, acting on behalf of the University Land Company, an LLC, is submitting an application for a 404 Permit for the area shown as "Community North." It appears that the University is being moved southward onto lands currently owned by the University Land Company.

There is no 404 Application being submitted for lands identified as "Community South," as shown on Figure 2. The lands that are the subject of the revised LRDP and 404 Application are in the unincorporated area of Merced County. The County of Merced, therefore, has land use and development jurisdiction over all non university-owned lands, including lands owned by the University Land Company, and all university-owned non-academic lands.

In December of 2004, the County Board of Supervisors certified an Environmental Impact Report (EIR) and approved an Amendment to the County General Plan that reflected the Campus LRDP that had been approved by the Regents in 2002. This General Plan Amendment also established a plan and urban development boundary for the associated University Community (see attached). The County General Plan currently designates the LRDP area as "University" and the University Community Plan area as "Multiple Use Urban

Development." The boundaries for the revised Campus and Community Footprint shown in Figure 2 of the NOP attachment are different from the boundaries and general plan designations for the Campus and for the University Community approved by the County in 2004. In order for these new boundaries for the Campus and University Community to be considered by the County, an application to amend the County General Plan must be submitted by or with the consent of the landowners of the affected lands. The County will be the lead agency for CEQA purposes for any proposed General Plan Amendment. As recognized in the NOP, the County will require a new or subsequent EIR as part of this General Plan Amendment process.

Because an application to amend the General Plan has not yet been submitted to the County, the UC is placing itself in a position to take action on the new LRDP and the Corps is placing itself in a position to take action on the new 404 Application in advance of the County's consideration of the proposed General Plan Amendment. Please understand that despite such action ahead of the County, the County, in exercising its discretion, is not compelled to approve the same plans and boundaries as the Regents and/or the Corps. It should also be recognized that the separate EIR that will be certified by the County before acting upon the General Plan Amendment may present different and/or additional environmental impacts and conclusions than those that are presented to the Regents in the LRDP EIR and to the Corps in the 404 Environmental Impact Statement (EIS).

The County recognizes that conditions sometimes require plans to change. We appreciate the goals of this revised plan to address the provisions of the Clean Water Act. The University Community Plan adopted in 2004, however, is a result of millions of dollars of State and local investment and represents the collective input of many Merced County residents as well as various Federal, State, and local agencies. It truly represents the collective vision of the County for the development of a sustainable and viable community that advances the goals, objectives, and policies of the County General Plan, including the preservation of agricultural resources and the enhancement of the County's economic base.

We look forward to evaluating the future General Plan Amendment while maintaining the principles of the existing University Community Plan and continuing to advance the goals of the County's General Plan.

Sincerely,

Robert E. Smith
Special Programs Director

RES/tjt

:Attachment

cc: County Board of Supervisors
Demitrios O. Tatum, County Executive Officer
James N. Fincher, County Counsel
Paul A. Fillebrown, Public Works Director
Robert Lewis, Development Services Director

M:/Word Files/LETTERS/FILES/2008/NOP Comment Letter 5-7-08.doc

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"Attachment 2"

From: Brad Samuelson <bsamuelson@ucmerced.edu>
To: "Cahill, Bill" <cahillb@cityofmerced.org>, Robert Smith <RSmith@co.merce...
CC: Elisabeth Gunther <Elisabeth.Gunther@ucop.edu>
Date: 1/6/2009 11:01 AM
Subject: EIS/EIR Comments

Hello Gentlemen,

I want to assure you that UC Merced will accept your comments and will not raise a defense of failure to exhaust relative to the 2008 UC Merced Project Draft EIS/EIR as long as your comments are received by the end of business on January 21, 2009.

Please don't hesitate to contact me if you have any questions.

Brad

Director of Environmental Affairs
PO Box 2039
Merced, CA 95344
(209) 228-4333

-----Original Message-----
From: Brad Samuelson [mailto:bsamuelson@ucmerced.edu]
Sent: Monday, January 05, 2009 11:13 AM
To: 'Cahill, Bill'; 'Robert Smith'; 'Jesse Brown'
Subject: Confirmation of LRDP DEIR/EIS Meeting for tomorrow from 3-5pm

Hello,

This message is to confirm that we are scheduled from 3-5pm tomorrow afternoon in the Granite Rm. (3rd Floor) of the Mondo building to discuss CEQA mitigation.

Please don't hesitate to contact me if you have any questions.

Thanks,

Brad

Director of Environmental Affairs
PO Box 2039
Merced, CA 95344
(209) 228-4333

-----Original Message-----
From: Cahill, Bill [mailto:cahillb@cityofmerced.org]
Sent: Friday, January 02, 2009 10:51 AM
To: Robert Smith; bsamuelson@ucmerced.edu
Cc: Paul Fillebrown; Robert Gabriele; Steven Rough; Jesse Brown; Gonzalves, David; Rozell, Kenneth; Espinosa, Kim
Subject: RE: LRDP DEIR/EIS Meeting

Brad,

I think you were advised earlier by our secretary that January 7 was not working for the City schedule-wise. But if is the only time you can get the UCOP attorney to Merced, please be assured that we will figure out how to make it work somehow, particularly if we can be a bit flexible on specific time that day. Thank you.

Bill Cahill
Assistant City Manager
City of Merced
678 West 18th Street
Merced, CA 95340
v 209-385-6834
f 209-723-1780
e cahillb@cityofmerced.org

-----Original Message-----
From: Robert Smith [mailto:RSmith@co.merced.ca.us]
Sent: Friday, January 02, 2009 8:49 AM
To: bsamuelson@ucmerced.edu
Cc: Cahill, Bill; Paul Fillebrown; Robert Gabriele; Steven Rough; Jesse Brown
Subject: LRDP DEIR/EIS Meeting

Good morning Brad
I hope your New Year holiday was safe happy.

I wanted to confirm our meeting fro next Wednesday, the 7th to continue our discussion on traffic impacts and mitigation. The last communication I believe set it for 10 AM at the Mondo Building.

As we continue to work through this issue, I would like to assure you that the county's goals are:
*To arrive at an agreed monitoring and mitigation arrangement that will allow us to ensure that future traffic impacts from the full development of the campus are addressed in a timely way as CEQA documentation is prepared at a project level for phases beyond Phase 2;
* To ensure that Phase 1 & 2 traffic impacts are clearly identified, specific improvements to address these impacts are defined, that the UC's fair share to finance these improvements is clearly understood, and that the events that will trigger these improvements are described to avoid any future misunderstandings.

We continue to be sensitive to your schedule and are committed to arriving at a solution that can be documented in the Final EIR.

Also, as we review Volume 3 for the 2020 Project, we have encountered some technical questions. It would be very helpful if someone from Fehr& Peers could attend on Wednesday so that we can discuss our questions and have a better understanding of the traffic analysis for the project level document.

Thanks, Brad. I should be available most of today. I will also be attending Collaborative Group on Monday.
Bob

Robert E. Smith
Special Programs Director
Merced County Public Works
715 Martin Luther King Jr. Way
Merced, CA 95341
Phone: (209) 385-7601
Fax: (209) 385-7622

E:mail: rsmith@co.merced.ca.us

Confidential
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Subject to Revision

MERCED COUNTY

"Attachment 3"

DEPARTMENT OF PUBLIC WORKS
Parks and Recreation Division

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Equal Opportunity Employer

January 7, 2009

TO: Bob Smith

FROM: Peggy Vejar

SUBJECT: Lake Yosemite Regional Park

In reviewing the EIR material for the UC Merced and University Community Project, some of the information is incorrect or is not stated correctly. I hope this is more helpful in understanding Lake Yosemite and the surrounding land.

Lake Yosemite Park which includes the lake water and shoreline/park area is owned by Merced Irrigation District and leased to the County (1976-2026). Upon entering the park the land to the left (northwest direction) is the land leased from Merced Irrigation District. The leased portion is 400 surface water acres and 86 acres of developed land/shoreline for a total of 486 acres.

Upon entering the park the land to the right (northeast) that runs from the park entrance to the Le Grand canal is know as Bicentennial Grove. This land is owned by the County and is approximately 25 acres.

The County purchased approximately 260 acres with Federal and State Grant money. This acreage consists of the 25 acres known as Bicentennial Grove and the other 235 acres used for grazing purposes.

The County of Merced Parks and Recreation Division manages 111 acres of developed land at Lake Yosemite Regional Park. The 111 is the 86 acres of MID land and 25 acres for Bicentennial Grove.

In the document you gave me, it says "The County owned regional park is approximately 233 acres total and the develop portion is approximately 89 acres". I don't believe the statement is accurate based on the acres I stated above. The developed acres we manage is 111.

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Under the park Facilities include:

Paved Trails for bicycling and walking, the only trail is from the Fairfield canal to the Bicentennial restrooms. Probably about 1/8th of a mile then it stops and no other trails are in the park.

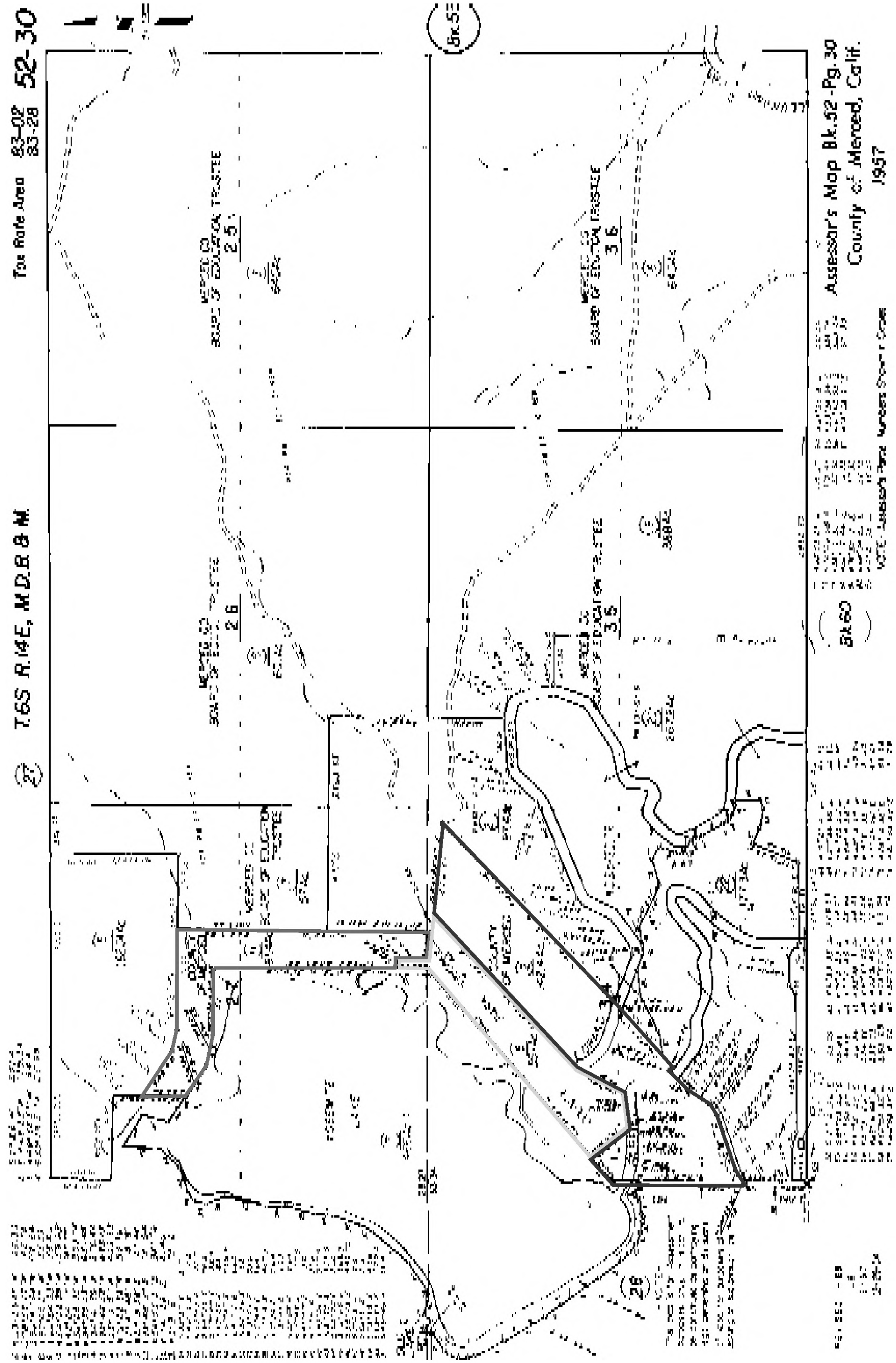
Sixty sailboat Slips. I don't know exactly how many. The Lake Yosemite Sailing Club manages and maintains them and they have also built new ones. These can only be rented from the club. Not for day use.

Baseball fields are undeveloped.

There are only two playgrounds, not three.

Support facilities-first aide is only offered if we have lifeguard and not sure what the water wells is? Is it the "wishing well"? or are they saying we have water in our park from wells?

Wp/letters/letters/memos/2009/bobsmitheirinformationucmerced


52-30
Tax Rate Area 83-02 83-28
T.6S R.14E, M.D.B.& M.
Bk.53
Bk.60
Assessor's Map Bk.52-Pg.30
County of Merced, Calif.
1957

"Attachment 4"

DEPARTMENT OF PUBLIC WORKS
Professional Services Division

MERCED COUNTY

Paul A. Fillebrown
Director

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Equal Opportunity Employer

Date: January 21, 2009

To: Bob Smith, Special Projects Coordinator
Bob Gabriele, County Counsel

From: Steven E. Rough, Supervising Engineer

Subject: UC Merced LRDP & University Community - Draft EIS/EIR

MEMORANDUM

Our office has reviewed the circulation section of the LRDP and the associated Draft EIS/EIR. In summary, the Transportation Impact Study (traffic analysis) prepared by Fehr & Peers, dated October 2008, is incomplete and does not provide sufficient information to determine the potential impacts of the proposed project.

In this memo, I will briefly describe the general deficiencies of the analysis as well as provide addition detail on specific language in the Draft EIS/EIR that needs to be clarified or corrected.

A. General Deficiencies

1. The traffic analysis was not stamped and signed by the engineer in responsible charge of its preparation. In the State of California, this is a mandatory requirement. Engineers that do no stamp engineering reports are in violation Section 6735 of the State of California Professional Engineers Act.

2. Trip Generation

   a. The trip generation rate used for UC Merced has not been adequately documented or justified. The trip generation rate used was 2.08 trips/student. This rate is the average of the trip generation rate reported to occur at UC Davis (2.40 trips/student) and UC Santa Cruz (1.77 trips/student). The average trip generation rate for universities suggested by the ITE Trip Generation Manual is 2.38 trips/student. A trip generation study for the existing UC Merced Campus indicated an existing rate of 2.33 trips/student. The ITE average rate is based on actual data from seven universities; the range of rates varied from 2.03 to 3.31 trips/student. A review of all of the available trip generation rate material indicates that the data from UC Merced is an anomaly that does not conform to any of the other data sets; thus, it should not be used in the determination of the anticipated trip generation rate for UC Merced.

   There are several methods that can acceptably be used to determine the appropriate trip generation rate for UC Merced. The best method would be to add the data obtained from the Davis study and the UC Merced study to the data set used for determination of the ITE Trip Generation Manual rate; I do not have access to sufficient information to use this method. The next method would be to average the ITE Rate (weighted) with the UC Davis Rate and the UC Merced Rate. This results in a trip generation rate of: ((2.38 x 7) + 2.40 + 2.33)/9 = 2.377 trips/student. If you include the data from UC Santa Cruz (even though it appears to be an anomaly) the calculation becomes ((2.38 x 7) + 2.40 + 2.33 + 1.77)/10 = 2.316 trips/student. The conservative approach would be to use a rounded rate of 2.38 trips/student; however, the project proponent can make a strong case to use a rounded rate of 2.32 trips/student. At 2.32 trips/student, the total trips anticipated to be generated by UC Merced (at 25,000 students) is 58,000 trips. This represents 6,000 more trips per day than analyzed in the Fehr & Peers report.

b. University Community Trip Generation. The trip generation rates used in the traffic analysis (Table 7) do not conform to the trip generation rates used in the MCAG Traffic Model. The trip generation rates that are supposed to be utilized in the analysis are summarized in Table 4 of the MCAG Traffic Demand Model Development Report, dated April 2006, prepared by Fehr & Peers. The trip rates used in the traffic analysis seem to be approximately 10 - 20% less than used in the MCAG model. Thus, the analysis does not account for approximately 15,000 to 30,000 trips per day. The addition of these trips may significantly change the results of the analysis.

c. Internal/External Trip Allocation. The traffic analysis suggests that 70% of the trips generated by UC Merced and the University Community will remain internal to the UC Merced/University Community area. The percentage has not been justified and I can find no studies on-line that can confirm such a large internal-internal trip percentage for a large suburb type community or any large mixed-use community. Percentages that large are usually restricted to smaller walkable multi-use centers that are part of a larger community; however, the studies I have seen for such multi-use centers seem to indicate the maximum internal-internal trips to be 55%.

d. The number of trips added to Campus Parkway from the UC and University Community is inherently incorrect as a result of the 70% reduction in trips. In addition to serving regional circulation needs, Campus Parkway will be the primary corridor for UC & University Community internal traffic. The internal-internal traffic that will occur has been omitted from consideration. This is a significant oversight in the traffic analysis. This error impacts the required design cross section as well as the proportionate contributing percentage proposed in the document. The University Community will be a very attractive place for people to live. Many people working throughout Merced and Merced County with no association to UC Merced will choose to live in the University Community. The type of retail opportunities in the University Community will be very limited. People will continue to shop at regional shopping areas and at their favorite grocery store. Specialty stores in the University Community not found in Merced or other nearby communities will attract shoppers not living in the University Community.

3. Trip Distribution

   The trip distribution has not been sufficiently presented in the report to provide for analysis. The traffic report contains incorrect model result exhibits.

4. Conversion from MCAG Daily Model to Peak Hour Analysis.

   The report did not indicate how the MCAG Daily Traffic model numbers were converted to create peak hour numbers used in the analysis.

5. Capacity Analysis

   The capacity analysis is based on unachievable roadway capacities and does not conform to the Highway Capacity Manual, published by the Transportation Research Board, which is the required source for the analysis. The use of the Highway Capacity Manual is standard practice throughout the United States and provides state-of-the-art techniques for estimating capacity and determining level of service for transportation facilities.

6. Public vs. UC Roadways

   We are unsure which roadways shown in the LRDP will be UC owned and operated roadways and which roadway will be County roadways. This is a very important issue that needs to be resolved. For instance, if the UC owns and operates the loop roadway around the perimeter of the site, the traffic study cannot assume this roadway will function as a typical County roadway. The UC may unilaterally decide to close or modify internal roadways without any discussion with the County. For instance, roadways on the existing UC campus have already been modified to significantly impact on-site circulation; in this case, this does not impact County roadways; however, in the future, such changes could be significant.

7. Mitigation Measures

   Many of the mitigation measures are written in such way as we are very uncertain if they can be implemented in the real world. We strongly recommend the development of more traditional mitigation measures. A fee structure needs to be developed by the City and County (possibly through MCAG) to provide a means for collecting fees from the UC, the University Community, the adjacent Rural Residential Center, and possibly other nearby urban areas. The UC needs to agree to pay proportionate fees based on whatever traffic analysis has been adopted to support the UC LRDP project. (It is very important to note that since our office does not agree with the methodology used for the traffic analysis, the mitigation measures listed in the Draft EIR for the University Community are not appropriate; the EIR prepared by the County for the University Community will result in the preparation of a traffic analysis that conforms to County requirements and will result in very different mitigation for the University Community.)

   The mitigation measures for the UC should be based on average annual enrollment figures (that is the best measure of the size and impact of the UC). The UC needs to pay their proportionate share to the County which will be place into an interest bearing account specifically set aside for the improvements needed to support the UC.

   The UC needs to contribute their proportionate share of improvements to circulation in the University Community needed to support the UC.

B. Recommendation:

The traffic analysis needs to be completely redone to conform to standard industry practice for the analysis of a new large development. The standard practice is best summarized in the "Guide for the Preparation of Traffic Impact Studies" published by Caltrans.

1. The traffic generation methodology must be fully documented before the traffic analysis proceeds to trip distribution.
2. The MCAG can be used as an initial guide to determine trip distribution; however, the trip distribution may need to be adjusted to account for anomalies in the traffic model.
3. The internal-external distribution percentage must be fully documented.
4. The intersections and roadway segments to be analyzed must include internal roadways.
5. All capacity analysis (both intersection and segment) is required to be based on the most recent version of the Highway Capacity Manual using both AM and PM peak hour analysis periods.
6. The infrastructure improvements assumed to be in-place at future years must be confirmed.
    a. At this point, the MCAG Regional Transportation Plan only recognizes 5 fully funded projects: the SR99 Mission Avenue Interchange, the SR99 Sultana Interchange, the SR99 Westside Boulevard Interchange, the SR99 Arboleda Interchange, and the SR99 Plainsburg Interchange.
    b. Campus Parkway from Coffee Street to Childs Avenue is fully funded.
    c. Other projects that may be fully funded must be confirmed with MCAG, the City of Merced and the County.
    d. Roadways that require developer fees for funding are not considered to be fully funded. The UC and University Community are development projects that will be required to pay impact fees. It is important these roadways not be considered to be in-place with the initial analysis so the UC and University Community's proportional shares can be determined.
7. The study must determine the UC and University Community's fair share proportionate percentage contribution towards required mitigation. A formula for determining proportionate share is included in the Caltrans Guide.
8. Ultimately, the method of fee contribution must be determined. Since we are dealing with several jurisdictions, this can become very complicated.

"Attachment 5A"

COUNTY OF MERCED **DEPARTMENT OF PUBLIC WORKS**

UC Merced 2020 Project
ISSUE PAPER No. 1

Date: January 21, 2009

To: Bob Smith, Special Projects Coordinator
DPW – Admin.

Bob Gabriele, Deputy County Council
County Counsel

From: Steven E. Rough, Supervising Engineer
DPW - Professional Services Division

Issue: **UC Merced 2020 Project Impacts to Lake Road and Bellevue Road**

A. Problem Statement: The Transportation Impact Study, dated October 2008, prepared by Fehr & Peers to analyze the impacts of UC Merced 2020 Project contains significant errors & omissions and does not adequately identify and evaluate the project's impacts on Lake Road and Bellevue Road; thus, the proposed mitigation measures are legally inadequate.

B. Problem Summary: The Traffic Study [which purports to be a final report] contains the following significant errors, omissions and deficiencies:

1. Transportation Impact Study Not Stamped & Signed: The study has not been stamped and signed by the Civil Engineer or Traffic Engineer responsible and in charge of its preparation. Section 6735 of the Professional Engineers Act of the State of California requires final civil engineering reports to bear the signature and seal or stamp of the registrant, the date of signing and sealing or stamping, and the expiration date of the certificate or authority.

2. Trip Generation: The Trip Generation Rate used in the traffic analysis is summarized on page 83 of the Report in Table 19. The Trip Generation Rate used was 2.08 trips per day per student. However, in contrast and express contradiction the following express statement is included on page 33 of the Report, "A trip generation survey, conducted for the current campus, provided a rate of 2.33 trips per day per enrolled student." The UC Merced 2020 project analysis assumes no University Community has been developed to provide supporting services to students, staff, and employees of the University. Thus, the Trip Generation Rate reduction postulated on page 83 of the Report in Table 19 is not supported, not valid and therefore not appropriately used for the analysis of the UC Merced 2020 project.

   In order to correct this error, a Trip Generation Rate of 2.33 should be used for the UC Merced 2020 project resulting in a total regional trip generation of 23,300

“Attachment 5A”

trip ends. The amount of productions and attractions should be adjusted to reflect this increase in trip ends.

3. Trip Volumes. The trip volumes for Lake Road and Bellevue Road indicated on page 85 (and following) in Table 20 of the report are incorrect because not properly calculated. In addition, this table assumes Bellevue Road to be developed with 6-lanes by the year 2020, for which no funding source nor explained need for expansion from 2 lanes to 6 lanes independent or in conjunction with the trip volumes expected to be generated by the 2020 Plan..

   In order to determine the impact of the UC Merced 2020 project, the volumes in Table 20 should be adjusted to remove volumes being generated by the existing UC Merced campus. On page 84 of the report, it states, “… the current campus serves about 2,000 students.” Since the trip rate has been determined for the existing campus, the total number of trips generated by 2,000 students can be calculated to be 2,000 x 2.33 = 4,660 trip ends. Based on observations by the Merced County Department of Public Works, traffic going to and coming from the campus is almost equally distributed (50/50 split) between Bellevue Road and Lake Road. An incorrect calculation of trip volumes results in an incorrect level of service calculation results being reported on Table 20; this then further results in incorrect conclusions concerning the trip volumes impacts of the UC Merced 2020 Project on Lake Road and Bellevue Road.

   In order to correct this error, the traffic volumes on Table 20 need to be recalculated. The following table represents the actual anticipated traffic volumes on Lake Road.

Recalculated Anticipated Traffic Volumes (ADT)

	Existing (No UC)	Existing + Phase 1 5,000 students	Existing + Phase 1 & 2 10,000 students	2020 (No UC) (3% per year)	2020 + Phase 1 5,000 students	2020 + Phase 1 & 2 10,000 students
Bellevue Rd	1,370	7,195	13,020	1,954	7,779	13,604
Lake Rd	120	5,945	11,770	172	5,945	11,822

   According to Table 20, capacity of Bellevue Road and Lake Road as they exist today is shown to be 12,000 trips per day. Based on the recalculated results shown above, Bellevue Road is anticipated to exceed capacity and Lake Road is approaching capacity. Minor adjustments in how trips may be distributed between Lake Road and Bellevue Road will not alter the results. Thus, the development of the UC Merced 2020 project will result in a significant impact to Lake Road and Bellevue Road that must be mitigated.

   (Note: The focus of my review of Table 20 has been limited to Bellevue Road and Lake Road. This ISSUE PAPER analysis is for illustrative purposes of the errors, omissions and deficiencies which have equal application to the remainder of the traffic volumes reported on Table 20 as also incorrect. The potential for incorrect reporting of significant impacts to the road system resulting from the development of the UC Merced 2020 project goes well beyond Bellevue Road and Lake Road.)

C. **Proposed Mitigation:** Several mitigation measures are necessary to address the evident significant traffic impacts created by the UC Merced 2020 project.

“Attachment 5A”

1. Bellevue Road LOS (capacity) Impact: The only mitigation that can deal with, address and reduce to a level of insignificance is the construction of additional lanes, from the 2 existing lanes, on Bellevue Road. According to Table 22 of the report, the University’s proportionate share contribution for project impacts [which could be higher if not based on the flawed traffic analysis] to Bellevue Road for the UC Merced 2020 project is 83%. Using the adjusted traffic volumes [which may even be too low based on the flawed traffic analysis], I have calculated the University’s share to be 86%.

   Widening Bellevue Road is a very complex project. The new centerline alignment needs to be established, an EIR needs to be completed, the design prepared, right-of-way acquired, and the improvement needs to be bid and constructed. From start to finish, a project of this magnitude is likely to take 6 to 8 years. The UC Merced 2020 project is estimated to be completed by the year 2020; impacts from the project do not suddenly occur in 2020; the impacts incrementally and will likely gradually occur over time as individual sub-projects are developed. As a result, a mitigation measure that involves monitoring of the traffic volumes on Bellevue Road will only delay the inevitable. The University needs to program funds almost immediately to complete this project. All of the funds are not needed at one time. The funds can be programmed to be provided as necessary to complete the various phases of this project. However, for the improvements to be timely made, the funding needs to be timely and sufficiently in place].

2. Lake Road at Yosemite Avenue: A traffic signal and channelization has been determined to be necessary for this intersection (See Page 84 of the Transportation Impact Study). The need for this signal is probably more than anticipated in the existing Study because of the incorrect volume calculations for Lake Road. According to Table 23 of the Study, the University’s proportionate share contribution for construction of this intersection improvement is 92%. I believe the University’s proportionate share may be even greater [as I showed regarding Bellevue]. It is important to note that this traffic signal is an interim improvement. In the long term, after Campus Parkway is constructed, this signal is likely no longer needed and therefore could appropriately be removed.

3. Lake Road at Bellevue Road: A traffic signal has been determined to be necessary at this intersection through the environmental process completed for Phase 1 of UC Merced. The University Regents adopted a mitigation measure for this intersection improvement (Mitigation Measure 4.14-1). According to the third paragraph of page 12 of the January 16, 2002 staff report (Exhibit 2-GF) from the Office of the President to the Committee on Buildings and Committee on Finance, “A traffic light and road expansion required at a major intersection is estimated to cost $350,000 and will be covered by the campus budget.” This cost is indicated as being part of the capital project budgets for mitigation of Phase 1 of the campus development. At this point, we can not validate the dollar value, but the intent of the Office of the President was clear.

   This traffic signal is an interim improvement necessary to support the UC Merced 2020 project. Ultimately, when Campus Parkway is constructed, this traffic signal will be removed.

“Attachment 5A”

In Section 10.2 of the LRDP, Project No. 4 (Non-State Funded Capital Projects) is shown as occurring at the intersection of Campus Parkway and Bellevue Road. Project No. 4 is identified as, “Campus Parking Lot I”. A parking lot at this location makes no planning sense and would constitute a dangerous condition in that it conflicts with the development of the improvements to the circulation system and will likely conflict with the interim improvements needed at Lake Road and Bellevue Road.

4. Additional Interim Improvements. Additional interim improvements may be necessary along Lake Road that have not yet been identified. Since Campus Parkway between Yosemite Avenue and Bellevue Road is not likely to exist by the year 2020, the University needs to identify interim circulation improvement needed to support the project. For instance, certain internal campus roadway will need to be extended to Lake Road creating new intersections. The type of traffic control necessary at these interim intersections has not yet been identified. It is possible that traffic signals may be necessary.

   In addition, the interim improvements are likely to conflict with the continuity of the Class 1 Bike Path that currently exists along Lake Road.

   A detailed layout of the UC Merced 2020 Project and supporting interim circulation improvements needs to be prepared along with an adequately prepared traffic analysis.

"Attachment 5B"

COUNTY OF MERCED **DEPARTMENT OF PUBLIC WORKS**

UC Merced 2020 Project
ISSUE PAPER No. 2

Date: January 21, 2009

To: Bob Smith, Special Projects Coordinator
DPW – Admin.

Bob Gabriele, Deputy County Council
County Counsel

From: Steven E. Rough, Supervising Engineer
DPW - Professional Services Division

Issue: **Interim Circulation Improvements**

A. **<u>Problem Statement:</u>** The LRDP and supporting Draft EIS/EIR fails to identify interim circulation improvements necessary to support the UC Merced 2020 Project.

B. **<u>Problem Summary:</u>** All of the exhibits included in the LRDP and Draft EIS/EIR seem to indicate the assumed as expected existence of Campus Parkway from Yosemite Avenue to Bellevue Road at the year 2020. However, no funding source nor any definitive information is provided to support such an assumption or expectation to actually occur. Without such, it can not be relied on in calculating required circulation improvements. As a practical analysis, this segment of Campus Parkway is not likely to exist at the year 2020 unless and until the University Community is developed. The resulting problem: No attempt has been made to identify interim circulation improvements necessary to support the UC Merced 2020 Project. The public (and possibly the University) may be misled by the Draft EIS/EIR to incorrectly assume that no interim circulation improvements are necessary; when in fact, they are or will be necessary.

C. The construction of these interim improvements may have environmental impacts that have not been identified because the interim improvements that are or will be necessary were never identified in the Draft EIS/EIR.

For instance, one or more internal campus roadways are likely to be extended to Lake Road on an interim basis to provide for adequate circulation. These interim extensions will create new intersections with a County roadway that must be adequately designed and constructed. In addition, these interim extensions are likely to impact the continuity of the Class 1 Bike Path that exists along Lake Road. If these issues are not adequately identified, they can not be adequately analyzed. If not identified and environmentally assessed, when the University applies for an encroachment permit from the County to connect any such interim extension with Lake Road, the County may exercise its discretion to withhold issuance of an encroachment permit until any necessary supplemental environmental analysis has been completed.

D. Proposed Mitigation:

1. Before construction of any UC Merced Phase 2 projects occurs, an interim circulation plan needs to be developed. If supplemental environmental investigation is necessary, this must be completed before any Phase 2 projects are developed.

"Attachment 5C"

COUNTY OF MERCED — DEPARTMENT OF PUBLIC WORKS

UC Merced 2020 Project
ISSUE PAPER No. 3

Date: January 21, 2009

To: Bob Smith, Special Projects Coordinator
DPW – Admin.

Bob Gabriele, Deputy County Council
County Counsel

From: Steven E. Rough, Supervising Engineer
DPW - Professional Services Division

Issue: **Status of Adopted Mitigation Measures for UC Merced Phase 1**

A. Problem Statement: The mitigation measures adopted by the UC Regents for the development of UC Merced Phase 1 need to be reviewed in consideration with the proposed UC Merced 2020 Project.

B. Problem Summary: The mitigation measures proposed as part of the UC Merced 2020 project may conflict with or supplant the mitigation measures adopted by the UC Regents for development of UC Merced Phase 1. To the extent such is the case, it needs to be identified and any conflict/difference needs to be addressed (explained). Following is a summary of the mitigation measures related to circulation:

1. Mitigation Measure 4.14-1. Install a traffic signal at the intersection of Lake Road and Bellevue Road and widen the intersection to provide a left-turn lane on the northbound and eastbound approaches (Applicability – Project Level).

   STATUS: Based on the results of observational monitoring, a traffic signal is not yet warranted at this location.

   RECOMMENDATION: Continue to monitor. This signal should probably be constructed with one of the first subphases of the UC Merced 2020 Project.

2. Mitigation Measure 4.14-2. The County can and should analyze the expected future operations of the Lake/Yosemite intersection at the following milestone points: (1) on determination of the conceptual alignment for Campus Parkway, (2) on preparation of the Geometric Approval Drawings for Campus Parkway, and (3) each October, beginning in the opening year of the UC Merced Campus. If any of these analyses determine that the Lake/Yosemite intersection will operate at unacceptable LOS, the University will contribute its fair share (as described in Section 4.14.3.2) towards the cost of any of the following improvements deemed necessary at the intersection: installation of a traffic

signal, or construction of a left-turn pocket on the Yosemite Avenue approach to Lake Road; monitoring of other approach routes to the Campus will continue as described in Mitigation Measure 4.14-5 (Applicability – Project Level).

STATUS: Based on the results of observational monitoring, a traffic signal is not yet warranted at this intersection. However, an investigation should be conducted on the potential installation of an all-way STOP at this location.

RECOMMENDATION: Coordinate with City of Merced to review warrants for the installation of an interim all-way STOP at this location. Continue to monitor. This signal should probably be constructed with one of the first subphases of the UC Merced 2020 Project.

3. Mitigation Measure 4.14-3.

   a. The university will create a visual record of pavement surface condition along Bellevue Road (from Lake Road to Highway 59), and Lake Road (from the University entrance to Yosemite Avenue), and any other routes on which final haul plans indicate large truck traffic generated by campus construction would exceed 5% of existing traffic levels. The University will re-inventory pavement condition along these routes within two months following completion of Phase 1 construction, and either restore pavement to pre-construction condition or reimburse the responsible jurisdiction to perform restoration (less a reasonable allowance for deterioration caused by other traffic). (Applicability – Project Level).

      STATUS: Bellevue Road was reconstructed as part of the construction of Phase 1 of UC Merced (in conjunction with installation of sewer, water and fiber optic utilities in the roadway).

      RECOMMENDATION: This mitigation measure has been fully completed.

   b. The University will either: (1) if deemed necessary by County Public Works Department, restrict truck traffic routing to/from the site to prohibit large trailer-trucks (with turn radius greater than 40-feet) from travel via Lake Road, or (2) pay the County to design and construct improvements to the intersection of Lake Road and Yosemite Avenue to accommodate the turn-radius of the largest permitted construction vehicle. (Applicability – Project Level).

      STATUS: The County worked closely with UC Merced to prohibit trucks from using Lake Road. Although a few trucks did travel on Lake Road, the University was quick to respond and remind suppliers of this restriction.

      RECOMMENDATION: This mitigation measure has been fully completed.

"Attachment 5C"

4. Mitigation Measure 4.14-4

   a. The University will contribute its fair share (as described in Section 4.14.3.2) toward the following RTP Tier 2 roadway improvements:

      - Campus Parkway, extend from Yosemite Avenue to Bellevue Road
      - Highway 59, widen to 4 lanes, Olive Avenue to Bellevue Road
      - Highway 59, new segment between Highway 99 and 140
      - Yosemite Avenue, extend from R Street to Highway 59
      - Yosemite Avenue, widen to 4 lanes, Campus Parkway to G Street
      - Bellevue Road, widen to 6 lanes, Highway 59 to Campus Parkway
      - R Street, extend from Yosemite Avenue to Bellevue Road
      - Parsons Avenue/Gardner Avenue, extend and widen to 4 lanes, Childs Avenue to Bellevue Road
      - Santa Fe Drive, widen to 6 lanes, Buhach Road to Highway 59
      - Intersection improvements along G Street between Highway 99 and Childs Avenue (Applicability – Program Level)

      STATUS: No improvements have been completed on any of the roadways under the jurisdiction of the County of Merced. Many of these improvements are not recognized as mitigation measures in the newly prepared Draft EIS/EIR for the UC Merced LRDP.

      RECOMMENDATION: Since this is a program level mitigation measure, mitigation measures adopted as part of the new EIS/EIR are assumed to supplant/replace this mitigation measure. The Final EIS/EIR should include discussion on the applicability of carrying these mitigation measures forward.

   b. Merced County, City of Merced, Caltrans and MCAG can and should move expeditiously through project development processes to establish right-of-way and access management requirements along key routes affected by campus traffic.* (Applicability – Program Level).

5. Mitigation Measure 4.14-5. Merced County can and should* and the University will establish rights-of-way and build campus access routes comparable to the extension of Campus Parkway from Yosemite Avenue to Bellevue Road, University Drive, and Commerce Drive, even if the University Community is not developed. (Applicability – Program Level).

   STATUS: The University has constructed on-site improvements as necessary to support UC Merced Phase 1.

RECOMMENDATION: The University will continue to be responsible for constructing any on-site improvements necessary to support the campus. The construction of regional improvements (by either the City, the County or MCAG), such as Campus Parkway between Yosemite Avenue and Bellevue Road will only occur if sufficient funding is obtained. The level of off-site improvements necessary to be constructed to support UC Merced Phase 2 has not been fully established. There appear to be significant design issues that should be further evaluated by the University at the intersection of Campus Parkway and Bellevue Road; the grade differential at this location will make design and construction of this intersection extremely challenging; a significant amount of fill material will need to be imported; connections to approaching roadways will be very difficult.

6. Mitigation Measure 4.14-6. The University will contribute its fair share (as described in Section 4.14.3.2) toward the annual monitoring of traffic conditions along major approach routes to the campus, and the implementation of interim improvements, if warranted. Improvements to be considered at the intersection of Bellevue Road and G Street will include installation of a traffic signal and construction of a left-turn pocket on the westbound Bellevue Road approach. (Applicability – Program Level).

   STATUS: No agreement has been reached between the County and the University towards contributing their fair share towards monitoring of traffic conditions.

   RECOMMENDATION: An agreement needs to be negotiated in order to implement this mitigation measure. This mitigation measure needs to be carried forward as part of the new EIS/EIR for the LRDP.

7. Mitigation Measure 4.14-8. Merced County and the City of Merced can and should ensure adequate maintenance of the existing path along Lake Road and other regional bicycle and pedestrian facilities that provide access to the proposed campus.* (Applicability – Program Level).

   STATUS: The County recently upgraded the existing bike path with grant funds received from the State of California.

   RECOMMENDATION: The County does not have a source of funds for ongoing maintenance of the bike path. However, we will make every effort to provide an adequate level of maintenance for the bike path including periodic sweeping of the path. Since the University will be one of the primary users of the bike path, the University should probably contribute funds towards the maintenance of the bike path.

8. Mitigation Measure 4.14-9. The County can and should implement parking restrictions in sensitive areas around campus, such as recreational and residential parking permits and parking time restrictions, and should provide aggressive enforcement of these restrictions.* (Applicability – Program Level)

STATUS: Parking restrictions have been enacted along Lake Road from Bellevue Road to the Lake Yosemite Park Entrance.

RECOMMENDATION: Continue to monitor off-site parking and enact restrictions as necessary.

9. Mitigation Measure 4.14-10.

   a. The University will contribute its fair share (as described in Section 4.14.3.2) toward the following RTP Tier 2 roadway improvements:

      - Highway 59, widen to 4 lanes, Olive Avenue to Bellevue Road
      - Highway 59, new segment between Highway 99 and 140
      - Yosemite Avenue, extend from R Street to Highway 59
      - Yosemite Avenue, widen to 4 lanes, Campus Parkway to G Street
      - Bellevue Road, widen to 6 lanes, Highway 59 to Campus Parkway
      - R Street, extend from Yosemite Avenue to Bellevue Road
      - Parsons Avenue/Gardner Avenue, extend and widen to 4 lanes, Childs Avenue to Bellevue Road
      - Highway 59, new alignment along Mission Avenue
      - Childs Avenue, widen to 4 lanes, Campus Parkway to Highway 59. (Applicability – Program Level).

      STATUS: No improvements have been completed on any of the roadways under the jurisdiction of the County of Merced. Many of these improvements are not recognized as mitigation measures in the newly prepared Draft EIS/EIR for the UC Merced LRDP.

      RECOMMENDATION: Since this is a program level mitigation measure, mitigation measures adopted as part of the new EIS/EIR are assumed to supplant/replace this mitigation measure. The Final EIS/EIR should include discussion on the applicability of carrying these mitigation measures forward

   b. Merced County, City of Merced, Caltrans, and MCAG can and should move expeditiously through project development processes to establish rights-of-way and access management requirements along key routes affected by campus traffic.* (Applicability – Program Level).

* Denotes mitigation measure that requires action by an agency other than the University. While the University cannot implement these measures, it will monitor them. During campus development, the University will notify the appropriate

agencies of mitigation measures within their jurisdiction analyzed in the EIR, request that they submit information on their plans to implement the mitigation measures, and prepare a report of the status of each measure identified.

C. Proposed Mitigation:

1. The following mitigation measures adopted by the UC Regents as part of the approval of UC Merced Phase 1 remain applicable for the UC Merced 2020 Project: Mitigation Measures 4.14-1, 4.14-2, 4.14-5, 4.14-6, and 4.14-9.
2. Mitigation Measures 4.14-4 and 4.14-10 have been supplanted by mitigation measures adopted for the UC Merced 2020 Project.
3. Mitigation Measure 4.14-8 shall be revised to read: "Merced County and the City of Merced can and should ensure adequate maintenance of the existing path along Lake Road and other regional bicycle and pedestrian facilities that provide access to the proposed campus. The University will contribute a proportionate share to be negotiated with the County of Merced for the maintenance of the Lake Road Bike Path."
4. Before construction of any UC Merced Phase 2 projects occurs, the mitigation measures adopted for the development of UC Merced Phase 1 need to be reviewed and carried-out, if determined to be necessary.

"Attachment 5D"

COUNTY OF MERCED DEPARTMENT OF PUBLIC WORKS

UC Merced 2020 Project
ISSUE PAPER No. 4

Date: January 21, 2009

To: Bob Smith, Special Projects Coordinator
DPW – Admin.

Bob Gabriele, Deputy County Council
County Counsel

From: Steven E. Rough, Supervising Engineer
DPW - Professional Services Division

Issue: **University vs. County Operated and Maintained Roadways**

A. **<u>Problem Statement:</u>** The Circulation Plan for the UC Merced 2020 Project and the Ultimate University Project fail to identify which roadways will be operated and maintained by the University and which will be operated and maintained by the County.

B. **<u>Problem Summary:</u>** Several key roadways have been identified in the LRDP and the Draft EIS/EIR as critical for circulation including: Campus Parkway from Yosemite Avenue, the Campus Loop Drive, and the Town-Gown Community Central Drive. Roadways not operated and maintained by the County may be subject to being controlled by the University in a way that does not conform to the Vehicle Code, the Manual on Uniform Traffic Control Devices, and other laws and rules intended to regulate traffic. Whereas, County roads must conform to such regulations.

In addition, Figure 3.0-8 seems to indicate that the University desires to occupy the existing location of Lake Road north of Bellevue Road. However, an adequate public connection to Lake Yosemite is not indicated.

C. **<u>Proposed Mitigation:</u>**

1. Access to the Lake Yosemite Regional Park shall be maintained. Access to be provided by a roadway operated and maintained by Merced County.

D. **<u>Proposed Revisions to Project Descripton:</u>**

The project description needs to be revised to identify which roadway that passes through the University project area will be dedicated to the County for which County will be asked to become responsible for operation and maintenance. At a minimum, this should include Campus Parkway. Because of their importance to circulation, this should also include the south portion and northern portion of the Public Access Community Collector as shown on Figure 3.0-8. The eastern portion of the Public Access Community Collector appears to convert to a Managed Access Street under future phases of UC Merced.

"Attachment 5E"

COUNTY OF MERCED DEPARTMENT OF PUBLIC WORKS

UC Merced 2020 Project
ISSUE PAPER No. 5

Date: January 21, 2009

To: Bob Smith, Special Projects Coordinator
DPW – Admin.

Bob Gabriele, Deputy County Council
County Counsel

From: Steven E. Rough, Supervising Engineer
DPW - Professional Services Division

Issue: **UC Merced 2020 Project – Project Description**

A. **Problem Statement:** The Project Description included in Volume 3 of the Draft EIS/EIR does not match the traffic analysis.

B. **Problem Summary:** In Section 3.6.6 of Volume 3 of the Draft EIS/EIR (page 3.0-22), the following statement is made, "The main access to the Campus is at Bellevue Avenue; this entry point is adjacent to the UCM 2020 Project area and would be the primary access." However the traffic analysis prepared by Fehr & Peers (specifically, the 2020 + Project Traffic Model) indicates the primary access point will be Lake Road; the analysis indicates that 60% of the trips will access site from Lake Road approximately ½ mile south of Bellevue Road (at the interface area between UC Merced and the University Community).

The traffic analysis is based on the unsupported assumption that certain circulation improvements are constructed by 2020 including: Cardella Road between Lake Road and G Street; and, Campus Parkway from Yosemite Avenue to SR 99; and, other circulation improvements further distant from the UC site. The assumption is unsupported because no definitive funding source is either identified or committed. Therefore, it is not a legally authorized assumption upon which to base a traffic analysis.

Thus, the primary problem: The traffic analysis does not match [is inconsistent with] the project description. Unfortunately, I believe the project description is probably more accurate than the traffic analysis.

Another problem: The Exhibit Maps for the Project Description seem to indicate the presence of Campus Parkway between Bellevue Road and Yosemite Avenue. In contrast and therefore an inconsistency, the traffic analysis assumes no Campus Parkway and interim connections to Lake Road. In this case, the reader is not able to determine which is accurate and therefore is not able to evaluate the integrity of the traffic analysis. Since I know of no committed funding source and no committed

"Attachment 5E"

timetable for such improvements, I believe the traffic analysis [assumption to be the more accurate] over the project description assumption.

C. Proposed Mitigation:

None. That constitutes a significant omission and deficiency in the analysis as mitigation is and would be required based on evident traffic impacts that may significantly effect adversely the environment.

D. Proposed Revisions to Project Description:

1. An exhibit map or appropriate descriptive text needs to be added to the project description describing the interim circulation improvements needed to support the UC Merced 2020 project. Specifically, this text needs to acknowledge that Campus Parkway between Bellevue Road and Yosemite Avenue will not exist in 2020 and that additional interim connections from the UC site to Lake Road will be necessary.
2. Section 3.9, Permits and Approvals. This section needs to include a statement that an encroachment permit from the Merced County Department of Public Works is necessary before any improvements or new connections are constructed onto County roadways.

"Attachment 5F"

COUNTY OF MERCED **DEPARTMENT OF PUBLIC WORKS**

UC Merced 2020 Project
ISSUE PAPER No. 6

Date: January 21, 2009

To: Bob Smith, Special Projects Coordinator
DPW – Admin.

Bob Gabriele, Deputy County Council
County Counsel

From: Steven E. Rough, Supervising Engineer
DPW - Professional Services Division

Issue: **UC Merced 2020 Project – Traffic Analysis**

A. Problem Statement: The Traffic Analysis prepared for the UC Merced 2020 Project, which proposes actual construction, contains significant errors and the results do not correctly reflect anticipated conditions.

B. Problem Summary: The traffic analysis prepared for the UC Merced 2020 Project is actually only based on a planning level circulation analysis that is not legally adequate nor appropriate for the UC Merced 2020 Project because it legally requires a project level analysis. Volume 3 of the Draft EIS/EIR for the UC Merced 2020 Project specifically states in Section 3.3.2 (page 3.0-2), "UCM Phase 2 is an element of the UCM 2020 Project that is evaluated at a project level in this volume for its environmental impacts."

1. Appendix G of the CEQA Guidelines provides guidance to assist in the determination of the significance of various impacts. This guidance lists and describes the following questions as important to answer in determining the significance of impacts to automobile transportation/traffic: Would the project:

   a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

   b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highway?

   c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

   d. Result in inadequate emergency access?

   The Draft EIS/EIR does not include sufficient information to answer these questions; thus, insufficient information has been provided to ascertain the potential significant impacts resulting from the development of the UC Merced 2020 project.

It is important to note: Section 15358 of the California Environmental Quality Act states, *"Effects" and "impacts" as used in these guidelines are synonymous.*

a. Effects include:

i. Direct or primary effects which are caused by the project and occur at the same time and place.

ii. Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced change in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.

b. Effects analyzed under CEQA must be related to a physical change.

In addition, Section 15126.4 of the California Environmental Quality Act contains discussion on the appropriate structure and content of mitigation measures. In the Draft EIS/EIR there are many proposed mitigation measures that do not meet the requirements and/or intent of this section. Impacts identified in the Draft EIS/EIR to occur are not being directly mitigated. For example: Mitigation Measure UCM 2020 MM TRANS-2 does not identify the improvements necessary to correct very specific impacts that have been identified to occur (for instance, the LOS at the intersection of Yosemite Avenue and Lake Road is shown on page 4.13-6 of Volume 3 of the Draft EIS/EIR as deteriorating from LOS B to LOS F; this is identified on the same page as being a significant impact; however, the mitigation measure does not specifically state what type of improvement will be installed at this location to address this significant impact).

2. Traffic Study. The traffic analysis prepared to assess the UC Merced 2020 Project's increase in traffic and relation to the existing traffic load and capacity of the street system is summarized in, "Transportation Impact Study for the UC Merced and University Community Project Draft EIR/EIS," dated October 2008, prepared by Fehr & Peers Transportation Consultants. This document is divided into two primary sections: Setting; and, Impacts and Mitigation Measures. The comments in this ISSUE PAPER will focus primarily on the analysis of the Setting and the Analysis of the UCM 2020 Project included as part of the Impacts and Mitigation Measures section of the document.

a. Setting.

i. According to the traffic study, page 7, Roadway Capacity Analysis, the capacity of each segment was based on the type of facility, number of lanes, type of traffic control, and maximum per-lane capacities from the Merced County Association of Governments (MCAG) travel demand model.

The primary and official (according to MCAG itself) purpose of the MCAG model is to conduct a generalized planning, NOT project, level analysis of the future needs of the regional circulation system based on broad estimates of growth and development of land uses at various planning horizon years. A further limitation on the contemporary use of the MCAG model relied on for the Draft EIS/EIR is that the per-lane capacities used by the MCAG model to evaluate the level-of-service of roadway segments is based on annual average daily volume level-of-service tables developed by the State of Florida Department of Transportation included in the 1998 Level of Service Handbook published by the Florida Department of Transportation. This handbook has since been replaced by the 2002 Quality/Level of Service Handbook published by the Florida Department of Transportation. The most current versions of the generalized capacity tables are dated 5/17/2007 and can be downloaded from the State of Florida website. The traffic study does not give any indication that the updated materials were considered; and therefore, it appears that the traffic study relied on is outdated. Therefore, because it is a plan level, not a project level model and the model relied on is outdated, the UC can not lawfully rely on the MCAG model in the manner in which is evidently is being relied on.

According to the 2002 Quality/Level of Service Handbook (page 81), "Because FDOT's Generalized Level of Service (LOS) Tables (Table 4-1 through 4-9 make extensive use of statewide default data, use of the tables generally should be limited to:

- Statewide or region-wide analyses where consistency in approach is more important than accuracy on any given roadway,
- As a screening device for initial problem identification,
- Analyses of future years where roadway, traffic and signalization characteristics are uncertain,
- Quick LOS estimates, and
- Use by lay people with little transportation analysis experience."

Based on the Florida Handbook, the tables that have been used as the basis for determining segment capacity in the MCAG traffic model are not appropriate for a project level traffic analysis. Thus, all of the level-of-service results shown in Table 4 are not based on proper LOS determination procedures for a project-level analysis. It can be concluded that the roadway segment analysis prepared for the UC Merced 2020 Project is not legally adequate , nor can it be considered sufficiently accurate, to assess the potential project-level impacts of the UC Merced 2020 project.

ii. The lane configurations used in the analysis for the intersection of Parsons Avenue and Yosemite Avenue is incorrect. The number of existing eastbound through lanes does not match the number of through lanes assumed in the analysis.

iii. Page 24, the Merced County Regional Commuter Bicycle Plan has been replaced with the Merced County Regional Bicycle Transportation Plan, dated 2008. The EIS/EIR should reference and utilize the most current bicycle plan as part of the analysis to ensure the policies proposed in the LRDP conform to the most current policy adopted by Merced County.

b. Impacts and Mitigation Measures.

i. See discussion in previous section concerning the factually and legally improper use of the MCAG Traffic Model for a project level analysis for the UC Merced 2020 Project. The roadway capacities listed in Table 6 are not based on proper LOS techniques for a project level analysis.

ii. On page 31 of the report, reference is made to an MCAG PM peak hour traffic model. Fehr & Peers, under contract with MCAG, updated the MCAG Traffic Model. As part of this work effort, an attempt was made at creating a PM Peak Hour traffic model. According to Matt Fell of MCAG, attempts at calibrating the PM Peak hour traffic model were unsuccessful at achieving the required standards for modeling. As a result, MCAG has not adopted a PM Peak Hour Traffic Model. This reference should be removed.

iii. UC Merced Trip Generation:

The trip generation rate used for UC Merced shown on Table 19 has not been adequately documented or justified. The trip generation rate used was 2.08 trips/student. This rate is the average of the trip generation rate reported to occur at UC Davis (2.40 trips/student) and UC Santa Cruz (1.77 trips/student). In that regard, it is noteworthy to mention that the UC Merced campus location and other factors in the record and a matter of public record regarding the 3 campuses and communities, establishes that the UC Merced campus approximates more closely the conditions and traffic patterns of UC Davis versus UC Santa Cruz. In contrast, the average trip generation rate for universities suggested by the ITE Trip Generation Manual (which it is the standard practice for Traffic Engineers to rely on in the absence of an actual project level specific qualification) is 2.38 trips/student. A trip generation reference in the traffic study, at page 33, expressly indicated (without reference to the source of such determination or calculation) an existing rate of 2.33 trips/student. The ITE average rate is based on actual data averaged from seven California universities; the range of rates varied from 2.03 to 3.31 trips/student. A review of all of the available trip generation rate material indicates that the data from UC Santa Cruz is an anomaly that does not conform to any of the other data sets; thus, it should not be used in the determination of the anticipated trip generation rate for UC Merced.

There are several methods that standard California Traffic Engineering practice can acceptably be used to determine the appropriate trip generation rate for UC Merced. One acceptable method would be to add the data obtained from the Davis study and the UC Merced study to the data used for determination of the ITE Trip Generation Manual rate; I do not have access to sufficient information to use this method. Another acceptable method would be to average the ITE Rate (weighted) with the UC Davis Rate and the UC Merced Rate. This results in a trip generation rate of: ((2.38 x 7) + 2.40 + 2.33)/9 = 2.377 trips/student. If you include the data from UC Santa Cruz (even though it appears to be an anomaly) the calculation becomes ((2.38 x 7) + 2.40 + 2.33 + 1.77)/10 = 2.316 trips/student. The most conservative approach would be to use a rounded rate of 2.38 trips/student; however, the project proponent can make a strong case to use a rounded rate of 2.32 trips/student. At 2.32 trips/student, the total trips anticipated to be generated by UC Merced (at 10,000 students for the UC Merced 2020 Project) is 23,200 trips.

No university community is anticipated to exist in 2020. Thus, based on the above analysis, the appropriate trip generation rate to be used for the UC Merced 2020 Project should be either 2.33 (the measured rate for the existing campus) or 2.32 (the weighted rated determined above).

iv. Note on Table 7 for 2030 Analysis: The trip rates used to calculate the trip generation for the University Community do not match (are lower than) the trip generation rates of the MCAG model. The MCAG Traffic Demand Model Development Report, dated April 2006, by Fehr & Peers includes a table (Table 4) summarizing the Daily Trip Generation Rates for the MCAG Model. This should not impact the UC Merced 2020 Project. But, this does significantly impact the 2030 analysis because the number of trips actually generated will be 10 to 20 percent higher than analyzed in the Study.

v. Table 20 of the traffic report includes information on roadway capacity, anticipated traffic volumes, and anticipated level-of-service for various roadway segments. Please refer to comments B.2.a.i which discusses the inappropriate use of a generalized planning LOS methodology for a project level analysis. The results in this table are incorrect for three reasons: 1) An incorrect trip generation rate was used for the UC campus; 2) For the 2020 + UCM 2020 Project scenario, roadways were assume to exist that are not likely to exist which impacts trip distribution; and 3) The roadway capacity is based on a generalized planning level analysis, not a project-level analysis.

vi. 2020 + UCM 2020 Project Scenario. This analysis includes a primary assumption that certain roadways exist in 2020. For instance, this scenario assumes that Campus Parkway has been constructed to Yosemite Avenue; that Cardella Road has been constructed from Lake Road to G Street; and, that Bellevue Road has been widened to 6 lanes. None of these improvements are likely to exist in 2020.

In order to determine appropriate mitigation, only improvements that have been fully funded should be included in the analysis. The second step in the analysis should be to propose necessary mitigation and re-run the analysis with the proposed mitigation in-place.

Based on information provided by Fehr & Peers on January 6, 2008, it can

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be shown that for the 2020 + UCM 2020 Project, a portion of Lake Road will exceed the capacity stated in Table 20. If the correct trip generation rates are used and if Cardella Road and Campus Parkway are removed from the model, the number of trips generated by the UC Merced 2020 project will increase, traffic will be diverted to Lake Road south of Cardella Road and the model is anticipated to reveal that all of Lake Road exceeds capacity.

No mitigation measures have been proposed to address the capacity exceedance issue. The Regional Transportation Plan designates Lake Road as a 2-lane road; thus, widening Lake Road to mitigate this issue does not conform to the regional transportation plan. Thus, it is important to improve the Bellevue Road corridor to divert traffic from Lake Road. At 2-lanes, Bellevue Road will also exceed its capacity in 2020; however, widening Bellevue Road to 4-lanes will satisfy the circulation need and does conform to the regional transportation plan.

I have limited my review of Table 20 to Lake Road and Bellevue Road. However, Table 20 includes many other roadway segments. The roadways downstream from Lake Road and Bellevue Road included in Table 20 will be subject to differing levels of traffic in the same way as Lake Road and Bellevue Road. A corrected analysis is likely to reveal impacts to downstream roadways that have not been identified in the Draft EIS/EIR.

vii. Table 21 indicates the anticipated intersection LOS resulting from the UC Merced 2020 Project. In order to assess the impact of the UC Merced 2020 Project, this table should include a column showing the 2020 unmitigated LOS at intersections. The table assumes signals existing at 2020 that do not exist today and may not exist in 2020. Some examples: SR 59 at Bellevue Road, Lake Road at Bellevue Road (actually proposed to be a roundabout, but required to be mitigated by UC Merced as part of Phase 1 EIR with a traffic signal), Lake Road at Cardella Road, etc. Since these improvements are not funded, the analysis of the 2020 scenario should not make the assumption that these signals have been installed.

viii. The analysis for the 2020 scenario excludes the analysis of the interim intersections required with Lake Road and roadways entering on to the UC Merced site. Because of the anticipated volumes of traffic at these locations, it is very likely these interim intersections will need to be signalized.

ix. Insufficient information has been provided in the traffic analysis to confirm the proposed proportionate share contribution (identified in Table 22) by the UC for the needed circulation improvements. Incorrect traffic modeling summaries were included in the traffic study. According to an e-mail dated January 5, 2009 from Ellen Poling of Fehr & Peer, she states, “Please also note that I discovered the Community North and Community South plots have the correct "bandwidths" of traffic shown, but the posted volumes are incorrect, due to a plot command problem -- we will fix and re-send those" This information was subsequently provided by Ellen Poling on January 6, 2009. According to an e-mail dated January 8, 2009, from Ellen Poling of Fehr & Peers, she states, "We are still working on cleaning up the model adjustment calculation spreadsheets and percent contribution spreadsheets, and will forward as soon as they are ready." As of today, this information has not yet been provided. This information needs provided for review and comment otherwise the Final EIS/EIR be as deficient as the Draft EIS/EIR.

x. Tables 23 and 24 fail to include all of the intersections that will require improvement to support the UC Merced 2020 project including: the intersection of Bellevue Road and Lake Road, the intersections of Lake Road and the interim extensions of the roadways entering the UC Merced site. That constitutes a very significant omission that must be addressed.

3. Draft EIS/EIR. The Draft EIS/EIR includes a summary of the traffic study mentioned above in Section 4.13. The aforementioned comments generally also apply to the Draft EIS/EIR. However, there is one significant difference. The mitigation measures in the Draft EIS/EIR have been significantly modified from the recommendations of the traffic study. Following are comments:

   a. The conclusion reached on page 4.13-5 "UCM 2020 Impact Trans-1" is based on an analysis with several significant errors. Using a proper trip generation and trip distribution, Lake Road is anticipated to exceed the stated capacity for this scenario.

   b. Three intersections were identified in the Draft EIS/EIR to be significantly impacted by the UC Merced 2020 project. However, no specific project level mitigation measures have been proposed to lessen these impacts. Instead, the Draft EIS/EIR (Volume 3, page 4.13-7) references the generalized program level mitigation measure Trans-1 to address these impacts. Plus, even though in Table 4.13-4 at page 4.13-15 of Volume 3 of the Draft EIS/EIR, the campus has been identified as having a 92% proportionate share for signalizing the intersection of Lake Road and Yosemite Avenue, the Draft EIS/EIR in text states "the improvements are the responsibility of others, there is not assurance that they would be built." That creates an internal irreconcilable inconstancy that must be resolved. In that regard, Table 4.13-4 at page 4.13-15 should control as that is reasonable whereas the statement that "improvements are the responsibility of others" is contrary to common sense and contrary to even the flawed traffic analysis relied on by the UC-- all of which establish that the 2020 Project SHALL cause significant traffic impacts for which the UC has significant "responsibility" to mitigate.

   c. Mitigation Measure UCM MM TRANS-2 references MM TRANS-1A. However, this mitigation measure is written specifically for impacts to circulation anticipated to occur in 2030 for the build-out of the project. This mitigation measure fails to identify the special mitigation measures necessary for the interim circulation conditions anticipated to occur as a direct result of the UC Merced 2020 project. The project level mitigation measures should be more specifically stated in the Draft EIS/EIR to address the unique conditions anticipated to occur in 2020. The structure of the program level mitigation measure MM TRANS-1A appears to allow for the definition of the UC Merced project to change; the possibility of a redefinition in a program level project definition is appropriate; but, the possibility of redefinition of a project analyzed under a project level Draft EIS/EIR is not lawful and does not allow for the local agency (Merced County) to fully understand the proposed project and reasonably allow the identification of potential significant impacts and mitigation measures needed to address those significant impacts.

d. The conclusion reached by UCM 2020 Impact TRANS-4 is based on a false premise and unsupported assumption. On page 4.13-8 of Volume 3 of the Draft EIS/EIR it states, "The analysis of the 2020 Plus UCM 2020 Project scenario assumes that intersections on roadway segments with planned improvements would receive associated capacity improvements". Such premise and assumption are invalid unless a funding source is identified and committed; which is not evident here.

C. <u>Proposed Mitigation:</u>

Based on my review of the traffic analysis, the following circulation improvements are necessary to support the UC Merced 2020 Project and to mitigate significant impacts/effects caused primarily by the UC Merced 2020 Project:

1. Signalize the intersection of Bellevue Road and Lake Road. (Since this signal is an interim improvement necessary to support the UC Merced 2020 project and since this signal will be replaced with a more permanent improvement in the future to serve regional traffic, the UC is 100% responsible) This interim improvement will be replaced with a roundabout in the ultimate condition.
2. Signalize the intersection of Yosemite Avenue and Lake Road. (Since this signal is an interim improvement necessary to support the UC Merced 2020 project and since this signal will be replaced with a more permanent improvement in the future to serve regional traffic, the UC is 100% responsible). This interim improvement will not be necessary after Campus Parkway has been constructed and will be removed.
3. Signalize the intersection of the Lake Road and the interim connection roads entering onto the UC Merced project site. (Since this signal is an interim improvement necessary to support the UC Merced 2020 project and since this signal will be replaced with a more permanent improvement in the future to serve regional traffic, the UC is 100% responsible) These interim improvements will not be necessary after Campus Parkway is constructed and will be removed.
4. Widen Bellevue Road from 2-lanes to 4-lanes. (The UC's proportionate share, at a minimum, is 84% based on Table 4.13-6 on page 4.13-16 of Volume 3 of the Draft EIS/EIR. Because of the increased traffic volumes, a corrected analysis is anticipated to indicate a higher proportionate responsibility).

Additional mitigation measures may be necessary if a revised traffic analysis is prepared to correct the errors contained in the existing analysis. That determination can not reasonably be made however unless and until a revised traffic analysis is prepared to correct the errors contained in the existing analysis is available for review

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and comment.

Response to Comment Letter LA-2

Response to Comment LA-2-1

The comment from the County to revise the Draft EIS/EIR with the suggested titles is noted. The suggested revisions are not required. The term "2002 LRDP" is used consistently throughout the document to refer to the adopted LRDP. The revised LRDP is consistently called out as 2009 LRDP. The term 2004 UCP is used fairly consistently to refer to the UCP that was adopted by the County in 2004, and the term "proposed revised UCP" is used to refer to the revised UCP that is part of the Proposed Action. Note that in the resource sections of the EIS/EIR, the term University Community is used because the reference in most cases is to the geographic area and not the land use plan. Figure 2.0-2 clearly shows the boundary between the Campus and the University Community. Although the boundary between the Campus and University Community is less clear on some of the graphics in the Draft EIS/EIR, it does not affect the environmental impact analysis in the EIS/EIR. Table titles have been revised to clearly indicate that they refer to the proposed revised UCP. Please see **Section 2.0, Revisions to the Draft EIS/EIR**.

Response to Comment LA-2-2

The discussion of UCP policies (which deals with previously adopted UCP policies as environmental commitments) on page 2.0-59 in Section 2.0, Project Description, has been expanded to state that the evaluation of impacts from the development of the University Community in this EIS/EIR is based on all the policies included in the 2004 UCP, which is the adopted plan for the University Community. The expanded section also notes that these policies may be revised by the County in conjunction with its review of the proposed revised UCP as and when that review is undertaken by the County. Please see **Section 2.0, Revisions to the Draft EIS/EIR**. This insert adequately addresses the County's point.

Response to Comment LA-2-3

The University does not have land use jurisdiction over the entire University Community. This EIR/EIS describes mitigation measures for all of the potentially significant effects identified in the Draft EIS/EIR. It is not the intent of the University to bind any other governmental agency to mitigation measures applicable to the University Community. See **Master Response No. 4**.

The comment states that terms such as "shall" and "will" need to be replaced with "should" or "it is recommended" on mitigation measures that are applied to the University Community. In many instances, the University does use the word "should" when referring to mitigation measures implemented by other public agencies. See for example Mitigation Measure AES-3b, Cumulative Mitigation Measure AES-1, Cumulative Mitigation Measure AG-1, Cumulative Mitigation Measure AQ-1, Cumulative Mitigation Measure HYD-3b, Cumulative Mitigation Measure UTILS-1b, and Cumulative Mitigation Measure UTILS-3. These mitigation measures use the word "should" because the Draft EIS/EIR refers to the City, County, or other public agency as the entity implementing the measure. Please also see **Response to Comment LA-1-24**. In other instances, the word "shall" is used because the mitigation measures require the compliance with existing environmental laws and regulations. See for example **Responses to Comments LA-1-22** and **LA-1-23**. Mitigation Measure AES-4, which refers to the City and County, is revised to use the word "should" rather than "shall" because it does not require compliance with existing environmental laws and regulations. Please see text revision in **Section 2.0** of the Final EIS/EIR.

Response to Comment LA-2-4

Please see **Response to Comment LA-2-1** above. The County's comment regarding its plan to conduct an updated economic analysis for the University Community is noted.

Response to Comment LA-2-5

The text on page 2.0-36 has been revised in light of this comment. Please see **Section 2.0, Revisions to the Draft EIS/EIR**.

Response to Comment LA-2-6

Table titles in Section 2.0 have been revised in light of this comment. Please see S**ection 2.0, Revisions to the Draft EIS/EIR**, under subsections for pages 2.0-41, 2.0-42, and 2.0-46.

Response to Comment LA-2-7

The estimates provided in Table 2.0-8, University Community Projected Water and Wastewater Demand are derived from the adopted 2004 UCP.

Response to Comment LA-2-8

Street references have been added to Figure 3.0-2. The revised figure is presented in **Section 2.0, Revisions to the Draft EIS/EIR**.

Response to Comment LA-2-9

The County's comment with respect to the No Action Alternative is noted. Because the entire University Community (including the lands that constitute Community South) was designated "Multi-Use Urban Development" in the County General Plan in 2004 when the UCP was approved, and it is not evident in any documents that that land use designation would become invalid if the Campus were not to grow, it is assumed that some development would occur within Community South under the No Action Alternative, as described in the Draft EIS/EIR, Section 3.6.5. Should the No Action Alternative actually be put in place, further development of Community South, including a determination of the necessity of a General Plan Amendment, would proceed in accordance with County guidelines.

Response to Comment LA-2-10

Please see **Response to Comment LA-2-2**.

Response to Comment LA-2-11

The suggested revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Aesthetics, page 4.1-21.

Response to Comment LA-2-12

Please see **Response to Comment LA-2-2**. The County's comment regarding agricultural easements is noted.

Response to Comment LA-2-13

The Draft EIS/EIR states that there are no Important Farmlands within the Myers Easterly, VST, and Campus Natural Reserve that would be preserved and therefore could be applied as mitigation for the development of Community North. The Draft EIS/EIR also states that the impacts on Important Farmland from the development of Community North would not be considered significant because of the limited acreages of Important Farmland present within Community North and the fact that the area has never been used for the cultivation of high-value crops. However, conservatively, the Draft EIS/EIR finds the impact from the development of the entire University Community significant and presents Mitigation Measure AG-1 to address all losses of Important Farmland from the development of the University Community. The USACE and the University understand that the County will review the proposed revised UCP and conduct its own environmental review of the proposed revised UCP. Please also see **Master Response No. 4** regarding mitigation measures.

Response to Comment LA-2-14

As discussed in Section 4.2, Agricultural Resources (page 4.2-31) of the Draft EIS/EIR, the Proposed Action would not conflict with the existing County general plan or agricultural zoning. As required by CEQA, the analysis presented in this EIS/EIR is based on existing zoning and land use designations, not future amendments. It is noted that the County will determine if the Proposed Action conflicts with the general plan in consideration of the Future Proposed 2009 University Community Plan (UCP) General Plan Amendment (GPA).

Response to Comment LA-2-15

The USACE and the University understand that the County will review the proposed revised UCP and conduct its own environmental review of the proposed revised UCP, and may consider additional conservation easements to address growth pressures on lands adjacent to the University Community.

Response to Comment LA-2-16

Please see **Response to Comment LA-2-9**.

Response to Comment LA-2-17

Please see **Response to Comment LA-2-2**.

Response to Comment LA-2-18

Please see **Master Response No. 4** regarding mitigation measures in the EIS/EIR.

Response to Comment LA-2-19

Please see **Master Response No. 4** regarding mitigation measures in the EIS/EIR.

Response to Comment LA-2-20

Please see **Response to Comment LA-2-9**.

Response to Comment LA-2-21

The Draft EIS/EIR quantifies the critical habitat currently located within the project boundaries, and evaluates the impacts associated with the critical habitat area based on the final rule adopted by the US Fish and Wildlife Service. A map illustrating the location and extent of these lands is unnecessary and the EIS/EIR describes the critical habitat area adequately.

Response to Comment LA-2-22

Regarding the comment related to referencing 2004 UCP policies, please see **Response to Comment LA-2-2**.

Please refer to **Master Response No. 4** regarding the comment related to mitigation measures applicable to the University Community being subject to future determination of Merced County as Lead Agency for the future proposed 2009 UCP GPA EIR.

Response to Comment LA-2-23

The comment points out that a Section 404 permit application, and an associated Biological Opinion, may not be necessary for the Community South site. Page 4.4-93 of the Draft EIS/EIR has been revised to state that the 2002 BO parameters will be incorporated into a potential BO, "if" (and not "when") a 404 permit application is filed for Community South.

Response to Comment LA-2-24

Please see **Master Response No. 4** regarding mitigation measures in the EIS/EIR.

Response to Comment LA-2-25

Please see **Master Response No. 4** and **Response to Comment LA-1-22** regarding mitigation measures in the EIS/EIR.

Response to Comment LA-2-26

Please see **Response to Comment LA-2-2**.

Response to Comment LA-2-27

Please see **Master Response No. 4** regarding mitigation measures in the EIS/EIR.

Response to Comment LA-2-28

Please see **Response to Comment LA-2-2**.

Response to Comment LA-2-29

Please see **Response to Comment LA-2-9**.

Response to Comment LA-2-30

Please see **Response to Comment LA-2-2**.

Response to Comment LA-2-31

Please see **Response to Comment LA-2-9**.

Response to Comment LA-2-32

Please see **Master Response No. 3** regarding the Proposed Action's impacts on water supply.

This comment suggests that because several conditions have changed since 2004 the conclusions regarding the Proposed Action's impacts on water supply should not based on the analysis conducted by the County in 2004. The comment also presents a list of these changed conditions. Please note that the conclusions in the Draft EIS/EIR are not based on the UCP 2004 EIR and the EIS/EIR finds under Cumulative Impact HYD-3 that the Proposed Action's contribution to the basin-wide impact would be cumulatively considerable and that the cumulative impact would be significant.

The comment states that more academic space is now included in the 2009 LRDP than was the case in 2002 and that more mixed use/retail/office space is included in the Community North plan, implying thereby that the Proposed Action's impacts would be worse than what they were when the impact was evaluated in 2004 by the County. Please see Table 4.8-6 on page 4.8-41 in the Draft EIR (Volume 2). That table shows that despite greater building space included in the 2009 LRDP and in the proposed revised University Community Plan, the total amount of water that would be needed on the Campus and University Community at full development will be less than the estimated water demand that was developed by the University and the County in 2001 and 2004 respectively. This is because even though the total estimated demand for water for the University Community is now greater than the 2004 estimate (4,779 acre-feet/year at buildout compared to the previous estimate of 3,583 acre-feet/year [per the CH2M Hill study commissioned by the County]), the projected demand for water on the campus is much lower due to high levels of conservation that the Campus is already realizing and is projected to continue to realize in the future. As a result, the total water needed for the Proposed Action is comparable to the amount estimated earlier (current estimate of 7,166 acre-feet/year compared to the 2004 estimate of 7,203 acre-feet/year per the CH2M Hill study). Note that the net demand for groundwater is even lower when the existing groundwater use on the site is subtracted from this estimate).

The comment also states that assumptions surrounding the implementation of the MAGPI plan have not been realized, that the 2008 Groundwater Management Plan Update and the 2007 MAGPI/DWR technical memorandum note that the groundwater basin is in overdraft. The Draft EIS/EIR also refers to all these documents and notes that the basin is in a state of overdraft.

The issue under item (4) in this comment is unclear. This EIS/EIR concludes a significant cumulative impact based on the data that are now available. The previous EIRs came to other conclusions based on the data that were available at that time. There appears to be no inconsistency.

Regarding item (5) in this comment, please refer to Master Response No. 3, which addresses the use of surface water resources by the local water purveyors to serve the Merced area.

The County's comment that an analysis will be necessary to demonstrate an assured water supply when the County undertakes the preparation of the UCP GPA EIR is noted.

Response to Comment LA-2-33

The documents cited in the comment were used in the preparation of the Hydrology and Water Quality section. It was an oversight that these documents were not listed on page 4.8-1. A water supply assessment under SB 610 is required only for projects that are submitted to cities and counties for approval, and thus is not needed for the Proposed Action. However, the impacts of the Proposed Action on water supply were fully evaluated in the EIS/EIR.

Response to Comment LA-2-34

The analysis in Section 4.8 is focused on the localized impacts of groundwater withdrawal on adjacent wells. In that very specific context the analysis concludes a less than significant impact. In its analysis of the Proposed Action's impact on the regional aquifer which is presented under Cumulative Impact HYD-3, the EIS/EIR concludes a significant impact. Please see also **Master Response No. 3, Water Supply Impacts**.

Mitigation measures are presented under Cumulative Impact HYD-3 to reduce the project's impact on the groundwater aquifer.

Response to Comment LA-2-35

The first paragraph on page 4.8-16 makes a general statement about the Regional Board's role relative to water resources. It does not state that the Regional Board has general jurisdiction over groundwater.

Response to Comment LA-2-36

Please see **Response to Comment LA-2-2**.

Response to Comment LA-2-37

The word "County" has been added to the sentence. Please see **Section 2.0, Revisions to the Draft EIS/EIR**.

Response to Comment LA-2-38

The comment is referring to a policy in the City's General Plan that requires the City to cooperate with the County and MID in developing recharge facilities. The policy does not concern the Campus, although the University will continue to examine all opportunities to infiltrate stormwater within the campus boundaries.

Response to Comment LA-2-39

Please see **Master Response No. 3**, specifically the last subsection. The analysis presented in Impact HYD-4, which is focused on the Proposed Action's effects on adjacent wells, shows clearly that pumping at rates evaluated in the CH2M Hill study and careful siting of on-site wells within the University Community would avoid drawdown impacts on adjacent wells.

Response to Comment LA-2-40

The comment is noted.

Response to Comment LA-2-41

The discussion in the paragraph cited in the comment is about how reduction in recharge was addressed in the CH2M Hill study and does not concern the demand for water. The text in this paragraph notes that while the project footprint has changed, the actual area within the project footprint (i.e., the area that would potentially experience a reduction in recharge) is not greater than what was evaluated before in the 2004 CH2H Hill study. In fact the area is about 277 acres less than before. Please also refer to Response to Comment LA-2-32 above regarding the total water demand under the Proposed Action and the total water demand as previously estimated by the County.

Response to Comment LA-2-42

The 2004 water demand data reported in Impact HYD-4 was obtained from the CH2M Hill study commissioned by the County for the UCP EIR. That 2004 data were reported primarily to demonstrate that the rate of groundwater pumping under the Proposed Action would not be greater than the rate that was used by CH2M Hill to model drawdown effects on adjacent wells. Because the rate of pumping would be comparable (and in fact lower), the study conducted by CH2M Hill was still a valid analysis which the present EIS/EIR can rely on to evaluate the impacts of on-site groundwater pumping on adjacent wells.

The comment is confusing two very different numbers. The 913 acre-feet in Table 4.8-6 on page 4.8-41 represents the existing groundwater use on the project site and not recharge. The number reported on page 4.8-44 is the estimated reduction in recharge (from the UCP EIR) which would be a result of land use changes (reduced irrigation and increased impervious surfaces) within the University Community.

Response to Comment LA-2-43

The comment is noted.

Response to Comment LA-2-44

The comment is noted.

Response to Comment LA-2-45

Please refer to **Response to Comment LA-2-9** above.

Response to Comment LA-2-46

The text on page 4.9-2 of the Draft EIS/EIR concerning the existing City of Merced SOI has been revised. A cross reference to Figure 4.9-2 has been added as that figure shows the City's SOI. Please see **Section 2.0, Revisions to the EIS/EIR**.

Response to Comment LA-2-47

The suggested revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Land Use and Planning, page 4.9-4.

Response to Comment LA-2-48

The suggested revisions are presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Land Use and Planning, page 4.9-5.

Response to Comment LA-2-49

The suggested revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Land Use and Planning, page 4.9-6.

Response to Comment LA-2-50

The 2004 adopted UCP is adequately described in Section 2.0, Project Description. The County's General Plan Update process is discussed in Section 5.0, Cumulative Impacts.

Response to Comment LA-2-51

The Draft EIS/EIR notes in Section 2.0, Project Description, that the County will undertake an independent review of the proposed revisions to the University Community Plan.

Response to Comment LA-2-52

Please see **Response to Comment LA-2-9**.

Response to Comment LA-2-53

Please see **Response to Comment LA-2-2**.

Response to Comment LA-2-54 through 56

Please see **Master Response No. 4** regarding mitigation measures.

Response to Comment LA-2-57

Please see **Response to Comment LA-2-9**.

Response to Comment LA-2-58

The suggested revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Public Services and Recreation, page 4.11-6.

Response to Comment LA-2-59

The suggested revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Public Services and Recreation, page 4.11-7.

Response to Comment LA-2-60

Please see **Response to Comment LA-2-2**.

Response to Comment LA-2-61

The suggested revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Public Services and Recreation, page 4.11-22.

Response to Comment LA-2-62

The suggested revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Public Services and Recreation, page 4.11-13.

Response to Comment LA-2-63

The suggested revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Public Services and Recreation, page 4.11-24.

Response to Comment LA-2-64

A development agreement is not considered necessary to mitigate the environmental impacts on Lake Yosemite Regional Park. The University looks forward to working with the County to address Lake Yosemite Regional Park issues.

Response to Comment LA-2-65

As stated in the Draft EIS/EIR (page 4.11-29), this mitigation measure is proposed in the EIS/EIR to avoid and minimize any secondary effects that could potentially result from the implementation of Mitigation Measures PUB-6b and -6c, given the presence of sensitive resources on lands adjacent to the County park. At the time that the County undertakes any improvements that are near the park's eastern boundary, it will need to implement either this measure or another measure to ensure that any impacts on adjacent lands are less than significant. Also see **Master Response No. 4**.

Response to Comment LA-2-66

Please see **Response to Comment LA-2-9**.

Response to Comment LA-2-67

Please see **Response to Comment LA-2-**2.

Response to Comment LA-2-68

Please see **Response to Comment LA-2-9**.

Response to Comment LA-2-69

Please see **Master Responses No. 5** through **8**, which provide responses to many of the issues in this comment and its referenced Attachments 4 and 5A–5F. The responses that address the remaining specific comments in **Comment Letter LA-2 Attachments 4, 5A, 5B, 5C, 5D**, and **5E** are presented at the end of all numbered responses to the County's letter.

Response to Comment LA-2-70

The Draft EIS/EIR adequately evaluates and reports the potential traffic impacts from the UCM 2020 Project. It also commits to implementing specific improvements at three intersections and along two roadway segments to mitigate the effect of campus growth through 2020. Monitoring of campus traffic is proposed as an element of the transportation mitigation program so that the Campus' proportional share contribution can be accurately calculated closer to the time that the payment for the improvements is needed. Please see **Master Response No. 8.**

Response to Comment LA-2-71

All of the graphics in Volume 3 are planning level graphics and not design graphics. Figures 3.0-2 and 3.0-4 show the land use designations and the phases in which the Campus would be developed. They also show the approximate alignments of roadways within the Campus. It does not mean that these roadways will necessarily be developed in the manner depicted within the timeframe of UCM 2020 Project but represent the fact that the University has designated the land for these roadways, including Campus Parkway and the access to Lake Yosemite Regional Park. If Campus Parkway is not completed within the 2020 development horizon, as such, it is expected that Lake Road will continue to be connected to Lake Yosemite Regional Park through the life of Phase 2.0 of campus development, with possible connections to the future Bellevue roundabout with a T-cross section.

Response to Comment LA-2-72

The University will work closely with Merced County to develop an on-campus road network that works well with the adjacent off-campus road network and that access to adjacent land uses is preserved.

Response to Comment LA-2-73

Please see **Response to Comment LA-2-2**.

Response to Comment LA-2-74

Please see **Master Response No. 4**.

Response to Comment LA-2-75

The text on pages 4.13-74 and -75 of Volume 2 has been corrected to state that there are bicycle lanes along Bellevue Road between Lake Road and G Street. Please see **Section 2.0, Revisions to the Draft EIS/EIR**.

Response to Comment LA-2-76

Please see **Response to Comment LA-2-9**.

Response to Comment LA-2-77

Please see **Response to Comment LA-2-2**.

Response to Comment LA-2-78

These tables show the demand numbers associated with the Proposed Action which is the subject of the EIS/EIR. Comparison to previous proposals is not relevant to the evaluation of environmental impacts.

Response to Comment LA-2-79

The impact statement has been revised to better reflect the discussion that follows. See **Section 2.0, Revisions to the Draft EIS/EIR**. This change does not affect the conclusion drawn in the Draft EIS/EIR with respect to this impact.

Response to Comments LA-2-80 and 81

Please see **Response to Comment LA-2-9**.

Response to Comment LA-2-82

The comment states that the 2004 University Community Plan (UCP) and the policies within that Plan will undergo a comprehensive re-evaluation and update as part of the Future Proposed 2009 UCP General Plan Amendment (GPA). The comment is noted.

Response to Comment LA-2-83

Please see **Responses to Comments LA-2-2** and **LA-2-9**.

Response to Comment LA-2-84

The size of the University Community in terms of residential units is the same as proposed in 2004; therefore the University Community would still absorb 100 percent of the residential population growth associated with the Campus. The amount of non-residential space included in Community North is greater than the previous proposal; however this increase is necessary in order to site some of the joint use facilities in the community, especially given the 95-acre reduction in the land area of the Campus. The environmental impacts of the additional building space within Community North are evaluated in all sections of this EIS/EIR, and are determined not to be substantially greater than the impacts of the previous proposal for the University Community.

Response to Comment LA-2-85

The text on page 6.0-7 of the Draft EIS/EIR has been revised in light of this comment. Please see **Section 2.0, Revisions to the Draft EIS/EIR**.

Response to Comment LA-2-86

The text on page 6.0-9 of the Draft EIS/EIR has been revised in light of this comment. Please see **Section 2.0, Revisions to the Draft EIS/EIR**.

Response to Comment LA-2-87

The comment is noted.

Response to Comment LA-2-88

The suggested revisions are presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Revisions to Text in Volume 3, page 4.9-1.

Response to Comment LA-2-89

The suggested revisions are presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Revisions to Text in Volume 3, page 4.9-2.

Responses to Attachments to Comment Letter LA-2

Master Responses No. 5 through **8** address several of the issues raised in Attachments 4 through 5F in the comment letter from Merced County. The specific comments in these attachments that are addressed by the master responses are not re-addressed below.

Response to Comments in Attachment 4

A.1: A stamped signed traffic analysis report will be provided to the County. Both the original report prepared for the Draft EIS/EIR, and the report as revised per the responses to comments on the Draft EIS/EIR, will be provided.

A.2.a: Please see **Master Response No. 6**.

A.2.b: The trip generation rates for the University Community are a combination of the rural and urban rates contained in the MCAG Travel Demand Model. The residential rates fall between the MCAG Travel Demand Model urban and rural rates; the retail and office rates match the model's rural rates; and the business park rate is slightly lower than the rural office rate. These rates were developed during development of the 2002 UC Merced LRDP and 2004 University Community Plan.

A.2.c: Please see **Master Response No. 6**.

A.2.d: The internal roadways within and between the Campus and the University Community are being planned to adequately serve all internal travel; thus, it is incorrect to say that the Campus Parkway will be significantly used for internal travel within the University Community and between the University Community and the Campus. The Campus Parkway would present a substantially longer route between most origins-destination pairs within the combined site; even if the Parkway has a speed limit that is 5 to 10 mph higher than internal roadways, the additional distance and signal-related delay would minimize its use for internal travel.

A.3: Please see **Master Response No. 7** for additional information on the trip distribution. The comment does not identify which exhibits are incorrect.

A.4: The MCAG model contains a PM peak hour component. To obtain the peak hour intersection volumes, the model was used to obtain turn movement volumes. The volumes were then adjusted using the difference method, which adds the difference between the future and base model to the existing counts to obtain turning movements for each scenario. These turning volumes are then used in intersection Level of Service (LOS) analysis. Because the model lacks an AM component, a reversal of PM volumes and appropriate balancing was performed for AM peak period analysis. This information will be added to the technical report and the Final EIS/EIR. See **Section 2, Revisions to the Draft EIS/EIR**.

A.5: Please see **Master Response No. 5**.

A.6: The University will own and operate roadways on University land, and the County or City will own and operate roadways on land within their jurisdiction.

A.7: Please see **Master Response No. 8**.

B.1: The trip generation is adequately documented in the Draft EIS/EIR. **Master Response No. 6** provides additional information about the derivation of the campus trip generation rates.

B.2: In addition to **Master Response No. 5**, please note that the use of the model did include adjusting for model error, as described in the Draft EIS/EIR Volume 2 Chapter 4.13, section 4.13.5.1.

B.3: Please see **Master Response No. 6**.

B.4: The internal campus roadways and intersections are conceptually laid out in the Draft EIS/EIR Chapter 3, Project Description; the UCM 2020 Project and the Campus at full development under the 2009 LRDP are not defined at a level that allows detailed traffic volume assignment and analysis. However, the internal roadways and intersections will be adequately designed and will conform to industry design standards as the UCM 2020 Project is implemented.

B.5: The roadway capacity analysis is performed on a daily basis, but the daily roadway capacities are based on standard assumptions about the relationship between peak hour and daily traffic carrying capacities, assuring that the capacities are not overstated. Please see also **Master Response No. 5**.

B.6: Please see **Master Response No. 5**.

B.7: The Draft EIS/EIR does provide estimated proportional shares in Volume 2, Table 4.13-10 for the Campus at full development under the 2009 LRDP. Please see also **Master Response No. 5**, and **Master Response No. 8** which provides revised language for LRDP Mitigation Measure TRANS-1A. The revised mitigation measure provides better clarity on how the University's proportional share will be calculated and when the funding will be committed and paid to the affected jurisdiction.

B.8: Please see **Master Responses No. 5** and **8**.

Response to Comments in Attachment 5A

B.1: A stamped signed traffic analysis report will be provided to the County. Both the original report prepared for the Draft EIS/EIR, and the report as revised per the responses to comments on the Draft EIS/EIR, will be provided.

B.2: Please see **Master Response No. 6**.

B.3: Please see **Master Response No. 7**. As shown in the attachments to that master response, the UCM 2020 Project traffic was added at two points on Lake Road, thus distributing the traffic to Bellevue and Lake Road via the conceptually planned Campus roadway connections. The '2020 + 2020 Project' traffic volumes projected for Lake Road and Bellevue Road are believed to be correct. While Bellevue Road is assumed to be widened in the 2020 case, consistent with the MCAG Travel Demand Model (see **Master Response No. 5**), the projected volumes on both of these roadways are below the two-lane capacity, under '2020 + 2020 Project' conditions (see Draft EIS/EIR Volume 3 Table 4.13-2.)

C.1: The widening of Bellevue Road is expected to be needed at some point before build-out of the Campus and University Community, and build-out of the other development expected in the City and County of Merced. As noted above in **Response to Comment Attachment 5A B.3,** although the Draft EIS/EIR traffic volume projections do not indicate the need to construct the widening by 2020, the City and County should be planning ahead for its eventual widening. The University has committed to funding its proportional share of this project; please see **Master Responses No. 7** and **8**, including the revised text of Mitigation Measure TRANS-1A, which includes the mechanisms by which the University would fund its proportional share of this improvement project.

C.2: The University has committed to funding a traffic signal and associated turn lane improvements at Lake/Yosemite intersection; please see **Master Response No. 8** and the revised text of Mitigation Measure TRANS-1A.

C.3: The comment proposes that the mitigation for the UCM 2020 Project include (1) widening Bellevue Road from 2 to 4 lanes; (2) constructing a traffic signal and adding lane channelization at Lake Road/Yosemite Avenue; and (3) constructing a traffic signal at Lake Road/Bellevue Road, consistent with Mitigation Measure 4.14-1 for the Phase 1 Campus project in the 2002 LRDP EIR.

These mitigations are included in revised Mitigation Measure TRANS-1A (please see **Master Response No. 8** and the revised text of Mitigation Measure TRANS-1A). The revised text of the mitigation measure also clarifies the proposed mechanisms for proportional share calculation and project funding.

The Parking Lot I project, noted in LRDP Section 10.3, will be modified or relocated as needed to accommodate the interim improvements at Lake Road/Bellevue Road.

C.4: The internal campus roadways and intersections are conceptually laid out in Draft EIS/EIR Chapter 3, Project Description; the UCM 2020 Project and full Campus under the 2009 LRDP are not defined at a level that allows detailed traffic volume assignment and analysis. However, the internal roadways and intersections will be adequately designed and will conform to industry design standards as the UCM 2020 Project is implemented. In addition, as described in **Master Response No. 8** and the revised text of Mitigation Measure TRANS-1A, the University will provide a new signal and associated turn lanes at a new intersection formed by a planned new east-west campus roadway (Myers Gate) and Lake Road, located roughly half-way between Bellevue Road and Cardella Road. This intersection is expected to be provided as part of the UCM 2020 Project. The Class I bike path along Lake Road will be accommodated in the design and construction of this roadway and intersection.

Response to Comments in Attachment 5B

A: Please see **Response to Comment Attachment 5A-C.4** and **Master Response No. 5**.

B: As noted in Draft EIS/EIR Volume 3 Table 4.13-2, the Campus Parkway is not assumed to be constructed north of Yosemite Avenue under the 2020 conditions. The University has committed to fund its proportional share to the improvement of two existing intersections on Lake Road, at Bellevue and Yosemite; at one future intersection of a new east-west roadway at Lake; and to the widening of Bellevue from 2 to 4 lanes between Lake Road and G Street, as described in the revised text of Mitigation Measure TRANS-1A (refer to **Master Response No. 8**). Several additional intersection and roadway impact locations will be mitigated through the University's contribution of its proportional share, as described in the revised text of Mitigation Measure TRANS-1A. This mitigation measure is referenced by UCM 2020 Mitigation Measure TRANS-3, and thus is the mechanism for the provision of interim circulation improvements.

C: Please see **Responses to Comment Attachment 5A-C.4** and **Responses to Comment Attachment 5B-B.** Should future improvements require encroachment permits from the County, any necessary environmental analysis will be performed by the University.

D: Please see **Response to Comment Attachment 5B-C**.

Response to Comments in Attachment 5C

A: Please see responses below.

B: The Phase 1 mitigation measures (Mitigation Measures 4.14-1, 2 and 3 from the 2002 LRDP EIR) are now covered by Mitigation Measure TRANS-1A. The program-level mitigation measures from the 2002 LRDP EIR are considered superseded by those contained in this 2009 EIS/EIR. Please see specific responses regarding each mitigation measure below.

B.1: This mitigation measure is now covered by Mitigation Measure TRANS-1A; see **Master Response No. 8** and the revised text of Mitigation Measure TRANS-1A.

B.2: This mitigation measure is now covered by Mitigation Measure TRANS-1A; see **Master Response No. 8** and the revised text of Mitigation Measure TRANS-1A.

B.3: As noted in the comment, this mitigation measure has been completed.

B.4: This mitigation measure is replaced by Mitigation Measure TRANS-1A, as revised (see **Master Response No. 8**). Impact TRANS-1 and Mitigation Measure TRANS-1A in the Draft EIS/EIR identify 18 roadway segments on which the Campus is projected to have a significant impact, as opposed to the nine segments identified in the 2002 LRDP EIR Mitigation Measure 4.14-4. Certain segments that were previously identified are not identified in the new analysis due to a revised traffic baseline and a revised travel demand model which results in somewhat different traffic distribution and volume projections. However, seven of the nine previously identified segments are in the new list of impact locations.

It is noted that, in the Draft EIS/EIR Volume 2 Table 4.13-10, "Project Contribution to Significantly Affected Roadway Segments and Intersections," segment 7 is mislabeled Yosemite Parkway when in fact it is Yosemite Avenue, and segment 11 is mislabeled G Street when in fact it is Yosemite Avenue.

B.5: This mitigation measure is replaced by Mitigation Measure TRANS-1A, as revised (see **Master Response No. 8**). Mitigation Measure TRANS-1A describes the mechanism by which the Campus Parkway between Yosemite Avenue and the Campus will be constructed and funded.

B.6: This mitigation measure is replaced by Mitigation Measure TRANS-1A, as revised (see **Master Response No. 8**).

B.7: This mitigation does not apply to the University. See **Master Response No. 4.**

B.8: This mitigation does not apply to the University. See **Master Response No. 4.**

B.9: Please see **Response to Comment LA-2-69**

C: Please see the above responses for the disposition of each mitigation measure from the 2002 LRDP EIR.

Response to Comments in Attachment 5D

A: Please see responses below.

B: The University will design and operate all University-owned roadways that would be used by vehicles in compliance with the California Manual on Uniform Traffic Control Devices and the California Vehicle Code. The depiction of the area of Lake Road north of Bellevue Road on Figure 3.0-8 in Volume 3 as part of the campus is a graphical error. The University plans and expects Lake Road to continue to provide access to Lake Yosemite.

C: The University will work with County staff on the alignment and design of Campus Parkway between Yosemite Avenue and Bellevue Road, and its intersection with Bellevue Road, to ensure that Lake Yosemite Regional Park access is maintained.

D: The University will own and operate roadways on University property, and Merced County and the City of Merced will own and operate roadways on land within their respective jurisdictions. The University will cooperate with neighboring jurisdictions to ensure that the integrity and consistency of the overall circulation system is maintained.

Response to Comments in Attachment 5E

A: Please see responses below.

B: The statement in Section 3.6.6 refers to the current gateway intersection to the campus at Lake Road/Bellevue Road. The 2020 + 2020 Project analysis assigns traffic to the campus via both Lake Road and Bellevue Road, and assumes one additional access point at a new east-west roadway located roughly halfway between Bellevue Road and Cardella Road. Regarding the assumed 2020 circulation improvements, please see **Master Response No. 5**. The project description maps in Draft EIS/EIR Volume 2 Chapter 3.0 depict the 2020 Project within the context of the ultimate circulation system which will eventually include Campus Parkway; however, as noted in Draft EIS/EIR Volume 3 Table 4.13-2, Campus Parkway between Yosemite Avenue and Bellevue Road was not assumed in the 2020 + 2020 Project traffic analysis.

C.: The traffic analysis does not require correction, as noted above.

D: All of the graphics in Volume 3 are planning level graphics and not design graphics. Figures 3.0-2 and 3.0-4 show the land use designations and the phases in which the Campus would be developed. They also show the approximate alignments of roadways within the Campus. It does not mean that these roadways will necessarily be developed in the manner depicted within the timeframe of UCM 2020 Project but represent the fact that the University has designated the land for these roadways, including Campus Parkway and the access to Lake Yosemite Regional Park. If Campus Parkway is not completed within the 2020 development horizon, it is expected that Lake Road will continue to be connected to Lake Yosemite Regional Park through the life of Phase 2.0 of campus development, with possible connections to the future Bellevue roundabout with a T-cross section.

Response to Comments in Attachment 5F

A: Please see responses below.

B.1: The UCM 2020 Project analysis is evaluated at the level of detail possible given the level of detail available at this time. The UCM 2020 Project involves substantial campus growth that is expected to take until the year 2020 to occur, a lengthy period of time, and the specific locations of buildings, parking structures, and other elements that will directly affect traffic distribution and assignment have yet to be determined. Nevertheless, UCM 2020 Mitigation Measure TRANS-3 addresses the UCM 2020 Project impacts, by referencing Mitigation Measure TRANS-1A in Volume 2, which, as revised (see **Master Response No. 8**), provides for mitigations to address UCM 2020 Project impacts, including provision of traffic signals and capacity improvements at three intersections along Lake Road; widening of Bellevue Road between Lake Road and G Street from 2 to 4 lanes (University to provide proportional share funding); and construction of Campus Parkway between Yosemite Avenue and the Campus (University to provide proportional share funding).

B.2.a.i: Please see **Master Response No. 5** for a discussion of the appropriateness of the use of the MCAG Travel Demand Model for the 2020 and 2030 traffic forecasting, including roadway capacity assumptions.

B.2.a.ii: The comment that the existing analysis assumes the incorrect number of eastbound through lanes at Yosemite Avenue/Parsons-Gardner Avenue is noted. This is a minor error in the Draft EIS/EIR; to correct this portion of the analysis would not change the impact findings.

B.2.a.iii: The updated bicycle plan is noted and will be replaced in Final EIS/EIR. See revised Figure 4.13-7 in **Section 2.0, Revisions to the Draft EIS/EIR**.

B.2.b.i: Please see **Master Response No. 5.**

B.2.b.ii: The PM peak hour model was used in conjunction with the daily model to ensure that reasonable results were produced for both the roadway segment analysis (conducted on a daily basis) and the intersection analysis (conducted on a peak hour basis).

B.2.b.iii: Please see **Master Response No. 6**.

B.2.b.iv: Please see **Response to Comment LA-2 Attachment 4-A.2.b** and **Master Response No. 6**.

B.2.b.v: Please see **Master Responses No. 5** and **6.**

B.2.b.vi: Please see **Master Response No. 5**. Contrary to the comment that Lake Road will exceed capacity in 2020, the 2020 + 2020 Project analysis shows in Draft EIS/EIR Volume 3 Table 4.13-2, that Lake Road is projected to carry 9,350 vehicles between Yosemite Avenue and Cardella Road which is below the capacity of the road.

B.2.b.vii: The intersection improvements noted are addressed through the larger impact identification of whole roadway segments, as indicated in Draft EIS/EIR Volume 3 Table 4.13-2, which identifies Cardella Road from G Street to Lake Road, Bellevue Road from SR-59 to G Street, and Bellevue Road from G Street to Lake Road as project impacts in 2020. The University's proportional share contribution to the widening of these roadways, required by UCM 2020 Mitigation Measure TRANS-2, which references Mitigation Measure TRANS-1A, will by definition include intersection improvements within those segments.

B.2.b.viii: Please see **Master Response No. 8** and the revised text of Mitigation Measure TRANS-1A, which includes the additional mitigation of a signal and associated turn lanes and improvements at the intersection of Lake Road and the planned new east-west roadway located roughly half-way between Bellevue Road and Cardella Road (Myers Gate).

B.2.b.ix: The University's traffic consultant provided the detailed model data reduction files for all project alternatives to County staff on their request after Draft EIS/EIR publication, on January 19, 2009. An earlier transmittal, on October 17, 2008, of model select-zone plots contained incorrect volume postings, although the bandwidths on the plot were correct, as noted in the comment. Corrected plots were provided in the January 2009 transmittal.

B.2.b.x: These intersections are now included in the revised Mitigation Measure TRANS-1A. Please see **Master Response No. 8**.

B.3.a: Please see **Response to Comment LA-2 Attachment 5F-B.2.b.vi.**

B.3.b: UCM 2020 Mitigation Measure TRANS-3 references Mitigation Measure TRANS-1A in Volume 2, which as revised for the Final EIS/EIR (see **Master Response No. 8**) does contain the commitment to fully fund the University's proportional share of traffic signals and associated capacity improvements at Lake Road/Yosemite Avenue, Lake Road/Bellevue Road and a new intersection of Lake Road and a future new east-west campus access roadway. The statement regarding the improvements being the responsibility of others refers to the fact that the County owns and operates Lake Road and Bellevue Road, and thus controls the ultimate timing of design and construction of these improvements.

B.3.c: Mitigation Measure TRANS-1A, as revised for the Final EIS/EIR (see **Master Response No. 8**) contains specific improvements that would mitigate the impacts of the UCM 2020 Project.

B.3.d: The discussion under Impact TRANS-4 is intended to convey that the intersection improvements assumed in the 2020 case are consistent with the roadway improvements, i.e., if a roadway is presumed to be widened, the intersections along that roadway would also contain additional through lanes. Therefore, UCM 2020 Mitigation Measure TRANS-3, which references the roadway and intersection improvements to be provided via Mitigation Measure TRANS-1A, effectively captures the University's contribution to the intersection improvements that would be needed along with the roadway improvements.

C: The 2020 + 2020 Project analysis indicates that the roadway and intersection improvements noted in this comment are not needed at 2020. However, the analysis does indicate that, for all of these improvements, the volumes would be near the level that would warrant improvements. Without a more detailed phasing analysis, it is not possible to pinpoint at what year and what level of campus growth the improvements would be needed. Therefore, the University will commit to providing its proportional share of these improvements as and when the roadway segments near the Campus reach 90 percent of their capacity and the intersection operations approach unacceptable levels and the County (or the City) provide a cost estimate and a funding plan to the University for the necessary improvements, as described in the revised text of Mitigation Measure TRANS-1A.

COMMUNITY DEVELOPMENT DEPARTMENT

BUILDING AND SAFETY • PLANNING • GEOGRAPHIC INFORMATION SYSTEM (GIS)

BEV SHANE, AICP
Director

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December 16, 2008

Regents of the University of California
Attn: Brad Samuelson
Physical Planning, Design and Construction
University of California, Merced
P.O. Box 2039
Merced, California 95343

RE: University of California (UC) Merced and University Community Project Draft EIS/EIR

Dear Mr. Samuelson:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement and Environmental Impact Report dated November 2008 for the above named project. The Tuolumne County Department of Public Works and Community Development Department have concerns regarding impacts to the levels of service on J-59 (Highway 59) known as La Grange Road in Tuolumne County associated with the increase in vehicular travel to and from the project that have not been analyzed in the Draft Environmental Impact Statement (DEIS) and Draft Environmental Impact Report (DEIR).

As stated in Tuolumne County's letter dated May 1, 2008, the Tuolumne County Department of Public Works and Community Development Department request that the EIR take into account Tuolumne County's concerns about high accident rates and interregional travel impacts along various routes in Tuolumne County. The winter weather conditions of the Central Valley may lead to an increase in traffic on the roads of Tuolumne County. The heavy fog layer that is characteristic of the Central Valley during the fall and winter months tends to encourage residents to "seek the sun." Additionally, some people may choose to reside at a higher elevation in order to live above the "fog line." The foothills of Tuolumne County, including the area around Lake Don Pedro, are typically above the fog elevation and provide residents with more days of sunshine per year than residents of Merced and the surrounding valley areas. The UC Merced University Community Project has the potential to significantly impact levels of service on La Grange Road (Highway 59) and, therefore, must be studied in the EIR. 1

The EIR needs to consider growth-inducing impacts of the Community Project that will occur in the Lake Don Pedro area. Lake Don Pedro may see significant growth induced by the development and operation of UC Merced's commercial land uses as well as, recreational traffic originating from Merced, with no corresponding plan to provide interregional public transit service or road impact mitigation outside of the project area. The EIR should address regional environmental impacts created by the proposed project's effects on routes that will provide access to the campus for regionally located students, support personnel, vendors and services including impacts stemming from a lack of public transit options that provide service between Merced and Tuolumne County. 2

Columbia College, a community college located in Tuolumne County, offer a curriculum that is oriented toward completing General Education course requirements, including UC 3 transferrable courses, that are requisite to attending a four-year institution. The UC Merced Campus is the nearest four-year institution from Columbia College and will likely receive a significant percentage of eligible transfer students that reside in Tuolumne County due to its proximity. These students will commute from Tuolumne County to UC Merced on Highway 59 further impacting that road. 3

Once again thank you for the opportunity to comment on the Draft Environmental Impact Statement and Environmental Impact Report, and if you have any questions regarding the above, please contact Darin Grossi, Deputy Director of Transportation, at (209) 533-5601 or me at (209) 533-5633.

Respectfully,

Adam Paszkowski
Planner II

2

Response to Comment Letter LA-3

Response to Comment LA-3-1

The comment expresses concern that the Proposed Action would result in impacts to roadway operations in Tuolumne County, specifically on Highway 59. Please see **Master Response No. 1, Growth Inducing Impacts of UC Merced**, which shows that a large number of Campus employees and students are not expected to reside in Tuolumne County and therefore county roadways are not likely to be significantly affected.

Furthermore, the traffic modeling conducted for the Proposed Action as part of the EIS/EIR analysis shows that campus development through 2020 would add only 150 daily trips to Highway 59 north of Bellevue and the development of the campus and University Community together would add about 500 daily trips to Highway 59 north of Bellevue in 2030. These represent trips to and from not just Tuolumne County but also trips to and from other northern destinations within Merced County such as Snelling, and towns in other adjacent counties via Oakdale Highway. Furthermore, these equate to about 15 and 50 peak hour trips respectively, which are not projected to adversely affect roadway operations.

Response to Comment LA-3-2

Please see **Master Response No. 1, Growth Inducing Impacts of UC Merced**, and **Response to Comment LA-3-1** above

Response to Comment LA-3-3

While it is likely that a substantial portion of eligible transfer students from Columbia College would choose to attend UC Merced due to its proximity, it is not likely that this would have a significant impact on Highway 59 level of service. In Fall 2007, there were about 1,900 part-time students and 900 full-time students enrolled at Columbia College. Statewide, approximately 40 percent of community college students transfer to a four-year institution within six years of enrolling. It is not known how many transfer students from Columbia College would choose to attend UC Merced, but the Campus proposes to provide on-campus housing for half of all undergraduates which would reduce the number of transfer students from Columbia College that would commute to classes. Therefore, the increase in students commuting from Tuolumne County to UC Merced as a result of the Proposed Action would not significantly impact the level of service on Highway 59 or require roadway expansion.

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Merced Union High School District
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Mailing: PO Box 2147, Merced, California 95344
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Superintendent
V. Scott Scambray
Deputy Superintendent
Diane C. Hockersmith, Ed.D.
Assistant Superintendents
Raynee J. Daley, Ed.D.
George S. Sziraki, Jr.

November 18, 2008

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Brad Samuelson
Director of Environmental Affairs
University of California at Merced
P.O. Box 2039
Merced, CA 95344

Re: Comments of Draft EIR University Community Project

Dear Brad,

The District received the UC Merced and University Community Project EIS/EIR on November 10, 2008. The District has the following comments:

1. Page 4.11-5 third paragraph would be more accurate and clear if the following change was made, "; the latter two are alternative high schools, located on the East Campus Educational Center." This makes it clear that the four high schools in Merced are on three campuses. 1
2. Page 4.11-5 fourth paragraph, ninth line "A new "North Merced High School" is… does not reflect the working name for this planned school used in the District EIR and facility plan. The working name is "Bellevue Road Area High School," please use this name. 2
3. With the voter approval of local general obligation bond Measure M in the MUHSD for $149.5 million on November 4, 2008, the plan is to open this high school in August 2011.
4. Pages 4.11-14 and 4.11-15 Table 4.11-2 UCP Policies Schools PE 1.1 through PE 1.8. state policies that are critical to MUHSD in addressing the environmental impacts of the University Community Plan. The district strongly supports their inclusion in the EIR and the Community Plan and strongly objects to any proposal to remove or significantly change them. 3
5. Page 4.11-18 first policy, PP5.2 the MUHSD supports the development and use of joint-use agreements with municipalities, other school districts and the University of California. 4
6. The UC Merced Long Range Development Plan does not seem to make reference to MUHSD facilities or services within its boundary. The Land Use: Land Area Summary Plan Map and Communities: Neighborhoods District Plan Map illustrates a high school site on the northeast corner of Cardella Road and Lake Road. The MUHSD has as a school location criteria that student access by walking is maximized. Students who walk to school are expected to walk less than two miles and avoid crossing major arterial 5

We educate and empower all students to become 21st century learners, workers and citizens.

roads. Each high school serves approximately 8,000 dwellings. Therefore a high school site in the University Community Plan needs to be more central to the community rather than on its western edge. The District standard for a high school site is 54 acres gross. The University Community Plan needs to remain open to relocating the planned high school in a more central location. 5

Thank you for this opportunity to comment on the draft EIR. If you need more information contact me at (209) 385-6558.

Sincere regards,

Michael Belluomini

Michael Belluomini
Director of Facilities Planning

cc: Jack Lesch, City of Merced
Diane C. Hockersmith, Ed.D.
Robert Smith, Merced County
Ken Testa, Merced City Schools
Steve Becker, Weaver Union School District

We educate and empower all students to become 21st century learners, workers and citizens.

Response to Comment Letter LA-4

Response to Comment LA-4-1

The suggested text revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Public Services and Recreation.

Response to Comment LA-4-2

The comment is noted. A text revision is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Public Services and Recreation.

Response to Comment LA-4-3

The comment is noted. As discussed in the Draft EIS/EIR, UCP policies will be used to guide development in the University Community.

Response to Comment LA-4-4

The comment is noted.

Response to Comment LA-4-5

The University will work with the Merced Union High School District to develop a high school within the University Community that will meet the school district's school siting criteria. Please note that the Community North land use plan presented in the EIS/EIR is conceptual. It is anticipated that some adjustments to the University Community Plan (UCP) would be required in response to this comment from the school district and comments from other agencies including the County before the revised UCP will be considered by the County for a General Plan amendment. These changes in the placement of land uses would occur within the boundaries of the 1,951-acre University Community and would not involve changes that would result in new environmental impacts previously not addressed in the Draft EIS/EIR.

LAFCo
of Merced County

Local Agency Formation Commission
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January 21, 2009

Brad Samuelson, Director Environmental Affairs
Physical Planning Design and Construction
UC Merced
PO Box 2039
Merced, CA 95344

RE: Comments on the Draft EIS/EIR for the UC Merced 2009 Long Range Development Plan

Dear Mr. Samuelson:

Thank you for providing the opportunity to comment on this important Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the updated UC Merced 2008 Long Range Development Plan (2009 LRDP). This document was prepared by the University to analyze the impacts from the change in the 2009 LRDP and related University Community Plan proposed in response to wetland and related habitat considerations resulting from the original LRDP. The University is proposing to reduce the development area of the Campus by 95 acres, and remove the 340 acre Campus Land Reserve Area. In addition, the University is shifting the Campus south into the University Community, in an area referred to as "Community North" in the Draft EIS/EIR, and this will result in a proposed expansion of the University Community Plan area to the east. However, the total area of the University Community will be reduced by approximately 282 acres over the size adopted by Merced County in 2004.

The Draft EIS/EIR addresses the 2009 LRDP, the next phase of Campus construction referred to as UCM 2020 in Volume 3 of the Draft EIS/EIR, and the proposed modifications to the University Community Plan resulting from the Campus location shift and resulting community expansion. However, as referenced on Page 2.0-8 of Volume 1 in the Draft EIS/EIR, a separate EIR will be prepared by Merced County to process the proposed revisions to the University Community Plan (UCP) that will ultimately be proposed by the University's Board of Regents. This will provide another opportunity for LAFCO to comment on this major urban development proposal.

<u>Project Description Issues Related to Areas of LAFCO Responsibility</u>

The Draft EIS/EIR states correctly that only the Phase 1.1 (formerly referred to as Phase 1) of the Campus has approved water and sanitary sewer connection from the City of Merced and LAFCO (Pg. 2.0-21 "Utilities" of Draft EIS/EIR Volume 1). Even though the infrastructure constructed to serve Phase 1.1 was oversized for full Campus build-out, the City's agreement and LAFCO's approval of an "Out of Boundary Service" application was limited to only Phase 1.1. This Section of the Project Description goes on to state that the University anticipates another "special agreement" is anticipated for the next phase of development, or annexation to the City of Merced may occur in the future. However, in Volume 3 of the Draft EIS/EIR for the UCM 2020 project, LAFCO is not listed under the "Permits and Approvals" section on Page 3.0-31. The UCM 2020 project is partially defined as the expansion of the Campus to accommodate a student population of 10,000 students, which is anticipated to occur by 2020 with an annual increase of enrollment of 600 students per year. 1

It should be made clear in the Draft EIS/EIR whether the University anticipates seeking an annexation or an out of boundary service approval from LAFCO initially for just the UCM 2020 Campus, or for the full 2009 LRDP. Due to the long length of time to reach the UCM 2020 Campus goal, an out of boundary application to serve the entire Campus may be considered premature. In addition to providing clarification in the Project Description of Volume 1, Volume 3 should make reference to LAFCO as an agency who may utilize the EIS/EIR under the "Permits and Approvals" Section in the event LAFCO approval is only sought for obtaining City services for the UCM 2020 Campus facilities. As a responsible agency under CEQA, the Commission will also be utilizing the EIS/EIR prepared by the University as the environmental document for our proceedings. 1

<u>LAFCO Review Criteria</u>

Based on review of the project descriptions and analysis under the various impact areas such as Public Services (Section 4.11 of Volume 2) and Utilities (Section 4.14 of Volume 2) and the corresponding sections of Volume 3 pertaining to the UCM 2020 Campus, it is clear the Draft EIS/EIR does not distinguish the different level of review by LAFCO should the Campus, the more limited UCM 2020 Campus, or the entire University Community be proposed for City of Merced services through annexation proceedings or through an out of boundary service application.
As the City of Merced and the University are aware, approval of an out of boundary service application was obtained from LAFCO for the initial Phase 1.1 of the Campus for the provision of both potable water and sanitary sewer service. This process involves a review under a narrow set of factors contained under Objective VII.A of the Local Merced LAFCO Policies which implement State law under Section 56133(b) of the Government Code. The Local LAFCO Policies to implement this provision of services to property outside the City, but within the City's Sphere of Influence are as follows: 2

OBJECTIVE VII. A: Extension of municipal services outside the boundaries of the service provider will be limited to circumstances where there exists a clear and immediate need and annexation is not feasible.

<u>Policy 1</u>: *For requests within a jurisdiction's sphere of influence, consider whether annexation is a logical alternative to extending services beyond the jurisdictional boundaries of the local agency.*

<u>Policy 2</u>: *Consider the public benefit of the proposal, including the resolution of an existing health and safety hazard.*

<u>Policy 3</u>: *The following factors will be utilized to determine the local and regional impacts of an out-of-agency contract for services:*

a. The growth inducing impacts of any proposal.

b. The proposal's consistency with the policies and general plans of all affected local agencies.

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c. The ability of the local agency to provide service to the proposal area without detracting from current service levels.

d. Whether the proposal contributes to the premature conversion of agricultural land or other open space land.

<u>Implementation</u>: Whenever the affected property may ultimately be annexed to the service agency, a standard condition for approval of an out-of-agency service agreement is recordation of an agreement by the landowner consenting to annex the territory, which agreement shall inure to future owners of the property.

However, since the current City Sphere of Influence boundary follows the extension of Bellevue Road east of Lake Road, any City service provided south of this boundary will currently require review by a separate Policy as presented below: 2

<u>Policy 5</u>: The Commission will not support service extension outside a local agency's Sphere of Influence unless there is an existing or impending threat to public health or safety.

<u>Implementation</u>: The Commission will follow the requirements contained in Section 56133(C) of the Government Code (Cortese/Knox/Hertzberg Act) in the review of proposals to serve territory with municipal services outside the local agency's sphere of influence.

These additional requirements include a determination there is a "…existing or impending threat to the public health or safety of the public or the affected residents." If the City of Merced and/or University proposes to receive an out of boundary service application approval for the entire University Community Plan area, as evaluated in the Draft EIS/EIR, this more strict policy would need to be followed unless the City's Sphere of Influence is modified in advance of the application to LAFCO.

The Draft EIS/EIR also indicates there may be a desire to receive surface water for irrigation purposes from the Merced Irrigation District (MID). The same considerations and sets of policies also apply to the need to obtain LAFCO approval for an out of boundary service application for MID water. 3

If the University is going to rely upon annexation as the preferred method to receive City of Merced municipal utilities and services, an entirely different set of Local LAFCO policies and a different application process is followed. The Local LAFCO City annexation policies are contained in Policies 1 through 8 under Objective III.A. Rather than repeat the policies here, they are presented as an attachment to this letter. Of special significance, Policy 2 requires the annexation to be consistent with the City's General Plan, Policy 3 requires City "prezoning" of all lands to be annexed, and Policy 4 requires a "plan for services" for all public facilities and services to be provided. 4

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Brad Samuelson
UC Merced 2009 LRDP Draft EIS/EIR
January 21, 2009
Page 4

In addition to these policies, there are procedural differences in processing an out of boundary service application and a formal annexation request. While the out of boundary service application is processed as an "action" item on the LAFCO Meeting Agenda, it is not presented as a public hearing item, and if the Commission grants approval, it is memorialized in a letter from the Executive Officer. When an annexation is processed, a full public hearing is required, the Commission must adopt a resolution of approval, a protest hearing may be required depending on whether there is a petition in support of the annexation, and a "certificate of completion" is recorded to implement the annexation. 4

Agricultural Resources

In the Agricultural Resources section of the Draft EIS/EIR (Section 4.2) it should be noted that LAFCO utilizes a definition of "prime agricultural land" that may be different than other agencies. Consistent with Section 56064 of the Government Code (Cortese/Knox/Hertzberg Act of 2000), Merced LAFCO has adopted the following Local Policy for identification of "prime" agricultural land:

OBJECTIVE I.A: Prime agricultural land is protected and conserved while ensuring there are adequate areas for efficient and orderly growth.

Policy 1: In determining whether a City or Special District Annexation would affect prime agricultural land, the Commission shall apply the definition of "prime agricultural land" established under Section 56064 of the Cortese/Knox/Hertzberg Reorganization Act of 2000:

Land that has not been developed for a use other than an agricultural use and that meets any of the following qualifications: 5

a. Land that, if irrigated, qualifies for rating as Class I or Class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not the land is actually irrigated, provided that irrigation is feasible.

b. Land that qualifies for rating 80 through 100 Stories Index Rating.

c. Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.

d. Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre.

e. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred ($400) per acre for three of the previous five calendar years.

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Implementation: *The qualifications listed in items a – e shall be used in review of all boundary changes and sphere of influence revisions. However, the applicant or property owner may submit a soil analysis that demonstrates how soil has been degraded to a less than "prime" classification. The soil analysis should focus on the actual soil rather than the specific crops that may be planted. As an option, the analysis could address the soil and its ability to support crops typically grown in the area on similar soils. The cost of the soil analysis shall be borne by the applicant or property owner.* 5

While Mitigation Measure AG-1 identifies proposed mitigation for "developers with projects" within the University Community, there does not appear to be any proposed mitigation should the University propose annexation of any of the Campus area proposed to be located within the former University Community boundary. The above definition is provided so the University is alerted to the definition that LAFCO will utilize to determine where there is an impact to "prime agricultural land" which should be considered a significant impact. 6

Closing

This concludes the comments from Merced LAFCO on the UC Merced 2009 LRDP Draft EIS/EIR. Please contact me should you have any questions about these comments or LAFCO policies and procedures pertaining to this important project. I can be reached by phone at 385-7671.

Sincerely,

Bill Nicholson

Bill Nicholson
Executive Officer

Enclosure (LAFCO Annexation Policies)

cc: LAFCO Commissioners
LAFCO Counsel

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OBJECTIVE II.G: The sphere of influence reports for independent special districts clearly identify the types and capacity of services being provided to ensure their efficient and orderly delivery.

Policy 13: Ensure that independent special districts have adequately planned for the efficient delivery of services through requiring the following information be provided with sphere of influence applications:

a. Identify the function, type and class of services provided by the district and available to future annexation areas; and

b. Identify the nature, location and extent of any functions or classes of service provided by the district.

Policy 14: Unless authorized by the Cortese/Knox/Hertzberg Act, no new or different function or class of service shall be provided by a special independent district than that identified in the sphere of influence report adopted by the Commission.

C. CITY AND URBAN SERVICE DISTRICT ANNEXATION POLICIES

OBJECTIVE III. A: City annexations reflect a planned, logical and orderly progression of urban expansion and promote efficient delivery of urban services.

Policy 1: Annexation boundaries should form a logical and efficient urban development pattern.

Implementation: Utilize the following criteria in the review of annexation requests:

a. The proposed annexation boundary is appropriate in relation to existing city boundaries.

b. Avoid the creation of islands, corridors, peninsulas or other undesirable boundary characteristics that lead to service inefficiencies and potential land use conflicts.

c. Proximity of the annexation to existing developed or developing areas within the City. Annexations shall be contiguous with existing city boundaries unless it can be demonstrated to be orderly, logical or appropriate under special circumstances.

d. Evaluate any alternatives to the annexation which would be more consistent with orderly growth, open space protection and public service efficiency goals of LAFCO.

e. The existence of any social or economic communities of interest within the proposed annexation territory including the relationship between any adjacent or nearby cities or special districts which provide urban services that may affect the territory.

f. The use of natural or physical features (such as canals or roads) as annexation boundaries is encouraged over use of property lines. All annexation requests that do not conform to existing lines of assessment or property lines, shall be justified by the proponent.

Policy 2: Annexation proposals should be consistent with and implement City General Plan and Sphere of Influence policies:

Implementation: Utilize the following criteria in the review of annexation requests:

a. Consistency of the proposal with City General Plan policy including planned land use designation, densities and other land use and development policy.

b. Consistency with planned phasing of growth and improvements as defined in the City's General Plan and/or Sphere of Influence Report.

c. Consistency with adopted open space and conservation policies of the City.

Policy 3: All territory proposed for annexation shall be prezoned by the City, and no changes in General Plan designations or prezoning are permitted within two years following annexation, consistent with the Cortese-Knox-Hertzberg Act of 2000.

Policy 4: Public services shall be available to all annexed land in an efficient and orderly manner.

Implementation: Utilize the following criteria in the review of annexation requests:

a. Adequacy of governmental services for both existing and proposed land uses within the annexation territory.

b. The ability to provide needed public services and facilities as demonstrated in the "plan for services," including the sufficiency of revenue sources for those services.

c. Timely availability of water supplies adequate for projected needs as specified in Section 56668(k) of the Cortese-Knox-Hertzberg Act of 2000.

d. Demonstration that public services will not be provided to annexing territory to the detriment of territory already within the City.

Policy 5: Promote a balance of housing for persons and families of all income levels.

Implementation: Utilize the following criteria in the review of annexation requests:

a. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the Merced County Association of Governments.

Policy 6: Analysis of agricultural or open space impacts from an annexation will be minimized when the Commission can make a finding that these resources were fully addressed during establishment of the City's Sphere of Influence and the annexation is consistent with any related sphere policy to protect these resources.

Policy 7: Utilize considerations consistent with the Cortese-Knox-Hertzberg Act of 2000 when evaluating agricultural and open space impacts on an individual annexation level.

Implementation: Utilize the following criteria in the review of annexation requests:

a. Consider the amount of existing vacant land within the City that is available for similar types of development to the proposed annexation. Make a comparison of existing vacant and available land to the amount of land needed to accommodate growth needs over a ten year period as established in the City's General Plan or other official projection such as that adopted by the Merced County Association of Governments. The City must provide evidence why the consideration of existing vacant land is not appropriate based on such factors as location, limitations to infrastructure, development constraints, agricultural viability, economic market conditions, or unique characteristics of the annexation project.

b. If the annexation involves the conversion of prime agricultural land or identified valuable open space land, consider alternatives to the annexation that avoid or reduce the impacts.

c. If annexation will result in urban development adjacent to existing agricultural lands, consider measures to minimize potential conflicts such as land use transitions or buffers and "right to farm" notification to future residents.

Policy 8: In the case of large comprehensive development proposals, annexation should be phased whenever feasible. The Commission may approve annexation of all the subject territory if it finds the territory is likely to be developed within a reasonable period of time and if the City has adopted a phasing plan for the territory and policies for ensuring adequate facilities will be available once development occurs. Adoption of a specific plan for the territory by the City would be the most desirable means to ensure LAFCO policies are satisfied.

OBJECTIVE III. B: Urban service district annexations reflect a planned, logical and orderly progression of urban expansion and promote efficient delivery of urban services.

Policy 1: Annexation boundaries should form a logical and efficient urban development pattern.

Implementation: Utilize the following criteria in the review of annexation requests:

a. The proposed annexation boundary is appropriate in relation to existing district boundaries.

b. Avoid the creation of islands, corridors, peninsulas or other undesirable boundary characteristics that lead to service inefficiencies and potential land use conflicts.

c. Proximity of the annexation to existing developed or developing areas within the district. Annexations shall be contiguous with existing district boundaries unless it can be demonstrated to be orderly, logical or appropriate under special circumstances.

d. Evaluate any alternatives to the annexation which would be more consistent with orderly growth, open space protection and public service efficiency goals of LAFCO.

e. The existence of any social or economic communities of interest within the proposed annexation territory including the relationship between any adjacent or nearby cities or special districts which provide urban services that may affect the territory;

f. The use of natural or physical features (such as canals or roads) as annexation boundaries is encouraged over use of property lines. All annexation requests

Response to Comment Letter LA-5

Response to Comment LA-5-1

This comment requests that the "Permits and Approvals" section set forth on page 3.0-31 of Volume 3 of the Draft EIR/EIS be revised to clarify that the implementation of the UCM 2020 Project may require one or more approvals from the Local Agency Formation Commission of Merced County (LAFCO). Page 3.0-31 in Volume 3 of the Draft EIS/EIR has been revised in response to this comment. Revisions to the Draft EIS/EIR are presented in **Section 2, Revisions to the Draft EIS/EIR**, of this Final EIS/EIR.

This comment also requests clarification as to whether the University anticipates seeking either an annexation or an out-of-boundary service approval from LAFCO for just the UCM 2020 Project or for the build-out of the entire 815-acre campus. At this time, it is anticipated that, as part of its General Plan update, the City will seek LAFCO approval of a sphere of influence modification that would bring the balance of the 815-acre campus within the City's sphere of influence. Once this occurs, it is anticipated that the City or the University will pursue LAFCO approval of the annexation of UCM Phases 1 and 2 (the existing campus and UCM 2020 Project) to the City. To the extent City services are required to serve UCM Phases 1 and 2 prior to their final annexation to the City, the City and the University may seek LAFCO approval of an "out-of-boundary service agreement" pursuant to which the City will provide City services on an interim basis to those portions of UCM Phases 1 and 2 that are not already covered by the existing out-of-boundary service agreement. As currently anticipated, new out-of boundary service agreements will, if necessary, be entered into in preparation of the City's ultimate annexation of UCM Phases 1 and 2 to the City, not as an alternative to annexation. Such arrangements will not be sought, however, for any area that is not within the City's sphere of influence at the time. On a long-term basis and in order to facilitate well-ordered development patterns, it is anticipated that the entire UCM Campus may eventually be annexed to the City.

Response to Comment LA-5-2

This comment clarifies the different review criteria that apply to the following LAFCO approvals: (i) out-of-boundary service agreements for lands beyond a city's jurisdictional boundary but within its sphere of influence, and (ii) out-of-boundary service agreements for lands beyond a city's sphere of influence.

As noted in the comment, when considering whether to approve an out-of-boundary service agreement for lands beyond a city's jurisdictional boundary but within its sphere of influence, LAFCO considers those factors contained under Policies 1, 2, and 3 of Objective VII.A of the Local Merced LAFCO Policies. When considering whether to approve an out-of-boundary service agreement for land beyond a city's sphere of influence, LAFCO considers those factors contained under Policy 5 of Objective VII.A of the Local Merced LAFCO Policies. The University does not, however, anticipate the provision of City services to the Campus or University Community beyond the City's sphere of influence as it may be amended from time to time. To the extent one or more out-of boundary service agreement is required to implement the Proposed Action, it is anticipated that such agreements will only be sought for land located within the City's modified sphere of influence. Accordingly, it is not anticipated that Objective VII.A, Policy 5 will apply to the Proposed Action.

Response to Comment LA-5-3

This comment clarifies that the same review criteria discussed in **Response to Comment LA-5-2**, above, also apply to LAFCO approvals for an out-of-boundary service agreement for Merced Irrigation District water. The comment is noted.

Response to Comment LA-5-4

This comment clarifies that, when considering whether to approve a city annexation, LAFCO considers those factors contained under Objective III.A of the Local Merced LAFCO Policies. These factors are discussed in the Draft EIS/EIR, Volume 2, pages 4.9-27, 28 and Volume 2, Table 4.9-1. This comment also clarifies the statutory procedural differences in processing an out-of-boundary service application and a formal annexation request. The comment is noted.

Response to Comment LA-5-5

This comment indicates that LAFCO utilizes a definition of "prime agricultural land" as set forth in Objective I.A of the Local Merced LAFCO Policies. This comment clarifies that LAFCO will utilize this definition when, acting as responsible agency, it evaluates any approval sought from LAFCO. The comment is noted.

Response to Comment LA-5-5

This comment states that the Draft EIS/EIR does not appear to require mitigation for Impact AG-1 should the University propose annexation of that portion of the Campus area to be located within the former University Community boundary. The comment is correct that additional mitigation will not be required for the Campus, even those portions located within what originally was a part of the University Community, both because the impacts were determined to be less than significant and because significant agricultural lands have already been preserved in the region.

California Native Plant Society

January 5, 2009

Nancy A. Haley
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Brad Samuelson
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RE: **UC Merced and University Community Project**
Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIR/DEIS)
Public Notice SPK-1999-00203, SCH No. 2008041009

The California Native Plant Society (CNPS) is a statewide non-profit organization of some 10,000 scientists, educators, and laypeople dedicated to the conservation and understanding of the California native flora. As a science-based conservation organization, we believe that good land use decisions must be accompanied by a thorough assessment of the environmental impacts as required by the state and federal Endangered Species Acts (ESA), the Clean Water Act (CWA), the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), and other resource protection laws.

CNPS has been closely tracking the University of California, Merced (UCM) project since the late 1990s. We were a leading member of the environmental groundswell that achieved the first campus footprint relocation in 2000. We participated in the public comment period of the 2002 Long Range Development Plan and both the University's and County of Merced's initial public review processes under CEQA. We also actively participated in the eastern Merced County Habitat Conservation Plan - Natural Community Conservation Plan planning process which was abandoned in 2003. More recently we have worked collaboratively with UCM and the regulatory agencies to improve the scientific integrity and regional applicability of the Conservation Strategy and to reduce direct impacts to species and wetland habitat.

The following are CNPS's comments related to the DEIR/DEIS referenced above.

General Comments

1

- UCM, the U.S. Army Corps of Engineers (USACE) and the consultants who prepared the DEIR/DEIS are to be complimented on the thoroughness and straightforward readability of the document.
- CNPS applauds UCM's intention to construct all compensatory mitigation as soon as possible instead of in small increments over time during campus build out. This will ensure that temporary losses of wetland function will be eliminated in future construction phases.

Deadline Comments

2

- Why did UCM and USACE decide to publish three different comment period deadlines? UCM (http://www.ucmerced.edu/news_articles/11262008_uc_merced_and_army.asp) lists the due date as January 5, 2009 and was the first to publish a deadline. The USACE public notice (http://www.spk.usace.army.mil/pub/outgoing/co/reg/pn/199900203-DEIS-PN.pdf) gives January 2, 2009 as the deadline. And the USACE list of open public notices

Dedicated to the preservation of California native flora (http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/PNs/) has December 21, 2008 as the deadline. CNPS expects that the lead agencies will consider comments provided by January 5, 2009 under both NEPA and CEQA and assumes that the multiple deadlines were simply clerical errors. 2

Project Comments

- Incorporation of the Environmental Commitments (Conservation Strategy, Compensatory Wetland Mitigation and Monitoring Plan, etc.) into the Proposed Action is a novel but untested legal theory. CNPS requests that the mitigation measures contained in the referenced documents be fully incorporated into both the USACE Permit and the U.S. Fish and Wildlife Service's Biological Opinion as special conditions. We are concerned that the mitigation measures buried in the DEIS/DEIR appendices be fully implemented, enforceable and that success criteria and remedial actions, as necessary, are clearly spelled out. 3

- The DEIS/DEIR relies heavily on the presumption that implementation of the Environmental Commitments will mitigate many aspects of the Project to less than significant levels. However, the document itself lacks a clear crosswalk to help decision-makers and the public to understand its reasoning in reaching this conclusion. In most cases, the information is in the document or in the record, but is not summarized in a manner to make it sufficiently understandable to laypeople. Most of the goals are articulated in the Project Description, but it isn't until Chapter 4 that the meat of the measurable objectives is discussed. And then, the discussion is often embedded within a bunch of regulatory jargon paragraphs. Consider incorporating some of the measureable objectives into Chapter 2 with a summary of what has and has not yet been accomplished. This could serve as an at-a-glance summary of Environmental Commitments completion progress. 4

- Implementation of various Environmental Commitments, primarily restoration or creation of compensatory wetlands, will result in environmental impacts on the mitigation site even if only temporary in nature. These impacts would be in addition to those described for the Project site and are only briefly addressed in the DEIS/DEIR. The document inappropriately defers some of the environmental analysis and review to some later date which will undoubtedly occur in a regulatory rather than public process.

  Because the compensatory mitigation sites have not been disclosed and analyzed in the DEIS/DEIR, CNPS is concerned that appropriate mitigation sites may not be available. Neither the DEIS/DEIR or the Compensatory Wetland Mitigation and Monitoring Plan (CWMMP) contain safeguards or contingencies in the event that no suitable mitigation site can be feasibly acquired. The DEIS/DEIR defers mitigation site selection to a full year after permits have been issued. This is an inappropriate deferral of mitigation. 5

  Section 4.4.6.1 requires mitigation measures and measurable objectives to ensure that compensatory mitigation requirements are conducted in a manner that reduces impacts to the mitigation site to less than significant. Additional mitigation measures are required in the event the suitable lands for construction of "in-kind" wetlands cannot be feasibly acquired. And finally, the section also requires mitigation measures that ensure the genetic integrity of any mitigation sites by outlining precautionary principal rules related to propagule sources, etc.

- CNPS is concerned that the DEIS/DEIR does not appropriately disclose the potential environmental impacts to the Campus Natural Reserve (CNR) which are likely to occur as a result of research activities. While some guidelines are provided in the Management Plan for Conservation Lands (MPCL) that information is buried deep in the appendices. Perhaps moving some of the measurable objectives from the MPCL into Chapter 2 which summarizes the Environmental Commitments and into Section 4.4 would alleviate the apparent lack of disclosure. 6

- CNPS has a policy against translocation of plants as a primary means of mitigation. We understand that this mitigation measure is in addition to conservation of viable natural populations, but are still concerned about the genetic integrity of natural populations (of plants and animals) in the vicinity of translocation sites. 7

  Vernal pool grassland annual plants are highly variable in their response to local weather patterns. Potential translocation sites must be studied over multiple years before determining that the target species is indeed absent before translocation is implemented. Additionally, only seeds from the target plant species should be translocated. Soil will contain seeds of many other plants and cysts from large branchiopods posing a potential genetic threat to other biota at the translocation site.

- The Project still lacks an effective region-wide weed assessment and abatement program. Maintenance of conservation values for preserved lands and mitigation lands requires a proactive effort to identify and reduce threats from newly discovered invasive species, not just the ones that are already widespread and recognized by the California Invasive Plant Council. The goal of such a program would be to identify potential new invaders and respond quickly before they become 8 problematic. This will require coordination with various local authorities and must consider every newly discovered weed in the eastern Merced County area as potentially invasive. Do not wait until the weed has already arrived at Conservation Lands before doing something about it.

- Several of the mitigation measures specified in the DEIS/DEIR commit the County of Merced to specific actions. The County is not a lead agency or participating entity in this document. How will the Project proponents ensure that these mitigation measures are actually implemented by the 9 County?

- CNPS agrees that there should be hardscape between the campus and the preserved vernal pool grasslands. However the proposed four lane "community collector" or "campus loop" road currently proposed has the potential to have substantial indirect and cumulative effects on the preserved areas. These impacts include: 1) nitrogen deposition from automobile exhaust which has been shown to favor non-native wetland grasses such as ryegrass and will therefore impact the plant community composition to the potential detriment of several listed species, 2) inadvertent roadkill of listed California Tiger Salamander and other wildlife that may wander off the preserve, and 3) increased light pollution from headlights and streetlights which has been shown to alter wildlife behavior and breeding capacity. 10

  CNPS urges UCM to reconsider their onsite traffic and circulation plans so that the perimeter road between the campus and the preserve is intended for light, local residential traffic only. Main traffic collectors should be placed a block within the campus and community.

  An alternative would be a landscaping screen on the outer perimeter of the proposed "community collector" road that would help to reduce both nitrogen deposition and light pollution. However, that alternative would defeat the goal of maintaining scenic vistas of the vernal pool landscape surrounding much of the campus.

- The proposed "University Community Land Company Research and Development" area in the "Gateway District" should be retained as an open space area for as long as possible during campus and community development. This location is rich in endangered species and wetland habitat resources and would be an ideal educational resource. Providing appropriate public access as well 11 as interpretative information at this locally-convenient site could be instrumental in enlightenment of the campus community and general Merced populace related to understanding and appreciating local natural resources such as vernal pool grasslands.

- CNPS questions why Bellview Ranch was chosen as one of the sites to be included in the alternatives analysis. Given that this site already has entitlements, it would be deemed infeasible 12 even if shown to be both the LEDPA and preferred alternative.

We also wonder why a further reduced footprint was not considered in any of the alternatives analyzed. The proposed campus configuration of 810 acres is still 50 acres larger than the 760 minimum campus size referenced in various documents including comment letters from the U.S. Environmental Protection Agency. While we understand the constraints imposed by the two irrigation canals in Alternative 1, Alternatives 2 and 3 do not have the same constraints and could, therefore, be built on less acreage. 12

Secondary Comments

- The Functional Capacity Assessment and corresponding mathematical model for Functional Capacity Units outlined in the CWMMP have not been appropriately vetted through the scientific community. CNPS strongly advises that the USACE refrain from using this assessment method in future projects until it has been accepted for publication in a peer reviewed journal. In particular, some of the assumptions appear to have been pulled-out-of-a-hat instead of being based upon models derived from appropriate analyses of actual field data. 13

On behalf of the California Native Plant Society, I appreciate the opportunity to comment on the environmental review document for this important educational institution in the San Joaquin Valley.

Sincerely,

Carol W. Witham, Vice President
California Native Plant Society
2707 K Street, Suite 1
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(916) 452-5440

Cc: Interested Parties

Response to Comment Letter ORG-1

Response to Comment ORG-1-1

The comment is noted.

Response to Comment ORG-1-2

The comment is correct that three different comment period deadlines, established by the University and USACE, were simply clerical errors. All comments on the Draft EIS/EIR received through January 5, 2009 have been included in the record and are addressed in this response to comments document.

Response to Comment ORG-1-3

As described in Section 2.0 of the Draft EIS/EIR (Section 2.4.5, Environmental Commitments included in the Proposed Action), the environmental commitments comprised numerous measures and plans that reduce the potential for impacts primarily to biological resources on and adjacent to the project site. Although the environmental commitments are not called out as mitigation measures in the Draft EIS/EIR because they are incorporated in the project as proposed, the Proposed Action is mitigated by commitments as analyzed in the Draft EIS/EIR. Further, USACE will incorporate relevant environmental commitments as conditions of the Section 404 permit, and has the authority to enforce them through compliance with the terms and conditions of the issued permit.

The USACE has enforcement authority under the Clean Water Act (CWA); USACE enforcement regulations can be found at 33 CFR 326. The enforcement regulations found at 33 CFR 326 provide for supervision of authorized activities, including inspections, and sets forth enforcement actions if a permittee is found to be in violation of the terms and conditions of the issued permit, including bringing the permitted project into compliance within the specified period of time. If the permittee fails, the USACE has the authority to issue administrative penalties and/or seek legal action or the pursuit of a criminal or civil legal action against the party(s) responsible for a violation.

Therefore, the environmental commitments included in the Proposed Action as described in Section 2.0 of the Draft EIS/EIR would be enforced through the CEQA and Section 404 processes.

Response to Comment ORG-1-4

The environmental commitments were incorporated into the Draft EIS/EIR in an appropriate manner, by summarizing the commitments in Section 2.0, Project Description, and referring readers to specified appendices for the full text of environmental commitments contained in various documents. Inclusion of measurable objectives in Section 2.4.5 would render this section complex and hard for a layperson to follow. Therefore, the details are presented in Section 4 and the appendices. During the development of the Draft EIS/EIR, the University and USACE developed a tracking spreadsheet of environmental commitments and mitigation measures for administrative purposes, to track existing and ongoing commitments contained in the EIS/EIR, *Compensatory Wetland Mitigation and Monitoring Plan* (CWMMP), *Conservation Strategy*, and *Management Plan for Conservation Lands and the Adjacent Campus Buildout for the University of California, Merced*. The University plans to maintain the tracking spreadsheet to monitor recurring tasks, status of implementation, and responsible entity(s).

Response to Comment ORG-1-5

As discussed in Section 2.0, Project Description, the Draft EIS/EIR sets forth numerous environmental commitments that have been incorporated into the Proposed Action to reduce the potential for impacts primarily to biological resources on and adjacent to the project site. These commitments include the preparation and implementation of the Conservation Strategy, Compensatory Wetland Mitigation and Monitoring Plan, and the Resource Mitigation Plan for the Campus, and Management Plan for Conservation Lands. These materials are included in the Draft EIS/EIR as Appendix 2.0-3, Appendix 2.0-4, Appendix 2.0-5, and Appendix 2.0-1, respectively. These environmental commitments do not constitute a deferral of analysis or mitigation. These environmental commitments are specified in the USFWS's 2002 Final Biological Opinion on the Proposed University of California Merced Campus, Phase 1 and Campus Buildout and Infrastructure Project (1-1-02-I-2926), and therefore constitute a part of the Proposed Action. They are therefore required components of the Proposed Action and their implementation is assured. In addition, these environmental commitments constitute performance standards which the project will be required to meet. A lead agency may set forth in an EIR performance standards that identify specific performance criteria so long as the agency commits itself to implementing those standards. As components of the Proposed Action, the commitments are performance standards which the University is committed to implementing as required by the USFWS's 2002 Final Biological Opinion.

The comment states that appropriate mitigation sites may not be available. With respect to mitigation sites for preservation, and as discussed in Section 4.4, Biological Resources, the University has already identified several "Tier 1a" conservation lands for the preservation of vernal pool-dominated grasslands, including the Virginia Smith Trust, Myers Easterly, and Campus Natural Reserve lands. Cyril Smith Trust land has already been preserved though acquisition by the Nature Conservancy. The University has also identified numerous "Tier 2" conservation lands, including Robinson, Chance, Cunningham, Carlson, and Nelson. These lands alone result in a combined total of more than 26,000 acres of vernal-pool-dominated grasslands.

With respect to compensatory sites for creation or restoration of wetlands, the University has investigated the possibility of locating potential mitigation sites using aerial photography and field reconnaissance. An additional investigation was conducted to further identify potential restoration sites. These investigations demonstrated that several parcels with the appropriate soil type and topographical features are available in Merced County. As such, the University has determined that sufficient acreage exists to accommodate wetland restoration and creation requirements of the Proposed Action. As further described in Section 4.4, Biological Resources, when a potential site is selected, the University will present that site to the USACE, USEPA, USFWS, and CDFG for approval. Once the site has been approved and secured, detailed site plans will be prepared by the University and UCLC to implement the restoration and creation measures. The plans will also be submitted to the USACE for review and approval.

With respect to the comment regarding the environmental impacts from the restoration and/or creation of wetlands at the compensatory mitigation sites, because these sites have not yet been selected, the Draft EIS/EIR discussed the types of impacts typically associated with wetlands restoration and creation efforts. As further described in Section 4.4, Biological Resources, these impacts include the potential to result in incidental fill of wetlands that are being restored or created, the potential to remove sensitive plant species present at the site, the potential to affect wildlife species habitat present on the site (including residence, foraging and dispersal habitats), the potential to affect resources adjacent to the mitigation site, the potential to affect known or unknown cultural resources that may be present on the site, the potential to generate short-term construction-related air pollutant emissions including dust, the potential to disturb hazardous materials (especially pesticides and herbicides if the site has been under any form of agricultural use in the past), and the potential to result in impacts on surface water quality from the release of silt and sediment or construction equipment fluids such as fuel. All of these impacts are well understood and can be reduced to less-than-significant levels by implementing commonly used mitigation measures, including construction-site air emissions control plans, storm water pollution prevention plans, avoidance of sensitive resources, construction-site biological monitoring, and other such measures. Once the site(s) for compensatory wetland mitigation is selected and the wetland mitigation details are worked out, the University will review the proposal and conduct additional environmental review if it is determined that the impacts of its mitigation activities could be greater than those described programmatically in this Draft EIS/EIR.

Response to Comment ORG-1-6

Section 2.0 in the Draft EIS/EIR describes the Campus Natural Reserve (CNR) as open space to the northeast of the campus, which would be placed under a conservation easement, maintained permanently in an undeveloped state, and presumably dedicated to scientific research and education. The types of research that would be conducted in the CNR would be non-invasive in nature. To the extent that the CNR may be used for educational purposes, all such activities would be controlled and would involve docent-led educational tours of adjacent areas that support vernal pools. These research and educational activities in the CNR would also be subject to the highly stringent rules that apply to lands that are in the UC Natural Reserve System, Therefore significant impacts on the resources within the CNR from these activities are not considered likely. For purposes of evaluating the environmental impacts to biological resources, Section 4.4, Biological Resources, of the Draft EIS/EIR considered the Conservation Lands, including the CNR lands, to be part of the study area because these conservation lands are part of the Proposed Action. This study area is shown in Figure 4.4-1 of the Draft EIS/EIR. The Draft EIS/EIR disclosed that in addition to impacts expected to occur on and adjacent to the project site, there is potential for direct impacts related to habitat disturbance to occur within Conservation Lands containing special status species. The Draft EIS/EIR described these impacts potentially resulting from O&M activities including, but not limited to, implementation of the grazing management and pest management plans described in the Management Plan for Conservation Lands and various wetlands monitoring activities outlined in the CWMMP. Further, the 2008 Conservation Strategy incorporates construction and O&M measures as part of Strategy 2: Incorporate Site-Specific Measures into Development Projects to be implemented by the University. These elements of these measures are summarized in Section 4.4 of the EIS/EIR and its full text found in the Resource Mitigation Plan (RMP).

The University is preparing and will implement a Construction Mitigation Plan that will be approved by the USFWS, USACE, and CDFG. To ensure the project's consistency with the O&M measures described in the RMP, measures approved by the USFWS, USACE, and CDFG will be incorporated into the various elements of the overall campus facilities management program (e.g., work program descriptions, training programs) and implemented. Additionally, a number of these measures have also been incorporated as protection and management measures into the Management Plan for Conservation Lands (Appendix 2.0-1 of the Draft EIS/EIR). The Campus Environmental Manager will be responsible for ensuring that these requirements are integrated into the Campus O&M program.

Response to Comment ORG-1-7

The comment correctly points out some of the difficulties inherent to translocating plant species. Translocation is an experimental procedure and has been tested on only a very small number of plant species. For this reason, translocation is not the primary means of mitigating the project's impacts on special-status plant species. Nevertheless, implementing Mitigation Measure BIO-2 would support the primary measure, which is preserving and maintaining the species on the Conservation Lands. First, if the translocation is successful, it would offset the net loss of plants and habitat that occurs with preservation as the sole mitigation measure. Second, the information obtained from developing and implementing the transplantation and monitoring plan would be valuable for managing the populations on the Conservation Lands.

The concern for the genetic integrity of natural populations in the vicinity of the translocation sites is shared by the University and USACE. Mitigation Measure BIO-2 specifies that the translocations sites may not contain existing populations of the transplanted species. Page 4.4-109 has been revised to reflect that Mitigation Measure BIO-2 now specifies that the translocated material will consist of seeds only, not soil (see **Section 2.0, Revisions to the Draft EIS/EIR**).

Response to Comment ORG-1-8

The comment states that the project lacks an effective region-wide weed assessment and abatement program to identify and reduce threats from newly discovered invasive species. The Integrated Pest Management Program, as part of the *Management Plan for Conservation Lands,* adequately addresses the threat and introduction of invasive species for the Conservation Lands. The Integrated Pest Management Program provides guidelines to develop and adaptively apply a comprehensive program capable of preventing, detecting, treating, and monitoring pest species. As discussed in Appendix 2.0-1, *Management Plan for Conservation Lands,* management guidelines include prevention of pest introduction, early detection of pest species introductions, and treatment of pest species introductions following detection of an invasive species. In the event that Merced County proposes a region-wide weed abatement program, the University will participate in the program.

The comment also states that invasive species not be limited to those recognized by the California Invasive Plant Council's (Cal-IPC) list. Management Guideline IPM-1 specifically requires that an up-to-date list of potential pest species be maintained based on local, regional, and statewide information. This list will include species on the Cal-IPC's invasive species list, as well as emerging new pest species, to facilitate early detection and control.

Response to Comment ORG-1-9

Please see **Master Response No. 4.**

Response to Comment ORG-1-10

The community collector road that separates the campus and the Tier 1a Conservation Lands planned as part of the Proposed Action has the potential to indirectly affect certain wildlife species, including California tiger salamander, San Joaquin kit fox, and other animals, due to increased noise, light, and traffic on this peripheral roadway. However, as operation of the campus included operation of the community collector road, loss of species as a result of disturbance from this road has been assessed as part of the Draft EIS/EIR. Revisions to the Draft EIS/EIR text have been made to further discuss the potential for indirect impacts from increased vehicle travel associated with the Campus and University Community sites to result in vehicular mortality to California tiger salamanders and San Joaquin kit fox (see **Section 2.0, Revisions to the Draft EIS/EIR**).

Studies show that nitrogen deposition may favor the growth of non-native annual grasses in areas characterized as hot spots for depositional nitrogen, such as major freeway interchanges or congested freeway segments. Although there could be some effects on plants due to local deposition, this community collector road will not have heavy traffic volumes sufficient to generate nitrogen at levels that would cause any discernible change in plant growth, as_the roadway would serve only the residential uses in the northern portion of the campus and would not provide access to land uses that involve higher numbers of daily vehicle trips.

Response to Comment ORG-1-11

Development of Community North cannot proceed until at least several actions are completed. As discussed in Section 2.0, Project Description (Volume 1), the University Community would either be annexed to the City in order to receive municipal utility services from the City, including water and wastewater or would remain in unincorporated Merced County and water and wastewater services would be developed locally to serve the community. Without the development of these basic utilities and services, it is unlikely that any part of the University Community would be developed. As these actions listed above would require a period of a few years, it is unlikely that the area of the Gateway District (identified in the comment) would be developed immediately. Therefore, the area would continue to support biological resources in the near future. The University will consider the use of this area to help educate the campus community and the Merced populace about the vernal pool resources in the area.

Response to Comment ORG-1-12

The Bellevue Ranch alternative was carried forth because the EPA asked for a detailed evaluation, and at the time of the 2002 Section 404 application for the Campus, no construction at the alternate site had occurred. Although the alternative has constraints such as the need to assemble a very large number of parcels and that about 300 homes have been developed on the site, there is still adequate land available for siting the Proposed Action.

A reduced project alternative was considered by the University during the selection of project alternatives. As stated on pages 3.0-14 through 3.0-17, a reduced project alternative considered a reduction in the footprint of the campus as well as in population. A further reduction in the footprint of the campus such that it is 760 acres is not possible because as explained on page 3.0-8, the Proposed Project includes an increased amount of development around the "thumb" formed by Le Grand Canal. The area to the north and west of the "thumb" require at least two blocks of land between the campus boundary and the canal to be feasibly developed. If this area were further compressed in order to further reduce the development footprint for the campus, it would effectively result in the elimination of approximately 200 acres of developable land on this site for two reasons. First, development on the outside of the "thumb" to the west and north of the Le Grand Canal would be infeasible because of the need for at least two blocks of land in order to accommodate campus buildings and facilities that are a critical part of the academic core. This would result in the loss of approximately 100 acres. Second, development cannot be relocated to the interior of the "thumb" because this area consists of a natural bowl-shaped depression that will remain open space in order to accommodate drainage and surface runoff from the project site. This land consists of approximately 100 acres. Thus, further compression of developable land around the "thumb" created by Le Grand Canal would result in a campus size of approximately 600 acres, which would compromise the University's ability to provide academic core programs and/or result in unreasonable densification of the campus site. Moreover, further compression of the developable land between the campus boundary and the canal would not result in a corresponding appreciable avoidance of aquatic resources or listed species habitat because most of the resources that would be avoided would not be pristine vernal pool habitat.

Response to Comment ORG-1-13

As noted in the Introduction, the UC Merced Functional Assessment Methodology was intended to be project-specific and not intended to be a Regional Guidebook. Peer review would be an important and essential step toward establishing the UC Merced Functional Assessment Methodology as a guidebook for other projects. As noted in the discussion of Applications and Limitations (UC Merced Functional Assessment Methodology, pages 40-41), it is anticipated that a number of revisions would be necessary to adapt this functional assessment methodology for use with other projects in other regions.

Letter No. ORG-2

Central Valley Farmland Trust

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2 December 2008

Testimony by Maxwell Norton, President, Central Valley Farmland Trust (CVFT)

The Central Valley Farmland Trust is a non-profit organization that serves landowners in the North San Joaquin Valley who are interested in preserving working farms. We administer a voluntary program where land owners can, if they choose, place an agricultural conservation easement (ACE) on their land. Landowners have the choice of donating an ACE, or the CVFT can apply for a grant to pay them for most of the value of the ACE. We also work with cities, counties and developers who desire to implement farmland conservation programs either through mitigation or through other means.

While the present campus site and Lake Yosemite are close to rangeland that contains vernal pools, it is also in the vicinity of prime farmland to the south. The consideration of permitting options should consider the ultimate loss of prime farmland. This prime farmland is a strategic resource that is scarce on a statewide and global context. This is well documented by federal and state agencies as well as private organizations. Prime farmland is also important to the regional economy because it supplies raw product for the important food processing industry here in the San Joaquin Valley. 1

Proposals to move the campus site to the south, or even to other locations in the area will result in significant losses of prime farmland. This must be a consideration by the Corps when considering different alternatives. The present site and proposal is an excellent compromise that minimizes impact on both wetlands and prime farmland.

UC has already managed to avoid over 95% of wetland impacts. The 30:1 mitigation ratio for wetlands is unprecedented. The project as proposed, is in my opinion, the most environmentally responsible alternative.

Protecting farmland today, securing the future . . . acre by acre . . . day by day . . . year by year
Preserving the rural landscape of the Central Valley and the land that feeds us

Response to Comment Letter ORG-2

Response to Comment ORG-2-1

The comment is noted. The Draft EIS/EIR (Section 4.2, Agricultural Resources) acknowledges that the Proposed Action and all project alternatives would have a significant and unavoidable impact on Important Farmland, including Prime Farmland. The University Community will mitigate the loss by placing land under conservation easements.

January 5, 2009

University of California Merced
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Re: Draft Environmental Impact Statement/Environmental Impact Report
UC Merced 2009 Long Range Development Plan

The Merced County Farm Bureau Board of Directors submits the following comments:

We do not support the University of California Merced Long Range Development Plan for the University Community. While we support the existing campus we believe that the development footprint must be much smaller because of the global economic downturn, new environmental regulations that are being developed from AB32 and SB375, extreme drought conditions, urban sprawl, food security and other issues discussed below. 1

The Merced County Farm Bureau had supported the location of the University of California in Merced. We supported development on the golf course, to the north, east and south to Cardella Road and encouraged the university to work with the City of Merced to coordinate development along Bellevue Avenue going west, not south. We have not seen the cooperation that is needed as of today. 2

Merced County Farm Bureau represents thousands of farmers and ranchers in our county. We exist as an agricultural advocacy group because we believe that a domestic food supply must be the foundation of our national security policy. Supplying food for ourselves and the world is what made this nation great. We cannot be dependent on foreign nations for our food as we are for energy. Agriculture in the San Joaquin Valley is uniquely situated to be able to supply both our food and alternative energy sources for future generations. All land use planning needs to consider that fact before moving forward with designs and plans that have failed us in the past. This is the 21st Century. We should make it a new day in land use planning and think out of the box and protect our farmland, our food supply and those that care for and work the land. 3

Merced County is the epicenter for the housing meltdown. Have there been any studies done that address the amount of over production of single family homes built or planned in our city, region and state? It could take years to recover from the foreclosures, bankruptcy and over built communities that have failed to meet their requirements for parks and bike paths, let alone other needed facilities such as schools and fire stations. A rosy recovery is not planned anytime soon. Most are predicting that we have not hit bottom. They are expecting waves of foreclosures through 2011. There is not going to be a quick fix and relying on an outdated design for communities is not what is needed today or in the future. 4

What our community—the taxpayers—need is our elected officials, the land use decision makers—to get together and do a much better job of planning our urban cores. Building

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up not out should be the plan for the UC and all our communities in our county. Higher densities with a jobs/housing balance must be a requirement for all development so that it 4 will be coordinated and cost effective for current and future residents of our community.

Planning in isolation is what got us into this mess. We can not continue to have the cities and the county in adversarial positions, while the UC is being their own developer and making land use decisions. Why is the UC a private developer on taxpayers dollars? How will the true cost of development be fulfilled in the current planned process? Is this an 5 efficient use of the taxpayers dollars? Only a comprehensive approach can properly answer these questions.

LAND USE

Currently, Merced and Merced County are updating their general plans. All our land use decision makers need to be in full and cooperating communication to guarantee the efficient use of the taxpayers' dollars. The university development must be a part of the city's plans. To plan the full build out of the university and an adjoining city almost the size of the current city today is not sound development. It is repeating a bad design that we know is not good for the environment or the taxpayers pockets—urban sprawl.

No one is winning with urban sprawl, in fact the taxpayers are losing out all the way around with poorly planned communities that require cars for basic needs and do not pay 6 their way. The residents of Merced had to tax themselves to cover the needed safety officers to just maintain the status quo. Accordingly we are being told that Merced County residents will have to vote to tax themselves to meet the needs of the planned transportation infrastructure. When will it end?

It is not too late to develop in tandem with each other. Build more dense, town centered development in North Merced that will be contiguous to the UC campus. Bellevue Avenue is essentially un-developed. Why won't that vacant land west of the campus fulfill the projected housing needs of the UC and their faculty? Projects are being planned along the northwest side of Yosemite Lake. Why isn't that plan being folded into the UC Merced long range plan?

Any development south of Cardella Road, along the Campus Parkway should be for the much touted research and development that the UC will hopefully bring to our region. It does not need to be planned for more tax draining subdivisions and housing. The UC should be able to build up, using a much smaller footprint in today's technologically advanced environment. This would also protect the important canals that spread out from 7 Lake Yosemite through Merced Irrigation District canals that supply irrigation water to our farms and ranches. Planting people on top and adjacent to these canals is dangerous for our future water and food security.

Developing housing going east along Yosemite Avenue past Kibby Road will drastically impact the rich, productive farmland south and east of the proposed development. A 8 County park with horse trails or a golf course on the eastern edge would be more suitable

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and a better buffer lessening the impacts of intensive development adjacent to agricultural operations and irrigation canals. This would protect thousands of acres of prime farmland east of Merced instead of encouraging the eventual development of that rich and productive soil that has surface water supplied by Merced Irrigation District. 8

The cumulative impacts on our natural resources and our infrastructure are not addressed in the UC Merced Draft EIS/EIR for the UC Merced and University Community Project. 9

HYDROLOGY & DRAINAGE

We are in the third year of drought. We have had declarations telling us we are in an emergency drought situation. Our reservoirs are low. We have set records for low precipitation and storage throughout the state. Environmental requirements on our rivers allot hundreds of thousands of acre feet per year for endangered and threatened species that were not part of the equation in previous drought years. All these requirements, including SB375, impact our ability to grow our food in a stable environment. Our legislature refuses to make tough decisions and commit to solving our water crisis. Yet, we continue with business as usual with a massive development of houses and people planned for the UC.

Using the incomplete Merced Water Supply Plan MWSP in any version is unacceptable and fails to address the requirements of assuring a water supply for any development in eastern Merced County. While the MAGPI group has been meeting and moving forward on beginning some of the process needed, there has been no formation of a Joint Powers Authority or financial commitment from Merced County, Atwater, Livingston or the community service districts. Those commitments have to be in place to complete the needed studies. Many of the goals and objectives in the MWSP have not been met and will not be met in regards to recharge basins in the eastern edge. 10

In 2005, Merced Irrigation District made it clear that the MWSP could not be used as a tool for development. That is today's reality as well. The studies do not exist to make the conclusion that there will not be an impact on our underground aquifers. Nor can the assumption be made that "something" will be done to guarantee an adequate water supply for growing our food and supplying urban and industrial needs. We do know that wells are dropping at an alarming rate across the region including along the Merced River. These include both domestic and agricultural wells.

Placing a massive development upstream from the City of Merced will have a huge impact on the health of the water supply. The DEIS/EIR does not address the cumulative impacts from development on our underground aquifers because the information is not available, especially as we plan for more growth through the general plans of the City of Merced and Merced County.

Drainage issues in regards to storm water and water runoff have never been addressed adequately in Merced or the eastern region. It is why we have had massive flooding problems in the western region of Merced along 16th Street, Hwy 59 and Hwy 99. We do 11

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not have a flood control entity to deal with the regions drainage issues. Paving over land to the north and east of Merced without addressing inadequate drainage cannot continue. Once again our elected officials at all levels have failed the taxpaying public in providing the needed infrastructure while growth is being allowed. 11

Failing to address the cumulative impacts of the approved and/or planned developments for Merced is unacceptable, especially when the UC is currently hooked up to Merced sewer and water systems. 12

GENERAL COMMENTS

The use of dual plumbing systems, using gray water for irrigation must be a requirement starting today on any and all development, new or in progress, especially UC Merced. No lawns, except for playing fields, should be planned. Any and all landscape that is provided should be native or drought resistant plants. 13

All residential and commercial development must incorporate solar powered energy into their designs. The UC can be the great innovator with the development of state of the art solar technology. We can design and manufacture the systems right here in our own backyard.

While we understand the legal process the UC must complete, the Merced County Farm Bureau requests that the Long Range Development plans be put on hold until we actually have the needed information and action from the state and our local officials in regards to implementing SB 375 and AB 32 , expanding our water storage, implementing environmental requirements and addressing current lawsuits and judges orders on our rivers, streams and creeks. 14

We look forward to working with UC Merced officials, our local and state legislators and the community to plan a state of the art, 21st Century university campus that will benefit our county, region and state without costly impacts to our working landscapes and the men and women who supply the safest, most diverse food products in the world.

If you have any questions or would like to discuss this further please call our Executive Director Diana Westmoreland Pedrozo at 209-723-3001.

Sincerely,

Peter Koch, President
Merced County Farm Bureau Board of Directors

Response to Comment Letter ORG-3

Response to Comment ORG-3-1

The comment expressing opposition to the proposed development of the University Community is noted. See **Master Response No. 2, University Community – Size, Need, and Location**.

Response to Comment ORG-3-2

Merced County Farm Bureau's opposition to the proposed development of lands to the south of Cardella Road as part of the University Community is noted. The University and the County have worked closely to locate both the Campus and the University Community in a manner that minimizes impacts to agricultural lands and biological resources. The proposed layout of the Campus and University Community achieves the best balance between the impacts to these resources.

Response to Comment ORG-3-3

The comment is noted.

Response to Comment ORG-3-4

Please see **Master Response No. 2, University Community – Size, Need, and Location**.

Response to Comment ORG-3-5

The University's goal is to develop the campus as needed to fulfill its mission. Profits that come to the University would go towards furthering the mission of the University. With respect to the University Community, the University and Virginia Smith Trust have formed a not-for-profit organization to develop Community North so that the area immediately adjacent to the campus is developed in a manner that supports the campus. As explained in the responses above, development proximate to the University is needed based on the University's experience at other campuses. Furthermore, the profits from the development of Community North will be dedicated to the respective charitable and educational purposes of both the University and the Virginia Smith Trust, whose assets are to be applied to scholarships for eligible Merced high school students. Taxpayer monies are not being used by the University to fund private development.

The comment does not relate to the environmental impacts of the proposed action as defined by CEQA/NEPA; therefore, a response is not required.

Response to Comment ORG-3-6

Please see **Master Response No. 2, University Community – Size, Need, and Location,** as to why the development of a contiguous University Community at higher residential densities compared to other developments in Merced will help reduce sprawl and reduce the need of its residents to travel to school and work at the campus using personal automobiles. The master response also explains why the University Community is proposed in the area to the south of the Campus. The University has been coordinating its development plan for the Campus and UCLC has been working with the County and the City to incorporate its plan into the land use planning efforts of the County and the City.

Response to Comment ORG-3-7

Merced County Farm Bureau's opposition to the use of lands to the south of Cardella Road for residential uses is noted. If land within the community south of Cardella Road were to be devoted to research and development uses, as suggested in the comment, further increases in residential densities in the area of Community North or Community South or both would be required. Please see **Master Response No. 2** regarding why increases in the density of development within the University Community are not possible at this time.

With respect to the size of the Campus and density of development on the Campus, further reductions in size or increases in density are not feasible. The University considered campus sizes of other UC campuses and other major research universities across the country. Based on the data, the University determined that a 1,000-acre campus was needed to accommodate 25,000 FTE students. The Campus size as proposed now is 815 acres and this reduction has been possible only by increasing the densities on the Campus and shifting some of the uses previously planned for the Campus into the University Community. The Campus' land use plan now includes academic buildings involving four to six stories and student housing involving at least four-story buildings. More dense, high-rise-type structures would not be appropriate for the Campus' setting. Furthermore, in the case of academic buildings, high-rise structures affect efficiency and the learning environment.

Development of the Campus or University Community facilities adjacent to the canals would not adversely affect the water supply functions that these canals currently perform. An agreement between the University and Merced Irrigation District (MID) will continue to control the rate and quality of stormwater that is discharged into Fairfield Canal. No discharges into Le Grand Canal are planned at this time. A similar agreement would be put in place between MID and the County (or the City in case the University Community is annexed into the City) to ensure that water quality in the canal is not affected by stormwater discharges from the University Community (see page 4.8-45 in the Draft EIS/EIR). There are no other pathways via which the canal waters and thereby the water and food security mentioned in the comment could be affected by the Proposed Action.

Response to Comment ORG-3-8

See **Master Response No. 4**.

In order to disclose the impacts of the Proposed Action, the Draft EIS/EIR evaluates the potential environmental impacts from the development of the University Community based on a land use plan developed by the UCLC for Community North and an illustrative plan developed for Community South by the County in 2004. Land use plans for both portions of the University Community will require approval from the County (or the City of Merced in the event that the University Community is annexed into the city). Therefore, the University will provide this suggestion that a park or golf course be considered for the southeastern portion of the University Community to the County for its consideration. Should such a use be incorporated into the final plan(s) for the University Community, the environmental implications of this change will be evaluated by the County in its own EIR. As noted in the Draft EIS/EIR, the County will prepare and circulate a separate EIR that will evaluate the environmental impacts of adopting a revised University Community Plan and approving a general plan amendment related to the revised UCP.

Response to Comment ORG-3-9

Please refer to Section 5.0, Cumulative Impacts, in Volume 2 of the Draft EIS/EIR which provides an exhaustive analysis of the cumulative impacts of the Proposed Action and its alternatives in conjunction with past, present, and reasonably foreseeable future development in Merced County. The analysis addresses cumulative effects on all natural resources, including agricultural land and biological resources, and infrastructure including the transportation network, storm drainage systems, and water supply.

Response to Comment ORG-3-10

Please see **Master Response No. 3, Water Supply Impacts**.

Response to Comment ORG-3-11

Please see Impact HYD-7 and Impact HYD-6 which discuss the manner in which stormwater would be handled under the Proposed Action and the features included in the Proposed Action to avoid flooding impacts in downstream areas. Sustainability is a major element of the Campus's 2009 long-range development plan (LRDP). The Draft EIS/EIR provides information regarding low impact development

(LID) measures included in the 2009 LRDP to minimize generation of additional runoff and to maximize infiltration of stormwater into the groundwater basin. Similarly, the University Community Plan includes policies requiring the inclusion of stormwater controls in future developments. Furthermore, both the Campus and the University Community will be designed to include detention facilities that would be capable of holding flows from a 100-year, 24-hour storm. This would allow for stormwater to be detained on site in the event that Fairfield Canal and Bear Creek are full and cannot accommodate additional flows.

Response to Comment ORG-3-12

Please refer to Section 5.0, Cumulative Impacts, in Volume 2 of the Draft EIS/EIR which provides an exhaustive analysis of the cumulative impacts of the Proposed Action in conjunction with past, present, and reasonably foreseeable future development in Merced County. The analysis addresses cumulative effects on water supply (Cumulative Impact HYD-3 on page 5.0-32 and Cumulative Impact UTILS-1 on page 5.0-48 in Volume 2) and the City's wastewater collection and treatment system (Cumulative Impact UTILS-2 on page 5.0-53 in Volume 2).

Response to Comment ORG-3-13

Cumulative Mitigation Measure HYD-3c requires the University to implement an aggressive water conservation program, including conducting pilot programs for high-efficiency plumbing fixtures, studying feasible uses of reclaimed water including grey water, and using water-efficient landscaping practices, including water-efficient plants. As stated in the 2009 Long Range Development Plan, the Campus is committed to water neutrality and using recycled water for irrigation (see LRDP Policies SUST-8 and SUST-9). The Campus is also committed to achieving zero net energy by 2020 (see LRDP Policy TZC-1).

The University agrees with the comment and will incorporate the suggested sustainable design measures in all new development on the campus.

Response to Comment ORG-3-14

The comment is noted.

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January 5, 2009

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Re: Comments Associated to the DEIR and DEIS for the University of California, Merced, Campus and Community Project (SCH No. 2008041009)/Via: E-mail 1.05.09

We are writing to oppose the University of California (UC) application for an Army Corps of Engineer, Clean Water Act 404 permit for the build out of the Campus, the Long Range Development Plan Amendment, and the University Community. We ask that the DEIR/DEIS be withdrawn, and a new DEIR/DEIS be issued that addresses meaningful alternatives and is organized and indexed in a fashion that is user friendly to the public. In addition, we ask that this process be deferred until: a new Biological Opinion can be produced to address the changing circumstances since 2002; an actual water supply plan is created for the Merced Basin; an agricultural mitigation policy is adopted by the County; and there is a clearly demonstrated need for a New Town/Commercial Center north of Merced. 1

I. At minimum, the DEIR and DEIS should be re-circulated:

The DEIR/DEIS is inadequate and poorly organized, failing to meet both the letter and the spirit of the California Environmental Quality Act and NEPA to inform the public. The public is forced to cross reference information on each checklist item across three separate volumes, plus a CD Rom appendix – without a useful roadmap or contextual guide. 2

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The index does not reference all relevant documents that are vital to understanding the scope of the project. The index fails to list the Appendices or the Environmental Checklist. There is no key for the fifteen documents listed in the Appendices. The file labeled "ApxES.pdf" might reasonably be assumed to be the Executive Summary. However, it contains the Notice of Preparation (NOP) comments. There is no mention of "Notice of Preparation" or "NOP comment letters" in the Table of Contents or Index (which is repeated in each of the three volumes).

Information on at least one checklist item (Hazardous Wastes) is not consistently presented. This raises serious questions. A cursory view of the Executive Summary would allow one to draw a very different conclusion (regarding potential impacts or mitigation) than if one were to read each of the sections devoted to this topic and spread over the three volumes. Finally, there is no summary sheet or guide to explain how the information in this EIR/EIS differs from the previous LRDP and County/University joint UCP plan. In an obscure section of the Appendix, one finds within the Final Conservation Strategy: "Terminology" – that would more efficiently be included in the introduction (1-5). This one-half page item is buried so as to render it useless to the average reader. Even if these distinctions were available in the introduction, these terms are not employed consistently used throughout the conservation related documents. Finally, the BO on which this project relies does not include key figures referenced in the BO. These figures are far from trivial as the BO was created in 2002 – the maps and figures matter, given the changes made to this project over time. 2

We find the Environmental Checklist that the University adopted wholly inadequate. However, at this time, we are limiting our critique to the following issues: 3

II. <u>NOP comments are not addressed in the current DEIR/DEIS:</u>

Comments by key regulatory agencies are ignored. This is particularly the case with respect to following:

- Water: There is no analysis of the project's impact on Merced County groundwater, Merced City water supply and water quality and further impacts to aquatic resources. Instead the DEIR/DEIS defers potential water supply impacts to a local process led by the Merced Irrigation District -- a process where the University has had no recent visible presence. There is no support for the conclusions it reaches in its Executive Summary, regarding mitigation required for "Hydrology 4,5, 6, and 7 or Biological Resources 11 (Merced River impacts)." Finally, the statement made for 4

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Cumulative Impacts MM HYD-3a and 3b are disingenuous and misleading given the University of California's (University) track record over the last six years. 4

- Alternatives Analysis: A robust analysis of meaningful alternatives is absent. Common sense, practicality, need, green, sustainable growth would dictate a much closer look at both Castle and the City of Merced. Each possesses the infrastructure and space the University is seeking to expand its operations. The City of Merced is overflowing with vacant commercial space and ripe with alternatives for infill as entire neighborhoods are being vacated or are in foreclosure. This is a time when creative use of already available resources and infrastructure is urgently needed. One would expect a world class educational institution to welcome such a challenge. Contemplating an expansion on pristine vernal pools, productive agriculture lands with the required infrastructure still needed to be built defies rationality, common sense, and an efficient use of taxpayer dollars. The University of California, Merced – states Merced, not an unnecessary New Town in Eastern Merced County. Finally, there are viable options and much more meaningful alternatives than those analyzed. A Castle/City of Merced alternative complements the previous University plan to create satellites in order to reach out to the community. This alternative would also reinforce previous University investment and redevelopment of the Mondo building (situated alongside row after row of vacant commercial space on Main Street) and the underutilized Tri-College Center – each offering a real opportunity for much more efficient and creative use of diminishing resources -- that not only benefit the University, but represents a real investment in our local community and infrastructure– the redevelopment of downtown Modesto serves as a case in point for a vision that serves its residents. Both of these alternatives were considered, but withdrawn – offering very little in the way of support for its conclusions (3.0-11, Volume I). This, at a time when we are facing catastrophic economic conditions – not seen since the Great Depression. 5

- Cumulative Impacts and the Growth Inducing Impacts associated to this project are relegated to a relatively short section in Volume II. Ironically, the impacts already experienced by the community with the current siting of the University are ignored. Faculty and staff drive from Modesto, Snelling, Mariposa, and the Bay Area to work on campus. Since 1997 an increasing number of agricultural parcels have been split to accommodate a desire to teach and live in the country. Our watershed, which encompasses Mariposa County and Catheys Valley has witnessed unprecedented growth and increased stress groundwater in the foothills that are to provide water and recharge for Merced County. The growth inducing impacts of the Merced City sewer line cutting North through the partially build and abandoned housing 6

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developments at Bellevue Ranch along with the proposed New Towns that are expected to be included in the City of Merced's General Plan Update, are ignored. The real estate boom and bust that dramatically impacted our entire region is effectively ignored. Unincorporated communities in Eastern Merced County have stressed their water and sewer capacity (at their own expense) in response to indirect impacts from this project – these impacts are ignored. 6

Finally, there is no analysis of impact of the illegal takes acknowledged in both the Final Conservation Strategy and the Compensatory Wetland Mitigation and Monitoring Plan (CWMMP). This lack of analysis ignores the research outlined in the 2002 US Fish and Wildlife BO which clearly identifies Eastern Merced County as a unique state resource (see page 107). 7

- Despite critical comments during the NOP phase, The Resource Management Plan (RMP) remains conceptual in nature – another form of deferral, six years after the BO was written for this project. In addition, the RMP also ignores the growth inducing nature of the project on the entire region – as the BO clearly states, "Eastern Merced County possesses (this may be moot with this project) one of the least fragmented vernal pool habitats in the state (and quite possibly the nation). 8

III. Mitigation proposed in these documents fails on a variety of levels:

Biological Resources:

The very clear expectations and responsibilities outlined in the 2002 Biological Opinion from the US Department of Fish and Wildlife, for which this project is reliant, have been ignored or deferred. 9

The easements which serve as the cornerstone of the state's mitigation for this project and are referenced continually throughout this DEIS and DEIR as appropriate mitigation are not included in this DEIR/DEIS. How is the public to determine if our investment in over 26,600 acres have management and endowment plans that protect our interest in the biological resources they are purported to protect? We have no way of knowing. The BO is incredibly clear that without effective management, monitoring and endowments, threatened or endangered species will continue carry this status without effective management and monitoring. (This issue is also raised in the NOP comment letters). The "Management Plan" which appears as "Appendix B" at the very end of the 286 page "Compensatory Wetland Mitigation and Monitoring Plan" is not a management plan. It provides a very thin description of the easements it holds and the private lands 10

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that public monies were used to purchase easements as mitigation for this project. The "Management Plan" describes what grazing can do in theory as opposed to detailing what it will require landowners to do in order to ensure threatened and endangered species are protected. The only real information offered about the practices University has employed since it has acquired the easements is a short paragraph featuring the lease for the Fagundes Dairy (Appendix B, page 7 – Recent Use 3.2). There is no analysis as to whether or not dairy cattle are the best grazers for the resources; this information is just dumped in and completely isolated from the recent research sited in the document on best grazing practices for conservation of vernal pool wetlands. Finally, page 7-3 of the Compensatory Wetland Mitigation and Monitoring Plan and page A-5 and A-6 of the "Management Plan for Tier 2 Conservation Lands…" defer responsibility to the California Rangeland Trust and The Nature Conservancy for ensuring proper monitoring and legal compliance. Again, five or more years after these easements were created we are still looking at "future action" without any public mechanism for enforcement. To quote: 10

> *If* monitoring of Tier 2 Conservation Lands identifies non Compliance with easement terms that is likely or dem-onstrated to cause detrimental effects on species of conservation concern, *TNC and CRT should* work directly with landowners or *take other actions as necessary* to achieve compliance. (italics ours, A-5)

We do not view this as legal or adequate.

It is interesting to note that in the same section, page 7-4 of the CWMMP, there is a statement indicating that the University of California, Merced, "*will*" be responsible for preparing and submitting annual monitoring reports. It is relevant to point out that this responsibility/requirement was discussed in the 2002 BO, but presumably no reporting has taken place since these easements were established five or more years ago. The lack of transparency thus far bodes ill for future reporting, if this final permit is granted. 11

"The Compensatory Wetland Management and Monitoring Plan (CWMMP)" is a plan to make a plan. This critically important document is also buried in the Appendix. Once again, the University of California has had five years to figure this out. It has had a major incentive to meet the BO, but, it has chosen to rely on future deferrals. Given the eloquent descriptions of the irreplaceable and pristine vernal pool wetlands in the 2002 BO, the public has the right and expectation to demand that a

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404 permit cannot be issued until actual (as opposed to theoretical) monitoring, management, endowments, and restoration plans are presented for review. Instead, we are told that this plan will be followed by a "final" CWMMP. We are also informed that "Community South" is not included in this preliminary analysis as the lands in this section of the UCP are privately owned. 11

The barriers, fences recommended in the BO are trampled (page 27) by the establishment of a new "perimeter road." This road, rather than serving as a barrier to sensitive wetlands, will encourage human encroachment on the lands the University is claiming to protect. 12

Other deferrals: Easements for over 3,000 acres of "CST lands" are to take place at some future point with no assurances that the easements will be procured and that the proper, legal, management and monitoring will take place. The Campus Land Reserve is not labeled in a highly misleading fashion. This area – along with its innumerable and valuable natural resources -- is being held by UC for future development and not examined as part of the current project for its ultimate, intended urban uses. These impacts are not analyzed in this EIR/EIS. Moreover, the fate of a sensitive resource area that is owned by the County which features "An Aquatic Resource of Natural Importance" can't be determined by this project EIR/EIS (see page 45, Water Division, EPA comments). Ongoing public education to 13

UC has been lauded as an environmental model – yet it has not undertaken this role for the protection of the valuable lands in Eastern Merced County. The Biological Opinion is also very detailed in assigning critical importance to the shared responsibility by the City, the County, and the University in protecting lands in this region. The BO is also very clear about the need for connectivity for the ultimate survival of all of the threatened and endangered species placed at risk by this project (see pages 108-111). Yet, connectivity can only guaranteed when there are Memorandums of Understanding and enforceable agreements among the University and local land use agencies not only exist, but are honored. Moreover, since ground has broken, the University has abdicated its responsibility as steward of the habitat in Eastern Merced County. We have a six year track record available to analyze. There are no MOU's between the County and the University at this juncture to ensure that this project's reliance on County processes is warranted. The wording in Cumulative Impact Mitigation Measure AG-1, Volume I and Cumulative Impact 5.0.5, Volume II) ring hollow with six years of illegal takes, parcelization of agricultural land under the General Rule exemption, and discretionary approval of residential development throughout unincorporated Merced County with no 14

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objection or intervention by the state . The state has taken "a hands off" approach with respect to engaging local land use authorities in order to strengthen its commitment to natural resources in the region. Nearly 10,000 acres in Eastern Merced County have been converted from rangeland to farming or urban uses (see Conservation Strategy and CWMMP), further eroding and fragmenting the rich vernal pool habitat in Eastern Merced County. Yet, the University has not participated in the General Plan update for the County. It has not taken responsibility for ensuring that its Conservation Strategy is protected through the policies adopted by the local land use authorities (City and County of Merced). Merced County has seen a dramatic increase in discretionary approvals to convert agricultural lands to productive agriculture and rural ranchettes, and yet silence from the state. A grading ordinance would go a long way to stem the conversion of rangelands in the County with high natural resource values, but there is no visible political presence to support progressive policies that would actually work to stem agriculture to agriculture conversions and the agriculture to urban conversions bemoaned in the Conservation Strategy and of major concern in the BO. In this DEIR/DEIS, the University defers these responsibilities to a County that has routinely ignored this BO and has no respect for natural resources. 14

There is no joint policy, MOU, or University engagement in the current General Plan Update process that indicates any past or future coordination to prevent further fragmentation of the pristine vernal pool wetlands or agriculture in this region. This is further supported by the letter submitted by the Special Programs Director for Merced County. His letter makes clear that the County is under no obligation or to quote: "is not compelled to approve the same plans and boundaries as the Regents and/or the Corps. It should also be recognized that the separate EIR that will be certified by the County before acting upon the General Plan Amendment may present different and/or additional environmental impacts and conclusions than those that are presented to the Regents in the LRDP EIR and to the Corps in the 404 Environmental Impact Statement (EIS)." It is relevant to also note that there is no mention of the current General Plan Update – one that is nearly 20 years overdue for our local community.

The County website for the University was last updated on August 13, 2004 (over four years ago). 15

There is only one other letter from a County official (signed as a representative for the San Joaquin Valley Regional Association of County Governments). This NOP comment letter is clearly focused on the very capable efforts of the University in wooing local officials with

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social events. There is nothing close to the type of critical analysis one would expect of local leaders in analyzing the very serious impacts associated to the NOP and this project. 15

We also question the role and the potential conflict of interest associated to the Great Valley Center's championing of a Valley-wide, "regional" planning process (the Governor's Blueprint and the Governor's Partnership for the San Joaquin Valley). The Great Valley Center (GVC) is now part of the University of California. The GVC has assumed a lead role in advancing a process that promises to leap-frog over a transparent, local planning process as required under California and federal law. This relationship has definite environmental and resource impacts that have not been analyzed in these documents. 16

This lack of engagement and coordination with local land use agencies has been consistent across the board: Water; Wastewater; Air; and Transportation: Coordinated plans with enforceable mitigated measures for an integrated infrastructure are non-existent. Each draft or final EIR has been brought forward as a project, separate and independent of the University. This has been true for all major infrastructure proposed in our County which will ultimately benefit the University, at the expense of resources needed to benefit the residents of Merced County -- (Campus Parkway, the Atwater-Merced Expressway, MAGPI, and the Merced City Sewer). 17

IV. Conversion of Farmland, Impacts to Agriculture and Agricultural Mitigation:

There is no agricultural mitigation policy. To date, the state and the local land use authority have not yet developed a policy to mitigate. In lieu fees are not adequate and neither is a 1:1 ratio. We do not agree with the conclusion reached on page 4.2-3, Volume I, that there is no point in mitigating for farmland of importance for the Community North and South as easements already exist. Productive agriculture and rangeland are not one in the same. The LESA standards relied on in the analysis of agriculture impacts also ignores these critical important distinctions. 18

The University should not be allowed to move forward until a transparent agricultural mitigation policy is vetted and approved which at minimum offers options for a meaningful mitigation of the agricultural losses caused by the project and growth inducing impacts to the entire region.

V. Social Justice/Need?

To discuss this project in the current economic environment without addressing NEED is to further subject this community to economic and resource degradation that is far beyond 19 unconscionable. Mercedians have been whip-sawed by a speculative housing boom that has indeed gone bust. Our boom was fueled by the growth inducing impacts of the University of California. The social justice impacts of this have yet to be properly analyzed and mitigated. According to Realty Trac, in 1997, 65% of Mercedians earning the median income could afford a home. By 2005, that number was well below 5%. These numbers have now adjusted, somewhat. In the meantime, Mercedians have been left bankrupt and destitute having had to walk away from a home with debt that superseded its value or having been forced out of their homes by foreclosure. Those who have held on to their investment are surrounded by vacant houses and homeless residents. Rental signs abound. Section 8 housing attempts to mitigate for the loss of overbuilt residential developments and where remaining owners have overpaid for a master built community that never manifested. Now, the University is proposing to leap frog beyond the economic and social chaos it created at a very steep cost of our remaining and irreplaceable natural resources. 19

VI. Taxpayers are subsidizing the University of California, Merced, at the expense of critically needed services and infrastructure:

Taxpayers are subsidizing student enrollment at the cost of providing essential infrastructure to meet critical needs – both in terms of providing essential support to our community colleges (Merced College), CSU (Fresno and Stanislaus State), and other UC campuses. Moreover, vital infrastructure for current residents is non- existent (see above information). Campus Parkway and the Atwater-Merced Expressway will cost taxpayers nearly $450,000,000, yet the University of California has contributed approximately $150,000 to mitigate these very real costs – this at a time, when our economy is in free fall and our state is struggling to find funds to pay for essential services (see *Merced Sun-Star* cover story, November 25, 2008). 20

VII. Additional Concerns:

Water:

There is no water. A New Town in Eastern Merced County is the antithesis of what is needed as we face water shortages locally and throughout the state. The foothills that surround the current campus recharge the water for the basin and provide our community with its groundwater. This is our watershed and it should not be sacrificed. Water is a critical need in short supply, housing in Merced County is not. The UC has chosen to absent itself from key local planning processes. The current effort to create a new hydrologic model and a new water supply plan through local agency processes has been done without University involvement. 21

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Hazardous Waste:

The mission of the University has shifted since its inception. It is disingenuous to indicate that a research institution will not produce significant hazardous waste. This impact is not properly analyzed. The University is situated at the epicenter of our watershed – affecting not only the supply, but quality of our groundwater. The University has not factored in the potential impacts to groundwater and our watershed, given its research mandate, and the current Memorandum of Understanding with Lawrence Berkeley, Lawrence Livermore, and the Los Alamos National Laboratories. Moreover, the University has not addressed storm-water run-off which will likely impact Merced communities contributing to the very real potential for groundwater contamination with the dramatic increase in impervious surfaces proposed by this project. Finally, a wastewater treatment plant is contemplated, but not fully analyzed in this report (2.0, 25-, 26, Volume I). This proposal would serve to further jeopardize Merced County's potable water. How is the public to analyze the environmental impacts associated to the possibility of UC moving forward with its own wastewater treatment plant atop our watershed? 22

Open Space Parking Lots:

The infamous make shift and illegal parking lot on corner of Lake Road and Bellevue Road has created has encroached on open space that at one time was proposed as mitigation for the San Joaquin Valley Kit Fox. 23

We appreciate your consideration and request that the University withdraw this DEIR/DEIS until the conditions listed in paragraph one of this letter are met. 24

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Finally, we reserve the right to continue to make comments throughout this process per federal law under NEPA. We would also expect that a world class institution, committed to advancing higher education, would be more than willing to allow more than the 10 day period legally mandated for public and agency comment, once the Final EIR/EIS is published (in the event the current DEIR /DEIS is not withdrawn). 25

Sincerely,

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Response to Comment Letter ORG-4

Response to Comment ORG-4-1

The comment expressing opposition to the issuance of a Section 404 permit for the Proposed Action is noted.

Response to Comment ORG-4-2

The organization of the Draft EIS/EIR follows the direction provided by NEPA. Because of the sheer volume of information that needs to be included in a joint NEPA/CEQA document to address the requirements of both laws, these joint documents very often involve multiple volumes. This Draft EIS/EIR is not unique in that respect. The Draft EIS/EIR presents the environmental impacts of the Proposed Action (full buildout of the campus and the University Community) in Volumes 1 and 2, with the third volume focused on the project-specific impacts of the next phase of campus development.

The Draft EIS/EIR clearly identifies all the sections included in each volume in the table of contents which is included in each of the three volumes. In addition, the organization of the Draft EIS/EIR is also provided on pages 1.0-23 and -24 in Section 1.0, Introduction (Volume 1) with a view to inform the reader about the sections that make up the Draft EIS/EIR. Page 1.0-24 also informs the reader that the appendices are provided on a CD located in the back cover of Volume 2.

Page x (Roman numeral ten) in the Table of Contents lists titles of all the documents that are included in the appendices. The Environmental Checklist (presumably this is a reference to the checklist included in Appendix G of the *State CEQA Guidelines*) does not need to be included in an EIR and is therefore not included in this document, although as stated throughout the resource sections, the standards of significance used in this EIS/EIR were derived from the CEQA Environmental Checklist, supplemented with additional standards of significance as appropriate.

The environmental resource topic of Hazardous Materials is addressed in Section 4.7 in Volume 1. Please see page iii in the Table of Contents which lists this section and its various subsections along with page numbers to assist the reader in locating this section in the Draft EIS/EIR. Table ES-1 in the Executive Summary presents the impacts of the Proposed Action, and for those impacts that are determined to be significant, it also presents the proposed mitigation measures. The impact statements, impact conclusions, and mitigation measures in Table ES-1 are completely consistent with the detailed analysis presented in Section 4.0.

Please review Section 2.0, Project Description in Volume 1 as that section clearly explains the differences between the previously approved 2002 LRDP and the 2009 LRDP, and the differences between the previously approved 2004 UCP and the currently proposed (revised) UCP. That section also contains Table 2.0-1 (on page 2.0-11 in Volume 1) which highlights these differences between previous and current proposals, and also contains graphics showing the previously approved plans and the currently proposed plans (see Figures 2.0-3 and 2.0-4 for previous and current campus land use maps). The terms used to distinguish the current proposals from the previous plans for the campus and the University Community are clearly defined in Section 2.0 and used consistently throughout the Draft EIS/EIR.

The definition of terms (terminology) presented in the Conservation Strategy in the appendix is applicable only to that document and is not intended for the three main volumes of the Draft EIS/EIR. Acronyms and abbreviations used in the three volumes are presented in Section 9.0 of Volume 2.

The comment is correct that the copy of the 2002 Biological Opinion in the CD appendix inadvertently omitted four figures. These figures are available upon request from the USACE and the University.

For all of the reasons presented above, recirculation of the EIS/EIR is not required.

Response to Comment ORG-4-3

The comment regarding the adoption of an Environmental Checklist by the University is unclear. As noted above, the standards of significance used in this EIS/EIR were derived from the CEQA Environmental Checklist, supplemented with additional standards of significance as appropriate.

Response to Comment ORG-4-4

Section 4.8, Hydrology and Water Quality and Section 5.0, Cumulative Impacts of the Draft EIS/EIR provide a detailed analysis of the Proposed Action's direct and cumulative impact on water supply. Water would be provided to the Campus and the University Community by the City of Merced in the event that the project site is annexed into the city or would be provided by on-site wells to be developed by the County if the area is not annexed. Please see pages 4.8-39 through -43, pages 5.0-32 through -37, and pages 5.0-48 through 5.0-53 in Volume 2.

The discussion of Impacts HYD-5, HYD-6, and HYD-7 in the Draft EIS/EIR is based on analysis of the site characteristics, elements of the Proposed Action designed to control stormwater runoff, and federal permitting requirements.

Cumulative Mitigation Measure HYD-3a requires the University to support the Merced Area Groundwater Pool Interests (MAGPI)'s effort in pursuing cooperative agreements with state and local agencies for expanding the basin's conjunctive use capabilities. Cumulative Mitigation Measure HYD-3b suggests that the City of Merced adopt a water conservation program. Cumulative Mitigation Measure HYD-3c requires the University to implement an aggressive water conservation program. Despite these mitigation measures, the Proposed Action will have a significant and unavoidable impact on groundwater supplies.

Response to Comment ORG-4-5

The Draft EIS/EIR addresses alternatives considered but not carried forth for detailed analysis at pages 3.0-11 to 3.0-14, and in greater detail at Appendix 3.0, Supplemental Alternatives Analysis. The alternatives that were considered and not carried forward in the Draft EIS/EIR included the Downtown Merced Alternative and the Infill Alternative. These two alternatives were not carried forward, as explained in the Draft EIS/EIR, because they would each result in significant environmental impacts and fail to satisfy the project purposes.

Response to Comment ORG-4-6

The comment describes events and patterns that are not related to the Proposed Action. Please see **Master Response No. 1**. Cumulative impacts of the Proposed Action are presented in Section 5.0 in Volume 2 of the Draft EIS/EIR. The 60-page section addresses a total of 22 separate cumulative impacts involving a total of 16 resource topics. Growth inducing impacts are presented in Section 6.0 in Volume 2. The analysis presents the total direct, indirect and induced growth related to the development of the proposed campus at Merced.

Response to Comment ORG-4-7

Illegal takes are discussed in Section 5.3.4 (Biological Resources) of the EIS/EIR under Cumulative Impact BIO-5. Specifically, the EIS/EIR describes the substantial amount of wetland acreage in eastern Merced County that has already been filled in conjunction with past development, with the primary threat to vernal pool habitat being conversion to agriculture beginning around the mid-1800s.

Response to Comment ORG-4-8

The RMP was prepared in 2002 prior to the preparation of the 2002 BO. The 2002 Biological Assessment (BA) and 2002 Biological Opinion (BO) incorporated the RMP commitments as a part of the UC Merced Project Description. The BO called for developing several more detailed plans to implement the commitments of the RMP. These requirements were met though development of a set of documents, prepared through extensive involvement of regulatory agencies and interested stakeholders, which were adopted as part of the project. These documents include the *Conservation Strategy*, *Management Plan for Conservation Lands*, and *Compensatory Wetland Mitigation and Monitoring Plan*. The Draft EIS/EIR evaluates the RMP and these other documents as part of the Proposed Action.

Although a Draft EIS/EIR is not required to respond to scoping comments, it is also noted that no comments regarding the RMP were received during scoping for the Draft EIS/EIR.

Response to Comment ORG-4-9

Contrary to the comment, the requirements of the 2002 Biological Opinion (BO) have not been ignored or deferred. The 2002 BO specified that a set of parameters would be achieved "in many instances" by complying with a set of Conservation Measures, which were initially proposed by the University as environmental commitments in the 2002 BA and carried forward into the BO. Parameter 1 of the 2002 BO required the development of a Conservation Strategy approved by USFWS that addresses applicable requirements of the Federal ESA.

In compliance with Parameter 1, the University has prepared a Conservation Strategy (full text included in the Draft EIS/EIR as Appendix 2.0-3). The *Conservation Strategy* focuses on the ecology, distribution of, and threats to 13 species of highest conservation concern in the project region. In addition to the development and implementation of a *Conservation Strategy*, the 2002 BO requires the development and implementation of specific mitigation and management plans, including:

- Compensatory Wetland Mitigation and Monitoring Plan (CWMMP) – The University has prepared and submitted to the USACE for their review and approval a detailed *Compensatory Wetland Mitigation and Monitoring Plan* for on-site and off-site wetland preservation, enhancement, and restoration efforts. The full text of the CWMMP is included in the Draft EIS/EIR as Appendix 2.0-4.

- Resource Mitigation Plan (RMP) for the Campus and Management Plan for Conservation Lands – The University prepared the *Resource Mitigation Plan for Federally Listed Species that May be Affected by the Establishment of the University of California, Merced* dated February 2002 and the *Management Plan for Conservation Lands and the Adjacent Campus Buildout for the University of California, Merced* dated September 2008. The full text of the RMP and the Management Plan for Conservation Lands is included in the Draft EIS/EIR as Appendices 2.0-5 and 2.0-1, respectively.

Response to Comment ORG-4-10

The provisions of the conservation easements that address protections of the Conservation Lands and associated resources are summarized in the Management Plan for Conservation Lands, all of which are available for review from the University and will be included as an appendix in the final management plan. Conservation easements are one of the mechanisms used to address the impacts of the Proposed

Action. The primary value of conservation easements is to prevent changes in land uses that would reduce habitat values.

The BO recognizes and requires that a variety of measures be employed to mitigate project impacts. In addition to protecting lands and their resources through conservation easements (i.e., on "Tier 2" lands), the University has committed to and is implementing a variety of other actions, including acquisition in fee title and conservation management of the UC Merced Conservation Lands (VST Preserve, CNR, and Myers Easterly lands) as outlined in the Management Plan for Conservation Lands, acquisition by TNC of the CST lands, and acquisition of suitable lands and implementation of the CWMMP.

The comment is correct that there are relatively few management requirements for the Tier 2 easement lands. The conservation value of the Tier 2 easements is the prevention of future changes in land use that might otherwise occur. Also, there is general consensus (among the regulatory agencies, the University, and a number of the non-governmental organization (NGO) representatives) that maintenance of the existing grazing operations, which have produced the current desirable conditions on these lands for sensitive species, is the appropriate management regime. Therefore, there is not a need or option to establish or require changes in management. Responsibility for easement monitoring and compliance has been assigned to the easement holders, TNC and the California Rangeland Trust, which were selected by the California Wildlife Conservation Board (WCB) with the concurrence of the resource agencies, as proven easement administrators.

The University does not agree with the characterization that the Grazing Management Plan (GMP) in the Management Plan for Conservation Lands addresses landowner requirements only "in theory." The GMP appropriately addresses the primary mechanisms by which grasslands and vernal pools may be affected by grazing use: the season of use and livestock numbers and distribution.

Finally, the characterizations of the easement holders' roles in enforcing compliance with easement terms are correctly stated. As noted above, this responsibility was intentionally assigned to them by the WCB, with regulatory-agency concurrence.

Response to Comment ORG-4-11

Regarding the comment about monitoring and reporting requirements and responsibilities, monitoring and reporting is a requirement of the project, if and when it is approved. There is no current requirement to implement and report on mitigation for the Proposed Action before it is approved. The University has implemented management actions consistent with its Phase 1 requirements, and is managing the UC Merced Conservation Lands (Tier 1a properties) in a manner consistent with most aspects of the management plan during the interim period prior to a decision on project approval. If the project were not to be approved, the management specifications in the BO and supporting documents, beyond those already irrevocably enacted (such as enforcement of terms of executed conservation easements), would not be implemented.

Notably, there is no reporting requirement for monitoring of existing conservation easements on Tier 2 lands. TNC and CRT are responsible for monitoring and enforcement of these easements. Extensive monitoring and reporting will be required for the UC Merced Conservation Lands (Tier 1a properties), including the VST Preserve and Myers Easterly, which are currently under easements, and the CNR, which is required to have an easement following project approval. Reporting for the UC Merced Conservation Lands will be required only if, and when, the Proposed Action is approved

With regards to the comment about Community South not being included in the preliminary analysis because the lands are privately owned, while it is accurate that the Community South portion of the University Community is privately owned by LWH Farms, it was included in the Proposed Action and was analyzed for its environmental impacts.

The University and the UCLC have submitted a Clean Water Act Section 404 permit application to the USACE for permission to fill wetlands present on the proposed campus site and in Community North, and a Section 404 permit application has not been filed for Community South. If necessary, LWH Farms would submit a separate 404 permit application for development of their lands and would undergo separate supplemental ESA Section 7 consultation at that time, which would also be tiered from the 2002 BO.

However, because Community South is a connected action to the UC Merced Campus and Community North and because the UC Regents, as part of the Proposed Action, plans to execute an MOU between the University, UCLC, and LWH Farms, LLC, to facilitate the coordinated development of the University Community, including the Community South portion (Section 2.0, Project Description), Community South is considered part of the Proposed Action and the Project Site for purposes of review in the Draft EIS/EIR and associated Supplemental Alternatives Analysis (Appendix 3.0 of the Draft EIS/EIR). In conclusion, Community South is acknowledged in the Draft EIS/EIR to be part of the Proposed Action, and its environmental impacts are analyzed in the Draft EIS/EIR.

Response to Comment ORG-4-12

The University consulted with the regulatory agencies and NGO representatives regarding the best uses of lands near the perimeter of the Campus and University Community. These entities recommended that a perimeter roadway would provide the best basis for discouraging and monitoring potential trespass into Conservation Lands. Trespass would be more likely if land uses adjacent to the border (i.e., housing immediately adjacent) were not as visible for patrol and enforcement. In addition, the Campus will be designed to include perimeter fencing to discourage human disturbance of adjacent habitat areas and to exclude wildlife from the campus site that may be occupying areas adjacent to the project area.

Response to Comment ORG-4-13

The comment states that easements for "CST lands" are being deferred and there are no assurances that the easements will be acquired and managed.

As described in the Draft EIS/EIR, Conservation Lands (shown on Figure 2.0-11 Conservation Lands for the UC Merced Project and Table 2.0-13, Conservation Lands, of the EIS/EIR) are generally divided into two categories: Tier 1 properties (the VST Preserve, Cyril Smith Trust [CST] property, Myers Easterly, and CNR) and Tier 2 properties (Robinson, Chance, Cunningham, Carlson, and Nelson properties). Tier 1 properties are owned in fee title by UC Merced, The Nature Conservancy (TNC), and the UCLC, and are adjacent to the proposed UC Merced Campus. Tier 2 properties have been placed under conservation easements held by either the California Rangeland Trust (CRT) or TNC.

The CST property has already been acquired in fee title by TNC and under conservation ownership. Conservation Lands acquired in connection with the Proposed Action encompass a substantial portion of sensitive habitats in the project region. A total of 6,428 acres of lands (CNR, Myers Easterly, and VST) have been acquired in fee title by UC Merced or UCLC and have been dedicated to conservation management. These lands, in concert with CST and the Tier 2 properties, have conserved a total of over 26,000 acres, or more than one-eighth of the remaining unconverted land in the project region.

With regard to the comment that it is misleading that the Campus Land Reserve is "not labeled" in the Draft EIS/EIR, the Proposed Action consolidates the UC Merced Campus and its reserve development capacity onto 815 acres, eliminating entirely the 340-acre Campus Land Reserve (CLR) included in the original 2002 application as a contingency against long-term future needs (shown in Table 2.0-1, Changes in the UC Merced LRDP and UCP, of the Draft EIS/EIR). Under the revised Long Range Development Plan, the former CLR lands are part of the Campus Natural Reserve (CNR). The EIS/EIR describes the CNR as open space to the northeast of the campus, which would be placed under a conservation easement, maintained permanently in an undeveloped state, and dedicated to scientific research and education. The Proposed Action's elimination of the 340-acre potentially developable CLR has resulted in the avoidance of impacts to approximately 75 acres of jurisdictional waters located within the former CLR lands.

Regarding the concern about the sensitive resource area that is considered by the USEPA as an Aquatic Resource of National Importance, the reader is referred to **Response to Comment FA-1-1**.

Response to Comment ORG-4-14

The University has been fulfilling all of its commitments under the 2002 Biological Opinion (BO). The 2002 BO required the preparation of a Conservation Strategy (CS) which the University has completed (the Proposed CS is included in the Draft EIS/EIR appendices). The 2002 BO required the University to protect and manage tracts of land for the conservation and enhancement of biological resources. The University has committed to preserve vernal-pool dominated grasslands in eastern Merced County at a mitigation ratio of 10 to 1, and acquired and placed approximately 26,645 acres of lands in eastern Merced County under conservation easements (see pages 2.0-58 and -59 and Figure 2.0-11 in Volume 1). The CS includes specific measures for ensuring that connectivity between habitat areas used by species such as the San Joaquin kit fox is maintained. Regarding the request that the University enter into MOUs with the County as described in the comment, such an action is not required by CEQA. With respect to reliance on the County to fulfill its commitments under the 2002 BO with respect to the University Community, please see pages 2.0-59 and -60 which list UCP policies that are directly linked to the conditions in the CS for the University Community. By requiring all development in the University Community to comply with these policies, the County will fulfill its commitments under the 2002 BO.

Neither the USACE nor the University has any specific information about illegal takes, parcelization of agricultural land under the General Rule exemption, or discretionary approvals of housing development in unincorporated Merced County mentioned in the comment. The loss of habitat due to conversion of range land to agricultural or urban uses is addressed in Cumulative Impact BIO-1. While the University as a state entity can and will work with local agencies to minimize any incremental losses of habitat or agricultural lands, it cannot interfere with the land use authority of local jurisdictions. The exclusive authority of regulating land uses outside the Campus is with other jurisdictions.

Response to Comment ORG-4-15

The comment is noted.

Response to Comment ORG-4-16

The fact that the Great Valley Center is part of the University of California is not relevant to the environmental impacts of the Proposed Action, and therefore no analysis in this EIS/EIR is required.

Response to Comment ORG-4-17

The University has been working with the County and the City since the time that eastern Merced County was selected as the area where the 10th UC campus would be sited. All local agencies (the County, City, and MAGPI are mentioned in the comment) have been following the progress of the UC Merced project closely and have been coordinating their planning efforts with the University. The comment questions why certain infrastructure projects have been analyzed by the local agencies as projects independent of the University. A review of the environmental documents for these projects as those documents shows that these projects are required with and without the new campus – that is the projects have independent utility. Please note that the Campus Parkway and the Atwater-Merced Expressway were included in the evaluation of the traffic impacts of the Proposed Action (see Section 4.13, Transportation and Traffic, in Volume 1). To the extent the Proposed Action will result in impacts to these or other planned facilities, the Proposed Action will pay its proportional share of the cost of improvements or the proportional share of the cost of environmental mitigation (as appropriate).

Response to Comment ORG-4-18

Please see pages 4.2-28 and -29 in Volume 1 which explain why the impact on Important Farmland from the development of the Campus and Community North is considered less than significant. The development of the Campus will convert about 24 acres of Important Farmland and development of Community North will convert about 55 acres. For both areas, the total affected acreage would be 79 acres. However, the affected land has never been cultivated. Furthermore, the conservation lands that have been secured and placed under conservation easements by the University contain 69 acres of Prime Farmland and 1 acre of Unique Farmland which would also be preserved in these uses as a result of the conservation easements. Therefore the Draft EIS/EIR concludes that the impact of Campus and Community North development on Important Farmland would be less than significant. Given that the Campus will not significantly affect Important Farmland, the University will not be developing an agricultural mitigation policy. With respect to conversion of Important Farmland from the development of Community South in particular and the entire University Community in general, the Draft EIS/EIR includes Mitigation Measure AG-1 which requires developers within the University Community to mitigate the loss of Important Farmland by securing agricultural easements on comparable farmland at a minimum ratio of 1:1 prior to the development of any portion of the University Community site. The Draft EIS/EIR notes that it is anticipated that UCP Policy A 2.1 will be evaluated by the County for revisions. If a revised policy is adopted that is as stringent as the mitigation measure, then developers with projects within the University Community will comply with the policy and no other mitigation would be required.

Please refer to pages 4.2-22 through 4.2-24 in Volume 1 which present the methodology involved in the LESA model. As that text shows, the LESA model gives higher weight to soil types that are capable of supporting crops versus rangeland.

The remainder of the comment asking that the project not be allowed to proceed is noted. Please see Section 6.0, Growth Inducing Impacts which presents an evaluation of the Proposed Action's growth inducing effects and Section 5.0, Cumulative Impacts where the cumulative effects of the Proposed Action and the rest of the projected growth in the region on agricultural resources are evaluated and mitigation is provided for the significant cumulative impact.

Response to Comment ORG-4-19

Please refer to **Master Response No. 1** and **Master Response No. 2.**

Response to Comment ORG-4-20

The comment does not relate to the environmental impacts of the Proposed Action as defined by CEQA/NEPA; therefore, a response is not required.

Response to Comment ORG-4-21

Please see **Master Response No. 3, Water Supply Impacts**.

Response to Comment ORG-4-22

Please see the analysis of impacts related to hazardous materials on the campus in Section 4.7, Hazardous Materials and Public Safety. Given the types of research envisioned to take place on the campus and the regulatory environment in which the use of hazardous materials would occur, the potential to release hazardous materials to the environment, especially into the local groundwater aquifer, is low. Please specifically see Impact HAZ-1 on pages 4.7-12 through 4.7-18 (Volume 1) which provides an exhaustive analysis of the types of materials involved and the regulatory controls that would ensure that the environment and the public are not adversely affected by the hazardous materials use on the campus.

The impacts of the Proposed Action on groundwater and surface water are addressed in Section 4.8, Hydrology and Water Quality, in Volume 2 of the Draft EIS/EIR. The impacts of campus stormwater on surface and groundwater quality are addressed in Impacts HYD-2, HYD-3, and HYD-7. Impact related to the development of an on-site wastewater treatment plant is addressed under Impact HYD-1.

Response to Comment ORG-4-23

The "illegal parking lot at the corner of Lake Road and Bellevue Road" referred to in this comment was not a University-owned or –managed parking lot. As of the writing of this response, a fence has been installed around the parcel to preclude parking of automobiles.

Response to Comment ORG-4-24

The comment is noted.

Response to Comment ORG-4-25

The comment is noted.

UC Merced and University Community Project Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIR/DEIS) Public Notice SPK-1999-00203, SCH No. 2008041009

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RE: UC Merced and University Community Project Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIR/DEIS) Public Notice SPK-1999-00203, SCH No. 2008041009

To begin, we would like to take this opportunity to congratulate UC lawyers and consultants for producing a DEIR/DEIS which, based on a decade of experience of reading DEIR/DEIS's in Merced County, is the most hostile to public understanding we have yet encountered.

We have filed six lawsuits against the manifold violations of law entailed in the UC Merced project. We have won half of them. In the course of watching the development of this anchor tenant for a speculative land boom, we observed the deep involvement of UC lobbyists in the plans of the corrupt Rep. Pombo, Rep. Cardoza, and the now exposed and investigated Assistant Secretary of the Department of Interior, Julia MacDonald, in plans to gut the Endangered Species Act and the Critical Habitat Designation for the benefit of UC Merced special interests.

Nevertheless, a few comments from the local public that have been and will be further impacted aesthetically, environmentally, economically, in terms of water quality and quantity, in terms of wildlife habitat for endangered species, and socially from this misplaced campus, the object of so much greed from the finance, insurance and real estate special interests that designed it and in whose name this county has been made nationally infamous for our rate of foreclosure. But then, why complain to the UC regents about that? You are those special interests. If the campus had been located in Fresno, where UC was donated land for a campus decades ago, much of the torture of law and logic and illegal political pressure on agencies on behalf of special interests might have been avoided.

We offer these comments at random, following the random organization of the DEIR/DEIS. Ordinarily, the public tries to make comments in an orderly way with bullet points and a coherent narrative. In this case, given the incomprehensible nature of this DEIR/DEIS and its manifold contradictions from section to section, we restrict ourselves to notes per sections of the document, in some cases attempting to summarize statements of great obscurity.

Project description: ES.3
Now, UC proposes to purchase land (Myers) from the UCLC. But, it hasn't. So, this project description is based on property it doesn't yet own and an MOU yet to be agreed to between UCLC and Hunt. What does the MOU give them that they don't have now? EIR/EIS lead agency, UC Regents, not county. 1
Also, there is latitude in the writing of MOUs. Is the public, whose aesthetic, natural resource, economic and social environment is being impacted by this unnecessary new town permitted to inquire about the possible terms of these proposed MOUs or are they to be proprietary documents of the Regents and their partners? This sort of institutional arrogance, with which the California public is very aware from UC, remains unacceptable, despite its mindless repetition, so similar to the rest of its propaganda.

ES.4 Serve historically underrepresented populations.
By confession of no less an authority than Carol Tomlinson-Keasey, first chancellor there is no empirical evidence that proximity equals service. There is however a great deal of evidence, lying all over the outskirts of the City of Merced, that proximity to the UC campus equals an increase in Density of urban growth.

As local residents, our observations of this "service" are as follows: 2

- We observe the must highly subsidized population of UC students in the UC system; barely half, if that, come from the Valley;
- The university has failed to analyze where faculty, TAs (for example, contract TAs from CSU Fresno) staff, students, and construction workers actually live, how many commute, and that impact on the local environment and greenhouse gases.

Promote regional harmony? When has that ever happened in the Valley? The vitality of the Valley is based on conflict, not harmony, and it has always been that way. The 3
lawyers and consultants who wrote this thing have no sense of the history of the San

2

Joaquin Valley. The local public remains certain that the regents share that fashionable ignorance. 3

Why is it a goal to provide 100 percent of "UC-generated" growth on campus? This policy was stillborn the day the campus was a done deal and now there is excess housing lying all over Merced. There is no need for the UCP. It is just one more drug on the local housing and commercial strip mall market. What would have been interesting research by 4
the UC lawyers and consultants would have been some estimate of when Merced and surrounding Valley counties will get out of this economic depression. Planning for development as if the present economic crisis does not exist represents an intellectual level that, in less corrupt times, would not be considered respectable for UC or any serious institution of the higher learning.

ES.7
Alt. 11 - Proposed Action
26,600 acres acquired for conservation easements? Unsupportable. Easements lack endowments and monitoring plans and funds. There has been a need for compensatory mitigation (restoration and creation of vernal pools) for five years and now there seems to 5
be a plan to make a plan to do it.

We argue that UC should put all the land it owns in Merced County in an irrevocable trust or some other binding legal status that prevents UC from selling it, as UC sold Kearney Park in Fresno County, which was donated to UC for a campus.

The "service" of UC Merced has been real estate development, not education.
What use to Valley of a famous professor of coral reefs? The Valley is not known for its 6
coral reefs. In fact, either is the California shoreline of the Pacific Ocean.

p. 1.0-19 Consultation meetings related to the proposed action:
As the UC administration knows, the one abiding purpose of this series of meetings was for UC attorneys to try to persuade NGOs to agree not to sue UC on this ridiculous document. Adding injury to this insult to discussions surrounding legal CEQA and NEPA issues, throughout the proceedings, Chancellor Kang refused to meet with the NGOs on 7
these issues. The combination of UC arrogance and local politicians' self- enrichment from the lucrative anchor tenant, this campus, is one of the more squalid and obvious political maneuvers we have ever seen. Private developers have been a great deal more intelligent on environmental issues.

Checklist
AQ1 -- only addresses construction impacts. 8
BIO 1 -- Commitments not valid. 9
BIO 7 -- The campus was built on top of hawk habitat. 10
BIO 9 -- Burrowing owl. Is this a plan to make a plan? Shouldn't they have already done surveys? 11

BIO 10 -- "vagrant SJKF?" Is that different from the federally listed highly endangered
San Joaquin Kit Fox? Is there an implication that the campus and the UCP are not on a 12
recognized range for the kit fox? If so, UC lawyers and consultants are in error.

cf p.4.4.134 "The County shall ensure..."
Is there any evidence in this EIR that the County has agreed to this? This, furthermore, 13
appears to be limited to Community South only, which requires two agreements not yet
made and about which the public may never have any information, in violation of CEQA.

CUL 1 --another plan to make a plan. 14
GEO 1 --Earthquake. 15
cf 4.6-2... One ("inactive") fault 15 miles away from campus. San Andreas 50 miles
away.
"No specific liquefaction hazard areas have been identified in Merced County; however,
this potential exists throughout the SJ Valley where unconsolidated sediments and a high
water table coincide (Merced Co. Planning Dept, 1989)" 16
4.6-9 Soils with moderate expansion potential are fairly common throughout the campus
site..." (not soft though, so allegedly won't cause settling, foundation cracking and toxic
molds)

GEO 2 -- another plan to make a plan. 17

HAZ -- with an MOU with LLNL, can the public be assured no hazardous material
transport? Can there be a "major research university" without hazardous waste and this 18
potential impact?
cf. p4.7-14: With this plan to make plans, UCM could probably set up a biowarfare lab at
least biosafety level 2 without further review. Given its MOU with LLNL, the public
rightly fears the possibility of a level- 4 lab in Merced County, given the successful
opposition of the public in both Davis and in Tracy in recent years. The public realizes 19
that UC has not given up on its plans for such a lab, containing the deadliest biological
agents known to man.

There is no mention of the now proposed medical center or the additional hazardous
waste such a facility would generate. 20

And, we note on p. 4.7-6 the following weasel language: "However, it is possible that
environmental conditions, such as non-permitted disposal sites, trash burn pits, wells or
other underground storage devices, may exist in the proposed UCM 2020 Project
development area that have not been reported or identified. The presence of any of these
types of sites or materials, either within or adjacent tot eh campus, could generate
conditions that could be hazardous to public health and the environment; this could create 21
a significant impact during construction of the campus." Blame it on construction
workers and past ag and golf-course use.
It is not insignificant to the environment that hazardous lab materials will be used on a
site that is uphill, in terms of the aquifer and storm water, from a city of 89,000 people.

The problem of hazardous waste gets even worst with the proposal of a medical center, not addressed in this DEIR/DEIS. 21

HYD -- same as above. 22
HYD 5-6-7-8: Dubious. What's the evidence? This is a plan to make plan? 23

LU -- The campus has already had grave impacts of planning and development, including numerous amendments to general plans associated with growth stimulated by UC Merced. 24

SOC 2 -- "Displacing substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere" is a phony impact, some cookie cutter thing from consultant land. See article below and many others we could generate on the housing situation in Merced:

12-27-08
Merced Sun-Star
Andy Krotik: Outlook not good for early 2009
Andy Krotik is sales manager of Coldwell Banker Gonella Realty in Atwater. Sources of information for this article were obtained by Gonella Realty research, CAR, NAR, DataQuick and Realty Server MLS. He writes every month.
http://www.mercedsunstar.com/115/v-print/story/611749.html
Real estate in its simplest form is supply and demand. That ingredient usually has the most impact on value. Although demand by buyers remains consistent, bank-owned properties just keep coming and coming.
Last month in Merced County there were 479 property sales. That's respectable activity for a county of just under a quarter-million people. The challenge: there were nearly an identical number of foreclosures, 470. Demand for housing locally has been consistent the last nine months, far exceeding 2007 numbers. 25
The number of bank foreclosures has also increased substantially when compared to November a year ago. Year-to-date there have been slightly more foreclosures in Merced County than property sales: 4,443 foreclosures, 4,427 closed property sales. I believe foreclosures will continue to outpace property sales in the first quarter of 2009.
Here's why:
On July 8 the state Legislature and Gov. Arnold Schwarzenegger enacted SB 1137. The new nine-page law was designed to protect property owners threatened by foreclosure. It comes with new noticing requirements, mandatory loan modification attempts and due diligence requirements by banks before they foreclose.
It's supposed to slow down bank takebacks. It was also coupled with a populist message by the governor asking for a temporary "moratorium" on foreclosures. Legislators may have outsmarted themselves, however, as many believe all they have done is pinched the hose.
Brace yourself -- another wave of foreclosures is coming. True, workout programs can benefit homeowners, but statistically 70 percent are back in default within six months.

Most believe this has simply delayed the inevitable. Fact is some people just don't want to own a property that's worth less than half of what they owe.
Some are simply making a business decision. That's not to say there aren't awful situations where a property owner truly gets in trouble. But to ignore the other component is naive.
In the end, the oversupply of repos has put downward pressure on prices, which have benefited first-time homebuyers. Currently, 69 percent of those making the median income can qualify for the median price of a home here in Merced County.
Some 85 percent of today's buyers are first-timers. They are getting fixed FHA loans. The other 15 percent are investors who are coming back into the market, swooping up what they feel are fair prices. In short, rentals pencil once again. If you can buy and hold, most feel in the end it might be a good investment. 25

Relief for renters in foreclosures is on the way. Fannie Mae announced Dec. 16 that renters who occupy properties being foreclosed on may soon have the option to lease directly from Fannie Mae. That's right -- the feds are indirectly getting into the landlord business. According to the recent announcement evictions, will be halted until Jan. 9. Final details are pending. Fannie Mae also offers relocation assistance to some renters trapped between the banks and the former owners.
Fannie Mae is also launching a new financing program to liquidate their dilapidated properties. Because so many properties are in tough shape, The Home Path Renovation Program which starts Jan. 5 will allow buyers to repair properties, with set-aside monies after close of escrow. Details can be found at www.homepath.com In short, Fannie Mae wants to reduce the amount in their inventory.
Monthly Tidbit: If you snooze, you lose. One of the biggest complaints I hear from first-time homebuyers these days is that their offer didn't get accepted because the bank received several offers. If you remember one fundamental fact about banks, it's this: Banks aren't in business to give buyers a good deal. They are in business to minimize losses, period. If there is more than one offer on a property, they will take their time deciding. They want a bidding war.
There are basically two ways to get a deal on a bank-owned property. First, be the first one to make a qualified offer, which includes documentation of your ability to get a loan, and provide evidence of down-payment funds.
It's not uncommon for properties in desirable areas to have several offers and to sell over the asking price. But if you're the only one making the offer, you're well-positioned. So act fast. if you like, write it up posthaste.
The other way to get a good deal usually comes in finding a property that has a less than desirable location, condition or if it's been on the market for an extended period of time. If the property doesn't qualify for typical financing, it can be ripe for a steal. More than ever, cash is king. It's not uncommon for banks to take a lower cash offer, instead of higher offer that requires the property and buyer to qualify.

TRANS 1 -- plan to study to make a plan. 26

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GCC -1 lays off environmental responsibility on local land use agency, but UC is creating the impact and according to ES. Regents must enter into MOU with UCLC and Hunts. So what is the force of this MOU? All right, no duty? 27

Cumulative impacts -- the first three, are significant and responsibility is put on local jurisdictions. 28

BIOs 1-2

Depend on the easements without monitoring or endowments, depend on UC's ability and willingness to renegotiate thousands of acres of "easements."

UC Merced does not have a protocol for dealing with wildlife that appears on campus, causing a fresh dilemma every time an animal shows up. Nor is there any coordination between the university and existing County plans. 29

UC Merced originally planned a low-use dirt road on the periphery of the campus adjoining highly sensitive, protected wildlife habitat land. This has been changed to a high-use road that will cause disturbance, damage and illegal take of protected species.

HYD 3 -- No evidence UC supports MAGPI, evidence they don't. This is not a valid mitigation measure, it is a groundwater study. (As our correspondence with MAGPI indicates, its own public processes are not in order, which raises the question of how MAGPI could produce valid mitigation measures.) 30

UTILS 2 – plan to make plan 31

Introduction

CEQA issues

P.1.0.2 What are the terms of joint ownership between Virginia Smith Trust and UC in the University Community Land Co.? 32

UC/VST MOU with Hunt (LWH Farms) for South Community. So, no MOU with VST for North Community. But UC /UCLC has yet to buy portion of Myers Ranch necessary for North Community.

NEPA issues p.1.0.3

76.7 acres wetlands to be filled on campus and on Community North (Myers property yet to be bought), joint application UC and UCLC (which is partnership between UC and VST) for 404 permit? This incomprehensible to the public. 33

1.0.3 Background and History

Actually UC initiated plans for three new campuses, one in Northern California, one in SJ Valley, another in Southern California in 1988. As far as selecting Merced in 1995, they were still debating the location of UC San Joaquin in early 1999, with two strong contenders in Fresno and Madera counties. 34

p.1.0-4 Golf course was never permitted under 404, so the campus should have been required to get a permit for development on golf course. 35

1.0-5
What is a Campus Land Reserve of 340 acres? Land held in reserve for future development? Does this DEIR pretend to cover that development as well?

"subsequent EIR" ... to UCM LRDP EIR of 2002 in light of changed land use. 36

How valid is a DEIR/EIS on 76 acres of vernal pool and to be filled which UC does not yet own?

Merced County expected to file separate EIR on Community North and South. Is this by UC mandate?

1.0.--16 San Joaquin air district, Dec 27, 08
What's cost of breathing dirty air?
Billion-dollar Valley estimate stirs emotions and confusion...Mark Grossi
http://www.fresnobee.com/local/story/1097146.html
The more than 800 people who died prematurely this year from breathing dirty San Joaquin Valley air are worth $6.63 million each, economists say.
Relatives don't collect a dime, but society is willing to pay someone this price. Confused? You're not alone.
The figure -- which surfaced in a report last month -- is commonly misunderstood. People sometimes think it means missed wages, a payout from some global life insurance policy or health expenditures. 37
After hearing the amount, a government wonk privately suggested cleaning up the Valley's air and using the savings to balance the state's budget. The grand total for more than 800 lost lives is $5.2 billion.
But this is no pile of cash.
It's a statistic -- the amount of money that society would be willing to spend on preventing premature death due to bad air, economists say. Government agencies routinely use such estimates to establish new safety regulations.
Such a price tag stirs emotions. To some people, it sounds too high. To respiratory therapist Kevin Hamilton, a health advocate in air-quality issues, the number seems low.
"How do you place a value on my wife?" he asked. "How do you represent hope and dreams? It doesn't sound like there's nearly enough value built into it."
The value is based on decades of studies that set value on human life for decision-making agencies, such as the U.S. Environmental Protection Agency and the Department of Transportation.
A central factor in the value: the amount of extra money industries are willing to pay for more risky jobs. Another part of the equation is how much less money people would accept to get a safe job.
For years, these statistical values on human life have been used in cost analyses of new federal cleanup or safety rules.

"It's just like any other risk in society," said economist Jane V. Hall of California State University, Fullerton. "When we choose to pay for widening a bridge, for instance, we do it based on reducing the risk. We do it to protect human life. We need to know the statistical value of a life."

Hall, fellow economist Victor Brajer from Cal State Fullerton and Frederick Lurmann at Sonoma Technology used such a statistic in a report they released last month on the benefits of meeting federal standards in the Valley and the South Coast Air Basin.

The death and dollar figures are staggering, by most accounts. There are 3,800 premature deaths each year in the Valley and the South Coast Air Basin, which have the worst air pollution in the nation.

Using established studies from the California Air Resources Board, the economists determined the air-related deaths occur about 14 years sooner than they should.

The annual value of those early deaths is $24 billion, economists said. That hefty value should help influence decisions on rules and investments in air cleanup, they said.

For instance, the number helps justify a $5.5 billion cost for cleaning up on-road diesel truck and bus fleets in California. Diesel trucks and buses are among the biggest sources of toxic diesel particles and ozone-forming oxides of nitrogen.

But don't get the idea that the value of life could be the basis of a lucrative lawsuit.

The $6.63 million doesn't apply to the life of one individual, such as your uncle or your best friend. Economist Katie Winder, a professor at the University of California at Merced, said the value is not customarily part of lawsuits or other legal proceedings. 37

Said Winder, "The statistical value-of-life estimates don't take into account variation between individuals in terms of education, productivity, age and other factors."

Adding to the complexity and the confusion, the value does not remain the same for various federal agencies as they consider new safety regulations.

When the Department of Transportation changed child-restraint rules for motorists a few years ago, the cost of each life saved was pegged at between $1.5 million and $4.9 million, based on studies of what society would pay to protect the children.

At the San Joaquin Valley Air Pollution Control District, members of the public have incorrectly used the value as a health expense. Officials worry about the misunderstanding, saying the money is not real.

There are estimates of actual health costs and related spending included in the study from Hall, Brajer and Lurmann. But the estimates amount to a small fraction of the total cost of dirty air cited in the study.

Of the more than $6 billion in annual Valley cost for bad air, less than 15% applies to health expenditures and days missed for school and work.

But Hall said in the research that the value of life is real money. Industries are willing to pay more for dangerous jobs. People are willing to take less money for safer jobs.

For instance, a steel mill might pay $700 extra per year for a job with more risk. For a safer job, people would have to accept less money. That difference represents a way society values life.

"That is real money," she said. "It shows how much money people would sacrifice for a safer job."

1.4.3. Too little, too late. The community has already developed in a haphazard way around the campus, faculty are already upside down on their mortgages, despite financial help from UC, abundant off-campus housing is available and likely to be for foreseeable future. The campus sits next to the largest park in the area, in existence for 50 years. There is no "need" for this project. 38
VST's ability to generate scholarships for local students directly tied to ownership in campus community.
VST and CST donated the land for the project.

2. Central Valley already served by UC Davis. 39

5. Maximize Academic Distinction -- comparable to other research campuses. Which ones don't have significant hazardous material issues? 40

9. Student housing needs -- Is it in fact UC policy to provide on-campus housing to all freshmen and sophomores and 50 percent of all students? We can find no evidence of such a policy. 41

1.4.5. UCP objectives
The UCP master plan is already a fragmented subdivision process at least as it was publicly presented several years ago by Lennar Homes, at that time a potential master developer. 42

Section 401 Water Quality certificate needed for state water board; NPDES needed for stormwater. 43

p 1.0.-18- Proposed relations between City of Merced, LAFCO and UCM: has UC paid City of Merced for water and sewer hookups yet? 44

Project Description
p.2.0-2
404 permit application not yet filed for Community South (LWH Farms-Hunt). MOU between UC, UCLC and Hunt not yet done. 45

Nevertheless, this EIR/EIS would include the Hunt property.

p.2.0-23 Wastewater.
27-inch line connected to Merced WWTP. Supposed to be for Phase 1 only. 46

2.0.-27 MID/UC plans to make plans on stormwater discharge. 47

2.0.36 UCP Amendment and Development Approval Process 48

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County would have to approve changes in UCP, develop master plan and SUDPs, LAFCO would have to approve various special districts to serve the UCP. yet UC to plan UCP, sort of. (2.0.37) -- 11,616 housing units to house 30,780 people. 48

2.0-46 ff.7 -- using the lowest range of water use on Community South. Ag use higher, we guess. 49

2.0--47 Wastewater.
Two scenarios -- annex to Merced or develop own system. Which is it? Plans to make plans. 50

Figure 3.0-3 fails to indicate the Yosemite Lakes subdivision project (Gallo), frequently referred to in other sections of the document. Like many other private subdivisions, half-built around the campus, this project would compete with the UCP and probably fulfill most of the housing needs UCP purports to fulfill. 51

4.7 Public Safety. Even with this very small population, UC has failed to provide its students with adequate public health and safety. The campus police clearly cannot control the widespread use of dangerous, illegal substances (including their manufacture). The campus cannot even control off-campus parking. Visitors invited to speak to classes are forced to pay for parking and are ineligible to ride on UC public transportation from the City of Merced. 52

4.8.1. Hydrology and water quality
Fails to use the latest MID Groundwater Management Plan Update (June 2008), so far, the only real study on the eastern Merced groundwater basin, therefore invalidating projections of impacts to groundwater basin. For example, that study invalidates statements like, "Note that the availability of water within the aquifer does not vary significantly in relation to wet or dry years or seasonal climate shortages." 53
200-year flood control, the existing state standard, is not even mentioned in this section.
Haystack dam, detention or retention structure, needed for flood control, was not built.
The county is proceeding separately with a flood control project in the area, under Black Rascal Creek Flood Control Project.
No analysis of surrounding, proposed development flood impacts.

4.14 Utilities and Service Systems
Wastewater conveyance
UC Merced has failed to repay the taxpayers of Merced the millions it cost for the illegal sewer and water lines beyond Merced City limits that conveys UC Merced sewage, violating Government Code Section 54999 54

4.14.3.1 Triple Zero Commitment; sustainability planning, UCP policies
Where is the enforcement mechanism for these fine (empty) goal statements? 55

Potable water demand, campus and UCP at build-out 56
UCP 4,776 acre feet

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Campus 1,611
Total: 6,387 AF per year. Less than significant?
Irrigation water: 2,387 AF campus. No estimate for UCP 56

Campus and community wastewater treatment and disposal.
At the time of the wastewater contract with City for Phase 1 of campus, it was NOT emphatically "anticipated that wastewater from the next phase of the campus development would also be conveyed and treated at the City's WWTP." This violation of the city's own ordinance for service delivery was emphatically sold by UC and city staff as only for the first phase**. So, this statement on p. 4.14-29 is a misrepresentation** that invalidates the entire argument proceeding from it. UC's desperation to get out of its commitments to surrounding jurisdictions for its impacts is well expressed in the Holtz letter on the Marina case in the state Supreme Court, which refined the interpretation of the San Marcos School District case in favor of local jurisdictions v. state agencies. 57

As for WWT facilities on site p.4.14-31) located uphill from the entire eastern Merced County aquifer, a great deal of careful analysis would have to be done -- far beyond the lack of analysis in this document -- on the potential impacts of that. Even the potential for an uphill treatment plant or plants can in no way be characterized as "less than significant" environmental impact, particularly when all the flood analysis is being done in terms of 100-year flood levels, a century below present state standards. 58

"Environmental analysis" of proposed solar panel project in the eastern part of the campus referred to in volume 2 cannot be found in the DEIR. "Subsection 3.5.1 above" (referred to in volume 3) is ontologically non-evident...a high-tech, bio-tech, "green" engine-for-growth model of three walnut shells and a pea. 59

4.15.5 Growth Inducement.
UC Merced has developed a propaganda policy of claiming ignorance for the growth its has induced. Examples include its denial of any involvement in the Campus Parkway, an expressway connecting it to SR99, now the proposed site of a WalMart distribution center and a stimulus to growth (when and if the economy improves) from SR99 to the campus. Likewise, UC pretends it knows nothing about the Yosemite Lakes project (Gallo) that includes plans for a convention center for the benefit of UC. 60

As we said in our introduction, this is only a random sampling of this mindless confection of the UC lawyers' and consultants' art. We failed to mention, because the DEIR/EIS failed to mention, the dire planning impacts of the present collaboration between UC and the Great Valley Center (for Growth), UC's involvement with the San Joaquin Valley Blueprint and Partnership (for Growth), and note the failure to mention the public relations gimic of the Yosemite Research Training in Environmental Science program, along with the even more grandiose Sierra Nevada Research Institute, and the learned study on the contribution of cow farts to air pollution, which will no doubt contribute to more GMO research to produce less gassy grasses that will, no doubt, harm cow stomachs, shortening their lives even further. 61

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We note that, despite the pretensions of UC Merced to being "green," its manifest growth-inducing impacts have already contributed to global warming and worsening the worst air-pollution basin in the nation, and will continue to worsen our air quality. 62

We reserve the right to submit further comments at the FEIR/EIS state. Also, please refer to additional comments by our attorneys, the Law Offices of Donald B. Mooney and Marsha A. Burch.

Lydia M. Miller Steve Burke

Lydia M. Miller

Steve Burke

Cc. Interested Parties

Response to Comment Letter ORG-5

Response to Comment ORG-5-1

It is appropriate for the EIS/EIR to evaluate the environmental effects of actions such as the land transfer from UCLC to the University and the execution of an MOU between the University, UCLC, and LWH Farms. These actions would, however, not provide the University with land use authority over the University Community. The Draft EIS/EIR clearly states that under existing conditions, the County is the agency with land use authority and will continue to have this authority unless the University Community is annexed, in which case the City of Merced will have land use authority over the University Community. See **Response to Comment LA-1-52**.

Response to Comment ORG-5-2

Similar to all UC campuses, UC Merced will enroll the most deserving students from all parts of the state; there is no plan to give any preference to local students. However, while other parts of the state are well served by UC campuses, the San Joaquin Valley is a populous portion of the state that does not have a UC campus at this time. By locating the campus in this portion of the Central Valley, UC Merced will be able to encourage more high school students and transfer students from community colleges in the valley to consider a higher education at a UC campus. Based on 2008 enrollment data, 36.8 percent of the students enrolled at UC Merced are from the Central Valley, with about 31 percent from the San Joaquin Valley. The vast majority (68 percent) of University employees reside in Merced County. The comment specifically mentions instructors that commute from Fresno to work at the campus. They make up approximately 4 percent of all faculty and staff.

Response to Comment ORG-5-3

The comment does not relate to the environmental impacts of the Proposed Action as defined by CEQA/NEPA; therefore, a response is not required.

Response to Comment ORG-5-4

The comment is noted. The bullets under objective 13 on page 1.0-13 of the Draft EIS/EIR explain the intent of this objective which is focused on campus design. Please also see **Master Responses No. 1** and **2**.

Response to Comment ORG-5-5

Please see **Response to Comment ORG-4-11**. The suggestion that all land the University owns in Merced County be placed in an "irrevocable trust" is noted. However, it should also be noted that such a procedure is not required by CEQA or any other law.

Response to Comment ORG-5-6

The comment does not relate to the environmental impacts of the Proposed Action as defined by CEQA/NEPA; therefore, a response is not required.

Response to Comment ORG-5-7

The comment regarding the consultation meetings is noted. The University and USACE engaged in an open collaborative process that involved resource agencies and non-profit organizations in order to develop a footprint of the campus and associated community that would minimize direct and indirect impacts on resources in the area. Other non-profit organizations and environmental groups found the process useful and beneficial to the resources that required protection.

Response to Comment ORG-5-8

Please see the discussion of operational air quality impacts in Section 4.3, Air Quality under Impact AQ-2 on pages 4.3-44 to 4.3-49 of the Draft EIS/EIR.

Response to Comment ORG-5-9

Please see **Response to Comment ORG-1-3**.

Response to Comment ORG-5-10

The comment states that "the campus was built on hawk habitat." The Draft EIS/EIR has evaluated the impact of the project on special-status and non-special-status raptor habitat and avoidance, minimization and conservation measures have been included in the project to avoid direct impacts to raptors and compensate for habitat loss.

Response to Comment ORG-5-11

Surveys have been conducted for burrowing owl and as stated in Section 4.4.2.2 (page 4.4-25 of the Draft EIS/EIR); this species is known to occur in the project area. Follow-up surveys are required for this species to identify active burrows prior to construction in order to avoid nesting impacts.

Response to Comment ORG-5-12

Section 4.4.2.2 (page 4.4-25 of the Draft EIS/EIR) describes the project area as being within the range of San Joaquin kit fox (SJKF) and evaluates both potential for denning and dispersal in the project area. The term "vagrant SJKF" is referring to dispersing SJKFs and is not suggesting that parts of the project area are not within the species range.

Response to Comment ORG-5-13

Please refer to **Master Response No. 4, City and County Land Use Jurisdiction.**

Response to Comment ORG-5-14

As described in the Draft EIS/EIR, development of the eastern portion of Community North (where the five cultural resources are located) is not anticipated to occur for several years. Given that no development would occur in the area immediately following approval of this EIS/EIR or the issuance of a Section 404 permit by the USACE, the USACE has consulted with the SHPO and has proceeded with the preparation of a Programmatic Agreement (PA) that stipulates the steps that will be implemented by the UC Regents and the University Community Land Company (UCLC) to evaluate this site and appropriately mitigate any impacts if the site is found to be eligible. Mitigation Measure CUL-1 is included in the Draft EIS/EIR to disclose the manner in which any adverse impacts to the identified cultural resources would be reduced to a less-than-significant level. Further, Section 4.5.3.1 of the Draft EIS/EIR (page 4.5-8) discusses the requirements of Section 106 of the National Historic Preservation Act, which allows the use of a PA, which spells out measures to avoid or mitigate impacts to a historic property, in order to resolve any adverse effects of the project with the SHPO.

This PA document binds signatory parties to the process and measures contained in the PA. A PA may be used to allow completion of the NEPA environmental review process prior to completion of all steps needed to fully comply with Section 106 of the NHPA. However, the NEPA Record of Decision (ROD) will not be signed by the USACE until the PA is fully executed (signed by the signatory parties including the SHPO).

Response to Comment ORG-5-15

As discussed in Impact GEO-1 of the Draft EIS/EIR, the project site is not subject to significant seismic hazards associated with active faults. No active faults have been identified in the immediate vicinity of the study area and the nearest active fault inside Merced County is the Ortigalita fault, located in the western quarter of Merced County. The Draft EIS/EIR concluded that the potential for the development of the Campus and the University Community to expose people or structures to increased risk from fault rupture is less than significant. As discussed in Impact GEO-2, construction of the Proposed Action is generally not expected to expose people or structures to risk of injury or structural damage from ground shaking and related hazards such as liquefaction. However, sites could be present within the Campus that have some potential for liquefaction, slope stability issues, or other structural issues that could be aggravated during seismic events. Construction on such sites could expose structures or people to risk of damage or injury. To minimize the risk of injury or structural damage from ground shaking and related hazards, Mitigation Measure GEO-2 would be implemented, which would require site-specific geotechnical investigations to be performed by a Certified Engineering Geologist or Licensed Geotechnical Engineer, during project-specific building design. Mitigation Measure GEO-2 incorporates performance standards which would mitigate the significant effect of the project for the specific site hazards.

Response to Comment ORG-5-16

The comment notes some of the regional faults and their distances, as well as the lack of liquefaction hazard areas in Merced County, as described in the Draft EIS/EIR Volume 1 (pages 4.6-2 to 4.6-3)

Response to Comment ORG-5-17

See **Response to Comment ORG-5-15** above. A specific mitigation is included in the Draft EIS/EIR. It is not "a plan to plan."

Response to Comment ORG-5-18

As discussed under Impact HAZ-1, pages 4.7-12 through 4.7-20, construction and operations of the Campus and University Community would involve hazardous material transport. The UC Merced project will comply with all applicable federal, state, and local laws concerning hazardous materials and waste, including those that govern the transport of hazardous materials and waste. Please see the discussion of applicable laws in the Draft EIS/EIR Section 4.7, Hazardous Materials and Public Safety.

Response to Comment ORG-5-19

UC Merced's Institutional Biosafety Committee, which oversees all projects involving biohazardous materials, complies with all University policies, national guidelines, industry guidelines, federal, state, and county regulations as discussed on page 4.7-14. There is no proposal to establish a Biosafety Level 4 laboratory at UC Merced. In the event that such a facility were proposed, it will be subject to environmental review and its impacts will be evaluated and disclosed to the public, agencies, and the decision makers.

Response to Comment ORG-5-20

Although a medical research and education facility is planned as part of the UCM 2020 project and is described in Volume 3, additional details about the potential medical school are not available at this time. As and when a school of medicine is proposed on the campus, it will be evaluated further in a project-level document to ensure that the development of the medical school facilities would not result in additional environmental impacts not previously evaluated in this EIS/EIR.

However, it is noted that medical schools associated with UC campuses are similar to UC research laboratories that are described extensively in Section 4.7 in Volume 1, and involve the use of hazardous chemicals and biohazardous materials that are substantially the same as chemicals and biohazardous materials handled in biomedical research facilities. The same control programs and guidelines apply to medical school facilities. All biohazardous waste generated in a medical school is subject to the requirements of the California Medical Waste Management Act; the requirements of this Act also apply to all biomedical laboratories (see page 4.7-14). Therefore the analysis under Impacts HAZ-1 and HAZ-2 applies equally to a school of medicine.

Response to Comment ORG-5-21

Page 4.7-6 in Volume 3 of the Draft EIS/EIR describes the potential for an environmental impact resulting from exposure to an existing on-site contamination. The impact is identified along with mitigation to help avoid exposure. The intent is not to blame the contamination on construction workers or past uses.

As described in Volume 1 under Impacts HAZ-1 and HAZ-2, all hazardous material use, storage and transport would be subject to federal, state, and local regulations, and these programs are designed to ensure that the public and the environment, including groundwater aquifer and surface waters, are not adversely affected from both routine operations and accidental releases, especially during transport.

Response to Comment ORG-5-22

Please see **Responses to Comments ORG-5-20** and **-21** above.

Response to Comment ORG-5-23

Impact HYD-5 explains why Campus and University Community development will not interfere with groundwater recharge. Impact HYD-6 describes changes to the site's hydrology with the development of the Campus and the University Community and the potential effect on downstream flooding. Impact HYD-7 discusses the manner in which site runoff will be collected and treated before discharge into MID's canal. The Draft EIS/EIR explains that because the Campus has not yet been designated a Phase II community under the NPDES regulations for stormwater, it is not required to develop and implement a Storm Water Management Plan at this time. However, pursuant to its agreement with MID, because the Campus cannot discharge stormwater into Fairfield Canal without first detaining and treating it, the Campus already includes best management practices including detention basins to detain and release stormwater at a rate specified by MID. Because of this requirement which will also apply to all subsequent phases of campus development, the University has evaluated and determined that adequate land is available within the Campus to build stormwater detention basins and bioswales for the treatment of stormwater and its detention to avoid flooding effects in the canal and Bear Creek. Impact HYD-8 explains how the Campus will work with MID to ensure that the integrity of the canal levees is not compromised and levee failure does not result in flooding. The Draft EIS/EIR also notes that UCP contains specific policies to ensure the structural integrity of the canal levees. Note that the Phase 1 of the Campus has already been developed and the Campus is complying with all of MID's requirements with respect to discharge of stormwater into the canal and for the maintenance of levee integrity.

Response to Comment ORG-5-24

The Draft EIS/EIR does not evaluate the impact of existing developments on land use and planning. Impacts resulting from amendments to land use plans, policies, or regulations associated with previous projects are not within the scope of this analysis. Please also see **Master Response No. 1, Growth Inducing Impacts of UC Merced**. As explained in the master response, all recent housing growth in the Merced area cannot be attributed to the establishment of the campus.

Response to Comment ORG-5-25

Appendix G of the *State CEQA Guidelines* requires that an EIR explain if the project would "displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere." Therefore, a discussion of this impact has been included in the Draft EIS/EIR. Please also see **Master Response No. 1, Growth Inducing Impacts of UC Merced**. As explained in the master response, all recent housing growth in the Merced area cannot be attributed to the establishment of the campus.

Response to Comment ORG-5-26

Mitigation Measure TRANS-1A presents the detailed steps that the University will take to continue to monitor and evaluate the Campus' traffic impacts, implement transit enhancements, review individual projects as they are proposed for consistency with the Campus' sustainable transportation policy and

TDM program, conduct traffic monitoring, and determine and pay its proportional share of the cost of necessary improvements. It also identifies the types of feasible improvements that can be made to mitigate the project's significant impacts. A similar multi-step program is laid out in Mitigation Measure TRANS-1B to address the impacts from the traffic associated with the University Community.

Because both the UC Merced LRDP and the University Community Plan represent long-term development programs, and the impacts are expected to occur incrementally over time, the mitigation has to be a program such as the one presented in the Draft EIS/EIR. There is adequate detail included in the revised Mitigation Measure TRANS-1A for a reader to understand how it would work and how it would address the Proposed Action's contribution to long-term cumulative traffic impacts. Please see **Master Response No. 8.**

Response to Comment ORG-5-27

See **Master Response No. 4** and **Response to Comment FA-1-13**. In addition, please see the full discussion of Impact GCC-1 in the Draft EIS/EIR.

Response to Comment ORG-5-28

Please see **Master Response No. 4, City and County Land Use Jurisdiction.**

Response to Comment ORG-5-29

As shown on **Table 3.0-11, Evaluation of Species and Wetland Mitigation Ratios Achieved by Tier 1a Mitigation Lands,** all of the impacts of the Campus will be mitigated on University or University Community Land Company, LLC (UCLC) lands (i.e., "Tier 1a" lands) at ratios exceeding those imposed under applicable regulatory standards, including the 2002 biological opinion issued by the US Fish and Wildlife Service. All of these lands will be protected by a permanent conservation easement (to the extent they are not already so protected), and will be managed through funding to be provided by an endowment that will be established by the University and UCLC. Please also see **Response to Comment ORG-4-10** regarding monitoring of conservation easements.

Table 3.0-11
Evaluation of Species and Wetland Mitigation Ratios Achieved by Tier 1a Mitigation Lands

	Affected Proposed Project Lands (Campus and Community North)	Tier 1a Conservation Lands (VST Preserve, CNR, Myers Easterly)	Ratio: Tier 1a to Proposed Project	Required ratio (X:1)
Species				
Succulent owl's clover	31	313	10.1	2
Colusa grass	0	156	no impact	2
San Joaquin Valley Orcutt grass	0	16	no impact	2
Conservancy fairy shrimp	0	14	no impact	3
Vernal pool fairy shrimp	61	490	8.0	3
Vernal pool tadpole shrimp	4	14	3.5	3
California tiger salamander	1,884	6,242	3.3	3
CTS Critical Habitat	229	5,914	25.8	3
kit fox residence	1,293	6,128	4.7	3
Kit fox residence and dispersal	1,969	6,192	3.1	3
Wetland Habitat				
Vernal Pool Grassland[1]	626	6,428	10.3	10
Wetland Functional Assessment (WFA) Values	**Lost Functional Capacity Units**	**Replacement Functional Capacity Units**	**Ratio Tier 1a to Proposed Project**	**Required ratio (X:1)**
Vernal Pools	11.8	36.2	3.1	1
Swales	16.5	87.4	5.3	1
Clay Slope wetlands	0.6	20.8	35.0	1
Total	28.80	144.40	5.0	1

[1] *Includes project lands which had not been severely disturbed, such as developed or irrigated.*

Please see **Response to Comment ORG-4-10** regarding conservation easements. Regarding the comment concerning wildlife that wander onto the campus, the project will be designed to exclude wildlife from the campus site that may be occupying areas adjacent to the project area. Birds are likely to frequent the project area, but no action is needed for these species. Small and large mammals are also likely to appear within the project area; this is considered a safety issue (for humans and/or animals) and would be an animal control issue. Additionally, the University has enacted an animal control program consistent with the US Environmental Protection Agency's Integrated Pest Management (IPM) Principles. Although this program focuses on control of species on campus facilities and lands, it also recognizes and incorporates objectives and actions to minimize the introduction and spread of species from the campus to conservation lands. Further, the Proposed Action is consistent with the Merced County General Plan. Please also refer to **Response to Comment ORG-4-7**, which addresses illegal actions (i.e., trespassing) onto Conservation Lands.

Regarding the potential impacts to species from the use of the peripheral road, please see **Responses to Comments ORG-1-10** and **ORG-4-12**.

Response to Comment ORG-5-30

The history of water supply planning in Merced County is summarized in Section 4.8, Hydrology and Water Quality, in Volume 2 of the Draft EIS/EIR. As stated there, the cooperating agencies of the Merced Water Supply Plan (City, County, and UC Merced) have recognized the importance of maintaining sufficient water levels in the groundwater basin and have agreed on developing a strategy to maintain groundwater levels at the 1999 levels (Final UWMP 2005). The proposed mitigation measure in the Draft EIS/EIR for the University to support MAGPI's effort in pursuing cooperative agreements with state and local agencies for expanding the basin's conjunctive use capabilities is consistent with the Final UWMP and is a logical mitigation measure for the University to implement. Mitigation measures that the City can and should implement are also included in the Draft EIS/EIR. The mitigation measures do not include a groundwater study.

Response to Comment ORG-5-31

Mitigation measures for Impact UTILS-2 do not represent "a plan to plan." The first mitigation measure requires the Campus to continue to monitor and reduce the total amount of wastewater discharged from the site. This will be implemented by the Campus by monitoring flows and making improvements to fixtures, improvement to cooling systems to reduce the volume of blowdown discharged to the sanitary sewer system, and by ensuring that infiltration and inflow (I/I) of storm water into the sanitary sewer system is minimized. These are all specific actions that the Campus would take to reduce flows and thereby its impact on the City's wastewater treatment plant capacity. In addition to the above measure, the University will evaluate the feasibility of developing a recycled water plant on the Campus or Community North.

Response to Comment ORG-5-32

The terms of joint ownership between VST and the University with respect to Community North are not relevant to the EIS/EIR analysis. No MOU with VST is required for Community North as VST and the University co-own the land.

Response to Comment ORG-5-33

The application for the Section 404 permit involves two co-applicants, the University for filling of wetlands within the area that will form the 815-acre campus, and the UCLC for filling wetlands within the 833-acre Community North.

Response to Comment ORG-5-34

As described in the 2002 LRDP EIR, in 1988, the Regents of the University of California (The Regents) authorized the President of the University to initiate planning for additional campuses to accommodate the student population expected in the latter part of the 20th century and into the 21st century. In 1990, The Regents further determined that the search for the first new campus should focus on the central portion of California, specifically the San Joaquin Valley, which was not served by a UC campus and where the university attendance rates for high school graduates are much lower than the state average. More than 85 sites in the central region were considered and, based on a number of factors including but not limited to demographics, transportation, and access to amenities, three finalist sites were identified. A programmatic EIR was then prepared that presented the environmental impacts from developing a campus at any one of the three finalist sites. This EIR, titled the Site Selection EIR, was certified by The Regents in 1995, and the Lake Yosemite site in eastern Merced County was selected by The Regents as the site for the tenth UC campus.

The text in the Draft EIS/EIR has been clarified to indicate that the University focused its search for a campus site in the San Joaquin Valley in 1990. See **Section 2.0, Revisions to the Draft EIS/EIR**.

Response to Comment ORG-5-35

The University did not place any fill in wetlands in conjunction with the development of Phase 1 Campus on the site of the former golf course. Nonetheless, the University has secured a Section 404 permit to address the fill activities that occurred prior to University ownership through provision of additional mitigation.

Response to Comment ORG-5-36

As explained on Draft EIS/EIR page 1.0-4, the UC Merced 2002 LRDP encompassed a campus that involved three major areas – the 910-acre Main Campus, a 340-acre Campus Land Reserve (CLR), and a 750-acre Campus Natural Reserve (CNR). That CLR was planned as a reserve area that would be not be developed in the foreseeable future but would be held by the Campus in reserve and would be used when the Main Campus lands were fully utilized. A CLR is not included in the 2009 LRDP. The former CLR land area of 340 acres has been added to the CNR and will not be developed with campus uses.

The Draft EIS/EIR explains on page 1.0-5 that this EIR is a subsequent EIR in that it updates the previous analysis contained in the 2002 LRDP EIR in view of the changed location of the Campus and the University Community and the changes in the land use proposals for the Campus and Community North.

The transfer of the ownership of 286 acres of land from UCLC to the University does not have to be completed before the environmental review is undertaken. The transfer is necessary before any development project is commenced.

The UCLC will apply for a General Plan amendment which will require the preparation of an EIR. The County will prepare that document.

Response to Comment ORG-5-37

The comment presents a newspaper article from the Fresno Bee regarding the effect of poor air quality on human health and life in the San Joaquin Valley. The article is noted.

Response to Comment ORG-5-38

Please see **Master Response No. 2, University Community – Size, Need, and Location.**

Response to Comment ORG-5-39

This campus is needed for the high concentration of population in the San Joaquin Valley portion of the Central Valley which does not have a UC campus. Approximately 36.8 percent of the students enrolled at UC Merced in Fall 2008 were from the Central Valley, with about 31 percent from the San Joaquin Valley. Also see **Response to Comment ORG-5-2**.

Response to Comment ORG-5-40

The comment does not relate to the environmental impacts of the Proposed Action as defined by CEQA/NEPA; therefore, a response is not required.

Response to Comment ORG-5-41

Offering on-campus housing to first- and second-year students and housing 50 percent of all students is not a UC policy: it is a way to achieve the project objective of providing on-campus housing that is consistent with UC-wide student housing policies. As discussed in the Draft EIS/EIR, Section 1.4.3, the provision of on-campus student housing would help strengthen the sense of campus community, provide an enhanced learning experience, and discourage long commutes, which would reduce traffic congestion and air pollution.

Response to Comment ORG-5-42

Please see **Master Response No. 1, Growth Inducing Impacts of UC Merced.**

Response to Comment ORG-5-43

The comment is noted.

Response to Comment ORG-5-44

The University is paying for all hookup fees for water and sanitary sewer to the City of Merced.

Response to Comment ORG-5-45

The factual statements in the comment are noted. Please see **Master Response No. 4, City and County Land Use Jurisdiction.**

Response to Comment ORG-5-46

The Draft EIS/EIR is correct in noting that the 27-inch line in Bellevue Road has adequate capacity to handle the flows from the buildout of the campus. However, the University acknowledges that under the agreement with the City for wastewater and water service, the Campus can receive wastewater and water service only for Phase 1.1 of its development.

Response to Comment ORG-5-47

It is unclear why the comment states that page 2.0-27 (Volume 1) of the Draft EIS/EIR presents a plan to plan. Page 2.0-27 in Volume 1 describes the terms and conditions of the existing agreement that the University has with MID under which stormwater from Phase 1.1 of the campus is discharged to Fairfield Canal. The Draft EIS/EIR states that it is anticipated that the same terms and conditions would apply to all future stormwater discharges from subsequent phases of the campus. The Draft EIS/EIR presents an estimate of increased runoff from the full development of the campus site and shows that there are adequate areas and locations available within the campus site to locate the required facilities (see Figure 2.0-7 and Table 2.0-5 in Section 2.0).

Response to Comment ORG-5-48

The Draft EIS/EIR acknowledges that the County would need to approve a General Plan amendment to revise the footprint of the University Community and to change the land use designation of the land that would be transferred from the former University Community to the current Campus. Furthermore, specific development projects within the University Community will require approval from the County (or the City in the event of annexation).

The Draft EIS/EIR presents the draft land use plan for Community North because the UCLC (a not-for-profit organization that consists of both the University and VST) has developed a land use plan for the land that is under its ownership and the UCLC has also submitted an application to fill wetlands within the Community North site. Neither the University nor UCLC has prepared any plans for Community South. To evaluate the impacts from the development of the southern portion of the University Community, the Draft EIS/EIR uses the growth that was previously evaluated by the County in 2004 as part of the UCP.

Please also see **Master Response No. 4**.

Response to Comment ORG-5-49

The comment is referring to a footnote to Table 2.0-8, University Community Projected Water and Wastewater Demand, in the Draft EIS/EIR. The footnote states that the lower number in the range of existing water usage within Community South is used for this analysis. When calculating the change to water usage within the Community South area under the Proposed Action, the lower end of the range in existing water use was used. This resulted in an estimated increase in water use under the Proposed Action that is greater and therefore more conservative than the increase that would have resulted if the upper end of the range had been used.

Response to Comment ORG-5-50

The Draft EIS/EIR evaluates two options for wastewater. The first involves annexation of the Campus and the University Community to the City of Merced to be served by the City's collection and treatment system. Under the second option, the Campus and/or the University Community would not annex into the City, in which case, an on-site wastewater treatment system would be required. The Draft EIS/EIR includes both options because the process of annexation has not commenced and it cannot be assumed that the Proposed Action site will certainly be annexed to the City. Because the environmental impacts of the two options would be quite different from one another, the Draft EIS/EIR analyzes both options to provide full disclosure of environmental impacts under either option. This does not represent a plan to plan.

Response to Comment ORG-5-51

Figure 3.0-3, Alternative 4 – 2002 Proposed Project Alternative Location Map, in the Draft EIS/EIR is not intended to show the location of other projects. The location of projects separate from the Proposed Action is not relevant to the alternatives analysis presented in Section 3.0, Alternatives.

Response to Comment ORG-5-52

The comments presented are not pertinent to the environmental impact assessment presented in the Draft EIS/EIR. For the record, the University does not agree with the comment regarding student health and safety.

Response to Comment ORG-5-53

The latest Merced Groundwater Basin Management Plan Update dated June 2008 was produced by MAGPI and is described in detail on pages 4.8-11 and -12 of the Draft EIS/EIR. The Plan Update was used in the evaluation of impacts of the Proposed Action in conjunction with other past, present and reasonably foreseeable future development in the eastern portion of Merced County on groundwater resources.

The potential for the Proposed Action to contribute to downstream flooding is evaluated in Section 4.8. The focus of the analysis is on the amount of stormwater that the Campus and University Community would add to Fairfield Canal which in turn could affect flooding in Merced River. To avoid this impact, the Proposed Action includes detention facilities to hold flows from a 100-year storm event. That is adequate capacity to avoid discharges downstream that could lead to flooding.

The comment refer to recent legislation (SB 5) passed in 2007 which requires land use planning and other actions by the Department of Water Resources and cities and counties to control the siting of new development in areas susceptible to flooding and to reduce the risk of property damage from flooding. While that law (Central Valley Flood Protection Act of 2008) refers to a 200-year flood event as the design event to which future land use planning must respond, the requirements of that law are not pertinent to the analysis of off-site flooding analysis in the EIS/EIR.

It should also be noted that based on preliminary flood plain maps prepared by DWR, the Campus and University Community are not located within a 200-year floodplain of any water body.

Response to Comment ORG-5-54

The University pays for all hookup fees to the City.

Response to Comment ORG-5-55

The University is voluntarily proposing to implement sustainable practices on the proposed campus. As these are voluntary measures, no enforcement mechanism is needed. UCP policies, on the other hand, are currently adopted policies and unless amended or replaced with other equally or more effective policies, these will be enforced on new development that is proposed within the University Community via the environmental review and permit approval processes.

Response to Comment ORG-5-56

The comment does not accurately represent the water demand of the Campus and University Community at buildout. Section 4.14.5 (pages 4.14-19 through 4.14-21 of the Draft EIS/EIR) provides estimates for indoor and outdoor potable water demand in Community North and Community South.

Please see the analysis under Impact UTILS-1 which explains that the total water demand associated with the Proposed Action is 7,166 acre-feet at full development of the Campus and University Community whereas the City's 2005 UWMP anticipates that the Campus alone at buildout (assumed in the UWMP to be in 2025) would require 8,073 acre-feet. The Draft EIS/EIR concludes that the impact related to water supply would be less than significant because the total amount of water needed by both the Campus and University Community is less than the amount planned by the City for the Campus alone. It is also to be noted that buildout of neither the Campus nor the University Community is anticipated to occur by 2025, and so the actual water demand for the Proposed Action in 2025 will be even lower than 7,166 acre-feet. Note that this conclusion of a less-than-significant water supply impact is drawn under Impact UTILS-1 because this impact is evaluated based on the fact that water demand associated with the Proposed

Action is anticipated in the City's water planning documents and that the Proposed Action will not require more water than previously planned for by the City. Please note that Cumulative Impact HYD-3 in Section 5.0 evaluates the project's contribution to the cumulative effect of existing and future growth on the groundwater basin and concludes that the project's effect on the groundwater basin is cumulatively considerable, and because all available mitigation will not fully offset this impact, that the project's effect would be significant and unavoidable.

Response to Comment ORG-5-57

Please see the last sentence in the first paragraph on page 4.14-29 of the Draft EIS/EIR which clearly states that "wastewater from the next phase of campus development would be conveyed to the City's WWTP either under a new or revised services agreement or after annexation." The Draft EIS/EIR does not claim that wastewater from the next phases of the campus would be conveyed to the City's WWTP under the current services agreement which is only for Phase 1.1 of the campus. The University is not trying to get out of any of its commitments or obligations under the law.

Response to Comment ORG-5-58

The limitation of the Campus' location and problems associated with the disposal of treated effluent, including concerns expressed in the comment related to potential effects of the discharge of treated effluent on groundwater aquifer and the regional flooding problem, are well understood. Furthermore, the need to reuse the recycled water so as to minimize the withdrawal of groundwater from the Merced Groundwater Basin is also well understood. Therefore, the University has committed to evaluate the feasibility of a recycled water system as part of its sustainability goal so that wastewater is treated locally and the recycled water from the treatment process can be used to offset some of the Campus and Community North's groundwater demand. As discussed in the Draft EIS/EIR on pages 4.14-30 and -31, new technologies have been developed that involve treatment processes that produce treated effluent (recycled water) that can be used in numerous applications and minimal to no discharge of effluent to surface water bodies or to land is required. If such a system is found to be feasible and is constructed, it will not discharge any treated effluent into any surface waters and would therefore not affect surface or groundwater quality. Because the feasibility of such a system has not been evaluated and the details are not available, a detailed evaluation of its environmental impacts cannot be provided. However based on evaluations of recent industrial-scale applications of these technologies, these systems involve few if any environmental impacts. The Draft EIS/EIR notes that as and when a wastewater treatment system is proposed, it would be subject to further environmental review.

Response to Comment ORG-5-59

The Solar Power Generation Array project is described on page 3.0-18 in Volume 3 and is evaluated for its impacts as part of the UCM 2020 Project. The main environmental impact of the solar panel project would be its potential to produce glare. However, as discussed on page 4.1-5, due to its location in the eastern portion of the central campus away from roadways and the regional park and because new types of solar panels do not produce excessive glare, the impact would be less than significant.

Response to Comment ORG-5-60

The University has always identified the Campus Parkway as a related project. However, as discussed in the EIS/EIR for the Campus Parkway, that project has independent utility, that is that a parkway skirting the eastern side of the City of Merced is needed whether or not a campus is developed at the proposed site. To the extent that additional growth such as a Walmart distribution center is proposed or developed along the parkway north of SR-99, it will depend on the manner in which the parkway is finally designed and built by the County. The growth impacts of the parkway were evaluated in the EIS/EIR prepared for that project by the County. The Yosemite Lake Estates (Gallo) Project is identified in the Draft EIS/EIR (page 4.9-6) among the approved and planned developments in the vicinity of the Proposed Action. Please also see **Master Response No. 1** regarding the growth inducing impacts of the campus.

Response to Comment ORG-5-61

The Draft EIS/EIR discloses all reasonably foreseeable direct and indirect environmental impacts from the development of the proposed campus. The so-called dire planning impacts of various research programs or other initiative are beyond the scope of a NEPA and CEQA document.

Response to Comment ORG-5-62

Please refer to **Master Response No. 1** regarding the growth inducing impacts of the campus. The Draft EIS/EIR adequately addresses the air quality impacts of the Proposed Action, including its effect on global climate change.

Letter No. ORG-6

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Re: Comments Associated to the DEIR and DEIS for the University of California, Merced, Campus and Community Project (SCH No. 2008041009)

Dear Ms. Haley and Mr. Samuelson:

This office, in conjunction with the Law Office of Donald B. Mooney, represents the San Joaquin Raptor Rescue Center and Protect Our Water regarding the United States Army Corps of Engineers ("USACE") and University of California *Draft Environmental Impact Statement/Environmental Impact Report for the University of California, Merced, Campus and Community Project* ("DEIS/EIR"). As explained below, the DEIR/EIS does not comply with the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA") in certain essential respects.

I. The Purpose and Need Statement for the Project is Misleading

The *Purpose and Need Statement* (DEIR/EIS, pp. 1.0-7 and 3.0-3 to 3.0-4) states that the University Community must be contiguous to the campus, and must accommodate all of the population increase resulting from the University (outside of on-campus housing) and that the Community must be contiguous to the campus. There is no reasonable basis for either of these statements. 1

The statement that the Community must accommodate all population increases resulting from the campus ignores the fact that there is significant existing housing 2 available. This topic is explored in detail by several comments, including comments submitted by our clients.

Even if the lead agencies ignore the housing situation recently created by high foreclosure rates and other market forces, the University Community need not accommodate all population increases resulting from the campus because existing development capacity near the campus is sufficient to accommodate all of the population increase. In fact, in response to early efforts by the University to prepare a Comprehensive Needs Analysis for the University Community, the United States Environmental Protection Agency commented that "[t]he University Community will also provide a significant increase in residential development capacity in an already over-supplied land market." (See attached "U.S. EPA Comments" document, page 7.) Nothing has changed, in fact the situation has gotten worse since 2001.

The real and significant housing situation is ignored in the *Purpose and Need Statement* and this results in inaccurate assumptions regarding not only the degree of need for the project but the analysis of the project alternatives, which purport to provide for this "needed" housing for population increases. Because the baseline conditions are not adequately identified, the alternatives analysis is flawed. 2

To highlight the difficulty created by the false assumptions regarding the need for housing to accommodate growth resulting from the campus, one need only look at the preferred alternative selected by the agencies, as well as the alternatives analysis. None of the alternatives consider the possibility that increased population resulting from the campus could be absorbed by existing development capacity.

Additionally, this false inference makes an inappropriate statement of preference for one project alternative during the draft document stage of environmental review, and ignores the staggering impacts on the social, environmental and fiscal well being of the City of Merced and other surrounding communities. The weighing process conducted by the agencies in selecting their preferred alternative undoubtedly involved consideration of the <u>overstated</u> need for housing to accommodate growth, resulting in an unintentional and unsupported decision that it is necessary to inflict serious harm on the environmental and local communities in an effort to satisfy this false need.

With respect to NEPA compliance, environmental analyses are to be prepared early in the decision making process so that they can make an important contribution to that process. (40 C.F.R. § 1502.5.) "Ultimately, it is not better documents but better decisions that count. NEPA's purpose is not to generate paper work – even excellent paper work – but to foster excellent action." (40 C.F.R. 1500.1(b).) In this case, the analysis of the true baseline housing conditions has not yet been done, and is so obviously not a part of the decision making process that one of the lead agencies has prematurely identified a preferred alternative with the most egregious environmental impacts. Not only does the omission of true baseline conditions result in an inferior document, it most certainly negates any possibility of excellent action. 3

In *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, the court cited a

NEPA case and concluded as follows:

> Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.

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The DEIR/EIS does not provide an accurate view of the project such that the public and decision-makers may balance the project's benefits against its environmental cost. The huge cost that would be borne by the City under the Preferred Alternative should not be measured against an inaccurate and outdated view of the current housing conditions. To move forward to project approval on the basis of the DEIS/EIR in its current form would prevent the document from fulfilling its purpose of providing relevant information to all interested parties and decision makers.

II. DEIS/EIR Fails to Evaluate Global Warming

The DEIS/EIR fails to discuss Project's potentially significant contribution to global warming, but rather defers the analysis for both the evaluation of the 2009 LRDP and the project specific analysis in Volume 3. The DEIS/EIR must take global warming into account in two ways: (1) global warming is occurring, and will continue to occur, and the environmental effects of global warming are therefore part of the existing environment in which the proposed project would be built; and (2) the proposed project will result in the emission of greenhouse gasses ("GHG") that, cumulatively, along with GHGs from other sources, will continue to contribute to global warming and climate change.

The USACE and the University simply defer the analysis to the local agencies to prepare a Climate Action Plan. This does not meet the requirements of CEQA, NEPA or AB 32. The DEIS/EIR does *not* address the baseline level of GHG emissions and the cumulative impacts the Project will have, and the lead agencies have failed to make a meaningful attempt to analyze the Project's impacts on greenhouse GHG or global warming. "If, *after a thorough investigation*, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact." (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1370-1371 [emphasis in original]; and CEQA Guidelines § 15145.)

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The California Legislature and the Governor have recognized that GHG will have an impact on the State. AB 32, adopted in 2006 (Health and Safety Code § 38500 *et seq.*), limits GHG emissions, and SB 97, adopted in 2007 (Public Resources Code § 21083.05), directs the Office of Planning and Research to prepare guidelines for mitigating GHG emissions. The Ninth Circuit, applying federal law, found that the cumulative impact of GHG is "precisely the kind of cumulative impact analysis that

NEPA requires agencies to conduct." (*Center for Biological Diversity v. National Highway Traffic Safety Administration* (9th Cir. 2008) 538 F.3d 1172, 1217.)

By completely failing to include *any* analysis of the project's direct contribution of GHG emissions and indirect contribution to global warming in its environmental review, the DEIS/EIR has failed "to demonstrate to an apprehensive citizenry that the [agency] has analyzed and considered the ecological implications of its actions." (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86.) 4

The EIR violates CEQA and NEPA by failing to consider global warming as a baseline environmental condition.

III. The DEIS/EIR Fails to Adequately Analyze Impacts and Adopt Mitigation Measures

The 2009 LRDP and the project specific portion of the documents relating to development to accommodate 10,000 students simply does not include sufficiently specific or detailed analysis of the Project's impacts. For example, various "environmental commitments" are assumed, and the analysis of Project impacts is curtailed by simply stating that the commitments will result in a project with less than significant impacts. There is no basis for the assumption of less than significant impacts to agricultural lands, biological resources and air quality. 5

Further, various unsupported assumptions are used to avoid analysis of impacts altogether. For example, the 2009 LRDP impacts to hydrology section assumes that at full build-out the project will not have significant impacts on groundwater supply. (See Impact Hyd-4.) This assumption is no supported by the record. 6

The document also assumes the construction of new water supply and conveyance facilities and without any support assumes that the construction of these facilities will not result in any significant environmental impacts. The whole of the Project must be analyzed, and to the extent new conveyance facilities will be required, impacts associated with their construction must be included in the DEIS/EIR. 7

The DEIS/EIR assumes that the Project is consistent with LAFCO policies. This assumption is without basis, as the conversion of prime agricultural land where sufficient development capacity exists within the boundaries of cities near the campus will fly directly in the face of the basic policies of every LAFCo in the State, including that in Merced. 8

Many of the proposed mitigation measures do not meet the legal requirements of CEQA and NEPA. For example, for air quality impacts, the document defers development of mitigation measures, directing the campus to "work with the SJVAPCD." (Mitigation Measure AQ2a). Further, Mitigation Measure AQ2b is unenforceable and simply encourages a particular approach. 9

With respect to cumulative impacts the lead agencies simply punted the issue to 10 the City and the County. (See Cumulative Mitigation Measures AES-1, AG-1, AQ-1.) With respect to water supply, the mitigation proposed includes "supporting" MAGPI in pursuing cooperative arrangements. (Cumulative Mitigation Measure HYD-3.) These measures do not meet the requirements for mitigation in CEQA and/or NEPA. Feasible and enforceable measures must be identified or developed and adopted at this stage. 10

Because of the issues raised above, and in the comment letter submitted by our clients and others, we believe that the DEIR/EIS fails to meet the requirements of the California Environmental Quality Act and the National Environmental Policy Act. For these reasons, we believe the document should be withdrawn and a revised DEIR/EIS released which adequately addresses all direct and reasonably foreseeable impacts, provides adequate and feasible mitigation, considers the alternatives under the correct assumptions about the current baseline conditions and avoids excessive and unnecessary impacts to the environment and neighboring communities. 11

Sincerely,

Very truly yours,

Marsha A. Burch
Attorney

cc: San Joaquin Raptor Rescue Center
Protect Our Water
Donald B. Mooney, Esq.

Response to Comment Letter ORG-6

Response to Comment ORG-6-1

As discussed in Section 1.0, Introduction, the University has determined that the success of UC Merced depends on a planned associated, contiguous, and supporting community that provides housing and other amenities for faculty, staff, and students. The rationale for this determination is based on the University's experience developing the other nine UC campuses and in particular its observation that without such planning, communities tend to develop around a campus in a piecemeal, random fashion. A contiguous community provides for housing, fosters a pedestrian-oriented environment, encourages faculty and student interaction within a shared learning environment, and discourages long commutes. As further discussed in Section 1.0, Introduction, and in the Supplemental Alternatives Analysis prepared pursuant to Section 404(b)(1) of the Clean Water Act and included as Appendix 3.0, a well-planned community adjacent to a campus also helps preserve the natural habitat and other open space resources by increasing density and focusing development.

The comment states that the purpose and need statement is "misleading" and refers to the current housing market in Merced County. The University's purpose and need statement is based on its planning experience with the other nine UC campuses. As described in Section 2.0, Project Description, the Proposed Action is a multi-phased project that generally anticipates development at a pace with expected enrollment levels. Buildout of the project is not anticipated until after the year 2030. Accordingly, development of the project will last for several years, during which time the housing market and the nation's economy can be expected to swing in cycles from good to bad and back again. The current housing market and the general economic conditions of both the state and the nation are only short-term events in the overall life of the project. The housing market is likely to regain its footing at some point in the future and certainly within the span of time between 2009 and the buildout of the project.

In any event, the University's desire for an associated and contiguous community is not related to current economic forces shaping the housing market such as high foreclosure rates, the possible availability of foreclosed homes, or the potential for market absorption. The desire for an associated and contiguous community stems from the University's fundamental land use planning needs. The University's experience with its other campuses shows that a university campus generates a variety of housing, commercial, recreational, entertainment, cultural, and public use requirements. The University anticipates that in addition to housing, the University Community will include parks, schools, and neighborhood-serving retail. Absent a planned community to which these uses can be directed, this growth will result in a random and inefficient development design. These inefficiencies resulting from poor land use planning have significant long-term effects on a university. To take just one example, existing UC campuses that are land constrained or did not plan for significant residential facilities are now having to pursue expensive leasing or purchasing arrangements for land and facilities to meet the housing needs of students, faculty, and staff.

In addition to these design considerations, an associated and contiguous community is critical to the University's commitment to reducing sprawl created by the UC Merced Campus. The development of a major research university will result in a large influx of students, faculty, and staff into the area. This increased population in turn will result in an increased need for housing, commercial building space, employment centers, schools, and cultural recreational amenities. A well-planned community adjacent to a campus helps preserve the natural local habitat by increasing density and focusing development to avoid sprawl. Absent such a community where growth can be directed, development to accommodate these needs will occur in a haphazard and unplanned manner. Focusing this inevitable development within an area planned for that development will therefore help to preserve contiguous tracts of natural habitat that might otherwise be lost to unfocused, haphazard, or unplanned development resulting from the UC Merced Campus. Focusing this development and establishing land use plans for this growth will generate other environmental benefits as well, including reduced traffic congestion and air emissions. Notably, recognizing these and other environmental benefits, the USEPA's comment letter on the Draft EIS/EIR "commend[ed] the efforts of UCM and the Corps to plan a contiguous supporting community for the Campus as an alternative to unplanned development." See **Comment Letter FA-1**.

Finally, the "Purpose and Need/Objectives of the Proposed Action" set forth in the Draft EIS/EIR are derived from the project applicant's (the University) overall project purpose for the Proposed Action. The University is able to develop its own statement of purpose and need and project objectives with respect to the Proposed Action. The USACE is not able to substitute its own view of the project's purpose and needs or objectives in place of those identified by the University.

Response to Comment ORG-6-2

Please refer to **Master Responses No. 1, Growth Inducing Impacts of UC Merced** and **No. 2, University Community – Size, Need, and Location**. It should be noted that the proposal in the comment fails to take account of the fact that while the local housing market may be oversupplied under short-term market conditions, that has no bearing on the need for housing in the mid-and long-term for development of the campus. In addition, the comment fails to consider the adverse traffic, air quality, and greenhouse emissions that would result if the Campus relied entirely on housing remote from the campus to meet direct and indirect housing demand rather than housing proximate to the campus that would be provided by the University Community. Indeed, the approach suggested by the comment would encourage the very sort of "sprawl" that many other comments object to. Also see **Response to Comment ORG-6-3 below**.

Response to Comment ORG-6-3

The University launched the environmental review of the proposed campus in 2001 and the USACE launched review under NEPA in 2002. Between that point in time and 2007, the University and the USACE worked closely with the USEPA to define the purpose and need for the Proposed Action. All parties concurred with the following statement regarding the purpose of the Proposed Action: "The overall purpose of the proposed project is to establish a major research university in Merced County that would ultimately support up to 25,000 full-time equivalent students with an associated, contiguous community needed to support the university." As can be seen, all agencies agreed that the project included not only the campus but also an associated, contiguous community to support the university. All agencies also agreed with the need to plan for an associated, contiguous community capable of absorbing the growth associated with the campus so as to avoid urban sprawl and unplanned development near the campus. Given this statement of project purpose and the agencies' concurrence with the need for a University Community, the Draft EIS/EIR provides an accurate, finite, and stable description of the Proposed Action.

The comment that the Draft EIS/EIR does not present an accurate view of the project is itself incorrect because the Proposed Action is defined based on the description provided by the University (for purposes of CEQA) and by the applicants to the USACE (for purposes of NEPA). In any environmental document, the project is described based on the proposal put forth by the applicant or project proponent. That is what has been done in this document.

Finally, with respect to the statement that the housing market has an oversupply of housing, this is a short-term condition resulting in large measure from current economic conditions, and is not indicative of future conditions. For a further discussion, see **Master Response No. 2** and **Response to Comment ORG-6-2**.

Response to Comment ORG-6-4

The comment states that the Draft EIS/EIR fails to discuss the project's contribution to global warming. The Global Warming Solutions Act of 2006 (AB 32) created a framework for the reduction of greenhouse gas (GHG) emissions in California—it did not specifically address the role of CEQA in achieving the goals of the Act. Senate Bill 97, signed into law in 2007, requires the Governor's Office of Planning and Research (OPR) to develop guidelines under CEQA for the assessment and mitigation of GHG emissions. Once OPR finalizes the guidelines, SB 97 dictates that the Resources Agency implement the formal rulemaking process and certify the guidelines by January 1, 2010. The USEPA has issued an Advanced Notice of Proposed Rulemaking for regulating GHGs under the Clean Air Act. However, a formal method for such an assessment of GHG emissions has not yet been established in the regulatory framework of CEQA and NEPA.

Nonetheless, Section 4.16, Global Climate Change, of the Draft EIS/EIR presents a discussion of the potential global warming impacts associated with development of the Proposed Action and alternatives. Emissions of GHGs associated with construction of the Proposed Action are presented in Table 4.16-5. Emissions of GHGs associated with operation of the Proposed Action are presented in Table 4.16-6. While significance thresholds for GHG emissions have not been adopted by a public agency, Section 4.16 also makes a determination of significance utilizing the GHG reduction goals and strategies of the state as evidenced in AB 32, Senate Bill 375, and other GHG legislation. The determination is also based on the analysis of the estimated GHG emissions, project design features incorporated into the Proposed Action that would reduce GHG emissions, and proposed mitigation measures.

Response to Comment ORG-6-5

The comment that the Draft EIS/EIR does not include sufficiently detailed analysis of impacts is without basis. Please see Section 4.4, Biological Resources of the Draft EIS/EIR, a 168-page section with 77 pages devoted to the discussion of biological impacts. Each one of the 11 impacts is not only described in clear terms but its magnitude is quantified using data such as acres of habitat that would be removed. In all instances both direct and indirect impacts are analyzed and reported in the section. Once that is done, the environmental commitments that are relevant to the impact are described in detail and determination is made whether, following the implementation of the environmental commitments already included in the Proposed Action, there would still be a remaining impact that would require additional mitigation measures. The analysis of impacts is not curtailed by simply stating that the environmental commitments will result in a less-than-significant impact.

Similarly, Section 4.2, Agricultural Resources in the Draft EIS/EIR presents a detailed, quantitative analysis of the effect of the Campus, Community North, and Community South on Important Farmland, identifying clearly the acres of farmland that would be converted to urban uses. Following this evaluation, the Draft EIS/EIR explains why the loss of some of the farmland would not represent a significant impact because those lands have never supported cultivated crops. Lastly, the EIS/EIR invokes the environmental commitments included in the Proposed Action and demonstrates to the reader how the conservation lands would help protect prime farmland from being developed with urban uses.

Please note that the Draft EIS/EIR concludes that the Proposed Action's impact on Important Farmland and impacts on air quality would be significant and unavoidable, and not less than significant as stated in the comment.

Response to Comment ORG-6-6

Please see **Master Response No. 3, Water Supply Impacts**.

Response to Comment ORG-6-7

The Draft EIS/EIR provides an adequate program-level analysis of the environmental effects of constructing off-site utility improvements that would be required to provide utilities to the Campus and the University Community. These off-site improvements to utility systems are described in Section 2.0 (Volume 1) on pages 2.0-23 through 25 and on pages 2.0-30 and 31. The likely alignments of these off-site improvements are shown in Figure 2.0-6. As shown in that figure, all of these utility improvements would be located either within the right-of-way of existing roadways or within the right-of-way of the approved Campus Parkway. Given these alignments and the limited amount of disturbance associated with installation of new or expanded pipelines and power lines, the Draft EIS/EIR concluded in various resource sections that the impacts from constructing these improvements would be less than significant or would be rendered less than significant with standard mitigation measures. It should be noted that as and when these improvements are proposed they will be subject to additional environmental review by the entity undertaking their construction.

Response to Comment ORG-6-8

Please see **Response to Comment LA-5-5**. As LAFCO's Comment LA-5-5 indicates, different LAFCOs have adopted different policies regarding conversion of agricultural land; there is no uniform statewide policy regarding such conversions. The Draft EIS/EIR evaluates the applicability of Merced County LAFCO's policies, rather than "assume" they are satisfied.

Response to Comment ORG-6-9

The comment states that Mitigation Measure AQ-2a in Section 4.3, Air Quality, of the Draft EIS/EIR does not meet the legal requirements of CEQA and NEPA and is in improper deferment of mitigation. The comment also states that Mitigation Measure AQ-2b is unenforceable.

Mitigation Measure AQ-2a requires the Campus to work with the San Joaquin Valley Air Pollution Control District (SJVAPCD) to ensure that emissions directly and indirectly associated with the Campus, University Community, and induced growth are adequately accounted for and mitigated in applicable air quality planning efforts. The SJVAPCD is responsible for developing air quality attainment plans for the San Joaquin Valley Air Basin (SJVAB), and those attainment plans are required to demonstrate attainment of the state and federal ambient air quality standards for those pollutants in which the basin is designated as nonattainment or maintenance. Mitigation Measure AQ-2a ensures that the air quality planning efforts of the Campus reflect a commitment to SJVAPCD's goal of attaining state and federal ambient air quality standards.

Mitigation Measure AQ-2b calls on the University and the developers within the University Community to implement the following measures to reduce emissions from vehicles: provide pedestrian-enhancing infrastructure to encourage pedestrian activity and discourage vehicle use; provide bicycle facilities to encourage bicycle use instead of driving; provide transit-enhancing infrastructure to promote the use of public transportation; provide facilities to accommodate alternative-fuel vehicles such as electric cars and CNG vehicles; and to improve traffic flows and congestion by timing of traffic signals to facilitate uninterrupted travel. Such measures are enforceable via agreements or contracts with the Campus and the lead agency. Measures similar to these are recommended by public agencies, such as the Governor's Office of Planning and Research. In December 2008, the Office of the California Attorney General included mitigation measures similar to those in Mitigation Measure AQ-2b in a publication entitled, *The California Environmental Quality Act—Addressing Global Warming Impacts at the Local Agency Level*. The provisions in Mitigation Measure AQ-2b would result in co-benefits with respect to emissions of greenhouse gases.

Response to Comment ORG-6-10

With respect to mitigation measures that are identified in the cumulative impact sections as actions that other entities can and should implement to address the cumulative impacts, please see **Master Response No. 4**. Regarding Cumulative Mitigation Measure HYD-3, please refer to **Response to Comment ORG-5-30**.

Response to Comment ORG-6-11

The comment does not identify any issue that is not adequately addressed in the EIS/EIR. Therefore, there is no need to withdraw the Draft EIS/EIR and reissue it.

Letter No. ORG-7

January 5, 2009

Via email: ucmerced@usace.army.mil
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and

Via email: bsamuelson@ucmerced.edu
Regents of the University of California
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Re: Comments by The Nature Conservancy on the UC Merced and University Community Project Draft EIS/EIR (State Clearinghouse # 2008041009)

Dear Ms. Haley and Mr. Samuelson:

The Nature Conservancy (the Conservancy) has reviewed the Draft EIS/EIR for the UC Merced and University Community Project and respectfully submits this comment letter to address areas of concern. While a number of our comments are merely to correct factual errors, there are also a number of comments regarding the need for an endowment to manage and monitor the easements on the Conservation Lands that were acquired to serve as mitigation for the University's Proposed Project. The California Wildlife Conservation Board, using funds appropriated specifically for the purpose of funding the mitigation needs of this project, granted money to the Conservancy and the California Rangeland Trust to acquire the conservation easements on the Tier 2 lands. The cost of managing and monitoring these easements, as well as all other easements which provide mitigation for this project, should be included as a cost of the project and funded by the party receiving the mitigation credit. 1

Our specific comments are as follows:

Document	Location	Comment Type	Comment
EIS/EIR	Page 4.4-86	Correction	The CST property was acquired by TNC using WCB funding – it was not acquired directly by WCB.

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Document	Location	Comment Type	Comment	
EIS/EIR	Page 4.4-88	Clarification	The statement that 26,000 acres will be protected as a result of the implementation of the Proposed Action is misleading. These lands have been protected already and are not at risk of being converted even if the Proposed Action is not implemented.	3
EIS/EIR	Page 4.4-100	Correction	The third sentence of paragraph 2 states "Grazing will be maintained at current moderate levels or at levels that maintain specific residual dry matter (RDM) standards." The easement lands are subject to minimum RDM standards only. The easements do not guarantee that grazing will be maintained at current levels. This should be changed to read, "**On Conservation Lands owned by UC Merced**, grazing will be maintained at current moderate levels **while grazing on easement lands will be subject to minimum residual dry matter (RDM) levels.**"	4
EIS/EIR	Pages 4.4-101-102	Wetland Creation	The wetland creation plan does not address land availability, funding for purchase of private lands and whether the acquisition will be on a willing seller basis. While land may exist that meets the requirements for wetland creation and restoration, the land may not be available for purchase. The plan to begin campus construction activities before wetland creation activities are completed runs a high risk of failure. How does the University plan to address the uncertainty associated with land availability and funding? Will the Campus construction project be put on	5

Document	Location	Comment Type	Comment	
			hold if plans for wetland creation are not implemented before wetlands are filled?	5
EIS/EIR	Pages 4.4-108-109	Translocation	The plan to transplant special status plant species into natural pools that do not contain these species is risky in that it adds disturbance to a relatively undisturbed pool, is adding species that don't occur in the pool naturally and the soil addition can bring in seeds of other plants and invertebrates that may not occur in the pool. Adverse effects of this action would be very difficult to detect even with extensive monitoring. We suggest that undisturbed, natural pools not be used for this activity.	6
EIS/EIR	Pages 4.4-132	Correction	The first sentence after Table 4.4-18 should be changed to read: "...environmental commitments requiring the management of **Tier 1a** conservation lands..." The current Tier 2 conservation lands do not have a requirement to maintain SJ Kit Fox habitat including the installation of artificial dens.	7
EIS/EIR	Page 5.0-19	Loss of Wetland Habitat	This statement needs to be reevaluated based on concerns over the calculations made for increased wetland function (expressed later in this document): "When viewed in terms of functional replacement, the increased wetland function resulting from preservation and management would yield an estimated increase of 203.2 functional capacity units..."	8

Document	Location	Comment Type	Comment	
Management Plan for Conservation Lands and the Adjacent Buildout Lands for the University of California, Merced (MPCL)	Chapter 1 Introduction	Correction	In the Introduction, on Page 1-1, Myers Easterly is identified as part of the UCM Conservation Lands (Tier 1a Lands), but on Figure 2-1, Myers Easterly is identified as a Tier 1b Conservation Land. Again in Section 2.1.1 it is listed under UCM Conservation Lands (Tier 1a) (See 2.1.13) but in the introductory paragraph of 2.1.1, only two properties (VST Preserve and CNR) are defined as the *UCM Conservation Lands*.	9
MPCL	Section 2.2.2, Page 2-4	Correction	The WCB grant agreement under which the funds were granted to purchase the CST property provides that the purpose of the grant is to facilitate TNC's acquisition of the property "for the purposes of wildlife habitat preservation, restoration and management, wildlife-oriented education and research, and for compatible public and transitional agricultural use, all as may be consistent with wildlife habitat preservation."	10
MPCL	Chapter 6, Page 6-2	CST Easement Terms	Delete "800" lbs per acre RDM since this is a term that will be determined in the easement and this is not the standard RDM value that is used in easements in this area.	11
MPCL	Chapter 7, Section 7.1	Easement Monitoring & Endowment Funding	This section doesn't mention annual compliance easement monitoring or the funding for it.	12
MPCL	Table 7-1	Correction	The title of this table should make clear that these elements of the monitoring plan are for Tier 1a Lands only.	13
MPCL	Sections 7.2 and 8.2	Easement Monitoring & Endowment Funding	The monitoring requirements outlined in this section are above and beyond the usual compliance monitoring conducted on easement properties. If this level	14

Document	Location	Comment Type	Comment
			of monitoring and management is required for CST, then an adequate endowment established by UCM will be necessary to ensure funding for these monitoring activities in perpetuity. Funding for such activities is not the easement holder's responsibility, but is the responsibility of the entity receiving mitigation credit. 14
MPCL	Chapter 9	Easement Monitoring & Endowment Funding	This section needs to clearly state that the entity receiving mitigation credit (UCM) is solely responsible for providing sufficient funding in the form of an endowment that covers all easement monitoring requirements on Tier 1 and 2 Lands including CST, CNR, VST, Myers Easterly, and all Tier 2 properties. 15
Management Plan for Tier 2 Conservation Lands (Appendix A to MPCL)	Page A-1, 1st paragraph	Correction	WCB did not acquire the easements; WCB provided funding to TNC and CRT to acquire conservation easements from private landowners. WCB did not convey conservation easements on the five Tier 2 Lands. 16
Management Plan for Tier 2 Conservation Lands (Appendix A to MPCL)	Page A-2, Table A-1	Correction	All properties are privately owned by a rancher, not just the Cunningham property 17
Management Plan for Tier 2 Conservation Lands (Appendix A to MPCL)	Page A-4	Correction	The easement holder has the right to "preserve" not "reserve." The easement holder's right to install and maintain signage is subject to the landowner's reasonable agreement. The easement holder's right to take additional actions to control noxious weeds is subject the landowner's reasonable consent. 18

Document	Location	Comment Type	Comment
Management Plan for Tier 2 Conservation Lands (Appendix A to MPCL)	Page A-5 and A-6	Easement Monitoring & Endowment Funding	On the easements it holds, TNC will administer, monitor and report on easements as is required by law, and TNC's policies, procedures, and determined best practices. It is the obligation of the entity receiving mitigation credit (UCM) to fund the endowments necessary to manage the easements for which the entity is receiving mitigation credit. The Funding section should read: "UCM will be responsible for establishing an endowment that ensures in perpetuity funding for the administration and monitoring of TNC and CRT easements and for conducting administration, monitoring, reporting, and adaptive management actions.
Grazing Management Plan for UC Merced Conservation Lands (App B to MPCL)	Figure B-2 Figure B-3 Figure B-4	Correction	Delete "Easement Land" after "Cyril Smith Trust" on these maps. The Cyril Smith Trust property is currently owned in fee by TNC.
Grazing Management Plan for UC Merced Conservation Lands (App B to MPCL)	Section 3.2, Page 7	Correction	Change the last sentence to read: "This stocking rate calculates to approximately 1.0 animal unit months (AUMs) per acre **or 1.0 animal units per 6 acres for the 6 month season.**"
Conservation Easements for Tier 2 Conservation Lands (App F to MPCL)	Cover Page	Clarification Needed	The Cover Page says it is incomplete and will be finalized following completion of remaining conservation easements for Conservation Lands properties. All of the Tier 2 conservation easements were recorded in 2001-2002. According to the EIS/EIR, any remaining easements will be Tier 1a or Tier 1b easements.

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Document	Location	Comment Type	Comment	
Final Conservation Strategy for the UC Merced Project	Chapter 3, Page 3-3	Correction	The first paragraph should read: "...the standing crop of **native and** non-native grasses (Robins and Vollmar 2002; Marty 2005). These grasses can produce a taller and denser cover of vegetation and greater masses of residual dry matter than that produced by **native vernal pool dicots**. This additional competition and thicker litter layer may reduce growth, reproduction, and successful seedling establishment by native vernal pool plant species (Robins and Vollmar 2002). By altering the open water column, these grasses also may affect vernal pool crustaceans (Robins and Vollmar 2002)."	23
Final Conservation Strategy for the UC Merced Project	Chapter 5, Page 5-15	Correction	The second sentence under UC Merced Actions should read: "A total of 9,498 acres of lands (CST, VST Preserve, Myers Easterly, and CNR) have been acquired in fee title by UC Merced **and The Nature Conservancy** and dedicated to conservation management."	24
Final Conservation Strategy for the UC Merced Project	Chapter 5, Page 5-20	Easement Monitoring & Endowment Funding	States that monitoring plans for conserved lands should include periodic reconnaissance surveys to verify compliance with the terms of conservation easements as well as surveys to document the status of habitats occupied by target species. If this is a requirement, then the endowment to be established must include funding for this level of monitoring.	25
Final Conservation Strategy for the UC Merced Project	Chapter 6, Page 6-1	Clarification Needed	States that the MPCL is the document prepared to meet the USFWS BO requirement of a plan to describe management strategies and financial assurances for monitoring and management and a strategy for	26

Document	Location	Comment Type	Comment	
			addressing indirect effects of the UC Merced Campus and infrastructure and related road improvement projects on Conservation Lands. It is not clear that the MPCL meets the last two requirements.	26
Final Conservation Strategy for the UC Merced Project	Chapter 6, Page 6-6	Correction	In the first full paragraph, the second to last sentence should be changed to read: Monitoring reports **for the UC Merced Conservation Lands** will be submitted annually to the USFWS, the Corps, and the DFG."	27
Final Conservation Strategy for the UC Merced Project	Chapter 6, Page 6-6	Easement Monitoring & Endowment Funding	The Plan Funding and Implementation section should clearly state that endowment funding for management and monitoring of all easements on conservation lands will be provided by UCM as a cost of the project. While it's true that the MPCL presents a funding overview for implementing the management and monitoring program for UC Merced Conservation Lands, the overview is lacking specifics for conservation easement monitoring and management and the requirement of UCM to fund such activities as mitigation for the proposed project. The MPCL also lacks specific requirements for monitoring of the easements on the Tier 2 conservation lands. Without specifics, the amount of the endowment that needs to be funded by UCM is nearly impossible to determine. The second sentence of this section needs to be changed to state that: "The funding program and a secure source of funds for	28

Document	Location	Comment Type	Comment
			conducting management and monitoring will include endowment funding from UCM, potentially augmented by UCM annual operating funds and grazing lease revenues. 28
Final Conservation Strategy for the UC Merced Project	Chapter 7, Page 7-2	Correction	The Myers Easterly property has been protected by a conservation easement granted to TNC. 29
Final Conservation Strategy for the UC Merced Project	Chapter 7	Easement Monitoring & Endowment Funding	The cost of establishing an endowment to manage and monitor the easements on the Conservation Lands that were acquired to serve as mitigation for the University's proposed project needs to be funded as a cost of the University's proposed project. The purpose of mitigation is to compensate for the impacts caused by the University's proposed project. All of the costs of such mitigation should be included in the cost of the proposed project, including the cost of long-term management and monitoring of Conservation Lands and the mechanisms used to protect the target species. 30
Compensatory Wetland Mitigation and Monitoring Plan	Chapter 5, Page 5-6	Calculation of Functional Replacement	There is no clear distinction that can be made between the disturbance index rating for moderate grazing and grazing to NRCS standards. In fact, moderate grazing presumes some grazing is actually taking place. Conforming to NRCS standards does not since the standards only require a minimum RDM level be met. A landowner could meet NRCS standards without grazing at all, which then equates to the 0.50 rating. Additionally, grazing down to NRCS minimums each year for a number of years would likely result in a functional 31

Document	Location	Comment Type	Comment	
			overgrazing effect again rated at 0.50. The only functional credit that can be assumed for lands subject to NRCS RDM standards in this exercise is the prevention of overgrazing by ensuring minimum RDM standards are met. What happens if grazing is not profitable in the future and no grazing takes places on the conservation lands thus reducing the disturbance index to 0.50? Claiming any long-term and consistent increased wetland function by having conservation easements on Tier 2 lands is not supported by science. There is currently no provision in the VST or Myers Easterly conservation easement that requires grazing (therefore avoiding undergrazing).	31
Compensatory Wetland Mitigation and Monitoring Plan	Chapter 5, Page 5-8	Correction	CRT is the easement holder for the Carlson & Cunningham easements, as well as the Nelson easement.	32
Compensatory Wetland Mitigation and Monitoring Plan	Chapter 5, Page 5-12	Easement Monitoring & Endowment Funding	The estimated Cost of Mitigation should include the estimated cost of long-term monitoring and management of all the conservation easements that are a requirement of the mitigation plan.	33
Compensatory Wetland Mitigation and Monitoring Plan	Chapter 6, Pages 6-1 and 6-2	Performance Standards	Why are there no performance standards for native vernal pool invertebrate populations in the restored and created wetlands? What happens if the performance standards are not met?	34

Document	Location	Comment Type	Comment	
Compensatory Wetland Mitigation and Monitoring Plan	Chapter 6, Table 6-3	Correction	Easement Holder on Carlson & Cunningham is CRT.	35
Compensatory Wetland Mitigation and Monitoring Plan	Chapter 7, Page 7-4	Correction	Second sentence of last paragraph should state that TNC, **if TNC is the easement holder**, will be responsible for report submittal for the Tier 1b lands.	36
Compensatory Wetland Mitigation and Monitoring Plan	Chapter 7, Page 7-4	Correction	Third sentence of last paragraph should say "**Tier 2 lands**" not "Tier 1 lands."	37

We appreciate the opportunity to comment on these documents.

Respectfully Submitted,

Jaymee Marty

Jaymee Marty, Ph.D.
Associate Director of Science
The Nature Conservancy

Cc: Cathy Norlie, Esq., The Nature Conservancy
Sandi Matsumoto, The Nature Conservancy

Response to Comment Letter ORG-7

Response to Comment ORG-7-1

This comment states that the management of all conservation lands acquired or made subject to a conservation easement should be fully endowed by the University. Such a requirement is not needed to mitigate the impacts of the 77.79 acres of fill on waters of the United States or protected species.

As shown on **Table 3.0-11, Evaluation of Species and Wetland Mitigation Ratios Achieved by Tier 1a Mitigation Lands,** all of the impacts of the Campus and Community North will be mitigated on University or University Community Land Company, LLC (UCLC) lands (i.e., "Tier 1a" lands) at ratios exceeding those imposed under applicable regulatory standards, including the 2002 Biological Opinion issued by the US Fish and Wildlife Service. All of these lands will be protected by a permanent conservation easement (to the extent they are not already so protected), and will be managed through funding to be provided by an endowment that will be established by the University and UCLC.

With respect to the Tier 1b lands (the "Cyril Smith Trust" property) and the Tier 2 lands (other WCB-funded easement acquisitions), the WCB grant agreements require that the grantees manage those lands for the purposes of wildlife habitat preservation, restoration and management, among other conservation-related purposes. As such, each grantee (either The Nature Conservancy [TNC] or The California Rangeland Trust [CRT]) is legally responsible to ensure the Tier 1b and Tier 2 lands are adequately managed in perpetuity. In fact, given that TNC is the owner of fee title to the Tier 1b lands and manages them in accordance with its environmental purposes, an endowment should not legally be required.

Response to Comment ORG-7-2

The comment correctly notes that the CST property was acquired by the TNC using WCB funding, and not directly acquired by WCB. The revised text is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Biological Resources, page 4.4-86.

Response to Comment ORG-7-3

The comment that page 4.4-88 of the EIS/EIR does not accurately describe the Conservation Lands is correct. Although the intent of the text is to state that the Conservation Lands have been acquired specifically to mitigate impacts resulting from implementation of the Proposed Action, simply stating that "implementation of the Proposed Action will result in conservation of over 26,000 acres of natural lands" may be misleading. Page 4.4-88 has been revised to reflect that over 26,000 acres of conservation lands have already been acquired (see **Section 2.0, Revisions to the Draft EIS/EIR**).

Response to Comment ORG-7-4

The comment is correct that grazing lands are subject to minimum residual dry matter (RDM) standards only. The revised text is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Biological Resources, page 4.4-100.

Response to Comment ORG-7-5

Please refer to **Response to Comment ORG-1-5**. Please also refer to the discussion regarding a phased implementation schedule for the wetland restoration and creation efforts, as provided in the EIS/EIR under Impact BIO-1.

Response to Comment ORG-7-6

Please refer to **Response to Comment ORG-1-7**. Mitigation Measure BIO-2 specifies that the translocations sites may not contain existing populations of the transplanted species. Page 4.4-109 has been revised to reflect that Mitigation Measure BIO-2 now specifies that the translocated material will consist of seeds only, not soil (see subsection Biological Resources in **Section 2.0, Revisions to the Draft EIS/EIR**).

Response to Comment ORG-7-7

The comment is correct that Tier 2 lands do not require San Joaquin kit fox habitat to be maintained, including the installation of artificial dens. The revised text is presented in **Section 2.0, Revisions to the Draft EIS/EIR**, under the subsection Biological Resources, page 4.4-132.

Response to Comment ORG-7-8

The comment notes that the discussion of replacement functional capacity units needs to be reevaluated, because it was derived from an analysis presented in the Compensatory Wetland Mitigation and Monitoring Plan that used an incorrect assumption for rating the effects of grazing on the conservation lands (see **Comment ORG-7-13**). The paragraph on page 5.0-19 of the Draft EIS/EIR, which discusses how the Proposed Action would compensate for a significant cumulative impact on wetlands, has been revised in view of this comment (see **Section 2.0, Revisions to the Draft EIS/EIR**).

As reflected in the textual revision, the preservation and management components of the Proposed Action are intended to ensure that there would be no net loss of wetland functions for naturally occurring wetlands. The restoration and creation components are intended to ensure that there would be no net loss in the overall areal extent of wetlands. The combination of preservation, management, restoration, and creation would compensate for the loss of wetland acreage and functions and fulfill the "no net loss" requirement. By resulting in "no net loss," the Proposed Action's contribution to the significant impact would not be cumulatively considerable.

Please refer to **Response to Comment ORG-7-31** regarding the calculation of functional replacement in the CWMMP.

Response to Comment ORG-7-9

The Myers Easterly property is considered part of the UC Merced Conservation Lands (Tier 1a lands). The text and figure errors will be corrected in a revised draft of the Management Plan for Conservation Lands (MPCL).

Response to Comment ORG-7-10

There does not appear to be any conflict between the text in Section 2.2.2 and that presented in the comment. The description of the purpose of the purchase will be incorporated into the text of a revised version of the MPCL.

Response to Comment ORG-7-11

The text has been modified to state that livestock grazing will be managed to meet required levels of residual dry matter (RDM) left at the end of the growing season, as specified in the conservation easement.

Response to Comment ORG-7-12

The comment is correct that the easement holder is responsible for monitoring to verify compliance with the terms of the easements it holds for the VST and Myers Easterly lands. TNC is responsible for funding this obligation.

Response to Comment ORG-7-13

The term "UC Merced Conservation Lands" is synonymous with Tier 1a lands, as stated in Section 2.2.1. See **Response to Comment ORG-7-9**, for corrections to be incorporated into that section. Therefore, no change to the title is needed.

Response to Comment ORG-7-14

As a result of reconfiguration of the Campus and University Community, CST lands are not required to meet mitigation land ratios specified in the project's Biological Opinion (US Fish and Wildlife Service 2002). Therefore, text in these sections will be simplified in a subsequent plan revision to refer solely to monitoring compliance with the future terms of any conservation easement placed on the property.

Response to Comment ORG-7-15

As noted in **Response to Comment ORG-7-1**, as a result of project reconfiguration, the University does not require Tier 1b or Tier 2 conservation lands to meet mitigation requirements. The University has not committed to fund monitoring and administration of easements on conservation lands. The holders of current easements have accepted these responsibilities.

Response to Comment ORG-7-16

The University agrees with TNC's characterization and will correct the referenced section to reflect the provision of funds by WCB to TNC, so TNC could acquire the conservation easements for Tier 2 lands.

Response to Comment ORG-7-17

The designation of ownership "by a rancher" was intended to be deleted for all properties, as the University did not have recent information on owners and their land uses. Future versions of the MPCL will remove this reference.

Response to Comment ORG-7-18

The suggested corrections will be incorporated into a revised version of the plan.

Response to Comment ORG-7-19

The University agrees that TNC can employ its own policies, procedures, and practices to administer its easements. The University does not require mitigation credit from the CST or Tier 2 mitigation lands in order to meet its requirements. The University does not intend to insert the recommended language into the MPCL to commit the University to funding easement administration and monitoring on these lands.

Response to Comment ORG-7-20

This error will be corrected in a revised version of the plan.

Response to Comment ORG-7-21

This suggestion does not correct an error. There are many ways that the same information about grazing use could be portrayed. The suggested information can be readily calculated by the reader, so it will not be incorporated into a revised version of the plan.

Response to Comment ORG-7-22

This appendix will be re-titled "Conservation Easements for Tier 1 and 2 Conservation Lands" in a revised version of the plan

Response to Comment ORG-7-23

The comment presents suggested revisions and/or corrections to the Conservation Strategy. The suggested correction to page 3-3 in the Conservation Strategy is noted; the revision does not change the meaning of the sentence in any significant way.

Response to Comment ORG-7-24

The suggested correction to page 5-15 in the Conservation Strategy is valid and the University acknowledges that TNC did also acquire in fee title some of the conservation lands for this project.

Response to Comment ORG-7-25

With respect to TNC's comment regarding easement and endowment funding, see **Response to Comment ORG-7-1.**

Response to Comment ORG-7-26

The comment regarding page 6-1 is noted. Revisions to the MPCL will clarify how the MPCL meets these two requirements.

Response to Comment ORG-7-27

The suggested correction for page 6-6 in the Conservation Strategy is valid and the University acknowledges that monitoring reports for UC Merced Conservation Lands only will be submitted annually to the USFWS, the USACE, and CDFG.

Response to Comment ORG-7-28

With respect to TNC's comment regarding easement and endowment funding, see **Response to Comment ORG-7-1.**

Response to Comment ORG-7-29

The comment is correct that the Myers Easterly property has been protected. The text in the Conservation Strategy on page 7-2 will be revised to reflect this.

Response to Comment ORG-7-30

With respect to TNC's comment regarding easement and endowment funding, see **Response to Comment ORG-7-1.**

Response to Comment ORG-7-31

The Disturbance Index Table (Table 3-5) in the Compensatory Wetland Mitigation and Monitoring Plan (CWMMP) incorrectly represented the Disturbance Index Table that was developed for the functional assessment (See Table 12, page 35 of Appendix A, UC Merced Functional Assessment Methodology). The "Managed per NRCS Standards" grazing scenario in Table 3-5 of the CWMMP should read "Moderate Grazing, Managed per NRCS Standards." The CWMMP has been revised accordingly.

The "No Grazing" scenario (0.50) is intended to represent the cessation of all grazing activities. The "Severe Grazing" scenario (0.50) is intended to represent an unregulated level of grading that clearly degrades wetland function, beyond that which could occur if grazing were managed to conform to NRCS overgrazing standards. The "Moderate Grazing, Managed per NRCS Standards" scenario is intended to represent the broad range of grazing activities carried out in the region, with institutional constraints to assure that NRCS overgrazing standards are also met. Although not clearly stated, these scenarios were intended to represent conditions occurring over more than one growing season.

The calculation of functional replacement in the CWMMP was based on the more conservative incremental difference in FCI of 0.20 between the Severe Grazing and No Grazing scenarios (0.50) and the

Moderate Grazing scenario (0.70). The less conservative difference in FCI of 0.30 between the Moderate Grazing, Managed per NRCS Standards scenario (0.80) and the Severe Grazing and No Grazing scenarios (0.50) was not used.

The conservation easements over the Tier 1a lands (VST and Myers Easterly) allow the University to, at a minimum, maintain moderate grazing managed to meet or exceed NRCS overgrazing standards. An incremental difference in FCI of 0.20 on Tier 1a lands yields a functional replacement of 144.4 FCUs (See Table 5-3 of the CWMMP). Compared to the estimated loss of 28.8 FCUs, this will result in an estimated 5:1 replacement of FCUs. The CWMMP goes on to calculate potential functional benefits that could be derived from various other actions, including prevention of overgrazing or cessation of grazing and/or adaptive grazing management on Tier 1b and Tier 2 Conservation Lands, but these potential benefits are not reasonably foreseeable and/or unquantifiable. For purposes of crediting the proposed mitigation, only the functional benefits derived from Tier 1a lands (144.4 FCUs) should be assumed. The CWMMP has been revised to clarify this.

Response to Comment ORG-7-32

The comment is correct. The CWMMP has been revised accordingly.

Response to Comment ORG-7-33

The estimated cost of mitigation will include only those costs associated with providing the benefits needed to compensate for wetland function and area. Long-term maintenance costs will be included but only for maintenance of the Tier 1a lands and the restoration/creation lands. Since mitigation credit for Tier 1b and Tier 2 lands is not necessary to compensate for wetland function and area, maintenance costs for these lands will not be included.

Response to Comment ORG-7-34

Because of the difficulty in devising appropriate and reasonable performance standards specifically for aquatic invertebrates, the USACE has not typically required them in mitigation plans. Instead, the USACE has treated plant community and hydrology performance standards as reasonable proxies for the restoration or creation of suitable vernal pool/vernal swale invertebrate habitat.

Response to Comment ORG-7-35

The comment is correct. The CWMMP has been revised accordingly.

Response to Comment ORG-7-36

The CWMMP has been revised to make it clear that TNC or a subsequent easement holder will be responsible for report submittal for Tier 1b lands.

Response to Comment ORG-7-37

The comment is correct. The CWMMP has been revised accordingly.

Letter No. ORG-8

January 5, 2009

University of California Merced
PO Box 2039
Merced, California 95344

Re: Draft Environmental Impact Statement/Environmental Impact Report
UC Merced 2009 Long Range Development Plan

The Valley Land Alliance submits the following comments:

We do not support the University of California (UC) application for an Army Corps of Engineers 404 permit and the Long Range Development Plan Amendment, and the University Community. 1

1. Planning should be a coordinated effort
   Both Merced City and Merced County are in the process of updating their general plans. Development planning efforts to build out the campus should be coordinated with local officials and the general plan updates to encourage alternatives focused on redevelopment projects within the City of Merced or Castle Air Force Base. Redevelopment alternatives support the UC's stated intent to serve as a model community promoting sustainable development. Brownfield redevelopment projects utilizing in-place infrastructure are more exemplary and integral to the greater Merced community by promoting sustainable development, reducing strain on agriculture, and conserving natural resources. 2

   Planning the development of a community the size of an adjoining city does not encourage sustainable development, but urban sprawl. Large areas of vacant land west of the UC are ignored by the LRDP – what does the UC think will happen with this land? Merced residents are still suffering the negative impacts wrought by real estate speculation and over-development encouraged by the initial phases of UC development.

2. Impacts to Agriculture 3

3. Impacts to Water Not Fully Known
   The Merced Water Supply Plan (MWSP) is incomplete and does not provide adequate analysis or solutions to groundwater supply issues as required by the California Environmental Quality Act. Studies are not in place to conclude the impacts of the UC development and surrounding developments that will follow. Merced currently has no groundwater supply management ordinance or groundwater level data besides the narrow scope of the MWSP. Domestic and agricultural well levels are dropping at incredible rates across the county and Merced taxpayers deserve the cooperation between UC and city officials to perform the studies required to realistically assess our future groundwater supplies and meet California state law. 4

   The LRDP attempts to justify displacement of agricultural land by showing that UC development will use less water than agricultural practices. This appears to espouse sustainability through water savings when, in fact, it is quite the opposite. Are we to believe that our best solution to water scarcity is to sacrifice our food supplies? To meet urban demand, the MWSP assumes that in the future MID will no longer service agricultural entities – while expressing that this is not the intent of MID. Which outcome are we to believe?

Response to Comment Letter ORG-8

Response to Comment ORG-8-1

The comment opposing the Proposed Action is noted.

Response to Comment ORG-8-2

The University has been working closely with Merced County since the time that Merced was selected as the preferred County for the siting of the 10th Campus. The University is working with both the County and the City in their general plan update processes.

The Draft EIS/EIR presents a history of alternatives considered for the siting of the proposed campus dating back to the early 1990s. It also provides a discussion of alternatives considered and withdrawn by the University and the USACE because the alternatives failed the practicability criterion. The Castle Airport Alternative was among the alternatives that were not carried forth because it failed a number of screening criteria.

The Draft EIS/EIR addresses alternatives considered but not carried forth for detailed analysis at pages 3.0-11 to 3.0-14, and in greater detail at Appendix 3.0, Supplemental Alternatives Analysis. The alternatives that were considered and not carried forward in the Draft EIS/EIR included the Downtown Merced Alternative and the Infill Alternative. These two alternatives were not carried forward, as explained in the Draft EIS/EIR, because they would each result in significant environmental impacts and fail to satisfy the project purpose.

Regarding the need for a University Community to house all of the campus-related growth, please see **Master Response No. 2, University Community – Size, Need, and Location.**

Response to Comment ORG-8-3

Impacts to agriculture are evaluated in Section 4.2, Agricultural Resources of the Draft EIS/EIR.

Response to Comment ORG-8-4

The Draft EIS/EIR analyzes the Proposed Action's impact on the regional aquifer in Cumulative Impact HYD-3. The analysis uses all available documents, including the 2005 UWMP, the Merced Water Supply Plan and its Update, and the Draft Merced Groundwater Basin Management Plan. Based on the data presented in these documents and in light of the overdraft condition of the groundwater basin and the projected increases in water demand in the future due to not just the Proposed Action but other anticipated regional growth, the Draft EIS/EIR concludes that the Proposed Action's effect on the groundwater basin would be cumulatively considerable, and because all available mitigation will not fully offset this impact, that the project's effect would be significant and unavoidable. Please note that the Draft EIS/EIR presents the reduction in groundwater use from the conversion of project site farmland to urban use merely to show the net effect of the Proposed Action on the groundwater resources; it is not intended to suggest that urban uses are to be preferred over agricultural uses in order to address water scarcity.

Letter No. ORG-9

SMITH FAMILY SCHOLARSHIP BOARD
and
Virginia Smith TRUST

December 2, 2008

Nancy Haley
U.S. Army Corps of Engineers
1325 J Street, 1480
Sacramento, CA 95814

RE: University of California, Merced

Dear Ms. Haley:

The Virginia Smith Trust (VST) is a scholarship program established by the Will of the late Miss Virginia Smith in 1975. Over the past 33 years the Trust has awarded nearly $4 Million to more than 3,300 students to assist with their pursuit of higher education. To continue our program, and with the intention of expanding it to a greater number of students, the Trust has partnered with the University of California, Merced on a joint venture known as the University Community Land Company (UCLC) just south of the UC Merced campus. The Trust will be dependent upon the profits from this business venture not only to allow the scholarship program of the VST to continue, but to expand its reach from its current limited scope. UCLC land available for development will be critical to the success of the project and to the future success of our scholarship program.

From our association with UC, the Trust is very familiar with the efforts of the University of California in the preparation, planning and negotiations of the application for a Section 404 permit relative to the campus and community. It is the result of long and serious discussions about how best to accomplish the various goals of the campus and community, but at the same time causing the least impact on natural resources.

The current plan you have under study
*significantly avoids the impact on wetlands from the original plans of the 1990s.
*reduces the size of the campus by about 100 acres.
*implements various "green" programs on campus with more planned. 1

The Virginia Smith Trust unconditionally endorses the campus-community plan you are currently studying and urges approval by the Corp of Engineers of what we believe to be the Least Environmentally Damaging Practicable Alternative. Thank you.

FOR THE VIRGINIA SMITH TRUSTEES

W Terrence Bates

W. Terrence Bates
Director

cc: UC Merced—Brad Samuelson

Response to Comment Letter ORG-9

Response to Comment ORG-9-1

The comment in support of the Proposed Action is noted.

January 20, 2009

University of California, Merced
Mr. Brad Samuelson, Director of Environmental Affairs
5200 N. Lake Road
Merced, CA 95343

Re: UC Merced and University Community Project
Draft Environmental Impact Statement/Draft Environmental
Impact Report

2009 Long Range Development Plan

LWH Farms,LLC, owner of the land comprising more than fifty per cent of the University Community Plan , running from Cardella Road, as the north boundary, to Yosemite Avenue, as the south boundary, supports, in general, the proposed LRDP and Draft Environmental Impact Statement and Draft Environmental Impact Report referenced above.

LWH Farms, LLC, acknowledges that the modified LRDP, as proposed, will initiate a review of the existing plan and the subsequent process may result in changes to existing policies currently in the approved University Community Plan. Therefore, it remains that LWH Farms, LLC must be an equal participant in development of policies governing the community as such policies form. Specifically, mitigation measures which might pertain to the entire community require equal and cooperative participation by all property owners of the planned community. 1

We look forward to planning and implementing innovative and effective development solutions for the University Community in cooperation with the University Land Company, UC Merced, and the City and County of Merced.

Regards,

Sharon Hunt Dicker
LWH Farms,LLC
3758 Lake Road
Merced, CA 95340

Response to Comment Letter ORG-10

Response to Comment ORG-10-1

The comment in support of the Proposed Action is noted. The LWH Farms is correct in noting that a review of the existing plan for the entire University Community will be undertaken by the County which may result in changes to existing policies and that the County's review of the environmental impacts of the revised University Community Plan may result in the adoption of revised/additional mitigation measures, beyond those identified in this EIS/EIR.

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Assembly
California Legislature

CATHLEEN GALGIANI
ASSEMBLYMEMBER, SEVENTEENTH DISTRICT

COMMITTEES
CHAIR, SELECT COMMITTEE ON THE DEVELOPMENT OF A 10TH UNIVERSITY OF CALIFORNIA, MERCED CAMPUS
CHAIR, SELECT COMMITTEE ON THE FUTURE OF FARMING IN CALIFORNIA
STANDING COMMITTEES
AGRICULTURE
HIGHER EDUCATION
TRANSPORTATION
VICE CHAIR, RURAL CAUCUS

December 02, 2008
Statement by Robin Adam, on behalf of
California State Assemblymember Cathleen Galgiani
Before the
U.S. Army Corps of Engineers & University of California, Merced
Joint Hearing on the Draft EIS/EIR
Long Range Development Plan and University Community Plan

California State Assemblymember Cathleen Galgiani would like to thank the Army Corps of Engineers for working with UC Merced and the community to develop a plan that serves the needs of the University and minimizes the environmental impact.

The Assemblymember also applauds the University's extensive efforts to develop a plan that sets new standards for environmental stewardship and sustainability. 1

The University's modified Long Range Development Plan (LRDP) and the related University Community Plan (UCP) provides for a model 21st century campus and university community. The plan clearly balances the interests of reducing impacts on vernal pool wetlands, achieving greater land-use efficiency thus minimizing impacts on agricultural resources and accommodating the future needs of the planned 25,000-student campus.

The University Plan and the Draft EIS/EIR not only reduces the development impact on wetlands but results in the permanent preservation of 2,318 acres of in-kind wetland habitat in addition to the 26,000 acres of grasslands already set aside by the state in conjunction with the University for permanent conservation.

UC Merced has already been recognized by the U.S. Green Building Council and the American Institute of Architects for the design and construction of facilities that make wise and efficient use of water, energy, light, building materials and other resources. This plan can serve as a model of sustainable, higher-density development for the Central Valley, with its projected population growth and environmental challenges.

Assemblymember Galgiani is pleased to lend her support to this thoughtfully developed plan.

Response to Comment Letter I-1

Response to Comment I-1-1

The comment in support of the Proposed Action is noted.

From: Fred Silveira [mailto:raupete@gmail.com]
Sent: Sunday, November 30, 2008 1:59 AM
To: DLL-CESPK-UCMERCED
Subject: UCMerced Support

Gentlemen --
As a resident of Merced, I support the expansion of UCMerced especially as it relates to the proposed 2,766 acre(s) plan. It makes a good faith effort to accomodate environmental concerns. In turn, the potential of university education and research can and will enhance the value of life in the San Joaquin Valley as well as extending benefits to a world good. 1

Fred B. Silveira
1611 Evette Court
Merced, CA 95340

Response to Comment Letter I-2

Response to Comment I-2-1

The comment in support of the Proposed Action is noted.

U.S. Army Corps of Engineers
Regulatory Branch
Attn: Ms. Nancy Haley
1325 J Street
Sacramento, CA 9581

1 January 2009

Re: University of California, Merced dEIS Comments

Dear Ms. Haley,

Thank you for the opportunity to provide comments to the draft Environmental Impact Statement/draft Environmental Impact Report for the University of California, Merced project. I have the following comments:

- As part of the mitigation for this project, the University is setting aside a 1,307-acre natural reserve. While the document states that this parcel will be dedicated to scientific research and education, the document does not affirm that a conservation easement on the parcel will prevent future developments from encroaching upon or entering the area. A development restriction on the parcel will ensure that the natural reserve remains undeveloped. 1
- The preferred alternative places the University and associated community to the east of the existing town of Merced. To provide the best economic and community incentives to Merced, the University should be situated closer to the existing town – preferably on one of the "in-town" alternatives. This will prevent economic depression of Merced and will revitalize the town. 2
- If the preferred alternative continues to remain the final choice for the University, impacts to natural resources (particularly wetlands) can be minimized further by situating the University further south in the preferred alternative. This would greatly reduce impacts to wetlands by the project. 3
- The dEIS needs to address the growth-inducing impacts of the roads to the University community and the associated housing and developments. 4
- Page 37 addresses Pallid Bats as a rare species. The document states that this species relies heavily on trees for roosts. Cavities and exfoliating bark do provide roosting habitat for Pallid Bats, however, they are not a foliage-roosting species. Buildings such as barns and sheds as well as bridges provide roosting habitat for Pallid Bats as well as other bat species, including sensitive Myotis species. One other species that does rely on trees for roosts are Red Bats (*Lasiurus blossevillii*) – a State and Federal sensitive species. 5
- Page 0 discusses rare plants discovered on the site. However, this si te is formerly heavily grazed and has been experiencing less than normal rainfall. 6

Therefore, rare plants would be even rarer if they are able to sprout during the year of the survey. A multi-year series of surveys need to be conducted to truly ascertain the impact of the project on rare plant species/communities. In particular, these surveys need to be conducted when conditions are optimal for the rare species. 6

Thank you again for this opportunity to evaluate and comment upon the draft EIS/dEIR for the University of California, Merced project. If you have any questions or need additional information, I can be reached at (916) 558-2 06 or by email at wyattd@scc.losrios.edu.

Yours truly,

David T. Wyatt

David T. Wyatt, Professor
Biology Department
Sacramento City College

Response to Comment Letter I-3

Response to Comment I-3-1

As described in Section 2.4, Proposed Action (Volume 1), the 1,307-acre Campus Natural Reserve (CNR) located adjacent to the campus, would be placed under a new conservation easement, and presumably dedicated to scientific research and education. The Project Description also describes that the CNR will be maintained permanently in an undeveloped state and managed in a manner consistent with the management practices of the UC Natural Reserve System pursuant to a management plan for conservation lands (Appendix 2.1 of the EIS/EIR).

Response to Comment I-3-2

The Draft EIS/EIR includes a discussion of a Downtown Merced Alternative and an Infill Alternative on pages 3.0-11 through 3.0-14 in Volume 1. That discussion shows that both alternatives would not be practicable and therefore these alternatives were not carried forth for detailed evaluation. Although both alternatives would potentially reduce the Proposed Action's impacts on biological resources but the Downtown Merced alternative would have much greater displacement and traffic impacts than the Proposed Action, and the Infill Alternative would result in greater operational impacts related to a dispersed campus.

Response to Comment I-3-3

An alternative that would move the Campus further south of the proposed location would result in the displacement of the University Community further south of its current proposed location. Such an alternative was considered by the USACE and the University but was not included in the Draft EIS/EIR because it would significantly increase the project's impacts on prime farmland. The Campus and University Community as proposed under the Proposed Action represent the effort to attain the best achievable balance between impacts on biological resources and farmland impacts.

Response to Comment I-3-4

No new roadways are specifically proposed to serve the University Community. The Campus Parkway, which is planned to the east of the City of Merced and would provide access to the Campus and University Community from Highway 99, has been approved by Merced County for implementation. This project is required with and without the new campus or University Community—that is, the project has independent utility. The growth impacts of the parkway were evaluated in the EIS/EIR that was prepared by the County for that project. No other new roadways are planned in the project area.

Response to Comment I-3-5

Special-status plants and wildlife species that occur or have the potential to occur in or near the project site are presented in Table 4.4-6 of the Draft EIS/EIR. As discussed in the Draft EIS/EIR, Pallid Bats are a species of concern in California that have a low potential to occur in the project site. The comment that bats are also known to roost in buildings in addition to trees is noted.

Response to Comment I-3-6

Rare plant information presented in the Draft EIS/EIR relied upon the California Native Plant Society's (CNPS's) 2008 Online Inventory of Rare and Endangered Plants of California available at www.cnps.org/inventory/ and the California Department of Fish and Game's California Natural Diversity Database (CNDDB). CNPS's Inventory of Rare and Endangered Plants contains the latest inventory of rare plants and is updated quarterly, while the CNDDB serves to inventory the locations of the state's rarest species and natural communities.

U.S. ARMY CORPS OF ENGINEERS

UNIVERSITY OF CALIFORNIA, MERCED

EIR/EIS SCOPING SESSION FOR

CLEAN WATER ACT SECTION 404 PERMIT

Merced, California

Tuesday, December 2, 2008

ORIGINAL

REPORTER'S TRANSCRIPT OF PUBLIC COMMENTARY

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(Presentation by officials in attendance, after which the following public commentary took place:)

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MR. SAMUELSON: We'll turn the meeting over to for public comment now. I'm going to bring a mike out, 17:41:37
and you could speak to our court reporter. That would be great.

MR. TEMPLE: Good evening. I don't mean to be first because I have anything provocative to add, but I do have a business meeting tomorrow in Monterey, so I 17:42:39
want to leave.

My name is Ralph Temple. I've been a resident of Merced since 1971. I was a member of the U.C. Merced Committee, which, of course, was the committee that came from our community to try to convince the regents to 17:42:56
locate this campus in Merced.

Furthermore, I am currently the chairman of the University Land Company, an LLC, which is the owner of the property immediately south of the campus and is identified on the slide ahead of us as Community North. 17:43:12
The LLC is property comprising a little over 1200 acres at present. It's owned equally by the University of California and the Virginia Smith Trust. We have representatives of the Trust here tonight.

The Virginia Smith Trust is an educational 17:43:32

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trust that provides scholarships for deserving students matriculating at universities and colleges throughout the country, and we're very proud of it.

Going back to the -- and by the way, in terms of this process, I am certainly going to speak in favor of the adoption of this plan and acceptance of this plan. The LLC and its members have been a part of this process from the start. We are thoroughly familiar with the terms and provisions. We've been kept in the loop, so to speak, and as I will indicate in a minute, we certainly have been affected by the amended plan.

But to go back historically a little bit, the reason that we wanted this campus here was for a lot of reasons really. Obviously, a University of California campus is a terrific economic engine to any community, but also there were other reasons. The Central Valley was underserved in terms of its deserving students actually going to U.C., and Merced students were part of that.

The presence of the University in our community would certainly improve the intellectual and cultural fabric of the community, and we were certainly hopeful that other businesses because of the symbiotic relationship with the University would locate here.

Merced, unfortunately, has been largely

dependent on agriculture. Our wages are somewhat low, and our unemployment level unfortunately is somewhat high, particularly seasonal, so this certainly was one of the reasons that we were interested in a U.C. campus. And, frankly, the sons and daughters of Merced residents who went on and got college educations or obtained special skills were often unable to find employment in town, and the University offers certainly some advantages there. 17:45:31

So originally the University was offered, as has been indicated, 2,000 acres free. It was the land belonging to the Virginia Smith Trust; and, of course, under that proposal, the Trust would have the surrounding 5,000 acres which is a win/win for both the University and the Trust. 17:45:45 17:46:06

Prior to any construction on the sites, over 26,000 acres have now been dedicated in perpetual conservation easements in order to mitigate the potential environmental impacts of our campus.

The Smith holdings have been reduced substantially. Originally -- well, as I indicated, we now own -- the Smith Trust, excuse me, owns a one-half interest in approximately 1240 acres, and as the record has shown originally, the University, after looking at the impacts, the environmental impacts, the size went 17:45:28 17:46:51

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down to 910 acres. The current proposal is even smaller, down to 815 acres. And that's very, very important because we understand, according to the policies of the regents is that 815 acres is the minimum acreage necessary for the full build-out of a major 17:47:15 university campus, and that's, of course, to all of our interests that we get that.

And the Virginia Smith Trust is willing -- as you know, the campus, under the new plan, is going to take over 200 acres from the Community North area, and 17:47:33 the Smith Trust is willing to negotiate to accomplish that.

The LLC firmly supports this 404 Plan. Our 1 mission in the LLC, of course, is to gradually provide student housing, faculty housing, staff housing, and 17:47:54 there will be some commercial uses, of course, and also schools and parks that are conducive and consistent with the campus plan.

Our efforts are going to be also the smart growth and to minimize effects on the environment. The 17:48:13 campus needs the services that will be provided in its community, and it is far better and less of an impact to provide those services immediately adjacent to the campus rather than to encourage further urban growth or spread. 17:48:34

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And we've already seen some of the benefits of a university presence in our community. A high percentage of students are from the Central Valley with a full range of ethnic backgrounds. Many students are the first of their families to matriculate at any 17:48:50 university, particularly a U.C., and with the full 815-acre campus, we can look at, at least, the prospect or potential, for instance, of things like a medical center to a severely underserved, medically-speaking, Central Valley, so the 815 acres proposed is certainly 17:49:10 vital.

Valuable research is already ongoing on this campus, and some of our sons and daughters have actually obtained employment through the University. Town-gown relationships are forming and adding to the intellectual 17:49:28 and cultural fabric of our community.

The University has worked very hard and diligently to follow both the procedural requirements of this plan process as well as, of course, the substantive requirements and we need this plan and ask for approval. 17:49:50 Thank you.

MR. SAMUELSON: I'm going to ask everybody to please keep your comments to about five to seven minutes.

MR. SPRIGGS: I'm Bill Spriggs. I'm a member 17:50:12

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of the Merced City Council.

Over the next 30 years, the population in California is projected to double with a significant amount of that population growth being in the San Joaquin Valley, and I think it's something we need to look -- to take a broader view of this campus and what this kind of design with increased density means to the Valley, and what a valuable laboratory it is in terms of changing the way we think about growth in the Valley and going to a more compact, higher-density development so that we can preserve our ag lands, so that we can preserve our natural resources, and that's what this plan does, and as a member of the Merced City Council -- I can't speak for the Council, but I personally endorse this plan. 17:51:08

The Council is on record as supporting the University. Staff right now is reviewing the plan, making comments, but it is a very well thought-out, compact-type contiguous plan that will in the future serve the direct growth of City of Merced. City of Merced has the ability to provide water and sewer services to this campus, and it is something that's definitely needed in the Valley.

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I like the term human environment. I think that's a great term. I'm going to give you some human

9

environment.

Number 55, Merced County is 55th of 58 counties in the State of California in income.

43 percent, 43 percent is the decline of residential housing values from October 2007 to 17:52:17
October 2008. It's a distinction to be number one.

12.2 percent, that's our current unemployment rate. We're the highest in the state, traditionally, one of the highest unemployment rates in the state because of a strong reliance on an ag economy. 17:52:33

Number three from the bottom, Forbes Magazine recently listed Merced metropolitan area as number three from the bottom of educational achievement.

So when you look at the environment we live in in this Valley, in this community, you can readily see 17:52:53
what important vehicle this campus will be for changing these numbers, so I would hope that the Corps of Engineers consider a human environment when they consider this plan. Thank you.

MS. CROOKHAM: Thank you for this opportunity, 17:53:20
and I'm going to read my statement, and I promise it will be very short.

As I look around, I feel like probably everybody knows who I am, but maybe you don't, but I'm Kathleen Crookham, and I am a 12-year member of the 17:53:31

Merced County Board of Supervisors and a lifelong resident of Merced.

Securing the University of California 10th Campus for Merced is a dream come true. Many folks in the community worked hard to make this dream a reality. The next step is to secure the urban permit and see the finalization of the location of the campus and campus community.

There has been much give and take, which we talked about earlier today, and I believe the current location embraces the various needs and concerns that have been mentioned. There is a comment I would like to make.

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Because there is a critical need for higher education in the San Joaquin Valley, our students have been underserved, and it's critical that this campus move forward. Originally, the campus was located further to the east, but because of environmental concerns and the need to start building the campus, the location was moved to where it is now located.

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With the move, the footprint has been reduced, but it would be unthinkable to consider further reduction in size. The campus and community must be planned to allow for expansion that would be comparable to other campuses, therefore, providing the same high

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quality of education afforded the students in other areas of California. 4

Merced County has a thriving agricultural economy, and protecting the farmland has been a goal of the Merced County Board of Supervisors. It became evident early on that the environmental issues were a concern. It was necessary to accommodate both the agricultural and environmental needs. Because of the environmental concerns, the campus could not be further pushed onto high value agricultural land.

In my opinion, the location of the campus is a fair compromise and will allow for the further growth of the campus as planned by the University. 5

With many very poor students in the region, the generosity of the Virginia Smith Trust to donate the land to the University demonstrates just one more time how important this campus is to our county.

With the construction of the adjacent campus community, funds will be available through construction to support the educational opportunities for many students in the area to pursue higher education at U.C. Merced.

To move the campus further south would eliminate many of the financial opportunities that will be available through the construction of the adjoining campus community.

It should be pointed out that the State of California in its current plan does not have the resources to purchase additional land from VST or the Hunt family. This campus needs to be finalized. Years have passed, many compromises have been made, and it's time to complete the preliminary journey to make the campus a reality.

It is an impressive numbers of hours and dollars that have been spent so far making this campus a reality. I have often thought if I was pursuing a career today, I would want to be a planner. My interest in planning really was sparked by the opportunities I've had to participate in discussions about the planning of the U.C. Merced campus over the years. My mind was open to new ideas that were not things I had seen traditionally. The opportunities for how this campus and community would incorporate smart growth concepts, water use, improved air quality, developing a pedestrian-bicycle friendly community, and green construction makes this campus and community truly a need.

As a local person, I see only positives and urge you to move forward with the project and certify the EIR. Thank you.

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MR. BATES: Good evening. My name is Terry Bates. I'm the Director the Virginia Smith Trust, and the court has authorized me to read a letter to you in regards to this matter.

The Virginia Smith Trust, LLC, is a scholarship program established by the Will of the late Miss Virginia Smith in 1975. Over the past 33 years, the Trust has awarded annually nearly $4 million to more than 3,300 students to assist with their pursuit of higher education.

To continue our program and with the intention of expanding it to even greater numbers of students, the Trust is partnered with the University of California, Merced on a joint venture known as the University Community Land Company and UCLC just south of U.C. Merced campus.

The Trust will be dependent upon the profits from this business venture, not only to allow the scholarship program of the VST to continue but to expand its reach and scope in the future. The UCLC land available for development will be critical to the success of the project and the future success of our scholarship programs.

From our association with U.C., the Trust is very familiar with the efforts of the University of

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California in the preparation, planning, and negotiations of the application of the Section 404 permit relative to the campus and community. It is the result of long and serious discussions about how best to accomplish the various goals of the campus and the 17:58:46
community but at the same time causing the least impact on natural resources.

The current plan you have under study significantly avoids the impact on wetlands from the original plan of the 1990s. It reduces the size of the 17:59:03
campus by about a hundred acres and implements various green programs on the campus with more planning.

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The Virginia Smith Trust unconditionally endorses the campus community plan you are currently studying and urges the Corps of Engineers to approve the 17:59:23
plan, which we believe is the least environmentally damaging practical alternative. Thank you.

MR. LAKIREDDY: My name is Sid Lakireddy. I grew up here in Merced, and I'm a long-term resident of Merced, and for the benefit of whoever reads this 17:59:44
transcript, the youngest one to speak thus far.

I speak today on behalf of the application and issuance of the 404 permit.

The citizens of Merced have fought hard to make U.C. Merced a reality for many years now. The 18:00:30

University of California provides education and much needed economic stimulus to an area that has long been neglected. Going forward with this application will allow a ground-breaking project to move forward. The project avoids what has commonly become known as urban sprawl. People don't want to have to spend an hour going from one end of town to another, and this helps set an example to correct it.

U.C. Merced has already demonstrated extraordinary leadership in planning, and will serve as a role model to the rest of the Valley which is traditionally slower. The current application has virtually negative impact to agricultural resources. Agriculture is what makes the Merced area relevant to the growth, and as I understand it, other alternatives have turned out to have a negative impact on agriculture. Just as you're committed to preserving wetlands, the people of Merced are committed to preserving ag land and requiring an impact to ag land is not acceptable.

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Furthermore, it is in the spirit of sustainability that U.C. Merced has acted thus far. U.C. Merced has made significant effort to develop footprints and plans which work to preserve our precious environmental resources. I have never heard of any

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other developer mitigating on an order of 30 to one. U.C. Merced has demonstrated cooperatively with us for more than eight years now. It is time that the U.C. Merced be allowed to go about its business in education, healthcare, and countless other benefit to the San Joaquin Valley.

The amount of land they now propose to use is an absolute minimum needed to realize the full potential of what University of California has to offer. By approving the current proposal will allow the community and the students to take advantage of all the positives the University of California has to offer. Already the University of California students are feeling the effects of the delay of the issuance of the 404. U.C. Merced is effectively out of land. Without knowing where it has land and how much land it has makes it difficult for anyone to properly move forward. I ask that you grant this 404 permit to U.C. Merced. Thank you.

MR. ELLERY: My name is Seth Ellery. I'm the president of the Merced County Economic Growth Corporation, and my executive committee has asked me to address you in support of this 404 proposition. 9

We are a corporation trying to facilitate growth and investment in the community. As you heard earlier, this is a challenged community. We need everything that's available to allow us to create wealth and prosperity for our citizens. As we market this region beyond California, we're finding more and more often that people don't recognize Merced as a city, but they do understand U.C. Merced. As we try to facilitate more growth, we need to have U.C. Merced as a strong foundation to build from.

U.C. Merced has already contributed to our economy, as you've heard, hundreds of millions of dollars, and we're expecting near millions of dollars in total economic impact in the coming years. Investment in employment for the welfare of our community is critical, and what that also leads to is imaging. Our people need to have something to aspire to. As you've heard earlier, our people need to be better educated. This gives them a beacon they can aspire to.

The U.C. Merced project is also critical for the entire Valley. As we're developing a comprehensive strategy for the San Joaquin Valley, U.C. Merced has a critical role in that, particularly the med school, and as we see that grow, we need to have more and more activity around the U.C. Economic growth strategy is built on what's happening in U.C. Merced. We're already seeing alternative fuels, seeing energy conservation techniques, we're hoping to spout more economic development and entrepreneurial development, new technologies. All of these things give a new focus to our economic base in Merced County, and without the U.C. Merced, we're not going to realize those goals.

The entire region is going to benefit from this project and we wholeheartedly endorse your approving. Thank you.

MR. BROWN: Good evening. My name is Jess Brown. I'm the executive director of the Merced County Association of Governments and Council of Governments formed by the County of Merced and all six cities.

The University Community Plan will be a model for growth in the Central Valley, and our San Joaquin Valley blueprints program that states goals for reducing greenhouse gasses and our region's goals for allowing transportation and land use development.

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The proposed project does the best job to avoid agriculturally valuable lands that are the traditional economic backbone of this county and long-held regional values.

The proposed project is LEPA. The University of California has consistently demonstrated exceptional leadership with the Merced campus and clearly adheres to the Clean Water Act requirements to avoid, minimize and

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mitigate impact to the water resources.

The U.C. Merced project has proposed merits for issuance of Section 404 permit and is strongly supported by Merced County Board of Supervisors. 10

MR. NORTON: My name is Maxwell Norton. I'm president of the Central Valley Farmland Trust. I'm here in support of this application. 18:06:21

Central Valley Farmland Trust is a non-profit organization that serves landowners in the northern San Joaquin Valley who are interested in preserving working farms. We administer a voluntary program where landowners can, if they choose, place agricultural conservation easement on their land. We also work with cities, counties and developers who desire to implement farmland conservation programs either through mitigation or some other means. 18:06:25 18:06:31

While the present campus site and Lake Yosemite are close to range land that contains vernal pools, it is also in the vicinity of prime farmland to the south. The consideration of permitting options should consider the ultimate loss of prime farmland. This prime farmland is a strategic resource that is scarce on a statewide and global context. This is well documented by federal and state agencies as well as private organizations. Prime farmland is also important to the 18:06:45 18:07:04

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regional economy because it supplies raw product for the important food processing industry here in the San Joaquin Valley.

Proposals to move the campus site to the south or even to other locations in the area will result in significant losses of prime farmland. This should be a consideration by the Corps of Engineers when considering different alternatives when you consider national food security issues. The present site and proposal is an excellent compromise. It minimizes impact on both wetlands and prime farmland. 18:07:17 18:07:34

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U.C. has already managed to avoid over 95 percent of the wetland impact. Thirty-to-one mitigation ratio for wetlands really is unprecedented. The project, as proposed, is in my opinion the most environmentally and responsible alternative. 18:07:46

I also have a transcript of it. Do you want me to leave a transcript with you or do you want me to mail it to you?

MS. HALEY: You can give it to us. 18:08:01

MR. WOOD: Good evening. My name is Roger Wood, 1200 Fruitland Avenue, Atwater. I'm a retired peach grower and frozen food and vegetable processor. I've been active with the campus and was active with the group from Merced that spearheaded the campaign to bring 18:08:25

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the 10th campus to Merced.

The University of California spent millions of dollars and at least 10 years in developing the process for site selection, slowly reducing the number of contenders, investigating the final three sites and 18:06:37 finally choosing the Merced site in 1995. The Merced site had two big advantages over its competitors. First, the site was 11,000 acres owned by two charitable trusts. Second, the site was thoroughly environmentally studied and no problems could be found. The Merced 18:08:55 community spent hundred of thousands of dollars and hundreds of volunteer hours to present the site to the University and to comply with many requests issued by the University.

All this time and effort by everyone involved 18:09:09 was unexpectedly put at risk by the listing of the fairy shrimp as a protected species in 1997. The following is a partial list of the many negative results of fairy shrimp listing.

Number one, the campus and its planned 18:09:23 community have been reduced from a potential 11,000 acres to some 800 acres for the campus and some 2,000 acres for the community.

Number two, one educational trust pulled its 4,000 acres out of the deal with a resultant loss of 18:09:37

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future income for the trust.

Number three, the second educational trust, the Virginia Smith Trust, has gone from owning 7,000 acres of potentially developable land to having about 900 acres today.

The Merced Community, number four, has lost its only public golf course because the University could build on it without needing permission from a myriad of state and federal agencies.

Number five, the taxpayers of the state have spent probably an extra hundred million dollars in environmental studies and permitting 26,000 acres of wetlands mitigation and increased construction costs due to permit and planning delays that put the initial phase of construction right in the middle of the biggest construction boom in the Valley in my lifetime.

Number six, the move of the campus to the south has increased the campus potential to the south and east of the campus and the community. Close cooperation between the campus and various local governments and the Merced County Farm Bureau has helped to minimize the negative consequences on nearby farmland. The proposed footprint minimizes and balances the impact of wetlands and farmland.

The Corps has proposed three alternatives to the present site for the campus and community. All three significantly increase the cost of the development of the campus and the community. They require the use of land over which U.C. Merced has no control. They also increase the pressure to develop nearby protected farmland and in one case actually places the campus and community a hundred percent on prime agricultural farmland. These alternatives may save some 45 acres of seasonal wetlands. Their cost to U.C., the State of California, and taxpayers, and the Merced Community is nearly incalculable.

California's college students need a full U.C. Merced campus now. The Central Valley's college students need a full U.C. Merced campus now. The Central Valley needs a medical school in its area now. Mitigation measures taken by U.C. Merced and the State of California have ensured the existence of the fairy shrimp in perpetuity. The taxpayers of the State and citizens of the Central Valley have spent several hundred million dollars to get the U.C. Merced campus in its present position with over 2700 students. Many of these students are from the previously underserved San Joaquin Valley. These students would likely not be attending a U.C. campus were it not for the existence of U.C. Merced.

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The 404 permit process provides for consideration of the public interest and for economic analysis of a proposed project. In this project, the public interests and the economic analysis clearly require moving ahead with a 404 permit for the proposed site in an expeditions manner. Thank you.

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MR. ANDERSEN: Good evening. I'm Lee Anderson, Merced County Superintendent of Schools. I'm here to speak on behalf of the K-12 -- actually, preschool through 12 school district in Merced County and the students served by that system and their families.

First and most critically to the point, the most recent negotiations around the size and shape of the U.C. campus and the U.C. community have resulted in a minimization of the footprint of the campus by an additional 250 acres and reduction of impact to aquatic resources from 121 acres to 85 acres.

I believe on the basis of this latest formulation of campus and community, that the project is the least environmentally-damaging practical alternative, and I'll back up that opinion with my own nine years of experience on the Merced City Planning Commission. I've seen a lot of these negotiations and many of these plans.

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The failure of the Corps to approve the

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proposed plan and provide the permits necessary to move ahead with development would be a significant delay, as previous speakers have said, and also would result in considerable added expense to the project. 15

The practical impact, particularly on students in the San Joaquin Valley, is that the Virginia Smith Trust ambition is to create a scholarship program that would serve nearly every eligible student. U.C. and other four-year, institution-eligible students in Merced County would be severely damaged.

For those of you who are familiar with the Buck Trust in the Bay area, that was a -- that is a trust that, as a result of its investments, was able to expand the reach and the mission to include the entire Bay area from what was originally a relatively small program centered on the residents of Marin County.

The potential for the Virginia Smith Trust to expand its reach beyond the area served by high schools in the City of Merced is similar. However, the delays that would result from reconfiguring the campus would dash those hopes and those opportunities for students in Merced County.

Likewise, the slowing of development of the campus and perhaps arresting the development of the campus -- I hate to offer that as a possibility, but given the economic situation in the State of California, there is no guarantee that continued funding would flow, particularly if the campus became a divided campus. That would reduce the opportunity for students in Merced County and in fact the entire Central Valley to access higher education, the highest quality of higher education.

As it is, students in this region attend four-year educational institutions at about half the rate as do students in the rest of California. U.C. Merced is changing that ratio of higher education participation dramatically.

U.C. Merced needs to be developed as it is proposed in order to continue to increase the availability to students of the San Joaquin Valley.

The proposed plan is the most environmentally positive and effective. It's also the most positive and effective for education and ultimately the economy of Merced and the San Joaquin Valley.

I strongly urge that the Corps approve that plan by issuing the permits necessary to continue development. Thank you.

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MR. QUINTERO: Good evening. My name is Frank Quintero, and I'm the Development Manager for the City of Merced.

We are fortunate to have a U.C. in the San Joaquin Valley because that's what we're really talking about right now are what the future holds for the San Joaquin Valley stemming from San Joaquin County down to Kern County. 18:17:19

You've heard several testimonies about the economic development benefits of U.C. Merced, but I can give you experiences of those particular benefits.

For example, we have communities that are hiring U.C. Merced students as interns because of the 18:17:37 brain drain problems that are felt throughout the entire Valley. These students are helping us draw new companies to the Valley. For example, a new company that was New York based moved into Merced one year ago and has hired two U.C. students and has doubled its 18:17:57 labor force since that time.

We're also getting recognition by international companies wanting to enter into the U.S. market and renewable energy, and they see U.C. Merced as the main point, focal point, to come to the U.S. economy and to 18:18:16 develop new technologies. Merced's in the forefront of that because of U.C. Merced.

There are several other benefits that I could site, but I can tell you firsthand and experience and working across the table with U.C. Merced and these 18:18:32

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foreign companies as well as national companies, our transition to a green collar economy is really based upon the success of U.C. Merced.

Also, U.C. Merced's influential land use decisions and plans such as the blueprints for the San Joaquin Valley, the partnership for the San Joaquin Valley, most recently a hotel has decided to locate in Merced, which would be a green certified hotel because of the influence of U.C. Merced.

Our redevelopment plans incorporate solar technology and other green technologies, again influenced by U.C. Merced, exactly what we're trying to accomplish here, preserving and keeping the economy green.

So we encourage you to consider and approve the 404 permit as specified by U.C. Merced. Thank you. 17

MS. D'ADAMO: Good evening. I'm Dee Dee D'Adamo, Senior Policy Advisor to Congressman Dennis Cardoza. It's good to see you, Miss Haley.

I, first off, I want to just thank the Corps for hanging in there with us. This has been a rather bumpy ride, and many of us here have learned to appreciate some of the requirements that we had to go through, and I would first off like to say that it is clear to me from all the hours that have been spent on this project, that the University and the various State and Federal agencies have been extremely diligent in going through the different alternatives and, in particular, evaluating the environmental impact, evaluating what can be done to avoid, minimize, and mitigate the 404 process under the Clean Water Act, so thank you for a job well done, and just want to make a couple of comments regarding the other proposed sites that the Corps is evaluating in this final process.

We feel strongly that the 404 permit process, obviously, you have environmental impacts of those areas of the sites, but there's another requirement in there as well that has to do with the practicality of the various sites and just really want to stress the importance as you go through and evaluate practicality of the various sites that you fully evaluate the cost of shifting the campus from the proposed site to any of the alternatives.

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I believe it was Mr. Wood that said that these other sites, the University has no ownership control over properties, so it would not only cause a delay, but it would force the University to redirect various financial resources in these tough budget times from projects that are extremely valuable on this campus to building program expansion in order to fully accommodate

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25,000 students. The research programs, the medical school, all of those programs would be robbed if we were to have to go to one of the other sites.

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Now, we don't think that that's under serious consideration, but as you go through the 404 process, 18:22:12 you evaluate those other sites, we would hope that you fully analyze not just the environmental impact but the practicality.

The other concern, as you go through and evaluate, the project purpose is for a campus to 18:22:29 accommodate 25,000 students, a research campus with a continuous campus community. The Valley deserves that. The students that will be attending here at this campus deserve a full, high quality research institution with all the amenities and facilities, et cetera, and a 18:22:48 continuous campus community where the students can interact with their professors who live and work nearby, et cetera.

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Any of those other sites would rob the students of these opportunities. To split the campus in two, 18:23:04 part of it would be here, part of it would be elsewhere, and, again, it would impact the University such that we would not have the high-quality campus that we all fully expect.

So thank you very much as you go through and 18:23:26

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evaluate this, and we know that you will continue to be very thorough and helpful as you have been, and we look forward to you approving the proposed permit.

MR. SMITH: My name is Bob Smith. I'm the Director of Professional Programs for Merced County. I've been appointed by the County Executive Officer and the Board of Supervisors to represent the county on all the planning, environmental permitting and environmental review matters related to U.C. Merced and the associated University community.

It's really striking, as I first was assigned a role with this project back in 1988, so there's been a 20-year planning program which has been pretty extraordinary in and of itself.

The revised campus plan that was presented by Mr. Lollini this evening represents really the third generation of the vision of the campus and the associated community. The original hilltop location, 2,000-acre campus site and 5,000-acre community, actually began the concept planning process with the University following the site selection in 1995.

When the fill and species impact issues became overwhelming on the application, the campus moved to the golf course, the County fulfilled its commitment that it made to the regents in 1995 to amend its general plan to provide for a full-service community to support the campus through the adoption of the University Community Plan in 2004.

That University Community Plan, the one that exists right now, really represents an extraordinary 18:25:29
public planning process. Many of you in this room remember and participated in that planning process through the Community Planning Advisory Committee.

That committee met over 24 different meetings discussing a multitude of issues. There were at least 18:25:45
two community planning fairs where the entire community of Merced was invited to participate in the planning process and establish a vision for this extraordinary opportunity. So the University Community Plan, the 2004 plan that exists now, does represent a vision for the 18:26:09
community region of Merced for how the growth that's going to be generated by the campus should be accommodated.

The revised campus footprint and revised Community North will require an update of the 2004 18:26:29
University Community Plan. This will require a general plan amendment to be ultimately considered by the County Board of Supervisors.

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The County will be the lead agency for that project, and so there will be another environmental 18:26:48

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impact report for that effort.

The County is very encouraged with the efforts thus far in our meetings and work with the University, with the University's commitment that the principles that were the foundation of the current University Community Plan are to be carried out and carried through in the updated and revised University Community Plan.

The County, as it moves forward with its environmental impact report, will be looking to this document, this EIR/EIS, to set forth the mitigation strategies and techniques that will be carried through in the EIR that the County will ultimately certify so that we can have a comprehensive mitigation package, not only for the campus but for the community, to address impacts, not only to waters, species, but also agricultural resources and to public services including our transportation system.

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I think this plan represents a significant and hopefully final compromise to the tension that exists between open space and wetland resources and agricultural resources. I think the updated community plan, with the thinking that Mr. Lollini and Mr. Samuelsen as well as the input of the Corps will provide to that process will result in an improved community plan than the one we have right now, so the

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County looks forward to continuing working with the
University and with the Corps and with the Hunt Farms to
achieve the final, hopefully, 2009 University Community
Plan. 21

Thank you for the opportunity today. 18:28:55

MS. FARLEY: Good evening. I'm Louise Farley,
representing California Senate Office, Jeff Denham, and
I'd like to read a statement that he sent this evening.

Thank you for the opportunity to send a
statement to the public hearing since I'm unable to 18:29:13
attend.

My interest in the growth and development of
U.C. Merced began before I was elected to the California
State Senate. From the ground breaking to the
dedication and to each new building and facility, I am 18:29:24
truly impressed with the 10th campus of the University
of California, which I can proudly say is in my
District.

I am pleased that environmental impact
standards are being adhered to and careful consideration 22 18:29:36
is being given to the demographics of the area.

As a member of the senate, I am concerned about
California's agricultural land and other natural
resources being preserved. It is particularly
noteworthy that in the coming year, U.C. Merced will 18:29:54

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achieve full rating in six of its first-time projects in Leadership and energy environmental design lead programs.

Finally, he says, I encourage my constituents to take advantage of the opportunity to review and 18:30:09 draft -- the draft EIS/EIR and provide comment. Signed Jeff Denham, 12th District.

MR. ADAM: Good evening. My name is Robin Adam. I'm District Director for State Assembly Member Cathleen Galgiani. 18:30:36

Assembly Member Galgiani represents Merced County as well as Stanislaus and San Joaquin. She is the current chair of the Assembly Select Committee on the development of the 10th U.C. campus in Merced. She is also Chairman of the Assembly Committee on 18:30:56 Agriculture and a member of the Assembly Committee on Higher Education.

Assembly Member Galgiani would like to thank the Army Corps of Engineers for working with U.C. Merced and the community to develop a plan that serves the 18:31:12 needs of the University and minimizes the environmental impact.

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The assembly member also applauds the University's extensive efforts to develop a plan that sets new standards for environmental stewardship and 18:31:25

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sustainability.

The University's modified long-range development plan and related University Community Plan provides for a model 21st century campus and university community. The plan clearly balances the interests of reducing impacts on vernal pool wetlands, achieving greater land use efficiency thus minimizing impacts on agricultural resources and accommodating the future needs of the planned 25,000-student campus.

The University plan and the draft EIS/EIR not only reduces the development impact on wetlands but results in the permanent preservation of 2,318 acres of in kind wetland habitat in addition to 26,000 acres of grasslands set aside by the state in conjunction with the University for permanent conservation. 23

U.C. Merced has already been recognized by the U.S. Green Building Council and the American Institute of Architects for the design and construction of facilities that make efficient use of water, energy, light, building materials and other resources. This plan can serve as a model sustainable, higher-density development for the Central Valley with its projected population growth and environmental challenges.

Assembly Member Galgiani is pleased to lend her support to this thoughtfully developed plan. Thank you.

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MR. SAMUELSON: Thank you all for attending.

MR. CRANE: Bert Crane is my name, and we've been farming for six generations. I'm sixth generation, here in California actually.

We need this U.C. to be vibrant and grow. We don't need parts of it scattered throughout the county. U.C. is responsible for a lot of medical research, as you know, farming research.

The State of California, as you heard and as you know, is in a spiral downturn. The county is, as you've heard is, what, third from the bottom, and this campus represents a kind of a shining star for Merced County bringing in higher education, bringing in high tech jobs, bringing in higher tech businesses as you've heard. Again, we don't need a halfway campus, some part of it here, some part of it somewhere else.

A lot of the community has volunteered countless hours of time, the community has volunteered acres of farmland. Some of it's not productive farmland, range land, and the U.C. in turn has tried to stay out of the prime farmland and move into the range land to avoid taking away the prime farmland. And they've done that, but it's come at a price, as you've heard, what with 20,000 some acres they bought in permanent mitigation, so I would like to urge your

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approval on this project. 24

MR. SAMUELSON: Thank you. Have a safe drive home.

(The hearing adjourned at 6:35 p.m.)

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STATE OF CALIFORNIA,)
: ss.
COUNTY OF MERCED)

I, Christine M. Cradit, do hereby certify:

That I am a licensed, Certified Shorthand Reporter, duly qualified and certified as such by the State of California;

That the said foregoing was by me recorded stenographically at the time and place first therein mentioned; and the foregoing pages constitute a full, true, complete and correct record made;

That I am a disinterested person, not being in any way interested in the outcome of said action, nor connected with, nor related to any of the parties in said action, or to their respective counsel, in any manner whatsoever.

Dated this 29th day of December, 2008.

C.M. CRADIT, CSR No. 3805

Response to Public Hearing (PH) Comments

Response to Comment PH-1

The comment in support of the Proposed Action is noted.

Response to Comment PH-2

The comment in support of the University's development plan is noted. The comment states that the City of Merced has the ability to provide water and sewer services to the Campus.

Response to Comment PH-3

The comment emphasizing the need for a UC campus in the San Joaquin Valley is noted.

Response to Comment PH-4

The comment in support of the Campus and University Community's current location and size is noted.

Response to Comment PH-5

The comment supporting the proposed location of the campus is noted.

Response to Comment PH-6

The comment in support of the Proposed Action is noted.

Response to Comment PH-7

The comments in support of the Proposed Action and stating that the Proposed Action is the least environmentally damaging alternative are noted.

Response to Comment PH-8

The Draft EIS/EIR (Section 4.2, Agricultural Resources) acknowledges that although the Proposed Action and all project alternatives would have a significant and unavoidable impact on Important Farmland, the Campus and University Community will mitigate the loss through agricultural easements. The University has already placed over 26,000 acres of lands in eastern Merced County under conservation easements. Approximately 70 acres of Important Farmlands and approximately 26,435 acres of grazing land within these conservation lands will be permanently protected from development. These acreages would more than adequately compensate for the loss of 24 acres of Important Farmland within the campus site.

Developers with projects within the University Community will mitigate the loss of Important Farmland by securing agricultural easements on comparable farmland at a minimum ratio of 1:1 prior to the development of any portion of the University Community site.

Response to Comment PH-9

The comment in support of the Proposed Action is noted.

Response to Comment PH-10

The comment stating that the Proposed Action is the least environmentally damaging alternative is noted.

Response to Comment PH-11

The comment in support of the Proposed Action as proposed is noted.

Response to Comment PH-12

The comment in support of the Proposed Action is noted.

Response to Comment PH-13

The comment recommends approving the 404 permit for the proposed site in consideration of public interest and financial expense. The comment is noted.

Response to Comment PH-14

The comment stating that the Proposed Action is the least environmentally damaging alternative is noted.

Response to Comment PH-15

The comment recommends approving the 404 permit for the proposed site in consideration of public interest. The comment is noted.

Response to Comment PH-16

The comment recommends approving the 404 permit for the proposed site in consideration of public interest. The comment is noted.

Response to Comment PH-17

The comment recommends approving the 404 permit for the proposed site in consideration of public interest. The comment is noted.

Response to Comment PH-18

The comment recommends approving the 404 permit for the proposed site in consideration of public interest and points out the delays and costs associated with shifting the campus to one of the alternative sites. The comment is noted.

Response to Comment PH-19

The comment supporting the Campus as proposed is noted. The comment points out that if the campus were to be developed at two separate locations, the campus would not develop as a high-quality campus. The comment is noted.

Response to Comment PH-20

The comment is noted. The Draft EIS/EIR also notes that the County, as the lead agency for the University Community, will conduct the necessary environmental review for the County General Plan amendment needed to accommodate the changes to the University Community Plan proposed by the UCLC.

Response to Comment PH-21

The comment is noted.

Response to Comment PH-22

The comment is noted.

Response to Comment PH-23

The comment in support of the Proposed Action is noted

Response to Comment PH-24

The comment in support of the Proposed Action is noted.

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MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. CEQA (Public Resources Code Section 21081.6 (a) (1)) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted at the time that the agency determines to carry out a project for which an EIR has been prepared, to ensure that mitigation measures identified in the EIR are fully implemented.

As discussed in the Draft EIS/EIR, the UC Merced and University Community Project encompasses the development of the UC Merced Campus and the University Community and the impacts of this project are evaluated in Volumes 1 and 2 of the Draft EIS/EIR. The MMRP for the UC Merced 2009 Long Range Development Plan is presented in **Table 1, Mitigation Monitoring and Reporting Program, UC Merced 2009 Long Range Development Plan**, which includes the full text of mitigation measures identified in the Final EIS/EIR. In addition, Volume 3 of the Draft EIS/EIR evaluates the potential environmental impacts from the development of the next phase of campus development (UCM 2020 Project). The MMRP for the UCM 2020 Project is presented in **Table 2**, **Mitigation Monitoring and Reporting Program, UCM 2020 Project,** which include the full text of project-specific mitigation measures identified in the Final EIS/EIR for that project. Each MMRP describes implementation and monitoring procedures, responsibilities, and timing for each mitigation measure identified in the Draft EIS/EIR, including:

Significant Impact: Identifies the Impact Number and statement from the Final EIS/EIR.

Mitigation Measure: Provides full text of the mitigation measure as provided in the Final EIS/EIR.

Monitoring/Reporting Action(s): Designates responsibility for implementation of the mitigation measure and when appropriate, summarizes the steps to be taken to implement the measure.

Mitigation Timing: Identifies the stage of the project during which the mitigation action will be taken.

Monitoring Schedule: Specifies procedures for documenting and reporting the implementation of the mitigation measure.

UC Merced may modify the means by which a mitigation measure will be implemented, as long as the alternative means ensure compliance during project implementation. The responsibilities of mitigation implementation, monitoring and reporting extend to several UC Merced departments and offices. The manager or department lead of the identified unit or department will be directly responsible for ensuring the responsible party complies with the mitigation. The Physical Planning, Design and Construction Department (PPD&C) is responsible for the overall administration of the program and for assisting relevant departments and project managers in their oversight and reporting responsibilities. The PPD&C is also responsible for ensuring the relevant parties understand their charge and complete the required procedures accurately and on schedule.

Table 1
Mitigation Monitoring and Reporting Program
UC Merced Long Range Development Plan

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
AESTHETICS				
Alt 1 – Impact AES-1: The Proposed Action would result in a substantial adverse effect on scenic vistas.	**MM AES-1a:** The University will plant tall trees along the campus' western boundary to screen views of the campus facilities from Lake Yosemite Regional Park.	PPD&C Review final landscape plans of projects along the western boundary of the Campus. Revise design, if necessary, to screen views to the extent feasible.	Project design and construction.	Prior to construction.
	MM AES-1b: Where possible, major vehicular and pedestrian transportation corridors on the Campus shall be located and designed to provide views of the Sierra Nevada.	PPD&C Review final circulation plans in the 2009 LRDP. Revise design, if necessary, to provide the scenic view to the extent feasible.	Project design and construction.	Prior to construction.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
AESTHETICS (continued)				
Alt 1 – Impact AES-3: The Proposed Action would substantially adversely alter the visual quality and character of the site and its surroundings.	**MM AES-3a:** The University shall design all new aboveground infrastructure on the Campus to the following standards: (a) Screen aboveground infrastructure from view from public rights-of-way or scenic vistas, via landscaping, fencing, or other architectural screening; (b) Require creative design measures to camouflage structures by integrating them with existing buildings and among other existing uses; (c) Locate aboveground infrastructure on sites that are not visible from visually sensitive areas, such as residential communities and open space areas; (d) Require providers to co-locate their structure on a single site, where technically feasible and visually desirable; and (e) Locate antennae and equipment on other existing community facility sites, such as water tanks or utility poles.	PPD&C Review of engineering plan for aboveground utility lines. Review project design for compatibility. Revise design, if necessary, to ensure compatibility.	Project design and construction.	Prior to construction.
AIR QUALITY				
Alt 1 – Impact AQ-1: The Proposed Action would result in construction emissions that would violate an air quality standard or contribute substantially to an existing or projected air quality violation.	**MM AQ-1a:** The Campus and the developers within the University Community shall include in all construction contracts the measures specified in SJVAPCD Regulation VIII (as it may be amended for application to all construction projects generally) to reduce fugitive dust impacts, including but not limited to the following: • All disturbed areas, including storage piles, which are not being actively utilized for construction purpose, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover. • All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. • All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions using application of water or by presoaking.	PPD&C Continue to require standard dust control measures as part of every construction project contract.	Prior to construction.	Confirm and document prior to construction of project.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
AIR QUALITY (continued)				
Alt 1 – Impact AQ-1 (continued)	• When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least 6 inches of freeboard space from the top of the container shall be maintained. • All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit visible dust emissions. Use of blower devices is expressly forbidden.) Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, storage piles shall be effectively stabilized of fugitive dust emissions by using sufficient water or chemical stabilizer/suppressant.	PPD&C Inspect construction site at regular intervals during construction to verify compliance with specified dust control measures.	During construction.	Confirm and document at regular intervals throughout construction period.
	MM AQ-1b: The Campus and the developers within the University Community shall include in construction contracts for large construction projects near sensitive receptors the following control measures characterized by the SJVAPCD as enhanced and optional control measures: • Limit traffic speeds on unpaved roads to 15 mph. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent. • To the extent feasible, limit area subject to excavation, grading, and other construction activity at any one time.	PPD&C Continue to require contract specifications for dust and erosion control measures as part of every construction project contract.	Prior to construction.	Confirm and document prior to construction of project.
		PPD&C Inspect construction site at regular intervals during construction to verify compliance with specified dust and erosion control measures.	During construction.	Confirm and document at regular intervals throughout construction period.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
AIR QUALITY (continued)				
Alt 1 – Impact AQ-1 (continued)	**MM AQ-1c:** The Campus and the developers within the University Community shall implement the following mitigation measures to reduce impacts of ROG and NOx emissions from construction equipment exhaust: • When feasible, use construction equipment operated by alternative fuel. • Minimize idling time to a maximum of 10 minutes when construction equipment is not in use. • To the extent practicable, manage operation of heavy-duty equipment to reduce emissions. • Employ construction-activity management techniques such as extending the construction period outside the ozone season of May through October. • Use low-emission on-site stationary equipment.	PPD&C Adopt standard specifications that include the specified measures to reduce emissions of ROG and NOx from construction equipment exhaust as part of every construction project contract.	Prior to construction.	Confirm and document prior to construction of project.
	MM AQ-1d: Prior to use in construction, the Campus and the developers within the University Community will evaluate the feasibility of repowering or retrofitting the large off-road construction equipment that will be operating for substantial periods. Engine replacements will be required to meet the stricter of US EPA or CARB off-road diesel engines standards. Retrofit technologies such as particulate traps, selective catalytic reduction, oxidation catalysts, air enhancement technologies, etc., will be evaluated. Retrofitting will be required if they are certified by CARB and/or the US EPA, and are commercially available and can feasibly be retrofitted onto construction equipment. Retrofit technologies certified to the highest level (e.g., CARB Level 3) shall be evaluated first before lower level technologies are evaluated.	PPD&C Evaluate feasibility of repowering or retrofitting construction equipment to meet the stricter of US EPA or CARB off-road diesel engines standards, as described.	Prior to construction.	Confirm and document prior to construction of project.
		PPD&C Ensure retrofitting technologies are implemented in equipment, prior to agreement of construction contract.	Prior to construction.	Confirm and document prior to construction of project.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
AIR QUALITY (continued)				
Alt 1 – Impact AQ-2: The Proposed Action would result in operational emissions that would violate an air quality standard or contribute substantially to an existing or projected air quality violation.	**MM AQ-2a:** The Campus will work with the SJVAPCD to ensure that emissions directly and indirectly associated with the Campus, University Community, and induced growth are adequately accounted for and mitigated in applicable air quality planning efforts. The SJVUAPCD can and should adopt adequate measures consistent with applicable law to ensure that air quality standard violations are avoided.	PPD&C Monitor changes in air quality regulations. Attend SJVAPCD meetings on changing regulations. Meet with SJVAPCD to discuss air quality planning efforts. Document meeting results.	During operation.	As changes in standards and procedures occur.
	MM AQ-2b: The Campus and the developers within the University Community shall implement the following measures to reduce emissions from vehicles: • Provide pedestrian-enhancing infrastructure to encourage pedestrian activity and discourage vehicle use. • Provide bicycle facilities to encourage bicycle use instead of driving. • Provide transit-enhancing infrastructure to promote the use of public transportation. • Provide facilities to accommodate alternative-fuel vehicles such as electric cars and CNG vehicles.	PPD&C Ensure that facilities listed are included in project design as applicable: verify construction of pedestrian-enhancing infrastructure, bicycle facilities, transit-enhancing infrastructure, facilities to accommodate alternative-fuel vehicles.	During detailed project planning or project design prior to project.	Prior to approval of final design of applicable projects.
	• Improve traffic flows and congestion by timing of traffic signals to facilitate uninterrupted travel.	Facilities Department Monitor traffic at affected intersections and adjust timing of traffic signals as appropriate to facilitate uninterrupted travel.	During operation.	At least yearly.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
AIR QUALITY (continued)				
Alt 1 – Impact AQ-2 (continued)	**MM AQ-2c:** The Campus and the developers within the University Community shall implement the following measures to reduce emissions from area sources, as feasible: • Use solar or low-emission water heaters. • Orient buildings to take advantage of solar heating and natural cooling and use passive solar designs. • Increase wall and attic insulation. • EPA certified wood-burning appliances, or residential natural-gas fireplaces. • Provide electric equipment for landscape maintenance.	PPD&C Adopt standard specifications or design guidelines that include area source reduction measures to be required for construction projects. Ensure that where feasible applicable measures are included in each project.	During operation.	At least yearly.
		Purchasing Department Develop policy that requires that where feasible new landscape equipment purchased is electric.	During operation.	At least yearly.
Alt 1 – Impact AQ-4: The Proposed Action would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	**Mitigation Measures AQ-1** and **AQ-2** would apply to this impact. No further mitigation is available.	See monitoring and reporting for Mitigation Measures AQ-1 and AQ-2 above.		

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
BIOLOGICAL RESOURCES				
Alt 1 – Impact BIO-2: The Proposed Action would result in adverse impacts on special-status plant species.	**MM BIO-2:** Mitigate for loss of special-status plants and habitat through additional off-site compensation. Prior to any ground disturbance on lands to the north and east of Le Grand Canal (i.e., land adjacent to CNR) a restoration ecologist, retained by the University, shall prepare a feasibility analysis regarding the potential to transplant seeds from succulent owl's-clover, shining navarretia, and dwarf downingia plants. This feasibility analysis will address potential sites suitable and available for transplantation as well as availability of suitable plant material, and costs associated with this method of mitigation. If it is determined to be feasible, to further minimize impacts to these special status plants, the University shall transplant seeds from succulent owl's-clover, shining navarretia, and dwarf downingia plants, seeds from all three species will be collected and translocated to suitable habitat within the CNR. Translocating the stands to the CNR would minimize any potential genetic contamination, because the affected stands are part of the occurrences present within the CNR and, presumably, part of the same populations. The University will retain a qualified restoration ecologist to work closely with resource agency specialists (USFWS and CDFG staff) and knowledgeable individuals to locate and determine the suitability of translocation sites within the CNR. Translocation of the stands that would be affected by the Proposed Action would involve (1) identifying suitable transplant sites, (2) moving the plant material to the transplant sites, and (3) monitoring the transplant sites to document recruitment and survival rates. The restoration ecologist will develop a detailed transplantation and monitoring plan that provides detailed information on: • coordination efforts with agencies and knowledgeable individuals, • methods for collecting seeds from the affected populations, • seed storage methods, • planting plan and specifications (including planting locations and densities),	PPD&C Retain the services of a qualified restoration ecologist to work with resource agency specialists, determine suitability of translocation sites, and develop transplantation monitoring plan as described.	Prior to project construction that would result in impacts on succulent owl's-clover, shining navarretia, and dwarf downingia plants.	Document upon completion.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
BIOLOGICAL RESOURCES (continued)				
.	• measurable success criteria that can be achieved within a 10-year period, monitoring and reporting methods and schedule, • funding source and responsible party, and • adaptive management measures to ensure that the desired success criteria are achieved.			
	The University will submit draft copies of the transplantation and monitoring plan to the appropriate resource agencies (e.g., USFWS and CDFG) for review and comment. The plan will be approved by the appropriate agencies before it is implemented. As part of the plan, the following general steps would be involved in the translocation and monitoring efforts, as appropriate: • A site analysis will be conducted to document the biotic and physical requirements of succulent owl's-clover, shining navarretia, and dwarf downingia within the project site. This task will include an evaluation of the populations. Information on soil type, plant species associations, aspect, vegetation cover, and level of disturbance will be gathered during this evaluation. • Sites that may be suitable for transplanting the seeds will be identified and evaluated. Suitable sites may not contain existing stands of species being translocated. The same information as identified above will be gathered for the translocation sites. Seeds will be collected for propagation or storage purposes. Seed collection, storage, and propagation will be done by a qualified restoration ecologist. The seeds will be planted at the transplant sites at the appropriate time to ensure higher survival rates.	PPD&C/Restoration Ecologist Submit transplantation monitoring plan to appropriate resource agencies. Verify that the plan is approved prior to implementation.	Prior to construction	Secure approval of plan by appropriate agencies prior to construction. Prepare a memo to document that plan is approved.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
BIOLOGICAL RESOURCES (continued)				
Alt 1 – Impact BIO-2 (continued)	• Topsoil containing seeds will not be used for transplantation into existing vernal pool habitat because of the potential for coincidentally translocating the seeds or cysts of other plant and animal species. However, soil may be translocated to newly created habitat or may be harvested for establishing a population under culture. Dried plants and topsoil will be excavated only from the areas containing the affected plants and not from pools within conservation areas. The seed material will be excavated after the plants have set seed and dried (generally by late summer). The excavation will be done using hand tools. A post-translocation report that documents the measures used to relocate the populations and where they were relocated will be prepared. • Translocated populations will be monitored to document survival and recruitment rates over a period of time established in consultation with the resource agencies but for a minimum of five years. The populations would be monitored annually during the flowering period to document success rates and to identify remedial actions. The detailed transplant and monitoring plan will provide specific monitoring protocol and documentation procedures. A copy of the annual monitoring reports and the final monitoring report will be provided to the appropriate resource agencies for review.	PPD&C Verify implementation of monitoring efforts as identified in the approved plan.	Prior to start of construction.	Monitor translocated populations and prepare monitoring reports annually.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
BIOLOGICAL RESOURCES (continued)				
Alt 1 – Impact BIO-9: The Proposed Action would result in potentially significant adverse impacts on nesting special-status bird species and non-special-status migratory birds and raptors.	**MM BIO-9:** Avoid and minimize impacts on special-status and non-special-status migratory birds, and raptors. (a) Limit construction to the non-breeding season or, if breeding season work is required, conduct pre-construction (tree, shrub, and ground) nest surveys to identify and avoid active nests or as an option, remove potential breeding habitat during the non-breeding season. • If feasible, the applicant shall conduct all construction-related activities including (but not limited to) tree and shrub removal, other vegetation clearing, grading, or other ground disturbing activities during the non-breeding season (between August 16 and February 14) for special-status and non-special-status migratory birds and raptors. If construction activities are scheduled to occur during the breeding season, a qualified avian biologist, with knowledge of the species to be surveyed, shall be retained to conduct focused nesting surveys within 15 days of the start of ground-disturbing or construction activities and within the appropriate habitat.	PPD&C Retain a qualified biologist to conduct surveys and to develop a plan to avoid active nest sites during construction, or as an option, remove potential breeding habitat during non-breeding season. Verify survey was conducted and document results. Include mitigation specifications in construction contract as necessary.	During the breeding season prior to start of construction or of each construction phase.	Prior to construction.
	• Specifically, tree, shrub, and ground nesting surveys for special-status birds (including but not limited to white-tailed kite, Swainson's hawk, northern harrier, burrowing owl, loggerhead shrike, and tricolored blackbird), and other migratory birds and raptors shall be conducted before any construction disturbances occur in or near suitable nesting habitat within 500 feet (0.25 mile for Swainson's hawk) of the construction work area between February 15 and August 15. • If an active nest is located on or within 500 feet (0.25 mile for Swainson's hawk) of the project area, CDFG shall be consulted to determine an appropriate no-disturbance buffer around the nest until the nest is no longer active and the young have fledged. No construction shall be allowed within this exclusion area without consulting with CDFG. A wildlife biologist shall monitor the nest site during construction at least once a week, or at a frequency determined by CDFG, to ensure that the nest site is not disturbed and the buffer is maintained.	PPD&C Develop and implement a plan to avoid active nest sites during construction, establish buffer zone, and monitor active nests. Verify that plan is implemented.	Develop plan prior to construction Monitor prior and during construction activities.	Prior to and during construction activities.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
BIOLOGICAL RESOURCES (continued)				
Alt 1 – Impact BIO-9 (continued)	• If the project proponent elects to remove a nest tree, nest trees may only be removed between August 16 and February 28, after the qualified avian biologist has determined that the nests are unoccupied. (b) Minimize impacts to burrowing owl and compensate for habitat loss. The CDFG (1995) recommends that preconstruction surveys be conducted to locate active burrowing owl burrows in the construction work area and within a 500-foot-wide buffer zone around the construction area. The project proponent or its contractor shall retain a qualified biologist to conduct preconstruction surveys for active burrows according to the CDFG's Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995). The preconstruction surveys shall include a breeding season survey and a wintering season survey. If no burrowing owls are detected, no further mitigation is required. If active burrowing owls are detected, the following additional measures are required: • Occupied burrows shall not be disturbed during the breeding season (February 1 to August 31), which requires a 250 foot no disturbance buffer. • If owls must be moved away from the project site during the nonbreeding season, passive relocation techniques (e.g., installing one-way doors at burrow entrances) shall be used instead of trapping, as described in CDFG guidelines. At least 1 week will be necessary to complete passive relocation and allow owls to acclimate to alternate burrows. • When destruction of occupied burrows is unavoidable during the nonbreeding season (September 1 to January 31), unsuitable burrows shall be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on protected lands approved by the CDFG. Newly created burrows shall follow guidelines established by the CDFG (1995). These guidelines also require compensation for loss of foraging habitat described in detail under Impact BIO-8 above.	PPD&C Retain a qualified biologist to conduct preconstruction surveys for active burrows according to the CDFG's Staff Report on Burrowing Owl Mitigation. If burrowing owls detected, verify that mitigation measures are followed. Document in a memo.	Develop plan prior to construction Monitor prior and during construction activities.	Confirm and document in project file during project final design and construction.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
CULTURAL RESOURCES				
Alt 1 – Impact CUL-1: Implementation of the Proposed Action could damage or destroy significant historic resources located within the project footprint.	**MM CUL-1b:** Prior to the development of the Campus and Community North, the University shall ensure that the two previously evaluated historic irrigation canals, Fairfield Canal and the Le Grand Canal, the farm complex, the fence line and prehistoric site MCN-1 which were recommended to be found ineligible for listing under the NRHP and CRHR, are be formally evaluated. Formal NRHP and CRHR evaluations of these resources will be reviewed by the SHPO for concurrence. If SHPO does not concur with the findings of these previous evaluations, the development of any necessary treatment measures will be stipulated in a Historic Properties Treatment Plan as requirements of the PA executed for this project. Identified treatment measures will be implemented prior to any direct effects to the canals as required by the PA.	PPD&C Retain a qualified historian to conduct a formal evaluation of the irrigation canals, Fairfield Canal and the Le Grand Canal, the farm complex, the fence line and prehistoric site MCN-1. SHPO to determine if the sites are eligible for the NRHP and CRHR. If eligible, prepare Historic Properties Treatment Plan. Document preparation and implementation of the plan in memo.	Prior to development of Campus and Community North; during site selection or project design.	Prior to development on the two previously evaluated historic irrigation canals, Fairfield Canal and the Le Grand Canal, the farm complex, the fence line and prehistoric site MCN-1.
Alt 1 – Impact CUL-2: Implementation of the Proposed Action could cause damage to unidentified or buried cultural resources.	**MM CUL-2:** If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or non-human bone are inadvertently discovered during ground-disturbing activities on the campus, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures. Treatment measures typically include development of avoidance strategies or mitigation of impacts through data recovery programs such as excavation or detailed documentation. If cultural resources are discovered during construction activities, the construction contractor and lead contractor compliance inspector will verify that work is halted until appropriate treatment measures are implemented in coordination with the USACE and UC Merced.	PPD&C Inform contractor about need to watch for buried cultural resources resources.	During preparation of construction contract.	Document in project file at the start of construction.
		If resources are discovered, halt work and implement appropriate treatment measures.	During construction, in the event of a discovery.	Document in project file upon implementation of required measures.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
CULTURAL RESOURCES (continued)				
Alt 1 – Impact CUL-3: Implementation of the Proposed Action could cause damage to previously unidentified human remains.	**MM CUL-3:** If human remains of Native American origin are discovered during ground-disturbing activities, the Campus and/or developer will comply with state laws relating to the disposition of Native American burials, which falls within the jurisdiction of the California Native American Heritage Commission (Public Resources Code Section 5097). If human remains are discovered or recognized in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until • the coroner of Merced County has been informed and has determined that no investigation of the cause of death is required; and • if the remains are of Native American origin; • the descendants from the deceased Native Americans have made a recommendation to the land owner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or • the California Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the Commission.	PPD&C Document measures taken to preserve human remains discovered on campus in place.	During construction.	Confirm and document in project file during planning and construction.
		PPD&C Retain Native American representative to monitor archaeological excavation.	During planning, and upon discovery of human remains in an archaeological context.	Confirm and document in project file.
		PPD&C Contact archaeologist and County Coroner in the event of discovery of suspected human bone.	Upon discovery of suspected human bone.	Confirm and document in project file.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
CULTURAL RESOURCES (continued)				
Alt 1 – Impact CUL-4: Development of the Proposed Action would have the potential to disturb or destroy paleontological resources.	**MM CUL-4a:** Prior to project construction, construction personnel will be informed of the potential for encountering significant paleontological resources. All construction personnel will be informed of the need to stop work in the vicinity of a potential discovery until a qualified paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel will also be informed of the requirements that unauthorized collection resources are prohibited.	PPD&C For projects in previously undisturbed lands, inform contractor about need to watch for paleontological resources.	During preparation of construction contract.	Document in project file at the start of construction.
		PPD&C Retain qualified paleontologist to perform work as specified.	During construction, in the event of a discovery.	Document in project file upon completion of recordation and recovery.
	MM CUL-4b: A qualified paleontologist will be intermittently present to inspect exposures of Merhten Formation, North Merced Gravels, and Riverbank Formation during construction operations to ensure that paleontological resources are not destroyed by project construction.	PPD&C Retain qualified paleontologist to perform work as specified.	Prior to start of excavation and during construction.	Complete upon documentation of compliance with appropriate measures.
GEOLOGY AND SOILS				
Alt 1 – Impact GEO-2: The Proposed Action could expose people or structures to increased risk of structural damage and injury from ground shaking and related hazards.	**MM GEO-2:** During project-specific building design, a site-specific geotechnical investigation shall be performed by a Certified Engineering Geologist or Licensed Geotechnical Engineer to assess detailed seismic, geologic, and soil conditions at each construction site. The study shall include an evaluation of liquefaction potential, slope stability, landslide potential, expansive and compressible soils, and other structural characteristics and shall identify specific geotechnical recommendations designed to mitigate for the site hazards. The geotechnical recommendations will be followed.	PPD&C Retain Certified Engineering Geologist or Licensed Geotechnical Engineer to conduct site-specific geotechnical investigation. Document implementation of geotechnical recommendations in a memo.	During project design, prior to start of excavation, and during construction.	Complete upon construction in compliance with geotechnical report.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
HAZARDOUS MATERIALS AND PUBLIC SAFETY				
Alt 1 – Impact HAZ-4: The Proposed Action could be located on a site that contains hazardous materials and, could create a significant hazard to the public or the environment.	**MM HAZ-4:** In the event that non-permitted disposal sites, trash burn pits, wells, underground storage devices, or unknown hazardous materials are encountered during construction on the campus site, construction activities would cease until all contaminated areas are identified, and remediated or removed. This process of identification and remediation or removal would be coordinated with the Merced County Division of Environmental Health.	PPD&C Inform contractor about need to watch for hazardous materials.	During preparation of construction contract.	Document in project file at the start of construction.
		PPD&C Coordinate with Merced County Division of Environmental Health as required.	During construction, in the event of an encounter.	Document in project file upon. completion of remediation or removal.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
NOISE				
Alt 1– Impact NOI-1: Implementation of the Proposed Action would result in increased vehicular traffic on the regional road network, which would increase ambient traffic noise levels at existing off-site noise-sensitive uses.	**MM NOI-1:** For existing sensitive receptors that are predicted to be exposed to traffic noise increases that exceed the noise significance thresholds, project proponents shall commission a study, conducted by a qualified acoustical professional, to define reasonable and feasible noise mitigation, and shall implement the recommendations. Mitigation measures would include the following: • Re-pave the streets with 'quiet' pavement types such as a porous Open-Grade Asphalt Concrete with fine aggregate size to reduce exterior noise levels to meet the noise thresholds (60 dBA Ldn for residences, schools, and libraries, and 70 dBA Ldn for parks). The effectiveness of this measure would depend on the existing pavement conditions along the roadway segment. Noise reductions of 3 to 4 dBA below the noise levels associated with 'average' pavements have been achieved using quiet pavement. • In areas where 'quiet' pavement is not an option or would not reduce exterior noise levels to meet the noise thresholds, forced-air mechanical ventilation or building sound insulation such as sound-rated windows and doors would be provided to reduce interior noise levels in existing residences that are anticipated to exceed 45 dBA Ldn inside homes. This mitigation would be provided on a case-by-case basis and would typically be applicable in rural areas where the construction of sound barriers or the use of 'quiet' pavement is not found to be feasible and interior noise levels inside residences are anticipated to exceed 45 dBA Ldn.	PPD&C Retain qualified acoustical professional to conduct a study as described. Document completion of study and implementation of recommendations.	During detailed project planning or project design prior to project approval.	Develop construction noise mitigation measures. Document compliance with measures when materials for construction are approved.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
NOISE (continued)				
Alt 1 – Impact NOI-2: Daily operations within the Campus and University Community and special events at the Campus could expose existing off site and future on-site noise-sensitive receptors to elevated noise levels.	**MM NOI-2a:** In areas where new noise-generating Campus or Community uses are proposed adjacent to or integrated with noise-sensitive uses within the Campus or Community North, the project proponents shall retain a qualified acoustical consultant to prepare a design-level study to define reasonable and feasible noise mitigation to reduce noise levels to comply with noise standards. The identified mitigation shall be included in the design of the project. Measures that can be implemented to achieve this include but are not limited to: • Using site planning to minimize noise in noise-sensitive areas by locating noise-generating operations in areas that are set back or acoustically shielded from noise-sensitive uses. • Incorporating appropriate noise controls so that mechanical equipment from proposed uses does not generate noise levels in excess of 60 dBA Ldn at residential façades. • Limiting the hours of noise-generating activities, such as maintenance, loading and unloading, and drive-through operations, to 7:00 AM to 10:00 PM, where potential noise conflicts exist.	PPD&C Retain acoustical consultant to prepare design-level study.	During detailed project planning or project design prior to project approval.	During project design phase.
	MM NOI-2b: Noise considerations shall be taken into account during the design of the multi-purpose stadium and any other noise-generating event facilities. The project proponents shall perform a design-level study, conducted by a qualified acoustical professional, during the project level analysis to define reasonable and feasible noise mitigation for noise-sensitive receptors that are predicted to be exposed to noise levels that exceed the noise significance thresholds (60 dBA Ldn for residences, schools, and libraries, and 70 dBA Ldn for parks).	PPD&C Review project design for compliance with recommendations in study. Revise as needed to incorporate noise control features.	During detailed project planning or project design prior to project approval.	Prior to final project approval.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
NOISE (continued)				
Alt 1 – Impact NOI-3: Construction of the Proposed Action could expose existing off-site and future on-site noise-sensitive receptors to elevated noise levels.	**MM NOI-3:** Prior to initiation of campus or community construction, the project proponents shall approve a construction noise mitigation program including but not limited to the following. • Construction activities within 500 feet of any residences shall be restricted to between the hours of 7:00 AM and 6:00 PM on weekdays and Saturdays with no construction on Sundays and holidays. • All noise-producing project equipment and vehicles using internal combustion engines shall be equipped where appropriate with exhaust mufflers and air-inlet silencers in good operating condition that meet or exceed original factory specifications. • Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment. • All mobile or fixed noise-producing equipment used on the project that is regulated for noise output by local, state or federal agency shall comply with such regulation while engaged in project-related activities. • Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where practicable. • Material stockpiles, mobile equipment staging, construction vehicle parking, and maintenance areas shall be located as far as practicable from noise-sensitive land uses. • Stationary noise sources such as generators or pumps shall be located away from noise-sensitive land uses as feasible. • The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. No project-related public address loudspeaker, two-way radio, or music systems shall be audible at any adjacent noise-sensitive receptor except for emergency use. • The erection of temporary noise barriers shall be considered where project activity is unavoidably close to noise-sensitive receptors.	PPD&C Develop construction noise mitigation program and adopt as part of standard construction contract specifications. Inspect construction sites to verify that measures are being implemented.	Prior to and during construction.	Confirm and document during construction.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
NOISE (continued)				
Alt 1 – Impact NOI-3 (continued)	• The noisiest construction operations shall be scheduled to occur together to avoid continuing periods of the greatest annoyance, wherever possible. • Construction vehicle trips shall be routed as far as practical from existing residential uses. • The loudest campus construction activities, such as demolition, blasting, and pile driving, shall be scheduled during summer, Thanksgiving, winter, and spring breaks when fewer people would be disturbed by construction noise. • Whenever possible, academic, administrative, and residential areas that will be subject to construction noise shall be informed a week before the start of each construction project.			
Alt 1 – Impact NOI-4: Pile driving activities during construction could expose nearby receptors to perceptible levels of groundborne vibration.	**MM NOI-4a:** The project proponents shall avoid impact pile driving where possible in vibration-sensitive areas. Drilled piles or the use of vibratory pile driving will be used where geological conditions permit their use. For impact pile driving activities occurring within 50 feet of typical structures, limit groundborne vibration due to construction activities to 0.50 inch/second, ppv (limit of potential for damage to typical structures) in the vertical direction at sensitive receptors. Since in many cases the information available during the preliminary engineering phase would not be sufficient to define specific vibration mitigation measures, the project proponents shall describe and commit to a mitigation plan to minimize construction vibration damage using all feasible means available. Thresholds for individual structures could be established based on the assessment of each structure's ability to withstand vibration, and vibration monitoring could be conducted to ensure compliance with the vibration thresholds.	PPD&C Develop construction vibration mitigation program and adopt as part of standard construction contract specifications. Inspect construction sites to verify that measures are being implemented.	Prior to and during construction.	Document compliance in project file upon completion of construction.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
NOISE (continued)				
Alt 1 – Impact NOI-4 (continued)	**MM NOI-4b:** For construction adjacent to highly sensitive uses such as laboratories, apply additional measures as feasible, including advance notice to occupants of sensitive facilities to ensure that precautions are taken in those facilities to protect ongoing activities from vibration effects.	PPD&C Ensure that construction vibration mitigation program include precautions for highly sensitive uses as described. Inspect construction sites to verify that precautions are being implemented.	Prior to and during construction.	Document compliance in project file upon completion of construction.
Alt 1 – Impact NOI-5: New on-site noise-sensitive land uses, such as Campus and University Community residences, could be exposed to noise levels exceeding noise thresholds.	**MM NOI-5a:** For new noise-sensitive Campus and University Community development, noise considerations shall be taken into account during initial site planning, in order to maximize shielding by the planned structures or other on-site features. In areas where new residential development or noise-sensitive park uses would be developed adjacent to noise-generating project development or along Campus Parkway, the project proponent shall retain a qualified acoustical professional to prepare a design level study to define reasonable and feasible noise mitigation to reduce exterior and interior noise levels in noise-sensitive areas to comply with the land use compatibility guidelines (60 dBA Ldn exterior and 45 dBA Ldn interior for residences). The identified mitigation shall be included in the design of the project. Measures that can be implemented to achieve reductions in noise levels include but are not limited to: • Using site planning to minimize noise in parks and residential outdoor activity areas by locating these areas as far as possible from noise sources or at locations behind buildings.	PPD&C Retain acoustical consultant to prepare design-level study and noise mitigation plan.	During detailed project planning or project design prior to project approval.	During project design phase.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
NOISE (continued)				
Alt 1 – Impact NOI-5 (continued)	• Paving Campus Parkway section within the project site with a 'quiet' pavement type such as a porous Open-Grade Asphalt Concrete with fine aggregate size. Noise reductions of 3 to 4 dBA below noise levels associated with 'Average' pavements have been achieved using a 'quiet' pavement. • Using noise barriers or berms to acoustically shield these uses where site planning methods are not sufficient to reduce noise in noise-sensitive exterior use areas to below 60 dBA Ldn. • Providing mechanical ventilation so that windows can remain closed to maintain interior noise levels below 45 dBA Ldn where exterior noise levels at residential façades are predicted to exceed 60 dBA Ldn. • Providing sound-rated windows and applying other noise-reducing construction methods where exterior noise levels at residential facades are predicted to exceed 65 dBA Ldn.	PPD&C Review project design for compliance with recommendations in study. Revise as needed to incorporate noise control features.	During detailed project planning or project design prior to project approval.	Prior to final project approval.
PUBLIC SERVICES AND RECREATION				
Alt 1 – Impact PUB-1: The Proposed Action would increase demand for law enforcement services and would require the construction of new facilities.	**MM PUB-1:** The Campus shall maintain a minimum ratio of 0.7 officer per 1,000 population.	PPD&C Document compliance with mitigation measure.	During operation.	Annually.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
PUBLIC SERVICES AND RECREATION (continued)				
Alt 1 – Impact PUB-6: The Proposed Action would increase the use of Lake Yosemite Regional Park which could accelerate physical deterioration of park facilities.	**MM PUB-6a:** The University shall work with the County to develop a program for joint use of on campus sports, recreational, and parking facilities.	PPD&C Work with County to implement mitigation measures.	During detailed project planning or project design prior to project approval.	Following completion of the environmental review process for new park facilities, if mitigation costs are identified in connection with those facilities proposed because of the implementation of the 2009 LRDP.
	MM PUB-6b: The University shall work with the County to avoid physical deterioration of existing facilities at Lake Yosemite Regional Park, and/or improve park facilities within the existing park site as necessitated by the increased uses associated with development of the Campus.	PPD&C Work with County to implement mitigation measures.	During detailed project planning or project design prior to project approval.	
	MM PUB-6c: The University will pay its fair share of the cost of necessary improvements to the regional park The University's share of funding will be based on the percentage that on campus residential population represents of the total population in eastern Merced County at the time that an improvement is implemented.	PPD&C Negotiate with County to determine fair share contribution toward feasible and required environmental mitigation measures for improvements to Lake Yosemite Regional Park.	During detailed project planning or project design prior to project approval.	
	MM PUB-6d: In recognition of the sensitive resources present on lands immediately adjacent to the regional park, all regional park improvement projects that are implemented by the County within 250 feet of the park's eastern boundary pursuant to Mitigation Measures PUB-6b and PUB-6c above, will implement mitigation measures to avoid and minimize indirect effects on biological resources. These measures shall be based on and as effective as the measures in the Conservation Strategy to control indirect impacts to biological resources.	PPD&C Document compliance with mitigation measure in conjunction with Mitigation Measures PUB-6b and PUB-6c above.	During detailed project planning or project design prior to project approval.	Document compliance with mitigation measures prior to approval of improvements of the regional park.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
TRANSPORTATION AND TRAFFIC				
Alt 1 – Impact TRANS-1: The Proposed Action would contribute 1 percent or more to the traffic growth projected for 18 roadway segments planned to be widened in the future, cause the LOS of two study intersections to deteriorate to unacceptable levels, and result in a significant increase in delay at one intersection.	**MM TRANS-1A: <u>Campus Traffic Mitigation Program (CTMP).</u>** The Campus Traffic Mitigation Program (CTMP) is designed to mitigate off-site impacts associated with the roadway segments and intersections affected by the development of the Campus through full build-out, as described in the 2009 LRDP. It includes a combined approach of (1) transportation measures to reduce peak-hour trips, and (2) monetary contributions to roadway improvements identified as necessary to mitigate the impacts of the Proposed Action. CEQA provides that an agency can mitigate its contribution to local and regional environmental impacts by contributing its proportional share of funding to mitigation measures designed to alleviate the identified impact (State CEQA Guidelines Section 15130(a)(3)). The portion of the CTMP that provides for monetary contributions consists of specific mitigation measures for certain roadway segments and intersections adjacent to the Campus (including Lake Road between Yosemite Avenue and Bellevue Road and Bellevue Road between G Street and Lake Road) that are anticipated to reach capacity soon after the Campus reaches 10,000 full-time equivalent (FTE) students. The University anticipates that the County of Merced (or the City of Merced if annexed) may plan and implement improvements to these segments and intersections before the Campus reaches 10,000 students. The University also anticipates that the County (or the City) may choose to construct new regional facilities (such as the Campus Parkway) or oversize new facilities in lieu of addressing capacity issues by more limited improvements on the affected segments (e.g., widening Lake Road). To address these issues, the CMTP contains detailed provisions for the University's share of funding these anticipated improvements upon the notice to proceed for construction. To the extent that the County (or the City) chooses not to proceed with the specific improvements identified in MM TRANS-1A-4, the University will address campus impacts under MM TRANS-1A-5. The CTMP will consist of the following elements/measures:			

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
TRANSPORTATION AND TRAFFIC (continued)				
Alt 1 – Impact TRANS-1 (continued)	**MM TRANS-1A-1: Trip Reduction Measures** **Travel Demand Management.** To reduce on- and off-campus vehicle trips and resulting impacts, the University will implement a range of Transportation Demand Management (TDM) strategies. TDM strategies will include measures to increase transit and shuttle use, encourage alternative transportation modes including bicycle transportation, implement parking polices that reduce demand, and implement other mechanisms that reduce vehicle trips to and from the campus and community. **Transit Enhancement.** To enhance transit systems serving the Campus and University Community, the University will work cooperatively with the City of Merced, County of Merced, Cat Tracks, The Bus, StaRT, YARTS, and other local agencies to coordinate service routes with existing and proposed shuttle and transit programs.	PPD&C Report on provision of TDM programs, transit services, and usage of these programs and services.	Throughout LRDP development.	At intervals of 1,500 FTE student growth, relative to 2009 LRDP baseline.
	Sustainability Measures. The University shall review individual projects proposed under the 2009 LRDP for consistency with UC sustainable transportation policy and UC Merced TDM strategies set forth in the 2009 LRDP to ensure that bicycle and pedestrian improvements, alternative fuel infrastructure, transit stops, and other project features that promote alternative transportation are incorporated to the extent feasible. The University shall monitor the performance of campus TDM strategies through annual surveys.	PPD&C Report on sustainable elements of each building project.	Throughout LRDP development.	Prior to design approval of each building project.
	Campus Housing. The University will continue to pursue the implementation of affordable on-campus student housing to reduce peak-hour commuter trips to the campus. The University's goal is for 50 percent of student population to live on campus.	PPD&C Plan for provision of new housing projects to keep pace with projected student body growth. Report on existing and projected housing provision on a yearly basis.	Throughout LRDP development.	Report on a yearly basis.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
TRANSPORTATION AND TRAFFIC (continued)				
Alt 1 – Impact TRANS-1 (continued)	**MM TRANS-1A-2: Campus Traffic Monitoring** The University will monitor trip generation resulting from the campus development under the 2009 LRDP to track the actual trip generation relative to the projections in this EIS/EIR. The University will conduct traffic cordon counts of the campus traffic with each 1,500 person increase in student population measured by three-term average FTE students enrollment increases with 2007-08 as the base year. The University will report the findings to the City and the County, and these findings will be used to calculate the University's proportional share of responsibility to fund local transportation improvements as described below.	PPD&C Conduct AM and PM peak period traffic counts at Campus gateway(s) and report trip generation rate per FTE student, relative to Draft EIS/EIR rate.	Throughout LRDP development.	At intervals of 1,500 FTE student growth, relative to 2009 LRDP baseline.
	MM TRANS-1A-3: Determination of Proportional Share Attributable to Campus The University will monitor its traffic based on MM TRANS-1A-2 above and use the data to calculate its proportional share of the cost of each improvement at each location noted in Table 4.13-10. The Campus's proportional share of each improvement will be determined by applying the actual trip generation rate at the time that the improvement is needed. The formula to calculate the proportional share will be: (Actual trip generation rate on a per student basis)/(the projected trip generation rate) x the projected percentages in Table 4.13-10 The use of the actual trip generation rate may increase or decrease the Campus's proportional share compared to the projected percentages in Table 4.13-10.	PPD&C Report proportional share based on monitored trip generation, using improvement cost data as described.	Throughout LRDP development.	At intervals of 1,500 FTE student growth, relative to 2009 LRDP baseline.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
TRANSPORTATION AND TRAFFIC (continued)				
Alt 1 – Impact TRANS-1 (continued)	**MM TRANS-1A-4: Monetary Contributions to Roadway Improvements Adjacent to the Campus** Scope of Mitigation. The University will commit to pay its proportional share of the cost of improvements to three intersections and two roadway segments that are adjacent to the Campus at the time that improvements to these facilities are triggered, as indicated below: **Construct Campus Parkway between Yosemite Avenue and the Campus** - when the County of Merced (or the City of Merced if annexed) demonstrates to the University that Lake Road from Yosemite Avenue to Bellevue Road is at 90% of its capacity (as described in Table 4.13-6) and that the need for improvement is imminent. **Widen Bellevue from 2 to 4 lanes from G Street to Lake Road -** when the County of Merced (or the City of Merced if annexed) demonstrates to the University that Bellevue Road between G Street and Lake Road is at 90% of its capacity (as described in Table 4.13-6) and that the need for improvement is imminent. (Future widening of Bellevue Road from 4 to 6 lanes will be mitigated pursuant to MM TRANS-1-5). **Intersections of Bellevue Road/Lake Road, Myers Gate/Lake Road, and Yosemite Avenue/Lake Road -** when the County of Merced (or the City of Merced if annexed) demonstrates that the intersections listed above are approaching an unacceptable Level of Service (LOS) and the need for an improvement is imminent. Contribution of Campus' Proportional Share. At each of these locations, the University's proportional share will be estimated based on the percentages reported in Table 4.13-10 which represent the projected proportional share adjusted per the discussion under **Determination of Proportional Share Attributable to Campus**, above.	PPD&C (1) Internally commit proportional share funding; (2) Pay affected jurisdiction.	(1) When affected jurisdiction programs each project, provides a construction cost estimate, and completes a full project funding plan; (2) Prior to project construction.	As each improvement project is programmed, cost estimates are prepared, and full funding plans are prepared.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
TRANSPORTATION AND TRAFFIC (continued)				
Alt 1 – Impact TRANS-1 (continued)	**Contribution of University Community's Proportional Share.** The University will advance the proportional share of the cost of the specific improvements included in this section associated with the University Community (as identified on Table 4.-13.10) if, prior to the issuance of any entitlements for development in the University Community (including but not limited to any specific plan, tentative map or permit), the County (or the City) enacts an enforceable fee program to collect sufficient funds from all developers in the University Community to fully reimburse the University for any amount overpaid beyond its proportional share. The fee program must be updated annually to ensure that sufficient fees are collected to fully reimburse the University for the amount advanced, including interest associated with any financing of the cost of the University Community's share of the improvements. The fee program shall provide that the fees collected from development within University Community for purpose of paying for the improvements in this section shall be paid directly to the University. If a fee mechanism has not been adopted prior to the issuance of a notice to proceed for an improvement, the University's commitment to advance the funding under this section will not arise until such program has been adopted. **Commitment of Funds.** Funding will be internally committed by the University when an improvement project is included in the County (or the City) capital improvement program, and the County (or the City) provides a construction cost estimate and a project funding plan to the University. **Timing of Mitigation Payments.** The funds will be disbursed to the County (or the City) upon issuance of the notice to proceed with construction of the project.			

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
TRANSPORTATION AND TRAFFIC (continued)				
Alt 1 – Impact TRANS-1 (continued)	**MM TRANS-1A-5: Monetary Contributions to Other Roadway Improvements** Scope of Mitigation. The University will commit to fund its proportional share of the cost of all roadway improvements at the locations shown in Table 4.13-10 and will commit to fund its proportional share of only those planned improvements for roadway segments that are listed in Table 4.13-9 and mitigation for intersections listed in Table 4.13-11. (Improvements to the intersection of Yosemite Avenue and Lake Road, construction of Campus Parkway between Yosemite Avenue and the Campus, and Bellevue Road widening from 2 to 4 lanes are addressed under MM TRANS-1A-4). Contribution of Campus' Proportional Share. At each of these locations, the University's proportional share will be estimated based on the percentages reported in Table 4.13-10 which represent the University's proportional share adjusted per the discussion under Determination of Proportional Share Attributable to Campus, above. Commitment of Funds. Funding will be internally committed by the University at the point at which an improvement project is included in the County (or the City)'s capital improvement program, and the County (or the City) provides a construction cost estimate and a project funding plan to the University. Timing of Mitigation Payments. The funds will be disbursed to the County (or the City) upon issuance of the notice to proceed with construction of the project.	PPD&C (1) Internally commit proportional share funding; (2) Pay affected jurisdiction.	(1) When affected jurisdiction programs each project, provides a construction cost estimate, and completes a full project funding plan; (2) Prior to project construction.	As each improvement project is programmed, cost estimates are prepared, and full funding plans are prepared.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
TRANSPORTATION AND TRAFFIC (continued)				
Alt 1 – Impact TRANS-1 (continued)	**MM TRANS-1A-6: Alternate Improvements** Specific feasible traffic improvements are identified in **Tables 4.13-11** and **4.13-9** to mitigate each of the Proposed Action's significant traffic impacts to a less than significant level. The identified improvements would be planned, designed, and implemented by the City of Merced, Merced County, or other affected jurisdictions. Detailed planning, environmental analysis and engineering studies for some of these improvements have not been completed and the implementing agencies have not committed to all identified improvements. As a result, the final configuration of future transportation improvements may vary from those identified in **Tables 4.13-11** and **4-13-9**. The University will monitor its traffic based on MM TRANS-1A-2 above and use the data to calculate its incremental responsibility towards the Campus's projected share of each improvement location noted in **Table 4.13-10**. If any improvement described herein is found to be ineffective or infeasible, and alternative improvements are determined to be required to achieve an acceptable LOS, the University will work in collaboration with the County or the City to implement alternative improvements.	PPD&C Consult with County and City staff at each 1,500-student monitoring stage, to determine whether alternate improvements are under consideration, and discuss efficacy of the alternate improvements.	Throughout LRDP development.	At each 1,500-student monitoring stage.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
HYDROLOGY AND WATER QUALITY				
Cumulative Impact HYD-3: Development of the Campus and University Community, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not substantially interfere with groundwater recharge but would deplete groundwater supplies resulting in an overdraft of the regional groundwater aquifer.	**Cumulative MM HYD-3a:** The University shall support MAGPI in pursuing and securing cooperative arrangements with state and local agencies for purposes of expanding the basin's conjunctive use capabilities.	PPD&C Coordinate with MAGPI.	Prior to and during development of Campus.	Confirm that cooperative agreements have been secured.
	Cumulative MM HYD-3c: To reduce its demand for water, the Campus shall implement an aggressive water conservation program which will consist of the following elements: • Incorporate water-efficient landscaping practices in all new landscape installations. Water-conservation landscaping practices shall include, but not be limited to, use of water-efficient plants, temporary irrigation systems for plant establishment areas where mature plants will be able to survive without regular irrigation, grouping of plants according to water requirements, design of planting areas to maximize irrigation pattern efficiency, and mulch covering in planting areas.	PPD&C Incorporate water efficient landscaping practices in all new landscape installation.	Prior to project design approval.	Confirm that all landscaping meets new standard.
	• Continue to install low flow plumbing fixtures in all new buildings.	PPD&C to continue installing low flow plumbing fixtures.	When plumbing fixtures are installed.	Document all new fixtures are low-flow.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
HYDROLOGY AND WATER QUALITY (continued)				
	• As new technologies become available, the Camus shall conduct pilot programs for high-efficiency plumbing fixtures including, but not limited to, dual-flush toilets. If a piloted technology proves to be successful (i.e., high-efficiency fixtures that are effective in water savings and do not require more maintenance than the existing standard), the Campus shall revise its standards to require use of the fixtures in all new buildings and in existing buildings as existing fixtures need to be replaced.	PPD&C Implement pilot programs. Revise campus standards as warranted.	Pilot programs ongoing. Depends on results of pilot programs.	Document results of program. Confirm standards have been revised.
	• Require that new contracts for washing machines in student residences be certified by the Consortium on Energy Efficiency to have a water factor of 5.5 or less or meet an equivalent standard. New washing machines purchased for use in athletic facilities shall meet applicable standards for water efficiency for institutional machines.	PPD&C Specifications for washing machines to require that standard is met.	When new machines are purchased.	Confirm new machines meet standards and document.
	• Within one year following approval of the 2009 LRDP, the Campus shall implement a water conservation education program for campus residents. This will include but not be limited to: – Distribution to residents of employee housing of education materials covering topics such as basic home water conservation practices, plumbing retrofits and replacements, and strategies to conserve landscape irrigation.	PPD&C Provide residents with information.	Implement water conservation programs with residents.	Confirm and document that information has been provided.
	– Designation of a staff member who will be responsible for developing and implementing a water conservation education and awareness program to reduce water consumption in student residences, dining halls, and student affairs facilities.	Designate a staff member as a water conservation educator.	Within one year of LRDP approval.	Confirm staff member has been designated.
	• Within two years following approval of the 2009 LRDP, the Campus shall initiate a study on feasible measures for utilization of reclaimed water (including rainwater, grey water, cooling tower blow down water and/or recycled water) in new development. Potential uses of reclaimed water include cooling, irrigation, toilet flushing, and industrial water. The study shall contain a plan to utilize reclaimed water in new development as feasible and effective.	Initiate study of reclaimed water as specified.	Within two years of LRDP approval.	Document initiation of reclaimed water study.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
	• The Campus shall, at intervals of no more than five years during the term of the 2009 LRDP, conduct roundtable discussions with representatives of relevant campus departments, and conduct additional studies of new technologies as needed to identify feasible and effective water conservation measures for implementation on the Campus during the subsequent five year period. The following are among the measures that shall be considered: – Retrofitting existing water meters such that building use and irrigation are separately metered. – Replacing natural turf on athletic fields with artificial turf. • Installing timers on showers in student residences.	Discuss potential effective water conservation measures with the Campus departments that could be studied for implementation.	Every five years after approval of LRDP.	Document results of discussions.

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
UTILITIES AND SERVICE SYSTEMS				
Cumulative Impact UTILS-1: Development of the Campus and University Community, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not require the construction of new water supply facilities that would result in significant environmental impacts. The cumulative development would result in a substantial increase in demand for water which potentially could result in significant environmental impacts.	**Cumulative MM UTILS-1a:** The University shall implement Cumulative Mitigation Measure HYD-3a.	See actions for **Cumulative MM HYD-3a**.		

Significant Impact	Mitigation Measure	Monitoring/Reporting Responsibility and Action(s)	Mitigation Timing	Monitoring Schedule
UTILITIES AND SERVICE SYSTEMS (continued)				
Cumulative Impact UTILS-2: Development of the Campus and University Community, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would result in a significant cumulative impact on wastewater collection and treatment facilities.	**Cumulative MM UTILS-2a:** The University shall continue to monitor and minimize the total amount of wastewater discharged from the site.	PPD&C Monitor amount of wastewater discharged. If unexpected increases in wastewater volume occur over time, minimize discharge.	Ongoing	Document discharge amount of wastewater annually.
	Cumulative MM UTILS-2b: The University shall evaluate the feasibility of developing a recycled water plant on the Campus or in Community North to further reduce wastewater flows discharged to the City's sewer system.	See actions for **Cumulative MM HYD-3c**.		

Table 2
Mitigation Monitoring and Reporting Program
UCM 2020 Project

Significant Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
AESTHETICS				
UCM 2020 Impact AES-1: Development under the UCM 2020 Project would affect scenic vistas.	**UCM 2020 MM AES-1**: Implement **Program Level Mitigation Measures AES-1a** and **-1b.**	See actions for **Program Level Mitigation Measures AES-1a** and **-1b** above.		
UCM 2020 Impact AES-2: Development under the UCM 2020 Project would substantially alter the visual quality and character of the site and its surroundings.	**UCM 2020 MM AES-2:** Implement **Program Level Mitigation Measure AES-3.**	See actions for **Program Level Mitigation Measure AES-3.**		
AIR QUALITY				
UCM 2020 Impact AQ-2: The UCM 2020 Project would result in operational emissions that would violate an air quality standard or contribute substantially to an existing or projected air quality violation.	**UCM 2020 MM AQ-2:** Implement **Program Level Mitigation Measures AQ-2a** through **AQ-2c.**	See actions for **Program Level Mitigation Measures AQ-2a** through **AQ-2c.**		

Significant Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
AIR QUALITY (continued)				
UCM 2020 Impact AQ-3: The UCM 2020 Project would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors).	**UCM 2020 MM AQ-3:** Program Level Mitigation Measures AQ-2 would apply to this impact. No further mitigation is available.	See actions for **Program Level Mitigation Measures AQ-2.**		
GEOLOGY AND SOILS				
UCM 2020 Impact GEO-1: Development under the UCM 2020 Project could expose people or structures to increased risk related to ground shaking and seismically induced ground failure, including liquefaction.	**UCM 2020 MM GEO-1:** Implement **Program Level Mitigation Measure GEO-2.**	See actions for **Program Level Mitigation Measure GEO-2.**		

Significant Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
HAZARDS AND HAZARDOUS MATERIALS				
UCM 2020 Impact HAZ-1: Development under the UCM 2020 Project could be located on a site that potentially contains hazardous materials and could create a significant hazard to the public or the environment.	**UCM 2020 MM HAZ-1**: Implement **Program Level Mitigation Measure HAZ-4.**	See actions for **Program Level Mitigation Measure HAZ-4.**		
NOISE				
UCM 2020 Impact NOI-2: Construction of the UCM 2020 Project could expose existing off-site and future on-site noise-sensitive receptors to elevated noise levels and groundborne vibration.	**UCM 2020 MM NOI-2a**: Implement **Program Level Mitigation Measures NOI-3, NOI-4a**, and **NOI-4b**.	See actions for **Program Level Mitigation Measures NOI-3, NOI-4a**, and **NOI-4b**.		
PUBLIC SERVICES AND RECREATION				
UCM 2020 Impact PUB-1: The UCM 2020 Project would increase demand for law enforcement services and would require the construction of new facilities.	**UCM 2020 MM PUB-1:** Implement **Program Level Mitigation Measure PUB-1**	See actions for **Program Level Mitigation Measure PUB-1**		

Significant Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Mitigation Timing	Monitoring Schedule
PUBLIC SERVICES AND RECREATION (continued)				
UCM 2020 Impact PUB-2: The UCM 2020 Project would increase the use of Lake Yosemite Regional Park, which could accelerate physical deterioration of park facilities.	**UCM 2020 MM PUB-2:** Implement **Program Level Mitigation Measures PUB-6a** through **PUB-6d.**	See actions for **Program Level Mitigation Measures PUB-6a** through **PUB-6d.**		
TRANSPORTATION AND TRAFFIC				
UCM 2020 Impact TRANS-2: With the addition of project traffic, the LOS of three of the study intersections would deteriorate to unacceptable levels under Existing Plus UCM 2020 Project conditions.	**UCM 2020 MM TRANS-2:** The Campus shall implement Program Level Mitigation Measure TRANS-1, pursuant to which it will monitor traffic growth related to the campus and pay its proportional share of the cost of the required improvement.	See actions for Program Level Mitigation Measure TRANS-1		
UCM 2020 Impact TRANS-3: Implementation of the UCM 2020 Project would result in an exceedance of the LOS threshold along local roadway segments under 2020 Plus UCM 2020 Project conditions.	**UCM 2020 MM TRANS-3:** The Campus shall implement Program Level Mitigation Measure TRANS-1, pursuant to which it will monitor traffic growth related to the campus and pay its proportional share of the cost of the above listed improvement.	See actions for Program Level Mitigation Measure TRANS-1		