CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT REGARDING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE 2020 Long-Range Development Plan, University of California, Merced State Clearinghouse No. 2018041010

I. CERTIFICATION

The Board of Regents of the University of California ("University") hereby certifies the Final Subsequent Environmental Impact Report ("Final SEIR" or "SEIR") for the 2020 Long-Range Development Plan ("2020 LRDP" or "Project") for the University of California, Merced ("UC Merced" or "Campus"). The Final SEIR (State Clearinghouse No. 2018041010) assesses the potential environmental effects from the implementation of the 2020 LRDP, identifies the means to eliminate or reduce potential significant adverse impacts, and evaluates a reasonable range of alternatives to the proposed 2020 LRDP. In accordance with California Environmental Quality Act ("CEQA") Guidelines § 15090, the University, as Lead Agency for the Project, certifies that:

(1) The Final SEIR has been completed in compliance with CEQA;

(2) The Final SEIR was presented to the University, and the University has received, reviewed, and considered the information contained in the Final SEIR and in the administrative record prior to approving the Project;

(3) The Final SEIR reflects the University's independent judgment and analysis.

The University further certifies that the Final SEIR satisfies the requirements for a long-range development plan ("LRDP") EIR prepared pursuant to Public Resources Code § 21080.09 and CEQA Guidelines § 15081.5(b).

The University further certifies that this Final SEIR properly supplements the 2009 UC Merced and University Community Project ("2009 LRDP") Environmental Impact Report/Environmental Impact Statement ("2009 LRDP EIR/EIS"), pursuant to Public Resources Code §21166 and CEQA Guidelines § 15162(a)(1), and complies with all relevant requirements for supplemental CEQA documents. The 2009 LRDP EIR/EIS analyzed long-range development on the UC Merced Campus to support an enrollment level of 25,000 students by the year 2030 on an 815-acre site. The 2020 LRDP reflects a revised land use plan for the Campus based on a revised enrollment growth on a smaller development footprint than previously evaluated in the 2009 LRDP EIR/EIS. The Final SEIR incorporates by reference relevant information, analyses and conclusions contained in the 2009 LRDP EIR/EIS; considers all additional, relevant information applicable to the 2020 LRDP that has become available since the University's certification of the 2009 LRDP EIR/EIS; and examines the impacts of the Project, including all impacts that (1) were not examined as significant effects on the environment in the 2009 LRDP EIR/EIS or (2) are susceptible to substantial reduction or avoidance by the choice of specific revisions in the Project, by the imposition of feasible mitigation measures or Project

conditions, or other means. When certified, this Final SEIR, in conjunction with the 2009 LRDP EIR/EIS, will serve as the base environmental document for tiering purposes when implementing the 2020 LRDP. The 2009 LRDP EIR/EIS, which this Final SEIR supplements, is available for review at: UC Merced Downtown Campus Center, 655 W. 18th Street, Merced CA 95340; University of California, Merced, Kolligian Library, 5200 North Lake Road, Merced, CA 95343. The Final SEIR can be viewed online at: https://planning.ucmerced.edu/2020LRDP.

The University has exercised independent judgment in accordance with Public Resources Code § 21082.1(c) in retaining its own environmental consultant and directing the consultant in preparation of the SEIR, as well as reviewing, analyzing and revising material prepared by the consultant.

In accordance with Public Resources Code § 21081 and CEQA Guidelines § 15091, the University has made one or more specific written findings regarding significant impacts associated with the Project. Those findings are presented below, along with the rationale behind each of the findings. Concurrent with the adoption of these findings, the University adopts the Mitigation Monitoring and Reporting Program ("MMRP") and the Statement of Overriding Considerations.

The documents and other materials that constitute the record of proceedings on which the Project findings are based are located at UC Merced, Physical & Environmental Planning, Downtown Campus Center, 655 W. 18th Street, Merced CA 95340. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and CEQA Guidelines § 15091(e).

II. PROJECT BACKGROUND

A. PROJECT DESCRIPTION SUMMARY

The 2020 LRDP substantially revises the 2009 LRDP with the objective of accommodating projected increases in programs and providing appropriate space and infrastructure for existing and new initiatives on the campus, while allowing for more flexibility in the manner in which facilities are added to the campus to serve the projected enrollment growth. The proposed 2020 LRDP has been designed to guide the physical development of the campus within a smaller footprint compared to the 2009 LRDP to accommodate a projected enrollment level of 15,000 students by 2030. The 2020 LRDP plans for the addition of up to 1.83 million square feet of building space to the campus to serve this projected enrollment growth. The 2020 LRDP also includes a revised land use diagram for the 1,026-acre campus.

B. PROJECT OBJECTIVES

The objectives for the 2020 LRDP are as described in Section 3.5 of the Recirculated Draft SEIR. The overall goal of the Project is to continue the growth of UC Merced as a premier research university, consistent with the University of California's mission of teaching, research, and service excellence. The overarching objective of the 2020 LRDP is to provide an up-to-date

land use plan to guide the physical planning and development of the next phase of projected campus growth from about 10,000 to 15,000 students, as well as to establish a paradigm for the campus' character.

The key objectives of the 2020 LRDP are as follows:

- Provide the physical planning framework to guide development that would be needed to accommodate anticipated increases in enrollment demand for the University of California system, both short-term and long-term.
- Reduce the costs of the next phase of campus development.
- Plan for a compact, pedestrian-oriented campus that reduces the need for new infrastructure.
- Plan and develop the campus to facilitate faculty-student interaction, ease and enjoyment of use of academic facilities, and an environment conducive to learning.
- Offer attractive and centrally located on-campus housing, consistent with UC-wide student housing policies.
- Provide opportunities for on-campus academic field research.
- Provide sufficient athletic facilities to offer high-quality NCAA, recreational, and club athletic programs commensurate with other premier universities.
- To the extent practicable, plan and develop the campus with sustainable design by incorporating energy efficiency, water conservation, protection of biological resources, waste reduction and minimization, on-site stormwater management and reduced dependence on automobiles.
- Promote community integration and reflect the landscape, history, resources, and diverse cultures of the San Joaquin Valley in terms of physical development.

C. PROCEDURAL COMPLIANCE WITH CEQA

The CEQA environmental review process for the 2020 LRDP started on April 2, 2018 with the University's issuance of a Notice of Preparation ("NOP") of an EIR. The key milestones associated with preparation of an EIR are set forth and described below.

The University circulated the NOP for 30 days. The University also conducted a scoping meeting on April 25, 2018, in the UC Merced Downtown Campus Center (Conference Rooms 105 & 106), 655 W 18th Street, Merced to solicit comments on the scope of the EIR from interested agencies, individuals, and organizations. Specific issues that were raised in scoping comments and addressed in the SEIR include the following:

- Impacts on study area housing resources, including the cost of housing, given the increase in student population and the fact that a University Community is unlikely to be developed adjacent to the campus within the timeframe of the 2020 LRDP;

- Impacts of increased campus-related traffic on the transportation system, including traffic impacts that would result if the portion of Campus Parkway north of Yosemite Avenue is not built;
- Impacts on public services, especially fire service provided by the City and the County;
- Impacts of campus demand on water supply, especially in light of the Sustainable Groundwater Management Act;
- Impacts on water and wastewater infrastructure from the growth of the campus under the 2020 LRDP;
- Impact of the higher density, high-rise campus development under the 2020 LRDP on aesthetics, including light and glare; and
- Consideration of mitigation measures put forth by Merced Irrigation District (MID) for potential effects on MID facilities on the campus.

In September 2019, the University of California, acting as the lead agency under CEQA, published the 2020 LRDP Draft Subsequent Environmental Impact Report ("Draft SEIR"), which assessed and disclosed the potentially significant environmental impacts that could result from the implementation of the 2020 LRDP. The Draft SEIR was made available for public review in hard copy form on September 20, 2019 at the UC Merced Physical and Environmental Planning office at 655 West 18th Street, Merced, CA 95340 and distributed to local and State responsible and trustee agencies. The Draft SEIR was also posted on the Project's website at https://planning.ucmerced.edu/2020LRDP on September 19, 2019.

CEQA mandates a minimum 45-day public comment period on the Draft SEIR, which ended on November 4, 2019. The University held two public meetings on the Draft SEIR on October 17, 2019 and October 28, 2019 (with Spanish translation) to provide the public an opportunity to comment on the adequacy of the information presented in the Draft SEIR. Eleven comment letters on the Draft SEIR were received from various local agencies, organizations, and the public, and 13 individuals provided oral comments at the two public meetings. The majority of the comments received were related to the issues of concern listed above.

In December 2019, the University prepared a Recirculated Draft SEIR for the 2020 LRDP ("Recirculated Draft SEIR") to disclose new potentially significant biological resource impacts and to provide other clarifications, such as explaining the relationship between the SEIR and the 2009 LRDP /EIR/EIS and to identify where the prior 2009 LRDP EIR/EIS was available and could be reviewed pursuant to CEQA Guidelines Section 15162(d). The Recirculated Draft SEIR replaced the previously circulated Draft SEIR in full. The Recirculated Draft SEIR was circulated for an agency and public review period of 45 days, from December 20, 2019 through February 3, 2020. The University held a public meeting on the Recirculated Draft SEIR on January 16, 2020 to provide the public an opportunity to comment on the adequacy of the information presented in the Recirculated Draft SEIR. Three comment letters on the Recirculated Draft SEIR were received from one state agency and two organizations. Five individuals

presented oral comments at the public meeting. The comments received were related to the issues of concern listed above.

The Final SEIR consists of the Recirculated Draft SEIR, which is incorporated by reference, the comments received during the public comment period, written responses to comments, revisions to the Recirculated Draft SEIR, and the Mitigation Monitoring and Reporting Program ("MMRP"). Copies of the Final SEIR are available for review during normal business hours at UC Merced, Physical & Environmental Planning, Downtown Campus Center, 655 W. 18th Street, Merced CA 95340 and online at https://planning.ucmerced.edu/2020LRDP.

D. ENVIRONMENTAL IMPACTS AND FINDINGS

Pursuant to Public Resources Code § 21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The University has made one or more of these specific written findings regarding each significant impact associated with the Project. Those findings are presented below, along with a presentation of facts in support of the findings.

The SEIR evaluation included a detailed analysis of impacts in 11 environmental topics, analyzing the Project and alternatives, including a No Project Alternative. The SEIR discloses the environmental impacts expected to result from the implementation of the Project. Where possible, mitigation measures were identified to avoid or minimize significant environmental effects. In addition, the University committed to implementing measures in order to reduce the direct and indirect impacts that will result from Project activities. The mitigation measures identified in the SEIR are measures proposed by the University but could reasonably be expected to reduce adverse impacts if required as conditions of approving the Project, as required by CEQA Guidelines § 15126.4(a)(1)(A).

1. Findings on Less than Significant Impacts

Based on the issue area assessment in the SEIR, the University has determined that the Project will have no impact or less than significant impacts for several issues as summarized in the table below. The rationale for the conclusion that no significant impact would occur in each of the issue areas is based on the discussion of these impacts in the detailed issue area analyses and the cumulative impacts in the Recirculated Draft SEIR that were found to have no impact or less than significant impacts. For some issue areas, the Initial Study included in the Recirculated Draft SEIR concludes that the Project will result in no new or more severe impacts than what was previously evaluated and disclosed in the 2009 LRDP EIR/EIS.

Table 1: Summary of Less Than Significant Impacts of the 2020 LRDP

Environmental Impacts
Aesthetics (See Recirculated Draft SEIR Page 1.0-13; Initial Study Pages 20-21)
No new or more severe impacts than disclosed in the 2009 LRDP EIR/EIS.
Agricultural and Forestry (See Recirculated Draft SEIR Page 1.0-13; Initial Study Pages 22-23)
No new or more severe impacts than disclosed in the 2009 LRDP EIR/EIS.
Air Quality (See Recirculated Draft SEIR Pages 4.1-31 through -34)
LRDP Impact AQ-3: Implementation of the 2020 LRDP would not expose sensitive receptors to substantial pollutant concentrations of carbon monoxide.
LRDP Impact AQ-4: Implementation of the 2020 LRDP would not conflict with or obstruct implementation of the applicable air quality plan.
LRDP Impact AQ-5: Implementation of the 2020 LRDP would not result in odors adversely affecting a substantial number of people.
Biological Resources (See Recirculated Draft SEIR Pages 4.2-59 through 4.2-85)
LRDP Impact BIO-1: Implementation of the 2020 LRDP would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
LRDP Impact BIO-2: Implementation of the 2020 LRDP would not result in adverse impacts on special-status plant species.
LRDP Impact BIO-3: Implementation of the 2020 LRDP would not result in a substantial adverse impact on special-status invertebrate species due to the loss of vernal pool ecosystems or designated critical habitat for the species.
LRDP Impact BIO-5: Implementation of the 2020 LRDP would not result in a substantial adverse impact on special-status amphibians (California tiger salamanders and western spadefoot) dependent on vernal pool ecosystems, annual grasslands, and stock ponds due to the loss of these habitats and would not result in mortality of individual amphibians during construction of campus facilities due to compliance with permits.
LRDP Impact BIO-6: Implementation of the 2020 LRDP would not result in a substantial adverse impact on western pond turtle from the loss or disturbance of ponds and seasonal freshwater marsh communities.
LRDP Impact BIO-7: Implementation of the 2020 LRDP would not result in a substantial adverse impact on Swainson's hawk from the loss of suitable foraging or nesting habitat.
LRDP Impact BIO-8: Implementation of the 2020 LRDP would not result in a substantial adverse impact on special-status avian species from the loss of foraging habitat.
LRDP Impact BIO-10: Implementation of the 2020 LRDP would not result in substantial adverse

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impacts to San Joaquin kit fox due to the loss of suitable residence and dispersal habitat.
Cumulative Impact C-BIO-1: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not result in the loss or adverse modification of vernal pool wetlands, clay slope wetlands, and other seasonal wetlands.
Cumulative Impact C-BIO-2: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not result in the loss or adverse modification of important special-status plant and wildlife habitat, including adverse effects to special-status plant and wildlife species that occupy or could potentially occupy these habitats.
Cultural Resources (See Recirculated Draft SEIR Page 1.0-13; Initial Study Pages 28-29)
No new or more severe impacts than disclosed in the 2009 LRDP EIR/EIS.
Geology and Soils (See Recirculated Draft SEIR Page 1.0-13; Initial Study Pages 30-32)
No new or more severe impacts than disclosed in the 2009 LRDP EIR/EIS.
Hazards and Hazardous Materials (See Recirculated Draft SEIR Page 1.0-13; Initial Study Pages 34-39)
No new or more severe impacts than disclosed in the 2009 LRDP EIR/EIS.
Hydrology and Water Quality (See Recirculated Draft SEIR Pages 4.4-28 through -34)
LRDP Impact HYD-1: Campus development under the 2020 LRDP would not substantially interfere with groundwater recharge nor substantially decrease groundwater supplies.
LRDP Impact HYD-2: Campus development under the 2020 LRDP would not substantially alter the existing drainage pattern of the campus site through alteration of a water course or through the addition of impervious surfaces such that it would result in substantial erosion or siltation on or off site, result in flooding on or off site, contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems, or impede or redirect flood flows.
Cumulative Impact C-HYD-1: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, could cumulatively increase surface runoff but would not increase local and regional flooding.
Land Use and Planning (See Recirculated Draft SEIR Page 1.0-13; Initial Study Page 42)
No new or more severe impacts than disclosed in the 2009 LRDP EIR/EIS.
Mineral Resources (See Recirculated Draft SEIR Page 1.0-13; Initial Study Page 43)
No new or more severe impacts than disclosed in the 2009 LRDP EIR/EIS.
Noise (See Recirculated Draft SEIR Pages 4.5-9 through -12; Pages 4.5-19 through -21)
LRDP Impact NOI-1: Implementation of the 2020 LRDP would not substantially increase ambient traffic noise levels at existing off-site noise-sensitive uses.
LRDP Impact NOI-2: Daily operations on the campus under the 2020 LRDP would not expose existing off-site and future on-site noise-sensitive receptors to noise levels in excess of applicable standards.
Cumulative Impact C-NOI-1: Development on the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not generate a substantial permanent increase in noise levels at off-site locations.
Cumulative Impact C-NOI-2: Noise from construction and/or stationary sources on the campus, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not combine to substantially affect the same sensitive receptors.
Population and Housing (See Recirculated Draft SEIR Pages 4.6-9 through -18)
LRDP Impact PH-1: Implementation of the 2020 LRDP would not result in substantial unplanned

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population growth and related demand for housing in the City of Merced and in surrounding communities.
Cumulative Impact C-PH-1: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not substantially increase regional population.
Public Services and Recreation (See Recirculated Draft SEIR Pages 4.7-7 through -16; 4.7-18 through -24)
LRDP Impact PUB-1: Implementation of the 2020 LRDP would increase demand for law enforcement services and would require the construction of new facilities, but the impacts from construction would be less than significant with mitigation.
LRDP Impact PUB-2: Implementation of the 2020 LRDP would increase demand for fire protection services and could require an expansion of an existing fire station or the construction of a new facility, but the impacts from construction would be less than significant with mitigation.
LRDP Impact PUB-3: Implementation of the 2020 LRDP would increase enrollment in local public schools.
LRDP Impact PUB-4: Implementation of the 2020 LRDP would not substantially increase demand for public libraries.
LRDP Impact PUB-5: Implementation of the 2020 LRDP would result in an increased demand for parks and recreational facilities but would not require the construction of new recreational facilities off site.
Cumulative Impact C-PUB-1: Campus development under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would result in increased need for law enforcement services, the provision of which would not result in a significant cumulative environmental impact.
Cumulative Impact C- PUB-2: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would generate an increased demand for fire protection services, the provision of which would not result in a significant cumulative environmental impact.
Cumulative Impact C-PUB-3: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would generate an increased demand for elementary and secondary school facilities, the provision of which would not result in a significant cumulative impact.
Cumulative Impact C-PUB-4: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would result in increased demand for library services, the provision of which would not result in a significant cumulative impact.
Cumulative Impact C-PUB-5: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not result in a cumulative impact related to neighborhood and community parks, but would result in a cumulative impact associated with the deterioration of the Lake Yosemite Regional Park facilities from increased use. The proposed project's contribution would not be cumulatively considerable.
Transportation (See Recirculated Draft SEIR Pages 4.8-47 through -50; Pages 4.8-61 through -62)
LRDP Impact TRANS-2: Implementation of the 2020 LRDP would not significantly impact study area freeway segments under 2030 plus project conditions.
LRDP Impact TRANS-3: Implementation of the 2020 LRDP would not significantly impact transit facilities.
LRDP Impact TRANS-4: Implementation of the 2020 LRDP would not significantly impact

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pedestrian and bicycle facilities.
LRDP Impact TRANS-5: The campus road network system would be adequately sized and designed to facilitate emergency access vehicles.
Cumulative Impact C-TRANS-2: Implementation of the 2020 LRDP would not significantly affect study area freeway segments under 2035 plus project conditions.
Tribal Cultural Resources (See Recirculated Draft SEIR Pages 4.9-6 through -8)
LRDP Impact TCR-1: The proposed project would not cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Section 21074.
Cumulative Impact C-TCR-1: Implementation of the proposed 2020 LRDP would not result in a significant cumulative impact on Tribal Cultural Resources.
Utilities and Service Systems (See Recirculated Draft SEIR Pages 4.10-10 through -25)
LRDP Impact UTL-1: Implementation of the 2020 LRDP would generate demand for potable water for which sufficient water supplies would be available in normal, dry, and multiple dry years.
LRDP Impact UTL-2: Implementation of the 2020 LRDP could require the construction of new water supply and conveyance facilities; these facilities would not result in significant impacts on the environment.
LRDP Impact UTL-3: Implementation of the 2020 LRDP would not require construction or expansion of new wastewater conveyance or treatment facilities; nor would the proposed project result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project's projected demand in addition to existing commitments.
LRDP Impact UTL-4: Implementation of the 2020 LRDP would not generate solid waste that is in excess of State or local standards, or in excess of local infrastructure, or otherwise impair attainment of solid waste reduction goals.
LRDP Impact UTL-5: Implementation of the 2020 LRDP would require on- and off-site improvements to electric transmission lines and natural gas pipelines.
Cumulative Impact C-UTL-1: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not result in a substantial increase in demand for water that would not be served by existing supplies.
Cumulative Impact C-UTL-2: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not result in a significant cumulative impact on wastewater collection and treatment facilities.
Cumulative Impact C-UTL-3: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not result in a significant cumulative impact on the regional landfill capacity.
Cumulative Impact C-UTL-4: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not result in a significant cumulative impact related to electrical and natural gas facilities.
Energy (See Recirculated Draft SEIR Pages 4.11-9 through -13)
LRDP Impact EN-1: Construction and operation of campus development under the 2020 LRDP would increase the use of energy resources on the campus but would not result in wasteful, inefficient or unnecessary consumption of energy resources nor would the increased energy use conflict with a state or local plan for renewable energy or energy efficiency.
Cumulative Impact C-EN-1: Implementation of the 2020 LRDP would not contribute substantially to a cumulative impact on energy resources.

2. Findings on Less Than Significant Impacts That Can be Further Reduced with Recommended Mitigation

Based on the issue area assessment in the SEIR, the University has determined that the Project will have a less than significant impact for the issue area set forth below, but that the identified mitigation measures would further reduce this impact. The rationale for this conclusion is based on the discussion of the impact in the detailed issue area analyses in Section 4.1 of the SEIR. The University hereby adopts and incorporates those mitigation measures into the Project.

a) LRDP Impact AQ-1: Campus development under the 2020 LRDP would result in construction emissions that could result in a cumulatively considerable net increase of criteria pollutants for which the air basin is in non-attainment. (See Recirculated Draft SEIR at Pages 4.1-22 through 26)

LRDP Mitigation Measure AQ-1a: The construction contractors shall be required via contract specifications to use construction equipment rated by the U.S. EPA as meeting Tier 4 (model year 2008 or newer) emission limits for engines between 50 and 750 horsepower.

LRDP Mitigation Measure AQ-1b: UC Merced shall include in all construction contracts the measures specified in SJVAPCD Regulation VIII (as it may be amended for application to all construction projects generally) to reduce fugitive dust impacts, including but not limited to the following:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purpose, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions using application of water or by presoaking.
- When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least 6 inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit visible dust emissions. Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, storage piles shall be effectively stabilized of fugitive dust emissions by using sufficient water or chemical stabilizer/ suppressant.

FINDING: The University finds that the impact described above related to construction emissions that could violate an air quality standard or contribute substantially to an existing or projected air quality violation would be less than significant even without mitigation. The incorporated LRDP Mitigation Measures AQ-1a and AQ-1b will further reduce the severity of the impact.

3. Findings on Significant Environmental Impacts That Can Be Reduced to a Less Than Significant Level

The University finds that the following environmental impacts can and will be mitigated to below a level of significance based upon the implementation of the mitigation measures in the SEIR. These findings are based on the discussion of impacts in the detailed issue area analyses in Sections 4.2, 4.3, 4.5, and 4.7 of the SEIR. An explanation of the rationale for each finding is presented below.

1. Biological Resources

a) LRDP Impact BIO-4: Implementation of the 2020 LRDP would result in a potentially significant adverse impact on nesting and overwintering habitat for the Crotch bumble bee. (See Recirculated Draft SEIR at Pages 4.2-67 through -68; Final SEIR at Pages 4.0-9 through -10)

LRDP Mitigation Measure BIO-4: Prior to any new development on previously undisturbed land, and as long as the species is considered a candidate endangered species or in the event that it becomes listed under the California Endangered Species Act, a qualified wildlife biologist shall conduct visual surveys of the development area during the flight season for the Crotch bumble bee (late February through late October). The following methodology shall apply unless the California Department of Fish and Wildlife (CDFW) releases species-specific survey protocol; in this case, CDFW's survey protocol shall apply.

Between two and four evenly spaced presence/absence surveys shall be conducted for the highest detection probability, which, at present time, is the greatest between early spring (late March/early April) and early summer (late June/July). Surveys shall take place when temperatures are above 60°F, preferably on sunny days with low wind speeds (e.g., less than 8 miles per hour) and at least 2 hours after sunrise and 3 hours before sunset. On warm days (e.g., over 85°F), bumble bees will be more active in the mornings and evenings. Surveyors shall conduct transect surveys focusing on detection of foraging bumble bees and underground nests using visual aids such as butterfly binoculars. Even if no Crotch bumble bees are observed, a pre-construction survey will be conducted within 30 days prior to start of construction. If no Crotch bumble bees or potential Crotch bumble bees are detected during the presence/absence surveys or the pre-construction survey, no further mitigation is required.

If Crotch bumble bees or potential Crotch bumble bees are observed within the development area, a plan to protect Crotch bumble bee nests and individuals shall be developed and implemented in consultation with CDFW. The plan shall include, but not be limited to, the following measures:

- Specifications for construction timing and sequencing requirements (e.g., avoidance of raking, mowing, tilling, or other ground disturbance until late March to protect overwintering queens);
- Preconstruction surveys conducted within 30 days and consistent with any current available CDFW standards prior to the start of ground disturbing activities to identify active nests;
- Establishment of appropriate no-disturbance buffers for nest sites and construction monitoring by a qualified biologist to ensure compliance;
- Restrictions associated with construction practices, equipment, or materials that may harm bumble bees (e.g., avoidance of pesticides/herbicides, BMPs to minimize the spread of invasive plant species);
- Provisions to avoid Crotch bumble bees or potential Crotch bumble bees if observed away from a nest during project activity (e.g., ceasing of project activities until the animal has left the work area on its own volition); and
- Prescription of an appropriate restoration seed mix targeted for the Crotch bumble bee, including native plant species known to be visited by native bumble bee species and containing a mix of flowering plant species with continual floral availability through the entire active season of the Crotch bumble bee (March to October).

FINDING: The University finds that changes or alterations have been incorporated into the Project which mitigate significant effects on the environment from LRDP Impact BIO-4 (*adverse impacts on Crotch bumble bee*). Specifically, LRDP Mitigation Measure BIO-4 is feasible and is adopted to mitigate significant effects from LRDP Impact BIO-4 to a less than significant level.

Rationale for Finding: ***Implementation of LRDP Mitigation Measure BIO-4 will reduce impacts on Crotch bumble bee by ensuring that a qualified biologist conducts a pre-construction survey of the development area during the flight season to confirm absence or presence of the species, and if the species is detected, to develop and implement a plan in consultation with CDFW. The measure will ensure that construction is conducted in a manner that will avoid take of active nests and therefore will not result in a significant adverse impact to Crotch bumble bee.***

b) LRDP Impact BIO-9: Implementation of the 2020 LRDP could result in potentially significant adverse impacts on special-status bird species and non-special-status migratory birds and raptors. (See Recirculated Draft SEIR at Pages 4.2-75 through -80)

LRDP Mitigation Measure BIO-9a: Avoid and minimize impacts on native birds protected under the MBTA, including listed species, fully protected species, special-status species of concern, and raptors and passerines.

(a) Limit ground disturbance activities to the non-breeding season and remove potential unoccupied breeding habitat during the non-breeding season if possible. If breeding season work is required, conduct take avoidance (tree, shrub, and ground) nest surveys to identify and avoid

active nests.

- If feasible, UC Merced shall conduct all project-related activities including (but not limited to) tree and shrub removal, other vegetation clearing, grading, or other ground disturbing activities during the non-breeding season (typically between September 16 and February 14).
- If activities are scheduled to occur during the breeding season (typically between February 15 through September 15), applicable CDFW and/or USFWS permit conditions in the permits issued to the University related to bird surveys must be followed. In addition, a UC Merced-approved qualified avian biologist, with knowledge of the species to be surveyed, shall conduct focused nesting surveys within 15 days prior to the start of project or ground-disturbing activities and within the appropriate habitat. The qualified avian biologist shall determine the exact survey duration and location (typically 500 feet around the work area) based on the work conditions and shall take into account existing applicable CDFW or USFWS permit conditions.
- If an unoccupied nest (without birds or eggs) of a non-listed or fully protected species (as determined by the qualified avian biologist) is found, the nest shall be removed under the direction of the qualified avian biologist.
- If an active nest is located, a qualified avian biologist shall establish an appropriate no-disturbance buffer around the nest making sure that any buffer width required by the University's permit obligations is followed. A 500-foot buffer is recommended for listed or fully protected nesting birds (or another buffer determined in consultation with CDFW and/or USFWS), a 250-foot buffer around raptors, and a 75-foot buffer around passerines. If work activities cause or contribute to a bird being flushed from a nest, the buffer width shall be adjusted to avoid and minimize impacts to nesting birds.
- A qualified avian biologist shall monitor the nest site regularly during work activities to ensure that the nest site is not disturbed, the buffer is maintained and the success or failure of the nest is documented.
- If UC Merced elects to remove a nest tree, nest trees may only be removed after the qualified avian biologist has determined that the nests are unoccupied.
- If an active nest is causing a safety hazard, CDFW shall be contacted to determine if the nest can be removed.

(b) Minimize impacts to burrowing owl and compensate for habitat loss. CDFW (2012) recommends that take-avoidance (preconstruction) surveys be conducted to locate active burrowing owl burrows in the construction work area and within an approximately 500-foot buffer zone around the construction area. A qualified avian biologist shall conduct take avoidance surveys for active burrows according to the CDFW's Staff Report on Burrowing Owl Mitigation (2012 Staff Report). Surveys shall be conducted no less than 14 days prior to initiating ground disturbance activities and surveillance surveys should be conducted as frequently as recommended in the 2012 Staff Report. If ground-disturbing activities are delayed or suspended for than 30 days after the take avoidance survey, the area shall be resurveyed. If no burrowing owls are detected, no further mitigation is required.

If active burrowing owls are detected, the following additional measures are required:

- Project implementation shall seasonally and spatially avoid negative impacts and disturbances that could result in the take of burrowing owls, nest or eggs.
- If burrowing owls and their habitat can be protected in place or adjacent to a construction site, buffer zones, visual screens or other measures shall be used to minimize disturbance impacts while project activities are occurring. To use these minimization measures, a qualified avian biologist shall determine the exact measures following the guidance described in the 2012 Staff Report.
- If owls must be moved away from the project site during the nonbreeding season, passive relocation techniques (e.g., installing one- way doors at burrow entrances) shall be used instead of trapping, as described in CDFW guidelines. At least 1 week will be necessary to complete passive relocation and allow owls to acclimate to alternate burrows.
- When destruction of occupied burrows is unavoidable during the nonbreeding season (September 1 to January 31), unsuitable burrows shall be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on protected lands approved by the CDFW. Newly created burrows shall follow guidelines established by the CDFW.

LRDP MM BIO-9b: New buildings and structures proposed under the 2020 LRDP shall incorporate bird-safe design practices (for example, American Bird Conservancy's Bird-Friendly Building Design [2015] or San Francisco Planning Department's Standards for Bird-Safe Buildings [2011]). The UC Merced Physical and Environmental Planning Department shall review the final designs of the buildings and structures to determine that appropriate bird safety designs have been effectively incorporated to reduce potential impacts to birds. The following design strategies shall be considered in the design of buildings and structures:

- Create building facades with "visual noise" via cladding or other design features that make it easier for birds to identify buildings and not mistake windows for open sky or trees.
- Incorporate windows that are not clear or reflective into the building or structure designs.
- Use windows that incorporate glass types such as UV-A or fritted glass and windows that incorporate UV-absorbing and UV-reflecting stripe.
- Use grid patterns on windows in locations with the highest potential for bird-window collisions (e.g., windows at the anticipated height of adjacent vegetation at maturity).
- Reduce the proportion of glass to other building materials in new construction.
- Avoid placement of bird-friendly attractants (i.e. vegetated roofs, water features, tall trees) near glass whenever possible.
- Install motion-sensitive lighting in any area visible from the exterior that automatically turn lights off during after-work hours.

FINDING: The University finds that changes or alterations have been incorporated into the

Project which mitigate significant effects on the environment from LRDP Impact BIO-9 (*adverse impacts on birds*). Specifically, LRDP Mitigation Measure BIO-9 is feasible and is adopted to mitigate significant effects from LRDP Impact BIO-9 to a less than significant level.

Rationale for Finding: ***Implementation of LRDP Mitigation Measure BIO-9a will reduce impacts on nesting special-status bird species by limiting ground disturbance and nesting habitat removal activities to the non-breeding season, if feasible, and/or the via preconstruction nesting bird surveys conducted by a qualified biologist. If nesting birds are identified, avoidance buffers, monitoring, and/or other regulatory agency approved measures, as detailed in LRDP Mitigation Measure BIO-9a, will be implemented by a qualified biologist. These measures will ensure that construction is conducted in a manner that will avoid take of active nests and therefore the Project will not result in a significant adverse impact to special-status birds. Implementation of LRDP Mitigation Measure BIO-9b will reduce impacts related to bird injury and mortality from collision with new buildings by requiring that new buildings and structures proposed under the 2020 LRDP incorporate bird-safe design practices. This measure will ensure that injury and mortality of birds is minimized, and the Project will not result in a significant adverse effect on birds.***

2. Greenhouse Gas Emissions

a) LRDP Impact GHG-1: Implementation of the 2020 LRDP would generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment. (See Recirculated Draft SEIR at Pages 4.3-28 through -33; Final SEIR at Pages 4.11-13 through -20)

LRDP Mitigation Measure GHG-1a: UC Merced shall set a goal to reduce or control the increase in its GHG emissions such that the total emissions do not exceed 3,300 MTCO2e/year by the end of the year 2030.

UC Merced shall monitor GHG emissions each year, monitor upcoming projects for their potential to increase the campus' GHG emissions, and implement project-specific and campus-wide GHG reduction measures to reduce the campus' GHG emissions in accordance with the 3,300 $MTCO_{2e}$/year goal for 2030.

In the event that adequate reduction is not achieved by these measures, UC Merced shall purchase renewable energy credits, or other verifiable GHG offsets to keep the net emissions at or below 3,300 $MTCO_{2e}$/year.

LRDP Mitigation Measure GHG-1b: Implement LRDP Mitigation Measures AQ-2a and -2b.

LRDP Mitigation Measure GHG-1c: UC Merced shall periodically review new technologies that can be implemented to further reduce the campus' GHG emissions.

FINDING: The University finds that changes or alterations have been incorporated into the

Project which mitigate significant effects on the environment from LRDP Impact GHG-1 (*greenhouse gas emissions that exceed 2030 target*). Specifically, LRDP Mitigation Measures GHG-1a, GHG-1b, and GHG-1c are feasible and are adopted to mitigate significant effects from LRDP Impact GHG-1 to a less than significant level.

Rationale for Finding: ***With the implementation of the 2020 LRDP, total GHG emissions of the campus in 2030 would exceed the targeted emission level of 3,300 MTCO2e/year, and the impact would be significant. To address this impact, LRDP Mitigation Measure GHG-1a requires UC Merced to implement additional measures to reduce its emissions, and if adequate reductions are not achieved, the mitigation measure requires UC Merced to purchase GHG offsets. UC Merced would also implement LRDP Mitigation Measure AQ-2a, which requires implementation of measures to reduce combustion emissions from a variety of sources, and LRDP Mitigation Measure AQ-2b to reduce mobile source emissions. Both measures would reduce GHG emissions. LRDP Mitigation Measure GHG-1c commits UC Merced to continue to evaluate and implement new technologies that would reduce its emissions. With the implementation of these measures and the annual monitoring to determine whether the 2030 target is exceeded, in which case UC Merced would purchase renewable energy credits, the Project will not result in a significant adverse impact.***

b) LRDP Impact GHG-2: Implementation of the 2020 LRDP could conflict with state law, UC Sustainable Practices Policy, or the UC Merced Climate Action Plan, adopted for the purpose of reducing the emissions of greenhouse gases. (See Recirculated Draft SEIR at Pages 4.3-33 through -35; Final SEIR at Pages 4.11-20 through -22)

LRDP Mitigation Measure GHG-2: Implement LRDP Mitigation Measures GHG-1a, 1b, and 1c.

FINDING: The University finds that changes or alterations have been incorporated into the Project which mitigate significant effects on the environment from LRDP Impact GHG-2 (*conflict with GHG emissions reduction policies and regulations*). Specifically, LRDP Mitigation Measures GHG-1a, GHG-1b, and GHG-1c are feasible and mitigate significant effects from LRDP Impact GHG-2 to a less than significant level.

Rationale for Finding: ***Implementation of LRDP Mitigation Measures GHG-1a, GHG-1b, and GHG-1c will reduce impacts related to the Project's potential to conflict with state laws and regulations related to GHG emissions, the UC Sustainability Policy, and UC Merced plans adopted to reduce GHG emissions. UC Merced will continue to develop on-site renewable energy sources, procure clean energy, and obtain offsets as necessary, in compliance with LRDP Mitigation Measure GHG-1a. It will also continue to implement and expand TDM programs to minimize the increase in commuting and other emissions in compliance with LRDP Mitigation Measures AQ-2a and -2b, and evaluate and implement new technologies that reduce emissions, pursuant to LRDP Mitigation Measure GHG-1c. Therefore, with mitigation, implementation of the 2020 LRDP, including the small-scale projects that are less than 10,000 square feet in building space and/or 2 acres in ground disturbance, would not***

conflict with the UC Sustainability Policy or the UC Merced plans adopted to reduce GHG emissions.

c) Cumulative Impact C-GHG-1: Implementation of the 2020 LRDP would result in a significant cumulative GHG impact. (See Recirculated Draft SEIR at Page 4.3-35)

Cumulative Mitigation Measure C-GHG-1: Implement LRDP Mitigation Measures GHG-1a, 1b, and 1c.

FINDING: The University finds that changes or alterations have been incorporated into the Project which mitigate significant effects on the environment from Cumulative Impact C-GHG-1 (*cumulative GHG impact*). Specifically, LRDP Mitigation Measures GHG-1a, GHG-1b, and GHG-1c are feasible and mitigate significant effects from Cumulative Impact C-GHG-1 to a less than significant level.

Rationale for Finding: ***Implementation of LRDP Mitigation Measures GHG-1a, GHG-1b, and GHG-1c will reduce impacts related to the Project's contribution to cumulative operational GHG emissions resulting from campus development. As described above for LRDP Impacts GHG-1 and GHG-2, through annual monitoring of GHG emissions, implementation of project-specific operational emissions reduction measures, and the purchase of renewable energy credits if emissions exceed the 3,300 MTCO2e/year goal for 2030, Project implementation will not result in a significant adverse cumulative GHG emissions impact.***

3. Noise

a) LRDP Impact NOI-3: Construction activities associated with development under the 2020 LRDP could expose existing off-site and future on-site noise-sensitive receptors to elevated noise levels. (See Recirculated Draft SEIR at Pages 4.5-12- through -17)

LRDP Mitigation Measure NOI-3: Prior to initiation of construction on a project that is within 500 feet of off-site residential receptors, UC Merced shall develop and implement a construction noise mitigation program for that project that includes but is not limited to the following:

- Construction activities within 500 feet of any residences shall be restricted to the hours of 7:00 AM and 6:00 PM on weekdays and Saturdays with no construction on Sundays and holidays.
- All noise-producing project equipment and vehicles using internal combustion engines shall be equipped where appropriate with exhaust mufflers and air-inlet silencers in good operating condition that meet or exceed original factory specifications.
- Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.
- All mobile or fixed noise-producing equipment used on the project that is regulated for noise

output by local, state or federal agency shall comply with such regulation while engaged in project-related activities.

- Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where practicable.
- Material stockpiles, mobile equipment staging, construction vehicle parking, and maintenance areas shall be located as far as practicable from noise-sensitive land uses.
- Stationary noise sources such as generators or pumps shall be located away from noise-sensitive land uses as feasible.
- The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. No project-related public address loudspeaker, two-way radio, or music systems shall be audible at any adjacent noise-sensitive receptor except for emergency use.
- The erection of temporary noise barriers shall be considered where project activity is unavoidably close to noise-sensitive receptors.
- The noisiest construction operations shall be scheduled to occur together to avoid continuing periods of the greatest annoyance, wherever possible.
- Construction vehicle trips shall be routed as far as practical from existing residential uses.
- The loudest campus construction activities, such as demolition, blasting, and pile driving, shall be scheduled during summer, Thanksgiving, winter, and spring breaks when fewer people would be disturbed by construction noise.
- Whenever possible, academic, administrative, and residential areas that will be subject to construction noise shall be informed a week before the start of each construction project.

FINDING: The University finds that changes or alterations have been incorporated into the Project which mitigate significant effects on the environment from LRDP Impact NOI-3 (*exposure of sensitive receptors to nighttime construction noise*). Specifically, LRDP Mitigation Measure NOI-3 is feasible and is adopted to mitigate significant effects from LRDP Impact NOI-3 to a less than significant level.

Rationale for Finding: ***Implementation of LRDP Mitigation Measure NOI-3 will reduce potentially significant impacts related to the exposure of existing offsite and future onsite noise sensitive receptors to elevated construction noise levels between the hours of 6:00 PM and 7:00 AM through the development and implementation of a construction noise mitigation program that includes project-specific measure to minimize noise levels, exposure, and duration. Although daytime construction activities would not result in significant noise impacts as defined by the noise thresholds, because of the longer durations and higher noise levels that potentially could be involved in the construction of facilities within the campus, construction noise mitigation program will also be used to further reduce the noise exposure of nearby noise-sensitive receptors both off and on-campus to construction noise. These measures will ensure that construction is conducted in a manner that will reduce exposure of***

sensitive receptors to construction noise and therefore will not result in a significant adverse impact.

b) LRDP Impact NOI-4: Pile driving activities during construction could expose nearby receptors to perceptible levels of ground-borne vibration. (See Recirculated Draft SEIR at Pages 4.5-17 through -19)

LRDP Mitigation Measure NOI-4a: UC Merced shall avoid impact pile driving where possible in vibration-sensitive areas. Drilled piles or the use of vibratory pile driving will be used where geological conditions permit their use. For impact pile driving activities occurring within 50 feet of typical structures, limit groundborne vibration due to construction activities to 0.50 inch/second, ppv (limit of potential for damage to typical structures) in the vertical direction at sensitive receptors. Since in many cases the information available during the preliminary engineering phase would not be sufficient to define specific vibration mitigation measures, UC Merced shall describe and commit to a mitigation plan to minimize construction vibration damage using all feasible means available.

LRDP Mitigation Measure NOI-4b: For construction adjacent to highly sensitive uses such as laboratories, UC Merced shall apply additional measures as feasible, including advance notice to occupants of sensitive facilities to ensure that precautions are taken in those facilities to protect ongoing activities from vibration effects.

FINDING: The University finds that changes or alterations have been incorporated into the Project which mitigate significant effects on the environment from LRDP Impact NOI-4 (*exposure of sensitive receptors and structures within 50 feet of pile driving activities to ground-borne vibration*). Specifically, LRDP Mitigation Measures NOI-4a and NOI-4b are feasible and are adopted to mitigate significant effects from LRDP Impact NOI-4 to a less than significant level.

Rationale for Finding: ***Implementation of LRDP Mitigation Measures NOI-4a and NOI-4b will reduce impacts related to the exposure of sensitive receptors to ground vibrations through the development and implementation of a mitigation plan with measures to minimize construction vibration exposure and building damage. The mitigation plan will include site-specific measures that specify the type of pile driving, duration, and other specifications, such as advance notice, to minimize ground vibration impacts in proximity to sensitive receptors. These measures will ensure that construction is conducted in a manner that will reduce exposure of sensitive receptors to ground-borne vibration and therefore will not result in a significant adverse impact.***

4. Public Services

a) LRDP Impact PUB-6: Implementation of the 2020 LRDP would increase the use of Lake Yosemite Regional Park which could accelerate physical deterioration of park facilities. (See Recirculated Draft SEIR at Pages 4.7-16 through -17)

LRDP Mitigation Measure PUB-6a: UC Merced shall work with the County to avoid physical deterioration of existing facilities at Lake Yosemite Regional Park, and/or improve park facilities within the existing park site as necessitated by the increased uses associated with development of the campus.

LRDP Mitigation Measure PUB-6b: UC Merced will pay its fair share of the cost of necessary improvements to the regional park. UC Merced's share of funding will be based on the percentage that on-campus residential population represents of the total population in eastern Merced County at the time that an improvement is implemented.

LRDP Mitigation Measure PUB-6c: In recognition of the sensitive resources present on lands immediately adjacent to the regional park, all regional park improvement projects that are implemented by the County within 250 feet of the park's eastern boundary pursuant to LRDP Mitigation Measures PUB-6a and PUB-6b above, will implement mitigation measures to avoid and minimize indirect effects on biological resources.

FINDING: The University finds that changes or alterations have been incorporated into the Project which mitigate significant effects on the environment from LRDP Impact PUB-6 (*accelerate the deterioration of Lake Yosemite Regional Park*). Specifically, LRDP Mitigation Measures PUB-6a, PUB-6b, and PUB-6c are feasible and are adopted to mitigate significant effects from LRDP Impact PUB-6 to a less than significant level.

Rationale for Finding: ***Implementation of LRDP Mitigation Measures PUB-6a, PUB-6b, and PUB-6c will reduce impacts related to the deterioration of park facilities at Lake Yosemite Regional Park through the ongoing coordination with Merced County to address any physical deterioration resulting from increased use by the campus community, including the payment of fair share funding for improvements at this facility. These measures will ensure that any increase in use of Lake Yosemite Regional Park associated with the development of the campus will not result in a significant impact related to the deterioration of County park facilities.***

4. Findings on Significant Environmental Impacts that Cannot Be Avoided or Reduced to a Less than Significant Level

Based on the issue area assessment in the SEIR, the University has determined that the Project will have significant impacts in the resource topics discussed below, and that these impacts cannot be avoided or reduced despite the incorporation of all feasible mitigation measures. These findings are based on the discussion of impacts in the detailed issue area analyses in Sections 4.1, 4.4, and 4.8 of the SEIR. For each significant and unavoidable impact identified below, the University has made a finding(s) pursuant to Public Resources Code § 21081. An explanation of the rationale for each finding is also presented below.

1. Air Quality

a) LRDP Impact AQ-2: Campus development under the 2020 LRDP would result in operational emissions that would involve a cumulatively considerable net increase of criteria pollutants for which the air basin is in non-attainment. (See Recirculated Draft SEIR at Pages 4.1-26 through -31)

LRDP Mitigation Measure AQ-2a: UC Merced shall implement the following measures to reduce emissions from vehicles:

- Provide pedestrian-enhancing infrastructure to encourage pedestrian activity and discourage vehicle use.
- Provide bicycle facilities to encourage bicycle use instead of driving, such as bicycle parking, bicycle lanes, bicycle lockers; and showers and changing facilities for employees.
- Provide preferential carpool and vanpool parking for non-residential uses.
- Provide transit-enhancing infrastructure to promote the use of public transportation, such as covered bus stops and information kiosks.
- Provide facilities, such as electric car charging stations and a CNG refueling station, to encourage the use of alternative-fuel vehicles.
- Improve traffic flows and congestion by timing of traffic signals at intersections adjacent to the campus to facilitate uninterrupted travel.
- Work with campus transit provider to replace CatTracks buses with either electric buses or buses operated on alternative fuels.
- Work with the City of Merced to establish park and ride lots and provide enhanced transit service between the park and ride lots and the campus.
- Replace campus fleet vehicles with electric vehicles or vehicles that operate on alternative fuels.
- Reduce the number of daily vehicle trips by providing more housing on campus.

LRDP Mitigation Measure AQ-2b: UC Merced shall implement the following measures to reduce emissions from area and energy sources, as feasible:

- Utilize low-VOC cleaning supplies and low-VOC paints (100 grams/liter or less) in building maintenance.
- Utilize electric equipment for landscape maintenance.
- Plant low maintenance landscaping.
- Implement a public information program for resident students to minimize the use of personal consumer products that result in ROG emissions, including information on alternate products.

- Instead of natural gas water heaters, install solar water heating systems.

FINDING: The University finds that changes or alterations have been incorporated into the Project which mitigate significant effects on the environment from LRDP Impact AQ-2 (*operational air emissions of ROG and NOx*). Specifically, LRDP Mitigation Measures AQ-2a and AQ-2b are feasible and are adopted to mitigate significant effects from LRDP Impact AQ-2. However, even with implementation of these measures, significant unavoidable impacts will occur as described below. Therefore, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce LRDP Impact AQ-2 to a less than significant level.

Rationale for Finding: ***The Project's operational ROG and NOx emissions would exceed the applicable thresholds before mitigation and would have the potential to result in new or exacerbated air quality violations in the air basin. LRDP Mitigation Measures AQ-2a and AQ-2b would reduce the increase in the campus's operational air emissions of ROG and NOx. LRDP Mitigation Measure AQ-2a requires UC Merced to promote the use of alternative transportation, alternative-fuel vehicles, and to improve traffic flow. Although implementation of LRDP Mitigation Measure AQ-2a would reduce NOx emissions, the reduction is not quantifiable and it is unlikely that it would reduce emissions to below the San Joaquin Valley Air Pollution Control District ("SJVAPCD") significance threshold. LRDP Mitigation Measure AQ-2b includes measures to reduce ROG emissions, by planting low maintenance landscaping, and utilizing electric landscaping equipment, low-VOC cleaning supplies and consumer products, and low-VOC paints in campus maintenance. LRDP Mitigation Measure AQ-2b also recommends the use of solar water heating systems to reduce the combustion of natural gas for water heating (the reduction due to this measure is not quantifiable at this time).***

With implementation of LRDP Mitigation Measures AQ-2a and AQ-2b, although the emissions of both NOx and ROG would be reduced, and the ROG emissions would be below applicable thresholds, campus operations would still result in annual emissions that exceed the applicable significance threshold for NOx, and thereby still result in a cumulatively considerable net increase in ozone for which the air basin is in non-attainment. No feasible mitigation measures are available to further reduce NOx emissions. Thus, operational emissions of NOx generated by the campus would remain significant and unavoidable.

b) Cumulative Impact C-AQ-1: The construction and operation of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, could hinder air quality attainment and maintenance efforts for criteria pollutants. (See Recirculated Draft SEIR at Pages 4.1-34 through -35)

Cumulative Mitigation Measure C-AQ-1: Implement LRDP Mitigation Measures AQ-2a and AQ-2b. No additional mitigation is available.

FINDING: The University finds that changes or alterations have been incorporated into the

Project which mitigate significant effects on the environment from Cumulative Impact C-AQ-1 (*cumulative operational air emissions of ROG and NOx*). Specifically, LRDP Mitigation Measures AQ-2a and AQ-2b are feasible to mitigate significant effects from Cumulative Impact C-AQ-1. However, even with implementation of these measures, significant unavoidable impacts will occur as described below. Therefore, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact C-AQ-1 to a less than significant level.

Rationale for Finding: ***As described above under LRDP Impact AQ-2, campus development under the 2020 LRDP would generate annual operational emissions from project-related mobile and other sources that would exceed the applicable significance thresholds for NOx even after mitigation. Other development under the City's current General Plan would also result in new vehicle trips that would increase vehicle emissions in the air basin. LRDP Mitigation Measures AQ-2a and AQ-2b would reduce the increase in the campus's operational air emissions of ROG and NOx. LRDP Mitigation Measure AQ-2a requires UC Merced to promote the use of alternative transportation, alternative-fuel vehicles, and to improve traffic flow. LRDP Mitigation Measure AQ-2b includes measures to reduce ROG emissions, by planting low maintenance landscaping, and utilizing electric landscaping equipment, low-VOC cleaning supplies and consumer products, and low-VOC paints in campus maintenance.***

With implementation of LRDP Mitigation Measures AQ-2a and AQ-2b, although the emissions of both NOx and ROG would be reduced, and the ROG emissions would be below applicable thresholds, campus operations would still result in annual emissions that exceed the applicable significance threshold for NOx, and thereby still result in a cumulatively considerable net increase in ozone for which the air basin is in non-attainment. No feasible mitigation measures are available to further reduce NOx emissions. Therefore, the Project's contribution to the impact would remain cumulatively considerable.

2. Hydrology and Water Quality

a) Cumulative Impact C-HYD-2: Development of the campus under the 2020 LRDP, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would not substantially interfere with groundwater recharge but would deplete groundwater supplies and contribute to the overdraft of the regional groundwater aquifer. (See Recirculated Draft SEIR at Pages 4.4-35 through -38)

Cumulative Mitigation Measure C-HYD-2: UC Merced shall work with the regional water agencies, including the City of Merced and MID, to develop programs to expand conjunctive use capabilities, increase recharge, and reduce groundwater demand.

FINDING: The University finds that changes or alterations have been incorporated into the Project which mitigate significant effects on the environment from Cumulative Impact C-HYD-2 (*cumulative contribution to a substantial increase in groundwater withdrawal*). Specifically,

Cumulative Mitigation Measure C-HYD-2 is feasible and is adopted to mitigate significant effects from Cumulative Impact C-HYD-2. However, even with implementation of this measure, significant unavoidable impacts will occur as described below. Therefore, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact C-HYD-2 to a less than significant level.

Rationale for Finding: ***The Merced Subbasin has been identified by the State as being in a critical state of overdraft; as a result, plans have been developed to address the overdraft condition, including the 2008 Merced Area Groundwater Pool Interests Groundwater Management Plan ("GWMP"), the 2013 Regional Water Management Group (RWMG). Merced Integrated Regional Water Management Plan ("MIRWMP"), and the 2019 Merced Subbasin Groundwater Sustainability Plan ("GSP"). Additionally, UC Merced has developed a Water Action Plan to reduce water demand and facilitate recharge.***

While the implementation of the regional groundwater management plans would reduce the potential for groundwater levels to decline further, the effectiveness of the plans remains to be demonstrated. Furthermore, because the groundwater basin is a state of overdraft and because a substantial increase in groundwater withdrawal is anticipated in the next 20 years due to regional growth, conservatively it is concluded that regional growth would result in a significant cumulative impact on the subbasin.

While the water demand estimate for the campus reflects high levels of water conservation, UC Merced will continue to explore additional ways of reducing the use of potable water. UC Merced would implement its Water Action Plan, which is specifically designed to reduce the demand for potable water. Cumulative Mitigation Measure C-HYD-2 would require continued coordination by UC Merced with local agencies to reduce groundwater demand and increase recharge. All of these efforts by UC Merced would reduce the Project's contribution to the significant cumulative impact. However, even with these measures, the project's contribution to the significant cumulative impact would be considerable, and no feasible mitigation measures are available to further reduce the significant cumulative impact on the subbasin. Therefore, the cumulative impact related to the increase in groundwater withdrawal and the depletion of the groundwater supplies would be significant and the Project's contribution to the impact would remain cumulatively considerable.

3. Transportation

a) LRDP Impact TRANS-1: Implementation of the 2020 LRDP would significantly affect study area intersections during peak commute hours under 2030 plus project conditions. (See Recirculated Draft SEIR at Pages 4.8-35 through -47)

LRDP Mitigation Measure TRANS-1: Campus Traffic Mitigation Program (CTMP). The Campus Traffic Mitigation Program is a program to monitor trip generation, reduce peak-hour trips, and participate in roadway improvements to mitigate impacts at off-campus intersections, and adjacent roadway segments in the case of Lake Road, determined to be affected by the development of the campus under the 2020 LRDP. CEQA provides that an agency can mitigate

its contribution to local and regional environmental impacts by contributing its proportional share of funding to mitigation measures designed to alleviate the identified impact (CEQA Guidelines §15130(a)(3)).

The CTMP will consist of the following elements/measures:

Measure TRANS-1a: Travel Demand Management. To reduce on- and off-campus vehicle trips and resulting impacts, the University will continue to implement and expand a range of Transportation Demand Management (TDM) strategies. TDM strategies will include measures to encourage transit and shuttle use and alternative transportation modes including bicycle transportation, implement parking polices that reduce demand, and implement other mechanisms that reduce vehicle trips to and from the campus. The University shall monitor the performance of campus TDM strategies through annual surveys.

Measure TRANS-1b: Transit Enhancement. To enhance transit systems serving the campus, the University will work cooperatively with the City of Merced, County of Merced, CatTracks, The Bus, StaRT, YARTS, and other local agencies to coordinate service routes with existing and proposed shuttle and transit programs.

Measure TRANS-1c: Sustainability and Monitoring. The University will review individual projects proposed under the 2020 LRDP for consistency with UC Sustainable Practices Policy and UC Merced TDM strategies set forth in the 2020 LRDP to ensure that bicycle and pedestrian improvements, alternative fuel infrastructure, transit stops, and other project features that promote alternative transportation are incorporated in the project.

Measure TRANS-1d: Campus Traffic Impact Monitoring. The University will monitor trip generation resulting from the campus development under the 2020 LRDP to track the actual trip generation relative to the projections in this SEIR. The University will conduct traffic cordon counts of the campus with each 2,000-person increase in student population, measured by three-term average headcount enrollment increases with 2019 – 2020 as the base academic year. If this monitoring determines that traffic attributable to the campus contributes to a significant traffic impact at any of the intersections listed in Table 4.8-9 [in the SEIR], the University will implement measures to reduce vehicle trips contributing to the impact or provide its proportional share of funding for improvements at the impacted intersections presented in Table 4.8-9 [in the SEIR].

Measure TRANS-1e: Proportional Share Determination. At the time a significant impact is identified pursuant to the monitoring under Measure TRANS-1d, the University's actual percent contribution to the total traffic volume at pertinent intersections and roadway segments will be calculated and used as the basis for determining the University's mitigation obligation, or proportional share of funding for the traffic improvements listed in the table.

Measure TRANS-1f: Mitigation Payments. The amount of the University's mitigation funding will be based on the University's proportional share of the affected jurisdiction's actual cost of

the relevant traffic improvement(s) at the time of final bid/contract documents. The amount will be calculated by applying the University's proportional share determined in Measure TRANS-1e to the total cost of the improvement. Funding will be internally committed by the University at the time the traffic impact is triggered pursuant to the results of monitoring under Measure TRANS-1d. Payments will be made to the appropriate jurisdiction at the time a Notice to Proceed with the construction of the improvements is issued. If improvements are constructed before the impact is triggered, the University will pay its proportional share at the time that the impact is triggered, based on the University's monitoring under Measure TRANS-1d. Mitigation payments will be made only after the University has been provided the opportunity to review the scope and budget of the improvement project. As Intersection #3, Lake/Bellevue Road intersection, directly serves the campus, the University will be responsible for the entire cost of improvements at this intersection.

FINDING: The University finds that changes or alterations have been incorporated into the Project which mitigate significant effects on the environment from LRDP Impact TRANS-1 (*operational transportation impacts on study area intersections*). Specifically, LRDP Mitigation Measures TRANS-1a through TRANS-1f are feasible and are adopted to mitigate significant effects from LRDP Impact TRANS-1. However, even with implementation of these measures, significant unavoidable impacts will occur as described below. Therefore, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce LRDP Impact TRANS-1 to a less than significant level.

Rationale for Finding: ***Nine area intersections would be significantly affected by the traffic added by the LRDP Project, as described in Table 4.8-8 of the Recirculated Draft SEIR (page 4.8-40). Physical improvements can be made to all affected intersections to address the impact of 2030 traffic, including the traffic due to the LRDP Project, as described in Table 4.8-9 of the Recirculated Draft SEIR (page 4.8-44). Because these impacts are the result of cumulative traffic growth along with Project traffic, LRDP Mitigation Measures TRANS-1a through -1f would be implemented to mitigate the impact of the LRDP Project on the study area intersections. Through the implementation of these mitigation measures, the University will minimize its traffic growth to the extent feasible by further expanding its Transportation Demand Management ("TDM") program; working cooperatively with regional transit providers; monitoring the campus traffic increase; and making a fair-share contribution to the cost of the identified improvements, based on its proportion of traffic growth at each affected intersection in the year 2030. The University will also continue to comply with the UC Merced Revised 2020 Project Transportation Improvement Funding Agreement, established between the University and the City of Merced in 2016.***

With the improvements listed in Table 4.8-9 of the Recirculated Draft SEIR, all affected intersections would operate at acceptable levels of service. However, because the implementation of the improvements depends on funding from other sources and implementation by the responsible agencies (the City of Merced, Merced County, and/or Caltrans), the impacts would remain significant and unavoidable with mitigation. There are no feasible mitigation measures available to further reduce this significant operational traffic

impact on study area intersections.

b) Cumulative Impact C-TRANS-1: Implementation of the 2020 LRDP would significantly impact study area intersections during peak commute hours under 2035 plus project conditions. (See Recirculated Draft SEIR at Pages 4.8-50 through -61)

Cumulative Mitigation Measure C-TRANS-1: The University will implement LRDP Mitigation Measure TRANS-1 to reduce vehicle trips, monitor traffic growth, and make fair share contributions to address the project's contribution to cumulative impacts under 2035 conditions. Certain improvements in Table 4.8-12 of the Recirculated Draft SEIR (page 4.8-59) are the same as, or similar to, improvements identified in Table 4.8-9 (page 4.8-44) for the 2030 with LRDP Project scenario; therefore, as and when fair share is calculated for these intersection improvements, the calculation shall take into account the redundant improvements.

As Intersections #3, #18 and #19 would directly serve the campus, the University will be responsible for the entire cost of improvements at these three intersections.

FINDING: The University finds that changes or alterations have been incorporated into the Project which mitigate significant effects on the environment from Cumulative Impact C-TRANS-1 (*cumulative growth impacts on intersection operations under 2035 plus project conditions*). Specifically, Cumulative Mitigation Measure C-TRANS-1 is feasible and is adopted to mitigate significant effects from Cumulative Impact C-TRANS-1. However, even with implementation of this measure, significant unavoidable impacts will occur as described below. Therefore, the University finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact C-TRANS-1 to a less than significant level.

Rationale for Finding: ***Under 2035 plus project conditions, fifteen area intersections would operate deficiently, and the 2035 Campus Scenario would make a cumulatively considerable contribution to the cumulative impact at these locations (see Table 4.8-11 on page 4.8-57 of the Recirculated Draft SEIR). Physical improvements can be made to all affected intersections to address the impact of 2035 traffic, as shown in Table 4.8-12 on page 4.8-59 of the Recirculated Draft SEIR. Because these impacts are the result of cumulative traffic growth along with project traffic, LRDP Mitigation Measure TRANS-1 would be implemented to mitigate the impact of the 2035 Campus Scenario on the study area intersections. Through the implementation of this mitigation measure, the University will minimize its traffic growth to the extent feasible by further expanding its TDM program; working cooperatively with regional transit providers; monitoring the campus traffic increase; and making a fair-share contribution to the cost of the identified improvements, based on its proportion of traffic growth at each intersection in the year 2035.***

With the implementation of the physical improvements listed in Table 4.8-12 of the Recirculated Draft SEIR, the affected intersections would operate at acceptable levels of service. However, because the implementation of the improvements depends on funding from

other sources and implementation by the responsible agencies, the cumulative impacts would remain significant and unavoidable with mitigation. There are no feasible mitigation measures available to further reduce this significant cumulative operational traffic impact on study area intersections.

E. FINDINGS ON PROJECT ALTERNATIVES

1. Alternatives Screened Out from Detailed Consideration in the EIR

The University finds that all of the alternatives eliminated from further consideration in the Recirculated Draft SEIR are infeasible, would not meet most project objectives and/or would not reduce or avoid any of the significant effects of the Project, for the reasons detailed in Section 5.4 of the Recirculated Draft SEIR.

2. Alternatives Analyzed in the EIR

In compliance with CEQA and the CEQA Guidelines, the SEIR evaluated a reasonable range of alternatives to the Project. The SEIR's analysis examined the potential feasibility of each alternative, its environmental effects, and its ability to meet the project objectives. The alternatives analysis included analysis of a No Project alternative and identified the environmentally superior alternative. The Recirculated Draft SEIR evaluated three alternatives to the Project:

- **No Project Alternative**
- **Reduced Development Alternative**
- **Distributed Employment Location Alternative**

Brief summaries of these alternatives and findings regarding these alternatives are provided below.

a) No Project Alternative

Under this alternative, enrollment and employment at UC Merced would continue to grow as currently projected to 15,000 students by 2030, and campus development would be guided by the previously approved 2009 LRDP, as amended in 2013 and 2017. The same amount of building space would be constructed on the campus site as under the Project; however, the new facilities would be dispersed and would not reflect an efficient use of the land.

FINDING: Pursuant to Public Resources Code § 21081(a)(3) and CEQA Guidelines § 15091(a)(3), the University finds that the specific economic, legal, social, technological, or other considerations, including failure to meet nearly all of the project objectives, render the No Project Alternative infeasible. The No Project Alternative would result in the same potentially significant and significant impacts as the Project, and the same mitigation measures would be required. This alternative would also have the potential to result in greater impacts on biological

resources. None of the significant and unavoidable impacts of the Project would be reduced or avoided by the No Project Alternative. The alternative would not achieve many of the key objectives of the Project, including the objective to reduce the costs of the next phase of campus development by planning for a compact, pedestrian-oriented campus that reduces the need for new infrastructure and the objective to provide opportunities for on-campus academic field research. The University therefore rejects this alternative for the reasons listed above.

b) Reduced Development Alternative

The Reduced Development Alternative was developed in order to reduce the increase in vehicle trips to the campus and transportation-related impacts of the Project. Under this alternative, a smaller building program would be planned which would accommodate 12,500 students and related faculty and staff by 2030 compared to 15,000 students and related faculty and staff under the Project.

FINDING: Pursuant to Public Resources Code § 21081(a)(3) and CEQA Guidelines § 15091(a)(3), the University finds that the specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the Reduced Development Alternative infeasible. The Reduced Development Alternative would result in several of the same potentially significant and significant impacts as the Project, and the same mitigation measures would be required. However, due to smaller amount of new building space and population, the alternative's impacts on air quality, transportation, and groundwater would be reduced compared to the Project. Although significant transportation impacts at four intersections under 2030 conditions and one intersection under 2035 cumulative conditions would be avoided under this alternative, the Reduced Development Alternative would still result in significant and unavoidable transportation impacts. Furthermore, the alternative would not achieve the key objective of the Project, which is to provide the physical planning framework to guide development that would be needed to accommodate anticipated increases in enrollment demand for the University of California system, both short-term and long-term. The University therefore rejects this alternative for the reasons listed above.

c) Distributed Employment Location Alternative

The Distributed Employment Location Alternative was developed to reduce the increase in the number of daily and peak hour vehicle trips to the campus and traffic-related impacts. Under this alternative, about 35 percent of the new staff employees would be located off campus. Thus, instead of the addition of about 1.83 million gross square feet (gsf) of new building space to the campus, UC Merced would add approximately 1.78 million gsf of new building space to the campus and would lease or construct about 45,000 square feet of building space in Merced to house the 267 new staff employees who would be located off campus.

FINDING: Pursuant to Public Resources Code § 21081(a)(3) and CEQA Guidelines § 15091(a)(3), the University finds that the specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the Distributed

Employment Location Alternative infeasible. The Distributed Employment Location Alternative would result in the same potentially significant and significant impacts as the Project, and the same mitigation measures would be required. The significant and unavoidable air quality and cumulative groundwater impacts of the Project would not be avoided by the Distributed Employment Location Alternative, and the significant and unavoidable transportation impacts to study area intersections would be reduced but not avoided. This alternative would achieve all of the key objectives of the Project but would result in a slightly greater overall cost than the project, in the event that the needed off-campus space is constructed and not leased in downtown Merced. Hence, the alternative would not meet the objective of reducing the costs of the next phase of campus development. The University therefore rejects this alternative for the reasons listed above.

d) Environmentally Superior Alternative

FINDING: The University finds that the Reduced Development Alternative is the environmentally superior alternative because it would reduce the magnitude of all of the significant environmental impacts of the development that would occur through implementation of the 2020 LRDP, although, impacts on air quality, groundwater, and transportation would still remain significant and unavoidable, similar to the 2020 LRDP. Because the Reduced Development Alternative would not meet one of the key project objectives, to accommodate anticipated increases in enrollment demand for the University of California system, both short-term and long-term, the University would be required to develop alternative solutions to meet anticipated increases in enrollment demand, which would result in impacts that cannot be known at this time. For these reasons, and as noted above, the University therefore rejects this alternative.

The University further finds that of the remaining alternatives evaluated in the Final SEIR, each has varying levels of impacts on different environmental resources as discussed above and none can be determined as being environmentally superior to the others for CEQA purposes.

The 2020 LRDP, when compared to the other alternatives analyzed in the Final SEIR, provides the best available balance between maximizing attainment of the project objectives and minimizing significant environmental impacts.

F. FINDING ON RESPONSES TO COMMENTS ON THE RECIRCULATED DRAFT SEIR AND REVISIONS TO THE FINAL SEIR

Section 3.0 of the Final SEIR includes the comments received on the Recirculated Draft SEIR and the Draft SEIR and responses to both sets of comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines § 15088(b). The University finds that responses to comments made on the Recirculated Draft SEIR and revisions to the Final SEIR, as well as responses to comments on the Draft SEIR, merely clarify and amplify the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines § 15088.5(b).

III. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." (CEQA Guidelines § 15093.) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency must state in writing the specific reason to support its actions based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record. (*Id*.)

1. Impacts that Remain Significant

As discussed above, the University has found that the following impacts of the 2020 LRDP remain significant, either in whole or in part, following adoption and implementation of the mitigation measures described in the Final SEIR:

Environmental Issue Area	Impact
Air Quality	• Campus development would result in operational emissions that would involve a cumulatively considerable net increase of criteria pollutants (*See* Recirculated Draft SEIR Page 4.1-26, LRDP Impact AQ-2) • Construction and operation of the campus, in conjunction with other past, present, and reasonably foreseeable future development in the project area, could hinder air quality attainment and maintenance efforts for criteria pollutants (*See* Recirculated Draft SEIR Page 4.1-34, Cumulative Impact C-AQ-1)
Hydrology and Water Quality	• Construction and operation of the campus, in conjunction with other past, present, and reasonably foreseeable future development in the project area, would deplete groundwater supplies and contribute to the overdraft of the regional groundwater aquifer (*See* Recirculated Draft SEIR 4.4-35, Cumulative Impact C-HYD-2)
Transportation	• Implementation of the 2020 LRDP would significantly affect study area intersections during peak commute hours under 2030 plus project conditions (*See* Recirculated Draft SEIR Page 4.8-35, LRDP Impact TRANS-1) • Implementation of the 2020 LRDP would significantly affect study

	area intersections during peak commute hours under 2035 plus project conditions (*See* Recirculated Draft SEIR Page 4.8-50, Cumulative Impact C-TRANS-1)

2. Overriding Considerations

The benefits of the Project include the following:

1. Since its establishment in 2005, UC Merced has distinguished itself as a high-caliber research university that serves both a historically underserved student population and a historically underserved region. UC Merced is the youngest campus ever to be classified as R2, "Very High Research Activity" by the Carnegie Foundation. Located in the San Joaquin Valley, one of California's fastest growing areas, UC Merced provides the opportunity of a University of California education to students from this diverse region. UC Merced leads the University of California system in the percentage of students from underrepresented ethnic groups, low-income families, and families whose parents did not attend college. The 2020 LRDP defines the planning framework to support the teaching and public service mission of the University, including instruction, support, residential facilities and infrastructure; a dynamic intellectual and social community; and educational opportunities for an increasingly diverse population.

2. The University is charged, under the California Master Plan for Higher Education, with providing the opportunity for undergraduate education to those Californians who graduate in the top one-eighth of their high school class. The University is also charged with admitting those students who complete coursework in the lower division transfer curriculum at community colleges and who meet minimum grade point average requirements. The University serves as the state's primary research agency and is the primary public institution in the state offering doctoral and certain professional degrees. The 2020 LRDP helps achieve these University objectives. Through its accommodation of a total projected student population of 15,000 by 2030, the development of the campus under the 2020 LRDP enables UC Merced to continue to further the University of California's efforts to address enrollment demand and to improve and expand access to higher education for the residents of the San Joaquin Valley and the State of California as a whole.

3. The 2020 LRDP promotes the academic mission of UC Merced by planning for greater academic and research space to accommodate new or expanded initiatives and programs as well as setting aside area on the campus to accommodate a variety of field research programs that are anticipated to focus on issues important to the Central Valley.

4. The 2020 LRDP, by designating land and including on-campus housing to house at least 50 percent of enrolled students, enables the campus to expand its residential character and provide opportunities for students to live locally and participate fully in the life of the campus. Meeting a portion of the increased demand for housing with on-campus housing

is expected to increase the opportunities for students to live on campus which will enrich campus life and reduce commute times for UC Merced students.

5. Campus development under the 2020 LRDP will provide significant environmental benefits. The 2020 LRDP improves the campus design to be substantially more sustainable than the previous plans. The land use plan provides for a compact, pedestrian-oriented campus that reduces the need for new infrastructure and minimizes the cost of the next phase of campus development. The LRDP also provides for the campus to be developed with numerous sustainable design features, including energy efficiency, water conservation, protection of biological resources, waste reduction and minimization, on-site stormwater management and reduced dependence on automobiles. Compared to the previous LRDP which included 70 acres of open space, the 2020 LRDP sets aside 283 acres of campus land as open space. The 2020 LRDP will help attain UC Merced's sustainability goals and assist the campus in complying with the UC Sustainable Practices Policy.

6. Campus growth and development under the 2020 LRDP, like the 2009 LRDP, will continue to provide a significant economic benefit to the San Joaquin Valley, historically one of the state's most economically challenged regions. Campus development will bring economic benefits to the region, including both construction jobs and additional permanent jobs through the addition of new staff at the campus. Many of these new employees are expected to come from the local labor pool. Local spending by the campus as well as by the faculty, staff and students within Merced County will result in the generation of additional income and employment in the regional economy. Other benefits of campus growth under the 2020 LRDP include workforce education and the campus' continued investment in the local community.

7. UC Merced provides many indirect community contributions in the form of education, recreation, artistic, and cultural enrichment to residents of the Merced area through such functions as extension courses, performing arts events, art exhibits, educational outreach, and community engagement projects. As the 2020 LRDP is implemented, the level of these services will grow.

8. The Campus is one of the largest employers in the Merced area. This is particularly significant because of the quality and diversity of new jobs which are related to the implementation of the 2020 LRDP.

9. When compared to the alternatives analyzed in the Final EIR (including the No Project Alternative), the 2020 LRDP provides the best available balance between maximizing attainment of the project objectives and minimizing significant environmental impacts.

Considering all factors and the evidence in the EIR and other relevant documents and information in the administrative record, the University finds that the economic, legal, social, technological and other benefits of the Project outweigh the Project's significant unavoidable effects, and those significant adverse effects are therefore considered acceptable.

Having (i) adopted all feasible mitigation measures, (ii) recognized all significant, unavoidable impacts, and (iii) balanced the benefits of the Project against its significant and unavoidable impacts, the University finds that the Project's benefits outweigh and override its significant unavoidable impacts for the reasons stated above. Each benefit set forth above constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every unavoidable impact.

IV. APPROVALS

The University hereby takes the following actions:

1) The University certifies the Final SEIR.

2) The University adopts as conditions of approval of the Project all mitigation measures within the responsibility and jurisdiction of the University.

3) The University adopts the Mitigation Monitoring and Reporting Program for the Project.

4) The University adopts the Findings in their entirety, including the Statement of Overriding Considerations.

5) Having certified the Final SEIR, incorporated mitigation measures into the Project, and adopted the Mitigation Monitoring and Reporting Program and the foregoing Findings and Statement of Overriding Considerations, the University hereby approves the Project, and directs staff to prepare and file a Notice of Determination for the Project.