

**APPENDIX 1.0**  
**NOTICE OF PREPARATION (NOP), INITIAL STUDY,**  
**AND COMMENTS ON THE NOP**

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# UNIVERSITY OF CALIFORNIA, MERCED

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UNIVERSITY OF CALIFORNIA, MERCED  
5200 North Lake Road  
MERCED, CALIFORNIA 95343  
(209) 228-4627

Scott Morgan  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

April 2, 2018

## NOTICE OF PREPARATION ENVIRONMENTAL IMPACT REPORT

**LEAD AGENCY:** University of California  
**PROJECT TITLE:** University of California (UC) Merced 2018 LRDP  
**PROJECT LOCATION:** UC Merced, Lake Road, Merced, CA  
**COUNTY:** Merced

The University of California proposes to adopt an updated Long Range Development Plan (LRDP) for the University of California, Merced campus (UC Merced) in Merced, California. In March 2009, the Board of Regents of the University of California ("The Regents") certified an EIR that analyzed and disclosed the impacts from the implementation of a LRDP for UC Merced, and adopted the UC Merced 2009 LRDP. The 2009 LRDP was designed to guide the physical development of the campus through 2030 and beyond for growth up to an enrollment level of 25,000 students. The 2009 LRDP addressed the development of the campus on an 815-acre site. Since then, the University has acquired more land to the south of the original campus. It has also revised the Campus' enrollment projections through 2030. The University has also determined that the land use diagram in the 2009 LRDP must be amended not only to cover the larger campus site but provide for more compact and sustainable development within the revised campus site and allow more flexibility in the siting of future facilities.

In view of these changes, the University has prepared an updated LRDP that will guide future development of the campus to accommodate growth projected between 2020 and 2030. The proposed Draft 2018 LRDP plans for enrollment to increase from approximately 10,000 students in 2020 to 15,000 students by 2030. The Draft 2018 LRDP plans for the addition of up to 2.6 million square feet of building space to serve this projected enrollment growth. Finally, the Draft 2018 LRDP includes a revised land use diagram that encompasses the additional acreage added to the campus, and establishes and applies the following revised and new land use designations: Campus Mixed Use (CMU), Campus Building Reserve and Support Land (CBRSL); Environmental Resource Land (ERL); Active Open Space (AOS); Passive Open Space (POS); and Campus Parkway Open Space (CPOS). Under the 2009 LRDP, campus facilities were planned to be constructed on about 715 acres within the 815-acre campus site with about 100 acres set aside as open space. Under the Draft 2018 LRDP, development of campus facilities through 2030 would be limited to about 274 acres within the 1,026 acre campus site, with another 320 acres set aside for

development beyond 2030, and about 432 acres would be designated as environmental resource land or open space.

As the approval of the proposed Draft 2018 LRDP is a discretionary action, the environmental impacts of approving this updated plan must be evaluated and disclosed in order to comply with the California Environmental Quality Act (CEQA).

## **ENVIRONMENTAL REVIEW AND COMMENT**

The University of California will be the lead agency under CEQA and has determined that an EIR must be prepared that evaluates the environmental impacts from the approval and implementation of the proposed UC Merced Draft 2018 LRDP.

As noted above, an EIR was certified in 2009 for the UC Merced 2009 LRDP. According to CEQA Guidelines, a Subsequent EIR is required when a substantial change is proposed to a project for which an EIR has been previously certified. As the Draft 2018 LRDP would substantially change the previously adopted 2009 LRDP, preparation of a Subsequent EIR (SEIR) is appropriate for the proposed Draft 2018 LRDP.

An Initial Study has been prepared in accordance with CEQA, the CEQA Guidelines, and the University of California Guidelines for the Implementation of CEQA to identify environmental impacts that are adequately addressed in the 2009 EIR or are not an issue for the Draft 2018 LRDP, and those potential environmental impacts that will be analyzed in the SEIR (See Attachment A). The attached Initial Study also includes a description of the proposed project. At this time, it is anticipated that the SEIR will address environmental impacts in the following resource areas: air quality, biological resources, greenhouse gas emissions, hydrology and water quality, noise, population and housing, public services, traffic and transportation, tribal cultural resources, and utilities.

In compliance with the CEQA Guidelines, this Notice of Preparation (NOP) is hereby sent to inform you that a SEIR will be prepared for the above named project. As Lead Agency, we need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. This NOP and Initial Study are also being provided to local agencies and the public, and have been posted on the web at <http://planning.ucmerced.edu/LRDP>. Agencies and the public are invited and encouraged to provide written comments.



This NOP is being circulated for 30 days from April 2 through May 1, 2018. Due to time limits mandated by state law, please provide your comments at the earliest date possible but not later than 5:00 PM on Tuesday May 1, 2018. Please send your comments to the following address:

University of California, Merced  
Physical and Environmental Planning  
5200 North Lake Road  
Merced, California 95343  
Attn: Phillip Woods

Comments may also be submitted via email to the following email address:

Email: [pwoods3@ucmerced.edu](mailto:pwoods3@ucmerced.edu)

Oral comments on the scope and content of the SEIR will be accepted at a scoping meeting that will be held on Wednesday April 25, 2018 from 4 PM to 6 PM in the UC Merced Downtown Campus Center (Conference Rooms 105 & 106), 655 W 18th Street, Merced, CA 95340.

After the Draft SEIR is completed, the University will circulate the Draft SEIR for public review and comment. At the end of the public comment period, the University will prepare written responses to comments on the Draft SEIR and publish the Final SEIR.

If you have any questions about the environmental review, please contact me at (209) 349-2561.

Sincerely,



Phillip Woods, AICP  
Director of Physical & Environmental Planning

Enclosures: Attachment 1. Initial Study



UCMERCED

# PROPOSED 2018 LONG RANGE DEVELOPMENT PLAN

## Initial Study

The following Initial Study has been prepared in compliance with CEQA.

### Prepared By:

University of California, Merced  
5200 North Lake Road  
Merced, CA 95343

April 2018

Contact: Phillip Woods, AICP, Director of Physical & Environmental Planning  
pwoods3@ucmerced.edu

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# INTRODUCTION

## Initial Study

Pursuant to Section 15063 of the *California Environmental Quality Act (CEQA) Guidelines* (Title 14, California Code of Regulations, Sections 15000 et seq.), an Initial Study is a preliminary environmental analysis that is used by the lead agency (the public agency principally responsible for approving or carrying out the proposed project) as a basis for determining whether an Environmental Impact Report (EIR), a Mitigated Negative Declaration, or a Negative Declaration is required for a project. The *State CEQA Guidelines* require that an Initial Study contain a project description, description of environmental setting, identification of environmental effects by checklist or other similar form, explanation of environmental effects, discussion of mitigation for significant environmental effects, evaluation of the project's consistency with existing, applicable land use controls, and the name of persons who prepared the study.

In March 2009, the Board of Regents of the University of California (The Regents) certified an EIR that analyzed and disclosed the impacts from the implementation of a Long Range Development Plan (LRDP) for the UC Merced Campus, and adopted the UC Merced 2009 LRDP as a guide for physical development to accommodate growth projected through 2030 and beyond. The 2009 LRDP addressed the development of the campus to full buildout of 25,000 students by the year 2030 on an 815-acre site. Since then, the University has acquired more land for the campus, but has revised the enrollment projections through 2030 down substantially and anticipates accommodating the enrollment growth on a smaller developed footprint within the larger site, and as a result, has developed a revised land use plan for campus site. All of these changes are reflected in a Draft 2018 LRDP that has been prepared by UC Merced. Before the Regents can adopt the new LRDP, the Regents must evaluate and disclose the environmental impacts of the Draft 2018 LRDP.

The purpose of this Initial Study is to evaluate the potential environmental impacts of the proposed UC Merced Draft 2018 LRDP to determine what level of environmental review is appropriate. Based on the analysis contained in this Initial Study and as shown in Section IV Determination, it has been determined that campus development under the proposed Draft 2018 LRDP could result in potentially significant impacts and that an EIR must be prepared.

According to CEQA Guidelines, a Subsequent EIR is required when a substantial change is proposed to a project for which an EIR has been certified. The 2009 LRDP EIR evaluated full buildout of the campus to accommodate 25,000 students by 2030 at a program level; however, the proposed Draft 2018 LRDP would substantially change the land use plan previously adopted as part of the UC Merced 2009 LRDP to reflect slower enrollment growth and a more compact development footprint. Accordingly, preparation of a Subsequent EIR (SEIR) is appropriate for the Draft 2018 LRDP.

## Anticipated Project Approvals

The University will prepare a SEIR that fully evaluates the environmental effects associated with the adoption of the proposed UC Merced Draft 2018 LRDP. Necessary project actions and approvals are anticipated to include, but are not limited to, consideration of the following by The Regents (anticipated in early 2019):

- Certification of the 2018 LRDP SEIR; and
- Adoption of the UC Merced 2018 LRDP.

## Public and Agency Review

The Notice of Preparation (NOP) and this Initial Study will be circulated for public and agency review from April 2, through May 1, 2018. The NOP/Initial Study is available online at <http://planning.ucmerced.edu/LRDP> and during normal operating hours at the Physical and Environmental Planning office at the address below.

University of California, Merced  
655 West 18th Street  
Merced, California 95340

Comments on the NOP/Initial Study must be received by 5:00 PM on May 1, 2018 and can be sent or emailed to:

Phillip Woods, AICP  
Director of Physical & Environmental Planning  
Physical & Environmental Planning  
University of California, Merced  
5200 North Lake Road  
Merced, California 95343

[pwoods3@ucmerced.edu](mailto:pwoods3@ucmerced.edu)

## Organization of the Initial Study

This Initial Study is organized into the following sections.

**Section 1 – Project Information:** provides summary background information about the proposed project, including project location, lead agency, and contact information.

**Section 2 – Project Description:** includes a description of the proposed project, including the need for the project, the project's objectives, and the elements included in the project.

**Section 3 – Environmental Factors Potentially Affected:** identifies what environmental resources, if any, would involve at least one significant or potentially significant impact that cannot be reduced to a less than significant level.

**Section 4 – Determination:** indicates whether impacts associated with the proposed project would be significant, and what, if any, additional environmental documentation is required.

**Section 5 – Evaluation of Environmental Impacts:** contains the Environmental Checklist form for each resource and presents an explanation of all checklist answers. The checklist is used to assist in evaluating the potential environmental impacts of the proposed project and determining which impacts, if any, need to be mitigated or to be further evaluated in an EIR.

**Section 6 – References:** lists references used in the preparation of this document.

**Section 7 – Initial Study Preparers:** lists the names of individuals involved in the preparation of this document.

## 1. PROJECT INFORMATION

Project title:

UC Merced Draft 2018 Long Range Development Plan

Lead agency name and address:

The Regents of the University of California  
1111 Franklin Street  
Oakland, CA 94607

Contact person and phone number:

Phillip Woods, AICP  
Director of Physical & Environmental Planning  
(209) 349-2561

Project location:

University of California, Merced  
5200 Lake Road, Merced, CA 95340

Project sponsor's name and address:

Physical & Environmental Planning  
University of California, Merced  
5200 North Lake Road  
Merced, CA 95343



## **2. PROJECT DESCRIPTION**

### **2.1 Location**

As illustrated in **Figure 1, Regional Location**, the project site is the Merced campus of the University of California. The campus is located in an unincorporated area of eastern Merced County, approximately 2 miles northeast of the limits of the City of Merced. The campus occupies 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. State Route 99 provides regional access to the project site (see **Figure 2, Project Site and Vicinity**).

### **2.2 Existing Conditions**

The project site presently consists of the campus of the University of California, Merced, a public university founded in 2005 as the tenth campus of the University of California system. The site houses a mixture of academic and research spaces, student support and recreation areas, parking and other transportation infrastructure, and open space. The development of the campus commenced from the north with the first major phase of the campus built on approximately 100 acres in the northern portion of the larger campus site. This was followed by the second major phase of campus development which is currently underway. Both phases are described in more detail below.

#### **Phase 1 Development**

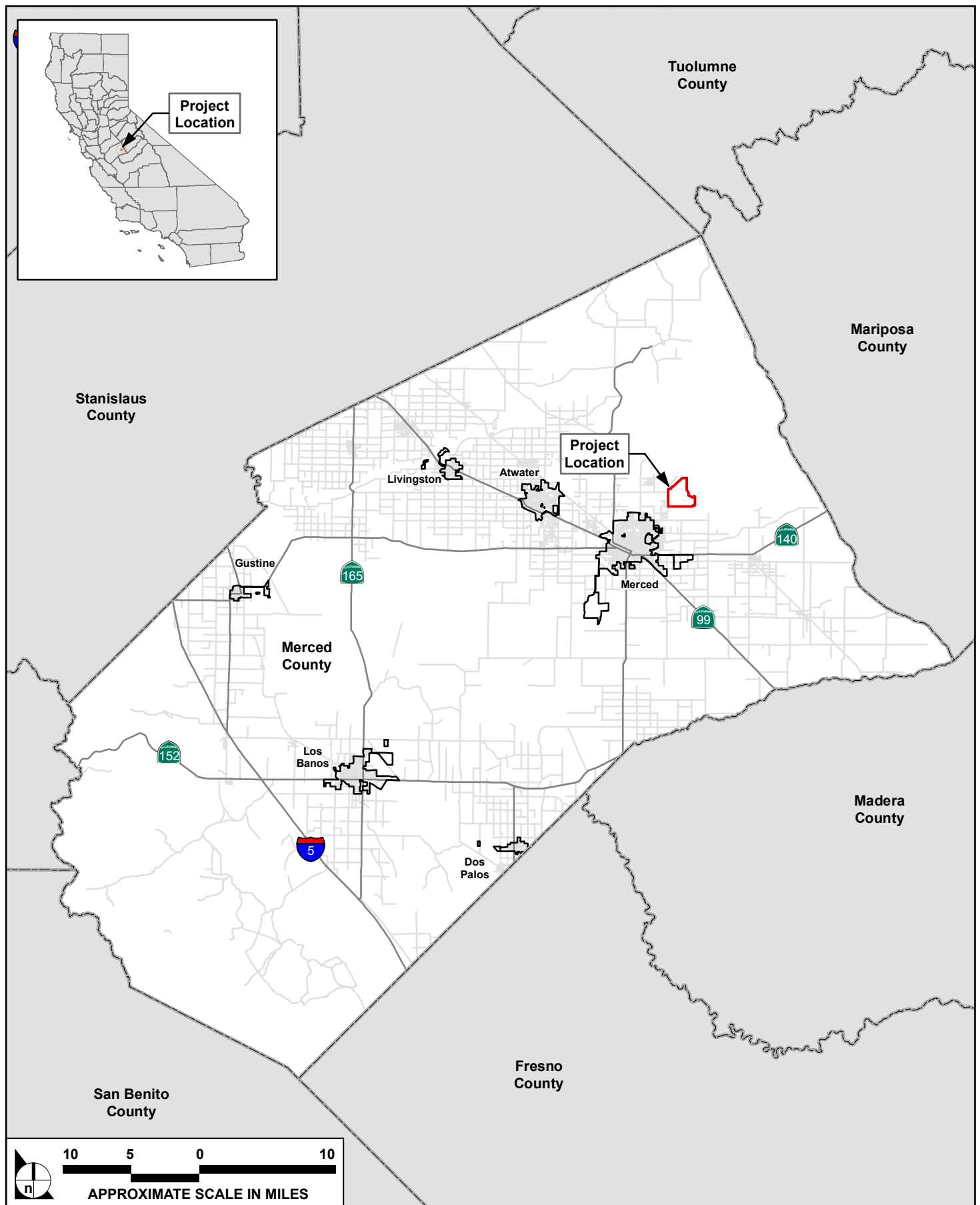
The first phase of the campus was developed with a classroom and office building, a library, an academic social sciences and management building, two science and engineering buildings, student housing consisting of residence halls and multiple unit housing clusters, a dining facility, a recreation and wellness center, two recreation fields, a logistical support/service building, and an early childhood education center. Parking is provided in permanent and temporary parking lots near the entrance to the campus and in the North Bowl area at the north end of campus. The facilities at the campus at this time support an enrollment level of approximately 8,000 students.

#### **Merced 2020 Project**

The UCM 2020 Project, also referred to as Phase 2, comprises the second major phase of campus development, with facilities needed to support an enrollment level of approximately 10,000 students. The 2020 Project is the largest expansion in the 13-year history of the campus. It is a phased, four-year undertaking that will ultimately result in 1.2 million gross square feet of teaching, residential, research, and student-support facilities.<sup>1</sup> This project is necessary to accommodate increasing enrollment demands at the campus. The 2020 Project is scheduled to be completed in June 2020, with the first facilities becoming available in July 2018.

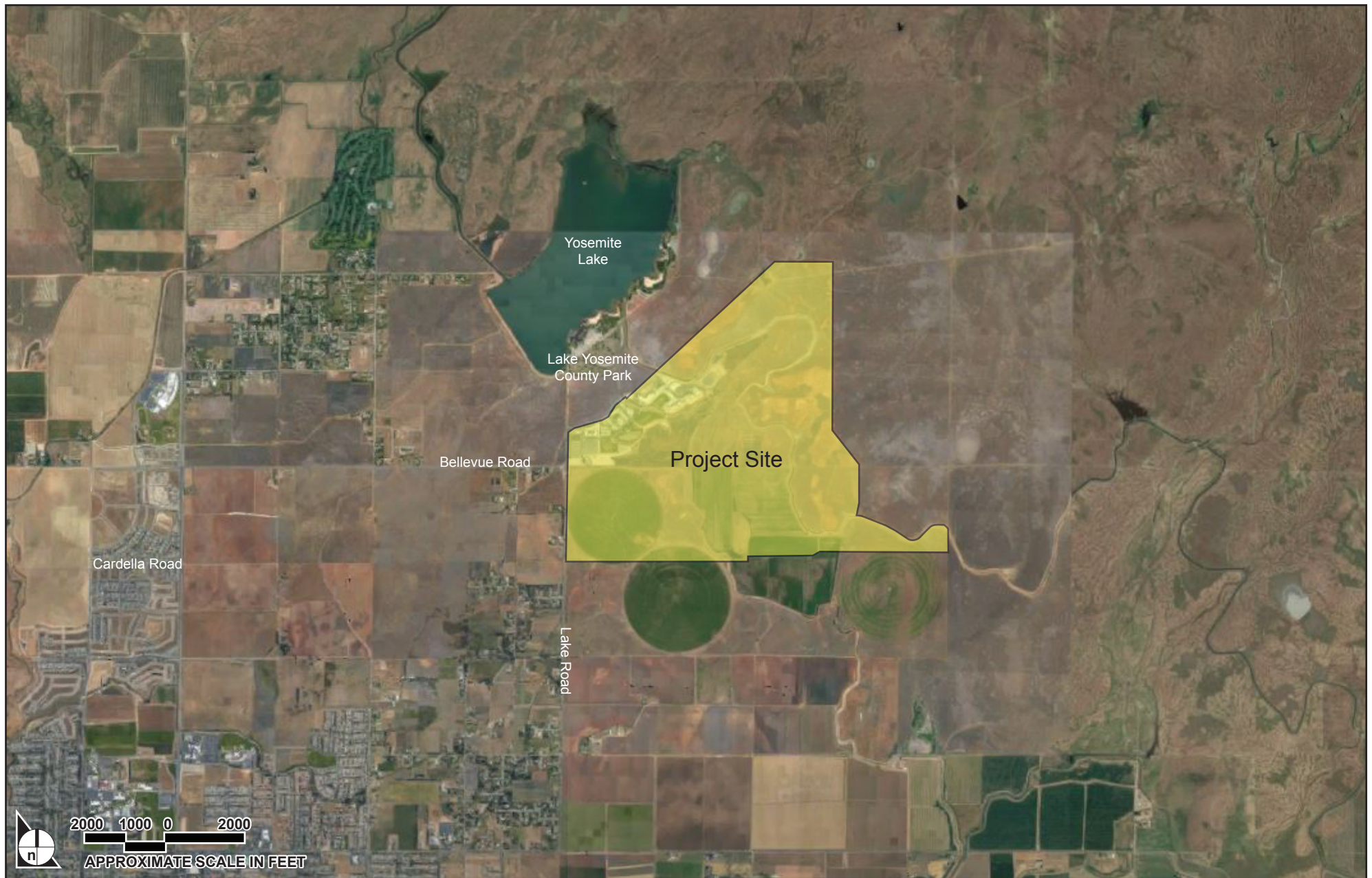
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<sup>1</sup> University of California, Merced. <http://www.ucmerced.edu/news/2016/uc-merced-kicks-historic-13-billion-expansion>. Accessed on December 15, 2017.



SOURCE: UC Merced, 2018

FIGURE 1



SOURCE: Google Maps, 2018

FIGURE 2

The 2020 Project is being designed and constructed by a joint public-private partnership between the university and a single private developer, PPM. This joint venture will be responsible for the construction, operation, maintenance, and partial financing of all new facilities associated with the project over a 39-year contract.<sup>2</sup>

### **Access and Circulation**

The primary access to the campus from the area's primary population center, the City of Merced, is via Lake and Bellevue Roads. The current core of the campus lies between Scholars Lane and Rancher's Road, both of which are accessed by turning east off of Lake Road. Both Scholars Lane and Rancher's Road run east a short distance before turning northeast and continuing to parallel each other, providing access to Carol Tomlinson-Keasey Quad and the university facilities that surround it.

Campus expansion associated with the Merced 2020 Project is currently underway immediately south and southeast of the developed portions of the campus, west of the Fairfield Canal. The southwestern portion of this newly developed area will be served by three parallel east-west roads, with two north-south roads forming a grid pattern. The western most of the new north-south roads will connect with Scholars Lane providing access to the western portions of the existing campus. The easternmost north-south road will continue in a northeasterly direction, crossing Fairfield Canal, providing access to the area around the Quad.

## **2.3 Project Background and Need**

In 2002, The Regents approved a long range development plan (LRDP) for the development of the UC Merced campus on a 910-acre site near Lake Yosemite about 2 miles north of the City of Merced to provide a UC campus to the previously underserved Central Valley. Following the approval, the construction of the first phase of the campus was commenced on a portion of the site that did not contain any wetlands.

At the time of campus establishment, land to the south of the campus was owned by Virginia Smith Trust (VST). In 2002, the University and VST formed a limited liability corporation (LLC) called University Community Land Company (UCLC) for the development of the land to the south of the campus.

Upon completion of the first set of facilities, the campus was opened in 2005. Following the opening of the campus, the University continued to work with the U.S. EPA, U.S. Army Corps of Engineers, and other state and federal agencies to adjust and refine the location of the proposed campus. In 2007, agreement on the exact location of the campus was achieved, and the University prepared a revised LRDP (2009 LRDP) for an 815-acre campus that was shifted to the south of the original campus site. The 815-acre campus site comprised about 549 acres owned by the University and about 266 acres owned by UCLC.

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<sup>2</sup> University of California, Merced. <http://www.ucmerced.edu/news/2016/uc-merced-kicks-historic-13-billion-expansion>. Accessed on December 15, 2017.



On March 2009, The Regents certified the Final Environmental Impact Statement/Environmental Impact Report ("2009 EIS/EIR") for the University of California, Merced and University Community Project (State Clearinghouse No. 2008041009). The UC Merced/University Community Final EIS/EIR evaluated at a program level the potential environmental effects from the implementation of the 2009 UC Merced LRDP on the 815-acre campus site and identified means to eliminate or reduce potential adverse impacts. The 2009 EIS/EIR also included an evaluation of Phase 2 of campus development, later named the UC Merced 2020 Project, at a project level. In addition, the 2009 EIS/EIR analyzed the environmental impacts from the development of the 833-acre UCLC property to the south of the campus site. The land development on the UCLC property was called University Community North in the 2009 EIS/EIR.

Although most of the 815-acre campus site was owned by the University, about 266 acres in the southern portion of the campus site were then still in the ownership of UCLC. In addition, UCLC owned the 833-acre Community North lands to the south of the campus site, for a total of 1,099 acres. In 2016, the UCLC lands were subdivided, with approximately 477 acres in the northern portion of the UCLC property assigned to the University and approximately 622 acres assigned to VST. With this subdivision, 211 acres of land were added to the to the 815-acre campus site. Table 1 below provides the ownership information and shows the changes to the campus site following the subdivision of the UCLC lands.

**Table 1**  
**Approved and Revised Campus Acreage**

	<b>Regents</b>	<b>UCLC</b>	<b>Land Added/ Subtracted 2016</b>	<b>Total Land Added</b>	<b>Total Area</b>
Approved Campus	549	266			815
Community North	0	833			833
<b>Total</b>					1,648
Revised Campus	549	266	211	477	1,026
Community North	0	833	-211		622
<b>Total</b>					1,648

As a result of this and other changes in the University's plan for developing the campus described below, the University has decided to prepare an updated LRDP. The updated LRDP is proposed for all of the following reasons.

First, because about 211 acres have been added to the previously approved campus site, UC Merced determined that the LRDP should be revised to encompass this land.

Second, UC Merced is expected to grow at a slower pace than originally anticipated, adding no more than 5,000 additional students between 2020 and 2030. The University has not projected

enrollment growth beyond 2030 as it will be largely dependent on future student demand and funding for additional facilities.

Third, the 2009 LRDP was largely based on specific and restrictive land use designations for areas targeted for future growth on the UC Merced campus. Subsequent to implementation of the plan, UC Merced determined that the newly adopted land use designations were too restrictive to allow for flexible growth as future demands on campus land are difficult to anticipate.

Lastly, it was determined that infrastructure delivery costs would be a major impediment to accommodate future growth as UC Merced continued to expand its footprint. It was determined that efforts should be made to ensure that the campus remained relatively compact, and that this could be achieved by increasing the density of development within the central portions of the campus and eliminating the need for infrastructure improvements such as roads, bridges across the canals that traverse through the campus, and pipeline extensions. Because this constitutes a change to the 2009 LRDP, UC Merced determined that an updated LRDP should be prepared with compact, sustainable growth as the primary goal.

## **2.4 Proposed Project**

The proposed project is the Draft 2018 LRDP that has been prepared by UC Merced to guide future development of the campus to accommodate projected growth between 2020 and 2030. Key aspects of the Draft 2018 LRDP are briefly described below.

### **Projected Population Growth**

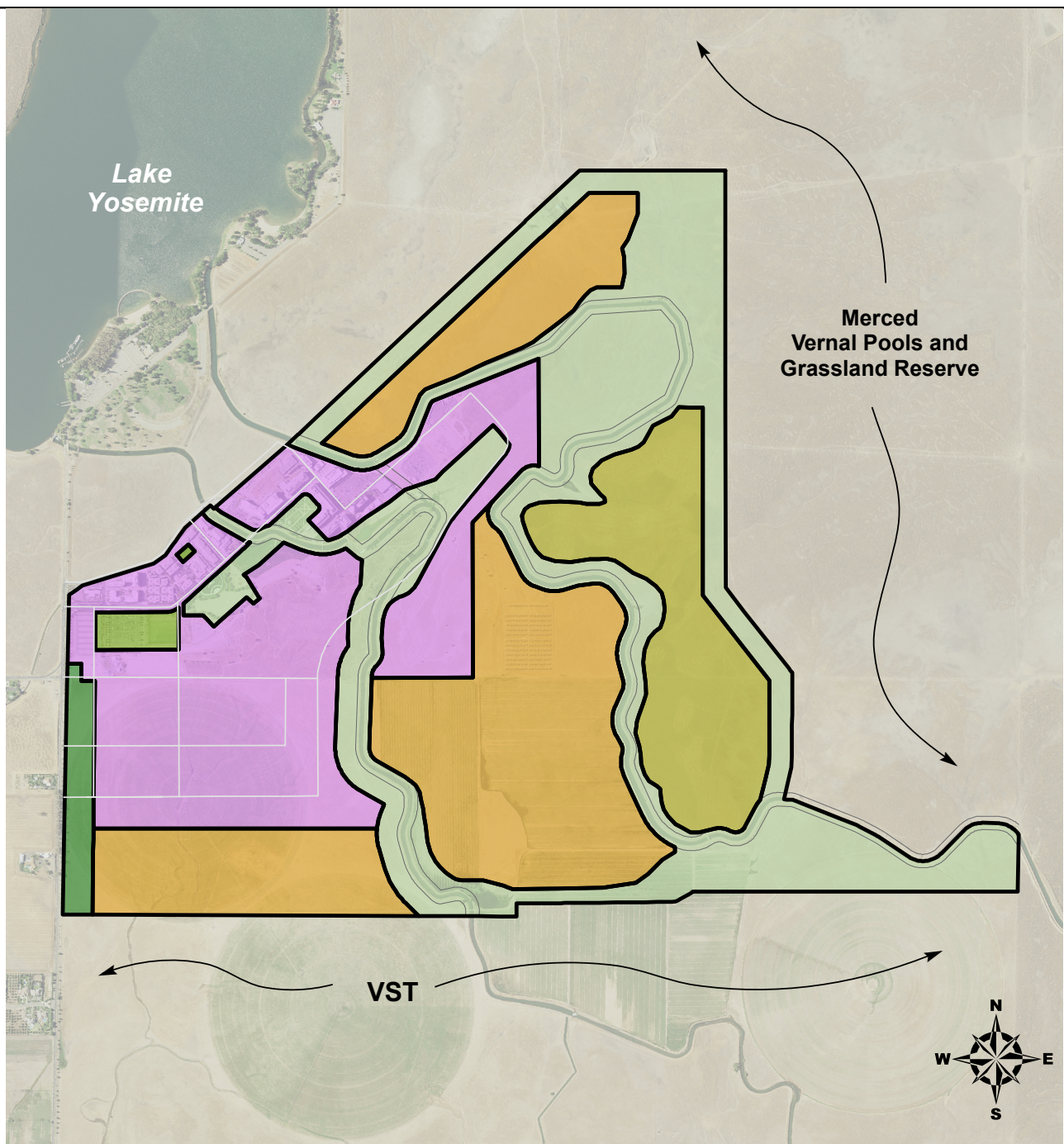
The University anticipates that enrollment at UC Merced will grow from approximately 10,000 students in 2020 to 15,000 students by 2030. Accompanying the enrollment increase, it is projected that faculty and staff would increase from approximately 1,741 in 2020 to 2,547 in 2030. The 2018 LRDP has been developed to guide this next phase of campus growth.

### **Projected Increase in Campus Building Space**

In order to accommodate the projected enrollment increase, UC Merced will be required to add additional academic, housing, athletic and support space to the campus. Depending on the availability of funding, up to an estimated 2.6 million square feet of building space would be added to the campus under the Draft 2018 LRDP.

### **Proposed Land Use Diagram**

A major feature of the 2018 LRDP is a revised land use diagram for the campus which is presented in **Figure 3**. As the land use diagram shows, while the size of the campus is larger than previously approved, much of the land added to the campus site is proposed to be placed under land use designations that do not allow the development of that land. Furthermore, the areas identified for development under the Draft 2018 LRDP are compact and located adjacent to and south of the existing campus, and most of the central and southern portions of the campus, although identified for land development in the long term, would not be developed within the timeframe of the Draft 2018 LRDP.









UC MERCED LRDP

Date: 3/30/2018

## Land Use: Horizon Year 2030

### LEGEND

	Campus Mixed Use (CMU)	274 ac.
	Campus Building Reserve & Support Land (CBRSL)	311 ac.
	Environmental Research Land (ERL)	123 ac.
	Active Open Space (AOS)	9 ac.
	Passive Open Space (POS)	289 ac.
	Campus Parkway Open Space (CPOS)	20 ac.
<b>Total Area</b>		<b>1,026 ac.</b>

SOURCE: UC Merced, 2018

FIGURE 3

While under the 2009 LRDP, campus facilities were planned to be constructed on about 715 acres within the 815-acre campus site with about 100 acres set aside as open space, under the Draft 2018 LRDP, development of campus facilities through 2030 would be limited to about 274 acres within the 1,026 acre campus site, with another 320 acres set aside for development beyond 2030, and about 432 acres would be designated as environmental research land or open space. The revised and new land use designations under the Draft 2018 LRDP are briefly described below.

### ***Campus Mixed Use***

The Campus Mixed Use (CMU) designation includes academic, research, student housing, student and support services, athletic and recreational facilities, university affiliate dining and retail, administrative offices, service facilities, and parking.

### ***Campus Building Reserve and Support Land***

The Campus Building Reserve and Support Land (CBRSL) designation includes areas of campus that will be developed at some point in the future but have not at this time been designated for specific uses. This land use serves to identify areas that will be targeted for future development as opposed to other, non-intensive uses such as open space. Potential future uses could include academic, research, student housing, student and support services, athletic and recreation, parking, and similar uses as identified in areas designated CMU.

The CBRSL land use designation allows for support services, solar and energy projects, and small structures less than 10,000 sq. ft. This includes facilities for personnel and equipment related to the operation, safety, and maintenance of University facilities, general maintenance activities, materials handling, utility plants, service yards, recycling areas, and storage. This land use designation would also allow for small structures, such as a field station facility including overnight lodging to support critical research, education and outreach programs.

### ***Environmental Resource Land***

The Environmental Resource Land (ERL) designation includes areas of the campus for field research and experimentation. This land use designation is assigned to lands that are not planned for development at any point in the future. It is envisioned that these lands would be maintained in their existing state except as needed for maintenance, teaching, and research. Development in this area is limited to education or research projects that include the development of small-scale facilities less than 10,000 square feet. The land use designation also allows utilities, parking, paths and trails, and roads.

### ***Active Open Space***

The Active Open Space (AOS) designation encompasses indoor and outdoor athletic facilities and fields. The designation also includes landscaping areas, sidewalks, paths, trails, roads, parking and on-site utility services associated with facilities.

### ***Passive Open Space***

The Passive Open Space (POS) category designates larger, landscaped spaces within the campus boundaries. It also incorporates the campus storm water management systems, including lakes



and detention areas, as well as the irrigation canals, which will be integrated into the campus paths, trails and open space systems.

### *Campus Parkway Open Space*

The Campus Parkway Open Space (CPOS) designation applies to areas that are on or adjacent to Lake Road, one of the primary existing thoroughfares into campus from the City of Merced. The Campus Circulation Plan details future roads that could be built to serve the area as the Campus expands. This designation would allow landscaping, utilities, parking, sidewalks, paths, and roads.

### **Proposed Circulation Diagram**

The proposed circulation diagram is shown on **Figure 4**. As noted above, in addition to the main entrance to the campus via the Bellevue Road extension, and the loop road access via a new roadway to the south of the Bellevue/Lake Road intersection that will be established as part of the 2020 Project, a third roadway off of Lake Road would be constructed to provide additional access to the campus from the south. The existing Scholar's Lane and Rancher's Road entrances would also be maintained.

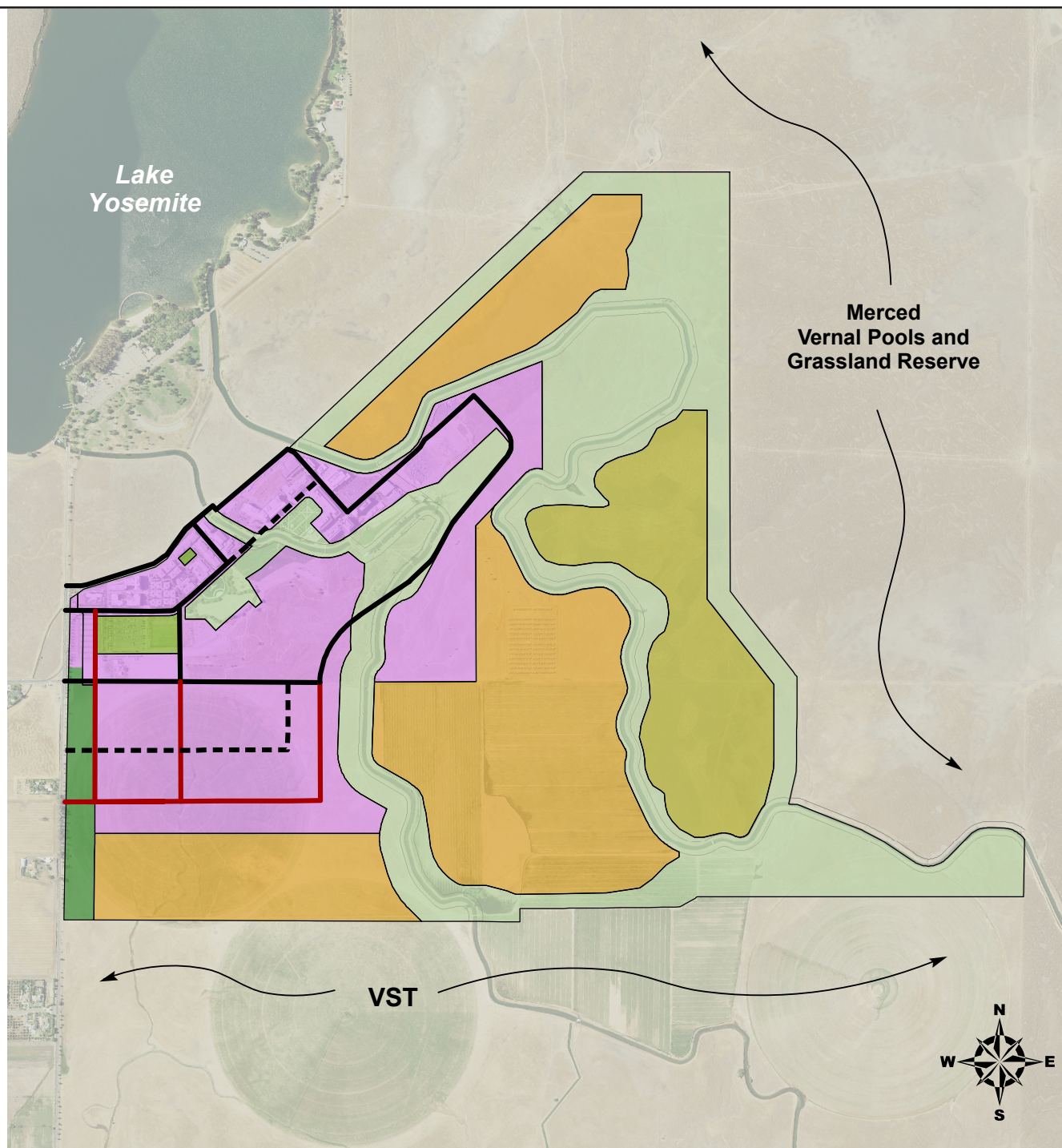
## **2.5 Surrounding Land Uses and Environmental Setting**

The campus is located in an unincorporated area of eastern Merced County, approximately 2 miles northeast of the limits of the City of Merced. The current UC Merced Campus consists of the approximately 815-acre campus, located on Lake Road, near its intersection with Bellevue Road. The University also owned the adjoining approximately 6,428-acre Merced Vernal Pools and Grassland Reserve.

The campus is situated south-southeast of Lake Yosemite, which is a regulating reservoir owned and operated by the Merced Irrigation District (MID). Two approximately 150-foot-wide irrigation canals also owned by MID, Le Grand Canal and the Fairfield Canal, convey water from the lake to agricultural areas to the south. Both canals meander through the campus, generally following the contours of the land. Lake Yosemite Regional Park, owned by MID and managed by Merced County under an easement, is located along the south side of the lake to the north of the campus.

The land between the Regional Park and the northern boundary of the campus is owned by Merced County and comprises grazing pastures located on gently rolling grasslands. Grasslands used for seasonal grazing also occupy lands to the northeast and east of the campus. Agricultural lands lie to the south of the campus. Lands immediately south of the campus boundary that are owned by UCLC until it is dissolved and the Regents assume direct land ownership, are in agricultural use under grazing licenses. The VST lands south of the UCLC lands are largely in agricultural use, under newly planted almond orchards. Land south of the VST property is owned by Hunt Farms and is also in agricultural use, under recently planted almond orchards.

The campus was sited in its current location to take advantage of the significant nearby amenity of Lake Yosemite and to utilize the strong visual identity and environmental amenity provided by the lake. It is also sited to maximize vistas within the valley and to the Sierra Nevada Range.



UC MERCED LRDP

Date: 10/5/2017

## Circulation: Horizon Year 2030

### LEGEND

- Existing Community Collector
- - - Existing Managed Access
- 2030 Community Collector

SOURCE: UC Merced, 2018

FIGURE 4

### 3. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would potentially be affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |                                                                        |                                                               |                                                                   |
|------------------------------------------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics                                    | <input type="checkbox"/> Agricultural and Forest Resources    | <input checked="" type="checkbox"/> Air Quality                   |
| <input checked="" type="checkbox"/> Biological Resources               | <input type="checkbox"/> Cultural Resources                   | <input type="checkbox"/> Geology and Soils                        |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards/Hazardous Materials          | <input checked="" type="checkbox"/> Hydrology and Water Quality   |
| <input type="checkbox"/> Land Use and Planning                         | <input type="checkbox"/> Mineral Resources                    | <input checked="" type="checkbox"/> Noise                         |
| <input checked="" type="checkbox"/> Population and Housing             | <input checked="" type="checkbox"/> Public Services           | <input checked="" type="checkbox"/> Recreation                    |
| <input checked="" type="checkbox"/> Transportation/Traffic             | <input checked="" type="checkbox"/> Tribal Cultural Resources | <input checked="" type="checkbox"/> Utilities and Service Systems |
| <input checked="" type="checkbox"/> Mandatory Findings of Significance |                                                               |                                                                   |

#### 4. DETERMINATION

On the basis of the initial evaluation that follows:

- ☐ I find that the proposed project WOULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made that would avoid or reduce any potential significant effects to a less than significant level. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☒ I find that the proposed project MAY have a significant effect on the environment. An ENVIRONMENTAL IMPACT REPORT will be prepared.



Signature

April 2, 2018

Date

Phillip Woods, AICP  
Director of Physical & Environmental Planning

## 5. EVALUATION OF ENVIRONMENTAL IMPACTS

### Approach to the Impact Analysis

As noted in **Section 2.3**, in 2009 the University certified the UC Merced/University Community Project EIS/EIR that evaluated and disclosed the program-level environmental impacts from the development of the 815-acre campus site pursuant to the 2009 LRDP and the development of the 833-acre University Community North site, pursuant to a conceptual land use plan for that area. In preparing this Initial Study, the University examined the analysis in the 2009 EIS/EIR to determine whether the prior analysis adequately addresses the environmental impacts of campus development under the proposed Draft 2018 LRDP. In instances where the prior analysis provides an adequate evaluation of the impacts of the 2018 LRDP and there are no changes in circumstances that could render the previously reported impacts more severe or significant, the Initial Study summarizes that analysis. In those instances where the prior analysis does not adequately characterize the impacts of the proposed Draft 2018 LRDP, the Initial Study notes that the impact will be evaluated in detail in the SEIR.

As noted in the **Project Description**, although the Draft 2018 LRDP encompasses a larger campus site than the 2009 LRDP, the land use diagram has been substantially modified to make the footprint of the developed campus more compact and sustainable, and a larger area within the revised campus site is planned to be placed under a variety of open spaces. To assist the reader in understanding the relationship between the previously evaluated and approved 815-acre campus and the revised campus site and land use diagram, Table 2 below presents the acreage from the 2009 LRDP and the Draft 2018 LRDP, including the acreage that was proposed for land development previously and the acreage that is now proposed for land development through the term of the 2018 LRDP.

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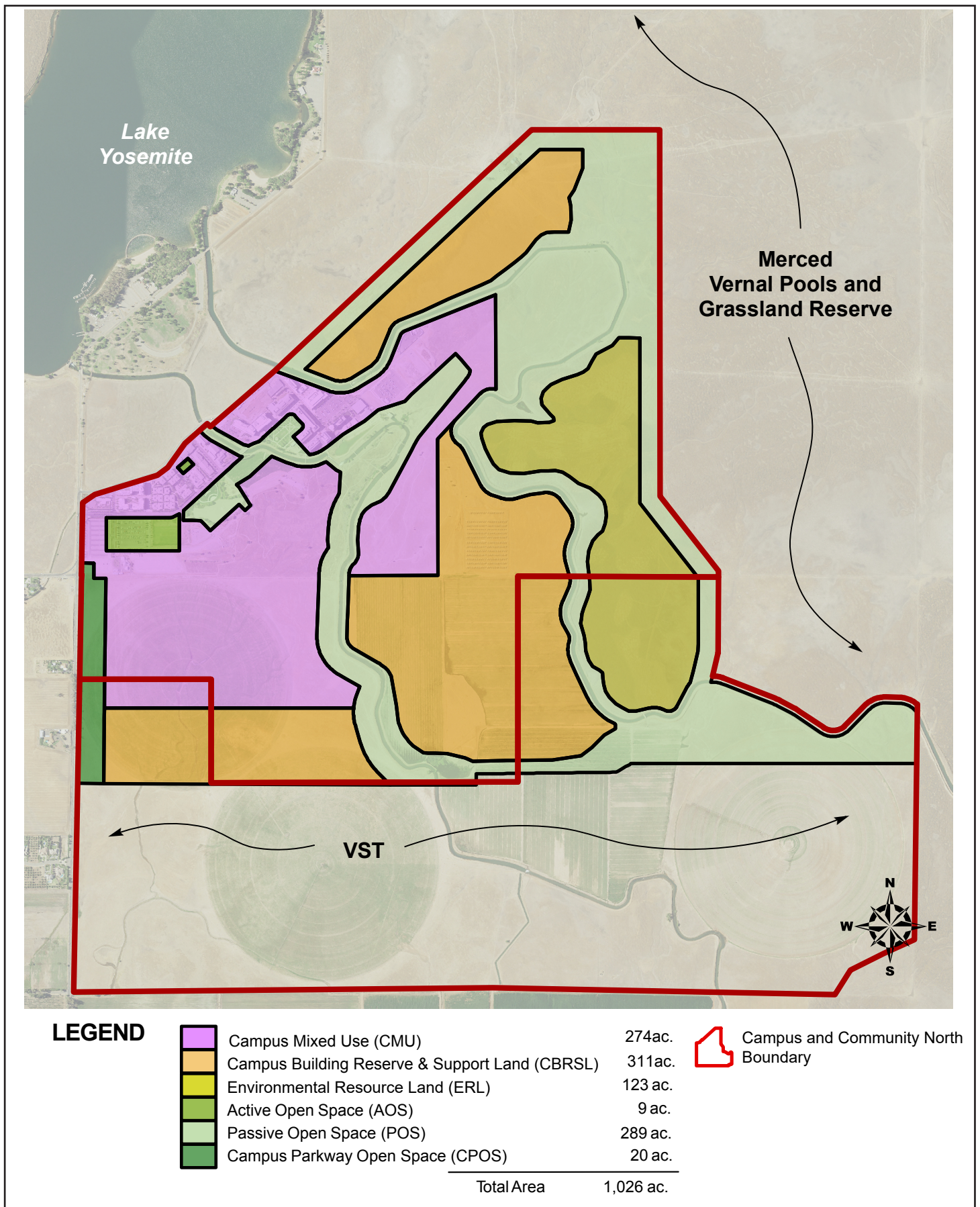
**Table 2**  
**Approved and Revised Campus Acreage**

	<b>Campus Site</b>	<b>Land to be developed through 2030</b>	<b>Additional Land available for development beyond 2030</b>	<b>Land under Environmental Research Land or Open Space</b>
2009 LRDP	815	715	-	100
2018 LRDP	1,026	274	320	432

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In addition, to assist the reader in understanding the changes to the campus site, **Figure 5** presents the proposed 2018 LRDP land use diagram with the boundaries of the approved Campus and University Community North superimposed on the diagram. As the graphic shows, the approximately 211 acres that would be added to the approved campus are located in the southeastern and southwestern portions of the revised campus site. Development of both areas as part of University Community North was analyzed in the 2009 EIS/EIR. Second, most of the 211 acres of land added to the campus would be in the southeastern portion of the revised campus





SOURCE: UC Merced, 2018

FIGURE 5

site and would be under land use designations of CBRSL, ERL, and POS. Lands designated CBRSL would not be developed under the Draft 2018 LRDP although they are identified as available for development beyond 2030. Lands designated ERL and POS would not be developed with campus facilities, other than small facilities that are each less than 10,000 square feet in building space, roads, and utilities. With regard to the acreage added in the southwestern portion of the revised campus site, that land would also be largely under CBRSL or CPOS and would not be developed under the Draft 2018 LRDP. Only a small area (about 11 acres) would be under the CMU designation which allows for the development of campus facilities.

All of the information above was used in examining the previous impact analyses in the 2009 EIS/EIR to determine whether the environmental impacts from the development of the revised campus site under the proposed Draft 2018 LRDP are adequately analyzed in the 2009 EIS/EIR or whether further analysis is required.

### **Impact Determinations**

The following Environmental Checklist uses the following response headings to identify potential environmental effects that will be addressed in the Draft 2018 LRDP SEIR:

**Impact to be Analyzed in the SEIR:** This category includes those impacts that were previously evaluated in the 2009 EIS/EIR but it cannot be determined at the time of this NOP/Initial Study whether the Draft 2018 LRDP's impacts are adequately addressed by the previous analysis. It includes effects that may or may not be significant. The effect may be a less than significant impact that will be addressed to provide a more comprehensive analysis; an impact for which further analysis is necessary or desirable before a determination about significance can be made; an impact that is potentially significant but may be reduced to a less than significant level with the adoption of mitigation measures, or an impact that may be significant and unavoidable.

**No Additional Analysis Required:** This category includes those impacts that were sufficiently analyzed in the 2009 EIS/EIR and the project would not increase the severity of the previously analyzed impacts or result in new impacts. It also includes resource topics where the project would clearly not result in an impact or would clearly result in a less than significant impact under CEQA criteria, and no additional analysis beyond that provided in the Initial Study is necessary.

## Impact Questions and Responses

<b>5.1 AESTHETICS</b>		
Would the project...	Impact to be Analyzed in the SEIR	No Additional Analysis Required
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **DISCUSSION:**

- a. A scenic vista is generally defined as an expansive view of highly valued landscape as observable from a publicly accessible vantage point. The area around the UC Merced campus is primarily agricultural with views of the Sierra Nevada mountains in the distance. Impacts on scenic vistas from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be potentially significant. The analysis concluded that the impacts on scenic vistas from campus development would be reduced to a less than significant level with the implementation of 2009 LRDP Mitigation Measure AES-1. As described in the **Approach to Impact Analysis**, above, about 211 acres of land would be added to the approved campus. Most of this land is in the southeastern portion of the revised campus site and is designated CBRSL, POS, or ERL. Therefore, no development is planned under the Draft 2018 LRDP in this area added to the campus. Similarly, most of the acreage added in the southwestern portion of the revised campus site would also not be developed under the Draft 2018 LRDP. A very small (11-acre) area is designated CMU which would allow for development of campus facilities. These facilities would be similar to other development on the campus and 2009 LRDP Mitigation Measure AES-1 would apply to the development of this CMU area to mitigate impacts on scenic vistas. Campus development under the Draft 2018 LRDP would not result in a more severe or new impact on scenic vistas. This impact is adequately addressed in the 2009 EIS/EIR. Further evaluation in the SEIR is not required.
- b. The project site is not adjacent to a state scenic highway and therefore would not result in any impacts on scenic resources within a state scenic highway (CSHP 2017). Furthermore, there are no unique trees, rocky outcrops or historic buildings on the campus site that could qualify as scenic resources. As a result, no impact on scenic resources would occur, and further evaluation in the SEIR is not required.
- c. The proposed project would result in construction on and adjacent to the current campus footprint such that undeveloped grasslands and agricultural areas would be developed. Development would include structures, transportation facilities, and infrastructure. Impacts on the visual character and quality from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be potentially significant. The analysis concluded that despite implementation of 2009 LRDP Mitigation



Measure AES-3, the impacts on visual character from Campus and University Community North development would be significant and unavoidable. As discussed above, most of the 211 acres added to the campus would not be developed with campus facilities other than small structures that are allowed under the land use designations. The development of campus facilities on the land designated CMU would not result in any greater impacts on visual character and quality than analyzed from the development of the University Community in this area in the 2009 EIS/EIR. Campus development under the Draft 2018 LRDP would not result in a more severe or new impact on visual character and quality. This impact is adequately addressed in the 2009 EIS/EIR. Further evaluation in the SEIR is not required.

- d. Impacts related to light and glare from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be potentially significant. The analysis concluded that despite the implementation of 2009 LRDP Mitigation Measure AES-3, the impacts related to light and glare from Campus and University Community North development would be significant and unavoidable. As discussed above, the additional 211 acres added to the south of the approved campus would not be developed with campus facilities, other than a small acreage which is designated CMU and could be developed within the timeframe of the Draft 2018 LRDP. However, the development of this small area would not result in any greater light and glare impacts than if the area were developed as part of the University Community North development. Furthermore, development of campus facilities in the area designated CMU would be required to implement 2009 LRDP Mitigation Measure AES-3. Therefore, campus development under the Draft 2018 LRDP would not result in a more severe or new impact related to light and glare. This impact is adequately addressed in the 2009 EIS/EIR. Further evaluation in the SEIR is not required.

#### **CUMULATIVE IMPACTS:**

As discussed above, the impacts of the proposed project are adequately analyzed in the 2009 EIS/EIR, and the project would not result in new or more severe impacts on visual resources. Therefore, the cumulative impacts of the project are also fully analyzed in the 2009 EIS/EIR and no further evaluation in the SEIR is required.

<b>5.2 AGRICULTURAL AND FORESTRY RESOURCES</b>		
Would the project...	Impact to be Analyzed in the SEIR	No Additional Analysis Required
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## DISCUSSION:

- a. Impacts on Important Farmland from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR. **Table 3** below, which is taken from the 2009 EIS/EIR, shows the acres of various types of farmland on the Campus and the University Community North site, based on the State Farmland Mapping and Monitoring Program (FMMP).

**Table 3**  
**Farmland on the Campus and Community North Sites**

FMMP Category	Campus	Community North
Prime Farmland	8	12
Farmland of Statewide Importance	16	38
Unique Farmland	0	0
Farmland of Local Importance	181	442
Grazing Land	424	336
Urban and Built-Up Land	185	5
Other	0	0
<b>TOTAL</b>	<b>815</b>	<b>833</b>
<i>Source: UC Merced 2009</i>		

The 2009 EIS/EIR noted that based on FMMP mapping, there are approximately 8 acres of Prime Farmland and 16 acres of Farmland of Statewide Importance on the campus site, and the rest of

the site is grazing land. Therefore, the Campus site consists of approximately 24 acres of Important Farmland as shown on the Important Farmland map for Merced County.

The 2009 EIS/EIR also noted that based on FMMP mapping, the Community North site includes 12 acres of Prime Farmland, 38 acres of Farmland of Statewide Importance, 442 acres of Farmland of Local Importance, and 336 acres of Grazing Land. Therefore, the University Community North consists of approximately 50 acres of Important Farmland as shown on the Important Farmland map for Merced County.

On account of the 211 acres added to the campus site, compared to 24 acres of Important Farmland affected by campus development under the 2009 LRDP, campus development under the Draft 2018 LRDP would affect an additional 16 acres for a total of approximately 40 acres of Important Farmland. However, the impact of campus development under the Draft 2018 LRDP on Important Farmland is not considered significant because as reported in the 2009 EIS/EIR, the Campus has already placed substantial acres of lands in eastern Merced County under conservation easements for the protection of biological resources. There are approximately 70 acres of Important Farmlands and approximately 26,435 acres of grazing land within the Conservation Lands that have been permanently protected from development. These acreages would more than adequately compensate for the conversion of 40 acres of Important Farmland within the revised campus site to campus uses. Campus development under the Draft 2018 LRDP would not result in a more severe or new impact on Important Farmland. This impact is adequately addressed in the 2009 EIS/EIR. Further evaluation in the SEIR is not required.

- b. The County of Merced General Plan designates the project site agricultural, zone A-2. However, as a State-owned property, the project site is not subject to local zoning. As a result, development of the campus under the proposed Draft 2018 LRDP would not conflict with existing zoning. In addition, no portion of the revised campus site is under a Williamson Act contract. Therefore, no impacts would occur and further evaluation in the SEIR is not required.
- c. There are no areas on the revised campus site that are zoned as forestland or timberland. No impact would occur and further evaluation in the SEIR is not required.
- d. No part of the revised campus site contains forest lands. Furthermore, the surrounding area does not include any forest land or timber land. No impact would occur and further evaluation in the SEIR is not required.
- e. The conversion of agricultural lands to non-agricultural uses is discussed above under **Item (a)**. There are no forest lands on the project site. Therefore, no impact would occur and further evaluation in the SEIR is not required.

#### **CUMULATIVE IMPACTS:**

The 2009 EIS/EIR found that past, present and reasonably foreseeable development in Merced County, including campus development under the 2009 LRDP, would result in a significant cumulative impact with respect to the loss of Important Farmland. Even with the implementation of 2009 LRDP Cumulative Mitigation Measure AG-1, the contribution of the 2009 LRDP to the cumulative loss of Important Farmland would be cumulatively considerable. Similarly, with the implementation of the adopted mitigation, the contribution of the Draft 2018 LRDP to the cumulative loss of Important Farmland would also be cumulatively considerable. Cumulative impacts were adequately addressed in the 2009 EIS/EIR. Further evaluation in the SEIR is not required.

<b>5.3 AIR QUALITY</b>		
Would the project...	Impact to be Analyzed in the SEIR	No Additional Analysis Required
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### DISCUSSION:

- a. The 2009 EIS/EIR analyzed the potential for campus development under the 2009 LRDP and the development of University Community North to result in emissions that would exceed thresholds and would represent emissions that are not accounted for in the regional air quality plans. Due to the change in the proposed level of development on the campus through 2030 and the change in the footprint of campus development, the potential of campus development under the Draft 2018 LRDP to conflict with regional air quality plans will be evaluated. The SEIR will include an analysis of both construction and operation emissions which would be estimated using the California Emissions Estimator Model (CalEEMod) to determine the level of significance for this impact and appropriate mitigation will be proposed, if necessary.
- b, c. For the same reason presented above, potential short-term (i.e., construction) and long-term (i.e., operational) air quality impacts from the implementation of the Draft 2018 LRDP will be evaluated. The SJVAPCD has established air quality significance thresholds that can be used by a lead agency to determine whether air quality impacts from implementing proposed projects will be significant. These thresholds are contained in the SJVAPCD's *Guidance for Assessing and Mitigating Air Quality Impacts* (GAMAQI) and will be used to evaluate the impact from emissions associated with campus development under the Draft 2018 LRDP. As noted above, CalEEMod will be used to estimate and report in the SEIR the construction and operational emissions that could result from the implementation of the Draft 2018 LRDP.
- d. Campus development under the Draft 2018 LRDP could potentially expose sensitive receptors to substantial concentrations of carbon monoxide, diesel particulate matter, or hazardous pollutants, as discussed below.

## **Carbon Monoxide**

The pollutant with the greatest potential for resulting in substantial concentrations that could affect sensitive receptors would be carbon monoxide. Generally speaking, increased traffic can result in excessive congestion at intersections, which results in prolonged idle times and localized increases in carbon monoxide emissions. Under GAMAQI, a project may be considered to have a potentially significant impact related to CO if it meets one of the following conditions:

- A traffic study for the project indicates that the Level of Service (LOS) on one or more streets or at one or more intersections in the project vicinity will be reduced to LOS E or F.
- A traffic study indicates that the project will substantially worsen an already existing LOS F on one or more streets or at one or more intersections in the project vicinity.

The Traffic Impact Analysis that will be performed to analyze the traffic impacts of the 2018 LRDP will be used to determine and report in the SEIR whether or not campus-related traffic under the Draft 2018 LRDP would result in CO concentrations in excess of standards.

## **Toxic Air Contaminants**

It is possible that campus development under the Draft 2018 LRDP could include sources that emit substantial pollutant concentrations. As a result, construction and operation of the Campus could expose sensitive receptors on- and off-campus to substantial pollutant concentrations (including toxic air contaminants or TACs) associated with project construction and operation. The SEIR will include an evaluation of campus-related TAC sources and their potential to affect sensitive receptors.

- e. Construction of the proposed project would require the use of diesel-fueled equipment and architectural coatings, both of which have an associated odor. However, these odors would be short-term and temporary and would not be pervasive enough to affect a substantial number of people nor would they be objectionable. Routine operation of the campus would not involve activities that typically produce odors such as wastewater treatment, manufacturing, agriculture, etc. Occasional use of maintenance products on the Campus could produce localized odors, but they would be temporary and limited in area. Consequently, short-term construction and long-term operation of the Campus under the 2018 LRDP would not create objectionable odors that could affect a substantial number of persons, nor would the project expose project site occupants to substantial odors, and the impact would be less than significant. This impact is adequately addressed in the 2009 EIS/EIR. Further evaluation in the SEIR is not required.

## **CUMULATIVE IMPACTS:**

As discussed above, the project would not create objectionable odors affecting a substantial number of people; therefore, the project would not contribute to cumulative effect with respect to this topic. The potential for the cumulative emissions from campus growth under the 2018 LRDP and other existing and reasonably foreseeable local development projects that could adversely affect air quality will be addressed in the SEIR.

## 5.4 BIOLOGICAL RESOURCES

Would the project...	Impact to be Analyzed in the SEIR	No Additional Analysis Required
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION:

- a. Impacts on biological resources, including special-status plant and wildlife species, from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be potentially significant. The analysis concluded that the impacts on biological resources from campus development would be reduced to a less than significant level with mitigation. Although substantial portions of the campus site have been disturbed or developed since 2009, suitable habitat for special-status plants or sensitive mammal, reptile, amphibian, or fish species may exist on the undeveloped portions of the campus. As a result, future development on the revised campus site has the potential to adversely affect special-status species. This impact will be evaluated in detail in the SEIR, using the information in the 2009 EIS/EIR, a search of the CNDDDB and other databases, surveys for listed species conducted in the project area and its vicinity in recent years, and a review of recent changes to applicable laws and regulations.
- b. Although substantial portions of the campus site have been disturbed or developed since 2009, riparian habitat or other sensitive natural communities may exist on undeveloped portions of the revised campus site. As a result, future development on the campus site has the potential to

adversely affect riparian habitat or other sensitive natural communities. This impact will be evaluated in detail in the SEIR.

- c. Impacts on federally protected wetlands from the development of the 815-acre campus and the 833-acre University Community North were extensively evaluated in the 2009 EIS/EIR and were found to be less than significant because of the Compensatory Wetlands Mitigation Plan that was developed to fully mitigate the impacts to wetlands. Following the certification of the EIR by the University and the approval of the EIS by the US Corps of Engineers, a Section 404 permit was issued to the University that authorized the filling of 77.79 acres of wetlands on the Campus and University Community North sites. In conjunction with a site development and infrastructure project in 2011 and the ongoing 2020 Project, the University proceeded with filling the majority of the wetlands on the campus site and portions of the University Community North site as well as implemented the Compensatory Wetland Mitigation Plan to mitigate the impacts. Through the completion of the 2020 Project, the University will have filled about 33.23 acres and provided compensatory mitigation for filling of all of the wetland acreage authorized under the Section 404 permit except for about 4.8 acres. Some unfilled wetlands exist on the undeveloped portions of the revised campus site. Future development of the campus would require filling of some or all of the remaining wetlands. This impact, which has already been substantially mitigated, will be documented in the SEIR.
- d. Impacts on wildlife movement were evaluated in the 2009 EIS/EIR. Campus development under the Draft 2018 LRDP would not expand the developed area of the campus, and would in fact result in a more compact campus than previously planned, and most of the eastern half of the campus would remain undeveloped and in open space. As a result, the Draft 2018 LRDP would not result in a new or more severe impact on wildlife movement than previously analyzed and disclosed in the 2009 EIS/EIR. Further evaluation in the SEIR is not required.
- e. The project will not conflict with any local policies or ordinances protecting biological resources as the project site is State-owned and therefore not subject to local regulations. Therefore, no impacts would occur and no further evaluation in the SEIR is required.
- f. No adopted habitat conservation plan or natural community conservation plan applies to the project site or its vicinity. There would be no impact with respect to this criterion and no further evaluation in the SEIR is required.

#### **CUMULATIVE IMPACTS:**

As discussed above, campus development under the 2018 LRDP would not conflict with any local policies or ordinances protecting biological resources or with an adopted habitat conservation plan or natural community conservation plan, nor would it result in greater impacts on wildlife movement. Therefore, the Draft 2018 LRDP would not contribute to cumulative effects with respect to these topics. Potential cumulative impacts to biological resources, including special-status species, will be addressed in the SEIR.

## 5.5 CULTURAL RESOURCES

Would the project...	Impact to be Analyzed in the SEIR	No Additional Analysis Required
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION:

- a. The previous cultural resources investigations conducted for the 2009 EIS/EIR identified four historic resources within the footprint of the campus: the Fairfield and Le Grand irrigation canals, a historic farm complex, and a historic fence segment. These resources were formally evaluated and recommended as not eligible for listing in either the NRHP or the CRHR, and the State Historic Preservation Officer concurred with the finding. As a result, these four resources are not considered to be significant. The previous evaluations identified five resources within University Community North. Only one of the five resources is within the revised campus site. That resource is a historic burn site which was determined to be an isolated find that lacked artifacts, associated structures, remains, or deposits, and was recommended in the 2009 EIS/EIR to be determined ineligible for listing on the NRHP or the CRHR. In view of the above, campus development under the Draft 2018 LRDP would not result in a new or more severe impact on historic resources. The impact is adequately addressed in the 2009 EIS/EIR. No further evaluation of impacts on historical resources in the SEIR is required.
- b., c. Impacts on archaeological resources and human remains from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be potentially significant. The analysis concluded that the impacts from campus development would be reduced to a less than significant level with the implementation of 2009 LRDP Mitigation Measures CUL-2 and CUL-3. In addition to the area of the previously evaluated campus, grading and construction that could occur under the proposed Draft 2018 LRDP would affect an additional 11 acres which are designated CMU. In addition, there could be some limited ground disturbing activities on the rest of the land added to the campus site. However, all of the land added to the revised campus site was previously surveyed and evaluated for the development of the University Community North in the 2009 EIS/EIR, and although some prehistoric sites were recorded, none of them are within the revised campus site. With the application of the previously adopted mitigation measures, campus development under the Draft 2018 LRDP would not result in a new or more severe impact on archaeological resources and human remains. The impacts are adequately addressed in the 2009 EIS/EIR. No further evaluation of impacts on archaeological resources or human remains in the SEIR is required.
- d. Impacts on paleontological resources from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be potentially significant. The analysis concluded that the impacts from campus development would be



reduced to a less than significant level with the implementation of 2009 LRDP Mitigation Measure CUL-4. In addition to the area of the previously evaluated campus, grading and construction that could occur under the Draft 2018 LRDP would affect an additional 11 acres which are designated CMU. There could also be some limited ground disturbing activities on the rest of the land added to the campus site. However, as noted above, all of the land added to the revised campus site was previously evaluated for the development of the University Community North in the 2009 EIS/EIR and was determined to have the same sensitivity for paleontological resources as the campus site. With the application of the previously adopted mitigation measures, campus development under the Draft 2018 LRDP would not result in a new or more severe impact on paleontological resources. This impact is adequately addressed in the 2009 EIS/EIR. Further evaluation of impacts on paleontological resources in the SEIR is not required.

#### **CUMULATIVE IMPACTS:**

The 2009 EIS/EIR found that past and future loss of cultural resources due to land development in eastern Merced County would result in a significant cumulative impact. However, the contribution of the 2009 LRDP to the loss of cultural resources in eastern Merced County would not be cumulatively considerable due to the implementation of adequate mitigation. As discussed above, campus development under the Draft 2018 LRDP would also implement the previously adopted mitigation measures and thus would not change this conclusion. Cumulative impacts were adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.

## 5.6 GEOLOGY and SOILS

Would the project...

Impact to be  
Analyzed in  
the SEIR

No Additional  
Analysis  
Required

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:		
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION:

- a.(i).** There are no active faults on or adjacent to the project site that could result in significant seismic hazards. The nearest active fault is in the western portion of Merced County, a distance from the campus such that activity on that fault would not be expected to have significant impacts at the project site. The Foothills fault system is approximately 15 miles northeast of the project site, but this system is not considered to be active (UC Merced 2009).

Because there are no active fault systems that could affect the campus, the 2009 EIS/EIR concluded that construction of the proposed campus facilities would not expose to people or structures to a significant level of risk as a result of fault systems. In addition, all buildings that would be constructed would be required to comply with the California Building Code, including elements that ensure that hazards related to faulting are kept to a minimum. Therefore, the impact would be less than significant and no mitigation is required. As development under the 2018 LRDP would occupy the same Campus site and Community North area analyzed under the 2009 EIS/EIR and would comply with the same building regulations, campus development under the Draft 2018 LRDP would not result in a new or more severe impact related to faults. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.

- a.(ii).** This region of the State is characterized by a low level of seismic activity and, as such, the ground-shaking hazard in the area is considered to be low (UC Merced 2009). The 2009 LRDP EIS/EIR concluded that nonetheless the construction on the campus could still expose people or

structures to excessive risk from ground shaking. However, with the implementation of 2009 LRDP Mitigation Measure GEO-2, this impact would be reduced to a less than significant level:

As campus development under the 2018 LRDP would occupy the approved campus site and a portion of the Community North area, both of which were analyzed under the 2009 EIS/EIR, and would comply with the same building regulations and implement the same mitigation measures, campus development under the Draft 2018 LRDP would not result in a new or more severe impact related to exposure of people or structures to excessive risk from ground shaking. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.

- a.(iii).** Although liquefaction is possible throughout the Central Valley, there are no areas on or adjacent to the project site that are at a significant risk of such events. In addition, most of the project site has a hardpan layer within three feet of the surface, serving to significantly reduce liquefaction hazards (UC Merced 2009). The 2009 EIS/EIR nonetheless concluded that construction of the proposed campus facilities could still pose a risk to public safety and property by exposing people, property, or infrastructure to potentially adverse effects including seismic-related ground failure and liquefaction. However, with the implementation of 2009 LRDP Mitigation Measure GEO-2, this impact would be reduced to a less than significant level. Campus development under the Draft 2018 LRDP would occupy the approved campus site and a portion of the Community North area analyzed under the 2009 EIS/EIR, and thus could also expose people, property, or infrastructure to potentially adverse effects, including seismic-related ground failure and liquefaction. However, as campus development under the Draft 2018 LRDP would be required to implement 2009 LRDP Mitigation Measure GEO-2, this impact would also be reduced to a less than significant level. Campus development under the Draft 2018 LRDP would not result in a new or more severe impact related to ground failure. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.
- a.(iv).** The project site and the surrounding area are characterized by flat topography and are located at a substantial distance from the closest range front (UC Merced 2009). The 2009 EIS/EIR nonetheless concluded that construction of the proposed campus facilities could still be subject to hazards related to landslides or landslide runout; this includes seismically induced and non-seismic landslides. However, with the implementation of LRDP Mitigation Measure GEO-2, this impact would be reduced to a less than significant level. Campus development under the Draft 2018 LRDP would occupy the approved campus site and a portion of the Community North area analyzed under the 2009 EIS/EIR, and thus could subject to hazards related to landslides or landslide runout. However, as campus development under the Draft 2018 LRDP would be required to implement 2009 LRDP Mitigation Measure GEO-2, this impact would also be reduced to a less than significant level. Campus development under the Draft 2018 LRDP would not result in a new or more severe impact related to landslides. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.
- b.** The 2009 EIS/EIR concluded that construction of the proposed campus facilities would not result in substantial soil erosion or the loss of topsoil from grading activities as all construction projects that involve disturbance of more than 1 acre of land are subject to NPDES stormwater regulations. As construction under the Draft 2018 LRDP would also be subject to NPDES stormwater regulations, this impact is adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.

- c. Issues related to seismically induced and non-seismic landslide hazards are discussed in the response to **Item (a)(iv)**, above. Issues related to liquefaction and related hazards are discussed in the response to **Item (a)(iii)**, above. Issues related to soil properties are discussed in the response to **Item (d)**, below. No further analysis in the SEIR is required.
- d. The soils present on the project site have a moderate to high shrink-swell potential (i.e., soil expansiveness). This shrinking (when dry) and swelling (when wet) of these soils can result in differential ground movement. If structures are constructed in areas with expansive and/or weak soils, structural damage could occur. As a result, the 2009 EIS/EIR concluded that expansive soils could cause a risk for post-construction heave and cracking of concrete slabs, as well as lightly loaded foundations and pavements. However, with the implementation of 2009 LRDP Mitigation Measure GEO-2, this impact would be reduced to a less than significant level. Campus development under the Draft 2018 LRDP would occupy the approved campus site and a portion of the Community North area analyzed under the 2009 EIS/EIR, and thus could also be subject to hazards related to expansive soils. However, as campus development under the Draft 2018 LRDP would be required to implement 2009 LRDP Mitigation Measure GEO-2, this impact would also be reduced to a less than significant level. Campus development under the Draft 2018 LRDP would not result in a new or more severe impact related to development on expansive soils. This impact is adequately addressed in the 2009 LRDP EIS/EIR. No further analysis in the SEIR is required.
- e. No septic tanks or alternative wastewater disposal systems are included in the proposed project, therefore no impact would occur. No further analysis in the SEIR is required.

#### **CUMULATIVE IMPACTS:**

The 2009 EIS/EIR found that the 2009 LRDP would not result in any cumulative impacts related to geology and soils. As discussed above, development under the Draft 2018 LRDP would comply with the California Building Code and implement adopted mitigation and thus would not change this conclusion. Cumulative impacts are adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.

<b>5.7 GREENHOUSE GAS EMISSIONS</b>		
Would the project...	Impact to be Analyzed in the SEIR	No Additional Analysis Required
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose or reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### DISCUSSION:

- a., b.** Construction and operation of the campus facilities under the Draft 2018 LRDP would generate greenhouse gas (GHG) emissions. GHG emissions from campus growth and development under the 2009 LRDP were estimated and reported in the 2009 EIS/EIR. As the proposed amount of development and enrollment on the campus through 2030 is much smaller than the development and enrollment level that was previously used to estimate GHG emissions, the GHG emissions associated with campus development under the Draft 2018 LRDP would not exceed the previous estimate. However, the analysis in the 2009 EIS/EIR was based on compliance with AB 32. Since then, additional laws and regulations have been passed which set forth more stringent GHG reduction targets than set forth by AB 32. Given this change in circumstances, the SEIR will provide an updated GHG impact assessment for campus development under the Draft 2018 LRDP.

#### CUMULATIVE IMPACTS:

The impact of a project's GHG emissions is essentially a cumulative effect. Potential GHG emissions impacts will be addressed in the SEIR.

## 5.8 HAZARDS & HAZARDOUS MATERIALS

Would the project...

Impact to be  
Analyzed in  
the SEIR

No Additional  
Analysis  
Required

- |                                                                                                                                                                                                                                                                  |                          |                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?                                                                                                                          | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?                                                                  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?                                                                                                  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?                                                                                                      | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                        | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?                                            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### DISCUSSION:

- a. Routine transport, use, and disposal of hazardous materials would be associated with the construction and operation of the additional facilities on the campus under the Draft 2018 LRDP. Similar to existing conditions, hazardous materials in the form of fuels, paints, etc., would be used during project construction; once the facilities are constructed, some hazardous materials use would be associated with the operation of the campus facilities.

The Draft 2018 LRDP would also provide for the development of uses on the campus such as research and instructional laboratories, central plant, vehicle maintenance facilities, and other facilities that would involve the transport, use, or dispose of hazardous materials. The operation of the research laboratories could include the use of various chemicals, biohazards, radioactive materials, and animal testing procedures and waste that may pose different levels of hazards with their use.

## **Biohazards**

As a scientific research facility, UC Merced cannot predict every possible biological agent or research application it might conceivably use in the future. However, it is expected that small quantities of various biologically hazardous substances would be used for research at the campus. UC Merced uses and would continue to use the US Department of Health and Human Services guidelines, *Biosafety in Microbiological and Biomedical Laboratories*, put forth by the National Institutes of Health and the Centers for Disease Control, to classify biohazardous agents used on site. According to the 2009 EIS/EIR, compliance with the guidelines would reduce this impact to a less than significant level. As campus development under the Draft 2018 LRDP would also use similar amounts of biologically hazardous substances and adhere to the same guidelines, it would not result in a new or more severe impact related to use of biohazardous materials. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.

## **Radioactive Waste**

Some radioactive substances may be used on the campus for research purposes in facilities associated with energy research, biotechnology research, and general R&D. The potential human health effects from radiation exposure range from no known health effects to minor skin irritations or headaches to cancerous tumors. Radiation could pose a health risk to those who are exposed, but exposure can be prevented with proper protective equipment and procedures. The Radiological Safety Division of EH&S at UC Merced is responsible for the development and oversight of a comprehensive radiation safety program. The radiation safety program has been created to ensure the safe handling, transport, use, and disposal of radiological materials, lasers, and x-ray machines. Compliance with the radiation safety program would require the necessary protective measures to avoid exposing visitors, students, faculty, staff, and the community to any radioactive materials. Furthermore, radioactive materials would be monitored closely by the EH&S. For example, before obtaining radioactive materials, each principal investigator would require a Radiation Use Authorization from the Radiation Safety Officer, which will specify the particular radioisotopes to be used and maximum quantities to be possessed. According to the 2009 EIS/EIR, compliance with regulations for radiation safety would reduce this impact to a less than significant level. As development of the campus under the Draft 2018 LRDP would use similar amounts of radioactive substances and adhere to the same regulations, it would not result in a new or more severe impact related to use of radioactive substances. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.

## **Animal Research**

The use of animals in UC Merced research laboratories could pose potential hazards to workers, students, and the neighboring community if contact between humans and animals was not properly managed. An infected animal can spread disease and present a physical safety hazard through bites and scratches. Exposure to infectious agents can occur through animal bites or by infectious agents being spread to the neighboring community, which can occur if animals escape or if infectious agents are transmitted by vectors. Vectors are organisms that carry diseases from infected animals to others in the community (for example, a mosquito could carry malaria from an infected person to an uninfected person). The possible health effects would depend on the species housed in campus facilities and the types of research pursued.

Before any research involving live vertebrate animals can be initiated on a UC campus, an animal care and use protocol for the activity must be prepared by the principal investigator and approved by the Campus Animal Care and Use Committee. Research involving hazardous agents also goes through a safety committee approval process that addresses safety and waste management practices. Approved protocols must comply with federal and state requirements as well as the Institutional Animal Care and Use Committee (IACUC). Vertebrate animals cannot be obtained for research until experimental protocols are approved. Animal housing facilities must also conform to the National Institutes of Health guidelines and the Animal Welfare Act. Rats and mice are not currently regulated under the act, but they are covered by the IACUC. According to the 2009 EIS/EIR, compliance with animal care and use guidelines would reduce this impact to a less than significant level. As development of the campus under the Draft 2018 LRDP would also involve similar research and adhere to the same requirements, it would not result in a new or more severe impact related to use of animals in campus research. This impact was adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.

### **Hazardous Materials Handling**

UC Merced policies and procedures would address the procurement, handling, and disposal of carcinogenic, controlled, volatile, flammable, and explosive substances. The Campus EH&S department would be responsible for implementing measures designed to ensure compliance with applicable laws and regulations and to impose additional, more stringent UC Merced policies to further reduce the potential for human harm. Students, researchers, and staff would be required to take standard procedural precautions, such as working under fume hoods while working with hazardous chemicals, to minimize the risk of potential exposure. Fume hoods and other engineering controls would also be required to meet Cal/OSHA requirements. Proper use of engineering controls would keep indoor laboratory air toxics concentrations below the legal limits of the OSHA permissible exposure levels. To prevent exposure through skin contact, Campus policies and procedures require that protective clothing, such as laboratory coats, gloves, and safety glasses be worn while handling hazardous materials and wastes. Proper washing after handling chemicals would also be required in all laboratories. In addition, in accordance with state laws and Campus policy, eating, drinking, applying cosmetics, and chewing gum or tobacco would not be allowed in laboratories using radioactive, carcinogenic, or biohazardous materials.

In addition to operational uses of hazardous materials, hazardous materials could also be used in varying amounts during construction activities associated with implementation of the proposed Campus. Construction and maintenance activities would use hazardous materials, such as fuels (gasoline and diesel), oils and lubricants, paints and paint thinners, glues, cleaners (which could include solvents and corrosives in addition to soaps and detergents), and pesticides and herbicides. However, construction activities are required to comply with all applicable regulations and codes, including, but not limited to, Titles 8 and 22 of the Code of California Regulations, Uniform Fire Code, and Division 20 of the California Health and Safety Code. In addition, all transportation of hazardous materials to and from the site during construction activities must comply with DOT and Caltrans regulations. According to the 2009 EIS/EIR, compliance with all state, federal, and local hazardous materials regulations would reduce any construction, operational, and maintenance-related hazardous materials impacts to a less than significant level. As campus development under the Draft 2018 LRDP would also involve the handling of hazardous materials and follow the same regulations, it would not result in a new or



more severe impact related to hazardous materials handling. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.

- b. The transport of any hazardous materials to or within the campus would be conducted in accordance with UC Merced policies and procedures. Nonradioactive chemicals, biohazardous materials, and other packages for offices and laboratories may be delivered by outside carriers directly to receiving entrances at individual buildings. Alternatively, incoming packages may be delivered at the Campus main receiving facility for UC Merced personnel to deliver to campus locations. However, transportation of hazardous materials around the campus would increase the possibility of accidents capable of exposing people on and off campus to hazardous materials. To minimize the potential for accidental spills of hazardous materials during transit, suppliers and transporters are and would continue to be required to follow stringent US DOT and USPS regulations for packaging and handling.

Hazardous waste leaving the campus would be packaged in drums and containers that meet US DOT requirements. Due to the strict requirements of the US DOT, containers are unlikely to release their contents in the event of an accident. Although transportation of hazardous materials has associated risks of spills or leaks, appropriate management of transported wastes in compliance with applicable laws and regulations found in the Code of Federal Regulations, Title 4, would minimize these risks.

As all incoming and outgoing hazardous material shipments would be packaged according to strict US DOT and USPS specifications, the likelihood of an accident involving hazardous materials in transport would be minimal. In addition, it is not anticipated the operation of the Campus would require a substantial amount of hazardous waste movement. Therefore, According to the 2009 EIS/EIR, due to the relatively small amounts of hazardous materials involved and compliance with applicable transport regulations, the impact with respect to creating a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant. As development under the Draft 2018 LRDP would also involve the transportation of similar amounts of hazardous materials on and off campus and follow the same regulations, it would not result in a new or more severe impact related to hazardous materials transportation. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.

- c. There are no existing schools within 0.25 mile of the campus site. Therefore, there would be no impact to schools from emissions of hazardous materials on the project site. Further analysis in the SEIR is not required.
- d. Impacts related to hazardous materials sites were evaluated in the 2009 EIS/EIR and were found to be potentially significant. The analysis concluded that the impacts from unknown hazardous materials sites would be reduced to a less than significant level with adherence to UC policies and implementation of 2009 LRDP Mitigation Measure HAZ-4. As campus development under the Draft 2018 LRDP would also adhere to UC policies and implement the adopted mitigation, it would not result in a new or more severe impact related to hazardous materials sites. This impact is adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.

- e. The expanded UC Merced Campus site is not located within an airport land use plan or within 2 miles of a public or public use airport. Therefore, no impact would occur. Further analysis in the SEIR is not required.
- f. The expanded campus would be located within 2 miles of the LWH Farms, LLC, a private airstrip. The 2009 EIR/EIS found that the operations at the private airstrip could potentially create a safety hazard for people residing or working in the project area, including employees and students on the campus. At takeoff or landing, airplanes could fly at low levels over some portions of the campus, which could create a safety hazard for people under the airplane flight paths. However, the University would be required to comply with applicable Federal Aviation Administration (FAA) and Caltrans Division of Aeronautics regulations and permits, such as adjacent building height restrictions and ratios, minimum distances from the runway to adjacent property lines, and airspace safety requirements. According to the 2009 EIS/EIR, compliance with these requirements would reduce the safety hazards associated with airstrip operations to an acceptable level. Therefore, the impact would be less than significant and no mitigation is required. As development of the campus under the Draft 2018 LRDP would occupy portions of the same area analyzed under the 2009 EIS/EIR and also adhere to these requirements, it would not result in a new or more severe impact related to safety hazards from a private airstrip. This impact is adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.
- g. UC Merced has adopted both an Emergency Operations Plan and a Crisis Communications Plan. The Campus emergency response team is trained and equipped to respond to hazardous materials emergencies. UC Merced will provide sufficient resources to respond to a Level A hazardous materials incident (the most hazardous level), in coordination with the County of Merced if necessary. In addition, UC Merced will prepare (or update) safety planning documents in accordance with California Health and Safety Code Section 25517.5, as well as applicable laws, regulations, and Campus policies. The Campus will implement safety training programs upon occupying each new building to ensure efficient implementation of any emergency response plan. In addition, each department will be responsible for preparing and implementing its own emergency action plan. These plans would contain detailed procedures for building occupants to follow in the event of various emergencies and evacuations. Each new building will be assigned a building safety coordinator who will address emergency planning and safety training for the occupants, employees, staff, and students of new buildings. In addition, the UC Merced Police Department would make the necessary contact with EH&S in the event of a minor spill or release. According to the 2009 EIS/EIR, development of the campus would not impair implementation of physically interfere with any emergency response plan or emergency evacuation plan and the impact with respect to this criterion is considered less than significant. As campus development under the Draft 2018 LRDP would also adhere to these requirements, it would not result in a new or more severe impact related to interference with an emergency response plan. This impact is adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.
- h. Because high-fire-risk grazing pastures surround the campus site on all sides, the growth in population due to the project would translate into a greater potential for wildland and urban fires along with a greater number of people exposed to fires on and off campus. Adequate wildland fire defenses and responses to wildland fires are a priority for the State of California. In recognition of the severity of wildland fire hazards in certain areas of California, the state has enacted legislation (i.e., California PRC Section 4291) requiring local jurisdictions to adopt minimum recommended road standards for fire equipment access; standards for identifying

streets, roads, and buildings minimum private water supply reserves for emergency fire use; and standards for fuel breaks and greenbelts to achieve fuel reductions. The Campus has been designed to minimize human intrusion into the adjacent Campus Natural Reserve (CNR) lands by way of landscaping and fencing.

The Campus would use the *Management Plan for Conservation Lands* as a guide to balance fire prevention and suppression methods with protection of natural resources and biodiversity. The *Management Plan for Conservation Lands* has four distinct goals regarding fire protection and management: (1) develop fire protection that emphasizes public safety and protection of university properties, especially in the interface areas; (2) prevent a substantial increase in fire frequency from “pre-university” (i.e., before development of the Campus) conditions to maintain the natural habitat; (3) minimize ground-disturbing fire prevention and suppression methods (e.g., fuel breaks); and (4) use prescribed fire as a management tool to control invasive weeds that threaten biodiversity. According to the 2009 EIS/EIR, with the implementation of fire prevention measures noted above and adherence to the guidelines of the Management Plan for Conservation Lands, the impact with respect to wildland fires would be reduced to a less than significant level. As campus development under the Draft 2018 LRDP would also adhere to these requirements, it would not result in a new or more severe impact related to wildland fires. This impact is adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.

#### **CUMULATIVE IMPACTS:**

The 2009 EIS/EIR found that exposure to toxic air contaminants from research and development (R&D) uses in the area, including future R&D uses on the campus, could result in a potentially significant cumulative impact. However, the contribution of the 2009 LRDP to the cumulative impacts would not be cumulatively considerable based on data from other UC campuses. As discussed above, activities under the Draft 2018 LRDP would comply with federal, state, and local regulations, adhere to UC policies, and implement adopted mitigation and thus would not change this conclusion. As a result, cumulative impacts were adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.

## 5.9 HYDROLOGY & WATER QUALITY

Would the project...	Impact to be Analyzed in the SEIR	No Additional Analysis Required
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION:

- a., f. Impacts on water quality from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be less than significant. Construction activities under the Draft 2018 LRDP could result in soil erosion and release of sediment into receiving waters. However, according to federal law, all construction projects that involve disturbance of more than 1 acre of land are subject to NPDES regulations for stormwater. All such projects are required by law to prepare and implement a SWPPP during construction. The SWPPP must be kept on site during construction activity and made available upon request to representatives of the RWQCB. The objectives of the SWPPP are to (1) identify pollutant sources that may affect the quality of stormwater associated with construction activity, and (2) identify, construct, and implement stormwater pollution prevention measures to reduce pollutants in stormwater discharges during and after construction. The SWPPP is required to include a

description of potential pollutants and the manner in which sediments and hazardous materials present on site during construction (including vehicle and equipment fuels) would be managed. The SWPPP must also include details of how the sediment and erosion control BMPs would be implemented. Adherence to NPDES regulations would ensure that adverse impacts on water quality are avoided. As campus development under the Draft 2018 LRDP would also adhere to these requirements, it would not result in a new or more severe impact on water quality. This impact is adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.

- b. Impacts on groundwater supplies from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be less than significant. The proposed project would increase demand for potable water, which would be drawn from the Merced subbasin by the City and supplied to the project site. The subbasin is currently in a condition of overdraft. The *Merced Vision 2030 General Plan* contains several policies and implementation actions directed at stabilizing the aquifer and conserving water. UC Merced will continue to minimize water use and due to lower growth projections and higher water efficiency at the campus, the water demand of the campus in 2030 would be lower than the amount previously projected, and a greater impact on groundwater is not anticipated. However, as some years have elapsed since the analysis was prepared for the 2009 EIS/EIR, the impact of groundwater demand by the campus under the Draft 2018 LRDP will be re-evaluated in the SEIR.
- c., d., e. The 2009 EIS/EIR analyzed the changes in drainage patterns as a result of the development of the Campus and University Community North. The analysis concluded that the impacts from campus development would be less than significant. Grading and construction that could occur within the revised campus site under the Draft 2018 LRDP would affect the same area that was evaluated in the 2009 EIS/EIR and develop facilities similar to those evaluated in the 2009 EIS/EIR. Therefore, campus development under the Draft 2018 LRDP would not result in new or more severe impacts related to changes in drainage patterns, siltation, and flooding on and off-site. No further evaluation of impacts in the SEIR is required.
- g. Although the proposed project would develop housing on the UC Merced campus, the project site is not within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map. No impact would occur.
- h. As discussed above under **Item (g)**, the project site is not within a 100-year flood hazard area. No impact would occur.
- i., j. The campus is not located within the inundation area of a dam. In addition, Lake Yosemite has not historically produced seiches in association with tectonic activity. As a result, the campus is not at risk of seiche or tsunami inundation. Because the campus is located within an area of flat topography there is no risk of debris flow or mudflow. There would be no impact with regard to these criteria.

#### CUMULATIVE IMPACTS:

As discussed above, campus development under the Draft 2018 LRDP would not violate any water quality standards or waste discharge requirements nor would it substantially degrade water quality. In addition, no housing or structures would be constructed within a 100-year flood hazard area or be located within a dam inundation area. Finally, campus development under the Draft 2018 LRDP would not place people at risk of inundation from seiche, tsunami, or mudflow. For these reasons, the project would not contribute to a cumulative effect with respect to these topics. Potential cumulative impacts with respect to groundwater will be addressed in the SEIR.

## 5.10 LAND USE & PLANNING

Would the project...	Impact to be Analyzed in the SEIR	No Additional Analysis Required
a) Physically divide an established community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION:

- a. Campus development under the Draft 2018 LRDP would not affect any existing community as no community is present on the lands that make up the revised campus site. No impact on a community would occur. Further analysis in the SEIR is not required.
- b. As a state entity, UC Merced is not subject to regional or local land use controls. Nevertheless, such plans and policies are of interest because campus development and local development are coincident. The lands to the south of the campus are located in unincorporated Merced County. The Merced County General Plan designates the campus and lands to the south of the original campus as UC Merced Specific Urban Development Plan (SUDP). Development on the campus under the 2018 LRDP would not conflict with the County General Plan as the UC Merced SUDP designation anticipates future development of the campus. For this reason, the Draft 2018 LRDP would not conflict with adopted plans outlined above. No impact would occur under this criterion. Further analysis in the SEIR is not required.
- c. As discussed above under Biological Resources, there are no HCPs or NCCPs that encompass the lands that make up the revised campus site. Nor are there any HCPs applicable to lands adjoining the campus. There would be no impact with respect to this criterion. Further analysis in the SEIR is not required.

### CUMULATIVE IMPACTS:

The 2009 EIS/EIR found that the 2009 LRDP would not result in any cumulative impacts related to land use. As discussed above, anticipated future development on the campus under the Draft 2018 LRDP would not conflict with the County General Plan and thus would not change this conclusion. Therefore, cumulative impacts were adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.

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**5.11 MINERAL RESOURCES**

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Would the project...

Impact to be  
Analyzed in  
the SEIR

No Additional  
Analysis  
Required

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

**DISCUSSION:**

- a., b.** The revised campus site is not designated as a mineral resource zone, and no known or potential mineral resources are located on the campus. No impacts would occur. Further analysis in the SEIR is not required.

**CUMULATIVE IMPACTS:**

No mineral resource zones or mineral resource recovery sites exist on the campus or its environs. Campus development under the Draft 2018 LRDP would not contribute to a cumulative impact on mineral resources. Further analysis in the SEIR is not required.

<b>5.12 NOISE</b>		
Would the project...	Impact to be Analyzed in the SEIR	No Additional Analysis Required
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### DISCUSSION:

- a. Impacts related to noise from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be potentially significant. The analysis concluded that the impacts to on-campus sensitive receptors would be reduced to a less than significant level with the implementation of 2009 LRDP Mitigation Measure NOI-5a. Development of campus facilities within the revised campus site would occur on lands designated CMU. These lands are located to the south and east of the 2020 Project site and are substantially the same lands that were previously evaluated in the 2009 EIS/EIR for the development of campus facilities. By allowing for the future campus facilities to be constructed on these lands designated CMU, the Draft LRDP would not result in the exposure of on-campus receptors to noise levels any greater than those analyzed in the 2009 EIS/EIR. With the same mitigation measure, the impact would be reduced to a less than significant level. Campus development under the Draft 2018 LRDP would not result in a new or more severe noise impact on on-campus receptors. That impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.
- b. Impacts related to vibration generated during the construction of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be potentially significant. The analysis concluded that the impacts from campus development would be reduced to a less than significant level with the implementation of 2009 LRDP Mitigation Measures NOI-4a and NOI-4b. Campus development under the Draft 2018 LRDP could also expose nearby sensitive receptors to perceptible levels of groundborne vibration. However, as development under the Draft 2018 LRDP would be required to implement the previously adopted mitigation, this impact would also be reduced to a less than significant level. There would be no new or more severe vibration impacts than previously analyzed. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.



- c. Impacts related to noise generated by vehicular and stationary sources during the operation of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be significant. Even with implementation of 2009 LRDP Mitigation Measures NOI-1 and NOI-2, the impact from project related traffic noise was found to be significant and unavoidable. Although the campus growth by 2030 under the Draft 2018 LRDP would be lower than previously projected, the traffic volumes and patterns would likely be different from those previously evaluated because a residential community to the south of the campus (University Community North and South) is not considered reasonably foreseeable and the campus-related population is expected to reside in the wider study area, including the City of Merced. As a result, traffic volumes on Lake and Bellevue Roads could be different from the volumes previously analyzed, and the resulting traffic noise impacts could be different. The impact is considered potentially significant. The SEIR will evaluate the potential for the traffic associated with campus development under the Draft 2018 LRDP to substantially increase ambient noise levels at sensitive receptors along roadways leading to the campus.
- d. Impacts related to noise generated during the construction of the Campus and University Community North were evaluated in the 2009 EIS/EIR and were found to be potentially significant. The analysis concluded that the impacts from campus development would be reduced to a less than significant level with the implementation of 2009 LRDP Mitigation Measure NOI-3. Campus development under the Draft 2018 LRDP could also expose existing off-site and future on-site noise-sensitive receptors to elevated noise levels. However, as campus development under the Draft 2018 LRDP would occur in substantially the same area as previously analyzed for construction impacts and would also be required to implement the previously adopted mitigation, this impact would also be reduced to a less than significant level. No new or more severe construction noise impact would occur. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.
- e. The campus is located approximately seven miles to the northeast of the Merced Regional Airport. Given the distance, noise generated by aircraft operations at this facility would not negatively affect uses on the campus. As a result, flight operations at the airport would not expose receptors on the campus to excessive noise levels. There would be no impact with respect to this criterion.
- f. Impacts related to aircraft noise from a private airstrip were evaluated in the 2009 EIS/EIR and were found to be potentially significant. The analysis concluded that the impacts to on campus sensitive receptors would be reduced to a less than significant level with the implementation of 2009 LRDP Mitigation Measure NOI-5b. Campus development under the Draft 2018 LRDP could also expose new on-site noise-sensitive land uses to excessive noise levels. However, as campus development under the Draft 2018 LRDP would be required to implement the previously adopted mitigation, this impact would also be reduced to a less than significant level. No new or more severe aircraft noise impact would occur. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.

#### **CUMULATIVE IMPACTS:**

As discussed above, campus development under the Draft 2018 LRDP would not expose people to excessive noise levels resulting from construction, vibration, and public airport operations; therefore, the project would not contribute to a cumulative effect with respect to these topics. Potential cumulative noise impacts from project operations will be addressed in the SEIR.

### 5.13 POPULATION AND HOUSING

Would the project...

Impact to be Analyzed in the SEIR	No Additional Analysis Required
-----------------------------------------	---------------------------------------

- |                                                                                                                                                                                                           |                                     |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?                                                                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?                                                                                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

#### DISCUSSION:

- a. Impacts on population and housing from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR. The proposed Draft 2018 LRDP projects a lower enrollment level in 2030 than the previously evaluated in the 2009 EIS/EIR and therefore, it is anticipated that fewer new persons would move to the study area by 2030. However, the 2009 EIS/EIR assumed that most of the campus-related population would be housed within the University Community that was envisioned for the lands to the south of the campus. As development of housing within the University Community by 2030 is not foreseeable, it is anticipated that the campus-related new population would be housed in the City of Merced and in other surrounding communities. The impact of the reduced enrollment growth projection under the Draft 2018 LRDP on the study area communities in the area will be evaluated in the SEIR.
- b., c. The proposed project is a long-range development plan designed to accommodate growth. In addition, the project site is currently undeveloped grazing land and would therefore not displace housing or people. There would be no impact with respect to these criteria. Further analysis in the SEIR is not required.

#### CUMULATIVE IMPACTS:

As discussed above, campus development under the Draft 2018 LRDP would not displace housing or people; therefore, the Draft 2018 LRDP would not contribute to cumulative effects in these topics. There would be growth at UC Merced and, potentially, in surrounding areas over the approximately 10 to 12-year timeline of the proposed LRDP. The cumulative impacts of this growth on the region will be examined in detail in the SEIR.

## 5.14 PUBLIC SERVICES

Would the project...

Impact to be Analyzed in the SEIR	No Additional Analysis Required
-----------------------------------	---------------------------------

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION:

a.(i). The environmental consequences of developing campus facilities, including additional fire facilities, were evaluated in the 2009 EIS/EIR. The 2009 EIS/EIR noted that at full development of the campus, a new fire station would be needed either on the campus or in north Merced. Campus growth under the Draft 2018 LRDP would be substantially less than the growth analyzed in the 2009 EIS/EIR (15,000 students compared to 25,000 students previously analyzed for the year 2030) and it is not known at this time whether a new fire station would be needed to serve the substantially smaller campus population. Furthermore, time has lapsed since the 2009 EIS/EIR analysis was conducted and the conditions in Merced may be substantially different from those analyzed in 2008-09. In view of this, the impact of campus development under the Draft 2018 LRDP with regard to the need for a new or expanded fire station will be re-evaluated in the SEIR. In the event that the need for a new or expanded fire station is identified, the environmental impacts from the construction of that facility will be identified, along with the University's obligation to provide a proportional share of the cost of mitigating those environmental impacts.

a.(ii). The environmental consequences of developing campus facilities, including additional police facilities, were evaluated in the 2009 EIS/EIR. As noted in the 2009 EIS/EIR, the Campus is served by the UC Merced Police Department, and it is anticipated that the UC Merced Police Department would continue to provide service as development of the campus continues. Based on the experience at other UC campuses, adequate staff would be provided on the campus and the impact would be less than significant. In addition, 2009 LRDP Mitigation Measure PUB-1 was included to ensure that this impact remains less than significant. As campus development under the Draft 2018 LRDP would require similar levels of police service and implement previously adopted mitigation, it would not result in a new or more severe impact related to police services. This impact is adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.

a.(iii). Impacts related to the construction of new school facilities were evaluated in the 2009 EIS/EIR and were found to be less than significant. The growth of the campus under the Draft 2018 LRDP

would not directly generate a demand for primary and secondary educational facilities as no employee housing or housing for students with families would be constructed on the campus. However, instead of living in the University Community as assumed under the 2009 LRDP, faculty and staff hired at the campus under the Draft 2018 LRDP would live in communities near the campus and would drive this demand as they would generate school-aged children who would attend area schools. New housing development that would house some of the campus-related population would be required to pay school impact fees. Pursuant to SB 50, school impact fees are considered full and complete mitigation for school impacts. For this reason, impacts with respect to schools would be less than significant.

- a.(iv). Impacts related to the construction of new off-site parks and recreational facilities were evaluated in the 2009 EIS/EIR and were found to be less than significant. As campus development under the Draft 2018 LRDP would place similar or lesser demands on parks, this impact was adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.
- a.(v). Impacts related to the construction of new library facilities were evaluated in the 2009 EIS/EIR and were found to be less than significant. As development under the 2018 LRDP would place similar or lesser demands on libraries, this impact was adequately addressed in the 2009 EIS/EIR. Further analysis is not required.

#### **CUMULATIVE IMPACTS:**

The 2009 EIS/EIR found that the cumulative impacts of the 2009 LRDP related to fire, police, parks, and libraries would be less than significant. As discussed above, campus development under the 2018 LRDP would not result in the need for new parks and library facilities. In addition, while campus growth could result in the need for new police facilities, the environmental consequences of providing these facilities were addressed in the 2009 EIS/EIR. For these reasons, cumulative impacts with respect to these topics were adequately addressed in the 2009 EIS/EIR. Further analysis of these topics in the SEIR is not required. Finally, new housing development needed to house campus-related population would be required to pay school impact fees, which are considered full and complete mitigation for school impacts. Therefore, the contribution of the 2018 LRDP to the need for new or expanded school facilities would not be cumulatively considerable. The SEIR will evaluate cumulative impacts related to fire service.

### 5.15 RECREATION

Would the project...	Impact to be Analyzed in the SEIR	No Additional Analysis Required
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### DISCUSSION:

- a. Impacts on recreation facilities located at Lake Yosemite Regional Park from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR. The analysis concluded that the impacts from campus development would be reduced to a less than significant level with the implementation of 2009 LRDP Mitigation Measure PUB-6. Due to a lower enrollment growth than previously evaluated for 2030, campus development under the 2018 LRDP would place reduced demands on Lake Yosemite Regional Park. As development under the Draft 2018 LRDP would be required to implement the adopted mitigation, this impact would also be reduced to a less than significant level. No new or more severe impact on recreational facilities would occur as a result of campus growth under the Draft 2018 LRDP. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.
- b. Campus development under the Draft 2018 LRDP includes additional recreational facilities for use by the campus community, the construction of which could result in adverse physical impacts on the environment. The SEIR will analyze and disclose the physical impacts on the environment (i.e., air quality, biological resources, noise, etc.) from the development of the campus under the Draft 2018 LRDP, including the recreational facilities that may be developed on the campus under the plan.

#### CUMULATIVE IMPACTS:

The 2009 EIS/EIR found that past, present and reasonably foreseeable development in eastern Merced County, including campus development under the 2009 LRDP, would result in a cumulative impact associated with the deterioration of facilities at Lake Yosemite Regional Park. However, with the implementation of mitigation, the contribution of campus development under the 2009 LRDP to this impact would not be cumulatively considerable. As discussed above, as development under the Draft 2018 LRDP would be required to implement the adopted mitigation, the contribution of campus development under the Draft 2018 LRDP to this impact would also not be cumulatively considerable. Therefore, cumulative impacts were adequately addressed in the 2009 EIS/EIR. Further analysis in the SEIR is not required.

## 5.16 TRANSPORTATION & TRAFFIC

Would the project...	Impact to be Analyzed in the SEIR	No Additional Analysis Required
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards established by the county congestion management agency for designated roads and highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### DISCUSSION:

- a., b.** Impacts related to traffic and transportation from the development of the Campus and University Community North were evaluated in the 2009 EIS/EIR. As noted earlier, the Campus is projecting a lower enrollment level through 2030 and construction of new housing in the University Community to the south of the campus is not foreseeable within the time period of the Draft 2018 LRDP. Therefore, the SEIR will analyze the impact of additional project-related traffic on the local street network, including intersection capacity, and effects on pedestrian and bicycle paths, as well as mass transit. Conflicts with an applicable congestion management program will also be analyzed in the SEIR. The SEIR will also include an analysis of transportation impacts based on vehicle miles travelled (VMT).
- c.** The 2009 EIS/EIR found that development of the Campus and University Community North would not affect air traffic patterns because the project site is not within the land use planning area of a public airport. Campus development under the Draft 2018 LRDP would occupy portions of the same footprint analyzed under the 2009 EIS/EIR, and thus would also not affect air traffic patterns. No new or more severe impact would result. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required.
- d.** Development under the 2018 LRDP would be required to comply with design standards in the *California Fire Code* with respect to provision of access for fire control and suppression. Required compliance with these existing standards would prevent hazardous design features and would ensure adequate and safe access. This impact is considered less than significant. No further analysis in the SEIR is required.

- e. Impacts related to emergency access were evaluated in the 2009 EIS/EIR and were found to be less than significant as the Campus and University Community North road network system would be designed to facilitate emergency access vehicles. The road network system under the Draft 2018 LRDP would also be adequately designed to facilitate emergency access vehicles. No new or more severe impact related to emergency access would occur. This impact is adequately addressed in the 2009 EIS/EIR. No further analysis in the SEIR is required
- f. The SEIR will analyze any adopted policies, plans, or programs regarding alternative transportation that are applicable to the campus in order to determine if the proposed Draft 2018 LRDP would conflict with those plans.

#### **CUMULATIVE IMPACTS:**

As discussed above, campus development under the Draft 2018 LRDP would not result in a change in air traffic patterns or emergency access; therefore, campus development under the Draft 2018 LRDP would not contribute to cumulative effects with regard to these topics. Potential cumulative transportation and traffic impacts for all other topics will be addressed in the SEIR.

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### 5.17 TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is

Impact to be  
Analyzed in  
the SEIR

No Additional  
Analysis  
Required

- 
- |    |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                          |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| a) | Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
- 

#### DISCUSSION:

- a., b. Assembly Bill (AB) 52, which came into effect on July 1, 2015, requires that lead agencies consider the effects of projects on tribal cultural resources and conduct notification and consultation with federally and non-federally recognized Native American tribes early in the environmental review process. The geographic area of the campus is not known to contain tribal cultural resources. Nevertheless, the Campus will conduct consultation with the Native American Heritage Commission and local tribes pursuant to AB 52. The results of this consultation will be included in the SEIR.

#### CUMULATIVE IMPACTS:

Potential cumulative impacts to tribal cultural resources will be addressed in the SEIR.



## 5.18 UTILITIES & SERVICE SYSTEMS

Would the project...

Impact to be  
Analyzed in  
the SEIR

No Additional  
Analysis  
Required

a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the providers existing commitments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION:

a., b., e. Impacts related to wastewater generation and the construction of new wastewater treatment and conveyance facilities were evaluated in the 2009 EIS/EIR and were found to be less than significant. The Draft 2018 LRDP would result in less development on the campus compared to the development analyzed in the 2009 EIS/EIR. Therefore, the volume of wastewater generated by the campus at full development under the Draft 2018 LRDP and conveyed by the City of Merced's wastewater collection system for treatment at the City's wastewater treatment plant (WWTP) would be less than the previous estimate. This decrease in wastewater volume from the previous estimate would reduce the magnitude of the previously evaluated impact and would not result in a new or more severe impact related to wastewater conveyance and treatment. The impacts related to wastewater are adequately analyzed in the 2009 EIS/EIR and further evaluation in the SEIR is not required.

d. Impacts related to demand for potable water and the construction of new water supply and conveyance facilities were evaluated in the 2009 EIS/EIR and were found to be less than significant. The Draft 2018 LRDP would result in less development on the campus, compared to the development analyzed in the 2009 EIS/EIR. As a result, the demand for potable water would be lower than the demand previously analyzed for the year 2030. Therefore, the impact related to water supply is adequately addressed in the 2009 EIS/EIR. However, due to the years that have elapsed since the 2009 EIS/EIR was certified, and because the conditions related to water supply in the Merced area may be different from what they were in 2008-09, the SEIR will re-evaluate the

impact of the Campus' water demand under the Draft 2018 LRDP to determine whether the Campus' water demand would result in the need for new or expanded water supplies or the need for additional water treatment facilities. These potential impacts related to water supply will be evaluated in the SEIR.

- c. Impacts related to the need for storm water facilities were evaluated in the 2009 EIS/EIR and were found to be less than significant. Campus development under the 2018 LRDP would occur substantially within the same area as previously evaluated in the 2009 EIS/EIR. Furthermore, the campus would be developed in a more compact and sustainable manner over a smaller area than previously planned. As a result, the acreage developed with impervious surfaces would be less than the previously projected acreage, and the storm water generated on the campus would not be greater than previously evaluated. Therefore, campus development under the Draft 2018 LRDP would not result in a new or more severe impact on storm drain facilities. Further evaluation in the SEIR is not required.
- f., g. Impacts related to solid waste generation were evaluated in the 2009 EIS/EIR and were found to be less than significant. The Draft 2018 LRDP would result in less development and enrollment growth on the campus compared to the development and enrollment level analyzed in the 2009 EIS/EIR. Therefore, the amount of solid waste generated by the campus at full development under the Draft 2018 LRDP would be less than the previous estimate. This decrease in the amount of solid waste would reduce the magnitude of the previously evaluated impact and would not result in a new or more severe impact related to solid waste or conflict with plans related to solid waste. These impacts are adequately analyzed in the 2009 EIS/EIR and further evaluation in the SEIR is not required.

#### **CUMULATIVE IMPACTS:**

Potential cumulative impacts to water supply will be addressed in the SEIR.

---

**5.19 MANDATORY FINDINGS OF SIGNIFICANCE**

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Would the project...

Impact to be  
Analyzed in  
the SEIR

No Additional  
Analysis  
Required

- |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                     |                          |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| a) | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?                                                                                                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
- 

**DISCUSSION:**

- a. The proposed project would have the potential to affect fish or wildlife habitat, populations, communities, or ranges (see Biological Resources responses [a] through [f]). However, the proposed project would not eliminate important examples of the major periods of California history or prehistory (see Cultural Resources responses [a] through [d]). The impacts related to biological resources will be evaluated in the SEIR.
- b. Cumulative impacts for each environmental factor are addressed above. As that discussion shows, campus development under the proposed Draft 2018 LRDP could result in significant cumulative impacts with regard to Air Quality, Biological Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Population and Housing, Recreation, Transportation/Traffic, Tribal Cultural Resources, and Utilities and Services Systems. These impacts will be evaluated in the SEIR.
- c. As indicated in the discussions above, the proposed project has the potential to result in significant impacts. The SEIR will evaluate whether any of those impacts have the potential to result in substantial adverse effects on human beings either directly or indirectly.

## 6. REFERENCES

- California Department of Conservation. 2014. Farmland Mapping and Monitoring Program. [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/mer14\\_no.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/mer14_no.pdf).
- California Department of Transportation. 2015. California Scenic Highway Program. [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/)
- San Joaquin Valley Air Pollution Control District. *Guidance for Assessing and Mitigating Air Quality Impacts*.
- University of California, Merced. 2009. UC Merced and University Community Project Environmental Impact Statement/Environmental Impact Report. SCH No. 2008041009

## **7. REPORT PREPARERS**

### **UC Merced**

Phillip Woods, AICP, Director of Physical & Environmental Planning  
Elisabeth Gunther, Campus Counsel

### **University of California, Office of the President**

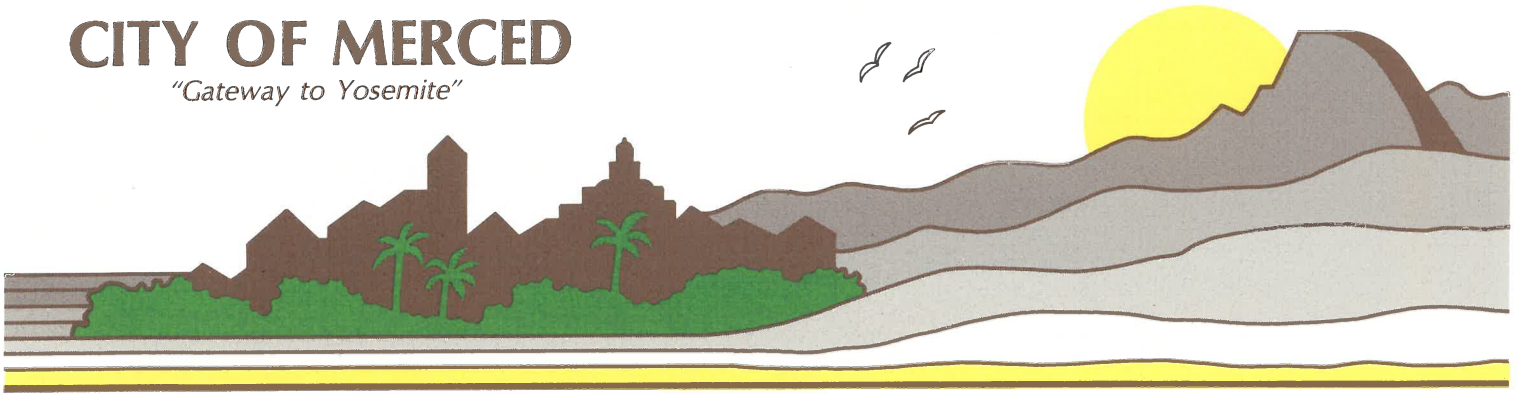
Brian Harrington, Associate Director, Physical and Environmental Planning

### **Impact Sciences, Inc.**

Shabnam Barati, Ph.D., Principal  
Paul Stephenson, AICP, Senior Project Manager  
Angela Pan, Project Manager  
Van Hoang, Publications Manager

# CITY OF MERCED

*"Gateway to Yosemite"*



May 1, 2018

Phillip Woods, Dir. Physical and Environmental Planning  
University of California Merced  
5200 North Lake Road  
Merced, CA 95343

Email copy also sent to [pwoods3@ucmerced.edu](mailto:pwoods3@ucmerced.edu)

RE: Notice of Preparation – Environmental Impact Report for University of California  
Merced 2018 Long Range Development Plan.

Mr. Woods,

The City of Merced is pleased to provide these comments on the Notice of Preparation (NOP) – Environmental Impact Report (EIR) for University of California Merced (UCM) 2018 Long Range Development Plan (LRDP). As you know, the purpose of making NOP comments is to guide the preparation of the Draft EIR to review potential specific areas of concern or interest by a regulating or permitting agency associated with the project. We appreciate the collaborative relationship with UCM and look forward to opening conversations regarding the 2018 LRDP to better understand how future growth plans and the needs of UCM can be addressed and how those will interact with the City of Merced. In addition to these comments, the City also looks forward to commenting on the Draft EIR when prepared and circulated.

In reviewing the NOP, it is clear that the 2018 LRDP is intended to recalibrate future land use development on the campus. Also, the pace of student growth will be slower than the 2009 LRDP and patterns – area of development will be significantly more compact and redistributed. The environmental factors listed in the environmental assessment show that about half of the specific categories may have potentially significant impacts. Additionally the basis for the findings is specific to the reduced student growth and overall smaller footprint of development from the 2009 to 2018 LRDP. There are, however, specific areas the City of Merced feels should be studied and included to help craft a document that provides for stronger public information and disclosure. There are

also changes in regulatory requirements or the local economic and policy setting which may require additional study that was not part of the 2009 LRDP.

### **Water**

- Please note how the campus development will address and integrate water re-use for irrigation or water features.
- Sustainable Groundwater Management Act (SGMA) requirements should be included in the study and analysis.
- The UCM campus will be subject to any future Groundwater Sustainability Plan and that analysis should be included in the Draft EIR.
- Identify if the use of Merced Irrigation District (MID) surface water will be part of the operational approach for the campus as well as where and how that water may be used.

### **Population – Housing**

- As noted the campus will not be able to accommodate all student housing needs. Additionally, housing plans for the campus will not accommodate graduate students – graduate students and family or staff and faculty needs. In the 2009 LRDP, it was assumed that student and other housing needs would be provided in the adjacent UC Community, directly south of the UCM campus, adjacent to Lake Road. The NOP notes that development in this area is not likely to proceed as previously planned which will shift housing to other surrounding communities. This shift may have traffic and circulation impacts that were not considered in the 2009 LRDP. Please include further analysis on the housing demand in the surrounding community and impacts that may be associated with traffic.
- The NOP does not include or address off-campus facilities under control or ownership of UCM. One specific area is UCM-controlled multi-family designated property in Bellevue Ranch West. The proposed use, timing, and associated impacts from future development on these properties should be included in the Draft EIR document.

### **Public Services**

- The NOP identifies that future Fire Services and the provider will need to be addressed. The NOP provides a high level overview of some potential options. The City believes that the capacity of the current and proposed service providers should be included in the analysis and provided in the Draft EIR. That should include the expected level of service demand for the campus as proposed in the 2018 LRDP and should also take into consideration the recently released Draft City of Merced Fire Department Standards of Cover. The analysis should be comprehensive and include facilities such as a station; capital needs, including equipment; and staffing and special service needs.

### **Transportation**

- The NOP includes land set aside as “Campus Parkway Open Space” which leads the City to believe that UCM does not see the development of the Campus Parkway within the 2018 LRDP north of Yosemite, whereas the 2009 LRDP did



foresee its development. The Campus Parkway south of Yosemite Avenue has recently received funding from the State of California in the amount of \$100 million and will soon begin construction. The portion of Campus Parkway within the UCM campus boundary was identified as an important entryway into the Campus and will carry significant traffic in the future, thus alleviating impacts on Lake Road which is not built or designed to carry large volumes of traffic as outlined in the 2009 LRDP. Therefore, the impacts of NOT building the portion of Campus Parkway north of Yosemite Avenue should be analyzed in the Draft EIR as it is a significant change from the proposed circulation in the 2009 LRDP. This would include the impacts on other roadways from the Campus Parkway not being constructed. At the very least, an alignment for the future Campus Parkway north of Yosemite Avenue needs to be established.

- As previously noted, off-campus controlled assets and property should be included in the 2018 LRDP. Traffic impacts associated with the use and development from those properties should be studied and included in the Draft EIR.
- Also, as previously noted, the campus will not support all housing needs and those will be absorbed into the surrounding communities. The traffic impacts associated from this approach should be studied and included in the Draft EIR.
- The NOP document does not mention or include any plans or impacts associated with Bellevue Road, Lake Road, the Vern Davis Bike Path, or the proposed Campus Parkway. Traffic impacts should be further studied and included in the Draft EIR.
- The NOP document does not mention or include any plan or approach to the intersection of Bellevue Road with Lake Road or the connection of the proposed Campus Parkway and Bellevue Road – Lake Road. The Draft EIR should include these areas and study the potential impacts the campus development will have on these facilities.
- There is no mention in the NOP regarding the Transportation Agreement between the City of Merced and UC Merced that was signed on April 29, 2016. This agreement spells out requirements, timing, and funding for specific transportation improvements which were required as mitigation for the development of the UCM campus. Please make sure that the Transportation Agreement is incorporated into the Draft EIR.
- The lack of adequate parking facilities on campus currently impact surrounding properties. The issue of parking should be addressed in the Draft EIR.

### **Public Utilities and Services**

- The City of Merced provides sewer conveyance and treatment for the UCM campus. Under the Amended and Restated Contract for Water, Sewer and Other Services, the City of Merced is obligated to provide sewer services to accommodate up to 10,000 students at the UCM campus. The 2018 LRDP notes growth beyond the level in the agreement. Additionally, the City of Merced is currently preparing a Waste Water Collection System Master Plan which identifies specific improvements that are needed to mitigate for future growth and development within the City's Sphere of Influence (SOI). The Draft EIR should study and include the necessary mitigations and financial contributions



mechanisms that will be necessary to accommodate growth above the 10,000 student allocation to the Waste Water Treatment Plant capacity.

We appreciate the opportunity to provide these comments under the NOP process. Again, we look forward to opening conversations regarding the 2018 LRDP to better understand how future growth plans and needs of UCM can be addressed and how those will interact with the City of Merced. The City also looks forward to commenting on the Draft EIR when prepared and circulated.

If you have any questions or concerns, please feel free to give me a call at 209-385-6818 or email to [mcbrides@cityofmerced.org](mailto:mcbrides@cityofmerced.org).

Respectfully,



Scott McBride  
Director of Development Services  
City of Merced

cc: Steve Carrigan, City Manager  
Stephanie Dietz, Assistant City Manager  
Jolie Houston, City Attorney  
Merced City Council



**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Barbara A. Lee, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Edmund G. Brown Jr.**  
Governor

April 13, 2018

Mr. Phillip Woods, AICP  
Director of Physical & Environmental Planning  
Physical & Environmental Planning  
University of California, Merced  
5200 North Lake Road  
Merced, California 95343

REVIEW OF DRAFT INITIAL STUDY AND NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT, THE UNIVERSITY OF CALIFORNIA, UC MERCED DRAFT 2018 LONG RANGE DEVELOPMENT PLAN PROJECT, EAST BELLEVUE AND LAKE ROAD, MERCED, MERCED COUNTY (SCH #2018041010)

Dear Mr. Woods:

The Northern California Schools Unit of the Department of Toxic Substances Control (DTSC) reviewed the draft Initial Study (IS) and Notice of Preparation of an Environmental Impact Report (EIR) for the University of California (UC) Merced Draft 2018 Long Range Development Plan (LRDP) dated April 2018.

As reported in the IS, the UC proposes to adopt an updated LRDP for the UC Merced campus (Site). In March 2009, the UC certified an EIS/EIR that analyzed and disclosed the impacts from the implementation of a LRDP for UC Merced. The 2009 LRDP was designed to guide the physical development of the 815-acre campus for an enrollment level of 25,000 students. Since then, many changes have occurred such as 2030 enrollment projections, land acquisition, and a need for updated land use designations. In view of these changes, the UC has prepared an updated Draft LRDP that will guide future development of the campus through 2030 for an enrollment level of 15,000 students.

Based on a review of the IS, DTSC would like to provide the following comments:

1. DTSC recommends that an environmental review, such as a Phase I Environmental Site Assessment and/or Preliminary Endangerment Assessment, be conducted to determine whether there has been or may have been a release or threatened release of a hazardous material, or whether a naturally occurring hazardous material

(e.g., radon, mercury, naturally occurring asbestos [NOA]) is present based on reasonably available information about the property and the area in its vicinity. Such an environmental review should generally be conducted as part of the California Environmental Quality Act (CEQA) process. If the UC elects to proceed to conduct an environmental assessment at the site under DTSC oversight, it should enter into a Voluntary Cleanup Agreement with DTSC. Alternatively, DTSC recommends the UC investigate, and clean up if necessary, the site under the oversight of the County of Merced and in concurrence with all applicable DTSC guidance documents.

2. The presence of existing, older or former structures at the site may result in potential environmental concerns due to lead from lead-based paint and/or organochlorine pesticides from termiticide applications and polychlorinated biphenyls (PCBs) from electrical transformers, light ballast or window caulking or glazing. DTSC recommends that these environmental concerns be investigated and possibly mitigated, in accordance with DTSC's *"Interim Guidance, Evaluation of School Sites with Potential Soil Contamination as a Result of Lead from Lead-Based Paint, Organochlorine Pesticides from Termiticides, and Polychlorinated Biphenyls from Electrical Transformers, dated June 9, 2006"*, and in accordance with the recommendations provided in the United States Environmental Protection Agency's website *"PCBs in Caulk in Older Buildings"* (<http://www.epa.gov/pcbsincaulk/index.htm>).
3. If the site was previously used for agricultural purposes, pesticides (such as DDT, DDE, and toxaphene) and fertilizers (usually containing heavy metals) commonly used as part of agricultural operations are likely to be present. These agricultural chemicals are persistent and bio-accumulative toxic substances. DTSC recommends that these environmental concerns be investigated and possibly mitigated, in accordance with the *"Interim Guidance for Sampling Agricultural Soils (Third Revision)"*, dated August 2008. This guidance should be followed to sample agricultural properties where development is anticipated.
4. If fill material exists on the Site, DTSC recommends these areas be investigated and possibly mitigated in accordance with DTSC's *"Information Advisory, Clean Imported Fill"*, dated October 2001.
5. If a response action is required based on the results of the above investigations, and/or other information, the IS/EIR will require an analysis of the potential public health and environmental impacts associated with any proposed response action, pursuant to requirements of the CEQA (Pub. Resources Code, Division 13, section 21000 et seq.), and its implementing Guidelines (California Code of Regulations, Title 14, section 15000 et seq.), prior to approval of the IS/EIR for the Project. A discussion of the mitigation and/or removal actions, if necessary, and associated cumulative impacts to the Project properties and the surrounding environment, should be included in the EIR. If sufficient information to discuss the proposed

mitigation and/or removal actions, and their associated impacts to the Project properties and the surrounding environment, are not available for inclusion in the EIR, then an Addendum or Supplement to the EIR may be required.

DTSC also administers a Revolving Loan Fund (RLF) Program. The Program provides revolving loans to investigate and clean up hazardous materials at properties where redevelopment is likely to have a beneficial impact to a community. These loans are available to developers, businesses, schools, and local governments.

For additional information on DTSC's Schools process or RLF Program, please visit DTSC's website at [www.dtsc.ca.gov](http://www.dtsc.ca.gov). If you would like to discuss this matter further, please contact me at (916) 255-3695, or via email at [bud.duke@dtsc.ca.gov](mailto:bud.duke@dtsc.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bud Duke', is positioned above the printed name.

Harold (Bud) Duke, PG  
Senior Engineering Geologist  
Northern California Schools Unit  
Site Mitigation and Restoration Program

cc: (via email)

State Clearinghouse ([State.clearinghouse@opr.ca.gov](mailto:State.clearinghouse@opr.ca.gov))  
Office of Planning and Research

Lesley Taylor ([LTaylor@cde.ca.gov](mailto:LTaylor@cde.ca.gov))  
Department of Education – Sacramento, CA

John Gordon ([JGordon@cde.ca.gov](mailto:JGordon@cde.ca.gov))  
Department of Education – Sacramento, CA

Jose Salcedo ([Jose.Salcedo@dtsc.ca.gov](mailto:Jose.Salcedo@dtsc.ca.gov))  
DTSC Schools Unit – Sacramento, CA





Local Agency Formation Commission  
2222 M Street  
Merced, CA 95340  
Phone (209) 385-7671 / Fax (209) 726-1710  
[www.lafcomerced.org](http://www.lafcomerced.org)

May 8, 2018

Phillip Woods, AICP  
Director of Physical and Environmental Planning  
University of California, Merced  
5200 North Lake Road  
Merced, CA 95343

RE: Comments on the Notice of Preparation for the UC Merced 2030 Long Range Development Plan

Dear Mr. Woods:

Thank you for providing the opportunity to comment on the Notice of Preparation (NOP) for the important Subsequent Environmental Impact Report (SEIR) for the updated UC Merced 2018 Long Range Development Plan (2018 LRDP). As defined in the NOP, the SEIR will be prepared by the University to analyze the impacts from the change in the 2009 LRDP in both physical development and enrollment projections. The University is proposing to reduce the development area of the Campus to 274 acres by the 2030 time horizon of the 2018 LRDP, with another 320 acres set aside for development beyond 2030, and 432 acres reserved for environmental resource land and open space. The student enrollment projection by 2030 is also being reduced from 25,000 students to 15,000 students. This enrollment growth will result in approximately 2.6 million square feet of new building space.

#### Issues Related to Areas of LAFCO Responsibility

The UC Merced Campus is located in the unincorporated area of Merced County. Due to the urban nature of the Campus in an otherwise rural area, the University has had to coordinate with both the County and City of Merced for various public services. While annexation into the City of Merced has been contemplated for many years, the physical distance – approximately two miles – from the current city limits has resulted in the need for LAFCO approval of out of agency boundary sewer and water connection from the City as required under Government Code section 56133(b). The most recent LAFCO approval was issued for implementation of the Campus 2020 Plan on June 16, 2016, thorough Out of Boundary Service Extension Application No. 16-02. This approval authorized the expansion of the City of Merced sanitary sewer and potable water service to the Campus to accommodate the planned 2020 population of 10,000 students and related support staff and faculty.

Whether the City proposes to annex the Campus by the 2030 horizon year of the 2018 LRDP or agrees to provide additional sewer and water service outside the City limits, LAFCO approval will be required, and therefore, should be listed as one of the agencies who may utilize the SEIR for future permitting or approvals. Technically, the City of Merced, as the service provider, would be the applicant to LAFCO for an out of agency boundary service extension. However, it is likely the City would rely on the University's document for compliance with CEQA for the extension. If annexation is proposed instead, a much more extensive environmental document will be prepared by the City.

In terms of analysis in the SEIR, LAFCO supports the proposed updated water supply analysis referenced in NOP Checklist Item 5.18.d "Utilities and Service Systems. As referenced, many years have passed since the 2008-09 analysis in the previous LRDP, and Merced City is now part of the Groundwater Sustainability Agency (GSA) responsible for part of the Merced Groundwater Subbasin. The City along with other partners and public agencies has to prepare a Groundwater Sustainability Plan for the Merced Subbasin by 2020. Groundwater is the source of the City's water supply, and therefore will be the source of the Campus supply for the foreseeable future.

In terms of wastewater generation and treatment, Checklist Item 5.18.a, b and c indicate that because student population estimates are being reduced, there will be no need for updated analysis. The only consideration for LAFCO will be how the City of Merced maintains capacity for the 2030 Campus growth in conjunction with regional growth in demand for the City's wastewater treatment plant. The SEIR should identify what actions the City is taking to ensure the capacity is in place for projected campus growth, which will be a consideration of LAFCO when processing a future out of agency boundary extension or a future annexation application.

One last comment has implications for LAFCO should the Campus be annexed, but is not a LAFCO consideration for a service extension from the City outside the City limits. The future alignment of Campus Parkway at its critical point of connection with Bellevue Road has been recognized as a regional arterial route for many years in both the City and County of Merced General Plans. It is not clear that Figure 4 "Circulation: Horizon Year 2030" contained in the NOP reflects or protects the alignment for the extension of Campus Parkway or its connection point with Bellevue Road. The University should consult with the City of Merced for their most recent plans identified as part of the Bellevue Community Plan adopted in April 2015, and with the County, to ensure there is no conflict with an adopted plan, ordinance or policy in the performance of the circulation system as referenced in NOP Checklist Item 5.16.a).

#### LAFCO Review Criteria for Out of Agency Boundary Service Extensions

As mentioned above, the City of Merced received approval to serve the Campus with potable water and sanitary sewer service for the 2020 Plan in 2016. LAFCO approval was also granted for extension of these services for the initial Phase 1 of the Campus back in 2003. Assuming the City and University will follow this same arrangement to implement the 2018 LRDP, the following reference is provided to the relevant Local LAFCO Policies:

*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.*

*Policy 1: 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.*

*Policy 2: Consider the public benefit of the proposal, including the resolution of an existing health and safety hazard.*



Policy 3: *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.*
- 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.*

Implementation: *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.*

If the University is going to pursue 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. Should the University decide to evaluate this alternative in the SEIR, please contact me and I will provide reference to the applicable LAFCO goals and policies that should be considered.

Closing

This concludes the comments from Merced LAFCO on the UC Merced 2018 LRDP NOP. 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, or by e-mail at: [bnicholson@co.merced.ca.us](mailto:bnicholson@co.merced.ca.us).

Sincerely,



Bill Nicholson  
Executive Officer

cc: LAFCO Commissioners  
LAFCO Counsel



**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT**

**Mark J. Hendrickson**  
*Director*

**Steve Maxey**  
*Deputy Director*

2222 "M" Street  
Merced, CA 95340  
(209) 385-7654  
(209) 726-1710 Fax  
[www.co.merced.ca.us](http://www.co.merced.ca.us)

Equal Opportunity Employer

Attn: Phillip Woods, AICP  
Director of Physical & Environmental Planning  
University of California, Merced  
Physical & Environmental Planning  
5200 North Lake Road  
Merced, CA 95343

May 1, 2018

RE: Notice of Preparation Environmental Impact Report – UC Merced 2018 LRDP

Dear Mr. Woods,

The County of Merced, Community and Economic Development Department appreciates the opportunity to comment on the Notice of Preparation for the 2018 LRDP Environmental Impact Report that was circulated from April 2 to May 1, 2018. The County respectfully offers the below comments in response:

**5.1 Aesthetics**

- a) It is unclear whether the 2009 EIS/EIR analysis adequately address the impact of campus development under the proposed Draft 2018 LRDP with respect to aesthetics. What does the 2009 LRDP Mitigation Measure AES-1 say? One of the stated reasons for the new LRDP is a more compact/sustainable growth pattern. This could potentially mean increased building height, in addition to a more condensed development pattern or clustering of buildings that may affect aesthetic impacts. The SEIR should reflect whether Campus Height and Massing District Maps will change in the new LRDP. Did allowable buildings heights increase to accommodate compact growth from what was approved in the 2009 LRDP? If so, will light and glare impacts be reassessed?

**5.13 Population and Housing**

- a) The 2009 EIS/EIR evaluated impacts on population and housing from the development of the campus and University Community North. It is noted that the 2018 LRDP projects a lower enrollment level in 2030 than evaluated in the 2009 EIS/EIR. As a result, it appears that the EIR will assume a reduced housing stock and population within the study area by 2030. The 2009 EIS/EIR assumed that most of the campus population would be housed within the University Community, but complete development of the University Community at such a level by 2030 is not foreseeable, and it is anticipated that the campus related population would be housed in the City of Merced. The SEIR should clarify housing availability within the University Community, and identify housing stock within the City of Merced and neighboring areas. If future housing needs due to enrollment will exceed planned housing capacity within the LRDP area, the SEIR



should identify existing and planned housing stock within the City of Merced and neighboring areas that are assumed to support the remaining University-related population.

#### 5.13 Public Services

a) (i) Fire Protection.

The 2009 EIS/EIR noted that at full development of the campus, a new fire station would be needed either on the campus, or in north Merced. It appears that due to the reduction in projected growth in the Draft 2018 LRDP that a new fire station may be unnecessary and will be re-evaluated in the SEIR. This does raise some concerns for Merced County as many the County's Fires stations may be inadequately staffed and equipped to serve expansion considered in the proposed LRDP if mitigation is not adequately considered in the SEIR. Additionally, U.C. Merced is located within an area that is currently underserved. Further, with the proposed shift to higher density development and assumed large-scale buildings and structures, are existing City and County fire apparatus adequate to serve the needs of the campus?

#### Additional Questions

Campus Building Reserve and Support Land (CBRSL). The document states that the CBRSL land use designation includes areas of campus that will be developed at some point in the future, but have not been designated for specific uses. Additionally, the document states that this designation allows for support services, solar energy projects and small structures less than 10,000 square feet, which would imply that each structure would fall under the maximum square footage for a Categorical Exemption under CEQA. However, the type and total square footage of development allowed under the CBRSL designation is unclear, and may warrant analysis under the SEIR.

Again, Merced County appreciates the opportunity to review the NOP, and looks forward to the opportunity to review the future CEQA document.

Sincerely,



Steve Maxey  
Deputy Director, Planning

May 14, 2018

Regents of the University of California  
Attn: Phillip Woods  
P. O. Box 2039  
Merced, CA 95343

Subject: Revised NOP of EIR, University of California Merced, Proposed 2018 Long Range Development Plan

Dear Mr. Woods:

The Merced Irrigation District (MID) has reviewed the proposed University of California, Proposed 2018 Long Range Development Plan. The entire site is located outside MID boundaries but impacts the following MID facilities:

1. MID operates and maintains a major distribution canal, the Fairfield Canal located within a 150-foot wide permanent easement, recorded in Volume 2299, Page 963, Official Records of Merced County, being within Section 34, T. 6 S., R. 14 E., M.D.B. & M.
2. MID operates and maintains a major distribution canal, the Le Grand Canal within a 150-foot wide permanent easement, recorded in Volume 2299, Page 963, Official Records of Merced County, being within Section 34 and 35, T. 6 S., R. 14 E., M.D.B. & M.
3. MID operates and maintains Lake Yosemite, a surface water regulating reservoir that is a vital part of MID's distribution system. The lake is located within a 486- acre fee-title parcel, conveyed from Crocker Huffman Land and Water Company to Merced Irrigation District by deed recorded January 18, 1922 in Volume 12, Page 1, Official Records of Merced County, consisting of the lake area. An additional 42.36-acre parcel, conveyed from Crocker Huffman Land and Water Company to Merced Irrigation District by deed recorded May 31, 1922 in Volume 15, Page 401, Official Records of Merced County, consists of the area that is leased to Merced County for a park under an agreement recorded March 18, 1976 in Volume 2024, Page 764 of Official Records of Merced County.

4. MID operates and maintains the Fairfield Power Plant within a 110-foot wide permanent easement, recorded in Volume 2299, Page 963, Official Records of Merced County, being within Section 34, T. 6 S., R. 14 E., M.D.B. & M.
5. Lake Yosemite has an un-gated overflow/spillway located at the east end of Lake Yosemite Dam, immediately north of the Fairfield Canal, in the vicinity of the boat ramp in the park area and will impact areas of the proposed campus.
6. Cottonwood Creek, a natural drainage channel through the existing campus area, is not maintained by any single agency. The channel as it exists today begins at the south edge of the Le Grand Canal with the storm drainage collected from the area between the Le Grand Canal and Fairfield Canals being intercepted by the Fairfield Canal. The channel continues on the south side of the Fairfield Canal and flows through the existing campus to the southwest crossing Lake Road near Cardella Road then meandering west through both County and City residential areas to its confluence with Fahrens Creek just west of Merced College. Both county and city storm drainage systems for residential development along its route utilize Cottonwood Creek for storm drainage conveyance. The MID holds rights-of-way on a small portion of the creek along with the City of Merced which owns portions of the creek near G Street.

MID respectfully proposes that the following conditions be considered as mitigation for the proposed campus expansion:

#### Le Grand Canal

1. Enlarge the table topped connecting channel from Lake Yosemite downstream to the headgates at the Fairfield Power Plant to protect against wave action and surges from the power plant shutting down.
2. Install a concrete liner in the canal from Lake Yosemite downstream to the headgates at the Fairfield Power Plant to protect against wave action and surges from the power plant shutting down.
3. Install a concrete liner or eliminate the one-mile loop beginning at the Le Grand Canal headgate by placing the canal in a pipeline at the old flume location thence southeasterly approximately ¼-mile, removing one mile of channel from the UC Merced site. These mitigations are to reduce MID liability. This has been suggested in the past but has gone on unchanged and complaints of incidental seepage has been an issue.
4. Design appropriate sub drainage systems to protect proposed campus development in areas where the Le Grand Canal seeps through the south bank of the canal or concrete line these sections of the canal to reduce seepage.

## Fairfield Canal

1. Install a bypass from the Le Grand Canal to the Fairfield Canal to eliminate power plant bypass flows in the Fairfield Canal from Lake Yosemite to the Power Plant when the plant goes off-line. When this happens, water that normally flows down the Le Grand Canal is diverted to the Fairfield Canal which can then fluctuate from 5 CFS to 500 CFS in a short period of time, thereby increasing the dangers to students who may be in or around the Fairfield Canal. This option may also mitigate the ensuing conditions proposed for the Fairfield Canal.
2. Install a concrete liner in the canal or fortify the raised banks of the earthen canal.
3. Make improvement to grade change chute and energy dissipater. These improvements are to reduce MID liability because of the facility being in close proximity to campus buildings.
4. The Fairfield Canal is the only facility that MID will accept storm drainage water from the campus site. If utilized, this will also require UC Merced to amend their existing "Storm Drainage Contract" with the Merced Irrigation District Drainage Improvement District (MIDDID No. 1).
5. For drainage discharge, MID generally requests that a detention basin be used as a filter and to accommodate peak flows. Discharges are calibrated to drain a 10-yr 24-hr storm event within 48 hours. The discharges must be interruptible to prevent downstream over topping of the open facilities.
6. Trout do exist in the Fairfield Canal during the irrigation season, and discharged flows must be compatible with trout and other fish and wildlife.
7. Concrete line in areas where the Fairfield Canal seeps through the banks of the canal to reduce seepage.

## Fairfield Power Plant

1. Design around the power plant and penstock area so that no buildings encroach into the 110-foot wide perpetual easement. The penstock area could be landscaped with low-lying plants or lawn.

## Lake Yosemite – Un-gated Spillway

1. Further discussion between the County of Merced, UC Merced and MID will be necessary to ensure the continued use of the spillway area in order to protect the integrity of Lake Yosemite Dam during a "design" storm event.

## Water Supply

The Merced Water Supply Plan Update of 2001 recognized that the UC Campus impact of 8,000AF of water demand at build out is insignificant in comparison to the total Merced Groundwater Basin budget. The UC, however, needs to share with MID in the construction of recharge basins and recharged water to mitigate its groundwater consumption. The effort could be phased so it would parallel the stage of UC water consumption until the UC Campus reaches final build out.

## General Comments

1. An MID signature block on any Improvement Plans for U.C. Merced Campus that affect MID facilities will be required.
2. An Encroachment Agreement with MID will be required for any roadways, walkways, bike paths, utilities and pipelines crossing MID facilities.
3. An easement for any canals placed underground in pipelines that are relocated from their present easements with a minimum width of 40-feet will be necessary. The old permanent irrigation easement would be quitclaimed to the UC Merced to clear up title.
4. A Construction Agreement for the work associated with the improvements to MID facilities will be necessary.
5. Be advised that the MID does not accept landscape tail water or runoff into its canal system.
6. Issues of health and safety around its facilities shall be coordinated with MID.
7. This build will cover both sides of the MID Canals and MID strongly suggests that the Canals be concrete lined to help mitigate the incidental seepage that has plagued the campus since the beginning.

Thank you for the opportunity to comment on the above referenced application. If you have any questions, please contact me at 722-5761.

Sincerely,



Ronald L. Price  
Associate Engineer, Water Resources

cc: John Sweigard, General Manager  
Bryan Kelly, Deputy General Manager, Water Resources  
Hicham ElTal, Assistant General Manager - Water Rights / Supply  
Mike Morris, Associate Engineer - Water Resources  
Jake Feriani, Associate Engineer – Water Resources



## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



April 30, 2018

Phil Woods  
Regents of the University of California  
5200 North Lake Road  
Merced, CA 95343

RE: SCH#2018041010, UC Merced Draft 2018 Long Range Development Plan, Merced County

Dear Mr. Woods:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). **If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.** (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

**The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible** in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

#### AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or

tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).



8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## **SB 18**

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at:  
<http://nahc.ca.gov/resources/forms/>

#### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. 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.
  - a. The final report containing site forms, site significance, and mitigation measures 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 public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

- b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: [sharaya.souza@nahc.ca.gov](mailto:sharaya.souza@nahc.ca.gov).

Sincerely,



Sharaya Souza  
Staff Services Analyst  
(916) 573-0168

cc: State Clearinghouse